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H. Thomas Kemp

January 30, 1996

TO: ALL BOARD MEMBERS OF THE INDIANA PUBLIC DEFENDER COUNCIL

FROM: Jodie English 

I write to convey a number of matters regarding Board business.

1. At the meeting on January 19, 1996, further evaluation of the - Performance Guidelines for Criminal Defense Representation was discussed. It was clear that the time has come for us to get going on reviewing and critiquing this document. As most of us have not yet had sufficient time to review this document, it was resolved that the matter would be made a top priority for discussion at our next Board Meeting which is scheduled for Thursday, March 14, 1996, at 7:00 P.M. Regardless of whether you are able to attend, you are required to submit a minimum two page outline or summary of the section of the book to which you are assigned for review below. In your review, you are asked to summarize what is contained, list clearly what portions of your section you like and which ones you don't like and why and, further, do any necessary tailoring of the section to which you are assigned to Indiana Criminal Practice. If portions of your section need to be amended, you are asked to include the draft of any proposed amendments and clearly indicate the section of text that is being amended.

The following guideline section assignments were made:

Section 1 and 2	Kitty Liell
Section 3	Don Pagos
Section 4	Terry Richmond
Section 5	Jodie English
Section 6	Jeff Lantz & Quinton Ellis
Section 7	Eric Koselke & David Hennessy
Section 8	Dave Shircliff
Section 9	Dan Toomey & Dave Keckley

As Susan Carpenter was familiar with the entire document, she accepted responsibility for providing us with her general comments and concerns regarding the performance guidelines in their

entirety. Both Susan and Landis indicated the time is ripe for us to pursue articulating our position on these standards as Dean Lefstein's commission seems ready to take this issue up and also is interested in looking at the questions of implementing standards in juvenile cases. Towards the latter end, Landis agreed to get copies of the ABA standards regarding juvenile matters for us by the next meeting.

Each of us is required to submit our summary to Teresa Campbell at the Defender Council ten days prior to our next meeting, which is by Monday, March 4, 1996. You may fax Teresa your commentary on your section or sections at 317-232-5524. Teresa, in turn, has volunteered to fax out each of our individual sections to all of the Board members so that we will have ample time to review them in their entirety prior to the scheduled meeting on March 14.

I know this requires some work and I thank you in advance for doing it. Obviously, the fact that you are each on the Board says you are willing to do this work. Don't be the weak link in the chain.

2. As stated, our next scheduled Board meeting is March 14, a Thursday, at 7:00 P.M., place to be determined. (As you know, we have a mental health seminar scheduled the next day at IUPUI on West Michigan). We also tentatively scheduled the following Board meeting for Friday, April 12, 1996, at 6:00 P.M. We scheduled this in the middle of the Appellate Seminar; however, I am now learning from Teresa that there are no hotels available and the Appellate Seminar will be moved. Put the April Board meeting date on your calendar with a question mark.

3. The Executive Director's report consisted of a status update regarding goals and results at the Council which was categorically positive with two exceptions which Landis is actively working to resolve: The first, the Council has been unable to hire an extraverted computer technician, and, second, problems have been noted with the functioning of the electronic bulletin board system.

4. The Board took positions on all proposed legislation presented by Landis, a sorrier group of bills would be hard to imagine. We found ourselves able to support DOC establishing real treatment for sex offenders and GBMI's, expanded community release eligibility for certain sex offenders, and assessment of \$50.00 fees in misdemeanors and \$100.00 fees in felonies against the partially indigent to be paid into the county supplemental defense fund.

5. Regarding an IPDC T-Shirt, Don Pagos brought with him LaPorte County's Public Defender Shirt, ("a large dollar sign with a bar

slashing through it) which motivated all concern to re-open the t-shirt contest until the annual meeting.

6. Implementation of the Gideon Annual Indigent Defense Award was approved and procedures for nomination and selection of the award winner were finalized. Teresa Campbell assumed responsibility for insuring that nomination forms will be published in the two issues of the Defender prior to the organization's annual meeting.

7. Teresa was thanked for seeing to it that Board Meeting dates are published in the Defender per our earlier directive.

8. Regarding the IOLTA proposal from Chief Justice Shepard: Landis was asked to pursue contacts on the IOLTA sub-committees to determine if the civil jurisdiction could be expanded to include clemency and successor PCR representation of indigents.

9. Lexis-nexis for IPDC members: The Council has purchased a group package from Lexis-nexis which will enable members to access cases of the U.S. Supreme Court, 7th Circuit and the Indiana Appellate Courts for free with unlimited access time and unlimited printing. Teresa may have already sent you the software and informational materials regarding this. The Council has scheduled three free hours of training on Lexis-nexis on the following dates: February 6 and 7, and on March 18 and 19; the training sessions will be from 9:00 to 12:00 and 1:00 to 4:00 at the Indiana Government Center in Indianapolis. If you want to reserve a spot, simply call Teresa Campbell.

10. Attendance: Six members of the Board were in attendance at the January 19, 1996, meeting. I well understand that no one of us will ever be able to attend all of the meetings. However, I do want those of you who have experienced repeated difficulties in accommodating your personal and professional schedules with your obligations to the Board to renew your efforts to attend, or give careful consideration to whether the time has come for you to step aside. We have had expressions of interest from several active defenders and I would hate to forego availing ourselves of their time and energy if one or more of you truly find yourselves without sufficient time to continue to make a reliable contribution to the Board.

I close as always grateful for your contribution and looking

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forward to seeing you on March 14, 1996, at our next meeting. In these difficult times, perhaps a few words of inspiration are in order:

"I have lived my life, and I have fought my battles, not against the weak and the poor-- anybody can do that--but against power, against injustice, against oppression, and I have asked no odds from them, and I never shall."

Clarence Darrow

P.S. I would hope that you and your significant others will join fellow Council members at the Pacers game on March 15, 1996, against Utah Jazz. The deadline for sending Teresa your checks for \$18.00 each made payable to the Indiana Pacers is February 15, 1996. Hope to see you there. JE

cc: Larry Landis  
David Shirclif  
Teresa Campbell