

DRAFT

INDIANA COMMISSION ON COURT APPOINTED ATTORNEYS

March 25, 2026

2:00 PM

**101 West Ohio, 18th Floor, Commission Conference Room
Indianapolis, Indiana 46204**

Members in attendance:

Mark W. Rutherford, Chair (in person)
Mr. Mark Clark (in person)
Ms. Samantha DeWester (remote)
Hon. Ryan Hatfield (remote)
Mr. David J. Hensel (remote)
Sen. Eric Koch (remote)
Rep. Ryan Lauer (in person)
Hon. Karin McGrath (in person)

Members absent:

Rep. Maureen Bauer
Ms. Paje Felts
Sen. Rodney Pol

Staff in attendance (participating):

Derrick Mason
Andrew Cullen

Participating audience members:

Jim Abbs, Noble County Chief Public
Defender
Jeremy Gooch, Hendricks County
Chief Public Defender
Gretchen Etling, Vigo County Chief
Public Defender

At 2:02 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 December 17, 2025 Minutes

There were no changes to the minutes for the December 17, 2025 meeting. Ms. DeWester moved to approve the minutes, and Rep. Lauer seconded the motion. The minutes were approved unanimously.

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

Mr. Mason stated that there were sufficient funds in the Public Defense Fund to reimburse counties for the fourth quarter. He noted that the Monroe and Vigo County system navigator programs had been wound down by the Commission and were now fully funded by the counties.

3. Status of County Compliance (Caseloads)

Addressing county caseload compliance, Mr. Mason first addressed attorneys providing representation in multiple counties. He said that three multi-county attorneys are out of compliance this quarter, but all three have plans in place to resolve their issues. He then observed that 96 percent of Commission attorneys are in compliance, and that anything over 92 percent is very good, particularly with the current attorney shortage. In Clark County, five attorneys are out of compliance, up from two last quarter. The county has hired one new general attorney and two initial hearing attorneys, and with reallocation of contracts, the county hopes to return to compliance by the third quarter. Jennings County is using two multicounty attorneys too heavily, but it is the county's first quarter out of compliance and it is working to resolve the problem. Ripley County has three attorneys that had compliance issues over a year ago, at which time the county resolved the issue by increasing the attorneys' contracts. Mr. Mason said that that will probably have to happen again, with FTE increasing to 0.45 or 0.5. The county is working on developing a plan. Mr. Mason did not recommend a 90-day letter now but said one could be necessary at the next meeting if a plan is not implemented. Mr. Clark asked how many of the out-of-compliance attorneys are contract attorneys. Mr. Mason responded that the counties use a mix of attorneys: some are purely contract attorneys, while others have contracts but while also receiving benefits.

4. Requests for Reimbursement

A. 50% Reimbursement in Death Penalty Cases

Mr. Mason reported that two counties have requested capital case reimbursement totaling \$60,518.53 (see table below). Mr. Clark moved to approve the reimbursements for capital defense; Rep. Lauer seconded the motion. A roll-call vote was taken; all members voted in favor except the Chair, who abstained. The motion carried.

COMMISSION ON COURT APPOINTED ATTORNEYS

Reimbursement Requests in Capital Cases

March 25, 2026

COUNTY	DEFENDANT	TOTAL
Hendricks	Rodgers	\$45,958.01
Marion	Mitchell	\$14,560.52
TOTAL		\$60,518.53

B. 40% Reimbursement in Non-Capital Cases

Mr. Mason said there were a few downward adjustments due to desk audits. There were two significant increases. The first was from Elkhart County, which requested a \$40,790.65 correction due to missing staff benefits from a prior quarter. The second was from Scott County, which was requesting reimbursement for both the third and fourth quarters (an extra \$48,82.42) because its previous quarterly reimbursement request was not considered due to board issues. Mr. Mason recommended reimbursement for both counties. He further noted that the Marion County request was larger than normal because the collective bargaining agreement for the county was approved, which included an increase of approximately \$250,000 per quarter and \$1 million in back pay. The total reimbursement request, including \$210,727.95 for the misdemeanor pilot, was \$12,168,663.41 (see Appendix).

