

# INDIANA PUBLIC DEFENDER COMMISSION MINUTES

February 2, 2000

Chairman Lefstein called the meeting to order at 3:11 p.m. in the meeting room at the National City Center, 115 West Washington Street, South Tower, Suite 1088, Indianapolis, Indiana 46204. Present were Commission members, Sen. Richard Bray, Susan Carpenter, Les Duvall, Bettye Lou Jerrel, Sen. Timothy Lanane and Rebecca S. McClure. Also, present were Larry Landis, Indiana Public Defender Council and Tom Carusillo.

1. The minutes from the December 17, 1999 meeting were approved.
2. Staff reported meetings in Jay and Vanderburgh counties. A copy of the Chief Justice's State of the Judiciary Address was distributed. The Commission's work was the first topic of this address. The Commission was advised that the disputed capital billing in *State v. Timberlake* was resolved. The claim was submitted in error. Next a meeting with David Cook, Marion County Public Defender, Chairman Lefstein and Larry Landis, to discuss changes to Criminal Rule 24 to permit the use of salaried counsel to handle capital cases was reviewed. Marion County is to be putting together an analysis of the impact of such a change. It was also reported that Knox and Whitley counties had changed their comprehensive plans in light of the Commission's conditional approval of their plans at the December 17 meeting. Senator Bray reported that Senate Bill 260, that would have provided an additional \$750,000 to the Public Defense Fund, had died as Senator Borst would not set the bill for hearing. A discussion was had concerning the possibility of the Commission being forced to suspend payments due to the unavailability of funds. The Commission intends to undertake several campaigns, including distribution of its new brochure, to educate legislators and encourage fund recipients to taut the importance of the fund.
3. The Commission approved reimbursement in capital cases as follows:

COUNTY	DEFENDANT		TOTAL
ALLEN	CORCORAN		\$1,181.25
HENRY	SOWERS		TABLED
MARION	GROSS	\$0.00	TABLED
	VEAL	\$0.00	TABLED
<b>TOTAL</b>			<b>\$1,181.25</b>

The Sowers claim was tabled because the claim form did not contain the required signature of counsel. The Gross and Veal claims were tabled due to noncompliance with Criminal Rule 24. Counsel in these cases were salaried and not paid at \$70 per hour.

4. The Commission approved reimbursements in non-capital cases as follows:

COUNTY	PERIOD COVERED	TOTAL EXPEND.	ADJUS'T	ADJUS'D EXPEND.	40% REIMB.
BENTON	08/07/99-01/05/00	\$21,639.19	\$0.00	\$21,639.19	\$8,655.68
CLARK	07/01/99-12/31/99	\$180,980.11	\$7,239.20	\$173,740.91	\$69,496.36
FAYETTE	10/01/99-10/23/99	\$21,227.40	\$0.00	\$21,227.40	\$8,490.96
FLOYD	10/01/99-12/31/99	\$43,520.88	\$0.00	\$43,520.88	\$17,408.35
FOUNTAIN	10/01/99-12/31/99	\$12,666.72	\$709.34	\$11,957.38	\$4,782.95
FULTON	10/01/99-12/31/99	\$40,502.45	\$11,534.20	\$28,968.25	\$11,587.30
HANCOCK	10/01/99-12/31/99	\$26,520.70	\$0.00	\$26,520.70	\$10,608.28
HENRY	11/19/99-12/31/99	\$13,791.35	\$1,532.25	\$12,259.10	\$4,903.64
JENNINGS	10/01/99-12/31/99	\$20,242.00	\$0.00	\$20,242.00	\$8,096.80
LAPORTE	10/01/99-12/31/99	\$104,459.51	\$0.00	\$104,459.51	\$41,783.80
MADISON	10/01/99-12/31/99	\$243,151.54	\$0.00	\$243,151.54	\$97,260.62
MARION	10/01/99-12/31/99	\$932,324.56	\$3,083.80	\$929,240.76	\$371,696.30
MIAMI	10/01/99-12/31/99	\$59,689.43	\$17,309.93	\$42,379.50	\$16,951.80
MONTGOMERY	07/01/99-12/31/99	\$64,954.63	\$390.68	\$64,563.95	\$25,825.58
ORANGE	10/01/99-12/31/99	\$12,266.08	\$0.00	\$12,266.08	\$4,906.43
PARKE	10/01/99-12/31/99	\$11,580.44	\$0.00	\$11,580.44	\$4,632.18
PULASKI	10/01/99-12/31/99	\$46,380.05	\$12,871.31	\$33,508.74	\$13,403.50
SHELBY	11/01/99-12/31/99	\$24,355.75	\$0.00	\$24,355.75	\$9,742.30
VERMILLION	10/01/99-12/31/99	\$161,835.74	\$0.00	\$161,835.74	\$64,734.30
VIGO	11/01/99-12/31/99	\$73,403.75	\$15,414.79	\$57,988.96	\$23,195.58
WARREN	11/01/99-01/03/2000	\$6,541.50	\$0.00	\$6,541.50	\$2,616.60
<b>TOTAL</b>		<b>\$2,122,033.78</b>	<b>\$70,085.50</b>	<b>\$2,051,948.28</b>	<b>\$820,779.31</b>

