

INDIANA PUBLIC DEFENDER COMMISSION MINUTES

January 31, 2001

At 3:48 p.m., Chairman Lefstein determined that a quorum did not exist and called for discussion of items on the agenda. Present were Commission members, Hon. Daniel Donahue and Bettye Lou Jerrel. Members Susan Carpenter and Rebecca McClure had called indicating they were ill and unable to attend. Member Monica Foster was unable to attend due to a court hearing in Terre Haute. Members Sen. Richard Bray, Sen. Timothy Lanane, Rep. Ralph M. Foley and Rep. Vernon Smith were unable to attend due to the General Assembly being in session. Member Les Duvall was available to attend, but as a quorum did not exist, his attendance was not deemed necessary. Also present were the Honorable Russ Lloyd, Jr., Mayor of Evansville, Ms. Marsha Abell, Vanderburgh County Clerk, Larry Landis and Tom Carusillo.

1. The minutes from the November 29, 2000 meeting were reviewed and recommended for approved.
2. The Commission members present recommended approval of reimbursement in capital cases as follows:

COUNTY	DEFENDANT	TOTAL
Elkhart	Powell	\$0.00
Gibson	Branum	\$1,797.18
Henry	Sowers	\$12,918.52
Knox	Whipps	\$9,426.73
Marion	Highbaugh	\$23,706.82
	Jones	\$6,918.07
	Moore	\$72,396.35
	Thompson	\$35,362.05
	COUNTY TOTAL	\$138,383.29
Warrick	Stephenson	\$101,341.71
TOTAL		\$263,867.43

3. The members present recommended that the Commission's Guideline in Capital cases be amended to provide that requests for reimbursement be due within 120 days of the date the county pays the underlying claim. This amends the current guideline that permits requests to be made up to 90 days after the trial or appeal is terminated. The amendment should result in more timely submission of claims and ease in budgeting.

4. The Commission members present recommended approval of reimbursements in non-capital cases as follows:

COUNTY	PERIOD COVERED	TOTAL EXPEND.	ADJUST	ADJUST'D EXPEND.	40% REIMB.
BENTON	11/08/00-01/16/01	\$3,256.34	\$390.00	\$2,866.34	\$1,146.54
BLACKFORD	11/01/00-12/31/00	\$11,015.67		\$11,015.67	\$4,406.27
CLARK	07/01/00-12/31/00	\$179,712.23	\$8,557.73	\$171,154.50	\$68,461.80
DECATUR	08/01/00-12/31/00	\$37,500.00	\$13,125.00	\$24,375.00	\$9,750.00
FLOYD	10/01/00-12/31/00	\$63,864.98	\$0.00	\$63,864.98	\$25,545.99
FOUNTAIN	10/1/00-12/31/00	\$21,675.31	\$5,852.33	\$15,822.98	\$6,329.19
FULTON	10/01/00-12/31/00	\$29,780.32	\$9,827.51	\$19,952.81	\$7,981.12
GREENE	11/01/00-12/31/00	\$46,326.73	\$0.00	\$46,326.73	\$18,530.69
HANCOCK	10/01/00-12/31/00	\$55,760.19	\$0.00	\$55,760.19	\$22,304.08
HENRY	11/01/00-12/31/00	\$43,526.54	\$0.00	\$43,526.54	\$17,410.62
JENNINGS	10/01/00-12/31/00	\$20,759.94	\$10,939.17	\$9,820.77	\$3,928.31
KNOX	10/21/00-01/04/01	\$40,978.32	\$3,786.70	\$37,191.62	\$14,876.65
LAKE	11/01/00-12/31/00	\$247,899.23	\$0.00	\$247,899.23	\$99,159.69
LAPORTE	10/01/00-12/31/00	\$84,569.43	\$0.00	\$84,569.43	\$33,827.77
MADISON	10/01/00-12/31/00	\$271,584.94	\$0.00	\$271,584.94	\$108,633.98
MARION	10/01/00-12/31/00	\$932,302.10	\$4,815.60	\$927,486.50	\$370,994.60
MIAMI	10/01/00-12/31/00	\$86,298.41	\$12,772.16	\$73,526.25	\$29,410.50
OHIO	08/01/00-12/31/00	\$6,292.49	\$0.00	\$6,292.49	\$2,517.00
PARKE	10/01/00-12/30/00	\$22,767.25	\$0.00	\$22,767.25	\$9,106.90
PULASKI	10/01/00-12/31/00	\$21,030.49	\$4,014.18	\$17,016.31	\$6,806.52
SHELBY	10/31/00-12-31-00	\$44,340.00	\$0.00	\$44,340.00	\$17,736.00
SPENCER	08/08/00-01/01/01	\$17,137.53	\$0.00	\$17,137.53	\$6,855.01
SULLIVAN	10/16/00-12/29/00	\$9,550.00	\$0.00	\$9,550.00	\$3,820.00
SWITZERLAND	07/01/00-12/31/00	\$55,785.90	\$90.00	\$55,695.90	\$22,278.36
UNION	07/01/00-08/31/00	\$4,618.05	\$0.00	\$4,618.05	\$1,847.22
VERMILLION	10/01/00-12/31/00	\$9,123.93	\$0.00	\$9,123.93	\$3,649.57
VIGO	10/01/00-12/31/00	\$199,580.22	\$55,882.46	\$143,697.76	\$57,479.10
WHITLEY	07/01/00-12/31/00	\$49,888.90	\$10,476.67	\$39,412.23	\$15,764.89
TOTAL		\$2,616,925.44	\$140,529.51	\$2,476,395.93	\$990,558.37

