

Indiana Public Defender Council
Meeting of the Board of Directors - June 17-18, 1983

MINUTES

1. CALL TO ORDER. The meeting of the Board of Directors of the Indiana Public Defender Council was called to order by Don Peyton, Secretary, at 8 p.m. on June 17, 1983 at Canyon Inn, McCormick's Creek State Park, Spencer, Indiana. Directors present: Dave Keckley, Gene Hollander, Dan Weber, Sandy Bryant, George Barnett, John Surbeck, Susan Carpenter and Larry Combs. IPDC staff members present: Larry Landis, Mary Sinnock, Kit Keller, Lisa Snyder. Directors of the Indiana Public Defender Association present: Mike Hunt and Ed Dunsmore.
2. MINUTES OF PRECEDING MEETING. Minutes of the Board of Directors meeting held May 13, 1983 were submitted by Mary Sinnock and Don Peyton. No corrections were made; the minutes were approved by acclamation.
3. EXECUTIVE DIRECTOR'S REPORT.
 - A. Office Administration. Larry Landis introduced the Council staff and reported on the current status of the agency's Westlaw subscription.
 - B. Budget & Financial Report. Mary Sinnock discussed the proposed budget for fiscal year 1983-84. The Board was informed of the severe strain on the Council's budget that would result if the state enforces its 6% reserve requirement on the IPDC. Estimates were given of the funds needed to continue the Westlaw subscription after expiration of the Juvenile Grant in early 1984.

A cost breakdown was given for training programs. A seminar with 100 participants costs approximately \$40 per person. Slightly over half of this cost has been covered by funds from the Council's operations budget, with the registration fees charged to members covering the balance. Figures were also given for the 1984 Trial Skills Program.
 - C. Programs Report. Mary Sinnock reported on the three remaining seminars for 1983: Trial Skills Aug. 14-20; Death Penalty Defense Sept. 9-11; and Opening & Closing Statements on Nov. 4. The Board's assistance in getting participants for the Trial Skills Workshop was sought.
 - D. Publications Report.
 1. Indiana Defender. Larry Landis reported that the Defender could be published monthly instead of bi-monthly if case reviews were shortened and additional money for printing and mailing costs were made available by cuts to other services and/or expenses.
 2. Case Review Subscription. In proposal form, Kit Keller described a new resource/reference service which could be made available to Council members. Case reviews are printed on filing cards which could be sold on a subscription basis. Kit showed samples of the cards and file to the Board, and gave estimates of costs, availability, etc. A decision on this proposal would be considered by the Board during their general meeting Saturday.
 3. Manuals. Larry Landis reported that updating of the Evidence Handbook was proceeding well, with publication estimated for September/October of 1983. He informed the Board that he intended to update the Sentencing Handbook himself, with completion estimated for December 1983. A committee for the Council's next publication, an Instructions Manual, should be appointed during the full Board session on Saturday.

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- E. Research Services Report. Larry Landis and Kit Keller reported on the revision of the IPDC's Criminal Research Index and the re-coding of research requests under the revised index. The Board's attention was drawn to the summary of research requests for the past 5 years given in the Executive Director's Report.
- F. Death Penalty Project. Kit Keller reported on the services offered to members assigned to defend indigents charged with the death penalty. The problem of getting attorneys to contact the Council early in their cases and use the IPDC's resources was briefly discussed.
- F. Brief Bank Report. Larry Landis and Kit Keller reported on progress made on establishing a Brief Bank as a Council resource. Indexing of briefs is expected to begin September 1983.

The Friday evening session of the Board Meeting was adjourned at approximately 10 p.m. The meeting was reconvened on Saturday, June 18, 1983 at approximately 9 a.m. Attending the Saturday session were Board members Dave Keckley, Gene Hollander, Dan Weber, Sandy Bryant, George Barnett, John Surbeck, Susan Carpenter and Larry Combs. IPDC staff members present: Larry Landis, Kit Keller, Lisa Snyder, Mary Sinnock and Brent Westerfeld.

1. Design of Training Programs

Larry Landis conducted a session on the principles and steps involved in designing effective training programs for public defenders. He began with an evaluation of the seminar held May 13, 1983 - reviewing how the program was set up, the material covered, the response of participants, etc. It was generally agreed that although the program was well recieved, it was not very effective as a training/educating experience for defense attorneys. Larry then went through an outline approach to designing training programs with the Board. This outline is included with these minutes as Attachment 1.

