

# Looking forward to next year

## State funding for Chief position      Sixth Amendment Center study

At the September 2014 quarterly meeting, the Commission voted to support a resolution to encourage the legislature to fund one-hundred percent of each full-time Chief Public Defender's salary. This would greatly reduce the financial burden on counties while encouraging the establishment of more Chief Public Defenders. If you feel that this issue would impact your county, please contact the Commission for more information.

The national, non-profit Sixth Amendment Center plans to evaluate the state of indigent defense systems in Indiana. This is grant funded and they plan to conduct the study over the next year.

The Sixth Amendment Center plans to study counties that participate in our program, as well as counties that do not participate in our program.

## Make your voice heard

The Commission takes the input of member counties very seriously, and the quarterly meetings are open to the public. The upcoming dates for next year's meetings will be decided at the December 12 meeting, and dates will be posted to the Commission's website.

Unable to attend? Minutes for previous meetings are approved by the Commission at their next meeting and then posted online. We encourage representatives from every county to attend, as important rule changes and policy considerations are discussed at every meeting.

### Contact the Commission

Derrick Mason, Staff Attorney | ph. 317-234-2905 | derrick.mason@courts.in.gov  
Kathleen Casey, Staff Attorney | ph. 317-233-3017 | kathleen.casey@courts.in.gov  
30 South Meridian Street, Suite 500  
Indianapolis, IN 46204-3568

For the latest forms and updates to the Commission, visit:  
<http://courts.in.gov/pdc>



DECEMBER 2014 | Volume 6, Issue 1

IN THIS ISSUE

## Changes at the Commission

There have been a great deal of changes in the last year at the Public Defender Commission, and we are excited to share this news with you! You can expect a more frequent newsletter to help keep you updated on the great changes taking place as we work to improve indigent defense services throughout Indiana.

We are coming off a record year here at the Commission. We now have a record number of participating counties, a record level of reimbursement now that CHINS and TPR cases are reimbursable, and a record number of full time staff available to assist you.

We are also seeing the possibilities of great change on the horizon! A county is testing raising the Level 6 felony caseload maximum; a handful of attorneys and jurisdictions are keeping time studies in CHINS and TPR cases, and the new felony structure might also lend to caseload changes in the future.

Many of the exciting changes and updates are detailed in this newsletter but part of our work is to update our county contacts and many of you should have heard from us already. If you think someone else should also receive this newsletter, please let us know. If you have feedback on anything in this newsletter or on what the Commission does, please contact us! As always we are a phone call or email away.

Sincerely,

Kathleen Casey and Derrick Mason

Staff Attorneys

### New Staff

Meet your new team at the Commission

### Felony Classifications

Recent changes to Indiana's Criminal Code means only cosmetic changes to case count reporting sheets, for now

### County Trying New Level 6 Felony Weight Test Run

Learn about the possibility of changing Level 6 Felony caseload maximums

### JC/JT Standards and Guidelines Under Consideration

Potential upcoming Standard changes require your input

### Sixth Amendment Center

National non-profit to study our state's public defender system

## Guideline updates

### New Felony Classifications

When the legislature updated the Criminal Code, Level A-D felonies were replaced with Levels 1-6 felonies. The Guidelines have been updated to reflect the change in the code, however the weighted average of the cases has not changed. Level 1-5 felonies are equivalent to Class A, B, and C felonies. Level 6 is equivalent to Class D felonies. Caseload maximums remain the same at this time.

### Time Studies

**We need your help.** If your county would be interested in conducting time studies, the Commission is available to help you design and implement a study.

## Class D/Level 6 Caseloads

Level 6 Felonies are closer to misdemeanors than ever before. Vanderburgh County has been given permission to temporarily raise the caseload limits for attorneys who exclusively handle Level 6 Felonies in exchange for a time study analysis.

### CHINS(JC)/Termination(JT)

Limited time studies are underway to address caseload maximums and we hope you will also contribute. Also, whether to count Termination cases separately from CHINS cases is under consideration. Both changes are expected to have a significant impact on many of our counties so we are asking for you to contact us with your thoughts and to participate in our JC/JT time studies!

cases are reimbursable, as long as the attorney is qualified to handle these cases. To become certified, the attorney merely has to watch the training video provided by the Public Defender Council (or attend the in-person annual CLE) and then submit proof to the Commission that they have watched the CLE. To obtain this video, contact Larry Landis at the PD Council: llandis@pdc.in.gov.

