

MINUTES
INDIANA PUBLIC DEFENDER COUNCIL
BOARD OF DIRECTORS MEETING
RETREAT OCTOBER 8, 1994

The meeting was called to order, by Chairman L. Wagoner, at 9:15 a.m., October 8, 1994, at The Seasons Lodge, in Nashville, Brown County, Indiana. In attendance were Board Members, S. Carpenter, J. English, T. Harper, D. Hennessy, J.D. Keckley, E. Koselke, J. Lantz, K. Liell, and D. Toomey. Staff members attending were L. Landis, P. Sites and D.J. Williamson.

I. MINUTES:

The minutes of the last Board meeting, held on June 2, 1994, were read by Toomey, Secretary. Harper moves to approve the same as read. Seconded by Hennessy. Carried unanimously.

II. ELECTION OF NEW OFFICERS:

Tabled until after lunch.

III. EXECUTIVE DIRECTOR'S REPORT:

Landis introduced Jeff Lantz, from Evansville, the newest member of the Board, elected at the last election on June 3, 1994.

A. STRATEGIC DIRECTIONS 1994-97:

1. Standards For Indigent Defense Services In Non-Capital Cases.

The Indiana Public Defender Commission, on September 1, 1994, approved the final draft of Standards For Indigent Defense Services In Non-Capital Cases. The Standards are scheduled to become effective on January 1, 1995. Counties may submit requests for reimbursement each quarter thereafter. The Commission will not require total compliance of all indigent services in a given county to reimburse for segments of the county indigent services system which otherwise qualify under the Standards. All counties, to meet the final Standards, must create a three-member County Public Defender Board, excepting Monroe, St. Joseph and Allen which may create a Board under "home-rule" authority.

2. Training Workshop.

The Council's Persuasion Seminar will be held on October 14th, 1994, with a workshop to follow on October 15th.

3. Publications.

The new Pre-Trial Motions Manual is almost ready for release. A Sentencing Handbook will be completed by March, 1995. The Juvenile Handbook is ahead of schedule.

4. Sentencing Assistance.

.Despite the recent reduction in the administrative staff, sentencing services are operating at the same level (in-step with projected referrals of 80 each quarter).

.Landis will send notices to counties having public defender offices re 48 month block grant applications, through Criminal Justice Institute, which may be available to fund county sentencing services commencing in 1995.

5. Computer Services.

.Case Ace Management System is operational in the Marion County Public Defender Agency.

.The IPDC will continue to make available to the membership toll-free connections with its Computer Network.

.Network users have had free access to Law On Disc by way of a 1 year agreement between the Council and The Michie Company. The 1 year term has expired. Hennessy moves that the Council bill each user of the Network \$20.00/yr. to create a fund for payment of The Michie Company in the event funds are required to maintain free availability of Law On Disc to Network users. Discussion. Motion withdrawn. Lantz moves that Executive Director be authorized to take necessary steps, including the billing of IPDC Computer Network users, to insure continuing availability of network research capability to IPDC Computer Network users. Seconded by Liell. Unanimously carried.

6. Board Involvement.

The involvement of Board members in seminar development has been positive. Landis encourages the Board to become more involved in lobbying lawmakers re new legislation.

IV. PERSONNEL:

A. PERSONNEL CHANGES:

1. Sentencing Assistance.

The sentencing assistance staff has been reduced from 4 members to Jim Miller.

2. Staff Attorneys.

David Shircliff was hired as a staff attorney (he will

from time-to-time act as a liaison between Jim Miller and field consultants). Susan Burke has resigned as litigation assistance staff attorney, effective in 1 month.

3. Computer Network.

Lisa Snyder has succeeded Tom Hayner as Network Administrator, thus reducing to 1 the staff members assigned to the Network.

Note: Hayner (Info. Services) and Don Murphy and Loretta Jackson (Litigation Assistance) are grant funded, while funding for Larry Vellani and Tania Dickinson is State funded, and for balance of Fiscal Year ending 6/95 the funding for the terminated staff members may be used to pay for Shircliff; this is consistent with the approved shift of core services to State funding.

B. PERSONNEL AND POLICY MANUAL DRAFT (REV. 10/94):

1. Section 5, paragraph 12.

Lantz moves to insert, after "contact" in the last paragraph, "any member of the board of directors", and to delete "the Chair of the Council's board of directors". Seconded by Harper. Carried (English and Liell abstaining).

2. Section 5, paragraph 6.

Hennesy moves to delete the "." at the end of the last paragraph and to substitute ", but the chair shall notify the board members of the request." Lantz seconded. Unanimously approved.

3. Section 5, paragraph 7.

Lantz moves to insert the word "shall", between "specialist" and "not". Seconded by Liell. Carried unanimously.

4. Personnel And Policy Manual Draft (Rev. 10/94).

Lantz moves to adopt the IPDC Personnel And Policy Manual (Rev. 10/94), as amended. Carpenter seconds. Unanimously adopted. (Liell abstains).

C. PERSONNEL SALARY SCHEDULE:

1. Salary increases.

English moves to adopt the IPDC Salary Schedule 1994-95 as amended to provide for an increase of between 4% to 10% in the salary of Don Murphy and up to 4% in the salary for the position currently held by Susan Burke, at the discretion of the Executive Director, and up to 10% for Paula Sites. Carpenter seconds. Unanimously adopted.

LUNCH

V. ELECTION OF OFFICERS:

Hennesy nominates English as Chairman, Harper as Secretary and Toomey as Vice Chairman. Second by Liell. Unanimously elected.

VI. LEGISLATION:

.Battered Persons Defense.

The Criminal Law Study Commission is considering battered person defense legislation. Should legislation relax the "imminent" requirement in self-defense or should the focus be on the mens rea aspect of criminal liability?

.Rape.

Legislation to expand the definition of Rape to include "by putting in fear" is not favored by the Criminal Law Study Commission.

.Probable Cause Hearing.

Landis doubts a legislator would sponsor legislation requiring probable cause hearing in felony cases. One way to advance p. c. hearing requirement is for court of review to uphold right of trial court to dismiss with prejudice for lack of p.c., as this would provide a pre-trial vehicle for addressing p.c. issue. A provision allowing refiling upon newly discovered evidence would make p.c. dismissal less objectionable.

VII. TRAINING:

.Landis suggests that the board may wish to explore more effective methods of training; eg., interactive video, role-playing, simulation, etc., in connection, particularly, with entry level seminars, as in the Criminal Procedure Seminar scheduled for March, 1995. Wagoner suggests we may want to do an interactive segment on instructions and prosecutorial misconduct.

.Criminal Procedure Seminar.

Lantz, English, Harper and Liell for 1 day in March, 1995.

.Appellate/PCR Seminar.

Carpenter, Harper, Liell and Koselke. May, 1995.

.Annual Update Seminar.

Hennesy and Toomey for 1 1/2 days in July, 1995.

.Mens Rea Issues Seminar.

Keckley will do a segment on involuntary commitment practice and procedure. October, 1995.

VIII. PUBLICATIONS:

.Appeal/PCR Manual.

Will be completed after the May, 1995, Appellate/PCR Seminar.

.Felony Instruction Manual.

IX. INDIGENCY:

Public Defense Fund.

Landis advised that the IPDC will lobby this legislative session to increase the annual appropriation to the Public Defense Fund from \$.65 million to \$4 million.

X. NEW BUSINESS: None.

Carpenter moves to adjourn. Toomey seconds. Unanimous vote to close meeting. Meeting adjourns at 3:27 p.m.

Respectfully submitted,

Dan Toomey
Secretary



JODIE ENGLISH Chair