At the conclusion of this session, Larry stated that experience has shown that Directors tend to serve on the Board approximately five years. Given their tenure, experience and role as representatives of the Council's membership, it was recommended that they assume more responsibility in planning seminars to be conducted by the Council.

2. Planning of Spring 1984 Seminar

Don Peyton proposed that the Board, using the outline just completed by Larry Landis, plan the next two or three seminars to be offered by the Council.

A. Topic selection for next seminar.

The Board reviewed the list of future seminar topics which they had ranked by priority at their meeting in October of 1982. These future topics had been taken from a survey of Council members conducted that fall.

A lengthy discussion on the merits of Pretrial Motions as the next seminar topic was held. It was felt that the Motions Handbook meets this important need to some extent. Dan Weber moved to shelve the topic of Pretrial Motions and consider other topics for the next program. The motion was seconded by Dave Keckley. After discussion, Dan Weber amended his motion to propose that the topic of Pretrial Motions be considered in combination with another topic for a future seminar. Dave Keckley seconded the amended motion and it was passed by acclamation.

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Dave Keckley proposed that the Board consider Sentencing and Sentencing Alternatives as the topic for the next seminar. Discussion of this topic confirmed that the Board felt that there was a great need on the part of public defenders for increased knowledge about sentencing procedures, requirements, etc., including:

- 1) what can be done all along the way to help the client get the best possible results,
- 2) sentencing alternatives,
- 3) Dept. of Corrections procedures, standards, classifications, etc.
- 4) presentencing reports,
- 5) what happens after sentencing.

Don Peyton asked the Board by a show of hands to indicate if they wanted to adopt Sentencing as the topic for the next seminar. The proposal was approved.

B. Setting Goals and Objectives for Seminar on Sentencing

Goal: To increase public defenders' knowledge of sentencing and its consequences.

Objectives - the training objectives and techniques recommended to achieve them are summarized below:

- 1) Knowledge of sentencing alternatives; decisions the client needs to make; include regional information; also overview of what is being done across the state.
Techniques: Lecture, written materials, questions & answers (lots of time)
- 2) Attorney should be able to explain to his client:
 - a. importance & ramifications of the presentence report;
 - b. what his options are, and the restrictions on some alternatives;
 - c. where he's going;
 - d. how long he'll be there; and
 - e. what's going to happen to him as he is processed through DOC.Techniques: Panel (staff people from the Diagnostic Center, etc.), written materials, questions & answers (pre-submitted questions)
- 3) Presentencing reports
 - a. composition - what must be included
 - b. challenging the PSI
 - c. what to do about ex parte communications
(how to do it, can you? should you? ethical considerations)
 - d. criminal records - where does it come from? how do you check it?Techniques: Demonstrations, case studies, lecture, written materials
For criminal records, suggest interviewing someone who prepares them and report at seminar, or have such a person on a panel
- 4) Sentencing standards and criteria
Techniques: Written materials
- 5) Classification
 - a. who makes the decisions
 - b. how are the decisions made
 - c. eligibility for programsTechniques: Panel of DOC reps., questions & answers, written guidelines
- 6) Shock probation
 - a. Short-term
 - b. Long-term
 - c. Different institutionsTechniques: not covered
- 7) Appeal procedure and appeal issues
Techniques: Lecture and written materials

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- 8) Description by a knowledgeable person who knows what prison is like, preferably an ex-offender
Techniques: Lecture, interview, video tape
What kind of questions would you want to ask them?
-What do you wish your attorney had told you?
-What do you wish you had known before....

- 9) Sentencing as it pertains to Juveniles
a. disposition alternatives
b. decision making process, factors
Techniques: possibly written materials as a supplement to program

Don Peyton asked for Board members to assist in planning a seminar on Sentencing for the spring of 1984. Sandy Bryant and Larry Combs volunteered.

3. Instructions Manual

Susan Carpenter was appointed chairwoman of a committee to assist the Council staff with the Instructions Manual.

4. Contract for Research Assistance

Gene Hollander made the motion that the Council continue to contract with Brent Westerfeld for research assistance at the rate of \$15 per hour. Susan Carpenter seconded the motion and it was passed by acclamation.

