

DRAFT

INDIANA COMMISSION ON COURT APPOINTED ATTORNEYS

December 17, 2025

2:00 PM

101 West Ohio, 18th Floor, Commission Conference Room

Indianapolis, Indiana 46204

Members in attendance:

Mark W. Rutherford, Chair (in person)

Ms. Samantha DeWester (in person)

Hon. Mary Ellen Diekhoff (in person)

Ms. Paje Felts (in person)

Hon. Kelsey B. Hanlon (in person)

Sen. Eric Koch (remote)

Rep. Ryan Lauer (remote)

Staff in attendance (participating):

Derrick Mason

Andrew Cullen

Participating audience members:

Jim Abbs, Noble County Chief Public

Defender (remote)

Ray Casanova, Marion County Chief

Public Defender (remote)

Josh Stigdon, Scott County Chief

Public Defender

Members absent:

Rep. Maureen Bauer

Mr. David J. Hensel

Sen. Rodney Pol

At 2:00 p.m., the Chair called the meeting to order. Commission members, individuals attending in person, and participating staff members introduced themselves, and a quorum was established.

1. Approval of September 24, 2025 Minutes

There were no changes to the minutes for the September 24, 2025 meeting. Ms. DeWester moved to approve the minutes, and Judge Hanlon seconded the motion. A roll-call vote was taken and the minutes were approved unanimously.

2. Comprehensive Plan Approval

A. Approval of Marshall County Comprehensive Plan (New)

Marshall County is adopting its first comprehensive plan. Mr. Mason said it is primarily a contract county with some hourly attorneys. The county will not have a chief but will have a managing attorney.

Ms. DeWester moved to approve the plan. Judge Hanlon seconded the motion. A roll-call vote was taken and the motion carried unanimously.

B. Review of Fulton County Amended Plan

Mr. Mason reported that Fulton County independently updated its comprehensive plan and sent the county-approved plan to the Commission for review and approval. He observed that the amended plan was heavily abbreviated; it left out specific standards, such as requirements for contracts as well as qualifications for public defenders, that the Commission normally includes in sample plans. Commission staff ordinarily include such provisions based on the belief that such information should be included for counties to have in front of them. Commission staff sent such a sample plan to the county, but the county declined to use it and asked that the plan they approved be considered by the Commission. Mr. Mason recommended that the plan not be approved and that the county be required to either use the sample plan or at least address every standard.

Ms. DeWester asked why the county did it this way. Mr. Mason responded that the county preferred to draft the plan independently.

The Commission declined to approve the Fulton County amended comprehensive plan.

3. Financial Status of Public Defense Fund & Title IV-E Reimbursements

Mr. Mason stated that the Commission is on track to exceed its appropriations and dip into its reserves in the public defender fund. He noted that this outcome was not overly concerning, as that is why the reserves are there. He also stated that with Hamilton County passing an ordinance allowing it to join the Commission, it could

have a dramatic impact on the Commission's budget. With those notes, Mr. Mason said there were sufficient funds in the Public Defense Fund to reimburse counties for the third quarter.

4. Status of County Compliance (Caseloads)

The multicounty caseload compliance was the best it has ever been, Mr. Mason reported. Only one attorney was out of compliance, and hopefully he will be in compliance within one or two quarters.

Individual county compliance was also excellent. Clark County had two attorneys who were out of compliance: one was significantly out of compliance because the attorney was previously a misdemeanor attorney, and it will take some time to come into compliance. Judge Hanlon asked whether Clark County has struggled with compliance for a while. Mr. Mason said yes, it has; it was in compliance the first quarter, but previously had been out of compliance for seven quarters.

In Jefferson County, one out-of-compliance attorney was retiring and a second was only marginally out of substantial compliance. Mr. Mason did not recommend any 90-day letters.

5. Requests for Reimbursement

A. 50% Reimbursement in Death Penalty Cases

Mr. Mason reported that the Madison County death penalty reimbursement request was large because it was a bill from two quarters, the county not having fully submitted a bill the previous quarter. He further observed that part of the Marion County request was more than 120 days old, but because it was the first time the bill was late, he recommended reimbursement. The total reimbursement came to \$173,681.33 (see table below).

