

Indiana Public Defender Council

Board of Directors Meeting

December 12, 2002

Hyatt Regency Hotel

MINUTES

I. CALL TO ORDER

The meeting of the Board of Directors of the Indiana Public Defender Council (IDC) was called to order by Chair, Bob Hill, at 6:04 p.m. on December 12, 2002. Directors present were David Hennessy, Michelle Kraus, David Cook, Terry Harper, Lorinda Youngcourt, Kitty Liell and Mike McDaniel. Absent were Susan Carpenter and Neil Weismann. Staff members present were Larry Landis, Teresa Campbell, Donald Murphy, and Misty App. Also present was Terry Richmond.

II. APPROVAL OF MINUTES AND AGENDA

Minutes for the meeting held on October 17, 2002 were unanimously approved upon motion by Lorinda Youngcourt, seconded by Mike McDaniel.

III. OLD BUSINESS

A. Publications

1. Larry Landis reported that publications production is on schedule.
2. Work on a Department of Correction pamphlet has begun. It will be more encompassing than first anticipated. The Department of Correction website is quite informative and helpful.

B. Training Schedule and Board Member Assignments

1. Larry Landis and Bob Hill reviewed the meet and greet procedures for our new members at the seminars.
2. Larry said he would like the board members to welcome the new members at the registration desk.
3. The new members will have a red dot on their nametag.
4. Larry requested new IPDC members be told what we offer them as members, e.g., free Lexis, WebPage subscriber, in-house research, coaching program, and publications.
5. Larry will send a training outline for Board members, which includes designing and evaluating training programs.
6. The board discussed the seminar schedule and made the following board member assignments:

<u>Seminar</u>	<u>Date</u>	<u>Board Member</u>
Child Molest	2/14	Youngcourt, McDaniel
Mental Health/Sentencing	3/14	Hill, Youngcourt, McDaniel, Cook
Voir Dire/4 Defenses	4/11	Kraus, Hennessy, Youngcourt, McDaniel
Appellate	5/16	Cook, Harper, Youngcourt,
Annual	6/20	Weisman, Hill, Garner, Youngcourt, McDaniel
Northern TPI	9/4 & 5	Kraus, Weisman, Youngcourt, McDaniel
Death Penalty	9/11 & 12	Hill, Youngcourt, Garner, McDaniel
Basic Training	10/10	Hill, Youngcourt, Hennessy, McDaniel
Ethics	10/17	Liell
Investigators	10/17	
TPI	11/5-8	Hill, Youngcourt, McDaniel, Liell, Hennessy
Forensic	12/12	Liell, Youngcourt, McDaniel

IV. NEW BUSINESS

A. Attorney competency list

1. There was a general consensus that the attorney competency list is misnamed and would be more appropriately titled "Performance Checklist".
2. There was discussion among the Board on the purpose of the checklist and how it might be used.
3. Larry Landis indicated that he and Don Murphy would rework the format of the checklist and resubmit it.
4. Mike McDaniel moved to table the subject until the reworking was completed. The motion was seconded by David Cook and was unanimously approved.

B. Juvenile Performance Guidelines

1. Juvenile performance guidelines have been reviewed by juvenile practitioners.
2. Larry Landis would like the Policy Committee to review the guidelines and make recommendations to the Board.
3. Bob Hill, Chairman of the Policy Committee, will make arrangements for review and report.

C. Legislation

1. The Criminal Justice Section of the Indiana State Bar Association has endorsed the proposed amendment to 35-50-2-9(f) calling for the court to sentence the defendant to life imprisonment without parole or to a term of years upon a hung jury at the penalty phase of a capital case. The amendment would allow the court to impose a sentence of life imprisonment without parole only if the jury returned a special verdict form unanimously finding at least one alleged aggravating circumstance beyond a reasonable doubt. It is expected that the Criminal Law Study Commission will endorse this proposal.

2. Sen. Earline Rogers will file a bill to abolish the death penalty.
3. A separate bill eliminating cause challenges for philosophical or conscientious objections to the death penalty will be introduced with support from the Catholic Conference.
4. Kitty Liell moved that a bill expanding expungement be submitted. Bob Hill seconded that motion. It passed unanimously.
5. David Hennessy moved that the sentence modification statute be amended to allow greater flexibility in terms of the time period within which a class D felony may be reduced to a class A misdemeanor. Doug Garner seconded the motion and it passed unanimously.
6. The Criminal Law Study Commission will review the Sex Offender Registry Statute to see if it is broader than necessary under federal requirements.
7. The Indiana Supreme Court has requested that the public defense fund be increased to \$8.8 million for 2003-2004 and \$9.5 million in 2004-2005. Bob Hill moved to support their request, which David Cook seconded and the motion passed unanimously.

D. Amicus Request

1. The IPDC has received an amicus request from Giovanna Shay of the PD Service of the District of Columbia involving an amicus brief in Bazetta v. Overton, in which the United States Supreme Court granted certiorari. The case involves a review of restrictions on prison visitation in Michigan. They want us to join as signatories. There was discussion as to whether the request fit within the IPDC amicus curia policy. Lorinda Youngcourt moved to not participate. Kitty Liell seconded the motion. Mike McDaniel abstained and Hennessy voted "no" with all other Board members present voting in favor of the motion which passed.

V. NEXT MEETING

The next board meeting will be held on Thursday, January 24, 2003 at 6:00 p.m. The location is to be announced.

VI. ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Respectfully submitted:



David Hennessy, Secretary

Date: 2-13-03

Approved:



Robert Hill, Chair

Date: 2-13-03