

MEETING AGENDA

Lantz Law Office
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Meeting Description IPDC BOARD OF DIRECTORS RETREAT MINUTES
 Results Desired STRATEGIC DIRECTIONS & GOALS 95-96
 Date OCTOBER 14, 1995 Time _____ Location FOUR WINDS - BLOOMINGTON, INDIANA

Scheduled Time			Actual Time		
Start	Stop	Total Hours	Start	Stop	Total Hours
Persons Attending					
1	JODIE ENGLISH, CHAIRMAN				
2	DANIEL L. TOOMEY, VICE-CHAIRMAN				
3	JEFFERY L. LANTZ, SECRETARY				
4	TERRANCE W. RICHMOND				
5	KATHARINE C. LIELL				
6	DAVID R. HENNESSY				
7	LARRY A. LANDIS, EXECUTIVE DIRECTOR				
8	TERRY HARPER, STAFF				
9	TERESA CAMPBELL, STAFF				
10	PAULA SITES, STAFF				
Items To Be Discussed AGENDA FOR MEETING					
1	APPROVAL OF MINUTES FROM LAST MEETING				
2	EXECUTIVE DIRECTOR'S REPORT - STRATEGIC DIRECTIONS 94-97; BIENNIUM BUDGET FY 95-97; REVIEW				
3	OF REPORT ON GOALS FOR FY 94-95; MIS GRANT FOR FY 95-96; AND SALARY SCHEDULE FY 95- (exec.s)				
4	GOALS FOR FY 95-96 - PUBLICATIONS; COMPUTER ACCESS AND MIS GRANT FOR FY 96-97				
5	PERFORMANCE STANDARDS - EXECUTIVE DIRECTOR AND STAFF SALARIES				
6	ELECTION OF OFFICERS				
7	PERFORMANCE STANDARDS AND GUIDELINES FOR PUBLIC DEFENDER IN INDIANA				
8	MISCELLANEOUS				
9	ADJOURNMENT				
10					
Materials Needed				Person Responsible	

[Handwritten Signature] 7/15/96

MEETING NOTES

1. MINUTES FROM PRIOR MEETING OF BOARD... BD ACTION... BOARD DIFFERED ACTION ON THE MINUTES TILL NEXT MEETING. UNANIMOUS VOTE

2. EXECUTIVE DIRECTOR'S REPORT:

A. STRATEGIC DIRECTIONS FOR 94-97:

I. IMPROVE COUNTY INDIGENT DEFENSE DELIVERY SYSTEMS: a. Developing standards and evaluating compliance: Reviewed past directions...Standards have been developed. NON CAPITAL - First reimbursement occurred in 9/95, 4 counties plus Miami now have comprehensive plans, 5 eligible in '96. (NOTE: 4 other counties preparing plans, plus potential of 3 next year.) First reimbursement totaled 253, 000. CAPITAL - payments shown on last report. K. Liell and Board agreed to have statistical information submitted to Board members to be used to approach county councils. I was noted that the Commission allows phasing in by courts, e.g. Marion County, but intent must be to get into full compliance with all courts. It was noted no penalty for non-compliance only affects future reimbursement. Key in phasing in look to courts where simplest to phase in, e.g., juvenile or misdemeanor.

b. Increasing funding for public defense: Public defender fund...requested \$4 million, received only \$1 million. \$460,000 in past. At present time some reserves.

c. Legislature 94: P.D. Commission increased from 4 to 7 members...meetings well attended...new member legislative appointment, Tom Alevizos (sp) of Laporte County...2 other vacancies: Gartner has one appointment, Chief Justice Shepard the other...recommendation from Board - fill one of vacancies with a trial public defender.

2. ASSISTING COUNTIES: To provide continued assistance...to advertise assistance in monthly newsletter.

a. Case weighted: A contract has been entered into with Spangenberg Group in Marion County to establish a working model. SG doing a time study of 10 attorneys - measuring actual time spent, weight for each case, not just type of case, e.g. "C" felony...trying to create a system in Indiana keyed to work load/time load and not just case load. The report is due in spring of '96. Landis noted a similar study was done in Colorado and Nebraska. The studies helped in those jurisdictions.

