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PUBLIC COMMENT REQUEST

POTENTIAL MODIFICATIONS TO COMMISSION COMPENSATION STANDARDS

Background: The Compensation Subcommittee of the Public Defender Commission was formed in 2017 to evaluate standards related to compensation of public defenders. The subcommittee has been specifically exploring the issue of inequities for contractual public defenders responsible for overhead expenses. The subcommittee is also examining whether the definition of “compensation” in the current standards should be revised.

North Carolina and Michigan have recently concluded overhead studies that indicate overhead could range from \$58,000 to over \$90,000 per public defender. The Commission has recently launched its own survey to determine the realities of overhead for Indiana attorneys who operate a practice that includes public defense.

The subcommittee has also discussed the incongruity of allowing part-time public defenders to handle the same 100% full-time equivalent (FTE) caseload as full-time salaried public defenders and the challenges posed by calculating salary and benefit parity for public defenders, especially those who are above “part time” or 50% FTE.

Call for Comments: The Commission will consider revisions to the compensation standards at its September 25, 2019, meeting and requests public comments at this time. Your comments and suggestions are crucial to informing the Commission. The results of the overhead study and other information will be reported at the September meeting as well. Written comments may be emailed to information@pdc.com.in.gov or mailed to the Commission’s address **by September 1, 2019**.

The following changes to the standards are under consideration:

1. Creation of a minimum salary/contract amount for 100% FTE (and pro-rated down to the FTE of each attorney). This could be the same amount provided to a state-paid deputy prosecutor under IC 33-39-6-2 (\$68,012 or \$74,813 – or the midpoint of the two: \$71,412). Note: This amount adjusts annually based upon judicial salaries.

2. The addition of an amount to cover the cost of overhead and support staff for contractors and part-time salaried individuals, such as \$30,000 for 100% FTE (pro-rated down to the FTE of each attorney).
3. Limiting attorneys who are not full-time salaried from handling 100% FTE, such as limiting them to a caseload of no more than 75% FTE.
4. That chief public defenders should have a cap below the maximum FTE of 100% (full time) and 60% (part time) to compensate for the time commitment for administrative supervisory responsibilities.
5. Possible effective date for any approved changes: January 1, 2021.

ILLUSTRATIVE EXAMPLE OF THE ABOVE

	Base Salary	Overhead (\$30,000 per 1.0 FTE)	Total Amount Paid
Full Time Salary (County Employee) Salary (+ benefits)	\$ 71,412		\$ 71,412
Contractor Capped at .75 FTE Contract	\$ 53,559	\$ 22,500	\$ 76,059
Contractor Capped at .5 FTE Contract	\$ 35,706	\$ 15,000	\$ 50,706.00