Judge Hanlon moved to approve the reimbursements for capital defense; Judge Diekhoff seconded the motion. A roll-call vote was taken and the motion was approved unanimously.

COMMISSION ON COURT APPOINTED ATTORNEYS

Reimbursement Requests in Capital Cases

December 17, 2025

COUNTY	DEFENDANT	TOTAL
Hendricks	Rodgers	\$67,674.58
Madison	Boards	\$97,659.00
Marion	Mitchell	\$5,096.30
TOTAL		\$170,429.88
LATE CLAIMS		
Marion	Mitchell	\$3,251.45
TOTAL		\$173,681.33

B. 40% Reimbursement in Non-Capital Cases

Mr. Mason said there were a couple adjustments due to desk audits. Scott County is not eligible for reimbursement because its board did not sign the reimbursement request, as is statutorily required, due to board issues. The total reimbursement request, including the misdemeanor pilot, was \$10,549,135.56 (see Appendix).

Judge Diekhoff moved to approve the non-capital reimbursements in the amount of \$10,549,135.56; Ms. DeWester seconded the motion. A roll-call vote was taken; all members voted in favor except the Chair, who abstained. The motion carried.

6. Standard J: Caseloads of Counsel; Adequate Support Staff

Mr. Mason recalled that the Chief PD Association previously asked the Commission to reduce the level of support staff required by Standard J for an attorney to be considered adequately staffed from .75 support staff to .50 support staff for every full-time attorney. The county must provide the support staff; it cannot be the attorney's own support staff. In response to the request, Commission staff surveyed Commission counties and received over 250 responses from 36 counties. Most attorneys wanted more support in each of the types, not less. Many attorneys did not know if they had support staff availability. Commission staff also surveyed

chiefs, receiving 12 responses. The majority of these chiefs did not want the change in the standard. Some of these chiefs reasoned that the potential change would require their office to lay off support staff or not replace support staff. Mr. Mason said that the Public Defender Council (PDC) was interested in helping train public defenders to more fully use investigative services. His recommendation for the Commission was to leave the support staff ratio in Standard J the same but add a requirement that all adequately staffed attorneys be given an approved form notifying the attorney of the availability of investigative services along with examples of how investigative services are commonly used in Indiana, unless a waiver (based on other training being given to the attorneys) is granted. He said that Commission staff could work with the PDC to develop the notice and waiver language for approval at the March meeting. He also recommended that the Commission amend the Guidelines to Standard J to say the Commission will use the county's adequately staffed attorneys' actual FTE caseload instead of maximum FTE to determine compliance with Standard J, rounding down the number of support staff needed to the nearest 0.50.

Judge Hanlon said she would support a staff ratio reduction to 0.5 because she was concerned about requiring counties to maintain higher staff levels.

Mr. Abbs was allowed to speak and stated that he has advocated for this change since 2010. He affirmed that he did not think this would hurt representation. He could hire another staff person, he said, but instead prefers to give that funding to his attorneys. He also asked if county-paid support staff in attorney offices count toward adequate staffing.

Mr. Mason said that there is no requirement that an entire office be adequately staffed, and that many offices are split, with some attorneys being adequately staffed while others are not. Public defenders who are entirely misdemeanor attorneys, where caseload compliance is not relevant, do not need to be adequately staffed. He also said that where support staff are county-paid, they would count toward adequate staffing. He is also familiar with a situation where another county employee, a social worker who works for the sheriff's office, supports public defenders. Commission staff need to work through logistics of that situation and give credit therefor where appropriate.

Judge Hanlon stated that she believes chiefs should have maximum flexibility to spend their limited funds.

Ms. DeWester asked Mr. Mason to reiterate the staff recommendations. He stated that the recommendations were to keep the support staff ratio in Standard J the same but add a requirement that all adequately staffed attorneys be given an approved form notifying the attorney of the availability of investigative services along with examples of how investigative services are commonly used in Indiana, unless a waiver is granted. He also recommended that the Commission amend the Guidelines to Standard J to say the Commission will use the county's adequately staffed attorneys' actual FTE caseload instead of maximum FTE to determine compliance with Standard J and round down the number of support staff needed to the nearest 0.50. Ms. DeWester moved to adopt the staff recommendations. Ms. Felts seconded the motion.

