

# IPDC BOARD OF DIRECTORS

## Summary of Activity

1988-89

### Board Members

#### Second Year

Sandy L. Bryant  
Susan K. Carpenter  
Eugene C. Hollander  
Terrance W. Richmond  
Daniel L. Weber  
Sheila K. Zwickey

#### Elected - July 8, 1988\*

David R. Hennessy (re-elected)  
J. David Keckley (re-elected)  
Kevin P. McGoff (new)  
Daniel L. Toomey (re-elected)  
Linda M. Wagoner (elected after appointment)

### Officers

*Chairman* - Daniel L. Weber (elected 7/16/88)  
*Vice-Chairman* - Sandy L. Bryant (elected 7/16/88)  
*Secretary* - Sheila K. Zwickey (elected 7/16/88)

### Left Board

\*On 7/8/88, Mark McNeely & Kevin McGoff received the same number of votes for the fifth Director position. On 7/13/88, Mark McNeely resigned from the Board after nearly eleven years continuous service. Kevin McGoff's election to the Board was confirmed by Mark McNeely's resignation.

### Meetings

#### ELECTION - July 8, 1988

40. July 16, 1988 - *annual planning meeting.*
  - Election of officers.
  - Approval of recognition plaques for John F. Surbeck, Jr. & Mark W. McNeely.
  - New staff: Larry Vellani.
  - Announcement of ASP's receipt of Governor's Exemplary Project Award.
  - First stage of support campaign for Public Defender Bill introduced.
  - Board approved new program priorities in 1989-91 biennium budget request.
41. October 7, 1988
  - Approval of amendments to 1989-91 biennium budget request.
  - New staff: Jo Ann Pickett, Teresa Franklin.
  - Board authorized staff to prepare & submit an application for grant funding of a juvenile jail prevention project.
  - Board adopted policy for handling ties in Directors' elections.
  - Approval of recognition plaques for all past members of the IPDC Board.
42. November 4, 1988
  - Approval of amendments to 1989-91 biennium budget request regarding ASP.
  - Assignments made for first drafts of standards in four areas.
43. December 9, 1988 - LARRY, do you want this one listed - was never called to order
44. January 20, 1989 - LARRY, see minutes from 12/9/88
45. February 17, 1989 - LARRY, see minutes from 12/9/88
46. March 17, 1989 - LARRY, see minutes from 12/9/88
47. April 14, 1989

Indiana Public Defender Council  
Meeting of Board of Directors - July 16, 1988

MINUTES

I. CALL TO ORDER

The meeting of the Board of Directors of the Indiana Public Defender Council (IPDC) was called to order by Chairman Gene Hollander at 9:30 a.m. on July 8, 1988 at the Radisson Hotel, Suite 11, in Indianapolis, Indiana. Present were David Keckley, Linda Wagoner, Dan Weber, Gene Hollander, David Hennessy, Kevin McGoff, Sheila Zwickey, Dan Toomey and Sandy Bryant. Staff members in attendance were Larry Landis, Mary Sinnock and Larry Vellani.

II. APPROVAL OF MINUTES

Minutes from the Board meeting of April 20, 1988 had been mailed to all Directors for their review prior to this meeting. Dave Hennessy moved that the minutes be approved as submitted. Sheila Zwickey seconded the motion and the minutes were approved by acclamation.

III. APPROVAL OF AGENDA

Gene Hollander asked if committee chairs and members were prepared to make reports to the full board or if they needed to meet at lunch prior to making reports as scheduled on the agenda. His questioning began with the Malpractice Insurance Committee, which lead to a report on that committee's actions and a discussion of its status as reported below in Committee Reports.

IV. COMMITTEE REPORTS

A. Malpractice Committee.

David Hennessy (Chair) reported that the committee sample IPDC members re: the percentage breakdown of their practice in public defender work, private criminal defense, and private civil work. These estimates would be needed in order to solicit quotes from carriers for coverage under a group-rate program. Gene Hollander suggested that representatives of insurance companies be invited to future Board meetings to make presentations on what their companies could offer. Only one firm was identified as providing malpractice coverage for public defender practice. The Board discussed the initial purpose of the Malpractice Insurance Committee and whether the goals should be revised or the committee should be dissolved. No action was taken.

