



# Public Defender Commission News

August 2012

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## New County in Reimbursement Program

Brown County became the 61<sup>st</sup> county to join the Indiana Public Defender Commission's program for the improvement of public defense in Indiana. Brown County Public Defender Board established a public defense delivery system which contracts with local attorneys to accept criminal defense assignments by the Court. The comprehensive plan for providing indigent defense services in Brown County was approved at the March 21, 2012 meeting of the Commission.

## Show Me the Money

In fiscal year 2011-2012, the Indiana Public Defender Commission reimbursed eligible counties \$20.7 million for non-capital public defense expenses and \$532,726 for capital expenses. The Public Defense Fund will have another \$20.25 million to distribute to eligible Indiana counties in fiscal year 2012-2013.

## 2012 Commission Meeting Dates.

September 19, 2012  
2:00 p.m.  
30 South Meridian  
St., Suite 804  
Indianapolis

December 12, 2012  
2:00 p.m.  
30 South Meridian  
St., Suite 804  
Indianapolis

## Important Deadlines

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

August 14, 2012  
2<sup>nd</sup> Quarter Due

November 14, 2012  
3<sup>rd</sup> Quarter Due

February 14, 2013  
4<sup>th</sup> Quarter Due

## Commission Members:

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

**Larry Landis, Indianapolis,**  
**serving since June 2011**

**Sen. Timothy Lanane,**  
**Anderson, serving since**  
**October 1998**

**David J. Hensel,**  
**Indianapolis, serving since**  
**May 2007**

**Andrew S. Roesener,**  
**Franklin, serving since July**  
**2012**

**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**

The filing deadline for reimbursement requests in capital cases is 120 days from the date the county auditor pays the underlying expense.

## Notice

The hourly rate for defense counsel in death penalty cases is \$113 as of January 1, 2013.

## Peter Nugent Resigns Commission

At the March 2012 meeting of the Commission, Chairman Mark Rutherford announced the resignation of Commission member Peter Nugent. Mr. Nugent has been appointed by the Governor to the State's Ethics Commission which prompted his resignation to the Indiana Public Defender Commission. Chairman Rutherford stated that the Commission is thankful for Mr. Nugent's service and that he was a hard-working involved member and would be missed. Peter Nugent served on the Commission since May of 2007 as Governor Daniels' appointment.

## New Commission Member

Attorney Andrew S. Roesener has been appointed by Governor Mitch Daniels to serve a four year term on the Indiana Public Defender Commission. Mr. Roesener practices criminal defense law in both state and federal courts and has an office in Franklin, Johnson County, Indiana. He was formerly a deputy prosecutor in both Marion and Johnson Counties.

## Changes to Standard J

At the June 2012 meeting, the Indiana Public Defender Commission approved changes to Standard J that redefined support staff positions used to calculate an "adequately staffed" office. The use of adequate support staff allows public defense attorneys to have higher caseloads under Standard J. The approved Table 2 of Standard J, and additional commentary, are as follows:

TABLE 2

<u>Trial</u>	
Secretary/Paralegal	1 for every 4 full-time attorneys
Paralegal/Investigator	1 for every 4 full-time attorneys
Other Litigation support (social worker, mitigation investigator, etc.)	1 for every 4 full-time attorneys
Total	.75 support staff for each full-time attorney
<u>Appeal</u>	
Support Staff (secretary, paralegal, law clerk)	1 for every 4 full-time attorneys

## Commentary

Effective July 1, 2012, Table 2 (Support Staff to Attorney Ratio) was amended to reflect the change in support staff job descriptions that has occurred in law offices since this standard was adopted in 1995. Among the changes in the workplace are the significant increase in the use of computer technology that has made lawyers less dependent on secretarial assistance and the increased use of paralegals for witness interviews and document preparation. The result is that some public defender offices have created a position called "legal assistant" which can include secretarial, paralegal, and investigation duties. The revised Table 2 is designed to create more flexibility in job descriptions without changing the ratio of support staff to attorney. Table 2 retains three types of positions as a recommended guideline for staffing a public defender office. The determination of whether a public defender office has adequate support staff to utilize Table 3 for assessing maximum caseloads will be primarily determined by whether the office has .75 support staff for each full-time equivalent (FTE) attorney.

The Commission also added a table 5 setting the maximum caseloads allowed in a 12-month period for adequately staffed offices that provide public defense attorneys in Class-D-Felony-Only-Courts.

4. Caseloads for Counsel Assigned to Class-D-Felony-Only Courts, With Adequate Support Staff. Salaried, contractual, or assigned counsel that have support staff consistent with Table 2 should generally not be assigned more than the number of cases in Table 5 in a 12-month period.

**TABLE 5**

Type of Case	Full Time	Part Time (50%)
Class D Felonies only Adequately staffed	270	135

- 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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### 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 [deborah.neal@courts.in.gov](mailto:deborah.neal@courts.in.gov)

## Is Your County in the Reimbursement Program?

