Indiana Public Defender Council Board of Directors Meeting - Sept 24-25, 1982

Minutes

The first session of the meeting of the Board of Directors was held on September 24, 1982 at the Holiday Inn North in Indianapolis, IN. The meeting began at approximately 8:30 p.m.

- 1. Call to Order. Directors present: Larry Combs, Mark McNeely, Terry Richmond, Susan Carpenter, Gene Hollander, David Keckley, Donald Peyton, John Surbeck, Gerald Thom, Linda Wagoner, Brent Westerfeld. IPDC Staff: Larry Landis, Jim Cupp, Mary Sinnock, Kit Keller, Lisa Snyder.
- 2. Approval of Minutes. Minutes of the preceding meeting of the IPDC Board held July 23, 1982 were submitted by Mary Sinnock. Mark McNeely moved to approve the minutes as submitted; seconded by Brent Westerfeld, approved by acclamation.
- 3. Executive Director's Report. Larry Landis gave a report on the Council's activities and projects for the past six months. A copy of his Executive Director's Report is attached to these minutes and describes the issues covered.
- 4. Meeting objectives. Larry Combs discussed the four committees scheduled to meet the following day and summarized the objectives for each committee. Committee leaders were asked to appoint someone in each committee to take notes and prepare a report of recommendations to be presented to the full board at the closing session on Saturday.

This session adjourned at approximately 10:15 pm.

The following committees met at 8:30 a.m. on September 25, 1982 at the Holiday Inn North in Indianapolis, IN:

Programs - Don Peyton, Chairman Publications and Services - Dave Keckley, Chairman Budget and Finance - Larry Combs, Chairman Organization and Membership - Susan Carpenter, Chairwoman

Following the individual committee meetings, the full Board met again at approximately 11:00 am on September 25th.

- Call to Order. Directors present: Larry Combs, Mark McNeely, Terry Richmond, Susan Carpenter, Gene Hollander, Dave Keckley, Don Peyton, John Surbeck, Gerald Thom and Brent Westerfeld. IPDC staff: Larry Landis, Mary Sinnock, Jim Cupp and Kit Keller.
- 2. Program Committee Report was given by Don Peyton, chairman. The committee's recommendations are listed in Attachment A to these minutes.
- 3. <u>Publications and Services Committee Report</u> was given by Larry Combs, secretary for the committee. The committee's recommendations are listed in Attachment B to these minutes.

•

- 4. Budget and Finance Committee Report was given by Dave Keckley, secretary for the committee. The committee's recommendations are given in Attachment C to these minutes. Larry Combs urged Board members to write letters of support for the Council's 83-85 budget request to the members of the State Budget Committee.
- 5. Organization and Membership Committee Report was given by Susan Carpenter, chairwoman. The committee's recommendations are given in Attachment D to these minutes.
- 6. Next Meeting was set for October 28, 1982 at 7 pm at the Council office in Indianapolis, Indiana. The agenda will include voting by the entire Board on the recommendations of each of the committees just held.
- 7. Long Range Planning Committee. Larry Combs brought up the need for the Board to begin long range planning of the Council's development and its role in the criminal justice system. The possibility of a standing committee to consider future goals, priorities and directions for the Council was discussed. The Board agreed that this Long Range Planning Committee should include the chairmen and chairwoman of the four committees just held.

8. New Business.

- Larry Landis asked if the Board would like to have plaques made for recently retired Board members in appreciation of their service to the Council. A motion to order plaques was made by Dave Keckley, seconded by Susan Carpenter, and approved by acclamation. Discussion was also held on the idea of providing certificates to attorneys for completion of Council programs, especially the trial skills program. No decision was reached.
- b. Gene Hollander proposed naming a speaker at a Council seminar each year as the "Harriette Bailey Conn Speaker" as a memorial to Mrs. Conn's contributions to the Council. A motion to establish this was made by Susan Carpenter and seconded by Brent Westerfeld. The motion was carried by acclamation.
- c. Mark McNeely raised the issue of the Council's possible involvment in future legislation to limit damages recoverable from malpractice suits against court-appointed defense attorneys. The Board discussed this issue. Mark made a motion that the subject be considered by the Long Range Planning Committee, it was seconded by Gene Hollander and approved by acclamation.
- d. Don Peyton recommended that future programs be promoted at seminars. It was decided that he would prepare a brief presentation on the Trial Skills Workshop for the next seminar. Brent Westerfeld was asked to make a brief presentation at the next seminar on the Indiana Public Defender Association.
- e. The Board approved the Council's 83-85 budget request as detailed in Attachment E to these minutes.
- 9. The meeting adjourned at approximately 12:15 pm.

