



PUBLIC DEFENDER COMMISSION NEWS

April 2009

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NEW COMMISSION MEMBER

State Senator Brent Steele has been named as a member of the Indiana Public Defender Commission, replacing Senator Joe Zakas. Senator Steele was appointed by David Long, President Pro Tempore of the Senate, in March 2009. As a state senator, Mr. Steele represents the counties of Jackson, Lawrence, Monroe, Orange and Washington. He serves as chairman of the Corrections, Criminal & Civil Matters committee and is also a member of the Judiciary, Ethics, Insurance & Financial Institutions and the Rules & Legislative Procedures committees. Senator Steele is an attorney with Steele & Steele, LLC, and resides in Bedford, Indiana.

QUARTERLY MEETING HIGHLIGHTS

At the March 25, 2009 meeting of the Public Defender Commission, the members approved claims for death penalty defense in the amount of \$195,537.33, and claims for non-capital indigent defense costs of \$3.5 million. The Public Defense Fund, after payment of capital claims, was unable to return a full 40% reimbursement to the counties for the 4th quarter 2008. The claims were prorated at 33.9% (a shortage of \$630,586).

Guidelines Related to Non-Capital Cases. Under the heading, "Miscellaneous," the Commission approved a new guideline related to non-capital cases which requires a county qualified to request reimbursements after an absence from the program to report caseloads on a rolling 12-month period for four quarters, unless absent from the program for more than 12 months. All of the Non-Capital Guidelines are available for review on our website, www.in.gov/judiciary/pdc/.

SHOW ME THE MONEY

For FY08-09, the Indiana legislature provided \$15.25 million to reimburse counties for indigent defense services in capital and non-capital cases. The Commission was able to distribute \$15.07 million to counties that are in compliance with Commission Standards. 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.

DUTIES OF COUNTY PUBLIC DEFENDER BOARDS.

Where a county's comprehensive plan for indigent defense services establishes contract counsel as the primary method for providing the services, the county public defender board's duties are (1) contracting with qualified defense counsel, (2) tracking attorneys' public defense caseloads, (3) monitoring expenditures, and (4) verifying that the county defense program is in compliance with the Indiana Public Defender Commission's Standards. Additionally, the board should elect a chairman and be meeting quarterly. These duties are set by state statute and codified under I.C. 33-40-7.

In a county having a public defender office, established under I.C. 33-40-7-6, the public defender board has the additional duties of preparing an annual operating budget and an annual report.

If a county public defender board is not performing the duties listed in the preceding paragraphs, the county public defense program is not in compliance with I.C. 33-40-7, its own Comprehensive Plan and the Standards of the Indiana Public Defender Commission. Any non-compliance with state statute, ordinances, comprehensive plans or Commission Standards jeopardizes a county's ability to receive reimbursement from the Public Defense Fund.

2009 COMMISSION MEETING DATES.

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 2009 are:

1 st QTR 2009:	May 15, 2009	2 nd QTR 2009:	August 14, 2009
3 rd QTR 2009:	November 16, 2009	4 th QTR 2009:	February 15, 2010

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

- 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](#)

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