

**INDIANA PUBLIC DEFENDER COUNCIL
Board Meeting
March 10, 2005
Indianapolis, Indiana**

MINUTES

I. CALL TO ORDER

The meeting of the Board of Directors of the Indiana Public Defender Council (IPDC) was called to order by vice-chairman David Hennessy on March 10, 2005 at 6:30 p.m. in the Board Room of the Radisson Hotel-Airport in Indianapolis. Present were Susan Carpenter, David Cook, David Hennessy, Bob Hill, Terry Harper, Michelle Kraus, Mike McDaniel, Neil Weisman and Lorinda Youngcourt. Staff present were Larry Landis, Teresa Campbell and Loretta Jackson.

II. APPROVAL OF MINUTES

Minutes of the board meeting on January 21, 2005, were unanimously approved.

III. COMMITTEE REPORTS

A. Training Committee

Lorinda Youngcourt reported that the Committee had held two meetings and is in the process of providing information to Jodie English regarding training for 2006, and documents for the misdemeanor training to be held in October. Any input from the board regarding the misdemeanor seminar would be welcome.

The Committee proposed raising the registration fee for Advanced Persuasion with Joshua Karton from \$125 to \$150, reducing the number of participants to 12 and advertising that the program will run from 9:00 AM to 8:00 PM. This proposal was unanimously approved by the board.

B. Technology Committee

Lorinda Youngcourt reported that the Committee is working on providing a transcript/deposition bank of experts that will be available on CD. The plan is to have 50 transcripts/depos available on a CD which will be demonstrated at the Annual Update Seminar this year. She asked for depositions or names of (losing) trials that had expert witnesses (including cops, chemists, etc.). Darren Bedwell will access the transcripts from the Clerk's office and copy them to CD. The data on the CD will be in Acrobat PDF and will be searchable.

There was some discussion as to whether the Council had funds available to purchase transcripts. Larry Landis said there may be a little money available for such a purpose. Lorinda reminded the board that in order to use the transcripts for impeachment they must be certified by the court reporter and we don't want to put anything into the expert database that isn't usable in trials.

Lorinda reported that the Tech Committee also discussed finding a way to archive defendnet messages that would allow people to follow specific subject threads instead of having to wade through clutter of all the defendnet messages. Lorinda reported that Dawn Nolan is looking into finding a provider which would allow us to do this.

IV. EXECUTIVE DIRECTOR'S REPORT

A. Budget

Larry Landis reported that the IPDC budget is the same as last year's, which is what was requested.

B. ICJI Grant

Larry Landis distributed a copy of the grant proposal he recently submitted. He does not foresee any problem having the grant approved. The grant monies are used for our Lexis contract and for training/technology. He reported that of the 15 ICJI board members, 10 are appointed by the governor so there will be some new faces. He will send out the names of the new board members as soon as he knows them.

C. Public Defense Fund

Larry Landis reported that the PD Fund is currently funded at \$9 million, which is \$1 million less than what is needed to fully reimburse all eligible counties. He is working on getting the extra million but it is a hard sell. It is especially difficult because it is not a high priority for the Chief Justice and it is in his budget. If the fund is not increased, reimbursements will be less than 40%. He reported that Allen, Tippecanoe and Grant are now on-board. Boone, Putnam, Howard and Elkhart counties may become eligible within the next year. Hennessy asked whether we can slow down bringing new counties into compliance. Larry replied that it is not in the Commission's control. The counties are being told that with the current funding, reimbursement will be less than 40% but it is hard to project how much less. Terry Harper asked whether it would be helpful for the counties to contact their legislators. Larry said he is urging the counties to talk to their legislators about keeping the promise made by the state.

Larry reported on the JTAC project to connect all the county courts by a computerized network system. To date they have spent over \$7 million and it is not working.

D. Forensic Diversion Program

Larry Landis reported on the Forensic Diversion Program statute, IC 11-12-3.7. The statute mandates that counties have a plan, but it does not have to be implemented until funding is available. He stated that this is a way to reduce caseloads, but most Chief PDs are not pushing it and are not involved because they see themselves as litigators not policy makers. Therefore, prosecutors get to decide, by default, who is eligible for the program. There needs to be defense-based people to screen candidates for diversion. We need to energize public defenders and convince them it's in their best interest to be involved in criminal justice policy making and not just to litigate. There was a discussion on how best to accomplish this goal. We need to develop

an outreach program to the counties to urge them to apply for funds to establish a forensic diversion program.. Terry Harper said there is a meeting of the Monroe County Public Defender Board soon and she would bring up forensic diversion at that meeting. Bloomington has resources available, including the IU School of Social Work. Mike McDaniel stated that Floyd County went to Tippencanoe County to see what they had done, but Tippencanoe County has a lot of hard core drug users, and they don't do mental health. Lorinda brought up the huge meth problem in southern Indiana, and suggested that by including meth cases in forensic diversion programs, prosecution of these cases could drop dramatically. Terry Harper also suggested discussing forensic diversion programs during the Misdemeanor Seminar in October.

Larry reported that because the DOC funding is flatlined there is increased pressure to increase community corrections programs.

David Hennessy asked whether the Council should have a position as grant writer for other counties? Larry said we could use grant funds to hire someone to act as a liaison with the counties and to assist in grant writing. The board unanimously approved the creation of a new Council staff position to do forensic diversion outreach.

V. LEGISLATION

Larry distributed a copy of all bills that are still alive. SB 96, bifurcated sentencings, passed the Senate and is now in the House.

VI. NEW BUSINESS

A. Board Retreat

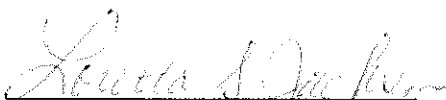
The annual board retreat will be on September 23-24, 2005 in Bloomington.

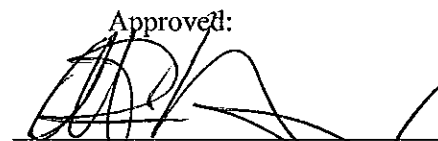
B. Next Board Meeting

The next board meeting will be May 19 at 6:30 PM, prior to the Appellate Advocacy seminar.

The meeting was adjourned at 7:45 PM.

Respectfully submitted:


Loretta Jackson, Acting Secretary
Date: 9/24/05

Approved:

David Hennessy, Vice-Chair
Date: 9/24/05