

INDIANA COMMISSION ON COURT APPOINTED ATTORNEYS

January 15, 2025

12:00 PM

101 West Ohio, 18th Floor, Commission Conference Room

Indianapolis, Indiana 46204

Members in attendance:

Mark W. Rutherford, Chair (in person)

Mr. James J. Abbs (in person)

Ms. Bernice Corley (in person)

Ms. Samantha DeWester (in person)

Hon. Mary Ellen Diekhoff (remote)

Hon. Kelsey B. Hanlon (remote)

Mr. David J. Hensel (in person)

Audience members:

(More than sixty individuals joined the meeting in person and virtually, many of whom could not be identified.)

Members absent:

Rep. Ragen Hatcher

Sen. Eric Koch

Rep. Ryan Lauer

Sen. Gregory G. Taylor

Staff in attendance:

Derrick Mason (in person)

Andrew Cullen (in person)

Andrew Falk (remote)

Emily Hughey (remote)

Linda Hunter (remote)

Torrin Liddell (remote)

Jennifer Pinkston (remote)

Tristan Snell (remote)

At 12 p.m., Chair Mark Rutherford called the meeting to order. Introductions of Commission members were made.

1. House Bill 1006

The Chair noted that the meeting was an emergency meeting called due to the filing of House Bill 1006 (HB 1006). He asked Executive Director Derrick Mason to provide an overview of the bill. Mr. Mason explained that HB 1006 would essentially merge the Indiana Public Defender Council (PDC) into the Commission, along with multiple changes to the scope and authority of the Indiana Prosecuting Attorneys' Council (IPAC). The bill would increase reimbursement for the Commission to 50%. Mr. Mason outlined several staff recommendations and requested guidance from the Commission.

Mr. Abbs stated that he has extreme concerns about the bill, both regarding what it does with IPAC and with its elimination of the PDC. He was very concerned with the PDC's independence from the judiciary and argued that the bill raised serious constitutional issues.

Mr. Hensel asked for a clarification of the roles of the PDC versus the Commission. Mr. Abbs, Ms. Corley, and Mr. Mason explained and provided examples of the two agencies' roles.

Larry Landis, who helped start both the PDC and the Commission, was granted permission to speak and stated that he strongly opposed the proposed legislation and urged the Commission to strongly oppose it. He argued that the support role of the PDC is essential to public defenders and that the PDC's advocacy role could not function under the Commission. He said, "Merging the two agencies would be a terrible mistake."

Mr. Hensel asked what happens next. Andrew Cullen outlined the legislative process and explained that there would be multiple opportunities to amend the legislation so that it was more favorable to the PDC and the Commission.

Mr. Abbs moved to oppose the bill. Ms. Corley seconded the motion. Mr. Mason inquired whether Mr. Abbs' motion was to oppose HB 1006 in all respects, noting that the bill included some provisions such as a 50% reimbursement for felonies that the Commission had endorsed, or whether it was in keeping with the Commission's proposed role in the materials provided to the Commission members. After further discussion among the Commission members, it was confirmed that the Commission was directing Commission staff to oppose the merge language of the bill and that while opposing the merge language, Commission staff

would have the authority to raise the significant concerns that merger would have with elimination of the public defense voice or loss of independence of the Commission and work to preserve both of those functions if the bill were moving forward regardless of our opposition.

The Chair called the roll:

Mr. Abbs: yes

Ms. Corley: yes

Ms. DeWester: yes

Hon. Diekhoff: yes

Hon. Hanlon: yes

Mr. Hensel: yes

The Chair abstained. The motion carried.

2. Other Matters

There were no other comments or concerns. The meeting was adjourned at 1:06 p.m.

INDIANA COMMISSION ON COURT APPOINTED ATTORNEYS

March 26, 2025

2:00 PM

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

Members in attendance:

Mark W. Rutherford, Chair (in person)
Mr. James J. Abbs (in person)
Ms. Bernice Corley (in person)
Ms. Samantha DeWester (in person)
Hon. Kelsey B. Hanlon (in person)
Rep. Ragen Hatcher (in person)
Mr. David J. Hensel (remote)
Rep. Ryan Lauer (in person)

Members absent:

Hon. Mary Ellen Diekhoff
Sen. Eric Koch
Sen. Gregory G. Taylor

Staff in attendance:

Derrick Mason (in person)
Andrew Cullen (in person)
Andrew Falk (remote)
Linda Hunter (remote)
Torrin Liddell (remote)
Jennifer Pinkston (remote)
Tristan Snell (in person)
Emily Hughey (remote)

Audience members:

Janice Conley, Hancock County Public
Defender Office
Ray Casanova, Marion County Chief
Public Defender
Gretchen Etling, Vigo County Chief
Public Defender
Jeremy Gooch, Hendricks County
Chief Public Defender
Deana Martin, Marion County Public
Defender Agency

At 2 p.m., Chair Mark Rutherford called the meeting to order. Introductions of Commission members and guests were made and a quorum was established.

1. Approval of Minutes

a. December 18, 2024 Meeting

There were no changes to the minutes for the December 18, 2024 meeting. Judge Hanlon moved to approve the minutes and Mr. Abbs seconded the motion. The minutes were approved unanimously.

b. January 15, 2025 Meeting

There were no changes to the minutes for the January 15, 2025 meeting. Mr. Abbs moved to approve the minutes and Ms. DeWester seconded the motion. The minutes were approved unanimously.

2. Approval of Comprehensive Plans

a. Jasper County (Creates an Office w/ a Part-Time Chief PD Position)

Jasper County intends to establish an actual office but for now does not have a formal office. The county has also created a part-time chief public defender position. Both changes require amending the comprehensive plan. Mr. Mason recommended that the Jasper County amended plan be approved. Judge Hanlon moved to approve the plan. Ms. Corley seconded the motion. The Jasper County plan was approved unanimously.

b. Kosciusko County (Creates an Office w/ Full-Time Chief & Chief Dep.)

Kosciusko County is working to create a full office that should be ready by July 1, 2025. The county amended their comprehensive plan to provide for a full-time chief, a chief deputy, and an office. They also adopted a provision requiring staff parity in conformity with Standard O. The county hopes to recruit attorneys right out of law school and retain them long-term. Mr. Mason recommended that the Kosciusko County plan be approved. Mr. Abbs moved to approve the amended

comprehensive plan and Ms. Corley seconded the motion. The Kosciusko County amended plan was approved unanimously.

c. LaGrange County (Creates an Office w/ Full-Time Chief PD Position)

Mr. Mason stated that he has been working with LaGrange County for a few years to establish a chief and an office. The County has hired a chief, who will be in a county office. They did not adopt Standard O. He recommended that the LaGrange County amended plan be approved. Mr. Abbs moved to approve the amended comprehensive plan and Ms. Corley seconded the motion. The LaGrange County amended plan was approved unanimously.

3. Financial Status of Public Defense Fund & Title IVE Reimbursements

Mr. Mason stated that there were sufficient funds to pay all pending reimbursement requests, which was another record high total. He called the Commission's attention to a new revenue source, the supplemental public defender fee line in the amount of \$100,609.12. Mr. Mason explained that this sum was the first revenue generated from the new, increased supplemental fee that was passed in the 2024 legislative session, the second half of which goes to the Commission's Public Defense Fund. The amount on this line was for the period of July 1 to November 30, 2024. He noted that this was a significant number for such a small period but that it was not particularly representative of what the Commission may see over the course of a full year.

Mr. Mason also provided an update regarding the Department of Child Services that has, after several months' delay, established the grant for the Commission's Title IV-E funds. The Commission has begun reimbursing itself the money that it had been fronting until the DCS grant was operational.

4. 90-Day Letter Updates

At the December meeting, a 90-day letter was authorized for Jasper County due to the repeated appointment of unqualified attorneys. The situation appears to be on

its way to a resolution because (a) a judge who was appointing many of the unqualified attorneys is no longer in office, and (b) the county has hired a new Chief Public Defender who has assured Commission staff that the issue will be rectified.

Jefferson County received a 90-day letter due to caseload non-compliance issues. The county has now elevated their part-time chief to full-time and hired support staff, making the chief adequately staffed. The county has also hired a half-time contract attorney. These changes should bring the county back into compliance over the course of the year.

The Commission also authorized a 90-day letter for St. Joseph County if the county's plan to return to compliance, which required approval from the county, was not approved. Nevertheless, the plan was approved, allowing additional attorneys and support staff to be hired as of January 1, and it appears they are on track to return to compliance. At the same time, there is an impending issue with a surge in CHINS filings, and it appears their CHINS attorneys were already close to compliance due to pay parity issues, so that could be an issue appearing at the June meeting.

5. Status of County Compliance

Mr. Mason identified issues with several multi-country attorneys, which the Commission is working to address with the relevant counties.

The Grant County Chief Public Defender is noncompliant for the fourth quarter in a row. Part of the problem is that the county has multiple attorney vacancies that it has been unable to fill. The Chief could technically be in compliance, based on the staff the office has, if he would simply consider himself to be adequately staffed. The Chief has not explained why he will not consider himself to be adequately staffed. The Chair asked if Mr. Mason would prefer to wait until June before sending a letter, and Mr. Mason said he would because the Chief is only technically out of compliance, while he could be considered within compliance if he listed himself to be adequately staffed. Mr. Mason suggested that he could mail the chief a formal letter urging communication and stating that if the situation is not resolved by the June meeting, the Commission will send a 90-day letter. The Commission agreed.

Mr. Mason identified issues in Howard, Jefferson, Jennings, Switzerland and Miami counties, but those all appear to be moving toward resolution. Ripley County has multiple issues that could be resolved with needed pay increases; he is scheduled to talk with the Ripley County judge and county public defender board to address that issue.

6. Requests for Reimbursement:

a. 50% Reimbursement in Death Penalty Cases

The Commission received two claims from Madison County and one claim from Marion County, for a total of \$34,338.78 (see table below). Mr. Mason recommended reimbursement. Ms. Corley moved to approve the death penalty reimbursement requests. Rep. Hatcher seconded the motion. The motion carried unanimously.