5. The Commission next considered and approved the comprehensive plan from Greene County. A proposed amended comprehensive plan from Madison County was rejected. The amendments, regarding extraordinary expenses and qualification of counsel were not in compliance with Commission Standards.
6. The Commission approved for purposes of Criminal Rule 24, The Alabama Criminal Defense Lawyers Association's seminar, "Loosening the Death Belt IV".
7. The Commission to review the controversy between the county and Mr. Dixon regarding expense reimbursement. The Commission concluded that Mr. Dixon is entitled to be reimbursed for reasonable office expenses. Therefore, reasonable telephone, copying, supply expenses, and the like, should be reimbursed by the county to the extent they are timely and properly documented. The fact that Mr. Dixon does not have a traditional office arrangement does not alter the Commission Standard requiring such reimbursements.

The Commission also concluded that Mr. Dixon's claim for secretarial expenses, in the absence of evidence of an out-of-pocket expenditure for such services, is not covered by the Commission's Standard and the county is not required by the Commission's Standards to reimburse such a claim.

8. The Commission next heard from Larry Landis regarding a proposal from the board of the Public Defender Council to raise the caseload limit for juvenile case in an inadequately support staffed situation from 200 to 400 cases. Mr. Landis noted changes in the juvenile code resulting in the removal of a number of serious offenses from juvenile court jurisdiction. Commission members expressed concern that while a change might be in order, there was no basis for raising the limit to 400. Concerns about the quality of representation were also expressed. The Commission suggested that more information, including information on the training of juvenile public defenders and the services that would be provided under the new standard, would be appropriate before action was taken. The proposal was therefore tabled.
  
9. The next meeting of the Commission was set for Wednesday, May 24, 2000 at 3:00 p.m. in South Tower Room 1088, 115 West Washington Street, National City Center, Indianapolis, Indiana.

Norman Lefstein  
Norman Lefstein, Chairman

May 24, 2000  
Date

# INDIANA PUBLIC DEFENDER COMMISSION MINUTES

**May 24, 2000**

Chairman Lefstein called the meeting to order at 3:07 p.m. in the meeting room at the National City Center, 115 West Washington Street, South Tower, Suite 1088, Indianapolis, Indiana 46204. Present were Commission members, Sen. Richard Bray, Hon. Daniel Donahue Les Duvall, Rep. Ralph Foley, Bettye Lou Jerrel, and Sen. Timothy Lanane. Also, present were Larry Landis and Paula Sites, Indiana Public Defender Council and Tom Carusillo.

