



## MEETING NOTES

1. APPROVAL OF MINUTES OF LAST MEETING - APPROVED

2. REVIEW AND APPROVAL OF AGENDA - APPROVED

3. PERFORMANCE STANDARDS : GUIDELINES FOR CRIMINAL DEFENSE REPRESENTATION -

NOTE: It was the unanimous opinion of the Board that the word "SHALL" should be changed to "SHOULD".

### GUIDELINES:

1.1; 1.2; and 1.3 Approved as written.

2.1 (a) Insert the words "promptly attempt" after the word "should".

2.2 (b) (1) Insert the words "time sensitive information" after the words "partial release" and in 2.2(b)(2)(F) the words "concerning pre-trial release;" after the words "provided by the client" in the second line.

2.2© Needs a commentary note concerning client's version of facts...information should be aggressively pursued for preservation of time sensitive evidence (videos, etc.) and facts.

2.3 (b) Deleted and rest of 2.3 renumbered accordingly.

2.3 (new c old d) insert the words "and/or facility where client incarcerated" after words "should alert the court"

2.3 Needs a commentary note concerning advising clients re Indiana statutes re forfeitures and cash deposits for bonds may be used by the court to reimburse the county's general fund pay to pay for their P.D.

3.1 First line after the word "The" and before the words "should preserve" change the word "attorney" to "counsel who is present" and after the words "at the initial" change the word "appearance" to "hearing".

3.1 (2) Needs a commentary note concerning Indiana's misdemeanor statutes

3.1(3) Needs a commentary note concerning detention

3.1 Add a new (5) "Counsel should move for immediate review of Bond." Needs a commentary note such as "Counsel should make an immediate determination of client's financial condition and resources and move for the setting of a reasonable bond pursuant to the Constitution and the statutes of the State of Indiana." Carpenter/Koselke PASSED

3.2 Approved as written Carpenter/Koselke PASSED

3.3 Moved from Guideline 3 to Guideline 2 to become 2.2 d Carpenter/ Koselke PASSED

4.1 Approved as written except a commentary note was recommended for (a) which noted "regardless of client's desire to plead guilty." Carpenter/Koselke PASSED

4.2 Approved as written. Recommended a commentary note concerning addition discovery should continue base upon recent cases. Carpenter/Koselke PASSED

4.3 Insert after the first sentence the following sentence: "No trial of a cause should be commenced without a carefully conceived 'theory of the case' nor should the case be seriously negotiated until the 'theory of the case' has been developed." A commentary note should also be developed concerning the establishment of a "single theory" for case not "multi-theories" for the case. 2 Items were also DELETED FROM the commentary: (1) The second sentence in the commentary which began "In investigating the case...of not guilty." and (2) footnote number "2" Carpenter/Koselke PASSED

5.1(a) Recommended a commentary note for this section concerning counsel's judgment of appropriateness of filing the motions always weighing the Constitutional aspects and the law (both state and federal)

5.1(b) and © approved as written, but recommended a commentary note to include such matters as Ex-parte Motions to secure funds for defense. PASSED

5.2 (a) Delete after the word "of the court rules" the words "and should succinctly inform the court of the authority relied upon." PASSED

5.2 (b) approved as written PASSED

5.2 Create © Counsel shall consider whether a written request for recording the hearing should be made." PASSED

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5.3 Amended Insert after the word "Counsel" the words "shall renew all previous motions that have been denied and" before the word "should". Deleted after the words "issue which" the words "is appropriately raised pretrial, but" before the words "Could not have been so raised..." PASSED

5.3 Recommended a commentary note for this section on preserving objections and "late filings", i.e., filing your motions even if beyond the time period e.g. alibi.

6.1 (a) Insert after the words "Counsel shall" the words "advise client of local plea negotiation practice and" and before the words "explore with the client..." PASSED

6.1(b) Deleted PASSED

6.1 (c), (d) and (e) approved with the insertion of "shall" for "should".

6.2 (a) (1) through (6) approved as written except (6) should have a commentary note concerning juvenile, traffic, misdemeanor and Federal Sentencing Guidelines.

6.2 (b) Recommend a commentary note concerning all terms of negotiations should be confirmed in writing and filed with the court.

6.2 (b) add (l) "RESERVING THE RIGHT TO FILE MOTION FOR MODIFICATION OF SENTENCE" Recommend commentary on statutes and case law on right to file and modifications of sentences.

6.2 © (1) through (3) approved as written

6.2 © (4) should be added: "Counsel shall be familiar with alternative sentencing options and placements.

6.2 (d) commentary note concerning local practice.

6.3 (a) Recommended a commentary on appeal rights, petitions to modify and referral to NLADA standards

6.3 (b) Recommended a commentary on client's decision, client's interest only not counsel's.

6.4 (a), (b) and © approved as written.

BOARD RECOMMENDED COMMENTARIES BE SUBMITTED BY STAFF ATTORNEYS KEYED TO INDIANA AND FEDERAL LAW.

SESSION ON GUIDELINES CONCLUDED AT THIS POINT OF BOARD MEETING.

