

IPDC BOARD OF DIRECTORS

Summary of Activity

1985-86

Board Members

Second Year

Susan K. Carpenter
Larry D. Combs
David R. Hennessy
J. David Keckley
Mark W. McNeely
John F. Surbeck, Jr.

Elected - June 14, 1985

George C. Barnett, Jr. (re-elected)
Sandy L. Bryant (re-elected)
Eugene C. Hollander (re-elected)
Terrance W. Richmond (re-elected)
Daniel L. Weber (re-elected)

Officers

Chairman - Terrance W. Richmond (re-elected for 2nd term 7/13/85)
Vice-Chairman - John F. Surbeck, Jr. (re-elected for 2nd term 7/13/85)
Secretary - Eugene C. Hollander (re-elected for 2nd term 7/13/85)

Left Board

Meetings

ELECTION - June 14, 1985

Meeting scheduled for 6/14/85 was not held for lack of a quorum.

28. July 13, 1985 - *annual planning meeting (joint meeting with IPDA Board).*

- Election of officers (above).
- Model contract in final form approved by the full Board.
- Program Committee recommendations adopted:
 - annual meeting/annual seminar on recent developments in criminal defense.
 - trial skills & death penalty defense in alternate years.
 - one-day programs held in Indianapolis.
 - evidence seminar annually, demo of *Case Bank* at seminars.
- Publications Committee: publish *Defender* monthly, approved by Board.
- Defender Delivery Systems Committee: reviewed PD Bill for Interim Study Commission, proposed final version on several key issues, approved by Board.

29. December 16, 1985 - (*also IPDA Board*).

- Board approved five counties for first ASP grant: Marion, Wayne, Tippecanoe, Monroe, & St. Joseph.
- * At the IPDA Board meeting held this date, resolutions were made to reorganize the IPDA into the Indiana Association of Criminal Defense Lawyers.

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Indiana Public Defender Council
Joint Meeting of Board of Directors - July 13, 1985

MINUTES

I. CALL TO ORDER

The meeting of the Board of Directors of the Indiana Public Defender Council was called to order by Terry Richmond, IPDC Chairman, at 10:15 a.m. on July 13, 1985, at the Sheraton Meridian Hotel in Indianapolis, Indiana. Council Board members present: Terry Richmond, Larry Combs, Dan Weber, Sandy Bryant, George Barnett, Susan Carpenter, John Surbeck, Mark McNeely and David Hennessy. Also present, Mary Sinnock of the IPDC staff.

Larry Landis discussed the proposed agenda for the meeting; reports to be made; elections of officers; new business to be covered; and committee assignments for meetings to be held after lunch. He also went through the materials provided to Directors for the meeting.

The minutes from the previous IPDC meeting of December 19, 1984 were introduced. Dan Weber moved for approval; seconded by John Surbeck; passed unanimously.

II. COMMITTEE REPORTS

The following reports were given for activities of IPDC committees for the past year and included proposals for consideration by the committees when they meet later during this meeting.

A. Contracts. Report of this committee will be given after lunch.

B. Delivery Systems. Terry Richmond reported on HB 1860, the legislation which proposed a statewide public defender system and which did not pass during the 1985 General Assembly. He reviewed the five areas in the legislation where major changes were made from the original bill endorsed by the IPDA/IPDC. The five issues are:
-composition of the State Public Defender Commission
-composition of the County Public Defender Boards
-percentage of state funding reimbursement to counties
-handling of direct appeals
-grandfather clause

Terry Richmond explained that the legislation has now been referred to an interim study commission which met June 28th. Larry Landis and Terry testified, and the interim committee requested that the IPDA/IPDC prepare and submit their recommendations and position on the legislation. This needs to be done by the Legislation Committee during this meeting.

Larry Landis informed the directors that six bills dealing with public defender funding and recoupment were introduced in the 1985 session, and this can be expected to continue in the future. Public defenders should take an active role in contributing to the inevitable evolution of indigent defense delivery systems in this state as counties and courts seek to deal with rising costs.

III. EXECUTIVE DIRECTOR'S REPORT

A copy of Larry Landis' report is included with these minutes as Attachment A. Larry brought the following items to the attention of the directors:

- Funding for two new IPDC positions (attorney and secretary) requires decisions on service/project priorities and staff reorganization to best accomplish those priorities.
- Publications committee should consider reinstating the Indiana Defender to a monthly publication schedule.
- Consideration should also be given to the pricing of the Case Bank which could be reduced if the Board deemed that advisable.
- Larry announced that the IPDC has received a request from a prosecutor to purchase the case bank. The Board's policy with the case bank has been to limit its distribution to defense attorneys. Larry asked the directors present if they wished to change this policy and the response was negative.
- Manual production is limited by staff time and resources. The Board is asked to consider contracting with non-staff attorneys for work on future manuals.
- A lengthy discussion was held on implementation of the Council's brief bank project.