The Board discussed that at the last meeting Mark McNeely had volunteered to draft legislation which would grant immunity from civil actions to public defenders for representation provided under court appointment. Since Mark resigned from the Board, it was questioned whether this should be undertaken by another Board member. No action was taken.

B. Payment Guidelines Committee.

Terry Richmond (Chair) was not present and no report was given for this committee. The purpose of the committee was discussed. No action was taken.

C. Standards Committee.

Susan Carpenter (Chair) was not present to make a report. Copies of standards proposed or adopted in other states or by other organizations had been mailed to committee members, but work on drafting standards in the three areas targeted at the last meeting had not begun. The three areas are: determination of indigency; conflicts of interest; and right to expert assistance. The Board discussed the importance of beginning this work since standards would be part of the system established by the public defender funding legislation if passed in 1989. Larry Landis itemized the areas named in the bill for which standards would be adopted as part of the funding reimbursement requirements for participating counties. After discussion, the following members agreed to serve on subcommittees to begin work immediately on standards for:

Determination of Indigency: Sandy Bryant and Linda Wagoner

Conflicts of Interest: Dave Keckley and Gene Hollander

Right to Experts: Kevin McGoff

It was suggested that Susan Carpenter be asked to work with Kevin on right to experts standards. IPDC staff members present volunteered office services to assist the subcommittees in calling meetings, photocopying, typing, etc.

D. Public Defender Legislation Committee.

Committee Chairman Dan Weber requested that this committee report to the full board after lunch.

V. BOARD ELECTION RESULTS

Larry Landis reported that after recount of the ballots from the Board election held July 8, 1988, the results were: David Hennessy, 84 votes; Linda Wagoner, 81 votes; Dave Keckley, 71 votes; Dan Toomey, 70 votes; Mark McNeely, 69 votes; and Kevin McGoff, 69 votes. On July 13th, Mark McNeely sent his written resignation to Larry Landis, a copy of which was given to all Board members and is included with these minutes as Attachment A. Mark's resignation confirmed Kevin McGoff's election to the Board for 1988-90.

Gene Hollander stated that a policy for handling tie votes in Board elections is needed. He appointed Dave Keckley, Kevin McGoff, Linda Wagoner and Dan Toomey to the Nominations Committee chaired by Susan Carpenter, which will recommend a policy for resolving tie-votes in elections to the Board at the next meeting. Appointees will also serve as the nominating committee for the 1989 Board election.

Sandy Bryant moved that the IPDC present plaques of appreciation to recently retired Board members Mark McNeely and John Surbeck. The motion was seconded by Dan Weber, and passed by acclamation. Larry Landis and Mary Sinnock were requested to select the plaques. The Board discussed whether some recognition should also be given to past Directors, and Mary Sinnock offered to prepare a list of past members and the estimated cost for recognition plaques at the next Board meeting.

VI. ELECTION OF BOARD OFFICERS

David Hennessy moved to amend the meeting agenda and request that the election of Board officers be conducted after lunch. The motion was seconded by Dan Toomey and passed with five votes in favor, three opposed, and one abstention.

VII. EXECUTIVE DIRECTOR'S REPORT

In addition to a written Executive Director's Report dated July 1988, Larry Landis gave the following report.

A. Staff Report

Changes in staff were announced. Larry Vellani, new Director of the Alternative Sentencing Project, was introduced. He informed the Board of his professional background and reported on the current status and future plans for the project (below).

Larry Landis also reported that the Board's resolution to upgrade the bookkeeper position salary last year was achieved; and that efforts were underway to bring other positions, especially attorney salaries, into parity with other judicial agencies and offices. This action was also approved by the Board last year.

B. Alternative Sentencing Project (ASP)

The Board was given a draft of the Annual Report of the ASP prepared by Larry Landis. Larry Vellani identified areas of focus for the ASP in the coming year, and the criteria to be used in expanding services to additional counties. The present funding level and the proposed budget request to the legislature for 1989-91 were discussed. Larry Vellani stressed the importance of the Board's support and assistance to the growth of ASP services and the efforts to secure state funding. He answered questions regarding the role of the case developer and the referring defense attorney in screening cases, longitudinal data on 'success' rates and recidivism of clients, and lobbying strategies for securing state funding.

Larry Landis announced that the ASP was chosen by the Indiana Criminal Justice Institute for recognition as an Exemplary Project by the Governor.

