

**Indiana Public Defender Council
Board of Directors**

**Minutes
of Meeting January 9, 1992
Indianapolis, Indiana**

MEMBERS PRESENT

Present were: Susan Carpenter, Jodie English, David Hennessy, Maureen Keefe, Eric Koselke, Kevin McGoff, Novella Nedeff, Terry Richmond. Also present were IPDC staff Mona Engelking, Larry Landis, and Larry Vellani.

CALL TO ORDER

President Kevin McGoff called the meeting to order.

APPROVAL OF MINUTES

Minutes of the November 1991 meeting were approved.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Larry Landis submitted his report:

1. 1992 Seminars (* = definite)

- *March 13, 1992 Cross-Examination . . . Radisson-Keystone at the Crossing
- May 7-10 Trial Skills Unknown
(ICLEF, NITA, IPDC co-sponsors. Since IPDC did not have sole control, the fee was set at \$350. The Board recommended subsidies of \$100 per defender.)
- *May 14-17 NACDL MID WINTER MEETING Westin
- *June 11-13 Death Penalty Holiday Inn-Union Station
- August 7 Annual Meeting/Joe Gustafarro Hilton-Downtown
- October 9 Drug Defense Adams Mark
- *November 20 . . . Charles Moylan Hilton-Downtown

2. Publications

Production schedules roughly three weeks behind dates given at last Board meeting, but in process.

3. Summary of Board Retreat (See Exhibit A)
4. 1992 Legislation (See Exhibit B)

The Board took positions reflected on Exhibit B:
(S = support, NP = no position, O = oppose).

OLD BUSINESS

The Board approved adding the Canadian indigent defense voucher system to the list of options available to counties in the process of selecting their indigent defense delivery system.

NEW BUSINESS

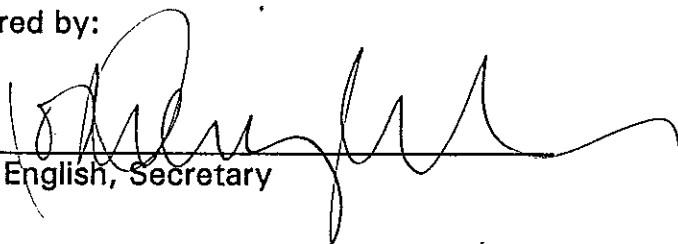
1. C.R. 24: David Hennessy reports some misunderstandings amongst public defenders who perceive the rule to support private bar involvement in death cases to the exclusion of defenders. Agreed that we should inform defenders and judges that this was not the intention of the rule.
2. Need for consistency in availability of hardship license following marijuana Class C and D felony convictions: at present, the Class D carries a mandatory 8suspension while the Class C carries discretionary suspension. Approved that legislation should provide for a presumption favoring suspension (a requirement of federal DOT regulations), but that presumption should be rebuttable by evidence that there was no nexus between the defendant's drug use and driving or that defendant's finances and employment warrant a hardship license.
3. Kevin McGoff raised concerns regarding broadening geographic representation on the Board. Each year there are five openings on the Board. Various proposals were put forth to fill these slots:
 - a. Have a nominating committee select potential Board candidates with geographic breadth being a factor in the selection process;
 - b. Encouraging broader participation of the membership by advertising availability of openings on the Board in the *Indiana Defender*, having candidates draft a statement of their qualifications and motivation for service on the Board to be published in the *Indiana Defender*, allowing voting by absentee ballot, with ballots published in the *Indiana Defender*.

Board members were asked to reflect on this issue and be ready to vote at the next meeting.

4. Support was expressed for seeking a means by which the IPDC could select a defender to receive an independently funded scholarship to attend the NCDC summer trial practice institute. The possible funding mechanisms discussed were:
 - a. Proceeds from a seminar sponsored in part by IACDL;
 - b. Donations;
 - c. A raffle, assuming a raffle would not run afoul of State law. Kevin McGoff, Larry Landis, and Jodie English will report back.
5. The next Board meeting is scheduled for March 12, 1992, at Kevin McGoff's office.


The meeting was adjourned at 8:10 p.m.

Prepared by:



Jodie English, Secretary

Approved by:



Kevin McGoff, Chairman

Date: MARCH 12, 1992