1. The minutes from the February 2, 1999 meeting were approved.
2. Staff reported meetings in various counties. A number of county officials have indicated an inclination to wait on election results or on increased funding before seeking eligibility to participate under the Fund. The Commission was advised that the recently produced brochure has been distributed to County Commission and Council Presidents, Auditors and Judges in non participating counties. It was also noted that the Supreme Court requested an update on death penalty cases, and may consider increasing the hourly rate for death penalty cases set forth in Criminal Rule 24.
3. The Commission approved reimbursement in capital cases as follows:

COUNTY	DEFENDANT		TOTAL
ADAMS	LICHTENBERGER		\$11,155.77
GIBSON	BRANUM		\$6,595.18
HENRY	SOWERS		\$13,814.58
JOHNSON	GREER	\$30,382.81	
	OVERSTREET	\$30,471.70	
			\$60,854.51
MARION	BARKER	\$4,649.90	
	HIGHBAUGH	\$26,881.31	
	JONES	\$6,781.46	
	VAN CLEAVE	INCOMPLETE	
			\$38,312.67
<b>TOTAL</b>			<b>\$130,732.71</b>

- i. The Van Cleave claim was not considered because data on the claim from the county was incomplete.

4. The Commission approved reimbursements in non-capital cases as follows:

COUNTY	PERIOD COVERED	TOTAL EXPEND.	ADJUS'T	ADJUS'D EXPEND.	40% REIMB.
BLACKFORD	11/01/99-03/31/00	\$9,852.95	\$0.00	\$9,852.95	\$3,941.18
DECATUR	12/16/99-03/31/00	\$24,333.95	\$8,030.20	\$16,303.75	\$6,521.50
FAYETTE	11/19/99-12/15/99	\$40,469.80	\$0.00	\$40,469.80	\$16,187.92
FLOYD	01/01/00-03/31/00	\$56,662.88	\$0.00	\$56,662.88	\$22,665.15
FOUNTAIN	01/01/00-03/31/00	\$14,797.70	\$2,367.63	\$12,430.07	\$4,972.03
GREENE	02/28/00-03/31/00	\$17,179.72	\$0.00	\$17,179.72	\$6,871.89
HANCOCK	01/01/00-03/31/00	\$25,823.69	\$879.75	\$24,943.94	\$9,977.58
HENRY	01/01/00-05/01/00	\$41,250.20	\$4,070.00	\$37,180.20	\$14,872.08
KNOX	01/01/00-04/26/00	\$83,867.71	\$17,967.70	\$65,900.01	\$26,360.00
LAKE	12/20/99-04/30/00	\$310,475.12	\$0.00	\$310,475.12	\$124,190.05
LAPORTE	01/01/00-03/31/00	\$84,423.17	\$0.00	\$84,423.17	\$33,769.27
MADISON	01/01/00-03/31/00	\$263,343.91	\$0.00	\$263,343.91	\$105,337.56
MARION	01/01/00-03/31/00	\$1,026,845.86	\$0.00	\$1,026,845.86	\$410,738.34
MIAMI	01/01/00-03/30/00	\$52,083.22	\$16,666.63	\$35,416.59	\$14,166.64
ORANGE	01/01/00-03/31/00	\$57,919.62	\$0.00	\$57,919.62	\$23,167.85
PARKE	01/01/00-03/31/00	\$22,449.90	\$6.75	\$22,443.15	\$8,977.26
PULASKI	01/01/00-03/31/00	\$17,295.26	\$4,882.27	\$12,412.99	\$4,965.20
SHELBY	01/01/00-04/18/00	\$54,457.96	\$0.00	\$54,457.96	\$21,783.18
SPENCER	12/16/99-04/19/00	\$13,651.61	\$0.00	\$13,651.61	\$5,460.64
SULLIVAN	01/01/00-03/21/00	\$25,969.24	\$153.25	\$25,815.99	\$10,326.40
UNION	01/1/00-03/31/00	\$4,643.75	\$465.00	\$4,178.75	\$1,671.50
VERMILLION	01/01/00-03/31/00	\$26,273.06	\$677.82	\$25,595.24	\$10,238.10
VIGO	01/01/00-03/31/00	\$138,120.23	\$37,292.46	\$100,827.77	\$40,331.11
WARREN	01/01/00-04/30/00	\$5,854.50	\$0.00	\$5,854.50	\$2,341.80
<b>TOTAL</b>		<b>\$ 2,418,045.01</b>	<b>\$ 93,459.46</b>	<b>\$ 2,324,585.55</b>	<b>\$929,834.22</b>