The Chair took a roll-call vote as follows:

Ms. DeWester: aye

Judge Diekhoff: aye

Ms. Felts: aye

Judge Hanlon: nay

Rep. Lauer: aye

The Chair abstained. The motion carried.

7. From Prior Meeting: Marion County PD Office Rent Update

Mr. Mason recalled from the previous quarter's meeting that the Commission unanimously voted to allow Marion County to be reimbursed for its office rent, based upon the lease agreement provided, but not expenses associated with the operation of the building or expenses for the county-owned parking garage. The Commission also voted that at this meeting, it would "true up" the amount paid versus the amount withheld from the county for these expenses.

Mr. Mason reported that between 3Q2023 and 4Q2024, Marion County submitted \$2,991,764.79 in rent, operating expenses, and parking garage expenses.

The County received 40% of this in reimbursement, totaling \$1,196,705.92. The Commission did not issue any payments for 1Q2025 or 2Q2025 while the Commission evaluated how to proceed with Marion County’s new public defender office expenses. Based on Commission staff calculations, the approved eligible expenses from 3Q2023 through 2Q2025 are \$3,728,926.20, with the 40% reimbursement owed \$1,491,570.48. Thus, Mr. Mason recommended payment of a “true up” of expenses that Marion County was owed in the amount of \$294,864.56 for office rental expenses.

Mr. Mason also said that Mr. Casanova has been working with the comptroller to obtain a possible cap on expenses if the Commission would revisit paying operating expenses. Nevertheless, Mr. Mason recommended not revisiting these expenses due to the Commission’s budget situation and the conversation that occurred at the previous meeting.

Ms. DeWester moved to approve the \$294,864.56 for additional rent expenses. Judge Diekhoff seconded the motion. A roll-call vote was taken; all members voted in favor except the Chair, who abstained. The motion carried.

8. Local Public Defender Board Appointments

Mr. Cullen identified the consensus candidates for local public defender boards, along with dates for their full terms, as below:

4Q 2025: County Public Defender Board Appointments

Action Requested: Re-appoint or appoint the following consensus candidates to County PD Boards.

<i>County</i>	<i>Consensus Candidate for Re-Appointment</i>	<i>Consensus Candidate for Appointment</i>
Cass		Brad Rozzi (finish term, exp. 9/23/28)
DeKalb	Dr Joe Dunn (exp. 12/13/28)	
Elkhart		Douglas Mulvaney (finish term and full term, exp. 12/31/28)
Howard	R. Cartwright Ellis (exp. 12/13/28)	
Jackson	Joe Thoele (exp. 12/13/28)	

Kosciusko	John Hall (exp. 10/4/28)	
Madison	Hon. Jack Brinkman (exp. 12/13/28)	
Miami	Ryan Schmidt (exp. 1/2/29)	
Noble	Luz Elena Vargas (exp. 12/31/28)	
Perry	James Tyler (exp. 12/31/28)	
Pike	Cheryl Deffendall (exp. 12/13/28)	
Shelby	Brady Claxton (exp. 12/13/28)	
Steuben	Ronald Thomas (exp. 12/13/28)	
Wabash		Robert Lundquist (finish term and full term, exp. 2/25/29)

Judge Hanlon moved to approve the consensus candidates; Ms. DeWester seconded the motion. A roll-call vote was taken; all members voted in favor except the Chair, who abstained. The motion carried.

Mr. Cullen said that one candidate appointment was contentious. After receiving two recommendations for candidates in Scott County, both of whom were objected to by others, just that morning Mr. Cullen received a consensus candidate, Alexa Bischoff. Scott County Chief Public Defender Josh Stigdon was allowed to speak and he enthusiastically recommended Ms. Bischoff. (Senator Koch joined the meeting.) Judge Diekhoff moved to approve the appointment of Ms. Bischoff; Ms. DeWester seconded the motion. A roll-call vote was taken; all members voted in favor except the Chair, who abstained. The motion carried.

