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## NEWS RELEASE & MEDIA ADVISORY

FOR IMMEDIATE RELEASE

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## Commission, American Bar Association Dive into IN's PD System *Comprehensive Study Offers Roadmap for more Efficiency, Justice, Fairness*

(Indianapolis) – Current policies do not provide Indiana public defenders the time they need to offer effective representation, according to a study released today.

“Indiana’s caseload standards are a key piece of Indiana’s public defense system,” said Mark W. Rutherford, board chair of the Indiana Public Defender Commission (Commission). “This comprehensive study will not just sit on the shelves. It will help guide the Commission’s ongoing work to make our criminal justice system more just and more efficient.”

Two main phases comprised the analysis: (1) applying the Delphi Method as a survey process to identify how much time a public or private attorney should spend, on average, providing constitutionally effective representation in varying types of cases pursuant to prevailing professional norms; and (2) analyzing the historical caseloads for public defense in Indiana.

This study represents a collaborative effort involving the Commission, the American Bar Association Standing Committee on Legal Aid and Indigent Defendants, and Crowe LLP. The results demonstrated several areas where Indiana’s current maximum caseload standards do not accurately reflect the actual amount of time public defenders should spend on cases. For example, the Commission’s current caseload standards would allow a public defender to represent up to 120 high-level clients a year. The study revealed that this number should be closer to 31.

“The Commission’s public defense caseloads are based on national standards and assumptions, so some changes were expected,” said Derrick Mason, senior staff attorney with the Commission. “However, the extent of some deficiencies was surprising. Commission staff will consider the results and seek further input from the public defense community before proposing changes to Indiana’s public defense caseload standards.”

This study comes on the heels of the Commission’s recently-released study, Indiana Public Defense Overhead Costs, which demonstrated some contractual public defenders in Indiana make less than \$6 per hour representing indigent clients after overhead costs are calculated.

“The Commission constantly seeks to consider and revise its standards based on the best information available,” Rutherford said, “For the first time, the Commission is developing Indiana-specific data and I’m confident that both of these studies will yield long-term results toward an efficient criminal justice system that improves outcomes for our citizens while we seek to be good stewards of taxpayer dollars.”

Indiana’s public defense system is county-based, with a mixture of offices, full- and part-time contractors, and hourly work. Counties may choose to follow the Commission’s standards and guidelines in exchange for a percentage reimbursement of most public defense expenses. Currently, 64 counties participate in the Commission’s reimbursement program, while the remaining 28 counties operate without the Commission’s oversight.

To read the full study, please visit: <https://www.in.gov/publicdefender/>. Follow the Commission at [@IndianaPDCom](https://twitter.com/IndianaPDCom).

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## **MEDIA ADVISORY:**

**Staff from the Indiana Public Defender Commission will be available to reporters on a Zoom Session today (July 28) at 2 p.m. EST. To join the session, click this link: <https://iu.zoom.us/j/96957221060>**

**Additional times may be scheduled by contacting Andrew Cullen: (317) 439-7565 or [Andrew.Cullen@pdcom.in.gov](mailto:Andrew.Cullen@pdcom.in.gov).**