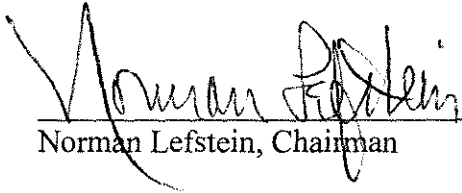
Judge Daniel Donahue abstained from consideration of the claim from Clark County. Since, these reimbursements exceeded the balance in the Fund, the members present recommended suspension of reimbursements as required by I.C. 33-9-14-6.

5. The Commission members present next considered the comprehensive plan from Steuben County. This plan was recommended for approval.

6. The Commission members present next discussed the status of the legislative effort. Ms Jerrel reported that she met with the fiscal analyst for Rep. Bauer and has scheduled a meeting with Sen. Borst. Chairman Lefstein, Larry Landis and counsel are scheduled to meet with Rep. Bauer on February 5.
7. Finally, the members present recommended a draft of a memo to counties informing them of the suspension of noncapital reimbursements as required by statute.

The discussion was then ended. Subsequently, on Thursday, February 1, and Friday, February 2, counsel met personally with members, Susan Carpenter, Rebecca McClure and Les Duvall and reviewed with them a written summary of the recommendations made during the discussions on Wednesday, January 31, 2001. These members concurred in writing with the recommendations made on January 31, and as a result, those recommendations were ratified as the actions of the Commission.

The next meeting of the Commission is set for Wednesday, 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

4/17/2001

Date

INDIANA PUBLIC DEFENDER COMMISSION MINUTES

April 18, 2001

At 3:15 p.m., Chairman Lefstein determined that a quorum was not present and called for discussion of items on the agenda. Present were Commission members, Susan Carpenter, Les Duvall, Monica Foster, and Bettye Lou Jerrel. Member Rebecca McClure joined the discussion shortly thereafter, creating a quorum. Members Sen. Richard Bray, Sen. Timothy Lanane, Rep. Ralph M. Foley and Rep. Vernon Smith were unable to attend due to the General Assembly being in session. Also present were Larry Landis and Tom Carusillo.