Mr. Hensel moved to approve the non-capital reimbursements in the amount of \$ \$12,168,663.41; Mr. Clark seconded the motion. A roll-call vote was taken; all members voted in favor except the Chair, who abstained. The motion carried.

5. From Prior Meeting: Standard J: Adequate Support Staff

Mr. Mason provided the Commission with an overview of what the Commission had done at the previous meeting regarding adequate staffing, including agreeing to add a notice that counties would provide to adequately staffed attorneys about the requirements, what support services are available to them, and how support staff can be used. Mr. Mason provided a proposed notice to the Commission and recommended its approval.

Judge Hatfield moved to approve the notice. Sen. Koch seconded the motion. A roll-call vote was taken; all members voted in favor except the Chair, who abstained. The motion carried.

6. Local Public Defender Board Appointments

Mr. Cullen identified the following consensus candidates for local public defender boards:

1Q 2026: County Public Defender Board Appointments	
<i>Action Requested: Re-appoint the following consensus candidates to County PD Boards.</i>	
<i>County</i>	<i>Candidate</i>
Gibson	Don Steinmetz
Greene	Stella Royal
Monroe	Betsy Greene

Mr. Clark moved to approve the consensus candidates; Judge McGrath seconded the motion. The motion carried.

Mr. Cullen said that a new board was being appointed for Hamilton County. He contacted various individuals for recommendations and received none. He

contacted Rep. Chris Jeter for recommendations and, in the discussion, asked if Rep. Jeter would be willing to serve. Rep. Jeter agreed, and Mr. Cullen recommended that the Commission approve his nomination.

<i>Action Requested: Appoint the following consensus candidates to County PD Boards.</i>	
<i>County</i>	<i>Candidate</i>
Hamilton	Rep. Chris Jeter

Rep. Lauer moved to approve the nomination, and Sen. Koch seconded the motion. The motion carried.

7. Legislative & Policy Updates

Mr. Cullen reported that it was largely an uneventful legislative session. The primary activity addressed Marion County’s residency requirement for public defenders. A bill was proposed and enacted eliminating the residency requirement for all public defenders except for the chief public defender. It was a bipartisan effort to make sure it did not appear to be politically motivated. It was also expanded to be statewide and to include court personnel and prosecutors.

8. Other Matters

Ms. DeWester moved to adjourn. Mr. Clark seconded the motion. The meeting was adjourned.