C. Budget & Financial Report

The budget for FY 1988-89 was submitted to the Board in the Executive Director's Report. Larry Landis summarized the agency's funding sources and accounts.

D. Federal Habeas Corpus Grant Proposal

Larry Landis informed that Board that if Congress appropriates funds for federal habeas corpus resource centers, the IPDC will file a grant as previously approved by the Board. If appropriated, the funds could be available as early as October 1988. It is anticipated that 8 to 10 death penalty cases could reach federal habeas proceedings in the coming year. A tentative figure of \$135,000 was considered for the first year of the project. The grant will include staff, office expenses and funds for expert witnesses.

E. Public Education Campaign

Larry Landis reported that a consultant has been hired to assist with this campaign. Steps in the establishment of a speakers bureau will include selecting IPDC members to participate, publicizing the service to approximately 400 targeted organizations, and drafting several presentation outlines on key topics. The campaign is expected to be operation in two months.

## VIII. IACDL REPORT

Linda Wagoner, Board member of the IACDL, gave a progress report on the organization. The IACDL conducted its first seminar in April 1988 and plans to conduct a second program this fall in conjunction with an annual meeting of its members. Topics under consideration for the seminar include defense of DWI and child molestation cases. A poll of the membership on priorities for the organization will be conducted in August. This will include the issues of support for legislation to provide partial state funding to the counties for public defender services (p.d. bill) and use of IACDL funds for lobbying support of that legislation. Results of this poll should be available by mid-September. The IACDL Strike Force is operational under the direction of Richard Kiefer and has received several requests for assistance or consultation.

At 12:15 p.m., Gene Hollander adjourned the meeting for lunch. The meeting reconvened at approximately 1:15 p.m.

## VI. ELECTION OF BOARD OFFICERS

Gene Hollander announced that nominations would be taken for the election of Board officers. Sheila Zwickey made a motion that the present slate of Chairman-Gene Hollander, Vice Chairman- Dan Weber, and Secretary- Sandy Bryant be re-elected. The motion was not seconded. Dave Hennessy moved that election the for each office be conducted separately. The motion was seconded by Linda Wagoner and approved by acclamation.

Chairman. Dan Toomey nominated Dan Weber for Chairman and his nomination was seconded by Dave Keckley. Sheila Zwickey nominated Gene Hollander for Chairman and his nomination was seconded by Sandy Bryant. Nominees and IPDC staff were excused from the room for a discussion chaired by Sandy Bryant, who also conducted the election by secret ballot. Results were tabulated by staff member Mary Sinnock. Dan Weber was elected Chairman. Linda Wagoner moved that the election ballots be destroyed. The motion was seconded by Dave Keckley and passed by acclamation. Dan Weber conducted the remainder of the election and the meeting.

Vice Chairman. Gene Hollander nominated Sandy Bryant and his nomination was seconded by Linda Wagoner. Dave Keckley moved that the nominations for Vice Chairman be closed. The motion was seconded by Dan Toomey and passed by acclamation. Sandy Bryant was elected Vice Chairman by acclamation.

Secretary. Gene Hollander nominated Sheila Zwickey and her nomination was seconded by Linda Wagoner. Dave Keckley moved that the nominations for Secretary be closed. The motion was seconded by Sandy Bryant and passed by acclamation. Sheila Zwickey was elected Secretary by acclamation.

## IX. PUBLIC DEFENDER LEGISLATION

Dan Weber, Chairman of the Public Defender Legislation Committee, reported that no action had been taken since the committee's planning meeting held April 20th. However, plans were drafted at that meeting for dividing the state into districts which would be targeted for contact by Board and committee members. A map of the districts, counties included, and legislators were distributed to the Board. Discussion was held on the targets and procedure for contact. The primary targets are legislators, and secondary targets are public defenders, jurists, county councilmen, county commissioners, etc. It was agreed that the procedure for contacting legislators would vary depending on many factors, including the enlistment of local public defenders, the known position of the legislator, expected support or resistance in the county, etc. Dave Hennessy requested that the Legislation Committee switch the areas given to he and Kevin McGoff. Dave Hennessy moved that the Board approve the committee's proposal to use a geographic distribution for contacting legislators with each member responsible for a section of the state. Gene Hollander seconded the motion and it was passed by acclamation.

