



PUBLIC DEFENDER COMMISSION NEWS

February 2011

Volume 4, Number 1

2011 COMMISSION MEETING DATES

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March 23, 2011 2:00 p.m. 8th Floor, Room 804 30 South Meridian St. Indianapolis, Indiana	June 15, 2011 2:00 p.m. 8th Floor, Room 804 30 South Meridian St. Indianapolis, Indiana
September 21, 2011 2:00 p.m. 8th Floor, Room 804 30 South Meridian St. Indianapolis, Indiana	December 14, 2011 2:00 p.m. 8th Floor, Room 804 30 South Meridian St. Indianapolis, Indiana

CERTIFICATE OF APPRECIATION TO BETTYE LOU JERREL

In December, the Indiana Public Defender Commission presented the Indiana Supreme Court's Certificate of Appreciation to Bettye Lou Jerrel for her seventeen years of service as a member of the Commission. Mrs. Jerrel was appointed to the Commission in 1993 by Chief Justice Randall Shepard, and served until her resignation in 2010. During the seventeen years that Bettye Lou served as a member, the Commission adopted the Standards for Indigent Defense Services in Non-capital Cases, obtained legislative changes allowing reimbursement from the public defense fund for felony cases, approved fifty-eight counties' comprehensive plans for delivering non-capital indigent defense services, and distributed \$107 million to counties eligible to receive reimbursement from the Public Defense Fund. The Commission wishes Bettye Lou Jerrel the best in her future endeavors and expressed that her presence and contributions will be sorely missed.

Commission Members:

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

Susan Carpenter,
Indianapolis, serving
since October 1989

Sen. Timothy Lanane,
Anderson, serving since
October 1998

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

Sen. Brent Steele,
Bedford, serving since
March 2009

Hon. Mary Ellen Diekhoff,
Bloomington, serving
since May 2010

Hon. James R. Ahler,
Rensselaer, serving since
October 2010

NEW COMMISSION MEMBER

At the December 15, 2010 meeting of the Indiana Public Defender Commission, Chairman Mark Rutherford introduced a new member, the Honorable James R. Ahler. Judge Ahler is the Superior Court Judge in Jasper County, Rensselaer, Indiana. He was appointed to the Commission on October 6, 2010 by Chief Justice Randall Shepard to fill the position formerly held by Bettye Lou Jerrel of Evansville.

QUARTERLY MEETING HIGHLIGHTS

At the December meeting, the Indiana Public Defender Commission approved reimbursement claims for 50% of Boone, Lake, Marion and Vanderburgh County's death penalty defense costs in the amount of \$97,073.45. Forty-nine counties, whose public defense expenses for the third quarter of 2010 totaled \$11,774,021.48, submitted requests for the 40% reimbursement from the Public Defense Fund. The Commission approved claims for eligible non-capital indigent defense costs in the sum of \$3,856,391.57.

NEW COUNTY IN REIMBURSEMENT PROGRAM

Lawrence County's comprehensive plan was approved at the September 2010 meeting of the Indiana Public Defender Commission, making it the newest member of the program. The Lawrence County Public Defender Board established a public defender agency and named attorney Lorinda Meier Youngcourt as its Chief Public Defender. At the present time, there are 59 counties with approved comprehensive plans, and 51 counties that are eligible for reimbursements from the Public Defense Fund. All 92 Indiana counties are eligible for 50% reimbursement of public defense costs in capital (death penalty) cases. (Capital case reimbursement is dependent upon compliance with Rule 24 of Indiana's Rules of Criminal Procedure.)

IS YOUR COUNTY INTERESTED IN THE PUBLIC DEFENSE FUND REIMBURSEMENT PROGRAM?

If a county is interested in exploring the possibility of receiving reimbursement money from the Public Defense Fund, staff counsel for the Commission is available to provide costs and staffing estimates for the county. Once a county has decided to seek reimbursements, the first step is for the county commissioners to pass an ordinance creating a county public defender board, following state statute 33-40-7. The newly formed board then develops a comprehensive plan for delivery of public defense services in the county under state statute 33-40-7-5. The county public defender board could choose to have a public defense office, contract counsel, assigned counsel, or any combination of the three. The comprehensive plan must then be presented to the Indiana Public Defender Commission for approval. If a comprehensive plan is approved by the Commission, a county may then request reimbursement of its felony and juvenile

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public defense costs quarterly. At this time, misdemeanor, civil contempt, children-in-need-of services, termination of parental rights, guardian ad litem and juvenile paternity cases are not reimbursable by the Public Defense Fund, even though public defense attorneys are assigned to represent those indigent defendants, and the county pays for that representation.

It is important that the county public defense program remain in compliance with the Commission's Standards at all times to be eligible for reimbursement from the Public Defense Fund. For example, there is a Standard regarding the maximum number of newly assigned cases an attorney may take in a 12-month period; a Standard for the minimum hourly rate paid for attorney services; a Standard for the required qualifications of attorneys to be assigned certain classes of criminal cases; a Standard that specifies what should be in contracts for defense services; and a Standard for training and professional development of public defense attorneys. The Standards for Indigent Defense Services in Non-capital Cases are located on the Commission's website at www.courts.in.gov/pdc.

In addition to the on-site assistance and evaluation offered to an interested county by staff counsel, sample ordinances, comprehensive plans and contracts are available upon request.