5. Case Review Index Card System

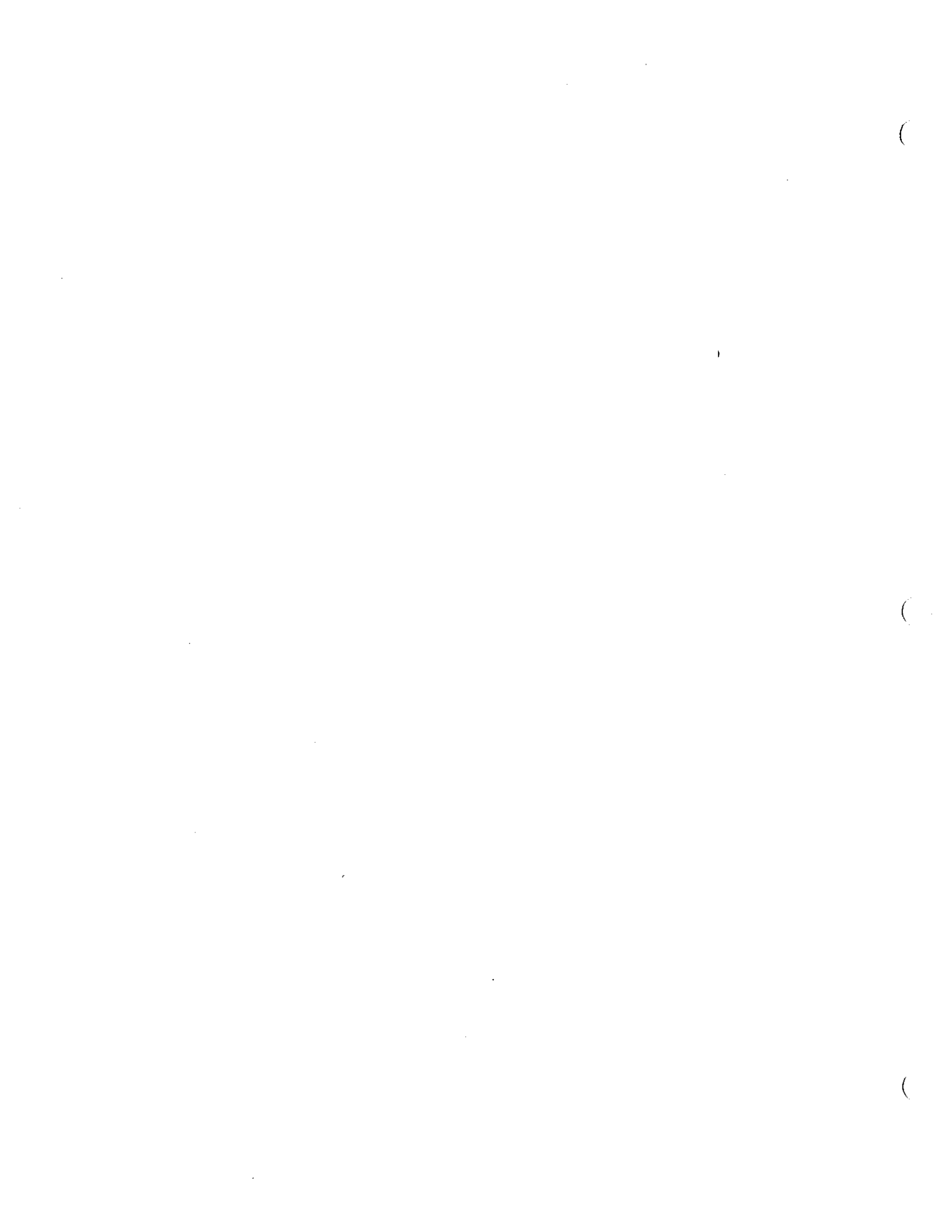
- a. Charge to members for service. After lengthy discussion, Dan Weber moved that Kit Keller determine the cost of providing the service, and then double this figure to use as the amount charged to members. The charge to non-members would be 50% higher than the member rate. Dan stated that his motion was a recommendation only, and that the IPDC staff should make the final determination of the charges. Dave Keckley seconded the motion and it was passed by acclamation.

Larry Combs expressed the opinion that the Council's priority should be to provide needed services at the lowest possible charge to its members.

- b. Starting date. Kit Keller advised that the service might be available late this fall. It was the Board's opinion that Kit should determine the starting date.
- c. Advertising/publicity. The Board suggested placing an advertisement in Res Gestae; sending a flyer in the Defender; and using a direct mail to members with a sample index case-card enclosed. It was also recommended that judges and county bar associations be notified, if feasible.
- d. Limited availability. Gene Hollander asked how the Council could make sure that this service would not be sold to prosecutors. Kit replied that subscribers would be asked to complete a verification form asserting that they are involved in criminal defense practice when they order the service.