Discussion was held on the advantages and possibilities of having a lobbyist during the General Assembly to work for passage of the legislation. Costs, possible sources of funding, and effectiveness of lobbyists were discussed.

The Board requested that Larry Landis send each member a packet of information to use in educating legislators. The information should include a proposed timetable for contacts in this "first round". Dan Weber asked Board members to send the Legislation Committee (c/o Weber) a brief report of actions they have taken to contact legislators by the end of August.

X. BIENNIUM BUDGET

The IPDC will submit a request for funding for fiscal years 1989-90 and 1990-91 to the 1989 General Assembly. Our budget request will be submitted in August 1988 and the reviewing process will begin this fall. In addition to the base budget (past funding level), the Council can request funding of "new" projects. Larry Landis directed the Board's attention to a listing of five proposed areas in which additional funds would allow the agency to expand or continue providing critically needed services. Following discussion, Linda Wagoner moved that the Board direct Larry Landis to include the five projects in the bi-ennium budget proposal, in the following order of priority:

1. Alternative Sentencing Project
2. Training Programs
3. Death Penalty Support Services
4. Research and Publications
5. Juvenile Support Services

The motion was seconded by Dan Toomey and passed by acclamation.

XI. NEW BUSINESS

A. Staff Changes

Dave Hennessy observed that the IPDC has had very little personnel turnover in the past and asked Larry Landis if the number of people leaving this summer was coincidence or indicative of staff problems or other causes. Larry Landis reported what he knew of the circumstances of each personnel change.

B. Next Meeting

It was agreed that the next meeting of the Board of Directors should be held in conjunction with the next IPDC seminar, the Death Penalty Defense program. Mary Sinnock said the program will probably be held in early October and that she would inform the Board of the date as soon as it's confirmed. If the program is held on Friday and Saturday, the Board's preference is to meet on Friday evening at the hotel where the seminar is held. It was suggested that George Wilder be asked to attend this meeting since he serves on the Public Defender Legislation Committee.

XII. ADJOURNMENT

Gene Hollander moved for adjournment at approximately 3:30 p.m. on July 16, 1988. Dan Toomey seconded the motion and it was passed unanimously.

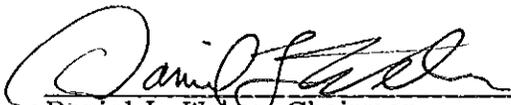
Minutes prepared by Mary Sinnock.

Respectfully submitted:

  
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Sheila K. Zwickey, Secretary

Date: 10/7/88

Approved:

  
\_\_\_\_\_  
Daniel L. Weber, Chairman

Date: 10-7-88

MCNEELY, SANDERS & STEPHENSON

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J. LEE MCNEELY  
MARK W. MCNEELY  
RUSSELL J. SANDERS III  
M. MICHAEL STEPHENSON

July 13, 1988

Mr. Larry Landis  
and all Directors of the  
Indiana Public Defender Council  
309 West Washington Street, Room 401  
Indianapolis, IN 46204

RE: Resignation

Dear Larry and All My Friends:

In 1977, I was elected to be a Director of the Public Defender Council. Since that time, I have seen a small group of inexperienced lawyers form a new organization into the prestigious Indiana Public Defender Council of today.

This growth has been because of Larry Landis and Mary Sinnock working with you, the Directors of the Public Defender Council.

I have formed a lasting relationship with each of you, as a Director and a friend. I want to wish each of you the best in your private practice and want to encourage each of you to continue to give the same effort to the Public Defender Council. With your devoted efforts in the future, as in the past, I am sure that the Council will continue to grow and be the able representative of all public defenders in the State of Indiana.

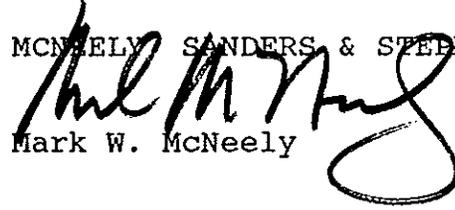
Since there was a tie in the recent election, I feel that this is the time for me to retire from the Council and let "new blood" have a chance. Therefore, I formally withdraw my name from the election.

I want to thank each of you personally for the friendship that you have given me during these years, and I look forward to working with each of you on a private basis in the future.

I remain,

Very truly yours,

MCNEELY, SANDERS & STEPHENSON

  
Mark W. McNeely

MWM:bl

ATTACHMENT A