IMPORTANT DEADLINES

To be eligible for maximum reimbursement, public defense expense claims in non-capital cases must be received by the Commission not later than forty-five (45) days after the end of the calendar quarter in which they were incurred. Claims received 1 to 10 days later than 45 days after the end of the calendar quarter will be penalized 10% of the maximum eligible reimbursement. Claims received 11 to 20 days later than 45 days after the end of the calendar quarter will be penalized 25% of the maximum eligible reimbursement. The Commission will deny all late claims received more than 65 days after the end of the calendar quarter. A "claim" as used in this guideline includes all requested financial information relating to defense expenditures, caseload information in proper spreadsheet format, attorney qualifications and verifications. Upon written request demonstrating good cause, the Commission will consider setting aside the denial of a late claim. Whether a county's quarterly claim is timely, late or denied, caseload data must be submitted for public defender offices, contract attorneys and assigned counsel.

To be timely filed, non-capital requests for reimbursement are due in the office of staff counsel on the following dates:

1st Quarter 2011 request due May 16, 2011	2nd Quarter 2011 request due August 15, 2011
3rd Quarter 2011 request due November 14, 2011	4 th Quarter 2011 request due February 14, 2012

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](#)

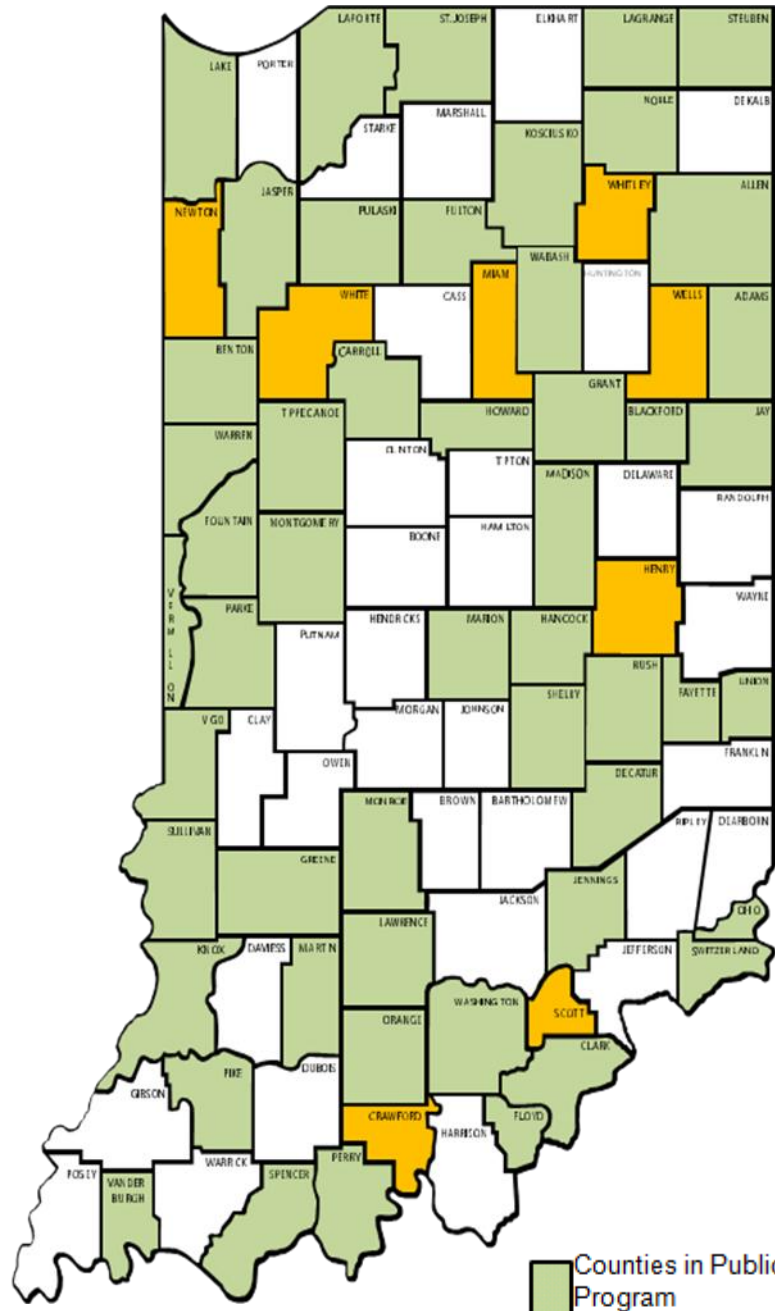
Locate Guidelines For
Capital Case
Reimbursements [here](#)

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

COUNTIES RECEIVING REIMBURSEMENTS

Adams	Marion
Allen	Martin
Benton	Monroe
Blackford	Montgomery
Carroll	Noble
Clark	Ohio
Decatur	Orange
Fayette	Parke
Floyd	Perry
Fountain	Pike
Fulton	Pulaski
Grant	Rush
Greene	Saint Joseph
Hancock	Shelby
Howard	Spencer
Jasper	Steuben
Jay	Sullivan
Jennings	Switzerland
Knox	Tippecanoe
Kosciusko	Union
LaGrange	Vanderburgh
Lake	Vermillion
LaPorte	Vigo
Lawrence	Wabash
Madison	Warren
	Washington

IS YOUR COUNTY IN THE PUBLIC DEFENDER COMMISSION PROGRAM?



- Counties in Public Defender Program
- Counties in Public Defender Program not currently receiving reimbursements
- Counties not in Public Defender Program

A MESSAGE FROM THE STAFF:
 We hope that you find this edition of our newsletter informative. If you do not wish to receive the newsletter, please send an email to staff counsel Deborah Neal at dneal@courts.state.in.us