INDIANA PUBLIC DEFENDER COMMISSION

Reimbursement Requests in Capital Cases

March 26, 2025

COUNTY	DEFENDANT	TOTAL
Madison	Boards	\$33,237.92
Marion	Mitchell	\$1,100.86
TOTAL		\$34,338.78

b. 40% Reimbursement in Non-Capital Cases

Mr. Mason reported that the total reimbursement request for the fourth quarter of 2024 was \$10,303,597.40 (see Appendix A). Commission staff reduced reimbursements by \$501 due to desk audits. Judge Hanlon moved to approve the reimbursement request, and Ms. DeWester seconded the motion. The motion carried unanimously, and the reimbursements were approved.

7. Local Public Defender Board Appointments

Mr. Cullen brought the appointment of David Hadley to the Montgomery County Public Defender Board. He noted that Montgomery County has been working to rejoin the Commission, and Mr. Hadley has been one of the leaders in that effort. Mr. Hadley is also the former chair of the State Ethics Commission. Mr. Cullen recommended that the Commission approve Mr. Hadley's appointment. Mr. Mason informed the Commission that Montgomery County left the Commission in 2014 but is seeking to rejoin. Ms. Corley moved to approve the appointment of Mr. Hadley, and Mr. Abbs seconded the motion. The motion carried unanimously.

8. Legislative & Policy Updates

Mr. Cullen provided an update on the Commission's legislative efforts and the status of bills of interest to the Commission. He reported that the House was very kind to the Commission in its budget bill, increasing the agency fund by \$11.8 million per year to coincide with what was given to prosecutors. The House legislation provided about \$45 million to prosecutors, reimbursing 50% of deputy prosecutor salaries if the county agrees to set salaries at 55% of the elected prosecutor's salary, which currently is \$101,000. The Indiana Prosecuting Attorneys Council (IPAC) has been testifying that the current average prosecutor salary is about \$89,000. The proposed increase to prosecutors' salaries would require a commensurate increase in the Commission counties, requiring a proportional \$11.8 million for the Commission. The House legislation also granted authority for a full 50% reimbursement for Commission counties for all reimbursements, including the Commission's misdemeanor pilot.

Mr. Cullen explained that it is not yet known what the Senate would do with the House proposed legislation. He has meetings scheduled with Senate leaders. He noted that there was a possibility that the Senate would reduce funding to 40%, which would not help the Commission much, but even if prosecutors received 40% reimbursement, the Commission would need a proportional increase, which Commission staff calculated to be about \$3 million.

Mr. Cullen stated that after the January emergency meeting regarding House Bill 1006, he engaged in intense discussions with legislators and was able to persuade the House to remove the merger language. The Commission did have to agree to some conditions, such as changes to Commission member appointments and being open-minded about future conversations regarding potential public defense agency mergers/realignments.

The public service attorney scholarship bill appears likely to pass. The bill would create a new scholarship program allowing law students to agree to serve as a deputy public defender or a deputy prosecutor for five years after graduation, in which case they would receive \$20,000 a year for law school.

Regarding public defender retirement accounts, Mr. Cullen expressed his frustration that although significant progress was made in previous years, and despite valuable contributions from multiple allies including the Chief Public Defenders' Association, no traction was made this year. There appears to be a belief that multiple retirement accounts should be combined, and there remains concern among legislators that the PARF fund is currently underfunded.

Mr. Abbs called the Commission's attention to the fact that counties will have to increase public defender spending if they accept state funding for prosecutors; his office would need an additional \$60,000 in county funds if the county were to accept the 50% prosecutor reimbursement. Mr. Mason agreed, but he also stated that the difference could be offset by savings to the county on the prosecutor's side. Mr. Cullen indicated that, if something is passed, the Commission will send a newsletter explaining its impact on county budgets.

9. Updates: Misdemeanor Pilot, 2024 Compensation Analysis, Criminal Rule 6.1, and Meeting Requirements post July 1, 2025

Mr. Mason updated the Commission on the status of the misdemeanor pilot. Referring to a diagram in the materials (see Appendix B), he explained that counties in red have applied to participate in the pilot. Only 12 may be chosen. Counties in green have entered into data collection agreements. Participation in these agreements does

not mean they will be selected for the pilot; it just provides the Commission with additional information. He anticipates that the Commission will select the pilot participants at the June meeting.

Mr. Mason reported that the median salary for public defenders in 2024 was \$86,000, up \$9,000 from 2023. This change is particularly relevant to counties who are losing or unable to hire attorneys; many of them are paying less than the median. He frequently shares the example of Delaware County, which initially could not fill a position until it offered a 0.5 FTE contract for \$50,000, at which time it filled. Market forces take time but do work; until supply meets demand, lower paying counties will need to increase contract amounts.

As discussed at the December meeting, Commission staff sent the Commission's recommendations regarding Criminal Rule 6.1 to the Supreme Court. The Chief Justice forwarded the recommendations to the Court's Rules Committee and thanked the Commission for its work.

Due to legislation passed in 2024, the Commission will be recording and storing recordings online in perpetuity. There is a question whether the statute requires streaming, recording, and storage of county public defender meetings. As will be addressed in another newsletter article, Commission staff, while not the final authority, do not believe it will be required unless the boards are meeting in the county council/commission room.

10. Other Matters

Ms. Corley called the Commission's attention to the passing of Jesse Cook, who was a giant in the Indiana public defense community. Mr. Cullen stated that the Commission tweeted a notice of his passing as well as a moving tribute to Ms. Cook penned by attorney Mark Nicholson.

Also, based on her understanding that this would be her final meeting, Ms. Corley stated how much she appreciated serving on the Commission and working with everyone.

The meeting was adjourned.

Appendix A

Commission on Court Appointed Attorneys Non-Capital Claims 4Q2024 3/26/25

County	Total Expenditure	Non-reimbursable Adjustment	% Adjusted	Eligible Expenditure	40% Reimbursed	Prior Quarter Adjustment	Total Reimbursement
Adams	\$ 131,944.76	\$ 25,573.56	19%	\$ 106,371.20	\$ 42,548.48		\$ 42,548.48
Allen	\$ 1,475,588.01	\$ 109,374.05	7%	\$ 1,366,213.96	\$ 546,485.58		\$ 546,485.58
Benton	\$ 31,507.14	\$ 2,492.27	8%	\$ 29,014.87	\$ 11,605.95		\$ 11,605.95
Blackford	\$ 100,127.76	\$ 10,910.03	11%	\$ 89,217.73	\$ 35,687.09		\$ 35,687.09
Brown	\$ 68,119.93	\$ 27,676.52	41%	\$ 40,443.41	\$ 16,177.36		\$ 16,177.36
Carroll	\$ 345,128.94	\$ 10,680.65	3%	\$ 334,448.29	\$ 133,779.32	\$ (319.04)	\$ 133,460.28
Cass	\$ 199,307.11	\$ 30,191.61	15%	\$ 169,115.50	\$ 67,646.20		\$ 67,646.20
Clark	\$ 544,079.15	\$ 44,021.45	8%	\$ 500,057.70	\$ 200,023.08		\$ 200,023.08
Clinton	\$ 114,215.08	\$ 27,148.30	24%	\$ 87,066.78	\$ 34,826.71		\$ 34,826.71
Crawford	\$ 37,500.00	\$ 8,193.18	22%	\$ 29,306.82	\$ 11,722.73		\$ 11,722.73
Decatur	\$ 140,583.66	\$ 33,870.04	24%	\$ 106,713.62	\$ 42,685.45		\$ 42,685.45
DeKalb	\$ 269,148.86	\$ 22,990.82	9%	\$ 246,158.04	\$ 98,463.22		\$ 98,463.22
Delaware	\$ 543,572.57	\$ 9,425.77	2%	\$ 534,146.80	\$ 213,658.72		\$ 213,658.72
Elkhart	\$ 1,241,460.15	\$ 163,207.85	13%	\$ 1,078,252.30	\$ 431,300.92		\$ 431,300.92
Fayette	\$ 123,799.44	\$ 18,068.50	15%	\$ 105,730.94	\$ 42,292.37		\$ 42,292.37
Floyd	\$ 427,469.06	\$ 72,954.09	17%	\$ 354,514.97	\$ 141,805.99		\$ 141,805.99
Fulton	\$ 95,085.43	\$ 17,230.93	18%	\$ 77,854.50	\$ 31,141.80		\$ 31,141.80
Gibson	\$ 213,868.10	\$ 27,420.09	13%	\$ 186,448.01	\$ 74,579.20		\$ 74,579.20
Grant	\$ 315,355.09	\$ 3,525.64	1%	\$ 311,829.45	\$ 124,731.78		\$ 124,731.78
Greene	\$ 204,682.35	\$ 37,686.37	18%	\$ 166,995.98	\$ 66,798.39		\$ 66,798.39
Hancock	\$ 278,117.22	\$ 18,600.19	7%	\$ 259,517.03	\$ 103,806.81		\$ 103,806.81
Harrison	\$ 219,825.83	\$ 24,832.54	11%	\$ 194,993.29	\$ 77,997.32		\$ 77,997.32
Hendricks	\$ 682,207.45	\$ 118,032.68	17%	\$ 564,174.77	\$ 225,669.91		\$ 225,669.91
Howard	\$ 655,880.72	\$ 51,327.87	8%	\$ 604,552.85	\$ 241,821.14		\$ 241,821.14
Jackson	\$ 312,970.65	\$ 20,046.19	6%	\$ 292,924.46	\$ 117,169.78		\$ 117,169.78
Jasper	\$ 146,408.50	\$ 33,289.96	23%	\$ 113,118.54	\$ 45,247.42		\$ 45,247.42
Jay	\$ 164,903.64	\$ 29,184.43	18%	\$ 135,719.21	\$ 54,287.68		\$ 54,287.68
Jefferson	\$ 185,971.49	\$ 25,602.88	14%	\$ 160,368.61	\$ 64,147.44		\$ 64,147.44
Jennings	\$ 128,731.03	\$ 1,937.26	2%	\$ 126,793.77	\$ 50,717.51		\$ 50,717.51
Knox	\$ 266,410.81	\$ 34,845.50	13%	\$ 231,565.31	\$ 92,626.12		\$ 92,626.12
Kosciusko	\$ 353,944.74	\$ 113,447.97	32%	\$ 240,496.77	\$ 96,198.71		\$ 96,198.71
LaGrange	\$ 185,126.58	\$ 27,805.17	15%	\$ 157,321.41	\$ 62,928.57		\$ 62,928.57
Lake	\$ 1,871,137.85	\$ 941.32	0%	\$ 1,870,196.53	\$ 748,078.61		\$ 748,078.61
LaPorte	\$ 361,833.85	\$ 37,200.09	10%	\$ 324,633.76	\$ 129,853.50		\$ 129,853.50
Lawrence	\$ 301,177.08	\$ 49,333.72	16%	\$ 251,843.36	\$ 100,737.34	\$ (9.60)	\$ 100,727.74
Madison	\$ 634,182.59	\$ 8,175.04	1%	\$ 626,007.55	\$ 250,403.02		\$ 250,403.02
Marion	\$ 7,305,659.54	\$ 888,488.46	12%	\$ 6,417,171.08	\$ 2,566,868.43		\$ 2,566,868.43
Martin	\$ 91,956.77	\$ 21,794.63	24%	\$ 70,162.14	\$ 28,064.85		\$ 28,064.85
Miami	\$ 212,986.15	\$ 22,814.96	11%	\$ 190,171.19	\$ 76,068.48		\$ 76,068.48

