



# PUBLIC DEFENDER COMMISSION NEWS

January 2009

Volume 2, Number 1

## IN THIS ISSUE:

- NEW COMMISSION MEMBERS
- QUARTERLY MEETING HIGHLIGHTS – December 10, 2008 meeting of the Indiana Public Defender Commission
- SHOW ME THE MONEY
- 2009 Commission Meeting Dates
- Important Deadlines for 2009

## NEW COMMISSION MEMBERS

Two new members to the Indiana Public Defender Commission were appointed by Patrick Bauer, Speaker of the House of Representatives, in November 2008. Representative Vernon G. Smith was appointed to replace Phil Hoy, representative from Evansville who chose not to run for reelection. Mr. Smith represents District 14, which includes the City of Gary and portions of Lake Station and Hobart Township. In addition to being appointed a member of the Public Defender Commission, Vernon Smith also serves on the House Education Committee and the Courts and Criminal Code Committee, and has served as a Board of Trustee Member of the Criminal Justice Institute. Mr. Smith resides in Gary, Indiana.

Representative Greg Steuerwald, District 40, was appointed to replace Amos Thomas, representative from Brazil who was not reelected. Mr. Steuerwald's House District is Hendricks County. He also serves on the Government and Regulatory Reform Committee and the Courts and Criminal Code Committee. Mr. Steuerwald is an attorney with Steuerwald, Zielinski & Witham, and resides in Danville, Indiana.

## QUARTERLY MEETING HIGHLIGHTS

At the December 10, 2008 meeting of the Public Defender Commission, the members approved claims for death penalty defense in the amount of \$135,305.35, and claims for non-capital indigent defense costs of \$3.7 million.

The Commission approved changes to Standards E and J, and the Guidelines Related to Non-Capital Cases. These documents are available for review on our website, [www.in.gov/judiciary/pdc/](http://www.in.gov/judiciary/pdc/).

**Standard E.** The qualifications necessary for an attorney to take assigned juvenile delinquency cases were refined. Now new lawyers who are supervised by experienced practitioners can become qualified to handle juvenile delinquency cases.

- LINKS TO FORMS AND GUIDELINES:

Locate Reimbursement Forms [here](#)

Locate Guidelines For Capital Case Reimbursements [here](#)

Locate Guidelines and Standards for Non-capital Case Reimbursements [here](#) and [here](#)

### Contact Us:

Public Defender Commission

30 South Meridian Street,  
Suite 500

Indianapolis, Indiana  
46204-3568

Phone (317) 232-2542

Fax (317) 233-6586

Deborah A. Neal,

Staff Counsel

[dneal@courts.state.in.us](mailto:dneal@courts.state.in.us)

Jeffrey S. Wiese,

Staff Counsel

[jwiese@courts.state.in.us](mailto:jwiese@courts.state.in.us)

**Guidelines Related to Non-Capital Cases.** Under the heading, “Standard J Caseloads of Counsel,” the Commission has detailed how CHINS and TPR cases handled by public defenders are to be counted by the number of defendants, not by the number of children, when reporting caseloads.

**Standard J.** An additional maximum caseload standard and Table 4 were added to Standard J by the Public Defender Commission at the December meeting. Public defense attorneys in the category of full-time/inadequately staffed, who are assigned cases in Class-D-Felony-Only Courts are allowed a maximum of 225 cases in a 12-month period – an increase of the 150 case maximum (part-time increased to 110 from 75). Marion County Public Defender Agency’s Chief Public Defender, Robert Hill, detailed for the Commission the results of time studies and quality control tests he conducted with his class D felony public defenders. He reported that in the Marion County Superior Court system there are specialized courts for class D felonies only, and MCPDA has a division of attorneys that accept only class D felony cases. This leads to efficiencies in case management and gives MCPDA a pool of full-time class D felony attorneys that share their experience with each other. In addition, Marion County has an in-house deposition unit and a local rule that allows for no continuances. The results of the time study showed that due to the ability of the attorneys to share research and strategies, and the resources available through the agency more cases are handled in less time without sacrificing quality.