Respectfully submitted,

Mary Sinnock October 28, 1982 . (

Minutes PROGRAMS COMMITTEE September 25, 1982

The Programs Committee addressed the following issues during the Saturday morning meeting, September 25, 1982, and made recommendations as set forth below.

- 1. Program Goals and Priorities for 1983 -- 1985. Keep members abreast of changes in the law, both case law and statutory. Train NEW members in basics. Disseminate materials to membership as cost effectively as possible. Periodically survey the membership to determine needs. Strive to keep charges to the membership for programs and materials as low as possible. Involve more Indiana lawyers as presenters in Council programs. Try to incorporate, to the extent possible, an opportunity to exchange ideas (e.g. question and answer session) in future programs. Promote future programs, especially the Trial Skills Seminar.
- 2. Trial Skills Program. The benefits to participants are significant. Effort should be directed toward reducing the cost, and an attempt made to make this program more self-supporting. There is a need to publicize the program to the membership and explain that it will benefit attorneys with experience as much or more than new practitioners.
- 3. Recommendations. Future programs should be conducted in Indianapolis to avoid unnecessary expense and utilize the central location for state-wide travel. Use of video tapes of programs could enable programs to be repeated in locations other than Indianapolis, but would not entail the expense of a live program.
- 4. Survey. The prior survey form should be updated and sent to the membership with return requested in time to have recommendations for the October meeting.

One of the most important services provided to membership is technical assistance by the staff. Compliments are in order for past services, and the staff is encouraged to continue this important function.

Programs Committee members present: Don Peyton, Chairman; Susan Carpenter; Gene Hollander; Gerald Thom; Brent Westerfeld; staff member Mary Sinnock.

		(,

INDIANA PUBLIC DEFENDER COUNCIL

Meeting of Publication and Services Committee

September 25, 1982

MINUTES

The meeting of the Publication and Services committee of the Indiana Public Defender Council was held at the Holiday Inn North on September 25, 1982, at approximately 8:30 A.M.

Members present were: David Keckley, Chairman; Larry Combs, Linda Wagner, Terry Richmond, John Surbeck and Mark McNeeley. Larry D. Combs was selected as Secretary for the Publications and Services Committee.

RECOMMENDATIONS:

The recommendations of the Publications and Services Committee are as follows:

- 1. The Public Defender Council should continue with the preparation and publication of the Indiana Defender. It is recommended that instead of extensive case analysis, that the staff prepare concise head-note paragraphs of recent cases indicating the subject matter of the decision and the importance of the decision regarding criminal defense.
- 2. It is recommended that the Evidence Manual and the Sentencing Handbook be updated in that order. The Evidence Manual should be supplemented with case citations for later cases supporting earlier decisions and the inclusion of new cases discussing novel points of evidence law. This updating should be in the form of replacement pages wherever necessary. The Sentencing Handbook should be updated with regards to changes in the substitutive and procedural laws regarding sentencing.
- 3. It is recommended that research assistance be continued for members of the council. We suggest that Jim Cupp prepare a set of research guidelines that requesting attorneys should follow. This would include reference to manuals and the consideration of novel or unique issues.

				("
				(
			·	(

- 4. It is recommended that new manuals be researched and prepared for members of the council. Possible topics would include jury instructions, search and seizure, and driving under the influence.
- 5. It is recommended that the staff continue in the research and preparation of articles for publication in the Indiana Defender on particular issues of law. It is suggested that these articles include topics from recent research requests, where the research has already been completed, the topic is fresh and there is no delay until the case is reported on appeal.

Members of the committee were requested to consider possible topics and subjects for future manuals and specific issues for publication.

It was also decided that the recommendations as listed above also represent the priorities of the Public Defender Council. If it is necessary to cut back the services performed in any of the above listed areas, the cut-backs should be in the reverse order of the listed priorities.

The meeting adjourned at 9:30 A.M., September 25, 1982.

Respectfully submitted,

Larry D. Combs

LDC/crm

. ()

BUDGET AND FINANCE COMMITTEE MEETING

DATE:

September 25, 1982

COMMITTEE MEMBERS:

Larry Combs Gene Hollander Don Peyton Terry Richmond Mark McNeely Dave Keckley

I. Support Plan for 1983-85 Budget Request

The committee reviewed the procedure pertaining to submission to the 1983-85 Budget Request and recommended that all Public Defender Board Members direct letters to the legislature Budget Committee, as well as the Executor Assistant to the Governor, Hon. Jack Ryan. Board Members were also advised to request other Public Defenders, Judges, etc. to direct letters of support to the legislature Budget Committee requesting that our Budget be approved as submitted and emphasising the importance of the services supplied by the Public Defender Council.