Larry also reported on recent developments in the public defender delivery system for the Marion County municipal courts, including changes in personnel and organization of that office. The Indianapolis Bar Association has appointed a committee to evaluate the system and propose additional changes, including consideration of an independent not-for-profit organization to contract with the county to provide indigent representation.

IV. ELECTION OF IPDC OFFICERS

Mark McNeely made a motion that the 1984-85 IPDC officers (Terry Richmond, Chairman; John Surbeck, Vice-Chairman; Gene Hollander, Secretary) be re-elected for 1985-86. The motion was seconded by Dan Weber and unanimously approved.

V. CONTRACTS

Larry Combs, chairman of the Contracts Committee submitted the committee's model contract to the Board for approval. A motion to approve the model contract was made by Larry Combs; it was seconded by David Hennessy and passed by acclamation. Discussion was held on how the contract could be submitted to judges and county officials.

VI. PROGRAMS

George Barnett, chairman of the Programs Committee, reported the following recommendations made by the committee:

1. The IPDC should conduct an annual seminar on recent criminal law developments, including review of legislation affecting criminal defense passed each year.
2. The IPDC should conduct an annual seminar on evidence.
3. The IPDC should conduct a seminar on death penalty defense every two years. On the off-year, a session covering any developments in death penalty defense should be included on the agenda for the annual meeting.
4. The trial skills workshop should be offered every two years. In the off-year, a two-day seminar on some aspect of trial skills should be offered.

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5. The IPDC should strive to offer six programs in 1986. The following are suggested topics for the 1986 programs:
Jan/Feb - Trial Skills
Mar/April - Drunk driving and forensic evidence update (including information on the Bureau of Motor Vehicles). Substitute juvenile defense seminar for this program in 1986 if necessary for grant completion.
May/June - Annual meeting with legislative review and recent developments in criminal defense.
July/Aug - Defending sex offense cases
Sept/Oct - Discovery problems, depositions, police problems with confessions and interrogations, expunging records
Nov/Dec - Evidence (include search and seizure)
6. Except for those topics which require more than one day (trial skills, death penalty) the IPDC should continue to offer one-day programs conducted in Indianapolis.
7. The IPDC should continue to video tape its seminars and make them available to members. "Leasing" of these tapes could be handled by the IPDA (or its successor) as a revenue source.
8. A demonstration of the case bank should be included in every IPDC seminar. Whenever possible, the case bank should be used as part of the program, especially in trial skills.

A motion to accept the above recommendations was made by George Barnett. The motion was seconded by Bill Smock and unanimously approved.

VII. PUBLICATIONS

Jessie Cook, chairwoman of the Publications Committee, reported the following recommendations made by the committee:

1. Following the death penalty defense manual and the jury instructions manual which are in progress, the next manual priority of the IPDC should be updating of the Evidence and Sentencing Handbooks as needed.
2. Priorities for the next 'new' manuals should be a trial practice manual and an appellate manual.
3. Completion of the Brief Bank project should be given greater priority than commencement of new manuals. Given the limitations of present IPDC staff time, contracting with private attorneys for work on the brief bank and/or new manuals is recommended whenever it is appropriate.
4. It is recommended that the Indiana Defender be reinstated as a monthly publication if and when staff resources make this possible.

A motion to approve the above recommendations was made by Jessie Cook. The motion was seconded by Susan Carpenter and unanimously approved.

VIII. DEFENDER DELIVERY SYSTEMS

John Surbeck, chairman of the Defender Delivery Systems Committee, reported on the history of the present legislation for a statewide public defender system and the need for the IPDC/IPDA Boards to restate their position on the parts of the 1985 bill which were amended by the House sponsor and the House Judiciary Committee. The following recommendations should be incorporated in the report to the legislative interim study commission:

1. Appeals.
 * The clause on the handling of appeals shall remain as written in the original legislation.

*This addition to the minutes made at the 12/16/85 Board of Directors meeting.

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2. Percentage of state funding should be 50%.
3. The composition of the county public defender boards should remain as submitted in the original legislation.
4. The composition of the state public defender commission should remain as submitted in the original legislation.
5. The 'grandfather' clause provision should remain as written in the original legislation.


