

**Minutes: Indiana Public Defender Council Board of
Director's Meeting**

Date: February 6, 1998

Place: Hampton Inn, Indianapolis, IN

Board members in attendance:

Dan Toomey, Chair
Jeff Lantz, Vice-Chair
Kitty Liell, Secretary
Susan Carpenter
Terry Richmond
Bob Hill
Teresa Campbell, Secretary

Larry Landis, Executive Director
Michelle Fennessy
Jodie English
Quinton Ellis
Paula Sites
Don Murphy

Call to Order:

The meeting was called to order at 6:15 P.M.

Approval of Minutes:

Minutes from the Board Meeting held January 11, 1998 were approved.

Executive Director's Report:

A. Legislative Update.

The Board took the following position on bills previously omitted from consideration:

HB1098, Sex Crimes. The Board opposed Section (b) which requires mandatory HIV testing for a conviction when only fondling is involved.

HB1353, Lawful Detention. The Board supported this bill, provided new Section 2(b) is amended as follows: a person who knowingly or intentionally violates a home detention order or a non-residential community corrections program order commits

escape, a Class "A" Misdemeanor. . . (The language in bold reflects the Board's amendment.)

SB0374, Child Seduction. The Board opposed this bill. With reference to the proposed amendments submitted by Larry Landis to SB98 and SB492, which provides for treatment for "sexually violent offenders", Larry Landis reported that the proposed amendments failed in the Senate but he was still trying to resurrect them.

Landis also reported of the 71 bills the counsel took a position on, 19 were still active.

B. Lexus-Nexus Update.

Larry Landis distributed two tables reflecting Lexus-Nexus actual use versus invoice amount. Landis was pleased to report that the actual use by counsel members exceeds the invoice amount substantially. For instance, in 1997, the table reflects a savings in the amount of \$475,656.00.

C. Appellate Training.

Marion County is scheduled to receive appellate training on February 24th in order to comply with the standards. It is uncertain at this time whether Terry Harper intends on providing this training.

D. Training Director Search.

George Schornberger from Kentucky recently withdrew his application, as the Indiana Board of Law Examiners would not accept George on motion. Larry Landis indicating he was suspending the search for a training director, and re-evaluating the council's needs in this regard. Landis distributed a memo in four pages, concerning "shifting paradigms from training to performance". It was suggested that the Board consider hiring either as a consultant or in lieu of a training director an individual who specializes in information systems technology, who does not necessarily have to be a lawyer. Landis reported he believed that traditional training has a marginal impact at best, and the council should start measuring the effectiveness of training by looking at performance. Various Board

Members voiced their concern in the difficulty in measuring performance, as has been discussed in past Board meetings.

E. New Grant Project.

Larry Landis distributed again for review the grant funding request. The Board discussed establishing an outreach program previously described as the "swat team" which could do a significant amount of flexible hands on training in the field. Landis is in the process of trying to identify a pool of people who would give 20% to 40% of their professional time to do training in the field.

F. Board Committees.

Larry Landis distributed a memo containing individuals which comprise the training committee, the publications committee, and the technology committee. Landis proposed that each member of the training committee concentrate on one to two seminars. Jeff Lantz, Chair of the Training Committee, volunteered for the December Ethics Seminar. Jodie English volunteered to help prepare annual update and the Death Penalty Seminar. Kitty Liell volunteered to help prepare Trial Skills and Ethics in December. Bob Hill volunteered to assist in the Death Penalty Seminar. Terry Richmond volunteered to assist in Annual Update and the Death Penalty Seminar. Doug Garner, a non-board committee member, was not present, and therefore has no assignment to date. Jodie indicated she would call Mike Tiger to see if he is available as a speaker for the December Ethics Seminar.

Larry Landis reported Dawn Nolan will do computer training on March 19th in an afternoon session, and the council will send out a flyer for distribution to members. The Board urged that Ms. Nolan provide computer training for the Annual Update in June as well.

Technology Committee. The Technology Committee was urged to assist Dawn Nolan in the two one-half days seminars planned this year.

Publications Committee. There was no discussion concerning the Publications Committee.

Performance Standards:

Larry Landis distributed the first five chapters of the Performance Standards for review and approval at the next Board Meeting. It was decided that Teresa Campbell will retrieve old Board Minutes to determine which Board Member was responsible for each chapter of the Performance Standards during the first review. Once those are distributed, the same Board Member responsible originally will be responsible for reviewing the revised performance standards and prepare their commentary for the next Board Meeting.

Criminal Rule 24:

Criminal Rule 24. Larry Landis distributed proposed amendments to Criminal Rule 24 and an additional memorandum entitled "Suggestions for Controlling Death Penalty Defense Costs". The Board supported the proposed amendments to Criminal Rule 24. Bob Hill encouraged further amendment to provide for greater clarity for authorizing public defender agencies to appoint and use salary defenders.

In reference to the suggestions for controlling death penalty costs, the Board took the following positions relating to each paragraph in the memorandum:

1. See attached hand-out with Board positions on each.

New Business:

Larry Landis distributed an article from the Indianapolis Star with reference to the status of pending crime bills.

Larry Landis distributed a comprehensive plan for indigent defense services in Madison County and a letter from Larry Landis to Ronald McNabney, Chairman, of the Madison County Public Defender Board.

Date for Next Meeting:

March 20, 1998, at 5:30 P.M., at the Radisson Hotel at Keystone at the Crossing. It was also preliminarily determined that the Board would meet on June 19, 1998, at 5:30 P.M. immediately following the Annual Update Seminar. Thereafter, the Board is scheduled to meet

in the annual retreat in September, 1998, to be held in Bloomington,
Indiana.

Submitted by Katharine Liell.

Approved by:

_____ Date: _____

**Suggestions for Controlling Death Penalty
Defense Costs**

Suggestions from judges, prosecutors, and defense attorneys in 4 cases which exceeded \$200,000.00.

1. Board accepted if revised as follows: "Eliminate compensation entirely for travel within the county in which the case is being tried."

2. Opposed, the Board does not agree with billing for general seminars.

3. Opposed.

4. Opposed.

5. Accepted.

6. Opposed.

7. Opposed.

8. Accepted.

9. Accepted.

10. Accepted if limited to evidentiary hearings.

Suggestions from other sources

11. Opposed.

12. Opposed.

13. Opposed.

14. Opposed.

15. Accepted if subject to change.