5. The Commission next considered the comprehensive plan from Kosciusko County. Because of several variances from the plan and Commission Standards the plan was tabled. The County will be advised of the concerns and offered assistance in modifying their submission.
6. The Commission requested data showing the average cost for Death Penalty cases. This information will be gathered from the Public Defender Council's database.
7. It was suggested by Chairman Lefstein that a document be prepared for local public defender board members outlining the Commission's vision for their role. It was also suggested that training for local board member may be appropriate.
8. The Commission next discussed Allen County's proposed protocol for handling use of its public defenders to represent individual in death penalty cases in county's outside of Allen. Concerns were raised regarding the Allen County proposal to reduce such public defender's caseloads to zero. Though not a technical violation, the proposal was

viewed as interfering with the attorney-client relationship to a degree greater than that contemplated by Criminal Rule 24, which requires a reduction to not more than 20 cases. The county's concern about redistribution of cases seemed to be addressable within the framework of Criminal Rule 24 by reducing counsel's salary and using the saved funds to hire contract counsel to handle the caseload, rather than distributing them to existing public defenders. Its was also noted that the terms of the protocol could result in counsel receiving less than \$70 per hour in violation of Criminal Rule 24. The Commission's consensus was to not approve the protocol and to advise the county accordingly.

9. The Commission next reviewed its strategy for approaching the legislature for additional funding. The timetable outlined in staff's memorandum will serve as a starting point for the project. It was agreed that Bettye Lou Jerrel should meet with Sen. Borst to discuss with him her experience in Vanderburgh County and the importance of increasing funding for the program
10. The Commission authorized staff to acquire new computer equipment for approximately \$2,000.
11. The next meetings of the Commission were set for Wednesdays, September 6, and November 29, 2000 at 3:00 p.m. in South Tower Room 1088, 115 West Washington Street, National City Center, Indianapolis, Indiana.

Norman Lefstein  
Norman Lefstein, Chairman

September 6, 2000  
Date

# INDIANA PUBLIC DEFENDER COMMISSION MINUTES

**September 6, 2000**

Chairman Lefstein called the meeting to order at 3:15 p.m. in the meeting room at the National City Center, 115 West Washington Street, South Tower, Suite 1088, Indianapolis, Indiana 46204. Present were Commission members, Sen. Richard Bray, Susan Carpenter, Hon. Daniel Donahue Les Duvall, Bettye Lou Jerrel, and Rebecca McClure. Present later in the meeting was member Monica Foster. Also, present for a portion of the meeting was Jack VanStone, Chairman, Vanderburgh County Public Defender Board and Tom Carusillo.

1. The minutes from the May 24, 2000 meeting were approved.
  
2. The Comprehensive Plan from Vanderburgh County was considered by the Commission. Mr. VanStone offered an explanation why the initial hirings were subject to approval of the local board. He noted that this process was the creation of a new entity and the need to assure the office started off on the right track. Sen. Bray noted that the proposal provided the chief public defender with the independence from the judges required by the Commission Standards. A discussion was also had regarding the provision in the plan that only unusual expenses would be reimbursed. Ms. Jerrel noted that the public defender would have an office and should have no expenses other than through the office. Chairman Lefstein suggested that the language be changed to provided that reasonable and usual expenses not covered by the office budget would be eligible for reimbursement. Subject to this change the Vanderburgh County Comprehensive Plan was approved.
  
3. The Commission approved reimbursement in capital cases as follows:

COUNTY	DEFENDANT	TOTAL
Adams	Lichtenberger	\$0.00
Allen	Corcoran	\$1,767.69
Carroll	Temple	\$43,090.70
Gibson	Branum	\$17,065.55
Henry	Sowers	\$17,037.37
Johnson	Overstreet	\$33,955.64
Lake	Gooden	\$21,655.71
Marion	Dye	\$16,143.75
	Gross	\$8,514.92
	Highbaugh	\$20,734.58
	Thompson	\$12,629.95
	Price	\$29,353.20
	Veal	\$4,864.47
	COUNTY TOTAL	\$92,240.87
<b>TOTAL</b>		<b>\$226,813.53</b>

The claim from Adams County was tabled because all required certifications were not submitted.