Appendix A

Monroe	\$ 890,470.12	\$ 163,030.75	18%	\$ 727,439.37	\$ 290,975.75		\$ 290,975.75
Noble	\$ 340,002.08	\$ 58,707.79	17%	\$ 281,294.29	\$ 112,517.72	\$ (10.68)	\$ 112,507.04
Ohio	\$ 147,093.71	\$ 17,330.21	12%	\$ 129,763.50	\$ 51,905.40		\$ 51,905.40
Orange	\$ 141,579.50	\$ 28,251.45	20%	\$ 113,328.05	\$ 45,331.22		\$ 45,331.22
Owen	\$ 120,908.58	\$ 18,184.14	15%	\$ 102,724.44	\$ 41,089.77		\$ 41,089.77
Perry	\$ 128,253.69	\$ 40,898.65	32%	\$ 87,355.04	\$ 34,942.02		\$ 34,942.02
Pike	\$ 48,886.49	\$ 5,343.55	11%	\$ 43,542.94	\$ 17,417.18		\$ 17,417.18
Pulaski	\$ 99,894.88	\$ 28,405.86	28%	\$ 71,489.02	\$ 28,595.61		\$ 28,595.61
Ripley	\$ 58,450.95	\$ 13,640.11	23%	\$ 44,810.84	\$ 17,924.34		\$ 17,924.34
Rush	\$ 128,684.01	\$ 28,227.57	22%	\$ 100,456.44	\$ 40,182.58		\$ 40,182.58
Scott	\$ 188,290.66	\$ 21,291.32	11%	\$ 166,999.34	\$ 66,799.74		\$ 66,799.74
Shelby	\$ 254,778.13	\$ 39,585.73	16%	\$ 215,192.40	\$ 86,076.96		\$ 86,076.96
Spencer	\$ 88,719.77	\$ 5,465.22	6%	\$ 83,254.55	\$ 33,301.82		\$ 33,301.82
Steuben	\$ 147,205.38	\$ 46,096.05	31%	\$ 101,109.33	\$ 40,443.73		\$ 40,443.73
StJoseph	\$ 845,654.88	\$ 63,178.52	7%	\$ 782,476.36	\$ 312,990.54	\$ (161.68)	\$ 312,828.86
Sullivan	\$ 190,863.66	\$ 22,938.38	12%	\$ 167,925.28	\$ 67,170.11		\$ 67,170.11
Switzerlan	\$ 40,735.81	\$ 15,393.33	38%	\$ 25,342.48	\$ 10,136.99		\$ 10,136.99
Tippecano	\$ 1,066,147.61	\$ 171,580.32	16%	\$ 894,567.29	\$ 357,826.92		\$ 357,826.92
Union	\$ 20,032.75	\$ 2,740.35	14%	\$ 17,292.40	\$ 6,916.96		\$ 6,916.96
Vanderbur	\$ 1,379,071.30	\$ 66,345.89	5%	\$ 1,312,725.41	\$ 525,090.16		\$ 525,090.16
Vigo	\$ 884,566.92	\$ 138,777.61	16%	\$ 745,789.31	\$ 298,315.73		\$ 298,315.73
Wabash	\$ 165,719.74	\$ 23,612.38	14%	\$ 142,107.36	\$ 56,842.94		\$ 56,842.94
Warren	\$ 17,743.24	\$ 1,977.90	11%	\$ 15,765.34	\$ 6,306.14		\$ 6,306.14
Warrick	\$ 271,576.11	\$ 16,793.91	6%	\$ 254,782.20	\$ 101,912.88		\$ 101,912.88
Washingto	\$ 162,648.48	\$ 24,076.75	15%	\$ 138,571.73	\$ 55,428.69		\$ 55,428.69
WCIPDO	\$ 182,700.78	\$ 24,946.53	14%	\$ 157,754.25	\$ 63,101.70		\$ 63,101.70
White	\$ 112,401.95	\$ 27,647.37	25%	\$ 84,754.58	\$ 33,901.83		\$ 33,901.83
TOTAL	\$ 29,105,056.26	\$ 3,344,810.22		\$ 25,760,246.04	\$ 10,304,098.40	\$ (501.00)	\$ 10,303,597.40

Appendix B



INDIANA COMMISSION ON COURT APPOINTED ATTORNEYS

June 18, 2025

2:00 PM

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

Members in attendance:

Mr. David J. Hensel, Acting Chair (in person)
Mr. James J. Abbs (remote)
Ms. Bernice Corley (in person)
Ms. Samantha DeWester (in person)
Hon. Mary Ellen Diekhoff (in person)
Hon. Kelsey B. Hanlon (in person)
Rep. Ragen Hatcher (remote)
Sen. Eric Koch (remote)
Rep. Ryan Lauer (in person)

Members absent:

Mr. Mark W. Rutherford, Chair
Sen. Gregory G. Taylor

Staff in attendance:

Derrick Mason
Andrew Cullen
Andrew Falk
Emily Hughey
Linda Hunter
Torrin Liddell
Jennifer Pinkston
Tristan Snell

Audience members:

Ray Casanova, Marion County Chief
Public Defender
Janice Conley, Hancock County
Gretchen Etling, Vigo County Chief
Public Defender
Janice Glotzbach, Floyd County
Jeremy Gooch, Hendricks County
Chief Public Defender
Catherine Haines, Hendricks County
Court Administrator
Matthew Lorch, Floyd County Chief
Public Defender
Deana Martin, Marion County Public
Defender Agency
Mike Moore, IPDC Staff
Savana Rhodes, Floyd County
Zach Stock, IPDC Staff
Karen Todd, Dearborn County

At 2 p.m., Acting Chair David J. Hensel called the meeting to order. Introductions of Commission members were made, and a quorum was established.

1. Approval of March 26 Minutes

There were no changes to the minutes for the March 26, 2025 meeting. Ms. Corley moved to approve the minutes and Ms. DeWester seconded the motion. The minutes were approved unanimously.

2. Approval of Vanderburgh Amended Plan (Rewritten Plan, adds Chief Deputy & Standard O)

Mr. Mason said that Vanderburgh County completely rewrote their plan to comply with the Commission's latest standards. He highlighted one section that previously required appointed attorneys to submit their bills to the court, after which the court was to approve the bill and submit it to the county for payment. Mr. Mason said that according to Chief Public Defender Steve Owens, this has never happened, and bills have always gone to his office for approval. Mr. Mason was concerned that the plan's new wording and process could result in billing disagreements being brought to the Commission. It would not be desirable for the Commission to be in this position as we have no standards and guidelines on reasonableness and appropriateness of expenses. Mr. Mason represented that Mr. Owens has no concerns with a staff recommendation that if there is ever a disagreement on a bill, the attorney could file the bill with the court for approval and payment. Thus, Mr. Mason suggested that the Commission add to D.4.d the line, "If the attorney and Chief Public Defender cannot reach an agreement regarding an attorney's bill, the attorney may ask the judge presiding in the case to review, approve, and pay the bill." He also proposed that the Commission consider adding such a provision to the Commission's Standards or Guidelines. He recommended that the Commission approve the amended plan with the added provision in D.4.d.

Judge Hanlon expressed a concern about the language of the proposed new language, stating a fear that it could be construed to mean the court would be required

to pay the bill from its budget. She recommended revising the new language to read: “the attorney may ask the judge presiding in the case to review and approve the bill for payment” instead of “review, approve, and pay the bill.” Ms. DeWester moved to approve the Vanderburgh amended plan, with the staff’s recommended addition as modified by Judge Hanlon. Judge Diekhoff seconded the motion. The motion carried.

3. Financial Status of Public Defense Fund & Title IVE Reimbursements

Mr. Mason stated that the non-capital reimbursement request was \$10,866.000 for the first quarter, but that payment could be several hundred thousand dollars less, as would be discussed later. Either way, there were sufficient funds to pay all pending reimbursement requests.

4. FY26 Internal Budget Approval

Mr. Mason presented the proposed internal budget for the Commission for fiscal year 2026. He noted the internal budget is not required but that it is the Commission’s practice to adopt one. He noted that staff salaries have stayed flat but travel and administrative costs were reduced. Other fees and costs increased. The internal budget is still about 4% of the Commission’s total operating budget.

Ms. Corley moved to approve the budget. Judge Diekhoff seconded the motion. The budget was approved unanimously.

5. County Rent Payments for County Buildings

While doing desk audits, Commission staff discovered that the Marion County Public Defender Agency (MCPDA) submitted rent costs in excess of \$1,781,000 in the first quarter of 2025. This includes what they identify as approximately two quarters of rent. In the past, the MCPDA rented private space for its offices for about \$1.7 million per year. The rent more than doubled because MCPDA moved into a new facility at the Community Justice Center.

The new office building is comprised of five floors: three for the public defender office, 1.5 for probation, and a half of a floor available for commercial lease.

The Building Authority hired Denison to manage the parking garage, which offers paid public parking as well as dedicated parking for the probation and public defender offices. The Commission has reimbursed rent on this space already.