### PD Offices

More and more counties have expressed an interest in establishing a county-wide office for public defense. Your county may benefit from such an office. It provides a dedicated place for clients to meet with attorneys and to centralize services. What's more, office expenses are reimbursable, including: **supplies, rent, utilities (phone, internet, electric, or water), equipment (phones, computer, etc.) as well as employer-related expenses including contributions to Social Security, Medicare, and PERF.**

## Watch out for these common mistakes

### Case counting

Remember that JC/JT cases are counted per **client**, rather than per **child**. Additionally, **probation revocations** are counted only if the client has never previously been appointed a public defender in that case.

### Reimbursable Expenses

The Commission wants to return as much money as possible to each county, so please remember which expenses are reimbursable and which are not. **Misdemeanor cases**, both at the trial and appellate level, are still not reimbursable. This is because the law prohibits the Commission from reimbursing these cases. However, CHINS and Termination (JC/JT)

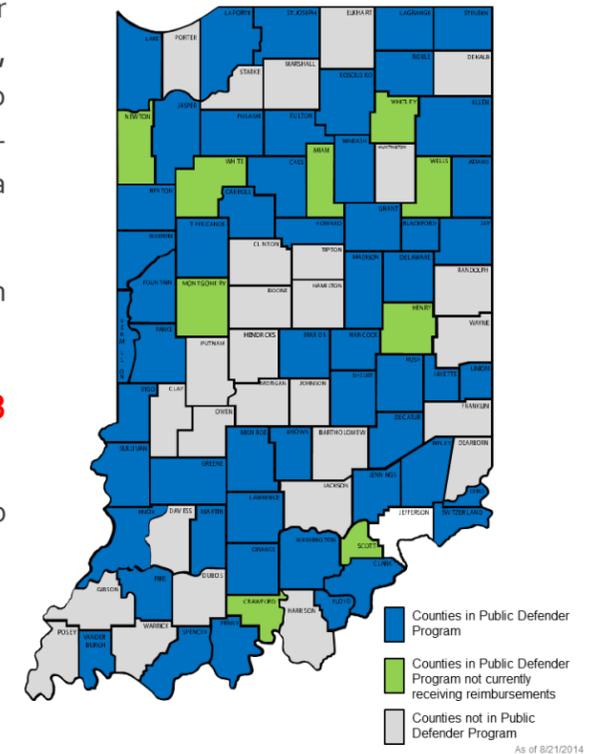
## A record year for reimbursements

We now have a **53 counties** approved and following their comprehensive plans (a **record 54** come January 1, 2014), making them eligible for reimbursement! It is important to remember that **all counties** are eligible for 50% reimbursement of capital expenses regardless of whether they are a participating county.

The Commission reimbursed in capital cases: **\$421,935** in the fiscal year of 2013-2014 (July 1, 2013 to June 30, 2014).

Reimbursed in non-capital cases: **\$18,693,834** to **53** counties between the same time period.

The Commission has reimbursed nearly **\$175,000,000** to



## New staff attorney

As the number of counties in the program has increased, so has the number of staff attorneys. You will remember that in the past, Deb Neal was the full-time staff attorney and handled requests for reimbursement, outreach, and advocacy while Elana Salzman handled Capital Case requests as well as the attorney rosters. Recently, the Commission approved two (2) full time attorneys:

**Derrick Mason and Kathleen Casey.**

**Both staff attorneys are available to answer questions and help with problems. Together, the staff attorneys have several goals for improvement:**

- ◆ Increase **county visits**
- ◆ Increase **accuracy** of audits
- ◆ Observe **county processes**
- ◆ Observe **attorney appointments**
- ◆ Improve **reimbursement request methods**
- ◆ Improve **attorney monitoring**

## Commission milestones

This is the Commission's **25<sup>th</sup>** anniversary but next year will be the Commission's **20<sup>th</sup>** anniversary for non-capital cases.

- 1989:** Commission Founded to Set Standards and Reimbursements in Capital Cases.
- 1993:** Legislature Authorized 25% Reimbursement in Non-Capital Cases.
- 1995:** Commission began Non-Capital Reimbursement
- 1997:** Legislature Authorized 40% Reimbursement, excluding misdemeanors
- 2001-2008:** Pro-Rating of Reimbursement Requests
- 2013:** Reimbursements for JC/JT Cases Approved