

INDIANA PUBLIC DEFENDER COUNCIL

Board Meeting

May 7, 2009

Renaissance Hotel North

Carmel, IN

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 Mike McDaniel at 6:20 PM in the Carmichael Room of the Renaissance Hotel. Board members present were Susan Carpenter, Dave Cook, David Hennessy, Bob Hill, Micki Kraus, Jeff Lockwood, Sonya Scott, and Lorinda Youngcourt. Staff present were Larry Landis, Teresa Campbell, Don Murphy and Loretta Jackson

II. APPROVAL OF MINUTES

The Minutes of the January 31, 2009 meeting were unanimously approved.

III. EXECUTIVE DIRECTOR'S REPORT

A. New Staff Attorney

The Council will create a new research/publications staff attorney. Stacy Uliana will convert from full-time staff to part-time contract in order to accept private cases.

B. Budget

The legislature did not pass a state budget in the regular session. The budget bill approved by the Senate and defeated by the House funding for the Council as the same level as the current biennium.

The budget bill did include an additional \$3.6 million per year for the Public Defender Commission. The Commission needs an additional \$3 million in the second year in order to fully reimburse participating counties. The meeting materials included a sample letter to legislators urging the passage of the PD Commission funding request. Larry asked the board members to edit appropriately and send the letter to their Senators and Representatives. He also asked that they ask their county's Public Defender Boards and/or County Council members to contact their legislators.

C. Grant

The 2009 ICJI grant has two goals: (1) create policies, procedures and tools to measure the quality of indigent defense representation; and, (2) create a state-wide computerized management information system for indigent defense services. A full

report on the grant project will be provided at the next board meeting.

D. Web-Site

We are in the process of redesigning our web-page, and purchasing and installing a the Google-mini search engine for members to search our web-page. The Attorney General's office is negotiating with Lexis on the contract for the search engine. We have hired Chris Ross to redesign the web-site.

E. Publications

The updated Pretrial, Trial, Juvenile, Search & Seizure and Confessions manuals will be ready for distribution at the Annual Update Seminar. The Sentencing Manual update is behind schedule.

F. Legislative Session

Larry reported on bills before the legislator upon which the Council Board took a position. Bills of note that passed include:

SB 34 - assisting a criminal, which permits the prosecution of a person for assisting even if the person that was assisted was never prosecuted or convicted, or has been acquitted.

SB181 - amends child seduction statute by expanding the "position of trust" definition to include persons employed by a school or otherwise affiliated with it; establishes procedure for releasing medical information relevant to prosecution or defense of person charged with transmitting a disease; and allows court to order a person so charged to submit to testing.

SB 236 - enhances the sentence for feticide.

HB 1491 - created a 6th District court of appeals. Larry thinks the Governor will veto.

HB1175 - victims' rights bill. Conflicts with court rules.

G. Lobbying and PAC

Larry discussed the benefits of having a criminal defense Political Action Committee (PAC) and a 501(C)(4) not-for-profit corporation to do lobbying that the Council cannot do. such organizations would be separate from the Public Defender Council and would have their own boards. After a discussion, the Board decided to explore the concept of the formation of a 501(C)(4) corporation and a PAC.

III. INDIGENT DEFENSE SYSTEMS

Lorinda Youngcourt expressed concern that the creation of a fully state-funded indigent defense system would eliminate the economic disincentive to filing a death penalty case. She referred to the problems in Kentucky, which has a state-funded system and 160 pending death penalty cases. Because local communities are not responsible for paying for the cost of a death penalty case, it does not affect the local prosecutor or budgets. Lorinda believes that counties should have a funding stake in the prosecution and defense of capital cases.

Further discussion of funding of indigent defense systems was tabled until the next board meeting, but it was agreed that this is an important consideration, and needs to be addressed.

IV. NEW BUSINESS

Lorinda brought up the problem with the active monitoring GPS for home detention. It requires cell phone service which is not available in all rural areas. She said she would be willing to draft a proposed modification to the statute for consideration at the next Board meeting.

V. NEXT BOARD MEETING

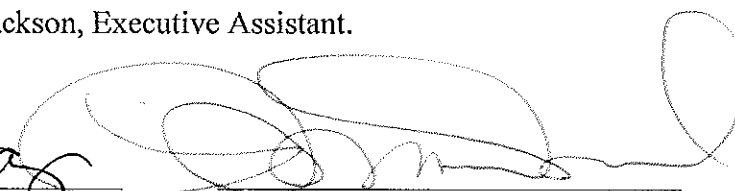
The next board meeting will be held at 6:00 on Thursday, June 25, 2009, prior to the annual update seminar on June 27.

The Board went into executive session at 8:00 PM.

Prepared by Loretta Jackson, Executive Assistant.

Submitted:


Michelle Kraus, Secretary


Michael McDaniel, Chair