The Commission also discussed the request from Gibson County to reimburse for the expense of capital counsel's involvement in a pending non-capital case in another county involving the capital defendant. With Ms. Jerrel abstaining, the Commission voted to not authorize reimbursement under the circumstances presented.

4. The Commission approved reimbursements in non-capital cases as follows:

COUNTY	PERIOD COVERED	TOTAL EXPEND.	ADJUS'T	ADJUS'D EXPEND.	40% REIMB.
BLACKFORD	04/01/00-06/16/00	\$8,077.94	\$102.00	\$7,975.94	\$3,190.38
CLARK	01/01/00-06/30/00	\$169,720.55	\$8,486.03	\$161,234.52	\$64,493.81
DECATUR	04/01/00-07/31/00	\$23,750.00	\$4,750.00	\$19,000.00	\$7,600.00
FAYETTE	01/01/00-06/27/00	\$73,696.30	\$0.00	\$73,696.30	\$29,478.52
FLOYD	04/01/00-06/30/00	\$60,776.42	\$0.00	\$60,776.42	\$24,310.57
FOUNTAIN	04/01/00-06/30/00	\$14,816.88	\$3,259.71	\$11,557.17	\$4,622.87
FULTON	01/01/00-03/31/00	\$21,322.82	\$2,546.95	\$18,775.87	\$7,510.35
GREENE	04/01/00-07/31/00	\$57,926.99	\$0.00	\$57,926.99	\$23,170.80
HANCOCK	04/01/00-06/30/00	\$36,525.30	\$0.00	\$36,525.30	\$14,610.12
HENRY	05/04/00-08/07/00	\$45,390.72	\$0.00	\$45,390.72	\$18,156.29
JENNINGS	01/01/00-06/30/00	\$28,462.90	\$10,489.84	\$17,973.06	\$7,189.22
KNOX	04/27/00-08/09/00	\$64,967.26	\$3,804.15	\$61,163.11	\$24,465.24
LAKE	05/01/00-07/31/00	\$316,133.53	\$0.00	\$316,133.53	\$126,453.41
LAPORTE	04/01/00-06/30/00	\$77,035.71	\$0.00	\$77,035.71	\$30,814.28
MADISON	04/01/00-06/30/00	\$284,663.77	\$0.00	\$284,663.77	\$113,865.51
MARION	04/01/00-06/30/00	\$863,681.66	\$1,905.59	\$861,776.07	\$344,710.43
MIAMI	04/01/00-06/30/00	\$59,216.25	\$20,903.34	\$38,312.91	\$15,325.16
MONTGOMERY	01/01/00-06/30/00	\$43,896.59	\$360.00	\$43,536.59	\$17,414.64
OHIO	12/16/99-07/31/00	\$13,048.94	\$3,999.43	\$9,049.51	\$3,619.80
ORANGE	04/01/00-06/30/00	\$59,576.45	\$0.00	\$59,576.45	\$23,830.58
PARKE	04/01/00-06/30/00	\$24,542.33	\$0.00	\$24,542.33	\$9,816.93
PULASKI	04/01/00-06/30/00	\$47,155.62	\$6,641.35	\$40,514.27	\$16,205.71
SHELBY	04/18/00-07/31/00	\$40,811.94	\$0.00	\$40,811.94	\$16,324.78
SPENCER	04/19/00-08/07/00	\$17,150.40	\$0.00	\$17,150.40	\$6,860.16
SULLIVAN	03/21/00-07/25/00	\$14,473.18	\$0.00	\$14,473.18	\$5,789.27
SWITZERLAND	12/16/99-06/05/00	\$37,039.53	\$24,811.14	\$12,228.39	\$4,891.36
UNION	04/01/00-06/30/00	\$7,536.90	\$0.00	\$7,536.90	\$3,014.76
VERMILLION	04/01/00-06/30/00	\$50,923.08	\$0.00	\$50,923.08	\$20,369.23
VIGO	04/01/00-06/30/00	\$179,975.88	\$65,591.08	\$114,384.80	\$45,753.92
WARREN	05/01/00-07/31/00	\$4,540.11	\$0.00	\$4,540.11	\$1,816.04
<b>TOTAL</b>		<b>\$ 2,746,835.95</b>	<b>\$ 157,650.61</b>	<b>\$ 2,589,185.34</b>	<b>\$1,035,674.14</b>

Judge Daniel Donahue abstained from consideration of the Clark County Claim.