3. PERFORMANCE STANDARDS: Each director received a book. A review of book and recommendations was handled later in Board meeting.

4. CONDUCTING STUDIES ON COUNTY INDIGENT DEFENSES SERVICES: Nothing done and none requested. A review was discussed on the type of studies which could be undertaken. Only one occurred in Marion County. Issues which could be addressed - What is wrong with the system? Economic impact? An analysis of P.D. case loads is kept by State Court Administrator. Landis noted Miami County wants to know how to set up a P.D. office. Ordinance information is being forwarded to Judge Bruce Embrey.

5. IMPROVE QUALITY OF REPRESENTATION:

A. TRAINING: A review was given of the various training programs - 4 one day CLE seminars; 1 Death Penalty workshop each year; 1 3- day seminar for trial skills every other year. A discussion was held re regional workshops, informal training sessions, development of video/computer programs and the computer workshops.

B. PUBLICATIONS: Discussion was held on fine development of trial strategies and tactics through articles in newsletter. Further discussion was held on toll-free access to network and Law on Disc. Landis noted often call are made to staff re legal research. Hard to say no. Developed on line service. Consultation is basically demand driven.

C. NETWORKING: Discussion re how to increase networking. Not much use on program. Need to promote. Discussion on use of tapes for Appellate seminar. Board recommend staff bring a list of tapes on reserve for Board to review.

D. SENTENCE AND MITIGATION: Basically being phased out. Staff down to 1 person who now does training and consulting in small counties.

6. YEAR END REPORT '94: Reports given orally and in written form by Landis and staff. Publications need to be improved. Often slow. This did not include newsletter which has received high praise. Delays in case bank distribution has occurred as result of West's. Other areas have received high praises.

B. GOALS '95-'96:

1. LEGISLATION: #1 Reinstate community corrections as sentencing option for sex offenders; #2 Create new

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preliminary hearing procedure; #3 Increase board and member participation in liaison with legislature - Board recommended sending legislative information via fax to Board members who will in turn send letters to legislators; and #4 Create a presumption of release. (In essence, shift the burden - force prosecutors to file petitions to hold defendants.) Create a statutory improvement on determining amounts of bonds - have bond schedules adjusted downward for non-violent crimes; - utilize federal systems procedure (Key argument crowded jails); and - recommend not only cash bonds, but property bonds, i.e., federal system. Recommended preference: Unless prosecutor can prove by clear and convincing evidence accused is a danger to community or a serious risk of flight, bond is lower or a property bond can be used.

2. INDIGENT DEFENSE SERVICES: Goals set forth by Landis as shown by draft approved by Board - assist counties in creating county P.D. Boards, offices and comprehensive plans; Assist P.D. Commission is reviewing compliance with standards for non-capital cases; and continue with the development of case weighted system - Spangenberg Group.

3. TRAINING: Report from Terry Harper concerning past year's training and goals for future. Made \$ on every seminar this past year. Goals to learn how to package seminars and follow ups. Great reports on newsletter and articles with practical information. Proposed seminars: September, '96 - Death Penalty Seminar; April, '96 - Appellate Seminar (certification needed before July 1); March, '96 - Mental Health Seminar - potential participants - Victor Bruce, psychologist in California; Ray Horn, Neuro-psychologist; June, '96 - Negotiations - William Eury and Steven Goldberg (practical approach prosecutor's side) (Lantz); December, '96 - Jury Selection (K. Liell, J Lantz) Motion for approval (Hennessy/ 2nd Richmond) passed unanimously. Board directed Harper to report on number of attendees from Indiana and other states. Issue raised re: INVESTIGATORS AND TRAINING AND RECRUITMENT? Discussion Motion to look into development of program and seminar on Training and recruitment of Investigators. (Richmond/ 2nd English) passed unanimously. Board recommended contacting Cheri Gueverra and Hector Garcia for assistance.

LIVE VIDEO CONFERENCES: Discussion...good concept especially for young public defenders, but cost is very expensive. Discussion of moving seminars out of Indianapolis, video taping and taking programs on road. BOARD RECOMMENDATIONS: 1. Send Seminar flyers out 2 months in advance; 2. Board members to refer names of new P. D. s to Council, then follow up with new P. D. s; 3. Letters from Landis to Judges encouraging new P.D. to attend seminars; 4. Letter from Terry Harper to P. D. s encouraging attendance of Trial seminar, with copy to local board members in area; 5. Certificate for new attendees; and 6. Computer interaction training program.