In conversations with MCPDA, Commission staff explained that new construction is subject to the Commission's Building Related Expenses Guidelines, which allow for reimbursement of the construction cost for new public defense spaces over a 10-year period and which is capped at market rate rent. The guideline provides that the Commission may make exceptions or amend the guideline:

12/14/16 Guideline for Reimbursement on Building Related Expenses

A building related expense generally includes land purchase, building purchase, facility build-out or remodel, fixtures, and any other item that may reasonably be expected to have at least a 10 year useful life. It does not include furniture or office equipment, which are reimbursable in the same manner as all other indigent defense expenses. All building related expenses that are appropriate, necessary, and are primarily for the provision of indigent defense services, are a reimbursable expense as long as the total is comparable to, or less than, the cost if the county were to instead lease a comparable space. Eligible expenses will be reduced proportionally if only a portion of a building is being used for indigent defense. To be eligible for reimbursement for a building related expense the county must:

- 1) Verify that estimated project costs cover the entire scope of the project
- 2) Provide comparable space lease costs and, if applicable, any additional build-out expenses that would not be included in the rent to Commission staff
- 3) Once the project has been completed, the final costs shall be submitted to Commission staff for confirmation that the total includes:
 - a. Only indigent defense expenses;
 - b. That the expenses are reasonable and necessary; and
 - c. The expenses otherwise follow all Commission Standards and Guidelines.
- 4) If Commission staff denies expenses the county may appeal to the Commission as a whole.

- 5) If final project costs are more than the market rent of comparable leased space, the Commission will limit reimbursement to that of the comparable lease option.

Once the final, reimbursable amount is approved by staff, these expenses shall be submitted to the Commission evenly on a quarterly basis over a 10-year (40 quarter) period. Reimbursement will only begin once all expenses are final and the entire project is being used for indigent defense. Reimbursement will cease if the space is no longer used for indigent defense or the building is sold.

Building projects which total less than \$40,000 may still be submitted to the Commission for reimbursement as a lump sum in the quarter that the project is complete and is being used for indigent defense. The Commission may deny reimbursement if the county routinely submits building related projects under the \$40,000 threshold without adequate justification. The Commission, at its discretion, may make exceptions or modify application of these rules upon request.

Mr. Mason is concerned that counties could enrich themselves by charging themselves rent and collecting reimbursement from the Commission. These rent payments may be an attempt to recover construction, maintenance, and ongoing expenses but could include a variety of other costs that may not be eligible for reimbursement (such as indirect expenses assessed as a building authority's property management fees). The amount and purpose of these expenses can be difficult to ascertain.

Mr. Mason provided the Commission with a table of counties that appear to be billing the Commission for rent paid on a county structure, along with the amount billed in 1Q25, and the new total amount of reimbursement for the county if the Commission declines to reimburse these expenses for 1Q2025:

<u>County</u>	<u>Vendor</u>	<u>1Q2025 Rent</u>	<u>Reduced Reimbursement</u>
Allen	Allen County Building Authority	\$11,381.73	\$1,247,939.80
Floyd	Floyd County Building Authority	\$10,056.00	\$143,860.03
Marion	Marion County Building Authority	\$1,781,623.58	\$2,754,165.15
Vanderburgh	Evansville Vanderburgh County Building Authority	\$38,607.50	\$1,077,791.71
WCIPDO	Vermillion County Auditor	\$3,000.00	\$69,861.44

Mr. Mason shared and discussed four recommendations:

- Determine if any of these expenses should have been subject to the building related expense guideline and recoup any expenses that should have been submitted under that guideline but were instead submitted as rent.
- Withhold the above rent from reimbursement until the September meeting where we will have more information about each county's situation.
- Create a guideline, effective for the first quarter of 2025, that the Commission will only reimburse counties that are not subject to the building related expenses guideline for actual expenses incurred for public defense offices in county spaces. Actual expenses do not include rent paid on a county structure. Further guidance on eligible expenses will be developed in preparation for the September meeting.
- For the September meeting, evaluate the Marion County PD Office project and determine if any modifications to the existing guideline are necessary in general or as an exception specific to Marion County. Evaluate reimbursement eligibility for actual expenses incurred for counties that also are receiving building related expense reimbursement.

Ms. DeWester asked if Commission staff know what Marion County Probation is paying. Mr. Mason stated that Probation does pay but the amounts are uncertain.

Mr. Mason stated that his understanding was that MCPDA signed an agreement that when they moved into the new building, the amount owed for rent would not decrease their non-rent budget.

Mr. Abbs said that Noble County just went through the building process, and he thought the process was fair and worked well; it may just take tinkering with to make it work in situations like this.

Ms. Corley asked if the Commission was involved with the process as the Justice Center was planned. Mr. Mason said that sometimes the Commission is very involved in the design and plan process, but in this situation the Commission was not. He was involved at one point when there was a discussion about whether the whole office would transition to the new facility, but that was the extent of the Commission's involvement, and he did not even know when they moved. Ms. Corley asked why this issue came up now. Mr. Mason answered that because the Marion County rent was such a large payment, Commission staff began investigating how much the counties were paying to themselves for rent.

Rep. Lauer asked if there are other county offices paying rent to county governments. Mr. Mason answered that the five counties listed above are the only ones Commission staff have identified. Rep. Lauer asked if the amount paid by MCPDA was calculated by staff size of the office. Mr. Mason said the Commission has no rules for situations where a county pays commercial rent because the county is paying market rates; there is no incentive to overcharge the public defender office.

Judge Hanlon noted that in some counties, the county provides the public defender with office space at no charge. She asked if, in Mr. Mason's institutional memory, he has seen situations like this before. Mr. Mason responded that every situation is different. For example, Delaware County started the process; the county converted an old school into an office space but also added a jail. Ultimately, they decided not to pursue it, perhaps due to the complexity of ascertaining relevant costs.

Judge Hanlon agreed, stating that she understood the sticker shock of Marion County's costs, but recognizing the value of market rate rent caps ensuring counties do not recover too much. Ms. DeWester said she does not want to hurt a county

public defender office's budget but also worries about reactions from the General Assembly, which might be concerned about too much state funding for county projects. She wants to see more information about rents and rent increases.

The Chair recognized MCPDA Chief Ray Casanova, who stated that a deal was negotiated by former Chief Bob Hill and that any increase in costs from moving would not be enforced against the MCPDA's existing budget. He is also working to find and provide the materials Mr. Mason has requested.

Several Commission members expressed the budgetary impact on the Commission if more counties decided to charge themselves rent for public defender offices and collect from the Commission. It was asked where the money for the Marion County rent went, and Mr. Casanova answered that it went into the county's general fund, not into the MCPDA budget.

Judge Hanlon moved to approve all four staff recommendations. Judge Diekhoff seconded the motion. There was no further discussion. The motion carried unanimously.

6. 90-Day Letter & Other Compliance Updates

Mr. Mason recalled that the Commission sent Jasper County a ninety-day letter after its December meeting because unqualified attorneys were being appointed to cases, despite multiple warnings from Commission staff. In response to the letter, the county informed commission staff that: 1) a judge who was a significant part of the problem is out of office, and 2) the new chief public defender assured the Commission that this would no longer be an issue.

Nevertheless, after the new Chief PD started on March 1, the trial court appointed an attorney to a murder case who is not qualified to receive the case. The Chief objected to the appointment and sought to help the attorney be qualified, but the appointment was still made and the defender declined opportunities that would have allowed him to become qualified.

Judge Hanlon suggested that this one case should be non-reimbursable but that the county's reimbursement should not be. Judge Diekhoff disagreed, saying a

message needs to be sent to the county that appointments must be qualified. She moved to send a letter stating that the county would not be eligible for reimbursement after June 30 unless these issues were resolved. Mr. Abbs seconded the motion. The motion carried.

LaGrange County

Mr. Mason requested a ninety-day letter for the county. The county does have a Chief PD in place now, but the county has had continued appointments of unqualified attorneys to CHINS and TPR cases that are not qualified, including one attorney who has been appointed off and on for four years, despite notice to the county since that time.

Mr. Abbs noted that he's been working with the county for over a year and believes they are making great progress. Judge Hanlon moved to send a ninety-day letter, including a recognition of the county's progress. Rep. Lauer seconded the motion. The motion carried.

Allen County

Commission staff discovered that Allen County has been placing hard caps on hourly appellate attorney bills, despite the Commission giving them notice several years ago that their comprehensive plan does not allow flat fees. Mr. Mason sent a letter requesting confirmation that hourly attorneys would be paid for the actual hours they worked and not a flat fee, but he has not received a response. He thus recommended a ninety-day letter. Ms. DeWester moved to send a ninety-day letter to Allen County, resolving hard caps on appeals for 1Q2025. Judge Diekhoff seconded the motion. The motion carried.

Hancock County

Mr. Mason said that Hancock County recently amended its comprehensive plan, including the adoption of Standard O, which requires pay parity for full-time staff. The County did not let the PD office immediately make the required staff-salary

changes; it approved it for 2026 but not for 2025. He noted that receiving a demand letter could ruffle feathers politically in the county when some are already suggesting the county should go back to its old system.

Judge Hanlon asked if the Chief has a position. The Chair recognized Hancock County Office Manager Janice Conley, who was attending the meeting. Ms. Conley said the temperature is much cooler in the county now. Originally only two county council members were supportive. Five members wanted to be very sure that the right positions were chosen for pay parity purposes, so the county conducted a careful study to ensure the positions are comparable. The county also conducted a feasibility study and concluded that going back to the old method would be detrimental to the county. The council now feels less aggravated with the public defender office. The council proposed coming into compliance in the 2026 budget by matching the salaries in 2026 along with a three-percent raise offered to others. Judge Diekhoff stated she approved the council plan and believed that if a county council says they'll put it in the budget, it can generally be counted on. Ms. Corley asked if it would be a good idea to put the plan in writing and send it to the county, memorializing what the Commission understood the county was agreeing to do. Mr. Mason agreed to send such a letter.

7. Status of County Compliance (Caseloads)

Mr. Mason identified issues with several multi-county attorneys, which the Commission is working to address with the relevant counties. He noted that it is hard to coordinate between judges and court reporters in multiple counties who are working with different attorneys and trying to bring them into compliance. Ninety-day letters are generally only sent when judges or attorneys refuse to comply.

