

Indiana Public Defender Council
Board of Directors Meeting - January 20, 1983

MINUTES

1. Call to Order. The meeting of the Board of Directors of the Indiana Public Defender Council was called to order at 7 p.m. on January 20, 1983 at 309 West Washington Street in Indianapolis, Indiana. Directors present: Larry Combs, Terry Richmond, Mark McNeely, Gene Hollander, Linda Wagoner, Susan Carpenter and Don Peyton. IPDC staff present: Larry Landis, Kit Keller and Mary Sinnock.
2. Minutes of Meeting held October 28, 1982. Minutes of the Board meeting held October 28, 1982 at the Council office in Indianapolis were submitted by Mary Sinnock. Susan Carpenter moved to accept the minutes, seconded by Gene Hollander, approved by acclamation.
3. Chairman's Remarks. Larry Combs informed the Board that the meeting of the Directors of the Indiana Public Defender Association scheduled for earlier the same evening had been postponed for lack of a quorum. If possible the meeting will be rescheduled before the next Council Board meeting so the IPDA can consider the Council's proposals for greater interaction between the two organizations.
4. Executive Director's Report. Larry Landis reported on the following:
 - A. The Indiana Criminal Justice Planning Agency has approved a \$15,000 grant to the Council for a juvenile manual and seminar.
 - B. The IBM personal computer purchased with the ICJPA microcomputer grant was installed in late December. Hookup for access to Westlaw is expected in February.
 - C. James Cupp was terminated as research director effective December 3, 1982. Documentation for this action was submitted to the Board. Jim was given the opportunity to resign, which he did. Gene Hollander proposed that if Jim files for unemployment compensation, the Board not oppose his claim. Discussion was held on how the claim would be paid. Gene Hollander amended his motion to state that the Board should not oppose a claim for unemployment compensation by Jim Cupp if the funds for his claim do not come from the available operational budget of the Council. Larry Combs seconded the motion, it was approved by acclamation with Susan Carpenter opposing.
 - D. A hearing on the Council's budget request was held by the House Ways and Means Committed on January 13th. Larry Landis and Larry Combs appeared for the Council. Larry Landis discussed strategy for the budget request at this stage.
5. Unfinished Business.
 - A. Board Elections and Nominations. Larry Combs announced that these issues would be taken up at the end of the meeting if time allowed.
 - B. Council Membership.
 - I. Verification. Larry Combs re-opened the issue of membership verification at the request of the IPDC staff. The Board had previously requested a verification form sent in the Defender to everyone currently on our mailing list. Individuals not returning the verification would be dropped from Council membership. Since the staff will be conducting its biennial judges' survey in the

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next few weeks, a verification form would only need to be sent to those individuals currently listed who are not verified by a judge from their county. Mark McNeely moved that the Board approve this alternative verification plan, seconded by Susan Carpenter and approved by acclamation.

2. Services for Non-Members. Although the Board has previously considered this issue and recommended the creation of an Associate Membership status to handle non-Council members who desire publications, etc., Larry Combs recommended further review before implementing this plan. He brought to the Board's attention that Associate Membership will not answer the question of what to do with requests from judges for the Defender, since judges would not be willing to take any kind of membership in the IPDC. Discussion was held and it was pointed out that channeling non-Council members through the Indiana Public Defender Association would have the same flaw - judges would not join. A third proposal would be to sell subscriptions to the Defender for \$10 per year, and continue to charge non-members extra for seminars. Under any of the proposals, research would still be provided to any Indiana attorney appointed to represent an indigent defendant - whether the attorney is a Council member or not. Don Peyton moved that the Board's previous recommendation of creating an Associate Membership category be rescinded; that subscriptions to the Defender be available for \$10 per year to any individual excluding prosecutors and DOC inmates; that non-members continue to be charged extra for seminars. The motion was seconded by Terry Richmond and approved by acclamation. The Board also approved the staff's request that Defender subscriptions be collected concurrent with the Council's fiscal year (July through June).