4. PUBLICATIONS: A discussion was held on manuals. The manuals were then prioritized by importance: #1 Jury Instructions; #2 Evidence; # 3 Motions It was noted feedback and updates are needed for the Expert Witness manual. Newsletter should encourage P Ds to provide Terry Harper with updated information on experts and names of new experts. Additional discussions were held on: 1. the creation of a Voir Dire manual - "Favorite recipes of Voir Dire". (Board members and P Ds via newsletter will be encouraged to submit Voir Dire information - via disks - to Teresa ; and 2. the creation of a Defenses manual which would cover all phases of trial, e.g., law, ? for voir dire, instructions, motions, "tricks of trade", arguments and closings. Problem - education of Prosecutors. It was further noted that Susan Burke has recently published a 2 page summary of cases. Board authorized Executive Director to contact Susan Burke to negotiate with her re articles and summary updates for Council and report at next Board meeting his findings.

5. LITIGATION ASSISTANCE: Emphasis on impact cases dropped - now goes on case by case basis

6. COMPUTER SERVICES: a. Informational systems: Meetings have been held with staff re: Michie' CD Rom with quarterly updates and LEXIS/NEXIS & Westlaw. Westlaw will not allow remote access. L/N will. 4 modems to be increased to 8. b. Network Administrator: Goal is for person to be on road(½ time), to install software, and to work up modem and training in office. c. Internet: This is a goal but want to wait till computer administrator hired. d. Case Bank: to develop a stand alone system. Infor solutions contract to be signed in December.

C. PERFORMANCE STANDARDS - EXECUTIVE DIRECTOR AND STAFF SALARIES: Board went into Executive session. Discussion was held on recommendations from Executive Director as pertains to staff salaries, exclusive of Executive Director's salary. : was moved (Toomey) and seconded (Liell) that the salary schedule submitted by the Executive Director for the staff, exclusive of himself be approved and further that the Executive Director has the Board's permission to allocate the approved increases for the individual staff members during the year at his discretion. A discussion was then held by the Board in Executive Session with out the

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Executive Director concerning the salary of the Executive Director. The Board unanimously agreed that Larry Landis has done an exemplary job in performing his duties as the Executive Director for the IPDC. The Board unanimously wanted it noted in these minutes that if it could it would recommend an increase of ten per cent (10%) in Mr. Landis' salary, but taking into consideration the salaries of executives in other comparable state agencies, it was moved (Toomey) and seconded (Liell) the Board approve an increase in the salary for the Executive Director Larry Landis from his present salary to \$77, 306.00.

D. PERFORMANCE STANDARDS: Each director received a book entitled "Performance Guidelines for Criminal Defense Representation" published in 1995 by the National Legal Aid and Defender Association at the start of the meeting. Directors then discussed Performance Standards in general, ABA standards vs individual standards, the guidelines outline in this publication, the need for developing standards in Indiana and whether the guidelines set forth in the publication should be adopted for Indiana. The matter was then tabled to the next Board meeting on December 8, 1995. Each board member was to review the publication. The Executive Director was to mail the book to those Board Members not present and to check the cost of mailing the book to all members of IPDC.

E. ELECTION OF OFFICERS: It was moved (Richmond) and seconded (Liell) that the current officers retain their offices for the next year. Passed for the 1995-96 year the officers of the IPDC are Chairman, Jodie English, Vice-Chairman, Daniel L. Toomey and Secretary, Jeffery L. Lantz.

F. MISCELLANEOUS: It was moved/seconded and approved that a plaque be obtained for Linda Waggoner for her term as Chairman of the IPDC. Chairman English appointed directors Liell, Richmond and Lantz to work on a committee with her for the IPDC Annual Indigent Defense Award.

Board meeting Adjourned. Next Board Meeting December 8, 1995 @ 7 p.m. at the Westin Hotel, Indianapolis, Indiana

Jeffery L. Lantz, Secretary

Jodie English, Chair 7/15/96