



# PUBLIC DEFENDER COMMISSION NEWS

May 2008

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## 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](#)

## ABOUT US

For those of you who are not familiar with the Indiana Public Defender Commission, here is a brief overview. The Indiana General Assembly created the Public Defense Fund in 1989 to reimburse Indiana counties 50% of their costs for public defense in death penalty cases (also known as capital cases).

Under the same statute, a Public Defender Commission of eleven members was formed to oversee the Public Defense Fund and develop qualifications for attorneys who would be assigned to defend an indigent person facing the death penalty.

In 1995, eligible reimbursements from the Fund to Indiana counties expanded from only capital cases to include indigent defense costs for non-capital felony and juvenile cases. The amount of reimbursement was 25% of a county's indigent defense expenses.

In 1997, the reimbursement level in non-capital cases was amended to cover up to 40% of a program county's indigent defense costs. Fifty-seven of Indiana's 92 counties are eligible to receive reimbursement from the Public Defense Fund. Fifty-one counties regularly submit a request for reimbursement. These 51 participating Indiana counties represent 65% of the total state population.

Originally, the Public Defense Fund received an annual appropriation of \$650,000. Over the years, the Legislature increased the amount of the Fund to cover the growing costs of indigent defense expenses. Today, the Public Defense Fund distributes \$14.5 million dollars to program counties. On July 1<sup>st</sup> of this year, the appropriation increases to \$15.25 million.

The Public Defender Commission's website at <http://www.in.gov/judiciary/pdc> has more detailed information on the duties of the Commission, the amount of funds reimbursed to each county, the Standards, Annual Reports, and meeting minutes. The site also contains notices of Commission meetings.

## Contact Us:

### NEW ADDRESS!

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## CLARK COUNTY JUDGE RETIRES FROM COMMISSION

At the March meeting of the Public Defender Commission, Bettye Lou Jerrel presented a Certificate of Appreciation, signed by all the Justices of the Indiana Supreme Court, to Judge Daniel Donahue thanking him for his 12 years of service as a Commission member. For Judge Donahue, leaving the Commission coincides with his retirement from the Clark County Circuit Court. He and his wife will be moving to the west coast to be closer to their grandchildren.

## IMPORTANT DEADLINES

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

|                 |                 |                 |                   |
|-----------------|-----------------|-----------------|-------------------|
| First Quarter:  | May 15, 2008    | Third Quarter:  | November 14, 2008 |
| Second Quarter: | August 14, 2008 | Fourth Quarter: | February 14, 2009 |

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

## HOW MUCH DID YOUR COUNTY RECEIVE?

The reimbursements to the counties for non-capital expenses in the 4<sup>th</sup> quarter of 2007, approved by the Commission at the March meeting, totaled \$3,076,776.05. Forty percent of the county claims actually totaled \$3,884,399.39, however, the Fund balance was \$3,284,705. Therefore, the Commission was unable to reimburse the full 40% on non-capital claims this quarter. The return to the counties was 33.85% of their requests.

Capital defense claims are always given priority to available funds. The Commission disbursed \$139,441.12 to counties with death penalty cases.

For a complete list of funds distributed, go to "**Finances**" on the Public Defender Commission's website at <http://www.in.gov/judiciary/pdc>.

## CAPITAL QUALIFIED ATTORNEYS

The Commission keeps a roster of Criminal Rule 24 qualified attorneys. This list can be accessed [here](#). This list is not comprehensive. It only contains those attorneys who have requested to be listed. If you are CR 24 qualified and would like to be listed contact Deborah Neal or Jeff Wiese for more information.

# IS YOUR COUNTY IN THE PUBLIC DEFENDER COMMISSION PROGRAM?

Program counties are highlighted in green.



**Indiana  
Public  
Defense  
Fund  
Counties**

## 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

Rep. Amos Thomas,  
Brazil, serving since April  
2007

David J. Hensel,  
Indianapolis, serving  
since May 2007

Peter D. Nugent,  
Indianapolis, serving  
since May 2007

Rep. Phil Hoy, Evansville,  
serving since June 2007

## A MESSAGE FROM THE STAFF:

We hope that you find the inaugural 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)

## 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).