6. Brief Bank

- a. Charge for copying to members. Dan Weber moved that the Council charge members 5 cents per page for copying material from the Brief Bank and that the Council staff determine guidelines for minimum charge, billing procedures, etc. The motion was seconded by David Keckley, and passed by acclamation.
- b. Catalogue. Kit Keller recommended that the Brief Bank Catalogue be updated annually. No recommendation was made about charging for the catalogue.



- c. Soliciting briefs. The Board discussed the problem of how to get members to send in copies of their briefs to the Council for inclusion in the Bank. Recommendations included a notice in the Defender, announcements at seminars, and giving contributors credit toward copying charges.
- d. Review committee. The Council does not have the staff time to review all briefs on a continuing basis and Larry Landis asked that a committee be appointed to help with this job. Kit suggested a 'pilot committee' for the first two or three months to see how many briefs would come in, how long it would take to review and classsify them, and what procedures would be the most efficient for this. She will draw up a review form to send with each brief for the information desired from the reviewing attorney. The following people offered to serve on the pilot Brief Bank Committee:

John Surbeck	Gene Hollander
George Barnett	Larry Combs
Dave Keckley	Dan Weber
Larry Giddings (nominated by Don Peyton)	

- 7. Membership for federally appointed public defenders. After discussion, Gene Hollander moved that membership in the Council be limited to those attorneys who serve in the state courts. Dan Weber seconded the motion and it was approved by acclamation.
- 8. Nominating Committee for 1984 Board Elections. Don Peyton appointed the following members to serve on the 1984 Nominating Committee: Chairwoman: Susan Carpenter, members: Dan Weber and Terry Richmond.
- 9. Next Board Meeting. It was the preference of the Board to hold their next meeting on November 3, 1983, the evening before the seminar on Opening & Closing Statements. If a dinner with the seminar speakers could be arranged, the Board recommended setting the dinner for 6 pm and their meeting to follow at 7:30 pm.
For the 1984 Board Retreat, it was the Board's preference to hold the meeting at Brown County State Park, with Pokagon State Park as the second choice. It was recommended that overnight rooms be secured for both Friday and Saturday nights so that members could stay Saturday if they chose.

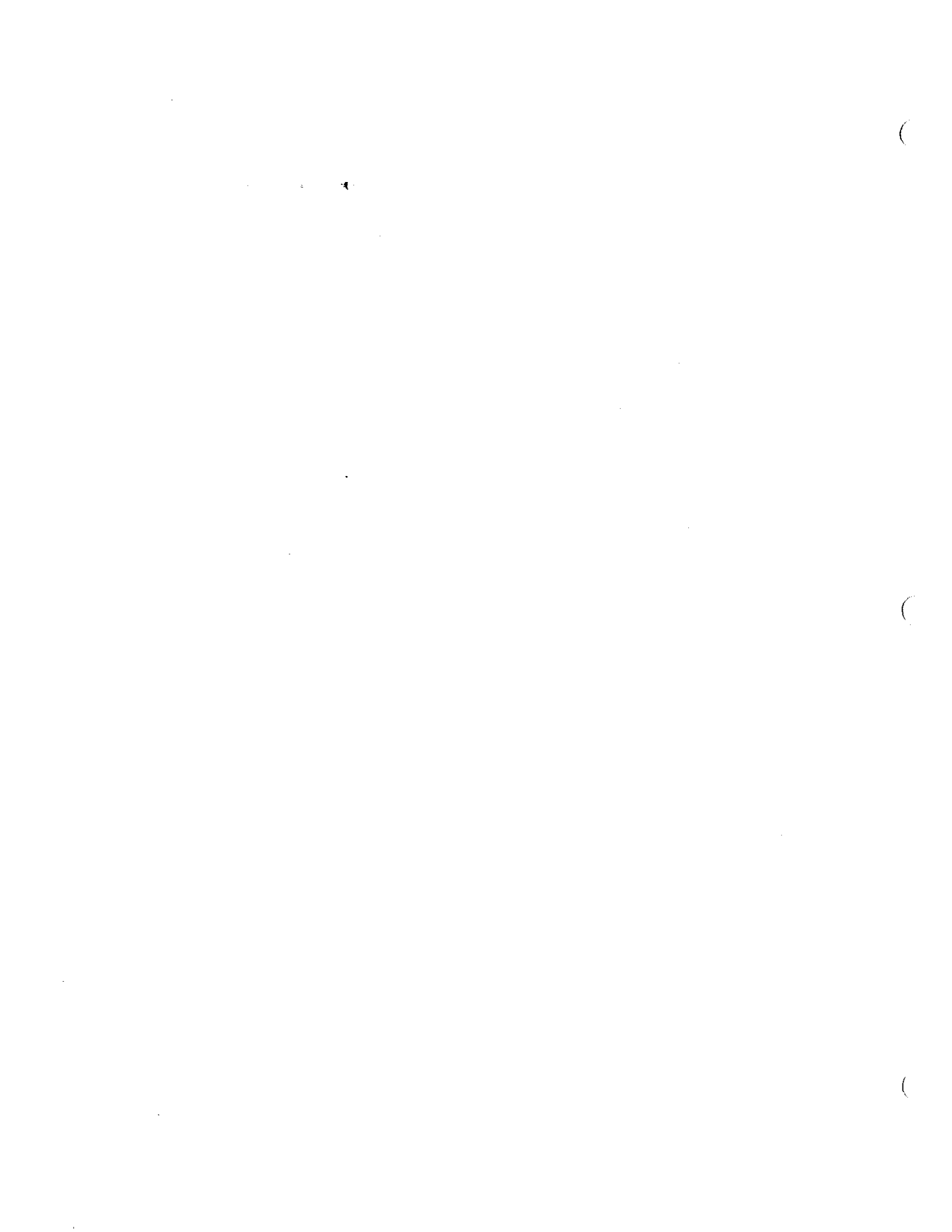
The Board Meeting adjourned at 12:15 p.m.

