

Capital Punishment Reform Study Committee
Minutes of Subcommittee No. 4 meeting

December 13, 2006

On December 13, 2006 at 12:00 p.m., a meeting of Subcommittee 4 was held at the Criminal Justice Information Authority. Attending were Theodore A. Gottfried, Richard D. Schwind, Jeffrey M. Howard and Arthur Turner (via teleconference).

Minutes of the October 23, 2006 Subcommittee meeting were approved.

Police perjury.

Mr. Baroni spoke with the Illinois Law Enforcement Training and Standards Board to determine if a police perjury had ever been filed. Mr. Baroni reported speaking to the Executive Director of the Board, Dr. Tom Jurkannon. Mr. Jurkannon said no complaints had ever been filed. With the Board. Mr. Jurkannon further reported that the Board had established procedures for any such complaint should one be filed.

Training of attorneys and judges.

Mr. Baroni reported speaking to Administrative Office of Illinois Courts (AOIC). He first spoke to Ms. Lisa Jacobs who handles judicial training for capital cases. He then spoke to Mr. Paul Taylor who handles

Capital Litigation Trial Bar training. Mr. Baroni sought the curriculum required for training of capital judges and capital litigation trial bar members. The AOIC requires formal authorization from the Supreme Court for compliance with such a request. Mr. Baroni indicated that he would follow-up with Chief Justice Robert R. Thomas.

Messrs. Schwind and Gottfried agreed to provide the Subcommittee with training materials they have used in the training of Capital Litigation Trial Bar Lawyers.

Mr. Schwind indicated that he would also provide an agenda and curriculum for the Association of Government Attorneys in Capital Litigation (AGACL). Mr. Schwind also indicated that the AOIC requires all organizations that conduct capital litigation training courses to be pre-approved and to submit the material and agenda to be used for the training.

Mr. Gottfried indicated that the Office of the State Appellate Defender (OSAD) put together two capital litigation training programs one through IICLE and one through Professor Andrew Lyons (DePaul University School of Law). Mr. Gottfried will provide the training material and agenda for those programs to Mr. Baroni. Mr. Gottfried also indicated that the National Legal Aid and Defenders Association, as well as, the National Association of Criminal Defense Lawyers sponsor yearly capital litigation training

seminars, however, they are generic and not state specific. Mr. Baroni was instructed to obtain the agenda for those training seminars.

Mr. Howard said the Cook County Public Defenders Office has training for its attorneys that are Capital Litigation Trial Bar members. 85 attorneys in that office are members. The training was two days long in July of 2006 for Cook County Public Defenders only and only lead capital counsel attorneys.

Mr. Howard indicated the training requirements set forth by the Supreme Court mandate such courses to be at least 12 hours long. That requirement precludes a day long class and requires the commitment of two days for attorneys attending such training. Mr. Howard believes a one day course would also be beneficial and more practical, especially for private defense attorneys.

Forensic testing and oversight.

Mr. Atterbury (the Attorney General's forensic testing expert) was scheduled to appear at today's meeting. He failed to appear or call in. Mr. Schwind will determine why he did not appear and suggest that he attend the next Subcommittee meeting.

Mr. Gottfried said the Subcommittee's next meeting will be held on Tuesday, January 23, 2007 at noon in the Illinois Criminal Justice Information Authority, 120 South Riverside Plaza, Chicago, Illinois.

The Subcommittee adjourned at 1:00 p.m.

Peter G. Baroni
Special Counsel to the CPRSC
Leinenweber & Baroni
Attorneys at Law