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July 2024 Quarterly Newsletter

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Increased Fees, Reporting Requirements Become Effective July 1

The Commission seeks your assistance in complying with a recently enacted state statute that will require an annual report to the legislature.

Recent changes to I.C. 35-33-7-6 increase the basic public defender user fee that “shall” be assessed when a public defender is appointed in an adult criminal case. This becomes effective July 1, 2024.



The amount has been increased to \$100 for a misdemeanor case and \$200 for a felony case, up from \$50/\$100, respectively. It may still be waived if the individual is unable to afford it.

The increased amount (half of the total fee) will be sent to the state’s Public Defense Fund, which funds local public defense reimbursements. The original amount (the other half of the new total fee) will remain with the county and is deposited into the county supplemental public defense fund. The statute is clear that the county funding is prioritized in the case of a partial payment of the fee.

The division of these fees will happen automatically through the Odyssey system. Specifically, the “supplemental public defender fee” line remains, with the addition of more options for either the \$100 or \$200 fee, depending on the case type. To ensure the legislature knows your county is assessing the only PD fee that “shall” be assessed unless the defendant cannot afford it, it is imperative that your courts and clerks clearly assess the \$100/\$200 fee and to break the fee down if they assess more than that amount.

The key, going forward, is that:

- 1) Courts assess the new amounts (\$100/\$200) on or after July 1, 2024;
- 2) Courts record the \$100/\$200 as a fee under I.C. 35-33-7-6, and the clerk uses the new checkboxes in Odyssey for that fee; and
- 3) If the court assesses MORE than the \$100/\$200 fee under the other statutes that allow a court to assess public defense fees, then the court makes clear to the clerk that \$100/\$200 assessment is the “mandatory” I.C. 35-33-7-6 fee and the remainder is recorded in the original Odyssey line for the “supplemental public defender fee.”

EXAMPLE: A court assesses \$500 in total public defense fees at the conclusion of a felony case and did not assess any fees when the PD was first appointed. The clearest way to demarcate these fees would be to check the \$200 for I.C. 35-33-7-6 box and put \$300 in the checkbox for “supplemental public defender fee.”

The Office of Judicial Administration has developed a memo for judges on the need to revise forms and the creation of the new fees. You can find it by clicking [HERE](#).

This topic and others were covered in-depth by the Commission's Executive Director, [Derrick Mason](#), at an information session held on June 26. To view the presentation from that session, click on the button below.

[Click HERE for details.](#)

Commission Name Changes to "Indiana Commission on Court Appointed Attorneys" (CCAA)

Effective July 1, the Commission shall be known as the "Indiana Commission on Court Appointed Attorneys."



Over the coming months, you will see updates to our website and email addresses. Don't worry: the current website address and email addresses will continue to function for a period of time to allow for a smooth transition.

The change was made to help distinguish the Commission from the other two state agencies that provide support to local public defense systems and to alleviate confusion that frequently occurs due to the similarities in agency names.

Workgroup Recommends Law School Scholarships to Incentivize Public Service

Commission staff recently participated in the "Incentivizing Public Service Work" Workgroup of the recently-created "Commission on Indiana's Legal Future."



Commission staff, in coordination with the Prosecuting Attorneys Council, proposed a new law school scholarship option for students willing to pursue full-time work as a public defender or prosecutor upon graduation. It was endorsed by the workgroup and forwarded to the full Commission for further consideration.

Questions may be directed to [Derrick Mason](#) or [Andrew Cullen](#).

[Click here for the Commission on Indiana's Legal Future Website](#)

New Hourly Rates for Capital and Non Capital Cases Set to Begin Jan 1, 2025

New hourly wages for both capital and non capital cases will become effective on January 1, 2025.

The rate for capital cases statewide will become \$151/hour. This rate is set by Criminal Rule 6, with



calculations performed by the Supreme Court's Office of Judicial Administration.

Please note that the effective rate at the time the death penalty request was filed remains in effect throughout the life of the case unless the case is remanded to the trial court after appeal.

The non capital hourly rate for Commission Counties shall increase to \$110/hour. The Commission's hourly rate standard for non capital cases reads: "Counsel shall be compensated for time actually expended at the hourly rate of not less than 75% of the capital rate required under Criminal Rule 6, rounded, up or down, to the nearest \$10/hour."

The effective date of any non capital increases shall tier with the capital rate increases (January 1 of odd-numbered years).

Any questions may be directed to [Derrick Mason](#) or [Jennifer Pinkston](#).

Commission in the News: Indiana to Pilot Return to Misdemeanor Defense Reimbursement

Click the link below to read comprehensive reporting on our upcoming Misdemeanor Pilot Program, authored by Leslie Bonilla Muniz from *The Indiana Capital Chronicle*.



Please note: Counties can expect more details on the pilot and on the application process to be made available in late Summer/early Fall.

[Click HERE for excellent reporting on the creation of the pilot.](#)

Local Public Defender Board Appointments

The Commission welcomes the following new and/or re-appointed members to local Public Defender Boards. Their 3-year terms were approved at the prior Commission meeting.

- *Adams*: Tony Mellencamp (re-appointment)
- *Fayette*: Brayton Johns (re-appointment)
- *Fulton*: Hon. Douglas Morton, Ret. (new appointment)
- *Lawrence*: Gerald Hill (re-appointment)
- *Orange*: Sandy Hill (new appointment)

- *Ripley*: Elizabeth Baumgartner (re-appointment)
- *Tippecanoe*: Thomas O'Brien (new appointment)
- *Vigo*: Peter Sacopulos (new appointment)
- *White*: Libby Billue (new appointment)

At the next meeting, the Commission will consider appointments or re-appointments to the following local boards:

- Clinton County
- Jefferson County

If you have any questions about this or any matters regarding local public defender boards, contact [Andrew Cullen](#) or [Linda Hunter](#).

[Click HERE for more information regarding local boards.](#)

June Commission Meeting Draft Minutes

[Click HERE to read the draft minutes.](#)

2024 Reimbursement Request Due Dates and Commission Meeting Dates

<u>Quarter</u>	<u>Requests Due</u>	<u>Commission Meeting</u>
2nd 2024	August 14	September 18
3rd 2024	November 14	December 18

Commission meetings begin at 2 p.m. Eastern and comply with the Indiana Open Door Law ([IC § 5-14-1.5](#)). Meetings are held at the Commission Office (101 W. Ohio Street, Suite 1800, Indianapolis, IN, 46204) unless otherwise stated on the meeting notice and agenda. The public is invited to attend in person or via electronic means permitted under [IC § 5-14-1.5-3.6](#) excluding any Executive Sessions that may be scheduled as permitted under [IC § 5-14-1.5-6.1](#). To view the Commission’s Electronic Meeting Policy, click [here](#).

Notice of Executive Sessions & meetings will be posted at the entrance to the Commission Office (101 W. Ohio St., Suite 1800, Indianapolis, IN, 46204) and will be posted on [the front page of the Commission's website under "News & Announcements"](#) at least 48 hours in advance. Meeting materials and agendas will be posted at least 24 hours in advance.

If you have any questions about the Commission meetings, contact [Derrick Mason](#).

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