### 4. EXECUTIVE DIRECTOR'S REPORT:

A. GENERAL DISCUSSION ON LONG RANGE PLANNING: To increase and improve - computer systems, policy development, management tools, training and resource development. To continue with providing research and direct services to members but to encourage members to utilize the services provided through manuals, seminars, case bank and computer services such as Lexis-Nexis and Internet.

B. Personnel change: One vacancy: Jim Miller has left. Joined Susan Carpenter's office.

C. Review of IPDC's Strategic Directions for 1996-1999;

1. IMPROVE COUNTY INDIGENT DEFENSE DELIVERY SYSTEMS: Standard and financial incentives for counties to improve the quality of indigent services; technical assistance to counties; and create tools for measuring and assessing indigent defense services.

2. ENHANCE THE SKILLS AND KNOWLEDGE OF MEMBERS: Training, Publications, Electronic access to information and communications, Research and communications, and Services to non-lawyer members of the defense team.

Board proceeded to discuss with the Executive Director the Directions of the IPDC. This discussions included:

The desire to increase assistance to local P.D.s on systemic problems - helping to create, organize, and develop managerial programs for local P.D. offices - continuing to expand the IPDC as resource for creating local P.D. offices - possible reorganization of some staff jobs to help attain these system development goals; to increase training and education of membership; to increase development and use of computer network for membership as well as increase education of membership in use of

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computers as resource materials; education of membership through expansion of previous programs and possible development video programs e.g. Board reviewed video on cross-examination; possible use of Interactive videos (Dawn discussed interactive videos and how computers, sound cards play a role in this process.) Board discussed and RECOMMENDED staff look in to program and its development and costs. Dawn made presentation of Computers today and tomorrow. The 3 year plan revolves around 3 areas: Type of Information; How the information is delivered to membership; and Training. Discussion was had concerning the possibility of purchasing T1 line, a computer to handle the T1 line, plus a "WEB server" to develop an independent WEBSITE. This was compared to the present use of Access Indiana's Internet line. The conclusion after much discussion of the board was IPDC needs to expand the education of its members on using the computer programs that is presently offered before going to the expense of developing its own T1 line and WEBSITE. The estimated cost of the T1 line and equipment was approximately \$30,000.

Board adopted the IPDC STRATEGIC DIRECTIONS FOR 1996-1999 with emphasis on: - improving county indigent defender systems; - maintaining services to members, but educating them to become more self sufficient through the use of manuals, computer services, case bank and training seminars; - expand the development and education of the members concerning the use of the computer to aid them in their research ( more Lexis-Nexis use; use of Internet to get to case bank; and etc.; - as member expand their use of computers and develop self-sufficiency on research projects decrease assistance to members on routine matters, but increase assistance to members on impact cases and issues; develop a sentencing directory.

### 5. ELECTION OF OFFICERS:

The following nominations were made from the floor: Daniel Toomey, for Chairman; Jeff Lantz, for Vice-Chairman; and Quinton Ellis, for Secretary. Richmond/Carpenter. Vote was Unanimous.

### 6. SALARIES:

The Board was presented the IPDC Salary Schedule for the year 1996-1997, which schedule included Account No. 1000-129200 (State General Fund) and Account No. 3680-161200 (MIS Grant).

Account No. 1000-129200 (State General Fund):

The Board approved Salary Schedule for Account No. 1000 129200 for a total of \$504,531. The Board further reviewed the total personnel salaries the employees of IPDC ( not covered by the MIS Grant and excluding the Executive Director) and APPROVED UNANIMOUSLY a budget increase from the 1995-1996 total ( not including the MIS grant) of \$405,007 to \$424,133 for the year 1996-1997. The Board further GRANTED to the Executive Director the authority to allocate and disburse moneys to the individual employees at his sole discretion.

Account No. 3680-161200 (MIS Grant):

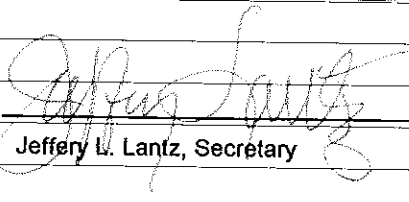
The Board approved the Salary Schedule for 1996-1997 in Account No. 3680-161200 (MIS Grant) for a total of \$93,846. The Board further APPROVED UNANIMOUSLY a budget increase from the 1995-1996 total of \$90,237 to \$93,846. This increase was for those salaries of the employees of IPDC covered by the MIS Grant only. The Board further GRANTED to the Executive Director the authority to allocate and disburse moneys to the individual employees covered by the Grant at his sole discretion.

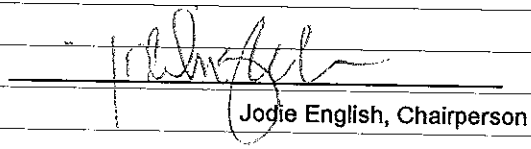
Account No. 1000-129200 (State General Fund) EXECUTIVE DIRECTOR'S SALARY:

The Board then took up the salary of the Executive Director and UNANIMOUSLY APPROVED, for the years 1996-1997, an increase of four percent (4%) from the 1995-1996 annual figure.

There are 3 positions covered by the MIS Grant. The Board recommended the Executive Director attempt and have a goal get those 3 positions into the State Budget within the cap provided.

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Jeffery L. Lantz, Secretary

  
Jodie English, Chairperson