1. The minutes from the January 31, 2001 meeting were reviewed and approved.
2. Staff reported on activities since the last meeting, including involvement in the budget process, meetings with legislators and the editorial board of the *Indianapolis Star*. Meetings with county officials and participation in the Supreme Court's district meetings were also reviewed. It also was noted that due to a delay in the filing of a claim from Marion County, suspended noncapital claims would not be prorated as earlier anticipated.
3. Larry Landis reported on his efforts regarding the budget. Chairman Lefstein led a discussion of what other efforts might be needed. The Commission concluded that a letter should be drafted for distribution to key legislators thanking them for the appropriation that has been proposed, seeking at least no cut of the appropriation, and explaining the need for increased funding. Member Bettye Low Jerrel indicated she would speak to Sen. Bob Meeks regarding the position of the Commission.
4. The Commission approved reimbursements in capital cases as follows:

COUNTY	DEFENDANT	TOTAL
Floyd	Ingle	\$14,526.94
Johnson	Overstreet	\$4,306.93
Knox	Whipps	\$6,356.16
TOTAL		\$25,190.03

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

COUNTY	PERIOD COVERED	TOTAL EXPEND.	ADJUST	ADJUST'D EXPEND.	40% REIMB.
BENTON	01/16/01-03/30/01	\$11,109.40	\$424.80	\$10,684.60	\$4,273.84
BLACKFORD	01/01/01-02/28/01	\$8,368.30	\$0.00	\$8,368.30	\$3,347.32
DECATUR	01/01/01-03/31/01	\$22,500.00	\$9,000.00	\$13,500.00	\$5,400.00
FAYETTE	10/10/00-12/27/00	\$36,190.78	\$0.00	\$36,190.78	\$14,476.31
FLOYD	01/01/01-03/31/01	\$61,562.35	\$0.00	\$61,562.35	\$24,624.94
FULTON	01/01/01-03/31/01	\$17,608.59	\$4,930.40	\$12,678.19	\$5,071.28
GREENE	01/01/01-03/31/01	\$40,979.12	\$110.00	\$40,869.12	\$16,347.65
HANCOCK	01/01/01-03/31/01	\$62,043.00	\$0.00	\$62,043.00	\$24,817.20
HENRY	01/01/01-03/31/01	\$32,531.95	\$0.00	\$32,531.95	\$13,012.78
JENNINGS	01/01/01-03/31/01	\$16,106.21	\$0.00	\$16,106.21	\$6,442.48
KNOX	01/05/01-03/23/01	\$88,350.10	\$7,459.16	\$80,890.94	\$32,356.38
LAKE	01/01/01-03/31/01	\$555,245.92	\$111.89	\$555,134.03	\$222,053.61
LAPORTE	01/01/01-03/31/01	\$88,340.99	\$0.00	\$88,340.99	\$35,336.40
MARION		\$0.00		\$0.00	\$0.00
MIAMI	01/01/01-03/31/01	\$56,552.32	\$13,911.87	\$42,640.45	\$17,056.18
MONROE	01/01/01-03/31/01	\$104,045.00	\$23,931.00	\$80,114.00	\$32,045.60
MONTGOMERY	07/01/00-12/31/00	\$62,922.41	\$0.00	\$62,922.41	\$25,168.96
PARKE	01/01/01-03/31/01	\$16,992.40	\$0.00	\$16,992.40	\$6,796.96
PULASKI	01/01/01-03/31/01	\$22,136.69	\$3,819.91	\$18,316.78	\$7,326.71
SCOTT	11/01/00-03/31/01	\$70,407.45	\$32,362.20	\$38,045.25	\$15,218.10
SHELBY	01/01/01-03/20/01	\$45,983.77	\$0.00	\$45,983.77	\$18,393.51
SPENCER	01/02/01-03/19/01	\$17,325.83	\$0.00	\$17,325.83	\$6,930.33
STEUBEN	02/01/01-03-31/01	\$21,170.36	\$6,647.49	\$14,522.87	\$5,809.15
SULLIVAN	01/01/01-03/21/01	\$14,517.12	\$0.00	\$14,517.12	\$5,806.85
VERMILLION	01/01/01-03/31/01	\$12,267.23	\$0.00	\$12,267.23	\$4,906.89
VIGO	01/01/01-03/31/01	\$171,546.68	\$43,710.09	\$127,836.59	\$51,134.64
WARREN	01/01/01-03/31/01	\$5,026.58	\$593.75	\$4,432.83	\$1,773.13
WASHINGTON	01/01/01-03/31/01	\$25,474.69	\$2,955.06	\$22,519.63	\$9,007.85
TOTAL		\$1,656,803.97	\$146,418.81	\$1,510,385.16	\$614,935.05


Since, these reimbursements exceeded the balance in the Fund, the Commission suspended reimbursements as required by I.C. 33-9-14-6.