9. Legislative & Policy Updates

Mr. Cullen reported that there are only 14 Indiana counties to which the Commission is not providing any federal or state funding. He stated that he would like to start a conversation in the legislature regarding why the 14 counties are refusing to accept federal funding. He requested permission to ask the General Assembly to require reporting, which would qualify for federal funding. He suggested that such a requirement could be added as an amendment to a relevant bill.

Ms. DeWester moved to approve such an effort. Judge Hanlon seconded the motion.

Sen. Koch asked how onerous was the burden increased reporting would impose and how accessible the data was to be requested. Mr. Mason responded that the larger the county and the more courts there are, the more complicated the data reporting becomes, but the Commission provides \$1,000 per court per quarter for the first year to offset reporting costs. The data is not hard to obtain from the auditor. No county that has signed up has been unable to provide the information.

A roll-call vote was taken; all members voted in favor except the Chair, who abstained. The motion carried.

Mr. Cullen also said that at last quarter's meeting, the Commission authorized Commission staff to work with Marion County to change a regulation requiring Marion County residency for public defenders, even though the prosecutor's office does not have such a requirement. The public defender office has had difficulty recruiting attorneys to serve as public defenders. A bill making this change has been filed. The legislation will have some fiscal impact on Marion County based on county income taxes, but he argued that with the attorney shortage, such an all-hands-on-deck approach is necessary. He will make advocacy for the bill a priority this legislative session.

Finally, Mr. Cullen noted that the public defender state agency merger issue is not pending this year; the judiciary committee chair has no interest in allowing that issue to arise this session. If it happens, it will be at least another year out.

10. Approval of 2026 Quarterly Commission Meeting Dates

Mr. Mason proposed the following dates for the 2026 quarterly meeting dates:

Fourth Quarter 2025 Reimbursement: March 25, 2026 @ 2 PM

First Quarter 2026 Reimbursement: June 17, 2026 @ 2 PM

Second Quarter 2026 Reimbursement: September 23, 2026 @ 2 PM

Third Quarter 2026 Reimbursement: December 16, 2026 @ 2 PM

Ms. DeWester moved to approve the proposed 2026 meeting dates; Judge Diekhoff, as her last official act with the Commission, seconded the motion. A roll-call vote was taken; all members voted in favor, and the motion carried unanimously.

11. Other Matters

Commission staff presented plaques presented to Judge Diekhoff and Judge Hanlon in recognition of their 15 and 8 years of service to the Commission. The Chair thanked the two judges for all their time and work and for showing up.

Ms. DeWester moved to adjourn. Judge Hanlon, as her last official act with the Commission, seconded the motion. The meeting was adjourned.

