

**INDIANA PUBLIC DEFENDER COUNCIL**  
**Board Of Directors Meeting**  
**December 9, 2010**  
**Omni Severin 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 Cook at 7:15 PM in the Notre Dame Room of the Omni Severin Hotel, Indianapolis. Board members present were Zaki Ali, David Cook, David Hennessy, Jeff Lockwood, Michelle Kraus, Mike McDaniel, and Lorinda Youngcourt. Staff present were Larry Landis, Teresa Campbell, Don Murphy, Andrew Cullen and Loretta Jackson.

**II. APPROVAL OF MINUTES**

The minutes were unanimously approved as amended.

**III. EXECUTIVE DIRECTOR'S REPORT**

**A. ADMINISTRATION**

Larry Landis reported that after Loretta Jackson's retirement on December 30<sup>th</sup>, her routine duties will be handled by IPDC staff and the more specialized responsibilities, such as publications, will be done on contract.

**B. GRANTS**

Larry reported that the current management information system (MIS) grant has been extended through June, 2011, and a new grant proposal has been submitted which, if funded, should allow completion of phase 1. Don Murphy stated that phases 2 and 3 consist of additional features that would enhance the MIS capabilities, but are not necessary for it to be functional. He also reported that Washington, Lake and Monroe Counties have applied for JAG-Byrne grants to fund implementation of the MIS, purchase computers and for training.

**IV. TRAINING**

Larry reported that the seminar account is in good shape financially with a current balance of \$73,000. It was decided that the county case reviews that Don Murphy conducts should be included in the seminar profit and loss statement, even when there is no associated cost.

Don stated that Doug Long has scheduled three one-hour seminars next year for Madison County.

Dave Cook and Lorinda Youngcourt will be attending immigration training in Arizona, and the Council is providing \$500 each to assist in covering expenses. After the training, they will be resources to our members who have questions about immigration consequences for the clients convicted of a crime.

David Hennessy requested a report from Don concerning his efforts to measure the quality of indigent defense representation. Don responded that he has been meeting with Public Defender Boards and County public defender offices, but so far no county has shown much interest in evaluating the quality of indigent defense services. He has created assessment forms and is close to getting Monroe and Allen Counties to use them. The problem is that there is no demand among public defenders for such a measurement. When he speaks with the counties they state they believe the quality of representation is good, even though they have no data to confirm their belief. He also said that most PD Boards don't really know what they're supposed to do, or what their mission is.

Dave Cook wondered if the Public Defender Commission can create a requirement that the counties collect data or explain to the counties that a quality control system will be implemented and its better us than someone else. Larry responded that we need data to present to the Commission. The new MIS will collect data, which can be shared with the Commission. He said that creating a state-wide public defender system would be the way to go, but the economic downturn has put that on hold for now. He did say that Chief Justice Shepherd supports a state funded system and quality control and oversight.

Mike McDaniel reported that Scott County has voluntarily left the reimbursement program due to caseloads and had been appointing counsel in 95% of cases. He met with judges there and they are going to implement a new system, where, instead of automatically appointing a public defender, they will now set a review date 7-10 days after first court date, tell the accused person to look for a private attorney, that they may have to contribute to the county supplemental public defender fund, and those who can't make bail must complete a pauper affidavit before being appointed counsel.

## **V. CRIMINAL JUSTICE POLICY & LEGISLATION**

Larry reported on the results of the Criminal Code Evaluation Committee. The Committee will meet on December 16<sup>th</sup> to vote on the final recommendations, except for drug sentencing. The IPAC Board of Directors voted 11-6 to reject the drug sentencing recommendation to the surprise of everyone on the committee. Steve Johnson of IPAC is going to continue working on the drug sentences with his board and perhaps will propose an amendment during the session. Despite the drug sentencing setback, there are still many improvements included in the proposed legislation.

Larry stated that part of the problem is that many prosecutors see the state fiscal crisis as the state's problem for which they share no responsibility. However, the legislature needs to reduce the DOC budget to produce a balanced state budget without raising taxes, which means there will be support for reducing sentences for drug offenses.

Larry also distributed a spreadsheet created by IDOC showing the race of those incarcerated on drug offenses, which shows an alarming racial disparity in sentences for drug dealing.

## **VI. NEW BUSINESS**

None

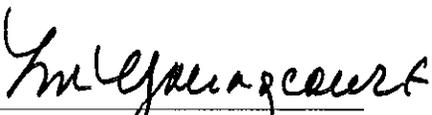
**VII. MEETING**

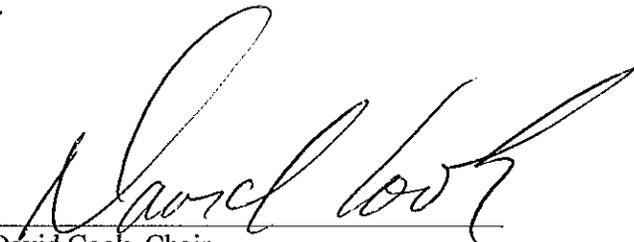
The next board meeting will be held on Thursday, January 20, 2011 at 7:00 PM to discuss legislation.

The meeting was adjourned at 8:15 PM.

Prepared by Loretta Jackson, Executive Assistant.

Submitted:

  
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Lorinda Youngcourt, Secretary

  
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David Cook, Chair

5/12/2011