Prepared by:

Mary Sinnock Date 8/24/83

Submitted by:

Donald Peyton, Secretary Date _____



IPDC Board of Directors Meeting
 June 17 & 18, 1983
 Canyon Inn, McCormick's Creek State Park

AGENDA

Meeting Rooms
(on lower level)

FRIDAY - JUNE 17

8:00 - 10:00 pm	Meeting of Full Board Executive Director's Report Staff Reports Introduction to Planning & Designing Training Programs	Sycamore B
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SATURDAY - JUNE 18

9:00 - 10:30 am	Meeting of Full Board 1. Program Planning for 1984 2. Other program issues	Sycamore B
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10:30 - 10:45 am	BREAK	
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10:45 - 12 Noon	Meeting of Full Board 1. Priority of Seminars in Council Services 2. Instructions Manual 3. Contractual Research for Fiscal Year 1983-84 4. Case Review Index Cards Subscriptions . Brief Bank 6. Membership eligibility for federally-appointed defenders 7. Appointment of Nominating Committee 8. Old or New Business not covered 9. Schedule next Board meeting	Sycamore B
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12:00 - 12:45	LUNCH (Joint Lunch with Board Members of the Indiana Public Defender Association)	Canyon Inn Dining Room
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12:45 - 2:00 pm	Joint Board Meeting: Indiana Public Defender Council Ind. Public Defender Association	Sycamore B
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Joint Meeting of the Board of Directors of the
Indiana Public Defender Association and Indiana Public Defender Council
June 18, 1983 - Canyon Inn, Spencer, IN

MINUTES

1. Call to Order

A joint meeting of the Directors of the Indiana Public Defender Association and the Indiana Public Defender Council was held at 1:15 p.m. on June 18, 1983 at the Canyon Inn, McCormick's Creek State Park, Spencer, Indiana. IPDA Board members present: Jim Johnson, Mike Hunt, Melanie Conour, Linda Wagoner, George Gesenhues, Ed Dunsmore and Larry Landis. Members of the IPDC Board present were Don Peyton, George Barnett, Sandy Bryant, Susan Carpenter, Larry Combs, Gene Hollander, Dave Keckley, John Surbeck and Dan Weber. IPDC staff members present were Larry Landis, Mary Sinnock, Kit Keller, Brent Westerfeld and Lisa Snyder.

Jim Johnson, President of the IPDA, called the meeting to order and welcomed the members of the Board of Directors of the IPDC. Jim announced that the IPDA Board had approved in their meeting that morning the holding of board meetings at the same time and place as the IPDC board meetings and would invite members of the IPDC Board to attend.

2. Amicus Brief Committee

Jim Johnson announced that the IPDA had received two requests for amicus briefs: one from Madison County, and the second from Vanderburgh County. A discussion of each request was held. Melanie Conour moved that the IPDA prepare and submit an amicus brief in the Madison case; it was seconded by Linda Wagoner and approved by acclamation. Linda Wagoner moved that an amicus brief be prepared and submitted in the Vanderburgh case; it was seconded by _____. After discussion on the motion, Melanie Conour moved to table the motion. It was seconded by George Gesenhues and passed with one no vote.