- II. Fund Raising Outside Sources.
 - A. <u>Self Supporting Programs</u>, <u>Fund Raising Seminars</u>, <u>Sale of Manuals</u>, <u>Subscriptions</u>, <u>and Non-Member Charges</u>.

It was noted by Gene Hollander that one of the purposes of the Council is to publish and distribute the manuals at the lowest possible cost to Public Defenders. However, the majority of the committee felt that the nature and quality of the manuals would support the policy that there should be a charge associated with each manual to be determined by the Board.

The committee then discussed whether there are other sources of raising money other than through seminars and manuals. It was noted that there exists in Indiana several private foundations or endowments that provide money for specific projects. It would be the recommendation of the committee to the Board that an effort be made to seek outside grants through the Indiana Public Defender Association. It is also recommended that some of the present Board Members consider being a director of the Indiana Public Defender Association.

The committe considered and recommends that the following programs be considered priority items in pursuing private sector funds:

- 1. Trial Advocacy Seminar.
- 2. Duplicate Seminars.

					•	
						6
						(,
		,				
						(i
						(
		•				
			•			
					1	
						(
						\
•						· ·
	Signal .					

Septemb3r 25, 1982 Minutes of Meeting Page Two

- A Specific Manual.
- 4. Appeals
- 5. Lobbyists.
- 6. Amicus Curie Briefs.

B. Role of Indiana Public Defender Association in Outside Funding.

It is recommended that the Indiana Public Defender Association be activated at the October 29, 1982 Seminar. The Association should be utilized to raise outside funds that would in turn provide support services to members of the Council.

It is anticipated that the Directors of the Association and the Directors of the Council may hold joint meetings with separate minutes made for each organization.

It is also recommended that the Association maintain an active membership roster based upon payment of yearly dues in the amount of \$10.00. The purpose and goals of the Association should be explained to all Public Defenders attending the October 29, 1982, Seminar as well as set forth in the Newsletter.

END OF MINUTES.

 $(A_{ij}, A_{ij}, A_{$

IPDC Organization & Membership Committee Meeting September 25, 1982

MINUTES

Committee Members: Susan Carpenter, Chairwoman; Linda Wagoner; Gerald Thom; Brent Westerfeld; John Surbeck; IPDC staff- Mary Sinnock.

1. & 2. Board Representation and Nominations Procedure

It was the concensus of the Committee that the IPDC Board of Directors should reflect a balance of court-appointed attorneys and public defenders and that a geographical balance is also desirable. The Committee voted that prior to the Board election each year, the Chairman of the Board should appoint a nominating subcommittee. The subcommittee should include Board members from each of the three geographical districts mentioned below, and should not include any Board member whose position is up for election that year. The subcommittee should determine when nominations will be closed. The nomination process should be well-publicized and well in advance of the date when nominations would be closed. This Committee recommends that the Board consider making provisions to allow absentee voting in the Board elections by members who are unable to attend the summer meeting. This may require an amendment to the IPDC by-laws, and should be considered by the nominating subcommittee when deciding the closing date for nominations.

To aid geographical distribution, the Committee recommended that the State be divided into three districts (northern, central and southern), based on Districts 1, 2 and 3 of the Court of Appeals. The nominating subcommittee should submit at least two nominations from each district. All IPDC members would vote (statewide, not district voting); members would vote for five (5) people and the three district representatives would be the majority-vote winners by district, the other two ("at large") would be the next highest vote getters regardless of district.

3. Election of Officers

The Committee voted that the present system for election of Board officers be retained.

4. Selection of Executive Director

The Committee recommends that in the event the present Executive Director resigns, the Chairman of the Board of Directors should appoint a Personnel Committee to choose a new Director. Larry Landis is asked to provide a job description, and the Personnel Committee would establish qualifications for the position. In appointing the Personnel Committee, the Chairman should consider Board officers and should consider the availability of members for interviewing in Indianapolis. The Personnel Committee should be a standing committee of 3 to 5 members and should be established every year. A Board member who wished to apply for the position of Director would not be permitted to serve on the Personnel Committee. A maximum period of six months would be allowed for finding a new Director. When the Personnel Committee has screened applicants and is considering two or three, the Council's staff should meet the applicants and provide their input to the Personnel Committee.

