

Indiana Public Defender Council
Meeting of the Board of Directors
December 11, 1987

MINUTES

I. CALL TO ORDER

The meeting of the Board of Directors of the Indiana Public Defender Council was called to order by President John Surbeck at 4:00 P.M. on December 11, 1987 in the Conference Room of the Public Defender Council Office, Indianapolis, Indiana. Present were John Surbeck, Eugene Hollander, Sandy Bryant, Susan Carpenter, David Hennessy, Terrance Richmond and Sheila Zwickey. Linda Wagoner, from the IACDL was also present. Staff members in attendance were Larry Landis and Linda Spears.

II. APPROVAL OF MINUTES

Minutes from the Board meeting of September 25, 1987 were sent to all Board members in October. Terry Richmond moved that the minutes be approved as submitted. The motion was seconded by Sandy Bryant and approved by the Board.

III. AGENDA

Board members were asked if they had additional items to add to the agenda. None were added.

IV. EXECUTIVE DIRECTOR'S REPORT

Attached hereto and included as part of these minutes as Attachment A is the Executive Director's Report dated November 12, 1987.

Larry Landis reported on the addition of the new clerical assistant, Kelley Majors.

Larry Landis reported that the Indiana Defender will be changing in front page format and the weight of the paper will be increasing beginning with the January edition.

All current manuals and publications were reviewed, per the Director's Report.

Larry Landis reported that Indiana is no longer eligible for federal funding for the juvenile grant because Indiana is not in compliance with the federal standards for the deinstitutionalization of juveniles. The juvenile grant expires in August, 1988. At the next Board meeting, Larry will make a recommendation regarding funding for the sentencing and juvenile grants.

The next seminar is scheduled for February 26, 1988 at the Airport Hilton. The topics will be plea bargaining and prosecutorial misconduct.

V. COMMITTEE REPORTS

A. Standards Committee

A discussion was held regarding submission of standards to the Criminal Justice Section of the Indiana State Bar Association. Standards for the appointment of attorneys handling death penalty cases were passed out. A discussion will be held at the next Board meeting in January.

B. Malpractice Committee

The Malpractice Committee had no report to make. Linda Spears will attempt to secure the rates and policies regarding professional liability for private attorneys and public defenders.

C. Payment Guidelines Committee

The Payment Guidelines Committee had no report to make.

VI. PUBLIC DEFENDER LEGISLATION

The following items were discussed regarding Public Defender Legislation:

- A. The Board reaffirmed its decision to support the legislation. It was decided that a report will be done in 1988 with another attempt made to introduce the bill during the 1989 session of the General Assembly. David Hennessy inquired as to the Board's reasons for not

filing the public defender legislation in this session of the General Assembly. Larry Landis explained the Board, by a vote of 3-1 at the last meeting, voted to wait until 1989 to file the bill and unless the Board took contrary action at this meeting, the legislation would not be filed.

- B. Susan Carpenter explained that she thought more needed to be done on building the support of public defenders. The consensus of the group was that the Council should conduct regional meetings with our members to explain the legislation. Larry Landis stated that it was necessary to have Board members involved in the presentation of these meetings. It was decided that plans for building support for the legislation would be discussed at the next Board meeting.
- C. Discussion was also held to determine if a committee could be formed to work in conjunction with the IACDL for this legislation. Larry Landis was requested to ask IACDL for their help (financial or otherwise) in obtaining passage of this legislation.

VII. NEW BUSINESS

A. Federal Habeas Corpus State Resource Center

During the NLADA Annual Conference in Miami, FL in December, Larry discussed the possibility of the Indiana Public Defender Council obtaining funding of between \$50,000 and \$100,000 for a federal habeas corpus resource center.

David Hennessy moved that the IPDC should apply for the federal funding and Terry Richmond seconded this motion which was unanimously approved by the Board.

Gene Hollander moved to request an evaluation of the need for a Federal Defender Office for the Southern and Northern Districts of Indiana. David Hennessy seconded the motion which was unanimously approved by the Board.

The following resolution was approved by the Board at the request of Susan Carpenter.

WHEREAS, indigent defendants sentenced to death by Indiana courts require effective representation in habeas corpus proceedings in federal court, and

WHEREAS, the Office of the Public Defender of Indiana may be in the best position to provide effective representation to these defendants,

especially where the Public Defender of Indiana has provided representation to the same defendant in state post-conviction proceedings, and

WHEREAS, the Public Defender of Indiana is presently prohibited from representing capital defendants in federal habeas corpus proceedings,


BE IT RESOLVED, that the Board of Directors of the Indiana Public Defender Council urges the Supreme Court of Indiana to revise its present policy on the Office of the Public Defender of Indiana and that they be allowed to accept federal appointments under the Criminal Justice Act and provide representation to indigent defendants who have been sentenced to death by a state court in Indiana.