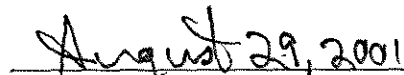
6. The Commission next considered Lake County's request to compensate attorneys in conflict cases on a flat-fee per case basis. The Commission determined that Lake County's comprehensive plan called for an hourly compensation scheme and therefore rejected the flat-fee basis.

7. The Commission then discussed Lake County's request regarding the number of

attorneys to be appointed in *State v. Britt*. Britt involves six separate death penalty cases. The Commission concluded that requiring the appointment of six different sets of death qualified attorneys was not necessary to meet Commission requirements. However, only having two attorneys handling the cases also seemed ill advised. The Commission felt at least four attorneys should be representing Britt in these six cases.

8. The Commission next discussed SB 104. Larry Landis reported that he had spoken to Rep. Dvorak about the amendments to the bill. He reported that the intention was not to add additional duties or restrictions to the Commission. Mr. Landis felt the matter would be corrected in conference committee, with the funding placed in the county supplemental public defender fund and not the Public Defense Fund. Mr. Landis will monitor the situation for the Commission.
9. The Commission then took up review of comprehensive plans from Allen, Carroll, Noble and Rush Counties. The Comprehensive Plan and Ordinance from Allen County were rejected. It was determined that the appointment of the local board did not substantially comply with the requirements of the Commission in that the members were appointed by only one of the judges with felony or juvenile jurisdiction. In addition, the ordinance provided that the members served at the pleasure of the judge. The Commission felt this did not achieve necessary independence. Other problems with Allen County's proposal were reviewed as set out in staff's memorandum to Allen County. The plans from Carroll, Noble, as amended, and Rush Counties were approved.
10. Finally, the Commission considered a concern raised by Monica Foster. She has seen several instances where counties have not complied with Criminal Rule 24. Either caseloads have been excessive or only one attorney has been appointed. Because claims in all of these cases have not been presented to the Commission, these matters have not come before the Commission. In those cases where claims have been presented and found to not be in compliance the Commission has disapproved reimbursement. The Commission decided to send a letter to Chief Justice Shepard noting this concern so the Court could act, if it so chose, to remind counties of the necessity of complying with Criminal Rule 24.
11. The next meeting of the Commission is set for Wednesday, August 29, 2001, at 3:00 p.m. in **South Tower, Room 1071**, (formerly Room 1088) 115 West Washington Street, National City Center, Indianapolis, Indiana.


Norman Lefstein, Chairman


Date

INDIANA PUBLIC DEFENDER COMMISSION MINUTES

August 29, 2001

At 3:09 p.m., Chairman Lefstein determined that a quorum was present and called the meeting to order. Present were Commission members, Judge Daniel Donahue, Les Duvall, Rep. Ralph M. Foley, Monica Foster, and Betty Lou Jerrel. Members Rebecca McClure and Sen. Richard Bray joined the meeting shortly thereafter. Also present were Steve Owens, Chief Public Defender of Vanderburgh County, Larry Landis and Tom Carusillo.

1. Staff reported a bookkeeping error that impacted on the decision made in June of 2001 to pay suspended claims in full. The deposits to the Fund which occur in December and June of each year were reported in the balance of the Fund account the preceding July. As a result, when the determination was made to pay claims in full in June of 2001, taking into account the deposit due June 30, an error was made since those funds had already been included in the Fund balance. The net result is that suspended claims should have been prorated in June 2001. A discussion was had concerning possible solutions. Ms. Jerrel questioned whether additional money might be available in the next session of the Legislature. The legislative members unanimously agreed this was unlikely. Judge Donahue and Chairman Lefstein shared the sentiment that the issue be dealt with when the full impact on future reimbursements was apparent. Ms. Foster suggested that efforts to attract new counties to participate in the program should be curtailed. The Commission consensus was that a letter from the chairman should be sent to counties alerting them of the situation, that further recruitment should be halted and that the question of dealing with the shortfall be taken up when a clearer picture emerged.
2. The minutes from the April 18, 2001 meeting were reviewed and approved.
3. The Commission scheduled its next meeting for December 5, 2001 at 3:00 p.m.
4. The Commission next took up the capital and noncapital claims of Vanderburgh County. Theses were approved as recommended.
5. The Commission approved reimbursements in capital cases as follows:

COUNTY	DEFENDANT	TOTAL
Adams	Lichtenberger	\$5,048.00
Fountain	Wilburn	\$26,465.06
Greene	Leone	\$6,012.81
Knox	Whipps	\$7,230.28
Marion	Barker	\$22,106.53
Vanderburgh	Prowell	\$1,031.03
TOTAL		\$67,893.71

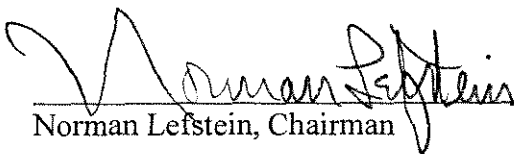
6. The Commission approved reimbursements in non-capital cases as follows:

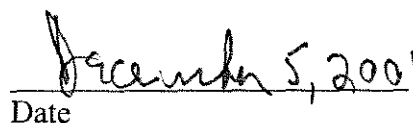
COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUST	ADJUST'D EXPEND.	40% REIMB.
ADAMS	09/26/00-06/30/01	103,905.45	17,024.12	\$86,881.33	\$34,752.53
BENTON	03/30/01-08/06/01	\$14,107.28	\$1,035.00	\$13,072.28	\$5,228.91
BLACKFORD	03/01/01-06/30/01	\$17,635.50	\$0.00	\$17,635.50	\$7,054.20
CARROLL	04/01/01-06/30/01	\$17,643.77	\$4,998.30	\$12,645.47	\$5,058.19
CLARK	01/01/01-06/30/01	\$197,478.25	\$7,899.13	\$189,579.12	\$75,831.65
FAYETTE	01/01/01-06/30/01	\$108,165.33	\$0.00	\$108,165.33	\$43,266.13
FLOYD	04/01/01-06/30/01	\$65,320.65	\$0.00	\$65,320.65	\$26,128.26
FOUNTAIN	01/01/01-06/30/01	\$28,677.39	\$4,301.61	\$24,375.78	\$9,750.31
GREENE	04/01/01-07/31/01	\$61,540.24	\$0.00	\$61,540.24	\$24,616.10
HANCOCK	04/01/01-06/30/01	\$49,898.90	\$0.00	\$49,898.90	\$19,959.56
HENRY	04/01/01-08/01/01	\$71,121.92	\$79.00	\$71,042.92	\$28,417.17
JASPER	11/01/00-08/06/01	\$91,011.78	\$25,483.30	\$65,528.48	\$26,211.39
JENNINGS	03/01/01-06/30/01	\$18,309.05	\$650.00	\$17,659.05	\$7,063.62
KNOX	04/01/01-06/30/01	\$67,958.58	\$0.00	\$67,958.58	\$27,183.43
LAKE	04/01/01-06/30/01	\$514,103.33	\$0.00	\$514,103.33	\$205,641.33
LAPORTE	04/01/01-06/30/01	\$92,212.48	\$0.00	\$92,212.48	\$36,884.99
MADISON	01/01/01-06/30/01	\$726,467.32	\$277.27	\$726,190.05	\$290,476.02
MARION	01/01/01-06/30/01	\$1,875,289.81	\$7,239.81	\$1,868,050.00	\$747,220.00
MIAMI	04/01/01-06/30/01	\$60,311.22	\$13,871.58	\$46,439.64	\$18,575.86
MONROE	04/01/01-06/30/01	\$79,401.00	\$19,592.56	\$59,808.44	\$23,923.38
NOBLE	04/18/01-06/30/01	\$42,436.49	\$0.26	\$42,436.23	\$16,974.49
PARKE	04/01/01-06/30/01	\$22,092.33	\$0.00	\$22,092.33	\$8,836.93
PULASKI	04/01/01-06/30/01	\$24,156.75	\$4,745.82	\$19,410.93	\$7,764.37
RUSH	04/18/01-07/30/01	\$46,018.77	\$37,865.72	\$8,153.05	\$3,261.22
SCOTT	04/01/01-08/06/01	\$77,561.78	\$19,390.45	\$58,171.33	\$23,268.53
SHELBY	03/21/01-07/25/01	\$70,901.39	\$0.00	\$70,901.39	\$28,360.56
SPENCER	03/29/01-07/24/01	\$13,205.68	\$0.00	\$13,205.68	\$5,282.27
STEUBEN	04/01/01-06/30/01	\$59,151.63	\$10,647.29	\$48,504.34	\$19,401.74
SULLIVAN	03/21/01-08/06/01	\$11,922.50	\$3,338.30	\$8,584.20	\$3,433.68
SWITZERLAND	01/01/01-07/02/01	\$39,490.73	\$699.00	\$38,791.73	\$15,516.69
UNION	01/01/01-07/31/01	\$9,103.53	\$0.00	\$9,103.53	\$3,641.41
VANDEBURGH	01/01/01-06/30/01	\$649,274.78	\$10,932.83	\$638,341.95	\$255,336.78
VIGO	04/01/01-06/30/01	\$227,486.42	\$77,345.38	\$150,141.04	\$60,056.42
WARREN	04/01/01-07/31/01	\$12,374.08	\$0.00	\$12,374.08	\$4,949.63
WASHINGTON	04/01/01-06/30/01	\$30,097.14	\$6,922.34	\$23,174.80	\$9,269.92
WHITE	01/01/01-06/30/01	\$30,275.66	\$6,330.51	\$23,945.15	\$9,578.06
WHITLEY	01/01/01-06/30/01	\$75,238.82	\$17,304.93	\$57,933.89	\$23,173.56
TOTAL		\$5,701,347.73	\$297,974.51	\$5,403,373.22	\$2,161,349.29