The following people were appointed to serve on the Amicus Brief Committee: Mike Hunt, Chairman, Linda Wagoner, Dave Keckley, George Barnett, Jr., Jim Johnson, Gene Hollander. Other suggestions were Thomas Schornhorst, Ken Stroud, and Ivan Bodensteiner.

3. Standards Committee

The purpose of the Standards Committee will be to propose standards for:

- (1) Early entry of appointed counsel;
- (2) Financial eligibility of client;
- (3) Selection, retention and termination of public defenders;
- (4) Appointment of counsel on case-by-case basis;
- (5) Support services;
- (6) Conflicts of interest;
- (7) Caseload;
- (8) Compensation of public defender/assigned counsel;
- (9) Training/continuing legal education; and
- (10) Continuity of representation.

Appointed to serve on the Standards Committee: Susan Carpenter, Chairwoman, Linda Wagoner, Ed Dunsmore and Dave Keckley.

4. Delivery Systems Committee

The purposes of the Delivery Systems Committee will be:

- (1) To devise methodology for evaluating the quality and cost-effectiveness of present delivery systems;
- (2) To identify weaknesses in delivery system(s) which interfere with delivery of high quality representation;



- (3) To determine whether weaknesses in delivery system(s) require legislation to correct; and
- (4) To propose legislation.

Appointed to serve on the Delivery Systems Committee: John Surbeck, Chairman, Susan Carpenter, Larry Combs and Mike Hunt.

5. Contracts Committee

The purpose of the Contracts Committee is to draft a model contract, guidelines and recommendations for attorneys who contract with courts for defender services under I.C. 33-9-10-1.

Larry Combs was appointed Chairman of the Contracts Committee. Other attorneys recommended to serve on this committee were Bruce Boje and Jim Fleming.

6. Legislation Committee

The purposes and goals of the Legislation Committee will be:

- (1) To identify primary areas of interest;
- (2) To adopt procedures for determining the position of the IPDA; and
- (3) To identify resource people to testify before legislative committees.

Appointed to serve on the Legislation Committee: Dan Weber, Chairman, Melanie Conour, Don Peyton and Susan Carpenter.

7. Additional Council Seminar Topics

Before adjourning the meeting, Don Peyton asked the Council Directors to recommend two more topics for future Council seminars.

Larry Combs suggested the topic of Voir Dire, which was approved by a show of hands. Larry Combs and Don Peyton volunteered to assist the Council staff in planning this program.

George Barnett suggested the topic of Appellate Procedure, which was approved by a show of hands. George Barnett and Melanie Conour volunteered to assist the Council staff in planning this program. It was recommended that the Council prepare an Appellate Manual in conjunction with this program.

Gene Hollander encouraged the Council staff and Board members to include adequate time in future seminars for brainstorming sessions.

8. Next Meeting

It was agreed that the Board of Directors of the Indiana Public Defender Association would meet jointly with the Board of the Indiana Public Defender Council on the evening of November 3, 1983. The probable location will be the Marriott East Hotel in Indianapolis (site of the IPDC seminar to be held November 4th.) The Council staff will send notice of specific time and place prior to the meeting.

The meeting was adjourned at approximately 2 p.m.

Prepared by:

Mary Sinnock Date 8/25/83

Submitted by:

Donald Peyton, Secretary Date _____

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DESIGN OF TRAINING PROGRAMS

(From IPDC Board Meeting - June 18, 1983 - Larry Landis)

A. Why Train?

1. To improve depth and breadth of knowledge.
2. To develop or enhance skills.
3. To modify or develop attitudes or behavior.

B. Training Design Steps

1. Needs Assessment

a. Methods

- 1) Observation
- 2) Interviews
- 3) Questionnaires

b. Baseline information needed - what does the trainee bring with him/her?

- 1) What is the trainee's:
background
experience
age
sex
culture
(this knowledge helps define skills and experiences)
- 2) What are the trainee's expectations?
- 3) What can you anticipate from trainees in the way of mood, readiness to learn, attitudes about training?
- 4) What else do you need to know?
(Example: 1982 IPDA survey showed that 83% of the respondents spend 50% or less of their professional practice in criminal law.)

2. Set Training Goals and Objectives.

a. An Example:

Goal: To provide attorneys with an overview of criminal procedure in Indiana.