6. New Business.

- A. Contractual Research. Larry Landis requested the Board's approval to contract with attorneys or law students on an hourly basis to do research for the Council. Since the termination of Jim Cupp, Landis and Kit Keller have been handling the research requests, which have averaged approximately 30 per month. They cannot continue to handle the requests without assistance and Landis recommends contractual hiring for the following reasons. The current hiring freeze on all state agencies will make it difficult to fill the vacant Attorney I salaried position. Also, a contractual arrangement allows greater freedom to the Council to "try out" attorneys or law students without the restrictions of salaried employment. Landis also foresees some reorganization of the Council's legal staff pending approval by the legislature of the Council's request for additional personnel funds. He recommends waiting until our FY 1983-85 appropriation is final before staff changes and additional hirings are decided.

The Board discussed the terms of a proposed contractual agreement, including an hourly rate of \$15, maximum hours of 20 per week, cancellation available to both parties upon two weeks' notice; work to be performed at the Council office during regular hours; etc. Linda Wagoner stressed the importance of revising the Evidence and Sentencing Handbooks, and suggested that work on these projects be included in the research to be performed under contract. Don Peyton moved that the Board authorize Larry Landis to enter into contracts with individuals for legal research. Linda Wagoner amended the motion to read "legal research including updating of the Evidence Handbook". The motion was seconded by Terry Richmond and approved by acclamation.



- B. Resignation of Brent Westerfeld. Larry Combs informed the Board that he had received a letter of resignation from Brent Westerfeld who has left the public defender office of Tippecanoe County to enter private practice. Linda Wagoner moved that the Board accept Brent's resignation effective January 20, 1983, seconded by Susan Carpenter, approved by acclamation.

After discussion, Linda Wagoner moved that the Board take no action at this time to fill the vacancy created by Brent's resignation since the position will be up for election at the annual meeting set for May 1983. Don Peyton seconded the motion, approved by acclamation.

- C. Seminar Schedule for 1983. The staff recommended four dates for seminars in 1983. The Board discussed topics for each.
1. Terry Richmond moved that the May 6th seminar include a review of new Indiana legislation affecting criminal defense, and a varied program including speakers on the importance and value of public defender services. The motion was seconded by Linda Wagoner and approved by acclamation.
 2. The trial skills workshop is scheduled for the week of August 14-20 at the I.U. Law School in Indianapolis.
 3. Larry Landis informed the Board that he has been approached by the National College for Criminal Defense to co-sponsor an NCCD program in Indianapolis on Sept. 9-11. Topics being considered by NCCD are the Death Penalty, Voir Dire and Forensic Evidence. Don Peyton moved that the Council express the following preference for topics of the Sept. program: 1st choice: Death Penalty, 2nd choice: Voir Dire, 3rd choice: Forensic Evidence. The motion was seconded by Terry Richmond, approved by acclamation.
 4. After considerable discussion, Terry Richmond moved that the November seminar include Opening Statements, Closing Arguments and Trial Strategy. Seconded by Linda Wagoner, approved by acclamation.
- D. Board Assistance for Future Seminars. Larry Combs made the following appointments of Board members to work with the Council staff in planning and conducting the 1983 seminars:
- May seminar - Gene Hollander and Jerry Thom
 - Trial Skills - Don Peyton and Dave Keckley
 - November seminar - Terry Richmond and Susan Carpenter
- E. Larry Combs appointed Linda Wagoner to replace Brent Westerfeld on the 1983 Nominations Committee.

7. Board Elections and Nominations. Since the Nominations Committee did not meet prior to this meeting to make recommendations for the achievement of geographical representation on the Board of Directors through revised nominations and voting procedures, Larry Combs raised the issue for full Board consideration. The Board discussed various procedures to achieve geographical representation and whether or not it should simply be a goal to strive for, or a requirement set forth through amendment of the by-laws. The consensus was put in the form of a Board resolution by Don Peyton:





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AGENDA

1. Call to Order
2. Minutes of Meeting held October 28, 1982
3. Chairman's Report
4. Executive Director's Report
5. Unfinished Business
 - A. Board Elections and Nominations
 - 1) Nominating Committee recommendations
 - 2) 1983 Elections
 - B. Council Membership
 - 1) Verification
 - 2) Services for Non-members
6. New Business
 - A. Contractual Research
 - B. Seminar Schedule for 1983 and 1984
7. Next Meeting
 - A. Date, time and place
 - B. Committee assignments
8. Adjourn