5. The Commission next considered the comprehensive plan from Adams County. This plan was approved, subject to the county submitting appropriately executed documents and with the suggestion that the county revise its contract to provide that the chief public defender be paid a percentage of the amount paid for the prosecutor. This would avoid the need to change the contract if the prosecutor's salary was increased. The comprehensive plans from Jay and White counties were approved by the Commission. The Commission next reviewed contract language from Kosciusko County. The language was found to be in compliance with Commission Standards and the previously tabled comprehensive plan for the county was approved.
6. The Commission next considered the draft of its annual report. Chairman Lefstein indicated he was in the process of editing the document, and that members would be supplied a copy of the completed report.
7. A discussion was held regarding Commission activities related to its request for an increase in its appropriation. Drafts of two letters, one to legislators, and one to beneficiaries of reimbursements were presented. Chairman Lefstein invited members to review the letters and offer their suggestions on changes. It is anticipated that the letters will go out in September. Consideration was also given as to individuals who should be personally contacted regarding the budget. These included, Rep. Gregg, Rep. Bauer, Rep. Mannweiler, Sen. Borst, Sen. Meeks, Sen. Kenley, Sen. Simpson, Sen. Miller, and Marion County City-County Councilor Borst. The other legislative members of the Commission are to be contacted to get their input on contacts.
8. Next, the Commission discussed the Lichtenberger case from Adams County in which the caseload of the attorneys was increased by Allen County to put them out of compliance with Criminal Rule 24. At this time the Commission decided to leave resolution of the matter to the local communities rather than suggesting a rule change to cover this unusual situation.
9. Finally, the Commission discussed a concern regarding appellate counsel under Criminal Rule 24. The situation involved an attorney from county A being appointed to a death penalty appeal in county B, and its effect on counsel appellate caseload in county A. The Commission concluded that under the current rule counsel would be able to continue taking appellate cases from county A while the death penalty appeal was pending in county B. The Commission chose not to make any recommendations to the Supreme Court at this time regarding any change to the rule.
10. The next meeting of the Commission were set for Wednesday, November 29, 2000 at 3:00 p.m. in South Tower Room 1088, 115 West Washington Street, National City Center, Indianapolis, Indiana.

  
Norman Lefstein, Chairman

  
Date

# INDIANA PUBLIC DEFENDER COMMISSION MINUTES

November 29, 2000

Chairman Lefstein called the meeting to order at 3:09 p.m. in the meeting room at the National City Center, 115 West Washington Street, South Tower, Suite 1088, Indianapolis, Indiana 46204. Present were Commission members, Susan Carpenter, Les Duvall, Bettye Lou Jerrel, Sen. Timothy Lanane and Rebecca McClure. Present later in the meeting were members Sen. Richard Bray and Monica Foster. Also present were Larry Landis and Tom Carusillo. Present for a portion of the meeting was Jim Lisher, Public Defender, Shelby County.

1. The minutes from the September 6, 2000 meeting were approved.
2. Staff reported on activities since the last meeting, including a budget meeting with representatives from the Senate and House. It also was noted that the funds available to the Commission are not expected to be sufficient to pay non-capital claims presented at the next meeting, and therefore claims in non-capital cases would have to be suspended.
3. The Commission approved reimbursement in capital cases as follows:

COUNTY	DEFENDANT		TOTAL
Adams	Lichtenberger		\$7,889.78
Gibson	Branum		\$15,407.14
Jasper	Anderson		\$27,715.81
Marion	Gross	\$78,549.24	
	Jones	\$9,472.42	
	Mosley	Late	
	Powell	\$25,214.36	
		\$17,999.92	
	Veal	\$13,933.88	
	COUNTY TOTAL		\$145,169.82
<b>TOTAL</b>			<b>\$196,182.55</b>