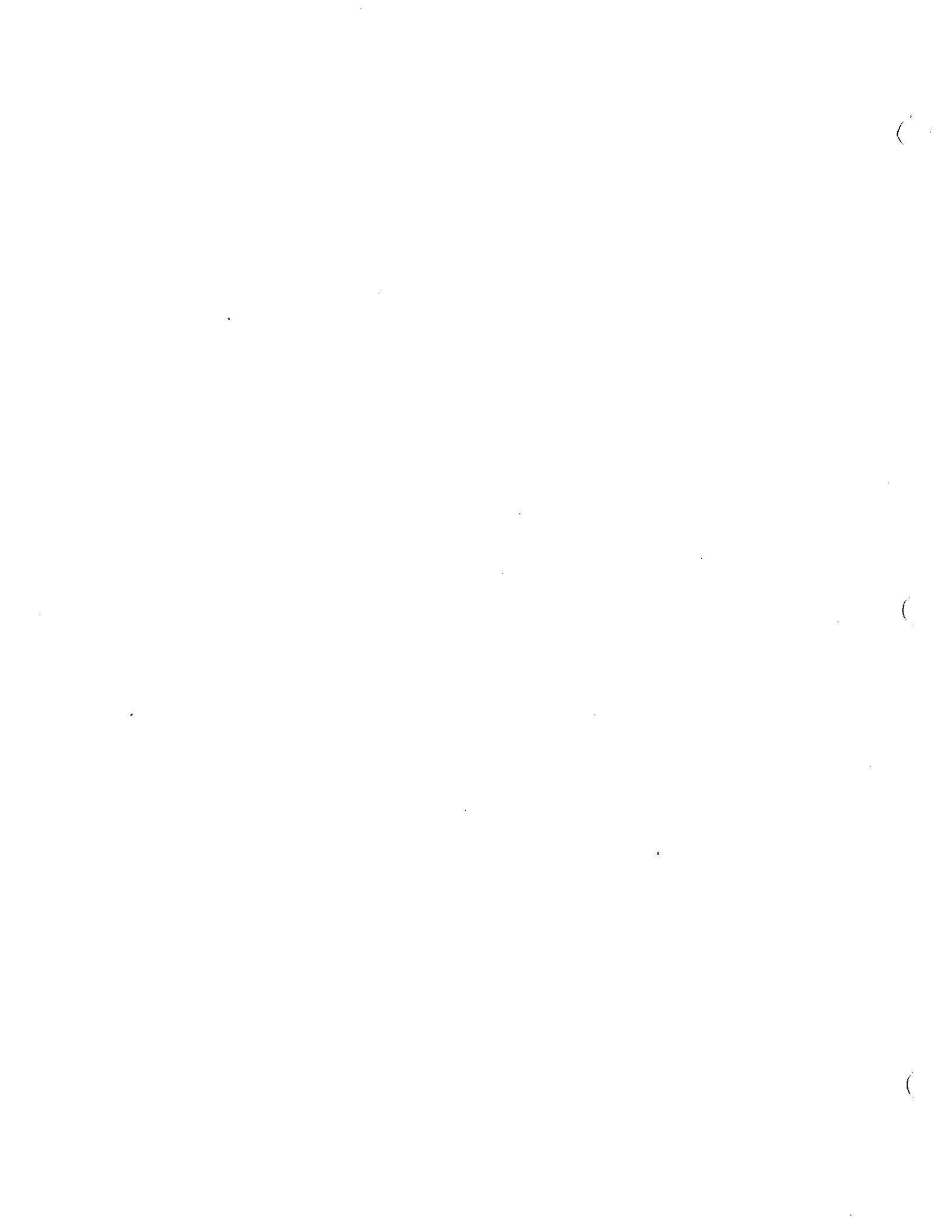
Objective: By the end of the training, the attorney will be able to describe the chronology of a simple case from arrest to trial, including deadlines for motions and notice of defenses.

b. Purposes of Goals and Objectives:

- 1) Road maps
- 2) Gives trainees a target
- 3) Dispels unrealistic expectations
- 4) Provides basis for evaluation
- 5) Makes trainers accountable for results by establishing a basis for comparing promised with actual results

c. Guidelines for Writing Objectives:

- 1) Be brief and to the point
- 2) Use action verbs to describe the expected result
- 3) Specify time frame
- 4) Specify limits in use of resources
- 5) Specify results to be achieved in measurable or observable terms
- 6) Make objectives realistic