Grant, Ripley, and St. Joseph counties were all only slightly out of compliance and are improving. Mr. Mason did not recommend any ninety-day compliance letters.

8. Requests for Reimbursement:

- a. 50% Reimbursement in Death Penalty Cases*

The Commission received claims from Hendricks, Madison, and Marion counties totaling \$62,226.51 (see table below). Hendricks County also submitted \$10,950.81 in late claims. Mr. Mason noted that although the Commission could deny late requests, as long as money is available and it is a first late request, the Commission tends to approve reimbursement. He recommended reimbursement for all requests. Judge Hanlon moved to approve the death penalty reimbursement requests. Ms. DeWester seconded the motion. The motion carried unanimously.

Reimbursement Requests in Capital Cases
June 18, 2025

COUNTY	DEFENDANT	TOTAL
Hendricks	Rodgers	\$22,975.33
Madison	Boards	\$37,708.80
Marion	Mitchell	\$4,042.38
TOTAL		\$62,226.51

LATE CLAIMS

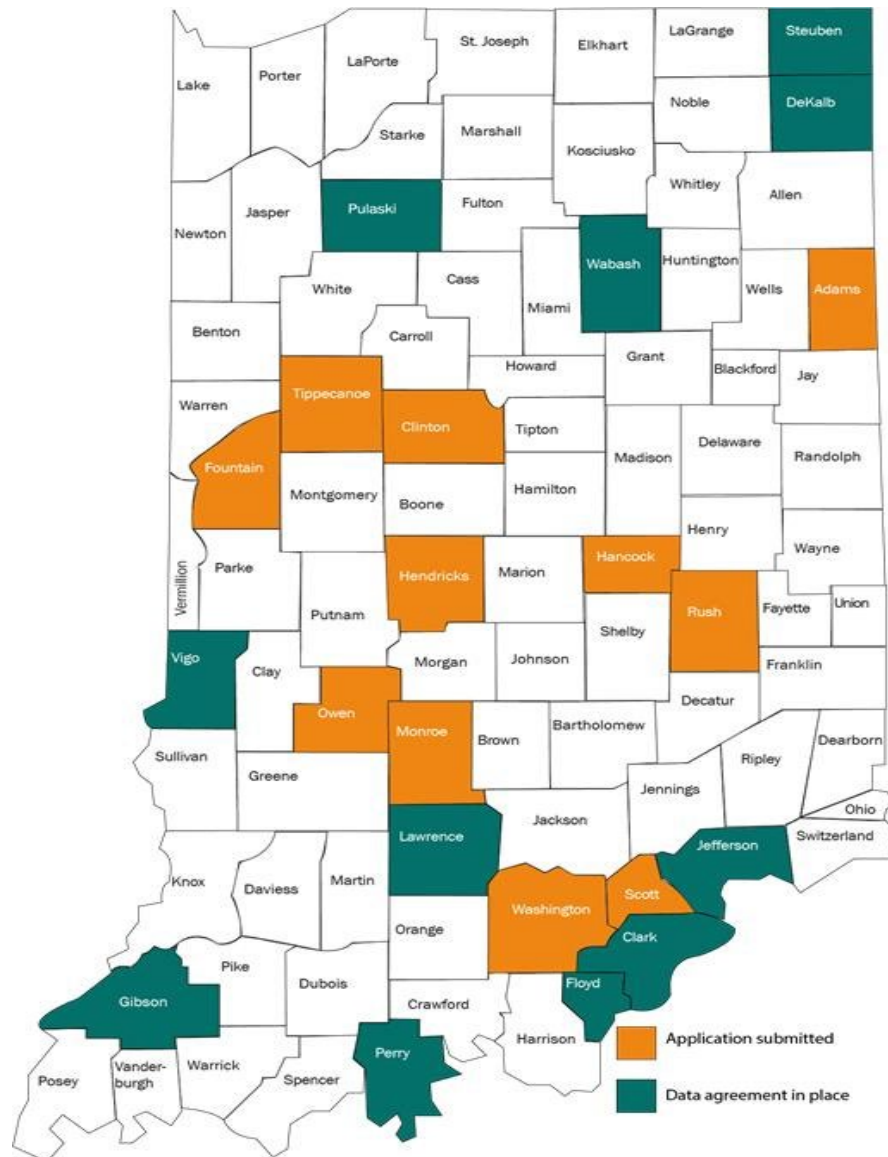
Hendricks	Rodgers	\$10,950.81
TOTAL		\$75,677.32

b. 40% Reimbursement in Non-Capital Cases

Mr. Mason reported that the total reimbursement request for the first quarter of 2025, after the withheld amounts for rent as approved above, was \$10,128,442.12 (see Appendix A). Judge Hanlon was opposed to withholding the entirety of Allen County's request due to being out of compliance on appeals and moved to approve all reimbursement requests except for the previously-agreed withheld rents. Judge Diekhoff seconded the motion. The motion carried unanimously and the reimbursements were approved.

9. Misdemeanor Pilot

Mr. Mason said that the misdemeanor pilot is authorized to begin July 1 and run for four years. The Commission will collect misdemeanor data both from counties participating in the pilot as well as other counties to provide more robust data. He presented the following map showing the counties who applied for the pilot as well as counties that have begun data collection.



The bill requiring the Commission to launch the pilot allowed the selection of up to 12 counties and required the Commission to consider both population and geographic location when making its decision. Mr. Mason and Commission staff

analyzed the applications and attempted to prioritize counties that have illustrated a history of strong leadership, good communication with Commission staff, and accuracy and timeliness of their reimbursement requests and reports. Mr. Mason noted that his original recommendations changed due to budget cuts; because the pilot was to be paid from existing Commission funds, and because the General Assembly cut the Commission's budget by more than the estimated cost of the pilot, cost-cutting choices needed to be made.

Mr. Mason provided the Commission with a spreadsheet in which some counties were highly recommended, some were recommended, some had at least some level of reservation (such as cost, data concerns, location, etc.), and some counties were not recommended.

Mr. Mason noted that counties could be added during the pilot if it became feasible to do so based upon budget availability. It was also possible that participating counties would not be able to continue. Mr. Mason recommended that pilot agreements be submitted with selected counties for a more limited term, such as 18 months and reviewed for extensions based upon the Commission's budget. He assured the Commission that the agreements would provide that misdemeanor reimbursement would be provided after the initial term only so long as funds were available, with the understanding that the pilot would not threaten the regular 40% reimbursement.

Sen. Koch moved to adopt an 18-month pilot that includes the counties that were highly recommended and those that were recommended (Clark, Dekalb, Floyd, Lawrence, Perry, Pulaski, Steuben, Vigo, and Wabash).

The Chair conducted a roll-call vote:

Mr. Abbs: aye

Ms. Corley: aye

Ms. DeWester: aye

Rep. Hatcher: aye

Sen. Koch: aye

Rep. Lauer: aye

Judges Diekhoff and Hanlon abstained. The Chair did not vote. The motion carried.

10. Local Public Defender Board Appointments

Mr. Cullen said that the Commission's appointment in Fayette County resigned, so with the support of several individuals, Commission staff recommended Mike Bottomley. Mr. Cullen is still finalizing a recommendation for Marshall County, where two individuals have been put forward. The Commission Chair will make an interim appointment, and the Commission will vote on it at the September meeting. In Sullivan County, commission staff recommended Margaret "Mitzie" Badger, a retired court reporter. In White County, Commission staff recommended Libby Billue to be re-appointed to the county board.

Judge Hanlon moved to appoint the staff recommendations to their county boards. Judge Diekhoff seconded the motion. The motion carried.

11. Legislative & Policy Updates

Mr. Cullen provided the legislative update that HB 1006 did pass, which changed the terms of all the Commission members. The Commission ended up with about a 4% budget cut. The public service scholarship bill passed, and progress is being made seeking funding from Lilly Endowment or other alternatives to fund the scholarships.

12. Other Matters

The Chair thanked Ms. Corley and Mr. Abbs for their service on the Commission. The meeting was adjourned.

