

**Minutes: Indiana Public Defender Council Board Retreat**  
**Date: September 25, 1999**  
**Place: French Lick Resort, French Lick, Indiana**



## MINUTES

### I. CALL TO ORDER

The meeting of the Board of Directors of the Indiana Public Defender Council (IPDC) as called to order by Chairman Jeff Lantz at 9:00 A.M. on September 25, 1999, at the French Lick Resort in French Lick, Indiana. Directors present were Doug Garner, Terry Harper, David Hennessy, Bob Hill, Kitty Liell, Doug Long, Dan Toomey and Terry Richmond. Staff members present were Larry Landis, Teresa Campbell, Don Murphy, and Paula Sites.

### II. APPROVAL OF MINUTES

Minutes for the Board meeting on June 10, 1999 have been approved.

### III. EXECUTIVE DIRECTOR'S REPORT

Larry reviewed last year's goals, budget and contracts with the board and reviewed the following activities.

1. He explained the need to develop a case-weighted system for the county public defender's workload, and requested that board members who know private attorneys, who have billing sheets, let him know. (Kitty, Doug L. and Jeff know of someone). Dave Hennessy mentioned Tom Farlow.
2. He distributed a draft of NLADA's Model Contract for Indigent Defense Services for the board to review and discuss at the next board meeting.
3. He requested that board members notify chief public defenders in their area regarding the availability of grant funds. He also reported that Don and he discussed grants at a meeting of the chief public defenders, but no one asked for help to apply for grant money.
4. He has contracted with Saundra Morgan, Alan Boyd, and Cheri Guevara for training the sentencing, mitigation and investigator consultants. Training will be done on a quarterly basis.

5. He announced the IPDC Homepage is being re-designed and will include motions and jury instructions.
6. He also stated that one of the goals for this year is to put all IPDC manuals on CD-ROM, if we can find a search engine appropriate and adequate. He also announced there are 525 Lexis-Nexis users.
7. A draft copy of the Performance Standard Guidelines was sent out last week to all members to review before asking the IPD Commission to adopt them.
8. It was suggested that a referral sheet be included in the *Indiana Defender* to update the Expert Witness Directory

#### IV. GOALS FOR FY 1999-2000

Juvenile Performance Standards was added to I.A.i.

Larry said we have 32 counties eligible for state reimbursement and 8 more counties will be added by the end of this year. Since he was not able to get the fund increased this year, this is a top priority for next year legislation session. He would like the board and our members to encourage county officials to contact their representatives and senators about the need to increase the annual appropriation to the public defender fund.

Larry has contracted with Rick Kammen to design a six-hour appellate practice-training program for members in counties eligible to receive the state reimbursement. The first training session will be offered by the end of this year.

David Hennessy discussed coordinating an attack on IC 35-47-4-5 (unlawful possession of a firearm by a serious felon). David, with the assistance of Kitty, will write an article on IC 35-48-4-6(b)(1)(B) (cocaine possession while possessing firearm); and IC 35-42-2-1.5 (aggravated battery) for the *Indiana Defender*. Terry Harper moved to support David's proposed position. Kitty seconded the motion. The board approved the motion.

David Hennessy also reported the case study from the Marion County Public Defender Board of Directors regarding juvenile delinquent cases and court system. The results show the juvenile courts need 6 more juvenile attorneys to handle their caseload and give better representation. He would like to recommend a motion to the Commission to change the standards for juvenile delinquent compliance from 200 to 400 caseloads and that doesn't include statutes.

- redefine juvenile delinquent specifically to = statutes off
- apply weighted factors using existing commission numbers
- help broad juvenile delinquent definition raise caseload to 400

The board passed the recommendation.

#### V. 1999-2000 BOARD REPLACEMENT

Larry announced that Dan Toomey would no longer be eligible to serve on the board when he assumes his new responsibilities as Executive Director of the Federal Community Defender Program for the Northern District of Indiana in December. This vacancy will be filled by appointment by the board of directors at the meeting on December 16, 1999. The appointment will be for the remainder of Dan Toomey's term, which is June of 2000. Larry said a notice will be placed in the November issue of the *Indiana Defender* stating that any IPDC member who would like to be considered for appointment to fill this board vacancy should send a resume and short statement to him of why he/she would like to be on the board by December 1.

#### VI. TRAINING

Terry Richmond reported on the mentoring program. Jodie English's report was included in the board packet. Terry R. said by the end of this year, 40 attorneys will be trained through this program. Don Murphy and Terry Richmond are working on a coaching handbook, which will be distributed, at the Trial Practice Institute on November 10. Don requested that board members with articles or handouts for this coaching handbook should send them to him.

The name of the Trial Skills Workshop has been changed to Trial Practice Institute and increased from 3 ½ days to 4 full days of training.

The board decided to have a soft science seminar on December 17, with Rule 702 and battered wife syndrome included. This training will be held at the Westin Hotel downtown. Jeff Lantz appointed a committee of Terry Harper, Doug Long, and Bob Hill to assist with this program. The board decided to hold a "hard science" seminar in March or April of 2000, which would include topics regarding drugs and search and seizure. This committee consists of Terry Harper, Jeff Lantz, and Kitty Liell.

For Annual Update Seminar in June, Terry Harper offered to contact David Lewis as a speaker and Doug Long volunteered to contact Gerry Spence.

The board requested that the December seminar includes a PowerPoint and that Dawn Nolan schedule computer-training sessions next year on PowerPoint for members.

A forensic seminar including mental health was suggested for the fall of 2000.

## VII. PUBLICATION

The pamphlets to be published next year are confessions and suppressions, portions of the standards and update on pre-trial with negotiations and plea-bargaining.

## VIII. NEW BUSINESS

### A. Marion County's Golf Outing

Bob Hill announced that the Marion County Public Defender Agency will have a golf outing on October 12, to raise money for their scholarship fund. Larry announced that Paula Sites will receive the "Women in Law Achievement" Award at the Indiana State Bar Association's breakfast in the Indpls Convention Center on September 30.

B. Next Meeting

The next meeting of the board will be held on **Thursday, December 16, at 6:30 p.m.** in the Westin Hotel's boardroom.

IX. ADJOURNMENT

David Hennessy moved for the adjournment at approximately 4:00 p.m. on September 25, 1999. Bob Hill seconded the motion and it was passed unanimously.

Respectfully submitted:

  
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Teresa Campbell, Secretary

Date: 1-31-2000

Approved:

  
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Jeffrey Lantz, Chairman

Date: \_\_\_\_\_