Appendix

Commission on Court Appointed Attorneys Non-Capital Claims 3Q2025 12/17/25

County	Total Expenditure	Non-reimbursable Adjustment	% Adjusted	Eligible Expenditure	40% Reimbursed	Prior Quarter Adjustment	Total
Adams	\$154,917.16	\$33,887.07	21.87%	\$121,030.09	\$48,412.04		\$48,412.04
Allen	\$1,388,224.51	\$101,854.40	7.34%	\$1,286,370.11	\$514,548.05		\$514,548.05
Benton	\$46,767.26	\$4,213.00	9.01%	\$42,554.26	\$17,021.70		\$17,021.70
Blackford	\$104,286.78	\$21,755.87	20.86%	\$82,530.91	\$33,012.36		\$33,012.36
Brown	\$70,031.24	\$19,003.85	27.14%	\$51,027.39	\$20,410.96		\$20,410.96
Carroll	\$116,125.22	\$6,577.10	5.66%	\$109,548.12	\$43,819.25		\$43,819.25
Cass	\$145,912.53	\$19,814.78	13.58%	\$126,097.75	\$50,439.10		\$50,439.10
Clark	\$508,488.64	\$54,215.51	10.66%	\$454,273.13	\$181,709.25		\$181,709.25
Clinton	\$91,577.86	\$23,709.12	25.89%	\$67,868.74	\$27,147.50		\$27,147.50
Crawford	\$37,500.00	\$10,740.38	28.64%	\$26,759.62	\$10,703.85		\$10,703.85
Decatur	\$132,048.15	\$27,801.98	21.05%	\$104,246.17	\$41,698.47		\$41,698.47
DeKalb	\$283,650.85	\$35,721.59	12.59%	\$247,929.26	\$99,171.70		\$99,171.70
Delaware	\$537,947.11	\$1,577.23	0.29%	\$536,369.88	\$214,547.95		\$214,547.95
Elkhart	\$1,165,494.60	\$168,824.37	14.49%	\$996,670.23	\$398,668.09		\$398,668.09
Fayette	\$121,127.97	\$22,690.42	18.73%	\$98,437.55	\$39,375.02		\$39,375.02
Floyd	\$401,219.46	\$70,209.70	17.50%	\$331,009.76	\$132,403.90		\$132,403.90
Fulton	\$117,128.57	\$37,644.42	32.14%	\$79,484.15	\$31,793.66		\$31,793.66
Gibson	\$207,085.11	\$26,559.71	12.83%	\$180,525.40	\$72,210.16		\$72,210.16
Grant	\$379,427.51	\$16,820.53	4.43%	\$362,606.98	\$145,042.79		\$145,042.79
Greene	\$183,802.81	\$28,307.90	15.40%	\$155,494.91	\$62,197.96	\$515.02	\$62,712.98
Hancock	\$323,231.77	\$27,851.19	8.62%	\$295,380.58	\$118,152.23		\$118,152.23
Harrison	\$227,821.15	\$40,745.67	17.88%	\$187,075.48	\$74,830.19		\$74,830.19
Hendricks	\$654,111.13	\$130,110.82	19.89%	\$524,000.31	\$209,600.12		\$209,600.12
Howard	\$614,548.23	\$42,434.42	6.90%	\$572,113.81	\$228,845.52		\$228,845.52
Jackson	\$293,607.42	\$19,807.02	6.75%	\$273,800.40	\$109,520.16	-\$27.80	\$109,492.36
Jasper	\$178,970.01	\$27,276.48	15.24%	\$151,693.53	\$60,677.41		\$60,677.41
Jay	\$144,256.82	\$26,531.83	18.39%	\$117,724.99	\$47,090.00		\$47,090.00
Jefferson	\$219,196.84	\$27,640.27	12.61%	\$191,556.57	\$76,622.63		\$76,622.63
Jennings	\$130,432.73	\$9,513.40	7.29%	\$120,919.33	\$48,367.73		\$48,367.73
Knox	\$267,172.69	\$69,351.18	25.96%	\$197,821.51	\$79,128.60		\$79,128.60
Kosciusko	\$629,108.30	\$28,761.26	4.57%	\$600,347.04	\$240,138.82		\$240,138.82
LaGrange	\$168,075.59	\$32,635.94	19.42%	\$135,439.65	\$54,175.86		\$54,175.86
Lake	\$1,667,014.15	\$507.95	0.03%	\$1,666,506.20	\$666,602.48		\$666,602.48
LaPorte	\$409,343.99	\$42,674.88	10.43%	\$366,669.11	\$146,667.64		\$146,667.64
Lawrence	\$356,800.94	\$64,537.28	18.09%	\$292,263.66	\$116,905.47		\$116,905.47
Madison	\$681,807.59	\$19,312.97	2.83%	\$662,494.62	\$264,997.85		\$264,997.85
Marion	\$7,790,637.63	\$871,733.47	11.19%	\$6,918,904.16	\$2,767,561.66		\$2,767,561.66

