

Minutes: Indiana Public Defender Council Board Retreat
Date: September 27, 1997
Place: Brown County Inn, Nashville, IN



Board members in attendance:

Dan Toomey, Chair
Jeff Lantz, Vice-Chair
Jodie English
Michelle Fennessy-Kraus
Bob Hill

Kitty Liell
Terry Richmond

Board members absent:

Susan Carpenter
Quinton Ellis
David Hennessy
Don Pagos

Staff members in attendance:

Larry Landis
Teresa Campbell
Donald Murphy
Dawn Nolan
Terry Harper
Paula Sites

Call to Order:

The meeting was called to order at 9:13 A.M.

Approval of Minutes:

Minutes for the June 19, 1997, were approved as submitted.

Approval of Agenda:

Terry Richmond moved to approve the proposed agenda. The motion was seconded by Jodie English and approved.

Executive Director's Report

Larry Landis reviewed the budget and reported on the agency's progress on accomplishing the goals for 1996-97. He reported that the Defender Management Information Project Grant will expire March 28, 1998, and there is \$50,000 available for contracting for special projects since

we no longer contract for sentencing consultants.

Strategic Directions for 1996-99

Kitty Liell reported that her father (John Liell) will volunteer his services to design and evaluate a survey to assess training needs.

Don Murphy reported that Floyd County has indicated an interest in being a test site for modifying the CaseAce system. Marion County is currently installing and modifying Miami, Florida's management case system. This system may also be available for other counties in the future. Don will keep the board informed on developments.

Jeff Lantz moved to amend the Strategic Directions for 1996-99 by deleting "decrease routine research assistance" and inserting "continue research assistance and encourage members to do their own research and network with fellow members." Seconded by Terry Richmond. Motion passed.

Goals for FY 1997-98: Training

Larry Landis reported that Terry Harper will be leaving the Council at the end of the year to go into private practice in Bloomington. He said no decision has been made regarding this position. He will consult with the other staff attorneys and keep the board informed.

Jodie English recommended Juliet Smith (assistant law librarian, I.U. School of Law - Bloomington) as a trainer for computer assisted legal research.

A general discussion on the death penalty was held which included the following:

1. Dan Toomey expressed his frustration about the breakout sessions being too short at the death penalty seminar which resulted in superficial treatment of some subjects.
2. The need to assign a moderator to keep the workshops on track to prevent a participant from dominating time or, in the alternative, empower speakers to cut off a participant who is self-proclaimed expert.
3. The need to have a separate session for rookies that covers the basic law of death penalty cases. It was also suggested that a mentoring program might also meet this need. Jodie English and Terry Richmond volunteered to serve as mentors.
4. A suggestion was made that we organize a "dinner with an expert" program for participants.

A motion was made to approve proposed training goals 1-7, seconded and approved.

The proposed training schedule under item 8 was amended as follows:

1. Add a 1/2 day computer workshop to be held in December on the Thursday prior to the Child Molesting seminar, and conduct the 1/2 day computer workshop in March prior to the Moylan seminar. (item 8.i)
2. Add as a new ½ day seminar on Ethics in July in Indianapolis.
3. Add the following to item 3: “or dissemination of tapes.”
4. Include the following at the Annual Update seminar (item 8.d): sessions on persuasion (themes and theories), computer legal research, and an inspirational speaker.
5. Add a ½ day track for rookies to the death penalty seminar.
6. Add an advanced track with a fact problem to cross-examination seminar in October (item 8.f).
7. Add a one day seminar on constitutional law with Charles Moylan in March.

Jeff Lantz moved to approve the proposed training schedule (item 8) as amended. Terry Richmond seconded. Motion passed.

Terry Harper reported that she would have tapes to go on the road for a 6-hour CLE appellate training program to help counties that need this training to qualify for state reimbursement.

Terry Harper recommended our policy regarding waivers of registration for all workshop/panel participants be changed to provide a waiver of ½ the registration fee, and 1 overnight room. A motion to approve the recommendation was made by Jeff Lantz and seconded by Kitty Liell. Motion passed.

Publications

Jodie English suggested adding a monthly column on sentencing in the *Defender*.

A discussion of the need to produce an Appellate Manual resulted in a consensus that what was needed was a pamphlet similar to the LWOP pamphlet, including, how and when to raise ineffective assistance of counsel, appellate procedure and rules, original actions, and a disc with sample motions and pleadings.

Jeff Lantz moved to approve the proposed publication goals with the addition of a pamphlet on appellate practice. The motion was seconded by Jodie English and approved.

Litigation Assistance

A discussion of the goals for litigation assistance produced a consensus that the packet to be sent to attorneys appointed to a capital case should include information about Criminal Rule 24 and

Standards

Don Murphy reported that he is currently working on the commentary to Chapter 6 of the Performance Standards and requested that board members review Chapters 1-3.

Gideon Award Committee

Dan Toomey appointed the following members to the Gideon Award Committee:

- Jodie English, Chair
- Bob Hill
- Dan Toomey
- Terry Richmond

Board Retreat in 1998

Larry Landis recommended that next year's board retreat be held in Bloomington at the Memorial Union in September or October. The recommendation was accepted.

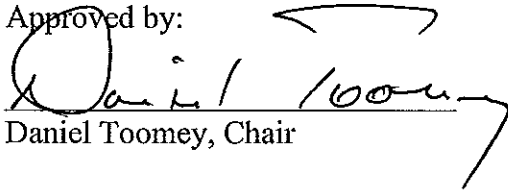
Next Board Meeting

The next board meeting will be held on December 12, 1997, in the Executive Boardroom at the Radisson Hotel-Downtown at 5 p.m. after the Child Molesting Seminar.

The meeting was adjourned at 4:35 p.m.

Submitted by Teresa Campbell and Larry Landis

Approved by:


 Daniel Toomey, Chair

Date 1/11/98