4. The Commission next discussed the letter from Shelby County regarding the cuts made in the public defender's budget. Mr. Lisher reported that cuts were made to education, books, transcripts and pauper appellate fees. He noted his concern that this placed the county out of compliance with its comprehensive plan as approved by the Commission. He requested the Commission contact the county regarding this problem. The Commission suggested that he initiate contact with county officials, with a copy of correspondence to the Commission. The Commission could then follow up with appropriate comments to his correspondence.

5. The Commission approved reimbursements in non-capital cases as follows:

COUNTY	PERIOD COVERED	TOTAL EXPEND.	ADJUS'T	ADJUS'D EXPEND.	40% REIMB.
BENTON	01/05/00-11/08/00	\$25,581.60	\$429.00	\$25,152.60	\$10,061.04
BLACKFORD	06/17/00-10/31/00	\$14,714.92	\$0.00	\$14,714.92	\$5,885.97
FAYETTE	07/01/00-09/30/00	\$33,001.05	\$0.00	\$33,001.05	\$13,200.42
FLOYD	07/01/00-09/30/00	\$54,226.75	\$377.00	\$53,849.75	\$21,539.90
FOUNTAIN	07/01/00-09/30/00	\$14,153.88	\$3,394.53	\$10,759.35	\$4,303.74
FULTON	04/01/00-09/30/00	\$50,756.63	\$14,046.70	\$36,709.93	\$14,683.97
GREENE	08/01/00-10/31/00	\$38,649.36	\$0.00	\$38,649.36	\$15,459.74
HANCOCK	07/01/00-09/30/00	\$30,195.00	\$0.00	\$30,195.00	\$12,078.00
HENRY	09/05/00-11/06/00	\$46,907.90	\$3,180.00	\$43,727.90	\$17,491.16
JASPER	11/20/99-11/06/00	\$120,837.08	\$0.00	\$120,837.08	\$48,334.83
JENNINGS	07/01/00-09/30/00	\$17,277.30	\$8,465.88	\$8,811.42	\$3,524.57
KNOX	08/10/00-10/20/00	\$68,210.77	\$22,650.15	\$45,560.62	\$18,224.25
LAKE	08/01/00-10/31/00	\$357,356.60	\$0.00	\$357,356.60	\$142,942.64
LAPORTE	07/01/00-09/30/00	\$83,324.79	\$0.00	\$83,324.79	\$33,329.92
MADISON	07/01/00-09/30/00	\$301,966.31	\$0.60	\$301,965.71	\$120,786.28
MARION	07/01/00-09/30/00	\$923,799.15	\$0.00	\$923,799.15	\$369,519.66
MARTIN	10/01/99-09/30/00	\$21,236.64	\$0.00	\$21,236.64	\$8,494.66
MIAMI	07/01/00-09/30/00	\$56,328.83	\$13,518.92	\$42,809.91	\$17,123.96
ORANGE	07/01/00-09/30/00	\$27,301.68	\$0.00	\$27,301.68	\$10,920.67
PARKE	07/01/00-09/30/00	\$20,631.13	\$0.00	\$20,631.13	\$8,252.45
PULASKI	07/01/00-09/30/00	\$23,983.15	\$4,595.45	\$19,387.70	\$7,755.08
SCOTT	01/01/00-10/31/00	\$126,733.41	\$83,639.41	\$43,094.00	\$17,237.60
SHELBY	08/01/00-10/30/00	\$55,421.51	\$0.00	\$55,421.51	\$22,168.60
SULLIVAN	07/26/00-10/15/00	\$14,063.80	\$601.25	\$13,462.55	\$5,385.02
VERMILLION	07/01/00-09/30/00	\$11,301.10	\$0.00	\$11,301.10	\$4,520.44
VIGO	07/01/00-09/30/00	\$177,082.62	\$56,666.44	\$120,416.18	\$48,166.47
WARREN	08/01/00-10/30/00	\$3,030.10	\$0.00	\$3,030.10	\$1,212.04
WHITLEY	01/01/00-06/30/00	\$78,849.76	\$14,981.45	\$63,868.31	\$25,547.32
<b>TOTAL</b>		<b>\$2,796,922.82</b>	<b>\$226,546.78</b>	<b>\$2,570,376.04</b>	<b>\$1,028,150.42</b>