A motion was made by John Surbeck that the above positions be approved and incorporated in the legislation submitted to the legislative interim study committee. The motion was seconded by Dave Hennessy and was approved, with one abstention, George Barnett.

John Surbeck made a recommendation that the office of the State Court Administrator be delegated responsibility for the record keeping needed to effect the 50% public defender expense reimbursement to the counties. A motion to approve this amendment was made by John Surbeck, seconded by Susan Carpenter, and approved with George Barnett abstaining.

IX. ADJOURNMENT

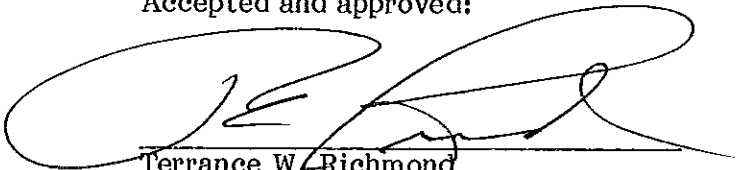
Terry Richmond proposed that since the business scheduled for this meeting has been completed, the meeting would be adjourned and the session scheduled for the following day would not be held. The motion was seconded by John Surbeck and unanimously passed.

Respectfully submitted:



Eugene C. Hollander
Secretary, Indiana Public Defender Council
(Prepared by Mary Sinnock, Administrative Assistant, IPDC)

Accepted and approved:



Terrance W. Richmond
Chairman, Board of Directors
Indiana Public Defender Council

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE CHEMISTS ON THE ANALYSIS OF THE SAMPLES

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1984-85

EXECUTIVE DIRECTOR'S REPORT

I. OFFICE ADMINISTRATION

A. Staff - Present

1. Larry A. Landis - Executive Director
Duties: administration; manuals; liaison; technical assistance;
emergency research
2. Mary Sinnock - Administrative Assistant
Duties: programs; budget-bookkeeper; office administration
3. Lisa Snyder - Word Processor/Publications Clerk
Duties: membership; office supplies; publications; word processor
4. Kit Keller - Staff Attorney
Duties: Indiana Defender - Editor; resource maintenance (research requests,
articles and brief bank); special projects (sentencing alternatives and death
penalty)
5. Monica Foster - Staff Attorney
Duties: research; manuals

B. Staff - New Positions

1. Attorney III
2. Clerical (COMOT III)

II. BUDGET FINANCIAL REPORT

A. 1985-87 Budget

The budget for FY 1985-86 is attached hereto as Appendix A.

III. PROGRAMS

A. Past Seminars

A list of seminars conducted by the Council is attached as Appendix B.

B. Future Seminars

The next seminar is tentatively scheduled for November 8, 1985 in Indianapolis. No subject has been selected. Topics for 1985-86 seminars should be selected at the Board retreat in July 1985. The present juvenile grant provides for one seminar.

C. Mandatory CLE

Planning for 1985-86 should include consideration of the ISBA proposal for mandatory continuing legal education.

IV. PUBLICATIONS

A. Indiana Defender

1. The Indiana Defender has been published on a bi-monthly basis since July 1982. This was necessary because of the large commitment of staff time required for monthly publication. Additional funding for new staff in FY 1985-86 makes it feasible to return to monthly publication of the Indiana Defender if that is determined by the Board to be desirable.
2. The Indiana Defender is mailed to over 677 members and 56 subscribers.

B. Case Bank

The Case Bank was initiated in March of 1984. We now have 112 subscribers. The purchase price is \$150 for members and \$225 for non-member criminal defense lawyers. Annual upkeep is \$50 and \$75.

C. Manuals

1. Past Manuals. A list of manuals published by the Council is attached as Appendix C.
2. Juvenile Manual. A juvenile delinquency manual was prepared under contract by J. Richard Kiefer. It was distributed in July of 1984. 300 copies were printed and 200 have been distributed at no charge. Mr. Kiefer is under contract with the Council to prepare an update for publication in January of 1986.
3. Instructions Manual. Monica Foster is presently working on this manual with a committee. The manual was originally scheduled for completion in the spring of 1985. It has been rescheduled for production in _____ 198__.
4. Death Penalty Manual. Kit Keller is working on this manual with a committee. The manual is scheduled for publication in October 1985.
5. Appellate Manual. An appellate manual is planned for publication in the spring of 1986. Work has not yet begun.
6. Trial Manual. On March 16, 1984 the Board voted to produce a trial manual/handbook in 1986. This manual is the next priority, production could be planned for _____, 198__.

