

From: Public Defender Commission <pdcom@subscriptions.in.gov>
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January 2022 Quarterly Newsletter

Volume 14, Issue 1



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PANEL DISCUSSION

**THE PUBLIC DEFENDER:
THE STATE OF PUBLIC DEFENSE IN AMERICA TODAY**



**MARK
RUTHERFORD**
CONSTITUTIONAL LAWYER
THRASHER BUSCHMANN & VOELKEL, P.C.
CHAIRMAN
INDIANA PUBLIC DEFENDER COMMISSION



**JONATHAN
HOWE**
(I) LIBERTARIAN CANDIDATE FOR
CONGRESS NY-14
PUBLIC DEFENDER
BRONX, NY FAMILY COURT



**CHAS
CALENDA**
(R) CANDIDATE FOR
RHODE ISLAND ATTORNEY GENERAL
FORMER SPECIAL ASSISTANT ATTORNEY GENERAL
RHODE ISLAND ATTORNEY GENERAL

**WEDNESDAY, JANUARY 5, 2022
8:30PM ET
WATCH LIVE: COALITION RADIO NETWORK**

youtube.com/c/TheCoalitionRadioNetwork
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2022 Commission Legislative Agenda: Authority to Fund Misdemeanors, Counsel at First Appearance, and Regionalization

The Commission has set its 2022 Legislative Agenda with only one item, but it is significant.

Legislation, authored by [Senator Sue Glick](#), will make three key changes to our enabling statute. The bill will:

1. permit, but not require, the Commission to reimburse for misdemeanor expenses at *up to* 40% of a county's costs
2. permit, but not require, the Commission to reimburse for Counsel at First Appearance at *up to* 80% of a county's costs
3. permit, but not require, the Commission to reimburse multicounty PD systems at *up to* 80% of all noncapital costs



The bill will make these changes effective July 1, 2023, when the next state biennial budget cycle begins. If this bill passes, the Commission will have the discretion to make these additional reimbursements IF funding is available.

These three issues were recommended this summer by the [Interim Study Committee on Corrections and Criminal Code](#). Senator Glick chaired that committee.

[Senator Mike Young](#) (Chair of the Senate's Corrections and Criminal Law Committee) and [Senator Greg Taylor](#) (Senate Minority Leader & Commission Member) have agreed to be original co-authors of the bill.

Watch our [Twitter account](#) for updates as the legislative session begins. This session of Indiana's General Assembly is scheduled to begin on January 4, and is slated to end no later than March 14.

If you have any questions about this or any of the Commission's public policy work, [contact Andrew Cullen](#).

Significant Compensation & Caseload Changes Approved, Effective January 2024

At the December meeting, the Commission authorized significant changes to the guidelines that accompany Standard G (Compensation) and to Standard J (Caseloads).

These changes came after a comprehensive study conducted by the American Bar Association and with the input of Indiana's public defense community through focus groups and an extended public comment period.

The new guideline and standard will not be effective until January 2024 to allow counties ample time to prepare.

If you have any questions about this change, [contact Derrick Mason](#).



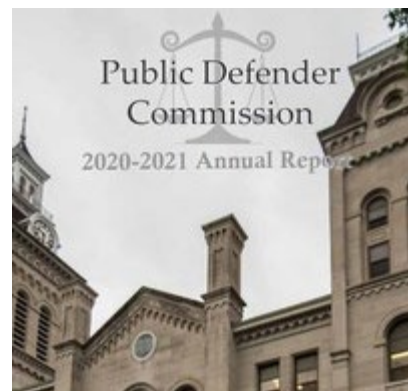
[Click here to see the details of these changes.](#)

FY 2020-21 Commission Annual Report Released

This Commission has released its 2020-21 Annual Report.

We are pleased that a record 66 counties, representing over two-thirds of Indiana's population, requested and received reimbursement for their non-capital public defense expenses during the fiscal year. County non-capital public defense expenses continue to increase.

