

From: Public Defender Commission <pdcom@subscriptions.in.gov>
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December 2023 Quarterly Newsletter

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Honey, our lawyer wishes us,
but in no way guarantees,
a Happy New Year.

Indiana's Lawyer Shortage Gathers Attention

The Commission's recent article regarding Indiana's significant lawyer shortage has gathered the attention of several media outlets.

WRTV reporter Kara Kenney recently produced an in-depth 4-part series on the issue that featured leaders of Indiana's criminal justice community.

The stories covered the impact on prosecution, defense, and rural communities. Several pieces of reporting from other media outlets have also been produced. Those articles are on the Commission's website and may be viewed by clicking [HERE](#).

The Indiana Supreme Court has also recently proposed an amendment to Admission and Discipline Rule 13 to provide Indiana with a detailed waiver provision that sets out a path for otherwise qualified law school graduates to sit for the Indiana bar exam. Click [HERE](#)

Reminder: Commission Now Tracking Compliance With Caseload Standards Of Attorneys Practicing in Multiple Counties

In an effort to be transparent about attorneys practicing in multiple counties, the Commission has created a portal that will assist both individual attorneys and local public defense offices in tracking compliance with Commission Standards.



As a reminder, attorneys who accept cases in multiple counties are still required to follow caseload standards in order to be eligible for reimbursement. A caseload of under 1.09 FTE is considered in “substantial compliance.” However, it is important to make note of which attorneys may be close to their maximum allowable caseload.

Please bookmark the link below. Each quarter, the spreadsheet will be updated with a new tab after we've finalize the reimbursement requests.

Questions may be directed to [Jennifer Pinkston](#).

[Click here to view the multi-county compliance portal.](#)

New Judicial Local Income Tax Use Advisory Released By State Board Of Accounts

Please note the below message from the State Board of Accounts (SBOA) regarding a new county funding option for criminal justice expenses. The italicized language below was sent by the SBOA to key officials.



"... we have received various inquiries over the last few weeks regarding the appropriate uses of the newly authorized judicial LIT in Ind. Code § 6-3.6-6-2.9. In order to effectively communicate the SBOA's official position, the State Examiner has authorized this communication.

Ind. Code § 6-3.6-6-2.9 (a) authorizes the county to use the Judicial LIT funds for “county staff expenses of the state judicial system in the county.” We believe the language of this statute is very broad and should be read as such. Although not conclusive, we believe the Lake County Board of Commissioners v. State (181 NE 3d 960) is informative on whether certain local departments should be considered part of the “state judicial system in the county” as contemplated by the statute.

Therefore, per the State Examiner, the State Board of Accounts will consider

the following expenses appropriate when evaluating compliance with Ind. Code § 6-3.6-6-2.9:

- **County Staff Expenses** relating to the following areas:
 - Judicial Court(s)
 - Prosecutor's Offices
 - Public Defender Offices
 - Probation Department
 - Community Corrections

At a minimum, we believe reading the statute in conjunction with previous Supreme Court precedent, indicates the above areas could be considered part of the "state judicial system." And therefore, would have been considered when the Legislature enacted this statute.

However, it should be noted this statute is not without limitations. Specifically, referring to "county staff expenses." We read this to mean expenses generally covered by the county during the employment of the aforementioned individuals.

Should the legislature amend the language to be more restrictive or inclusive, we reserve the right to evaluate the statutory language at that time."

[Click here to read the new statute.](#)

Reminder: Commission's Job Posting Service

In an effort to assist Commission-compliant local public defense systems with recruiting, the Commission is expanding our job posting service.

When an open position is submitted, it will now be posted on the following websites:

- Commission's website
- American Bar Association
- Law School Job Boards: IU McKinney, IU Mauer, Notre Dame, Cooley (Michigan), University of Louisville Brandeis, University of Illinois (Urbana-Champaign)



As a reminder, to post an open position, simply email a PDF document that includes all necessary information to information@pdcom.in.gov. If you have any comments about this service, please contact [Linda Hunter](#) or [Andrew Cullen](#).

[Click HERE for a list of current Public Defense Employment Opportunities.](#)

New Year, New Guidelines For Compensation &

Caseloads Become Effective

Effective January 1, 2024, the Commission has approved changes to the guidelines that accompany Standard G (Compensation) and to Standard J (Caseloads). Click [here](#) for more information.

The Commission thanks all public defenders, public defender boards, judges, and Indiana citizens who submitted public comment.

Questions may be directed to [Derrick Mason](#), [Jennifer Pinkston](#), or [Torrin Liddell](#).



[Click HERE to learn more about the changes.](#)

Commission's 2022-2023 Annual Report Released

The Commission has released its annual report for the 2022-2023 fiscal year.

Among many other things, it includes information about Indiana's lawyer shortage, results from the Youth and Families Pilot Programs, and the latest statistics about reimbursements.

Each state agency is required by statute to provide an annual report to the Legislative Council following each fiscal year.



[Click HERE to read Annual Report](#)

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.

- **Anne Walsh, Harrison County**
- **Jennifer Stout, Hendricks County**
- **Phyllis Emerick, Owen County**
- **Kevin Snyder, Rush County**
- **Marsha Dailey, Washington County**

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

• **LaPorte 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.](#)

December 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>
4th 2023	February 14	March 27
1st 2024	May 15	June 12
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 (309 W. Washington Street, Suite 501, 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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