The Commission invites all other program counties who wish to request increased caseload maximums to submit time studies and quality control tests of their public defense attorneys that can support larger caseloads, and such requests will be considered at a quarterly meeting.

**Reimbursements in Jeopardy.** Respectable salary + manageable caseload = reimbursement. For a county to qualify for reimbursement from the Public Defense Fund, it promises to build a public defense program based on the Commission’s standards and guidelines. When public defense attorneys are significantly underpaid and/or overworked in a county that receives money from the Public Defense Fund, the Commission is authorized to suspend that county’s quarterly payment until the non-compliance issues have been resolved. At the December 10<sup>th</sup> meeting of the Commission, there was no doubt that the members are enforcing and will continue to enforce suspension of reimbursement requests for non-complying counties. For one county, the request was not suspended but denied due to non-compliance.

## Commission Members:

Mark W. Rutherford,  
Chairman, Indianapolis,  
serving since May 2007

Susan Carpenter,  
Indianapolis, serving  
since October 1989

Betty Lou Jerrel,  
Evansville, serving since  
November 1993

Sen. Timothy Lanane,  
Anderson, serving since  
October 1998

Sen. Joseph C. Zakas,  
Granger, serving since  
September 2004

David J. Hensel,  
Indianapolis, serving  
since May 2007

Peter D. Nugent,  
Indianapolis, serving  
since May 2007

Hon. Judge Diane Ross  
Boswell, Crown Point,  
serving since April 2008

Rep. Vernon Smith,  
Gary, serving since  
November 2008

Rep. Greg Steuerwald,  
Danville, serving since  
November 2008

### A MESSAGE FROM THE STAFF:

We hope that you find the third edition of our newsletter informative. If you do not wish to receive the newsletter, please send an email to staff counsel Jeff Wiese at [jwiese@courts.state.in.us](mailto:jwiese@courts.state.in.us)

## SHOW ME THE MONEY

Currently, 50 Indiana counties qualify for reimbursement from the Public Defense Fund for non-capital public defense expenses. These counties comprise over 65% of Indiana's population. The Indiana Public Defender Commission meets four times during each fiscal year to audit and approve claims by the counties. For FY07-08, the Indiana legislature provided \$14.5 million to reimburse counties for indigent defense services in capital and non-capital cases. The Commission was able to distribute \$14,341,796 to the counties. The appropriation for FY08-09 is \$15.25 million and the Commission has distributed \$11.5 million to date.

## 2009 COMMISSION MEETING DATES.

03/25/09 2:00 p.m. 30 S. Meridian St. Indianapolis, Room 804  
06/24/09 2:00 p.m. 30 S. Meridian St. Indianapolis, Room 804  
09/23/09 2:00 p.m. 30 S. Meridian St. Indianapolis, Room 804  
12/16/09 2:00 p.m. 30 S. Meridian St. Indianapolis, Room 804

## IMPORTANT DEADLINES

The deadlines for filing Reimbursement Requests for **Non-capital Expenditures** for 2008-2009 are:

4 <sup>th</sup> QTR 2008:	February 16, 2009	1 <sup>st</sup> QTR 2009:	May 15, 2009
2 <sup>nd</sup> QTR 2009:	August 14, 2009	3 <sup>rd</sup> QTR 2009:	November 16, 2009

The filing deadline for Reimbursement Requests in **Capital Cases** is 120 days from the date the County Auditor pays the underlying expense.

## LET US KNOW!

What can be done to ensure that limited public defense monies are allocated to those who need it most? What procedures should judges use to ensure that individuals requesting a public defense attorney are truly indigent? What can be done to ensure that truly indigent individuals are not denied a public defense attorney? Let us know what is happening in your county and suggestions for improvement. Just e-mail your response to staff counsel at [dneal@courts.state.in.us](mailto:dneal@courts.state.in.us).

