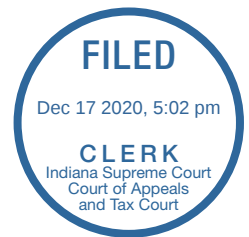


In the Indiana Supreme Court

Cause No. 20S-MS-1



Order Amending Indiana Rules of Criminal Procedure

Under the authority vested on this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, the Indiana Rules of Criminal Procedure are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

Rule 24. Capital Cases

...

(C) Compensation of Appointed Trial Counsel. All hourly rate trial defense counsel appointed in a capital case shall be compensated under subsection (1) of this provision upon presentment and approval of a claim for services detailing the date, activity, and time duration for which compensation is sought. Hourly rate counsel shall submit periodic billings not less than once every thirty (30) days after the date of appointment by the trial court. All salaried capital public defenders compensated under subsection (4) of this provision shall present a monthly report detailing the date, activity, and time duration of services rendered after the date of appointment. Periodic payment during the course of counsel's representation shall be made.

- (1) *Hours and Hourly Rate.* Defense counsel appointed at an hourly rate in capital cases filed or remanded after appeal on or after January 1, 2001, shall be compensated for time and services performed at the hourly rate of ninety dollars (\$90.00) only for that time and those services determined by the trial judge to be reasonable and necessary for the defense of the defendant. The trial judge's determination shall be made within thirty (30) days after submission of billings by counsel. Counsel may seek advance authorization from the trial judge, ex parte, for specific activities or expenditures of counsel's time.

The hourly rate set forth in this rule shall be subject to review and adjustment on a biennial basis by the Chief Administrative Officer (CAO) of the Indiana Office of Judicial Administration (IOJA). Beginning July 1, 2002, and July 1st of each even year thereafter, the CAO shall announce the hourly rate for defense counsel appointed in capital cases filed or remanded after appeal on or after January 1, of the years following the announcement. The hourly rate will be calculated using the Gross Domestic Product Implicit Price Deflator, as announced by the United States Department of Commerce ~~in its May report~~, for the last two years ending December 31st preceding the announcement. The calculation by the CAO shall be rounded to the next closest whole dollar.

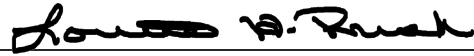
In the event the appointing judge determines that the rate of compensation is not representative of practice in the community, the appointing judge may request the

CAO of the IOJA to authorize payment of a different hourly rate of compensation in a specific case.

...

This amendment shall take effect on January 1, 2021.

Done at Indianapolis, Indiana, on 12/17/2020.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", is written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.