Appendix A

Non-Capital Claims 1Q2025 6/18/25

	Total	Non-	%	Eligible	40%	CCAA portion	Title IV-E 40%	Prior Quarter	Total
	Expenditure	reimbursable	Adjusted	Expenditure	Reimbursed	(35520/562000/1	69304/562000/10000/	Adjustment	Reimburseme
		Adjustment				00000/593000)	593003/025IVECHNDE		nt
							F25/RECIPNT		
Adams	\$152,217.41	\$35,137.08	23.08%	\$117,080.33	\$46,832.13	\$45,913.76	\$918.37		\$46,832.13
Allen	\$1,376,817.84	\$89,967.83	6.48%	\$1,286,850.01	\$514,740.00	\$503,071.16	\$11,668.84		\$514,740.00
Benton	\$49,586.65	\$3,449.08	6.96%	\$46,137.57	\$18,455.03	\$18,455.03	\$0.00		\$18,455.03
Blackford	\$100,469.87	\$17,640.79	17.56%	\$82,829.08	\$33,131.63	\$32,498.13	\$633.50		\$33,131.63
Brown	\$64,233.69	\$21,612.09	33.65%	\$42,621.60	\$17,048.64	\$16,570.05	\$478.59		\$17,048.64
Carroll	\$84,759.45	\$14,153.44	16.70%	\$70,606.01	\$28,242.41	\$27,170.54	\$1,071.87		\$28,242.41
Cass	\$203,388.05	\$30,199.61	14.85%	\$173,188.44	\$69,275.38	\$67,460.30	\$1,815.08		\$69,275.38
Clark	\$510,614.35	\$44,483.96	8.71%	\$466,130.39	\$186,452.15	\$183,853.65	\$2,598.50		\$186,452.15
Clinton	\$105,224.74	\$25,626.58	24.35%	\$79,598.16	\$31,839.26	\$31,670.53	\$168.73		\$31,839.26
Crawford	\$37,500.00	\$12,472.59	33.26%	\$25,027.41	\$10,010.96	\$9,699.74	\$311.22		\$10,010.96
Decatur	\$151,907.15	\$32,841.21	21.62%	\$119,065.94	\$47,626.38	\$45,967.17	\$1,659.21		\$47,626.38
Dekalb	\$303,629.96	\$33,245.92	10.95%	\$270,384.04	\$108,153.61	\$106,870.20	\$1,283.41		\$108,153.61
Delaware	\$559,050.15	\$11,437.79	2.05%	\$547,612.36	\$219,044.94	\$211,633.80	\$7,411.14		\$219,044.94
Elkhart	\$1,059,979.71	\$131,580.27	12.41%	\$928,399.44	\$371,359.78	\$366,177.99	\$5,181.79		\$371,359.78
Fayette	\$104,138.50	\$15,240.95	14.64%	\$88,897.55	\$35,559.02	\$34,706.71	\$852.31		\$35,559.02
Floyd	\$431,462.14	\$71,812.07	16.26%	\$359,650.07	\$143,860.03	\$139,095.91	\$4,764.12		\$143,860.03
Fulton	\$109,811.81	\$35,659.60	32.47%	\$74,152.21	\$29,660.89	\$28,655.26	\$1,005.63		\$29,660.89
Gibson	\$183,940.75	\$16,156.90	8.78%	\$167,783.85	\$67,113.54	\$65,765.90	\$1,347.64		\$67,113.54
Grant	\$348,021.72	\$13,467.08	3.87%	\$334,554.64	\$133,821.86	\$130,293.06	\$3,528.80		\$133,821.86
Greene	\$200,122.60	\$26,781.32	13.38%	\$173,341.28	\$69,336.51	\$68,187.63	\$1,148.88		\$69,336.51
Hancock	\$321,677.54	\$28,406.30	8.83%	\$293,271.24	\$117,308.49	\$114,683.57	\$2,624.92		\$117,308.49
Harrison	\$188,923.66	\$21,237.47	11.24%	\$167,686.19	\$67,074.47	\$66,782.83	\$291.64		\$67,074.47
Hendricks	\$663,878.36	\$110,436.93	16.64%	\$553,441.43	\$221,376.57	\$218,941.74	\$2,434.83		\$221,376.57
Howard	\$646,231.53	\$46,016.41	7.12%	\$600,215.12	\$240,086.05	\$236,086.30	\$3,999.75		\$240,086.05
Jackson	\$289,724.84	\$13,157.81	4.54%	\$276,567.03	\$110,626.81	\$106,601.04	\$4,025.77		\$110,626.81
Jasper	\$203,502.66	\$28,385.39	13.95%	\$175,117.27	\$70,046.91	\$68,487.07	\$1,559.84		\$70,046.91
Jay	\$138,641.04	\$20,530.30	14.81%	\$118,110.74	\$47,244.29	\$44,750.67	\$2,493.62		\$47,244.29
Jefferson	\$237,609.25	\$27,887.14	11.74%	\$209,722.11	\$83,888.84	\$81,045.42	\$2,843.42		\$83,888.84
Jennings	\$125,641.52	\$5,584.93	4.45%	\$120,056.59	\$48,022.64	\$45,908.79	\$2,113.85		\$48,022.64
Knox	\$262,778.29	\$41,283.68	15.71%	\$221,494.61	\$88,597.84	\$85,256.37	\$3,341.47		\$88,597.84
Kosciusko	\$283,232.59	\$86,457.39	30.53%	\$196,775.20	\$78,710.08	\$77,275.38	\$1,434.70		\$78,710.08
LaGrange	\$114,353.59	\$43,057.60	37.65%	\$71,295.99	\$28,518.40	\$26,178.32	\$2,340.08		\$28,518.40
Lake	\$1,688,055.68	\$2,145.24	0.13%	\$1,685,910.44	\$674,364.18	\$674,364.18	\$0.00		\$674,364.18
LaPorte	\$401,622.99	\$41,621.59	10.36%	\$360,001.40	\$144,000.56	\$141,265.88	\$2,734.68		\$144,000.56
Lawrence	\$331,088.98	\$71,877.22	21.71%	\$259,211.76	\$103,684.70	\$99,010.96	\$4,673.74		\$103,684.70
Madison	\$670,521.85	\$13,778.26	2.05%	\$656,743.59	\$262,697.44	\$255,893.90	\$6,803.54		\$262,697.44
Marion	\$7,804,157.37	\$918,744.50	11.77%	\$6,885,412.87	\$2,754,165.15	\$2,683,549.30	\$70,615.85		\$2,754,165.15
Martin	\$65,878.86	\$10,392.10	15.77%	\$55,486.76	\$22,194.70	\$21,139.10	\$1,055.60	-\$184.00	\$22,010.70
Miami	\$213,673.50	\$29,324.97	13.72%	\$184,348.53	\$73,739.41	\$71,728.02	\$2,011.39		\$73,739.41
Monroe	\$759,331.76	\$115,894.15	15.26%	\$643,437.61	\$257,375.04	\$251,015.84	\$6,359.20	-\$99.77	\$257,275.27
Noble	\$321,081.73	\$53,252.16	16.59%	\$267,829.57	\$107,131.83	\$106,108.87	\$1,022.96		\$107,131.83
Ohio	\$22,284.99	\$3,736.08	16.77%	\$18,548.91	\$7,419.57	\$7,095.79	\$323.78		\$7,419.57
Orange	\$95,085.97	\$11,853.30	12.47%	\$83,232.67	\$33,293.07	\$32,400.04	\$893.03		\$33,293.07
Owen	\$107,622.00	\$18,237.40	16.95%	\$89,384.60	\$35,753.84	\$34,431.97	\$1,321.87		\$35,753.84
Perry	\$76,462.25	\$10,249.94	13.41%	\$66,212.31	\$26,484.93	\$26,068.63	\$416.30		\$26,484.93
Pike	\$49,148.73	\$11,967.83	24.35%	\$37,180.90	\$14,872.36	\$13,234.10	\$1,638.26		\$14,872.36
Pulaski	\$103,399.22	\$17,579.05	17.00%	\$85,820.17	\$34,328.07	\$32,885.27	\$1,442.80		\$34,328.07
Ripley	\$72,068.17	\$8,441.29	11.71%	\$63,626.88	\$25,450.75	\$24,642.80	\$807.95		\$25,450.75
Rush	\$126,290.58	\$23,980.27	18.99%	\$102,310.31	\$40,924.12	\$40,192.04	\$732.08		\$40,924.12
Scott	\$109,512.26	\$17,650.33	16.12%	\$91,861.93	\$36,744.77	\$35,696.88	\$1,047.89		\$36,744.77
Shelby	\$171,959.42	\$36,365.84	21.15%	\$135,593.58	\$54,237.43	\$52,861.91	\$1,375.52		\$54,237.43
Spencer	\$198,572.96	\$55,603.96	28.00%	\$142,969.00	\$57,187.60	\$54,662.54	\$2,525.06		\$57,187.60
Steuben	\$145,380.41	\$45,740.66	31.51%	\$99,639.75	\$39,855.90	\$38,856.63	\$999.27		\$39,855.90
StJoseph	\$991,642.21	\$89,513.18	9.03%	\$902,129.03	\$360,851.61	\$352,396.84	\$8,454.77	-\$5,958.36	\$354,893.25
Sullivan	\$33,547.99	\$6,041.05	18.01%	\$27,506.94	\$11,002.78	\$10,543.22	\$459.56		\$11,002.78
Switzerland	\$19,267.74	\$2,706.98	14.05%	\$16,560.76	\$6,624.31	\$6,474.42	\$149.89		\$6,624.31
Tippecanoe	\$1,216,360.78	\$164,866.85	13.55%	\$1,051,493.93	\$420,597.57	\$411,040.85	\$9,556.72		\$420,597.57
Union	\$30,352.00	\$11,707.49	38.57%	\$18,644.51	\$7,457.80	\$6,821.76	\$636.04		\$7,457.80
Vanderburgh	\$1,177,316.69	\$66,111.45	5.44%	\$1,111,205.24	\$444,482.10	\$433,785.22	\$10,696.88		\$444,482.10
Vigo	\$1,181,996.44	\$165,806.37	14.03%	\$1,016,190.07	\$406,476.03	\$399,216.15	\$7,259.88		\$406,476.03
Wabash	\$166,257.99	\$22,759.03	13.69%	\$143,498.96	\$57,399.58	\$56,579.21	\$820.37		\$57,399.58
Warren	\$23,079.90	\$6,819.07	29.55%	\$16,260.83	\$6,504.33	\$6,504.33	\$0.00		\$6,504.33
Warrick	\$175,920.69	\$13,519.64	7.69%	\$162,401.05	\$64,960.42	\$61,466.71	\$3,493.71		\$64,960.42
Washington	\$189,538.21	\$35,421.72	18.69%	\$154,116.49	\$61,646.60	\$61,018.19	\$628.41		\$61,646.60
WCIPDO	\$218,140.01	\$43,486.41	19.66%	\$174,653.60	\$69,861.44	\$68,982.81	\$878.63		\$69,861.44
White	\$88,557.33	\$18,935.52	21.38%	\$69,621.81	\$27,848.72	\$26,427.43	\$1,421.29		\$27,848.72
TOTAL	\$28,658,249.07	\$3,321,538.41		\$25,336,710.66	\$10,134,684.25	\$9,904,075.81	\$230,608.44	-\$6,242.13	\$10,128,442.12

INDIANA COMMISSION ON COURT APPOINTED ATTORNEYS

September 24, 2025

2:00 PM

101 West Ohio, 18th Floor, Commission Conference Room

Indianapolis, Indiana 46204

Members in attendance:

Mark W. Rutherford, Chair (in person)
Rep. Maureen Bauer (remote)
Ms. Samantha DeWester (in person)
Hon. Mary Ellen Diekhoff (remote)
Ms. Paje Felts (in person)
Hon. Kelsey B. Hanlon (remote)
Mr. David J. Hensel (remote)
Rep. Ryan Lauer (in person)
Sen. Rodney Pol (remote)

Staff in attendance (participating):

Derrick Mason
Andrew Cullen

Participating audience members:

Jim Abbs, Noble County Chief Public
Defender
Ray Casanova, Marion County Chief
Public Defender

Members absent:

Sen. Eric Koch

At 2:04 p.m., the Chair called the meeting to order. Commission members and participating staff introduced themselves, and a quorum was established.

