

# Pay Parity

**Commission to audit counties for salary/pay parity in the upcoming quarter**

One of the most important tenets of the Commission's reimbursement program is that public defenders receive pay parity with the prosecutors. In counties where public defenders do not have comparable positions, a salary of \$60,175 for full-time and \$30,175 for part-time are considered the minimum salary requirements for public defenders.

Historically, low pay has meant a poor quality of public defense throughout the country. It is for this reason that the Commission takes the issue of pay parity very seriously. Providing public defenders with a salary that provides a reasonable means to live ensures a better quality of service.

In order to guarantee the state of parity in each county

staff attorneys will soon be reaching out and requesting that every participating county confirm compliance with equal pay between the local prosecutors and public defenders for work done in comparable positions.

These letters will be sent to public defender boards where applicable, and to county representatives where a public defender board does not exist. A report will then be compiled which will be presented to the Commission and out of compliance counties will be notified.

If you have questions about whether your county is in compliance, please contact Derrick or Kathleen as soon as possible.



## Contact the Commission

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## A More Independent Commission

Starting July 1, the PD Commission will leave State Court Administration

The Indiana Public Defender Commission has always been an independent entity but after nearly two decades of the Indiana Supreme Court providing the Commission a home and staff, the Public Defender Commission is set to become fully independent as of July 1st of this year.

Larry Landis, Chairman of the Indiana Public Defender Council and Public Defender Commission member, worked tirelessly to advocate for legislation that would allow the Commission to hire its own staff.

With its full independence, the Commission will be even better suited to help advance public defense across the state. Independence will ultimately mean that the Commission can advocate for its own agenda and budget rather than compete with the other important initiatives that the Supreme Court manages.

Among the changes that will take place over the next few months, the Commission will be moving to new offices at the Old Trails Building on Washington

Street in Indianapolis. The Commission will also introduce a new website that we hope will be more responsive to the needs of our member counties. Down the road, the Commission may consider hiring additional staff in order to conduct more extensive audits and provide even greater support to participating counties.

As your ongoing Commission attorneys, we hope these changes will improve the level of service that you, our counties, receive. The Commission will soon be able to advocate for increased reimbursement to the counties and for initiatives that the Commission feels benefit public defenders and your clients across the state.

While this is big news, it is only one of many changes coming. Read on for information on pay parity audits, potential changes in hourly rates, and an upcoming caseload study.

Stay tuned for more updates on the transition!

# Caseload Study to Begin

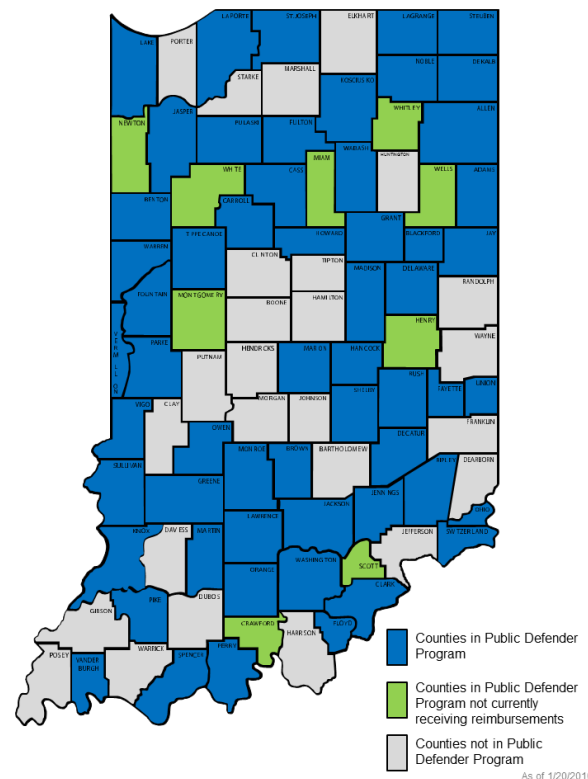
Caseload standards are the bedrock of the Commission program. They ensure quality of representation by making sure that attorneys have enough time to work on each case. However, the caseload standards used by the Commission are 40 years out of date, originating from standards first set in the 1970s. With the recent criminal code modification and skyrocketing CHINS cases, the time for change is now. Commission members have voted to fund a caseload study that will create new standards based on the brand-new criminal code passed two years ago. In order to conduct this study, the Commission will work with the American Bar Association as well as former staff attorney and Dean Emeritus of the McKinney School of Law Normal Lefstein in order to craft standards that reflect the appropriate amount of time to complete the necessary tasks demanded of an attorney for each case type. The caseload study will also employ the services of an accounting firm in order to ensure that the results are statistically sound and to draft the study reports. Counties that agree to participate in this caseload study will require their attorneys to track time on their cases. The study will take a selection of counties, both large and small, to ensure that the results do not favor one county over another. This study will be several months in the making, and is not likely to begin until the fall. If your county would like to participate, or if you wish to learn more, contact the staff attorneys today.

## Feedback Needed

At the upcoming June 8th meeting, the Public Defender Commission is set to review the recently revised TPR/CHINS caseload standards that were raised in response to some preliminary time studies, comparative analysis of case weights, and the wave of new filings across the state.

The Commission is also looking to review its hourly pay standards which were last raised from \$60 to \$70 per hour in 2012, effective January 1, 2013.

Please contact staff attorneys for the Commission and let us know the impact of these things in your county. It is only with your input that we can further refine our standards to help provide the best standards possible. We need input from counties large and small about the state of TPR/CHINS defense and the pay in your area.



**We're moving!**  
**Please note our new address**



**309 W Washington St, 5th Floor**  
**Indianapolis, IN 46204**

## Having trouble getting your attorneys qualified?

One of the biggest concerns heard this quarter is how to get attorneys qualified to handle high level felonies.

As illustrated on the Standards E and F qualification sheet, in order to receive reimbursement for Level 1-4 cases, attorneys must have completed two felony trials as lead or co-counsel from jury selection all the way to verdict or, more recently, have completed 1 and an approved trial practice course.

For this course, the Commission has approved the National Criminal Defense College's Trial Practice Institute and is still considering the Indiana Public Defender Council's Trial Practice Institute.

Furthermore the PD Council stands ready to assist in improving trial per-

formance and quality and may be able to help attorneys who need the experience find a trial to co-counsel. While the Commission focuses on funding counties and working with public defender administrators, the Council is the advocate for the public defender who is in the courtroom, fighting for justice every day.

The Council, whose website is located at: <http://pdc.in.gov/>, has several resources that can prove invaluable to your public defenders.

Not only do they have research attorneys drafting publications and assisting with individual questions, there is also a listserv of public defenders that could provide potential co-chair opportunities for attorneys. Sign up today!

## Hourly Rate Change Coming?

As mentioned on the previous page: at the June 8th Commission meeting, the members will discuss whether to increase the PD hourly rate (currently \$70/hr). To share your thoughts, attend the public meeting at 2 pm at 30 S Meridian St, Suite 804 in Indianapolis.

**57**

As of January 1, 2016, there are a record 57 counties participating in the Commission reimbursement program, with several more in the evaluation process.

Thank you for your continued support and for everything you do for the public defenders and indigent citizens in your county!