Martin	\$53,883.70	\$8,631.71	16.02%	\$45,251.99	\$18,100.79	\$18,100.79
Miami	\$214,820.86	\$29,615.32	13.79%	\$185,205.54	\$74,082.22	\$74,082.22
Monroe	\$693,265.99	\$120,133.48	17.33%	\$573,132.51	\$229,253.00	\$229,253.00
Noble	\$330,843.68	\$51,753.89	15.64%	\$279,089.79	\$111,635.92	\$111,635.92
Ohio	\$58,954.16	\$9,518.66	16.15%	\$49,435.50	\$19,774.20	\$19,774.20
Orange	\$103,713.42	\$23,436.77	22.60%	\$80,276.65	\$32,110.66	\$32,110.66
Owen	\$116,982.84	\$16,692.89	14.27%	\$100,289.95	\$40,115.98	\$40,115.98
Perry	\$125,866.95	\$17,067.98	13.56%	\$108,798.97	\$43,519.59	\$43,519.59
Pike	\$71,962.13	\$6,950.39	9.66%	\$65,011.74	\$26,004.70	\$26,004.70
Pulaski	\$119,125.67	\$20,716.13	17.39%	\$98,409.54	\$39,363.81	\$39,363.81
Ripley	\$82,885.80	\$11,607.10	14.00%	\$71,278.70	\$28,511.48	\$28,511.48
Rush	\$135,480.58	\$23,330.29	17.22%	\$112,150.29	\$44,860.12	\$44,860.12
Scott	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00
Shelby	\$229,115.31	\$46,164.44	20.15%	\$182,950.87	\$73,180.35	\$73,180.35
Spencer	\$31,455.21	\$7,153.89	22.74%	\$24,301.32	\$9,720.53	\$9,720.53
Steuben	\$142,607.28	\$59,173.86	41.49%	\$83,433.42	\$33,373.37	\$33,373.37
StJoseph	\$979,212.33	\$86,609.83	8.84%	\$892,602.50	\$357,041.00	\$357,041.00
Sullivan	\$141,618.06	\$16,155.78	11.41%	\$125,462.28	\$50,184.91	\$50,184.91
Switzerland	\$33,928.88	\$2,220.56	6.54%	\$31,708.32	\$12,683.33	\$12,683.33
Tippecanoe	\$1,176,006.07	\$171,669.52	14.60%	\$1,004,336.55	\$401,734.62	\$401,734.62
Union	\$18,025.50	\$1,809.50	10.04%	\$16,216.00	\$6,486.40	\$6,486.40
Vanderburgh	\$1,219,132.52	\$71,324.83	5.85%	\$1,147,807.69	\$459,123.08	\$459,123.08
Vigo	\$1,212,155.37	\$145,642.08	12.02%	\$1,066,513.29	\$426,605.32	\$426,605.32
Wabash	\$173,911.17	\$20,551.51	11.82%	\$153,359.66	\$61,343.87	\$61,343.87
Warren	\$36,757.65	\$17,600.50	47.88%	\$19,157.15	\$7,662.86	\$7,662.86
Warrick	\$211,989.83	\$17,684.33	8.34%	\$194,305.50	\$77,722.20	\$77,722.20
Washington	\$189,875.76	\$31,620.03	16.65%	\$158,255.73	\$63,302.29	\$63,302.29
WCIPDO	\$227,819.28	\$38,183.21	16.76%	\$189,636.07	\$75,854.43	\$75,854.43
White	\$114,756.27	\$24,893.92	21.69%	\$89,862.35	\$35,944.94	\$35,944.94
Non-Capital Subtotal	\$29,195,052.59	\$3,311,267.36		\$25,883,785.23	\$10,353,514.10	\$487.22
		Eligible Non-reimbursable Amount			CM Pilot 40% Reimbursed	\$10,354,001.32
CM Pilot						
Clark		\$54,215.51			\$21,686.20	
DeKalb		\$35,721.59			\$14,288.64	
Floyd		\$70,209.70			\$28,083.88	
Lawrence		\$64,537.28			\$25,814.91	
Perry		\$17,067.98			\$6,827.19	
Pulaski		\$20,716.13			\$8,286.45	
Steuben		\$59,173.86			\$23,669.54	
Vigo		\$145,642.08			\$58,256.83	
Wabash		\$20,551.51			\$8,220.60	
CM Pilot Subtotal					\$195,134.24	
TOTAL					\$10,549,135.56	