Commission on Court Appointed Attorneys Non-Capital Claims 4Q2025 3/25/26

County	Total Expenditure	Non-reimbursable Adjustment	% Adjusted	Eligible Expenditure	40% Reimbursed	Prior Quarter Adjustment	Total
Adams	\$141,069.21	\$21,656.31	15.35%	\$119,412.90	\$47,765.16		\$47,765.16
Allen	\$1,583,866.76	\$114,199.83	7.21%	\$1,469,666.93	\$587,866.77		\$587,866.77
Benton	\$14,734.98	\$1,960.52	13.31%	\$12,774.46	\$5,109.79	-\$3,684.27	\$1,425.52
Blackford	\$110,862.03	\$11,106.26	10.02%	\$99,755.77	\$39,902.31		\$39,902.31
Brown	\$81,671.94	\$20,073.37	24.58%	\$61,598.57	\$24,639.43		\$24,639.43
Carroll	\$141,203.84	\$13,965.92	9.89%	\$127,237.92	\$50,895.17		\$50,895.17
Cass	\$210,912.86	\$28,743.12	13.63%	\$182,169.74	\$72,867.90		\$72,867.90
Clark	\$596,241.61	\$63,608.85	10.67%	\$532,632.76	\$213,053.10		\$213,053.10
Clinton	\$132,907.36	\$31,168.09	23.45%	\$101,739.27	\$40,695.71		\$40,695.71
Crawford	\$39,181.33	\$12,395.83	31.64%	\$26,785.50	\$10,714.20		\$10,714.20
Decatur	\$154,780.02	\$35,177.55	22.73%	\$119,602.47	\$47,840.99	-\$195.00	\$47,645.99
DeKalb	\$293,577.55	\$34,360.81	11.70%	\$259,216.74	\$103,686.70		\$103,686.70
Delaware	\$598,159.41	\$5,662.01	0.95%	\$592,497.40	\$236,998.96		\$236,998.96
Elkhart	\$1,243,959.40	\$200,927.93	16.15%	\$1,043,031.47	\$417,212.59	\$40,790.65	\$458,003.24
Fayette	\$117,423.34	\$25,925.56	22.08%	\$91,497.78	\$36,599.11		\$36,599.11
Floyd	\$418,170.43	\$85,016.43	20.33%	\$333,154.00	\$133,261.60		\$133,261.60
Fulton	\$114,046.52	\$45,918.81	40.26%	\$68,127.71	\$27,251.08		\$27,251.08
Gibson	\$253,657.86	\$29,452.28	11.61%	\$224,205.58	\$89,682.23		\$89,682.23
Grant	\$444,710.63	\$14,448.68	3.25%	\$430,261.95	\$172,104.78		\$172,104.78
Greene	\$224,396.16	\$30,163.17	13.44%	\$194,232.99	\$77,693.20		\$77,693.20
Hancock	\$297,057.87	\$31,023.36	10.44%	\$266,034.51	\$106,413.80		\$106,413.80
Harrison	\$263,700.29	\$56,247.21	21.33%	\$207,453.08	\$82,981.23		\$82,981.23
Hendricks	\$740,275.62	\$151,431.89	20.46%	\$588,843.72	\$235,537.49	-\$1,783.79	\$233,753.70
Howard	\$623,645.99	\$46,843.91	7.51%	\$576,802.08	\$230,720.83	-\$1,323.66	\$229,397.17
Jackson	\$323,472.53	\$18,408.81	5.69%	\$305,063.72	\$122,025.49		\$122,025.49
Jasper	\$203,881.68	\$35,144.48	17.24%	\$168,737.20	\$67,494.88		\$67,494.88
Jay	\$171,858.78	\$33,788.71	19.66%	\$138,070.07	\$55,228.03		\$55,228.03
Jefferson	\$229,058.82	\$29,537.09	12.89%	\$199,521.73	\$79,808.69		\$79,808.69
Jennings	\$124,590.97	\$8,780.16	7.05%	\$115,810.81	\$46,324.33		\$46,324.33
Knox	\$258,763.02	\$48,863.10	18.88%	\$209,899.92	\$83,959.97		\$83,959.97
Kosciusko	\$466,463.26	\$61,253.57	13.13%	\$405,209.69	\$162,083.88		\$162,083.88
LaGrange	\$198,516.24	\$31,992.13	16.12%	\$166,524.11	\$66,609.64		\$66,609.64
Lake	\$1,984,651.85	\$4,753.48	0.24%	\$1,979,898.37	\$791,959.35		\$791,959.35
LaPorte	\$422,930.84	\$43,424.71	10.27%	\$379,506.13	\$151,802.45		\$151,802.45
Lawrence	\$296,054.15	\$57,856.99	19.54%	\$238,197.16	\$95,278.87		\$95,278.87