During this fiscal year, the Public Defense Fund returned over \$29.8 million to counties for these



expenses. The Commission also authorized over \$6,000 in death penalty reimbursement.

[Click here to read the FY '20-21 Commission Annual Report](#)

Funding Still Available for At-Risk Youth Projects

Proposals are still being evaluated, on a rolling basis, for projects designed to impact "At-Risk Youth and Families."

The Commission approved the first round of funding at the December meeting. See the [draft minutes](#) for details. As a reminder, during the previous legislative session, the Commission received an additional appropriation of \$2 million/year over the next biennium to fund for this endeavor.

The primary goals of these projects are: (1) to create long-term improvements in systems that serve Indiana at-risk youth and families involved with Indiana's family/child welfare system, the juvenile delinquency system, or both, and (2) to create system improvements that proactively prevent such involvements.

If you have any questions about this request for proposals, [contact Derrick Mason](#).



[Click here to read the Request for Proposals](#)

New Federal Reimbursement to Counties Begins

The Commission is excited to announce that it has recently finalized an agreement with the Department of Child Services to begin Federal Title IV-E reimbursement to counties for certain CHINS and TPR expenses.

As you may recall, the Commission is currently receiving reimbursement for the 40% it reimburses counties. This new program will reimburse counties for their 60% of those expenses. The Commission is offering to coordinate this reimbursement for all Indiana counties, not just those that participate in the Commission's reimbursement program.

We will reach out to counties to finalize the contracts so that reimbursement can begin as soon as possible.

However, if you would like to be among the first to begin receiving this new reimbursement or you have any questions, please [contact Stephanie Lalani](#).



Governor re-appoints Rutherford, Hensel to Commission

Governor Eric Holcomb has re-appointed two long-serving members to the Commission. Current Commission Chair Mark Rutherford and Commission Member David Hensel have been appointed to terms ending October 31, 2025.

Rutherford has chaired the Commission since 2007 and has served as a Gubernatorial appointment to the Commission under three separate Governors. During his time as chair, the Commission's reimbursement program has grown from 53 counties to 67 counties, and the Commission has been able to fully fund county reimbursement requests since 2009. He is a shareholder at the Indianapolis law firm of Thrasher, Buschmann, and Voelkel, PC where he focuses his practice on business law, business defense, litigation, and election law. He has previously served as both a deputy prosecutor and deputy public defender in Marion County.

Hensel is a partner with Hoover Hull Turner LLP. He practices primarily in the areas of complex criminal and business litigation and also regularly represents attorneys, doctors, and other professionals in disciplinary and ethical matters. He has previously served as a judge of the Marion County Superior Court; Deputy Commissioner & Chief Counsel, Indiana Department of Environmental Management; and as a law clerk for the Honorable James T. Moody, U.S. District Court for the Northern District of Indiana. He is a past president and board member of Indiana Community Federal Defenders, Inc.

[Click here to read the Governor's Press Release](#)

Commission County PD Board Appointments

At the previous meeting, the Commission appointed or re-appointed the following members to County Public Defender Boards:

- Ed Selvidge, Carroll County
- Robert Slayton, Knox County
- Peggy Iddings, LaGrange County
- Steve Bennett, Perry County



There are no appointments scheduled for the March Commission Meeting.

If you have any questions or comments about County Public Defender Board appointments, contact [Andrew Cullen](#).

[Click here for more information about County PD Board Appointments](#)

December Commission Meeting Draft Minutes

[Click here to read the draft minutes from the prior Commission Meeting](#)

Public Defense Employment Opportunities

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

2022 Commission Meetings & Reimbursement Request Due Dates

<i>Quarter</i>	<i>Reimbursement Req Due</i>	<i>Commission Meeting</i>
4Q	Mon, Feb 14	Wed, March 23
1Q	Sun, May 15	Wed, June 15
2Q	Mon, Aug 14	Wed, Sept 21
3Q	Mon, Nov 14	Wed, Dec 14

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 (309 W. Washington Street, Suite 501, 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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