3. Assess Staff, Resources and Skills
 - a. What staff is available for training?
 - b. What staff is needed for training?
 - c. What skills are needed by training staff?
 - d. What skills do staff presently have?
 - e. What resources (\$) are available?
 - f. What other resources are available?
4. Select Training Techniques
 - a. Lecture/speech
 - b. Panel type presentations
 - c. Interview type presentations
 - d. Demonstrations
 - e. Case studies
 - f. Role play
 - g. Brainstorming
 - h. Written materials
5. State Objectives for Each Activity
6. Predict Sequencing and Time Requirements for Each Activity
(this is often critical to effectiveness)
7. Establish Faculty
8. Assess Logistical Requirements
9. Evaluation
 - a. Examine goals and objectives
 - 1) Are goals and objectives consistent with needs of trainees/members?
 - 2) Are objectives descriptive of the content and activities which were included in the program?
 - 3) Are the objectives sufficiently specific and measurable to serve as standards against which to measure performance?
 - b. Examine program organization
 - 1) Is training staff adequate for type of program in terms of size and expertise?
 - 2) Are there reasonably adequate provisions for space, equipment, materials, food, etc. to support the training program?
 - 3) Is there adequate demonstration of program planning and leadership to ensure delivery?
 - c. Examine content and delivery.
 - 1) Training content
 - 2) Training methods
 - 3) Training aids
 - 4) Trainers/faculty/speakers
 - d. Costs/Cost-Effective



EXECUTIVE DIRECTOR'S REPORT

1982-83

I. OFFICE ADMINISTRATION

A. Staff

1. Larry A. Landis - Executive Director
administration; research; manuals; liaison; technical assistance
2. Mary Sinnock - Administrative Assistant
programs; budget-bookkeeper; office administration; back-up word processor
3. Lisa Snyder - Word Processor
publications; membership; office supplies; publications clerk; word processor
4. Kit Keller - Publications Director
Indiana Defender - Editor; Case Reviews; resource maintenance (research requests, articles and brief bank); special projects (sentencing alternatives and death penalty)
5. Brent Westerfeld - Research Director (contract for 20 hours per week)
research requests; manuals

B. Office Equipment

1. New Furniture or Equipment Needed
 - four filing cabinets to replace present ones
 - one conference table to replace present one
 - one work table
 - two book cases

2. IBM PC/Westlaw

The IBM PC was installed in December of 1982. In May our contract for a subscription to Westlaw was approved. We are now on-line and have free user time until our training session in July. The subscription charge of \$100 per month and 3 hours per month of the user charge will be paid out of the juvenile grant for seven months.

II. BUDGET FINANCIAL REPORT

A. 1983-84 Budget

The proposed budget for FY 1983-84 which was submitted to the budget agency on June 16, 1983 will be submitted at the Board meeting on the 17th.

III. PROGRAMS

A. Past seminars

List of past seminars is included in your folder.

B. Future seminars

We need to start planning for seminars for 1984.

ATTACHMENT

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IV. PUBLICATIONS

A. Indiana Defender

1. The Indiana Defender has been published on a bi-monthly basis since July 1982. This was necessary because of the large commitment of staff time required for monthly publication and the shortage of money in the printing budget.
2. Return to a monthly publication schedule would be possible only if the present coverage of recent cases is reduced.

B. Case Review Subscription

1. A proposal will be made at the Board meeting for a subscription to case reviews on index cards mailed weekly.

C. Manuals

1. Past Manuals. List of past manuals included in your folder.
2. Evidence Manual. An update of the 1980 Evidence Manual is being prepared by Brent. It is scheduled for completion in August. Copies should be available in September.
3. Sentencing Manual. An update of the 1980 Sentencing Handbook will be prepared by me and available January 1, 1984.
4. Other Manuals. Production schedules and priorities need to be set for other manuals.

V. RESEARCH

- A. The following is a list of research requests conducted since 1978.

<u>Year</u>	<u>Research Request Number</u>
1978	70
1979	118
1980	146
1981	167
1982 (6 months)	183

- VI. DEATH PENALTY PROJECT - Report will be given by Kit Keller at the Board meeting.

- VII. SENTENCING ALTERNATIVE PROJECT - Report will be given by Kit Keller at the Board meeting.

VIII. BRIEF BANK

- A. As reported last September, we have received several hundred briefs from the Supreme and Appellate Court Clerk. We have also received a few hundred briefs from the State Public Defenders Office. For the past two months we have had two law students indexing these briefs. They will be finished by June 17, 1983. By September all briefs will be on index cards and our brief bank will be operational. A decision needs to be made as to how the briefs will be made available to members.

ATTACHMENT