Judge Donahue abstained from consideration of the claim from Clark County. The

Commission disapproved reimbursement to Rush County for self-insured medical claims. The Commission's policy will be to reimburse county's for insurance premiums, but to not reimburse self-insured payments. The consensus was that the Commission could not risk becoming an insurer, even at just a 40% rate.

7. The Commission next considered the question of Marion County's compliance with Commission standards. The Commission's conclusion was that Chairman Lefstein should send notice, as provided by statute, informing the county that unless substantial steps were taken to become compliant, the county's eligibility for reimbursement would be terminated December 31, 2001.
8. The Commission then considered the question of Madison County's compliance. This matter was tabled until the next meeting in order for the Commission to consider a change to its juvenile caseload standard, which could impact on Madison County's compliance.
9. The Commission then discussed two issues arising out of Lake County. The Commission concluded that Lake County's proposal to pay conflict attorneys at an hourly rate with a cap was not consistent with Commission standards and would not be approved. The Commission also reiterated its refusal to reimburse for self-insured claims, in this case a malpractice claim.
10. The Commission then approved the comprehensive plans of Perry and Pike counties, both of which provided for attorneys to be assigned at an hourly rate of \$70 per hour.
11. The Commission again rejected the submission from Allen County, citing the provision in the county ordinance giving one judge sole appointment over judicial board members, and providing they serve at the judge's pleasure. These terms are not consistent with the Commission's standard.
12. Finally, the Commission reviewed the annual report. Chairman Lefstein is to sign a cover letter describing the Commission's financial position to accompany the distribution of the report.
13. The next meeting of the Commission is set for Wednesday, December 5, 2001, at 3:00 p.m. in **South Tower, Room 1071**, (formerly Room 1088) 115 West Washington Street, National City Center, Indianapolis, Indiana.


Norman Lefstein, Chairman


Date

INDIANA PUBLIC DEFENDER COMMISSION MINUTES

December 5, 2001

At 3:10 p.m., Chairman Lefstein determined that a quorum was present and called the meeting to order. Present were Commission members, Sen. Richard Bray, Susan Carpenter, Les Duvall, Bettye Lou Jerrel and Rebecca McClure. Member Rep. Ralph M. Foley joined the meeting shortly thereafter. Also present were Larry Landis and Tom Carusillo.