1. Approval of June 18, 2025 Minutes

There were no changes to the minutes for the June 18, 2025 meeting. Ms. DeWester moved to approve the minutes and Rep Lauer seconded the motion. The minutes were approved unanimously.

2. Comprehensive Plan Approval

A. Approval of Madison County Amended Plan (Adds Standard O)

Mr. Mason said that Madison County has amended its comprehensive plan to include the Commission's optional standard, Standard O, which requires counties

who adopt the standard to pay support staff the same as other comparable county staff. There was no other discussion. Judge Hanlon moved to approve the amended plan. Ms. DeWester seconded the motion. The motion carried unanimously.

B. Approval of Montgomery County Amended Plan (Rewritten Plan, Creates a PD Office with F/T Chief & Standard O)

Montgomery County previously joined the Commission, Mr. Mason explained, but has not participated in the Commission for the last eleven years. Therefore, the submitted comprehensive plan is technically an amended plan, but it is completely rewritten. The county is increasing salaries for its Chief and Chief Deputy Public Defender, and it needs to remove one of its public defenders who is paid from the county's supplemental fund, which is not a permitted source of funding for regular public defense costs. The county expects to be in full compliance with Commission standards by January 1, 2026. Montgomery County has been receiving Title IV-E funds, which opened the door to rejoining the Commission for public defender reimbursement.

Mr. Hensel moved to approve the Montgomery County amended plan; Ms. DeWester seconded the motion. The motion carried unanimously.

C. Approval of Steuben County Amended Plan (Rewritten Plan, Creates a PD Office with F/T Chief & Standard O)

Mr. Mason reminded the Commission that Steuben County was among the applicants to participate in the misdemeanor reimbursement pilot program. The Commission selected Steuben County, conditioned on the county's promise to establish an office with a full-time Chief and support staff. The county has hired a chief, and the amended comprehensive plan complies with those requirements. The amended plan also incorporated Standard O. Mr. Mason noted that after the county adopted the amended plan, a scrivener's error was found, which the county is working to address. The same error occurred in the Montgomery County plan, which will also be fixed.

Judge Hanlon moved to approve the amended plan. Ms. DeWester seconded the motion. The motion carried unanimously.

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

Mr. Mason stated that the annual report has been completed and was provided to Commission members in their materials. In the report, a map depicts the amount of funds collected from each county pursuant to the new public defense fee allowed by legislation in 2024. There are several blanks on the map due to errors made by the county clerks and auditors. Commission staff are working with the counties to correct errors and omissions.

Mr. Mason also noted that the Commission staff just received a signed Title IV-E agreement with the Department of Child Services; without that, it was not possible to set up and plan for the next fiscal year. He also said there were sufficient funds in the public defense fund to fully reimburse counties for the second quarter.

4. From Prior Meeting:

Mr. Mason introduced the topic of expenses and reimbursement for county-owned and constructed buildings, which first arose at the June meeting. Three issues were discussed: a new guideline regarding expenses incurred for county-owned structures; an amended guideline regarding reimbursement for building-related expenses; and reimbursement for Marion County's new office and parking garage. After much discussion, each issue was voted on separately.

A. New Guideline: Expenses Incurred for County-Owned Structures

Mr. Mason recalled that at the June meeting, the Commission discussed county rent agreements. The issue arose, he said, because of a parking rent bill of approximately \$1.78 million from the Marion County Public Defender Agency (MCPDA). It was unclear at the time who owned the building—whether it was the county or a third party. He has further researched the issue, and it appears the building containing the parking garage is not owned by the county. He said the initial question, however, is what should be done for county-owned buildings, because there

are four county-owned facilities that are charging rent to public defender offices. The Commission has a guideline that disallows the billing of indirect expenses and at best, this is a method to cover each county office's indirect costs for being in a county building. At worst, the county could assess rent to public defender offices at rates that are unreasonable to maximize reimbursement. The goal from the previous meeting was to develop guidelines for what expenses a county could submit for reimbursement.

Mr. Mason said Commission staff developed a new proposed guideline that applies to expenses for county-owned buildings that are not new construction. He read the proposed guideline and explained it to the Commission. The proposed new guideline reads as follows:

Guideline for Expenses Incurred on County-Owned Structures

The county may not submit any rent or lease expenses associated with a county-owned structure. Counties may submit the following actual expenses, subject to caps for counties that are simultaneously receiving 10-year, building-related expense reimbursement:

- For public defense spaces that are in a building shared with non-public defense entities: only expenses that are 1) incurred physically within the public defense space (e.g., pro-rata utilities or repairs that occur within the public defense space) or 2) a pro-rata share of structural expenses that occur outside of the public defense space, if the expense was required for the continued operation of the public defense space. Examples include:
 - Groundskeeping expenses would not be allowed as the expense is neither structural nor incurred within the public defense space.
 - A public elevator repair would not be an allowable expense if it did not occur within the public defense space because it is not a "structural expense."
 - A roof repair may be an allowable expense if it was necessary for the continued operation of the building (vs. cosmetic purposes) because a roof is part of the building's overall structure.
 - When determining pro-rata expenses, if a public defense office occupies 10% of the total building, by square footage, then 10% of the total expense would be eligible for submission.

- For public defense spaces that are freestanding: All reasonable and necessary expenses incurred for the continued operation and maintenance of the structure and grounds are eligible for reimbursement.

Ms. DeWester asked what is meant by “county-owned” since, as here, the parking garage is owned by the city but is operated by a third party. Mr. Mason agreed that this situation is complicated. Previously, MCPDA paid about \$1.7 million in rent and up to \$300,000 for parking to privately owned companies. There was no issue with reimbursing those costs because the MCPDA was paying negotiated market rates. The issue arose when the MCPDA was asked to start paying the county.

B. Amended Guideline: Reimbursement for Building-Related Expenses

The second proposed guideline, Mr. Mason said, is an update to the Building-Related Expense Reimbursement Guideline that the Commission created in 2016. The guideline was used slowly at first, with one project in 2016 and a handful in the succeeding years. In 2025, Mr. Mason has done three site visits with three more visits scheduled for building-related projects. The revised guideline still spreads the costs over ten years and caps the expenses at the market-rate lease cost. It requires that the expenses be incurred primarily for the provision of public defense. He noted that this option saves the Commission money because it pays for ten years of market-rate expenses rather than rent in perpetuity.

The proposed amended guideline is as follows:

Guideline for Reimbursement on Building-Related Expenses

A building-related expense generally includes land purchase, building purchase, facility build-out or remodel, fixtures, and any other item that may reasonably be expected to have at least a 10-year useful life. It does not include furniture or office equipment, which are reimbursable in the same manner as all other ~~public indigent~~ defense expenses. All building-related expenses that are appropriate, necessary, and ~~incurred~~ ~~are~~ primarily for the provision of ~~public indigent~~ defense should be included in a project’s cost. Building-related expenses are reimbursable ~~are a reimbursable expense~~ so long as the total is ~~comparable to, or less than,~~ does not exceed the cost if the county were to instead lease a comparable space. While a county is receiving reimbursement under this guideline, additional expenses that would be eligible for submission under the Guideline for Expenses Incurred on County Owned Structures may be submitted only to the extent the total amount submitted for reimbursement associated with the space does not exceed the comparable space lease cost.

Once the final, reimbursable amount of a building-related expense is approved by staff, the eligible expenses shall be submitted to the Commission evenly on a quarterly basis over a 10-year (40 quarter) period. Reimbursement will only begin once all expenses are final and the entire project is being used for public defense. Reimbursement will cease if the space is no longer used for public defense or the building or land is sold.

Eligible expenses will be reduced proportionally if only a portion of a building is being used for ~~public indigent~~ defense. To be eligible for reimbursement: ~~for a building-related expense the county must:~~

- 1) The type of building or space must be one that would be subject to a commercial lease in the private market (e.g., office, storage space, etc.) and the county must provide comparable space lease costs.
- 2) The total of the public defense portion of the project cost must be at least \$40,000. Projects which total less than \$40,000 may still be submitted to the Commission for reimbursement as a lump sum in the quarter that the project was completed and began to be used for public defense. ~~must be one that Verify that estimated project costs cover the entire scope of the project.~~
- ~~3) The county must provide comparable commercial space lease costs and, if applicable, any additional build-out expenses that would not be included in the rent to Commission staff.~~
- ~~3)4)~~ Once the project has been completed, an in-person site visit must be conducted and the final costs shall be submitted to Commission staff for confirmation that the total includes:
 - a. Only public ~~indigent~~ defense expenses;
 - b. That the expenses are reasonable and necessary; and
 - c. The expenses otherwise follow all Commission Standards and Guidelines.
- ~~4)5)~~ If the final project costs are more than the market rent of comparable leased space, the Commission will limit reimbursement to that of the comparable lease option.
- ~~5)6)~~ If Commission staff denies expenses or the county disagrees with staff's chosen comparable lease rate, ~~disagree to a comparable rental rate~~ the county may appeal to the Commission as a whole.

~~Once the final, reimbursable amount is approved by staff, these expenses shall be submitted to the Commission evenly on a quarterly basis over a 10-year (40 quarter) period. Reimbursement will only begin once all expenses are final and the entire project is being used for indigent defense. Reimbursement will cease if the space is no longer used for indigent defense or the building is sold.~~

Building projects which total less than \$40,000 may still be submitted to the Commission for reimbursement as a lump sum in the quarter that the project is complete and is being used for public indigent defense. The Commission may deny reimbursement if the county routinely

submits building-related projects under the \$40,000 threshold without adequate justification. The Commission, at its discretion, may make exceptions or modify application of these rules upon request.

Ms. DeWester asked if anything requires counties to consult with the Commission before starting a building process. Mr. Mason replied that there is not such a requirement. He went on to explain that while sometimes counties do consult, in other cases they do not – and some do not even seek reimbursement for their new construction. Ms. DeWester clarified that she does not want a county undertaking construction only to discover the Commission would not help pay for it. Mr. Mason said that the Commission provides training every year and addresses such issues, helping counties to understand what it covers and that the guidelines could potentially change.