VII. ADJOURNMENT

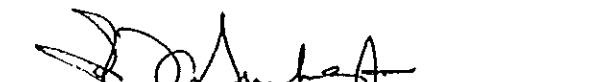
Susan Carpenter moved and Terry Richmond seconded that the Board adjourn and the motion was passed unanimously at approximately 6:00 P.M. on December 11, 1987.

Minutes prepared by Linda J. Spears

Respectfully submitted:


Daniel L. Weber, Secretary

Approved:


John F. Surbeck, Jr., President

EXECUTIVE DIRECTOR'S REPORT

November 12, 1987

A. MANUALS

1. Juvenile Update Richard Kiefer prepared an update of his Juvenile Delinquency Manual. Printing of 25 new manuals and 267 updates was done in August and September.
2. Evidence Update Henry Karlson completed an update of the 1984 Evidence Manual. 200 copies were printed and are available for \$5 each.
3. Sentencing Update An update of the Sentencing Manual (1984) is being prepared by Monica Foster. The publication date was September, 1987. We are two months behind schedule, and do not anticipate publication before January 1, 1988.
4. Trial Manual Jill Grueling and Linda Wagoner prepared drafts of this manual under contract with IPDC. Present plans are to publish two manuals rather than one: Pretrial and Trial. Drafts were submitted in December. Editing was intended to be done by Larry Landis with a publication date in November of 1987. On September 8, 1987, Tom Hayner began working on contract to edit this manual. The publication date has been extended to December, and will need to be pushed back even farther.
5. Motions Manual Update The publication date is March 1988. No action has been taken.
6. Appellate Manual The publication date is July 1988. No action has been taken.

B. CASE BANK

The original 150 sets of the Case Bank have been sold. The Criminal Law Index was revised and reprinted this summer. 25 new sets of the entire Case Bank were printed in October. Monthly updates are on schedule.

C. INDIANA DEFENDER

The Indiana Defender was a bimonthly publication from 1985 to 1987. We began monthly publication in January of 1987. Our mailing list now includes over 900 members. We will be revising the front cover and increasing the weight of the paper for the January issue.

D. TRAINING PROGRAMS

Session II of Trial Skills was held on October 30 - November 1. Attached is a summary of the evaluations received.

E. RESEARCH AND TECHNICAL ASSISTANCE

The following is a summary of the research and technical assistance conducted by the IPDC staff 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 | 286 | 231 | 54 | 571 |
| 1985-86 | 253 | 290 | 78 | 621 |
| 1986-87 | 231 | 306 | 101 | 638 |

* records kept did not differentiate type of request.

F. GRANTS

Attached are copies of the first quarter narrative and fiscal reports for the Sentencing Alternatives Project and the Juveile Resources Project.

G. STAFF

Dina Varano has been working as a temporary part-time clerical assistant since early October. She will leave us in mid-November. Kelly Majors will replace Dina in this position. Attached is her resume.

TRIAL SKILLS WORKSHOP EVALUATION SUMMARY
October 30 - November 1, 1987

Eight evaluations were returned. It would appear that the candidates preferred Joe, Steve, Skip, Linda and Larry. Specific comments will be printed below each respective section.

PART I - LEADER EVALUATION

| | <u>Excellent</u> | <u>Good</u> |
|-----------------|------------------|-------------|
| Skip Gant | 6 | 1 |
| Sandra Gay | 1 | 1 |
| Joe Guastafarro | 7 | 1 |
| Ken Joy | 4 | 4 |
| Larry Landis | 6 | 1 |
| Richard Lawlor | 0 | 3 |
| Steve Rench | 6 | 2 |
| Morlene Rouse | 4 | 1 |
| Linda Wagoner | 6 | 0 |

Skip Gant - "Powerful speaker, great energy"

Steve Rench - "Puts people at ease while instructing"

Larry Landis - Had some excellent insights"

The presence of actors was evaluated and seven responses indicated that the actors were indeed preferred and encouraged to participate while one participant did not respond.

PART II - PRESENTATIONS

| | <u>Excellent</u> | <u>Good</u> |
|-----------------|------------------|-------------|
| Skip Gant | 5 | 2 |
| Joe Guastafarro | 4 | 3 |
| Larry Landis | 5 | 2 |
| Steve Rench | 6 | 1 |

One person failed to respond.

PART III - COMMENTS

"Small groups are excellent for learning."

"2 weeks insted of 2 days - Is there any way to get it into 2 days? - by Sunday - BURNOUT"