V. RESEARCH

The following is a list of research requests and technical assistance conducted since 1978.

<u>Year</u>	<u>Research</u>	<u>Technical Assistance</u>	<u>Death Penalty</u>	<u>Total Requests</u>
1978-79	95	*	*	95
1979-80	149	*	*	149
1980-81	120	*	*	120
1981-82	320	*	*	320
1982-83	329	57	21	407
1983-84	329	124	50	503
1984-85	—	—	—	—

*no records kept

VI. DEATH PENALTY PROJECT

Since August 1, 1983, the Council has provided technical assistance in death penalty cases. Services rendered include providing attorneys with listing of in-house resources, copies of motions and briefs, referrals to experts and venue assistance.

The Council sends slip opinions of Indiana Supreme Court death penalty decisions to all attorneys presently representing capital defendants. We also review Indiana and U.S. Supreme Court death penalty cases in the Indiana Defender.

Defenders in other states and media people also contact us for statistics or general information concerning our statute or our death row population.

There are _____ men and _____ women on death row in Indiana. _____ death penalty cases are pending trial.

VII. BRIEF BANK

The brief bank project has been put on hold due to lack of adequate staff. We have received several hundred briefs from the Supreme and Appellate Court Clerk and the State Public Defender's Office. With additional funding available in July 1985, a full time Attorney III or two part-time law clerks will be hired. One of their job assignments will be to complete indexing the briefs and make the brief bank operational by _____, 198__.

IX. OTHER ORGANIZATIONAL POSITIONS

A. NLADA - Defender Trainers Section

Attended annual meeting of Section on 12/5/84 at NLADA Annual Conference in Denver. Re-elected Chairman.

B. NLADA - Amicus Brief Committee

As a member of this committee since 1977, I review requests for amicus participation by NLADA and vote on positions to be taken by the organization.

C. ABA

Member of the Defender Services Committee of the Criminal Justice Section. Previously served on Competency Committee in 1983 and the Teaching Trial Advocacy Section in 1982.

D. ISBA

Director's Council of the Criminal Justice Section for 1984-85.

E. Indiana Trial Lawyers Association

Board of Directors of Criminal Justice Section

F. Indiana Criminal Justice Institute

Board of Trustees

X. MISCELLANEOUS ACTIVITIES (past six months)

JANUARY 1985

- 1/10/85 Legal Aid Society Board Meeting.
- 1/14/85 IBA - Legislation Committee.
- 1/16/85 IPDA - Legislation Committee.
- 1/25/85 ISBA - Legislation Committee.

FEBRUARY 1985

- 2/1/85 IBA - Court Liaison Committee.
- 2/1/85 ISBA - Director's Council.
- 2/11/85 IBA - Legislation Committee.
- 2/18/85 IBA - Liaison With Law School Committee.

MARCH 1985

- 3/8/85 ICJI - Consortium Meeting.
- 3/13/85 Participated in one hour national telephone conference regarding public defender management information systems ABA/NLADA - Network.
- 3/14/85 Legal Aid Society Board Meeting.
- 3/15/85 ICJI - Board of Trustees Meeting.
- 3/16/85 Night Talk - Channel 59, Indianapolis - Death Penalty
Bill Marsh, Cloid Shuler, Jeff Boles, Dick Good, Larry Landis.
- 3/21/85 Interview with Scott Miley, Indianapolis Star, regarding Prosecuting Attorney Steve Goldsmith's grand jury questionnaire in Negley case.
- 3/23/85 ASPA - Panel on Privatization in Criminal Justice System with Judge Brandon Griffis.
- 3/24/85 ASPA - Panel on Exclusionary Rule with Dick Good and Susan Carpenter.
- 3/28/85 Luncheon presentation on recent legislation to Criminal Defense Section of Montgomery County Bar Association.
- 3/29/85 St. Louis, Missouri, State Public Defender Training - conducted one half day training session for Missouri Public Defenders on training design, implementation and evaluation.

APRIL 1985

- 4/4/85 IBA - Criminal Justice Section Executive Committee.
- 4/5/85 Tour Koala Center for Juveniles - Indianapolis.
- 4/12/85 ICJI - Telecommunications Network Law Enforcement User Group.
- 4/13/85 IAPBA - Sheraton Meridian: Panel with Dick Good, Judge Boles regarding Fair Trial and Free Press.
- 4/15/85 Indiana State Police - Post 52, Indianapolis: "Role of Defense Counsel."
- 4/19/85 Telephone interview with Marion Miller, free lance writer regarding sentencing.
- 4/21/85 NLADA - Washington, D.C.: planning meeting for Defender Management Seminar in Philadelphia, September 1985.
- 4/23/85 Indiana State Police - Post 51, Pendleton: "Role of Defense Counsel."