5. Definition of IPDC Membership

The Committee voted to recommend the establishment of an "associate member" status for certain attorneys who request Council services but do not fall strictly within the agency's statutory membership definition. Associate membership would be available to: licensed attorneys (pro se prisoners are specifically excluded); private attorneys; law professors; judges; no part or full-time prosecutors would be eligible for associate membership. The associate member would pay a flat yearly fee (recommended as \$25 per year or based on estimated cost to the IPDC) and would be entitled to attend seminars and receive Council publications at the same rates charged to regular members. Associate members would not be allowed to vote or to hold office in the IPDC; and they would be specifically excluded from receiving any research services from the Council. The Committee felt that the availability of associate membership in the IPDC should be advertised through Res Gestae, bar associations, and perhaps by letter notification to judges. It is the opinion of the Committee that associate membership is permitted under Section 4(5) of I.C. 33-9-12. Regular membership in the Council remains as defined in Section 1 of I.C. 33-9-12.

Submitted by
Susan Carpenter
Chairwoman, IPDC Organization & Membership Committee

. १८% **अ.४** १_९ १ **५**

	S 1 22				
		í			
97,4 (-92) 893 (- 803 (-93)		i i i i i i i i i i i i i i i i i i i	٠.		
			·		
			No. 10		
	. v. %-	·	· · · · -	•	

٠.

(additions to base budget from past years

IPDC BUDGET REQUEST FOR FY 1983-85

.1 PERSONAL SERVICES	1983-84	1984-85
<u>Salaries</u> : Executive Director Research Director	32,838	32,838
Administrative Assistant	20,852 18,226	20,852 18,226
Research Assistant	13,104	13,104
Word Processor/Publications Clerk	11,128	11,128
Fringe Benefits (18%) Sub-Total	17,306	17,306
* Requested New Positions:	113,454	113,454
* Staff Attorney I	20,488	20,488
* Word Processor III	10,894	10,894
* Fringe Benefits on new positions (20%)	6,277	$\frac{6,277}{37,650}$
Sub-Total	37,659	37,659
Board Meetings		
4 Meetings per year @ \$405 per meeting	1,620	1,620
Seminars		
3 one-day programs @ \$1910 per seminar	5,730	5,730
Trial Skills Workshop - one week		
Faculty fees \$ 3,000)	
Travel 1,400		
Lodging 1,680 Per Diem 840		
\$ 6,920		
Requested from base budget	2,823	2,823
* Balance requested as budget increase	4,097	4,097
Total Personal Services	165,383	165,383
.2 <u>SERVICES OTHER THAN PERSONAL</u>		•
Postage - \$100/month	1,200	1,200
Moving and Freight	350	350
Library - \$350/month	4,200	4,200
Telephone - base monthly charge \$170 long distance \$125/month	2,040 1,500	2,040 1,500
Mailing Service (for Indiana Defender, etc.)	1,300	1,280
Total Services Other Than Personal	10,570	10,570

e serverile de la companya de la co La companya de la co

i nati	<u> </u>	
25 26 32.66 32.66 20.66		
164 (41) 163 (1) 163 (1)		en de la companya de La companya de la companya de
	·	
	7 24 4 7	
, eyear		

	1983-84	1984-85
.3 SERVICES BY CONTRACT	•	
Printing - Indiana Defender 1,500		
Manuals 1,000 Miscellaneous 900	3,400	3,400
*Rent for Office	16,890	17,737
Copier Rental- \$181/month	2,172	2,172
Staff Training (local seminars, etc.) & Misc.	250	250
Maintenance contract - typewriters & dictating	396	396
Maintenance contract - word processors \$190/month	2,280	2,280
<pre>*Maintenance contract - microcomputer *Computer User Fee - Westlaw \$665/month</pre>	600 7,980	600. 7,980
Total Services By Contract	33,968	34,815
Total Services by contract	33,300	54,01.0
.4 SUPPLIES AND MATERIALS	-	
Office Supplies - \$200/month	2,400	2,400
Educational Supplies	1 105	1 105
Manual ring binders and tabs Blank tapes for training programs	1,195 500	1,195 .500
Gasoline for in-state travel by staff	110	110
Total Supplies & Materials	4,205	4,205
.5 EQUIPMENT & FURNITURE		•
Equipment	0	0
Furniture - 1983-84 - 4 filing cabinets 1984-85 - 1 confer. table, 1 bookcase	500	500
Total Equipment & Furniture	500	500
•	000	000
.8 IN-STATE TRAVEL	800	.800
.9 OUT-OF-STATE TRAVEL	1,800	1,800
		·
SUMMARY		
.1 Personal Services	161 110	161.112
Salaries & Fringe Benefits (* \$37,659 new) Board Meetings	151,113 1,620	151,113 1,620
Seminars & Trial Skills (* \$4,097 new)	12,650	12,650
Sub-Total	165,383	165,383
	Ť	10,570
.2 Postage, Freight, Library, Phone	10,570	10,570
.3 Printing, Copier, Eq.Maint, Rent (* \$17,000 rent) Computer Maint. and User Fee (* \$8,580 new)	33,968	34.,815
.4 Supplies & Materials	4,205	4,205
.5 Equipment & Furniture	500	500
.8 In-State Travel	800	800
.9 Out-of-State Travel	1,800	1,800
TOTAL BUDGET	217,226	218,,073
TOTAL BUDGET	4173260	2,0,0,0

