

INDIANA PUBLIC DEFENDER COUNCIL

Board Retreat

September 26, 2009

Hilton Garden Inn

Bloomington, 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 Mike McDaniel at 9:20 AM in the Bluff Room of the Hilton Garden Inn. Board members present were Susan Carpenter, David Cook, David Hennessy, Michelle Kraus, Mike McDaniel, Sonya Scott and Neil Weisman. Staff present were Larry Landis, Paula Sites, Don Murphy and Loretta Jackson.

II. APPROVAL OF MINUTES

The Minutes of the January June 25, 2009 meeting were unanimously approved as submitted.

III. PERSONNEL AND PROJECT UPDATES

Paula reported on the following:

Kent Zepick was hired in August and has written the amicus brief for the Malenchik case which will decide whether the LSI-R should be used in determining sentences. Stacy Uliana is now half-time contract. Paula is taking a three month sabbatical from October 5, 2009 to January 4, 2010.

The web site redesign is completed but we are waiting for the google search appliance to be installed and beta-tested before going live. The Indiana Office of Technology is the primary hold-up. Once we are live, all IPDC manuals will eventually be on-line and fully searchable, with case cites having a direct link to Lexis.

Jack is taking responsibility for the manuals. We are slightly behind schedule on updates due to the staff shortage. Amy Karozos is working on a TPR manual and is approximately two-thirds completed. Joel Schumm has completed revising the Appellate Practice Manual

The Board made the following recommendations:

1. Have laptops set up at seminars to demonstrate how the google search engine works on the IPDC website.
2. Encourage our members to subscribe to Lexis to get the full benefit of the hypertext link from cases in IPDC publications.
3. When the staff attorneys take research calls they offer to get on-line with the caller to

walk the caller through the process of searching our site for the information, and not just inform the caller that it is on our site.

4. Post amicus briefs on our site and send out a link via e-mail to inform our members of their availability.
5. Highlight our work in high-impact cases and research on novel questions in the Defender.
6. Include a notice in the monthly Defender e-mail notifications that a hard copy subscription is available for \$25.00 per year.
7. Develop a group rate for PD Offices who subscribe to the hard copy of the Defender.
8. Create a basic how-to guide to challenge forensic experts with links to resources available on-line and a brief guide and index of resources for defending shaken baby cases.

IV. TRAINING

Don Murphy made the following observations stated in his written report:

A. Seminars:

1. The objective for 2010 is to reduce the number of one-day seminars and increase the number of chief PDs sponsoring in-house training, which can be tailored to specific performance issues in their counties.
2. Currently 15 of the 29 Chiefs have committed to starting in-house training that is CLE-qualified. Marion County has already qualified and Vanderburgh County is in the process of becoming a CLE sponsor.

Discussion by the Board led to the following decisions:

1. The public defenders in counties who do not have Chief PDs should be invited to participate in the regional training.
2. Seminars/training should consist of fewer "talking heads" and more interactive small-group activities.
3. The training committee will become more active in design and content of programs.
4. Dave Shircliff will be asked to join the Training Committee.
5. The bi-annual two-day death penalty seminar should include non-capital information, such as sentencing, on one day.
6. We should look into taping the training done by the State Public Defender Office on PCR and transfer petitions for inclusion in our on-line training programs.
7. It was decided to hold the following seminars in 2010:
 - a. OWI
 - b. TPI
 - c. Juvenile/TPR/CHINS
 - d. Appellate
 - e. Annual Update

- f. Drugs, Evidence, Search & Seizure
- g. Ethics

B. Coaching/Mentoring

Don Murphy reported that the Chiefs would like to see the coaching program return and that IPDC plans to submit a grant proposal to restart the coaching program. However, because it is too expensive for an IPDC employee/contractor to be the only mentor, the plan is to train regional mentors with the IPDC office acting as a resource. Hennessy suggested we also see if we can get the private bar involved.

C. Quality and Performance Reviews

Don reported that IPDC and the Indiana Chief Defender Association (ICDA) are working to develop a uniform performance management system that measures performance and provides feedback on the quality of indigent defense services. He also gave a brief synopsis of what some counties are currently doing to measure performance.

D. JTAC PD Module

Don reported that a prototype of the PD module for the statewide case management system has been designed. Unfortunately, we are out of funds and a recent grant proposal for stimulus funding was denied. IPDC paid \$50,000 to JTAC for 2010 to continue work for another 90 days to build the core technical requirements. Another grant proposal will be submitted next month to continue work on the PD module.

V. GOALS/STRATEGIC DIRECTIONS

Due to the current financial situation in the state, Larry recommended a shift in priorities from statewide delivery and funding of all defense services to getting 100% state funding for chief and deputy chief public defenders, with counties being required to opt into the state reimbursement system in order to get the state to pay the chief's salary.

VI. LEGISLATION

Larry reported that the Sentencing Policy Study Commission plans to re-visit the expungement issue. He thinks chances of passage have improved because of state support for re-entry programs and the inability of offenders to find employment.

Larry also reported on the problem of dealing with the mentally retarded and developmentally disabled in the criminal justice system. Hennessy suggested that someone is needed who can evaluate and screen clients so they can be moved into a different tract in the PD system. Larry asked for ideas and proposals for a legislative solution by November 1.

The Criminal Code Study Group has been appointed. IPDC created a chart showing changes in the criminal code since 1977. Many of the offenses and penalties have been upgraded

and there are many more new offenses. Larry stated we need to do a survey of other states to show how our code compares. He reported there is consensus for fixing the drug offenses and the other big push is for sentencing modification after 365 days without the prosecutor's approval. Other suggestions were reinstating 2 for 1 credit time for home detention, improving juvenile waiver of counsel and prohibiting the death penalty for the mentally ill. Larry needs other suggestions by November 1.

VII. NEW BUSINESS

A discussion of the need to control the off-topic and often vitriolic messages on defendnet led to the following decision: The 'netiquette' rules will be revised based on the NACDL guidelines to specifically include banning political commentary and personal attacks.

Violation of the rule will result in progressive sanctions. The first offense gets a private warning. The second offense results in a 30 day suspension. The third offense results in a life-time ban, which can be appealed to the board.

VIII. ELECTION OF OFFICERS

The current slate of officers of Mike McDaniel (Chair), Dave Cook (Vice-Chair) and Micki Kraus (Secretary) was nominated for a second term. The board unanimously approved.


IX. NEXT BOARD MEETING

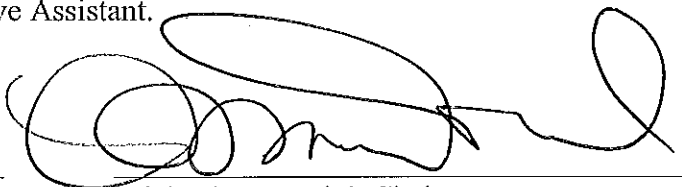
The next board meeting will be held on Thursday, December 10, 2009.

The meeting was adjourned at 3:10 P.M.

Prepared by Loretta Jackson, Executive Assistant.

Submitted:


Michelle Kraus, Secretary


Michael McDaniel, Chair