

INDIANA PUBLIC DEFENDER COUNCIL

**Board Meeting
April 20, 2006
Marten House
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 Chair Doug Garner at 6:15 p.m. in the Conference Room of the Marten House Conference Center, Indianapolis, Indiana. Board members present were Doug Garner, Dave Cook, Micki Kraus, Mike McDaniel, Neil Weisman, and Lorinda Youngcourt. Staff present were Larry Landis and Loretta Jackson.

II. APPROVAL OF MINUTES

The minutes of the meeting on January 20, 2006 were unanimously approved.

III. EXECUTIVE DIRECTOR'S REPORT

A. Administration and Staffing Report

Larry Landis reported that Darren Bedwell's employment with the Council will end on April 28. Stacy Uliana will start on May 1, 2006. She will work as a contract employee for three months, take a leave to prepare the Camm appeal, and will then return as a salaried employee.

B. ICJI Grant

Larry Landis reported on the ICJI Grant, which was approved for the requested amount. It includes funds for a contract with Web-Ex, which provides web-based teleconferencing. The plan is to provide web-based training to our members. The programs will be interactive in that participants can share documents, ask questions. Indiana requires a live component (there must be a facilitator) to be eligible for CLEs. Jodie and Don are working on that aspect of the program. Web-Ex will also archive videos which our members will be able to access. The program will be grant funded for the first two years, then there will be a charge to participate.

Larry also reported that we are experimenting with the possibility of using web-cam hookups that can be used for board meetings, conferences with other attorneys, chief public defender meetings, etc.

The grant also includes funds to continue the current Lexis contract through the end of the

this year. The plan is to then switch to charging members \$120 per year to continue to receive Lexis through the Council, beginning January 1, 2007.

C. Training Report

Larry Landis reported on the work Terry Richmond has been doing. Richmond worked with Henry County on using a case review system, which they have embraced. He has not had as much success with some other counties. Doug Garner reported on Terry Richmond's work in Dearborn County. Doug's theory was to see if helping a few attorneys improve would affect the performance of others in the county. He reported that so far, it does seem to have had a positive effect.

Mike McDaniel suggested that on the exit survey for TPI, the question "how will you use what you learned" should be asked, and then on the 3-month followup survey, ask "did you use what you learned."

D. Access to Council in Delinquency Proceedings

Larry Landis reported on the recent report published by the National Juvenile Defender Center. He stated that what caught everyone's attention was the large percentage of juveniles committed to the DOC who had not had access to counsel. He is hopeful that this will generate activity from the State Bar.

E. Public Defender Commission Activities

Landis reported that there are some problems with the current staff attorney recommending non-reimbursement to numerous counties. He has been working with Norm Lefstein on the problem.

III. ACTION ITEMS

A. State Funding for Indigent Defense

Larry Landis reported on the options discussed by the IPDC Delivery Systems Committee. He recommended the following for the 2007 Legislative session:

1. Keep the present system at 40% and include misdemeanors. The current system of excluding misdemeanors is causing problems. For instance, for those who carry a mixed caseload, overhead must be calculated to exclude the amount of time spent on misdemeanors. It was the consensus that the current misdemeanor caseload standard would have to be changed.
2. Have the state pay Chief and Deputy Public Defenders as they do now for Prosecutors. Larry reported that there is political resentment in some counties that

they must pay the Chief PD as much as \$100,000, sometimes making that the highest paid position in the county. It is the main reason Steuben County pulled out of the reimbursement program. By transferring this obligation to the state, it would also free up as much as \$2 million for the Public Defense Fund.

3. Transfer responsibility for providing and funding CHINS and TPR to the state.

Motion to approve the recommendations for the 2007 legislative session to increase state funding was passed unanimously.

B. Lexis Subscription Charge

After a brief discussion whether to give a discounted rate to county public defender offices when the switch to a paid subscription is made in January 2007, it was decided not to provide a discount.

C. Legislation

Larry Landis reported on three new pieces of legislation that he believes the Council should support: (1) recording custodial interrogation, (2) juvenile may not waive counsel without first consulting with counsel and (3) mentally ill may not be executed.

Regarding the interrogation legislation, Micki Kraus asked whether the Council should try to include language making any inculpatory statements inadmissible if the interrogation is not recorded. Larry responded that we should first get the bill passed, and then try to amend it. If exclusionary language is included it will never get passed.

It was unanimously decided that these pieces of legislation should have a high priority for the Council.

D. Other Legislation - Property Tax Relief and State Funding for Court System

Larry Landis reported on legislation planned to be introduced next session which would eliminate the property tax relief credit (PTRC) currently paid by the state to the counties and in exchange, the state would accept funding responsibility for the courts and welfare. This would mean that the entire criminal justice system would be state funded and, thereby, create an opportunity for new type of public defender system. Larry sees this as an opportunity for the Council to be a major force in developing a new public defender system. It was agreed that this would be the major focus of the Board retreat in September.

IV. OTHER BUSINESS

There was a discussion concerning the Gideon/Gault awards. Currently there are only two Gideon nominees and no Gault nominees. It was agreed that the Board would make an effort to get more people nominated. There will be a conference call of the entire board after May 5 to decide the award recipients.

V. NEW BUSINESS

There was no new business.

VI. NEXT BOARD MEETING

The next board meeting will be on June 23, immediately following the Annual Update Seminar.

The meeting was adjourned at 7:45 PM.

Respectfully submitted:

Loretta Jackson, Acting Secretary

Date: _____

Approved:



Doug Garner, Chair

Date: 10/2/07