. .

17 The Market State State 100 March 100 Ma 18-120 and the second of the process of the second of the

to the second of the second of

21 3000 m The state of the s in unifree factor ons \$ 50. 10 THE BOY OF THE PIRE OF THE March C. 5 1 , .dt: 5.4 13.47 1 3. 5 30 1 2 1 1 1 1 1 90 24

Port Stable Co. And the second s 1 11 1 Drive & A 412 er in word on the second of th Park a 1 16 17 15 VF.

IPDC BOARD OF DIRECTORS MEETING September 24-25, 1982

AGENDA

FRIDAY - September 24th

6:00 pm Dr.

Drinks/appetizers at The Whaling Station Restaurant (cash bar)

6:30 pm

Dinner at The Whaling Station Restaurant

8:00-10:00pm

Meeting of full Board of Directors - Holiday Inn North
Staff reports, grant reports, old business, committee materials
Meeting Room: Casino A

SATURDAY - September 25th

8:30-9:30am PROGRAMS COMMITTEE - Meeting Room: Studio 123

1) Program goals and priorities for 1983-85

2) Assessment of Trial Skills program

Value compared to cost, resource allocation Program recommendations for 1983-85

3) Program recommendations for 1983-85
Topics, speakers, agendas, format, sites, materials

PUBLICATIONS & SERVICES COMMITTEE - Meeting Room: Monaco B

Publications and services priorities for 1983-85

2) Assessment of Indiana Defender (scope, focus, content)

3) Manual/Hanbook recommendations Topics, format, contents

9:30-9:45am Break

9:45-10:45am BUDGET & FINANCE COMMITTEE - Meeting Room: Monaco B

Support Plan for 1983-85 Budget Request
 Division of state, contacting legislators, committee hearings, letter campaigns

2) Fund Raising - Outside Sources

a) Self-supporting programs, fund-raising seminars, sale of manuals, subscriptions, non-member charges

b) Role of Indiana Public Defender Association in outside funding

ORGANIZATION & MEMBERSHIP COMMITTEE - Meeting Room: Studio 123

1) Board Representation

Change to geographical areas or remain at-large representation

2) Nomination policy for election of Board members

3) Election procedure for Board officers

Advancement from Secretary through Chairman

4) Establish procedure to follow if Executive Director resigns

5) Issues relating to IPDC membership definition

ASSET OF BOOK AND ASSET OF THE STATE OF THE

.

The Sec Observed

Control

After a Contr

The Automotive of the

order of the control of the control

SATURDAY - September 25th - continued

10:45-11:00am Break

11:00-12:30pm Full Board Meeting

- 1) Reports and recommendations of committees
 - a) Programs
 - b) Publications and Services
 - c) Budget and Finance
 - d) Organization and Membership
- 2) Planning of next meeting October 29, 1982 (in conjunction with Evidence Seminar)
- 3) Discussion of proposal for a long-range planning committee
- 4) Any issues not covered earlier.

COMMITTEES:

PROGRAMS

Don Peyton, Chairman: Gene Hollander Susan Carpenter Gerald Thom: Brent Westerfeld

BUDGET & FINANCE

Larry Combs, Chairman.
Gene Hollander.
Don Peyton.
Terry Richmond
Dave Keckley.
Mark McNeely

PUBLICATIONS & SERVICES

Dave Keckley, Chairman Larry Combs Linda Wagoner Terry Richmond John Surbeck Mark McNeely

ORGANIZATION & MEMBERSHIP

Susan Carpenter, Chairwoman Linda Wagoner Gerald Thom Brent Westerfeld John Surbeck

.