1. Staff reported meeting in Johnson and Lawrence Counties and inquires from Well and Allen Counties. Information on public defender arrangements in other states was made available to the Supreme Court Committee meeting with the governor's office regarding the tax reform proposals. Though originally a part of the proposal total state funding for public defenders was not included in the bill sent to the legislature. Staff reported the acceptance of a new term by Bettye Lou Jerrel, and the anticipated appointment of Rep. Greg Porter of Marion County to take over the spot of Rep. Vernon Smith. A problem in Lake County with a death penalty attorney facing a suspension was discussed. Potential problems in Knox County dealing with reduction of the hourly rate and cutting bills were also noted. Finally, it was reported that claims in noncapital cases submitted to the next two meeting would be suspended and prorated.
2. The Commission next discussed the status of Marion County's compliance with the class D felony standards. It was reported that the county anticipated being in compliance January 1, 2002. It was noted that further communication was needed with the public defender to remind him of the need to also bring juvenile cases within the Commission standard.
3. The minutes from the August 29, 2001 meeting were reviewed and approved.
4. The Commission scheduled its next meetings for February 27, 2002 and May 29, 2002, both at 3:00 p.m.
5. The Commission approved reimbursements in capital cases as follows:

COUNTY	DEFENDANT	TOTAL
Greene	Leone	\$3,269.40
Harrison	Holland	\$10,733.99
Knox	Whipps	\$13,759.03
Spencer	Ward	\$3,177.27
Warrick	Stevenson	\$5,424.09
TOTAL		\$36,363.77

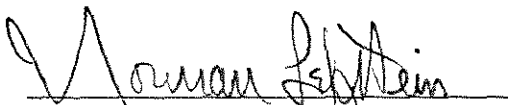
Rep. Foley questioned whether the attorney fees in death penalty cases were reviewed by the trial courts. It was indicated that the bills were generally approved by the courts as presented.

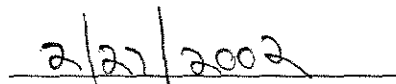
5. The Commission approved reimbursements in non-capital cases as follows:

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUS'T	ADJUS'D EXPEND.	40% REIMB.
ADAMS	07/01/01-09/30/01	43,196.74	-1,093.58	\$44,290.32	\$17,716.13
BENTON	08/06/01-11/09/01	\$8,457.00	\$941.40	\$7,515.60	\$3,006.24
BLACKFORD	07/01/01-10/31/01	\$12,565.75	\$0.00	\$12,565.75	\$5,026.30
CARROLL	07/01/01-09/30/01	\$23,276.75	\$0.00	\$23,276.75	\$9,310.70
CLARK	07/01/01-09/30/01	\$88,440.84	\$4,422.04	\$84,018.80	\$33,607.52
DECATUR	04/01/01-09/30/01	\$55,176.00	\$21,850.02	\$33,325.98	\$13,330.39
FAYETTE	07/10/01-09/28/01	\$34,443.72	\$210.00	\$34,233.72	\$13,693.49
FLOYD	07/01/01-09/30/01	\$65,419.32	\$0.00	\$65,419.32	\$26,167.73
FOUNTAIN	07/01/01-09/30/01	\$13,500.00	\$3,375.00	\$10,125.00	\$4,050.00
FULTON	04/01/01-09/30/01	\$40,041.81	\$0.00	\$40,041.81	\$16,016.72
GREENE	08/01/01-10/31/01	\$36,200.91	-\$72.00	\$36,272.91	\$14,509.16
HANCOCK	07/01/01-09/30/01	\$69,214.99	\$0.00	\$69,214.99	\$27,686.00
HENRY	09/01/01-11/01/01	\$84,555.80	\$348.00	\$84,207.80	\$33,683.12
KNOX	07/01/01-09/30/01	\$77,553.51	-\$5,346.28	\$82,899.79	\$33,159.92
LAKE	07/01/01-09/30/01	\$563,051.74	\$51.00	\$563,000.74	\$225,200.30
LAPORTE	07/01/01-09/30/01	\$88,109.67	\$0.00	\$88,109.67	\$35,243.87
MADISON	07/01/01-09/30/01	\$319,839.31	\$0.00	\$319,839.31	\$127,935.72
MARION	07/01/01-09/30/01	\$943,114.00	\$0.00	\$943,114.00	\$377,245.60
MIAMI	07/01/01-09/30/01	\$70,659.99	\$6,818.86	\$63,841.13	\$25,536.45
MONROE	07/01/01-09/30/01	\$78,012.00	\$0.00	\$78,012.00	\$31,204.80
MONTGOMERY	01/01/01-06/30/01	\$50,212.15	\$0.00	\$50,212.15	\$20,084.86
NOBLE	07/01/01-09/30/01	\$49,474.95	\$0.00	\$49,474.95	\$19,789.98
OHIO	01/01/01-11/12/01	\$9,200.37	\$0.00	\$9,200.37	\$3,680.15
PARKE	07/01/01-09/30/01	\$22,407.54	\$0.00	\$22,407.54	\$8,963.02
PERRY	09/01/01-11/07/01	\$17,820.31	\$686.56	\$17,133.75	\$6,853.50
PIKE	08/29/01-11/06/01	\$36,808.83	\$27,574.45	\$9,234.38	\$3,693.75
PULASKI	07/01/01-09/30/01	\$16,004.80	\$5,960.02	\$10,044.78	\$4,017.91
RUSH	08/01/01-10/31/01	\$26,666.87	\$6,041.75	\$20,625.12	\$8,250.05
SCOTT	08/07/01-11/06/01	\$44,200.83	\$15,028.28	\$29,172.55	\$11,669.02
SHELBY	07/26/01-10/31/01	\$54,159.02	\$0.00	\$54,159.02	\$21,663.61
SPENCER	07/30/01-10/31/01	\$17,024.77	\$0.00	\$17,024.77	\$6,809.91
STEBEN	07/01/01-09/30/01	\$51,871.58	\$14,524.04	\$37,347.54	\$14,939.02
SULLIVAN	09/04/01-11/05/01	\$17,001.25	-\$3,338.30	\$20,339.55	\$8,135.82
SWITZERLAND	07/01/11/16/01	\$38,547.52	\$420.00	\$38,127.52	\$15,251.01
VANDEBURGH	10/01/00-12/31/00	\$121,508.12	\$0.00	\$121,508.12	\$48,603.25
VANDEBURGH	07/01/01-09/30/01	\$268,918.80	\$0.00	\$268,918.80	\$107,567.52
VERMILLION	04/01/01-09/30/01	\$23,588.63	\$0.00	\$23,588.63	\$9,435.45
VIGO	07/01/01-11/30/01	\$196,673.63	\$62,935.56	\$133,738.07	\$53,495.23
WARREN	08/01/01-10/31/01	\$12,928.65	\$0.00	\$12,928.65	\$5,171.46
WASHINGTON	07/01/01-09/30/01	\$30,097.14	\$7,825.26	\$22,271.88	\$8,908.75
TOTAL		\$3,819,945.61	\$169,162.08	\$3,650,783.53	\$1,460,313.41

A question was raised concerning counties estimating misdemeanor service by attorneys. Staff reported that an actual review of the cases indicated that the counties probably were overestimating the portion of expenses that should be attributed to misdemeanor cases.

6. Next, a discussion was had regarding the success of the reimbursement program in Vanderburgh County. It was noted that initial doubts from public defenders has been overcome and the program has been well received.
7. The Commission then discussed the proposal from Madison County to allow attorneys to handle some of their cases on a pro bono basis and not count them toward caseload compliance. This proposal was rejected by the Commission, though it was indicated that with further information regarding the types of cases and circumstances involved the Commission would reevaluate its position.
8. Larry Landis then reported to the Commission that the Public Defender Council's survey of juvenile caseload was not ready for presentation, but should be ready for the next Commission meeting.
9. The Commission finally reviewed a hypothetical involving how cases would be counted where a defendant is facing a violation of probation. The Commission confirmed its policy that the original charge counts as one case and any subsequent violation of probation counts as a second case. If however, the violation of probation is the result of a new felony, the new felony only is counted.
10. The next meeting of the Commission is set for Wednesday, February 27, 2002, at 3:00 p.m. in **South Tower, Room 1071**, (formerly Room 1088) 115 West Washington Street, National City Center, Indianapolis, Indiana.


Norman Lefstein, Chairman


Date