MAY 1985

- 5/8/85 IBA - Criminal Justice Section Luncheon.
- 5/15/85 Interview with Art Harris, Indianapolis News, regarding Marion County Municipal Court Public Defender system.
- 5/22/85 IBA - Public Defender Committee.
- 5/29/85 IBA - Liaison With Law School Committee.

JUNE 1985

- 6/4/85 IBA - Public Defender Committee.
- 6/12/85 IBA - Network Teleconference.
- 6/18/85 Indiana State Police - Post 33, Bloomington: "Role of Defense Counsel" (with Mike Hunt).
- 6/24/85 Teleconference with New Mexico State Public Defender Office regarding training.
- 6/25/85 IBA - Public Defender Committee.
- 6/28/85 ICJI - Board of Trustees Meeting.

IPDC TRAINING PROGRAMS & SEMINARS

	<u>Number of Participants</u>	<u>Subject</u>
1. September 9 & 10, 1976	109	Criminal Defense
2. December 10, 1976	69	Evidence
3. April 27-29, 1977	81	Trial Practice
4. June 2-3, 1977	47	Juvenile Law
5. August 31, 1977	136	New Penal Code
6. April 21, 1978	122	Legislation
7. June 23, 1978	57	Evidence
8. October 30, 1978	84	Eyewitness Identification
9. January 19, 1979	90	Search & Seizure
10. May 18, 1979	102	Sentencing & Legislation
11. September 7, 1979	99	Juvenile Law
12. November 9, 1979	102	Forensic Evidence
13. March 28, 1980	68	Sentencing & Legislation
14. August 15, 1980	111	Defense of Insanity
15. September 26, 1980	49	Forensic - Northwest Lab
16. November 7, 1980	98	Evidence
17. February 7 & 8, 1981	54	Death Penalty Defense
18. March 26-29, 1981 May 14-17, 1981	19	Trial Advocacy Workshop (restricted enrollment)
19. August 21-22, 1981	55	Summer Meeting & Seminar
20. November 6, 1981	52	Direct & Cross-Examination Workshop (restricted enrollment)
21. March 25-28, 1982 May 13-16, 1982	28	Trial Advocacy Workshop (restricted enrollment)
22. July 25, 1982	145	Criminal Procedure Code
23. October 29, 1982	100	Evidence
24. May 13, 1983	79	Criminal Defense
25. September 9-11, 1983	51	Death Penalty Defense (NCCD)
26. November 4, 1983	89	Trial Persuasion
27. March 16, 1984	75	Sentencing
28. June 22, 1984	75	Jury Selection
29. July 27, 1984	42	Juvenile Defense
30. September 7, 1984	103	Search & Seizure
31. November 2, 1984	72	Forensic Evidence
32. March 8-9, 1985	41	Success & Survival in Criminal Defense
33. June 14, 1985	100	Criminal Defense Review

IPDC PUBLICATIONS

	<u>Number Printed</u>	<u>Number Distributed</u>
1. Criminal Trial Manual (1976)	300	300
2. Evidence Manual (1976)	200	200
3. Sentencing & Legislation (1978)	200	200
4. Sentencing & Corrections (1979)	200	200
5. Forensic Science (1979)	200	200
6. Sentencing Handbook (1980)	250	250
(1984)	300	100
7. Evidence Handbook (1980)	300	300
(1984)	300	100
8. Motions Manual (1982)	600	375
9. Juvenile (1984)	300	200

IPDA - IPDC
BOARD RETREAT
July 13-14, 1985

Saturday, July 13

10:00 - 10:15	Introduction and Organization
10:15 - 10:45	Committee Reports <ul style="list-style-type: none">- Contracts- Legislation- Amicus- Delivery Systems
10:45 - 11:15	Executive Director's Report
11:15 - 11:30	IPDC - Election of Officers
11:30 - 11:45	IPDA - Election of Officers
11:45 - 12:00	Committee Assignments
12:00 - 1:00	Lunch
1:00 - 2:45	Committee Meetings
2:45 - 5:00	Committee Reports (45 minutes each) <ul style="list-style-type: none">- Legislation/Policy- Programs/Publications/Services- Contracts
6:30	Dinner

Sunday, July 14

9:30 - 12:00	Committee Reports - continued <ul style="list-style-type: none">- Delivery Systems/Standards
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