C. Reimbursement for Marion County's New Office & Parking Garage

Mr. Mason then discussed the actual reimbursement for Marion County. The building housing the parking for the MCPDA appears to be neither a building-related expense nor a county-owned structure because it is *not* owned by the county and it is not necessarily going to be transferred to the county at the conclusion of the 20-year lease (with another 5-year possible extension). The amount of rent was determined well before the space was completed, the space was built to the county's specifications, and the county is responsible for all operating expenses associated with the space including elevator repair, HVAC repair, utilities, etc. The County also pays a property management fee. The Commission obtained market rate rents. One was listed at market rate for \$20/SF as a full-service lease, and the second was a \$16/SF lease but was a modified gross lease, with some operating expenses borne by the landlord and some by the tenant. The Marion County lease starts with an annual rent of \$18/SF in year one and increases 2% every year for the next 20 years to \$26.22/SF. This works out to be the exact average of the other two office rates, but it is essentially a triple net lease with virtually all expenses borne by the tenant.

Mr. Mason recommended that the Commission treat this lease as if it were a full-service lease and limit the eligible expenses for the office to the minimum annual

rent, according to the schedule in the lease, Section 1.01(d), and not pay operating expenses. He further recommended that the Commission disallow expenses associated with the parking garage as the county is paying itself for the cost of building and running a county-owned structure. For the December 2025 meeting, he recommended that Commission staff work with Marion County to develop a “true up” of expenses for what is allowed, what has been billed and reimbursed already, and what has been withheld that the county should receive.

Ray Casanova addressed the Commission and provided background on why the MCPDA moved to the new facility. He asked the Commission to reimburse MCPDA for both the lease as well as the operating expenses, with a cap on the expenses. He said the garage does not generate significant income, perhaps a few thousand dollars in 2024. He thought the garage fell under guideline A, such that its cost could be spread over ten years. He did not disagree with the proposed guidelines, but he requested reimbursement up to a cap on expenses and a ten-year reimbursement for the garage.

Ms. DeWester asked the amount of the MCPDA parking reimbursement request. Mr. Mason initially stated that it was not clear because it was not broken out separately. Curious how other agencies are charged, Ms. DeWester asked Mr. Casanova how Probation was charged for parking. He answered that he assumed they were funded by the county. Mr. Mason, after reviewing his materials, answered Ms. DeWester that the county has charged MCPDA about \$300,000 for parking so far this year.

D. Discussion and Vote on (A.) New Guideline: Expenses Incurred for County-Owned Structures

Mr. Hensel asked for clarification about the difference between the guidelines discussed in sections A and B. Mr. Mason acknowledged that the titles of the two were somewhat confusing. He explained that the amended guideline in section B governs reimbursement over a ten-year period to a county when the county constructs a new building. The new guideline in section A relates to expenses incurred

for county-owned structures, such as ongoing maintenance or repairs to a building, not new construction. The section A guideline is a clarification for the types of expenses the Commission will generally reimburse. Anyone would qualify to receive reimbursement under section A, so long as they are not capped out at market rates for reimbursement under section B (until the ten-year period expires).

Judge Hanlon inquired whether the guideline in section B was a limitation of exposure for the Commission. Mr. Mason affirmed that that was partly the case; it was also to prevent counties from receiving a large percentage of a construction reimbursement in one year and then changing buildings the next year, as has happened before. The Commission never pays more than the equivalent of a market lease and never pays more than 1/10 of a construction project in one year, he said.

Judge Hanlon moved to adopt the section A guideline. Ms. DeWester seconded the motion. There was no further discussion. The Chair called the roll:

Judge Hanlon – aye

Mr. Hensel – aye

Judge Diekhoff – aye

Sen. Pol – aye

Rep. Bauer – aye

Rep. Lauer – aye

Ms. Felts – aye

Ms. DeWester – aye

The Chair abstained. The motion carried.

E. Discussion and Vote on (B.) Amended Guideline: Reimbursement for Building-Related Expenses

Ms. DeWester moved to adopt the section B amended guideline. Mr. Hensel seconded the motion.

Mr. Abbs was allowed to speak. He asked whether the implementation of these guidelines meant a county would not receive reimbursement for utilities if it were capped out on building expenses. Mr. Mason said that was correct. Mr. Abbs said he

thought that was unfair since utilities would be incurred regardless of the building situation.

Judge Hanlon responded that the guideline provided a maximum for the physical plant that the Commission would reimburse. Mr. Mason agreed that it was about maximum exposure, saying that commercial leases could include all utilities, and more buildings are receiving caps. He clarified that this would not limit utilities for anyone not under the ten-year caps. The Chair called the roll:

Judge Hanlon – no vote

Mr. Hensel – aye

Judge Diekhoff – aye

Sen. Pol – aye

Rep. Bauer – aye

Rep. Lauer – aye

Ms. Felts – aye

Ms. DeWester – aye

The Chair abstained. The motion carried.

F. Discussion and Vote on (C.) Reimbursement for Marion County's New Office & Parking Garage

Ms. DeWester moved to adopt the staff recommendation in section C: limit the reimbursement for the Marion County office space to the minimum annual rent as outlined in the lease for the public defender office and make the county ineligible to submit expenses associated with the operation of the building; disallow expenses associated with the parking garage as it is the city paying itself for the cost of building and running a city owned structure, it has a profit-making capacity, and is not used exclusively for the purpose of public defense; and for the December meeting, work with Marion County to develop a “true up” of expenses for what is allowed, what has been billed and reimbursed already, and what has been withheld that the county should receive. Judge Diekhoff seconded the motion. There was no further discussion. The Chair called the roll:

Mr. Hensel – aye

Judge Diekhoff – aye

Sen. Pol – aye

Rep. Bauer – aye

Judge Hanlon – no vote

Rep. Lauer – aye

Ms. Felt – aye

Ms. DeWester – aye

The Chair abstained. The motion carried.

5. 90-Day Letter & Other Compliance Updates

Mr. Mason reported good news for compliance across the board. Both Jasper and LaGrange counties were sent 90-day letters after the last meeting due to the appointment of unqualified attorneys, and both of those situations have been resolved. Allen County was sent a 90-day letter for caps on appellate fees, and the county has removed the caps and is paying back payments for appellate attorneys.

6. Status of County Compliance (Caseloads)

At the last meeting, there were six multi-county attorneys who were non-compliant for multi-county caseloads; this quarter it is down to two, and those two attorneys are very close to compliance. The individual counties are at 96% caseload compliance. Mr. Mason did not recommend any 90-day letters.

7. Requests for Reimbursement:

A. 50% Reimbursement in Death Penalty Cases

Mr. Mason reported that there are two counties seeking capital case reimbursement this quarter (see table below). Although Madison County also has a case, it is gathering information and will probably have a double-request next quarter. Ms. DeWester moved to approve the capital case reimbursement request; Mr. Hensel seconded the motion. The motion carried unanimously.

COMMISSION ON COURT APPOINTED ATTORNEYS

Reimbursement Requests in Capital Cases

September 24, 2025

COUNTY	DEFENDANT	TOTAL
Hendricks	Rodgers	\$25,772.87
Marion	Mitchell	\$1,337.48
TOTAL		\$27,110.35

B. 40% Reimbursement in Non-Capital Cases

Mr. Mason said that with the votes in Item 4, the reimbursement falls to \$10,485,633.91 (see Appendix A). Once the costs for the misdemeanor pilot expenses are added and necessary deductions are made, the reimbursable amount for the second quarter of 2025 is \$10,670,145.34. Ms. DeWester moved to approve the reimbursement request. Sen. Pol seconded the motion. The motion carried unanimously.

8. Local Public Defender Board Appointments

Mr. Cullen informed the new Commission members that the Commission appoints candidates to most county public defender boards. This quarter, none of the candidates (table below) were contested. Mr. Hensel moved to approve the consensus candidates; Judge Diekhoff seconded the motion. The motion carried unanimously.

3Q 2025: County Public Defender Board Appointments		
<i>Action Requested: Re-appoint the following consensus candidates to County PD Boards.</i>		
<i>County</i>	<i>Consensus Candidate for Re-Appointment</i>	<i>Consensus Candidate for Appointment</i>
Carroll	Ed Selvidge	
Clark	Anne Pfau	
Cass		Michael Boonstra
Floyd	Matthew Schad	
Grant	Joe Keith Lewis	
Jasper	Tim Belstra	
Jay	James Zimmerman	
Marshall		Brandon Schadek (confirm interim appointment)

9. Legislative & Policy Updates

Mr. Cullen informed the Commission that the Justice Reinvestment Advisory Council (JRAC) has released a report on indigency determinations. Included among the JRAC recommendations were standardization of forms, integration of technology, increased information about local attorney costs, and a data-driven strategy.

Commission staff requested to be allowed to finish the pilot program before the JRAC committee took dramatic action because the pilot program would gather a wealth of relevant data.

He also said that MCPDA is facing a challenge with the county policy that employees must live in the county to work for the county. This is an increasingly prevalent issue due to the general attorney shortage. There is a fairness issue because the prosecutor does not have to comply with the rule. Mr. Cullen requested authorization from the Commission for Commission staff to assist MCPDA in working to change the policy such that MCPDA may hire public defenders and staff from outside the county. Ms. DeWester moved to authorize such an effort; Ms. Felts seconded the motion. Judge Hanlon abstained from the vote. The motion carried.

Finally, Mr. Cullen said that Commission staff have been working with legislators to discuss state public defender agency reorganization. The message the agencies received was that the General Assembly would like to see some consolidation and a better system, but the legislature wants the agencies to do it. Thus, the Commission has been conferring with the State Public Defender and the Public Defender Council, along with legislators, to discuss options.

10. Pilot Updates

Mr. Mason reported that, as the Commission closes out most of its At-Risk Youth & Family pilot programs, he wanted to share some of the results. In Vigo County, caseworkers and social workers worked with families (311 cases) and reduced the case length by more than two months. Children also spent an average of two fewer months outside the home. Where cases ended with a successful discharge, 73% of control cases ended with reunification, while the social-worker-assisted case

resulted in reunification in 83% of cases. Vigo County has now picked up this program and will continue to fund it.

In Marion County, the pilot program (681 cases) led to a 70% decrease in detention rates (from 23% to 7%), and at disposition, the detention rate decreased by 86% (from 21% to 3%).

11. Other Matters

Ms. DeWester moved to adjourn. Rep. Lauer seconded the motion. The motion carried unanimously.