Madison	\$644,069.68	\$12,793.10	1.99%	\$631,276.58	\$252,510.63		\$252,510.63
Marion	\$10,133,819.38	\$935,810.77	9.23%	\$9,198,008.61	\$3,679,203.44		\$3,679,203.44
Martin	\$102,536.22	\$17,822.64	17.38%	\$84,713.58	\$33,885.43		\$33,885.43
Miami	\$203,508.30	\$24,739.42	12.16%	\$178,768.88	\$71,507.55		\$71,507.55
Monroe	\$908,299.58	\$131,723.97	14.50%	\$776,575.61	\$310,630.24		\$310,630.24
Montgomery	\$270,502.44	\$42,957.13	15.88%	\$227,545.31	\$91,018.12		\$91,018.12
Noble	\$355,231.74	\$56,213.26	15.82%	\$299,018.48	\$119,607.39		\$119,607.39
Ohio	\$73,864.32	\$9,037.47	12.24%	\$64,826.85	\$25,930.74		\$25,930.74
Orange	\$113,978.92	\$16,814.51	14.75%	\$97,164.41	\$38,865.76		\$38,865.76
Owen	\$128,999.70	\$21,961.14	17.02%	\$107,038.56	\$42,815.42		\$42,815.42
Perry	\$97,159.29	\$7,857.40	8.09%	\$89,301.89	\$35,720.76		\$35,720.76
Pike	\$40,874.96	\$6,839.80	16.73%	\$34,035.16	\$13,614.07		\$13,614.07
Pulaski	\$138,796.50	\$17,796.43	12.82%	\$121,000.07	\$48,400.03		\$48,400.03
Ripley	\$72,545.68	\$11,219.10	15.46%	\$61,326.58	\$24,530.63		\$24,530.63
Rush	\$141,611.73	\$36,077.48	25.60%	\$105,534.25	\$42,213.70		\$42,213.70
Scott	\$194,997.57	\$34,015.72	17.44%	\$160,981.85	\$64,392.74	\$48,825.42	\$113,218.16
Shelby	\$285,318.95	\$51,726.01	18.13%	\$233,592.94	\$93,437.17		\$93,437.17
Spencer	\$230,769.56	\$38,082.69	16.50%	\$192,686.87	\$77,074.75		\$77,074.75
Steuben	\$243,842.19	\$86,267.30	35.38%	\$157,574.89	\$63,029.96		\$63,029.96
StJoseph	\$889,230.66	\$75,370.34	8.48%	\$813,860.32	\$325,544.13		\$325,544.13
Sullivan	\$172,025.85	\$19,657.72	11.43%	\$152,368.13	\$60,947.25	-\$592.00	\$60,355.25
Switzerland	\$51,569.17	\$22,825.74	44.26%	\$28,743.43	\$11,497.37		\$11,497.37
Tippecanoe	\$1,138,085.11	\$148,130.78	13.02%	\$989,954.33	\$395,981.73		\$395,981.73
Union	\$20,682.77	\$5,608.99	27.12%	\$15,073.78	\$6,029.51		\$6,029.51
Vanderburgh	\$1,239,680.45	\$84,438.92	6.81%	\$1,155,241.53	\$462,096.61		\$462,096.61
Vigo	\$978,138.99	\$150,735.44	15.41%	\$827,403.55	\$330,961.42		\$330,961.42
Wabash	\$166,351.80	\$23,320.23	14.02%	\$143,031.57	\$57,212.63		\$57,212.63
Warren	\$51,285.90	\$13,403.48	26.13%	\$37,882.42	\$15,152.97		\$15,152.97
Warrick	\$284,812.26	\$27,129.06	9.53%	\$257,683.20	\$103,073.28		\$103,073.28
Washington	\$192,229.24	\$30,026.50	15.62%	\$162,202.74	\$64,881.09		\$64,881.09
WCIPDO	\$194,785.53	\$28,209.78	14.48%	\$166,575.75	\$66,630.30		\$66,630.30
White	\$96,010.35	\$12,431.41	12.95%	\$83,578.94	\$33,431.58		\$33,431.58
Non-Capital							
Subtotal	\$33,376,069.94	\$3,686,324.66		\$29,689,745.27	\$11,875,898.11	\$82,037.35	\$11,957,935.46

CM Pilot	Eligible Non-reimbursable Amount	CM Pilot 40% Reimbursed
Clark	\$ 63,608.85	\$ 25,443.54
DeKalb	\$ 34,360.81	\$ 13,744.32
Floyd	\$ 85,016.43	\$ 34,006.57
Lawrence	\$ 57,856.99	\$ 23,142.80
Perry	\$ 7,857.40	\$ 3,142.96
Pulaski	\$ 17,796.43	\$ 7,118.57
Steuben	\$ 86,267.30	\$ 34,506.92
Vigo	\$ 150,735.44	\$ 60,294.18
Wabash	\$ 23,320.23	\$ 9,328.09
CM Pilot Subtotal		\$ 210,727.95
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TOTAL		\$ 12,168,663.41