

INDIANA PUBLIC DEFENDER COUNCIL

Board Meeting
September 13, 2007
Westin Hotel
Indianapolis, 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 David Hennessy at 6:00 p.m. in the Board Room at the Westin Hotel, Indianapolis, Indiana. Board members present were David Cook, Bob Hill, Mike McDaniel, Neil Weisman, Lorinda Youngcourt, and Doug Garner. Staff present were Larry Landis, Paula Sites, and Don Murphy.

II. APPROVAL OF MINUTES

The minutes of the last meeting on July 21, 2007, were unanimously approved.

III. EXECUTIVE DIRECTOR'S REPORT

IV. INDIGENT DEFENSE SYSTEMS

Larry Landis introduced Robert Spangenberg of the Spangenberg Group. Mr. Spangenberg reviewed indigent defense systems in other states and responded to questions by board members. After discussing the various options for a state funded indigent defense systems, there was a general consensus of the following concepts:

A. Indiana Public Defender Commission

1. Members

- a. Amend IC 33-40-5-2 to increase membership of PD Commission from 11 to 15 members by adding 4 additional members:

- (1) Selection method for 4 additional members undecided

2. Powers and Duties

- a. Amend IC 33-40-5-4 to expand duties of to include oversight of all indigent services in Indiana.

3. Staff

- a. Amend IC 33-40-5-5 by removing current provision that the division of state court administration of the supreme court provides staff support of the commission.
- b. Amend IC 33-40-5-5 authorize PD Commission to hire staff.

B. Management Structure

1. Divide State into 14-20 districts or circuits.
2. District or Circuit Administrator.
 - a. Each district or circuit should have an administrator responsible for:
 - (1) developing plan for indigent defense services within district or circuit, for approval by Commission, including type of delivery system for each county; and budgets and supplemental funding.
 - (2) making recommendations to the Commission regarding compliance with Commission standards and guidelines.
 - (3) hiring county public defenders, awarding contracts, and administering assigned counsel panels.
 - b. Selection of District or Circuit Administrator
 - (1) Options:
 - (a) Hired by Commission.
 - (b) Hired by the Commission based on names submitted to Commission by 3 member selection committee elected by all attorneys in the district or circuit, except prosecutors. The selection committee submits 3 nominees to the Commission. If the Commission rejects all 3 nominees, the selection committee submits another 3 nominees. The Commission must appoint from the second panel of 3 nominees. If the Commission fails to act, the selection committee will select the District or Circuit Administrator.

C. Direct appeals

1. Options:
 - a. Create new appellate division for all direct appeals under Public Defender Commission.
 - b. Responsibility for direct appeals would be at district or circuit level.
 - (1) Method of providing direct appeals would be part of the district or circuit public defender plan, which could provide that direct appeals would be done by salaried public defenders, contacts, or assigned counsel.
 - (2) If direct appeals were handled by district or circuit, a new appellate support division could be created under the Commission to:
 - (a) provide research, training, and support to appellate attorneys in districts/circuits;
 - (b) handle emergency writs, interlocutory appeals, etc., when requested;
 - (c) do direct appeals in complex cases, including all capital cases, consistent with CR 24.

D. Post conviction

1. Options:
 - a. Leave State Public Defender statute as is.
 - b. Amend IC 33-40-1-1, State Public Defender statute, to make office a division of PD Commission.

V. NEXT BOARD MEETING

The next board meeting will be at 6:00 pm on December 6,2007, at the Airport Holiday Inn, Indianapolis.

The meeting was adjourned at 8:00 PM.

Respectfully submitted:

Approved:

Sonya Scott, Secretary

David Hennessy, Chair

Date: _____

Date: _____