

# STATE OF INDIANA



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## PUBLIC DEFENDER COMMISSION

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TO: County Council Members  
County Public Defender Board Members  
Chief Public Defender  
Circuit Courts of Benton, Martin, Union and Warren Counties  
Preparer of Quarterly Request for Reimbursement

DATE: June 27, 2013

FROM: Deborah Neal, Staff Counsel  
Indiana Public Defender Commission

### NOTICE OF CHANGES TO STANDARDS G AND E

At the June 19, 2013 quarterly meeting of the Indiana Public Defender Commission, amendments were adopted to the Standards for Indigent Defense Services in Non-Capital Cases, specifically Standards G and E.

The amendment to Standard G states that in counties with established public defender offices, the salaries and compensation provided to the chief public defender and deputy chief public defender shall be **the same as** provided to the elected prosecutor and the chief deputy prosecutor in the county under IC 33-39-6-5; and that full-time public defense counsel's salary and compensation shall be **the same as** the salaries and compensation provided to deputy prosecutors in similar positions with similar experience in the office of the Prosecuting Attorney, effective January 1, 2014. This equal pay includes any supplemental salary paid to Prosecuting Attorney by the county.

In the Commission Guidelines Related to Non-Capital Cases, the Commission eliminated the 6/08/95 guideline which stated "As it pertains to the Chief Public Defender's salary, the Commission

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defines ‘substantially comparable’ as not less than 90% of the Prosecutor’s compensation.” (See attached).

The amendment to Standard E now includes the qualifications necessary for public defense counsel to accept Children in Need of Services (“CHINS”) and Termination of Parental Rights (“TPR”) cases and for these cases to be eligible for reimbursement from the Public Defense Fund. Counties receiving reimbursement from the Public Defense Fund are allowed to submit requests for reimbursement on CHINS/TPR cases assigned to qualified counsel with the third quarter request. Eligible cases are those assigned beginning July 1, 2013. (See attached).

**For Preparers of Quarterly Requests for Reimbursement:**

**Salaries of Full-Time Public Defenders**

Before January 1, 2014, please provide a copy of the County Salary Ordinance which contains salaries of prosecutors and public defenders. Identify the prosecutor and public defense salaries that are affected by the 6/19/13 amendment to Standard G.

**Reimbursement of CHINS/TPR Cases**

As counties prepare to request reimbursement for CHINS/TPR cases, it is necessary that you provide a Standards E & F Qualification Form for each attorney performing CHINS/TPR cases showing he/she has completed the 6 hours of continuing legal education. The certification may be submitted with the quarterly request for reimbursement. The form is available on the Indiana Public Defender Commission’s website at <http://www.in.gov/judiciary/pdc/2369.htm>.

For the required 6 hours of continuing legal education in CHINS/TPR cases, the Commission has approved a CLE program prepared by the Marion County Public Defender Agency. To request a copy of the training DVD, contact Elana Salzman, staff counsel, [elana.salzman@courts.in.gov](mailto:elana.salzman@courts.in.gov) or Larry Landis at the Indiana Public Defender Council, [llandis@iquest.org](mailto:llandis@iquest.org).

xc: Members, Indiana Public Defender Commission  
County Auditors

Lilia G. Judson, Executive Director  
David Remondini, Deputy Executive Director  
Indiana Supreme Court  
Division of State Court Administration

**STANDARDS FOR INDIGENT DEFENSE SERVICES IN  
NON-CAPITAL CASES**

**STANDARD G.  
COMPENSATION OF SALARIED OR CONTRACTUAL PUBLIC  
DEFENDERS.**

The comprehensive plan shall provide that the salaries and compensation of full-time salaried ~~and contractual~~ public defenders shall be ~~substantially comparable to~~ the same as the salaries and compensation provided to deputy prosecutors in similar positions with similar experience in the office of the Prosecuting Attorney. The compensation of contractual public defenders shall be substantially comparable to the compensation provided to deputy prosecutors in similar positions with similar experience in the office of the Prosecuting Attorney. ~~Compensation shall include, but is not limited to, reimbursement for reasonable office expenses and other reasonable, incidental expenses, e.g., photocopying, long distance telephone calls, postage, and travel. In~~ counties that have established a county public defender office, the salaries and compensation provided to the chief public defender and deputy chief public defender shall be the same as provided to the elected prosecutor and the chief deputy prosecutor in the county under IC 33-39-6-5. Effective 1/1/14.

**COMMISSION GUIDELINES RELATED TO NON-  
CAPITAL CASES**

06/08/95      ~~As it pertains to the Chief Public Defender's salary, the Commission defines "substantially comparable" as not less than 90% of the Prosecutor's compensation.~~

**STANDARDS FOR INDIGENT DEFENSE SERVICES IN  
NON-CAPITAL CASES**

**STANDARD E**

**APPOINTMENT OF COUNSEL.** The comprehensive plan shall provide for the appointment of trial counsel meeting the following qualifications.

...

5. To be eligible to serve as appointed counsel in CHINS/TPR cases, counsel shall possess the following qualifications:
  - a. An attorney shall have completed prior to appointment at least six (6) hours of training in CHINS/TPR practice in a course approved by the Indiana Public Defender Commission.
  - b. Any attorney with less than one (1) year experience in TPR Litigation or has not litigated at least one (1) TPR to completion must have co-counsel in any TPR matter proceeding to trial. Co-counsel shall have the required minimum experience and training.