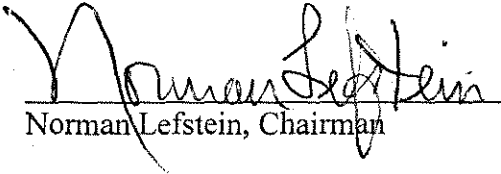
The claim from Fulton and Knox Counties were tentatively approved pending receipt of proper certification of expenses from their auditors.

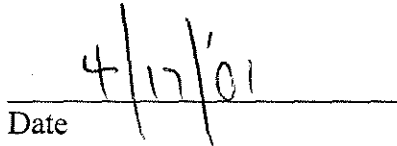
6. The Commission next considered the comprehensive plans from Monroe and Washington Counties. These plans were approved.

7. The Commission next reconsidered the draft of the cover letter for its annual report. Chairman Lefstein noted his intention to have the report out in December.

8. The Commission then discussed a request to use judicial experience as a substitute for the experience requirements of Standard E. The Commission unanimously concluded that such substitution was not appropriate. It was noted that doing the work preparatory to a criminal trial was not equivalent to sitting as a judge in a criminal trial.
9. The Commission next took up the issue of how multiple death penalty counts or cases are counted. The Commission concluded that if multiple counts or cases are joined in a single trial, then this counts as one death penalty case. However, if one defendant has separate trials involving death penalty requests, each trial is counted as a separate death penalty case.
10. Amendments to Criminal Rule 24 were discussed by the Commission. The Commission decided to send recommendations to the Supreme Court in three areas. One, that the salaried capital public defender be a full-time position, with appointment to cases made by the chief public defender, not the court. Two, that caseload standards be adopted, though not necessarily within Criminal Rule 24 itself. The Commission expressed a willingness to adopt a caseload standard within its reimbursement guidelines. Three, that support services be provided, though not limited to provision by the public defender office. The Commission was concerned that the language proposed by the Public Defender Council was too restrictive and might be interpreted as removing the court and the county from their responsibility to provide adequate support services. During discussion of the matter, it was suggested that a caseload generally not exceeding three death penalty cases would be appropriate. The Commission also concluded that the chief public defender should retain the discretion to appoint fewer cases depending on the nature of counsel's workload. It was also noted that a guideline controlling the spacing of trials should also be considered by the court. Chairman Lefstein is to review a draft of recommendations for forwarding to the court.
11. The Commission budget for the next biennium was the next topic discussed. Chairman Lefstein and Ms. Jerrel expressed the need to provide legislators with specific data letting them know what their counties have received and what they risked losing if additional funding was not forthcoming. Senators Bray and Lanane both agreed that contacts from local officials were likely to have the most impact on the legislators. Mr. Duval expressed the need for a bill to be prepared in the House to begin the process of attempting to obtain additional funds to cover the current fiscal year shortfall. Staff and Larry Landis will initiate contact with Representatives Foley and Smith regarding the preparation of an appropriate bill. Chairman Lefstein distributed a chart based on information gathered by the Spangenberg Group illustrating that spending on indigent defense in Indiana is modest when compared to similar states. It was agreed that Ms. Jerrel would arrange a meeting with Rep. Bauer to discuss the program, and that staff would participate in this meeting.
12. Finally, the Commission took up a request to waive the experience requirements in Standard E, for a newly admitted lawyer who had served as a legal intern for public defenders. The Commission unanimously rejected this request.

13. The next meetings of the Commission were set for Wednesdays, January 31, 2001 and April 18, 2001, at 3:00 p.m. in South Tower Room 1088, 115 West Washington Street, National City Center, Indianapolis, Indiana.

  
Norman Lefstein, Chairman

  
Date