

INDIANA PUBLIC DEFENDER COMMISSION MINUTES

February 27, 2002

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 Les Duvall, Bettye Lou Jerrel, Rebecca McClure and Representative Greg Porter. The Commission intended to propose action on the items on the agenda and then seek ratification from absent members. However, before the conclusion of the meeting, the Honorable Daniel Donahue was able to join the meeting telephonically creating a quorum and the Commission's business was concluded as set forth herein. Also present were Larry Landis and Tom Carusillo.

1. Staff reported meetings Knox and LaGrange Counties. It was noted that the Commission has intentionally taken a less proactive approach as a result of the insufficient funding available. The preparation of a survey of public defender and prosecutor compensation was also noted. This is being undertaken to confirm compliance with Commission Standard G.
2. Dean Lefstein provided information regarding an ABA report on "The Ten Principles of a Public Defense Delivery System", and discussed an ABA newsletter that highlighted the progress Indiana has made in funding indigent defense. The Commission then welcomed its newest member Representative Greg Porter. The annual report for 2000-2001 was also distributed at this time.
3. The minutes from the December 5, 2001 meeting were reviewed and approved.
4. The Commission approved reimbursements in capital cases as follows:

COUNTY	DEFENDANT	TOTAL
Fountain	Wilburn	\$33,087.99
Greene	Leone	\$1,945.88
Johnson	Overstreet	\$28,191.90
Knox	Whipps	\$1,960.65
Lake	Britt	\$43,524.50
	Richeson	\$3,739.50
Marion	Adams	\$61,184.38
	Gross	\$648.73
	Jones	\$10,072.15
	Moore	\$7,963.11
	Ritchie	\$15,546.44
	Thompson	\$10,594.10
	Thompson	\$3,748.50
	Veal	\$20,500.39
Spencer	Ward	\$6,513.32
TOTAL		\$249,221.54

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

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUST	ADJUS'D EXPEND.	40% REIMB.
ADAMS	10/01/01-12/31/01	30,934.97	0.00	\$30,934.97	\$12,373.99
BLACKFORD	12/01/01-02/04/02	\$3,459.00	\$0.00	\$3,459.00	\$1,383.60
CARROLL	10/01/01-12/31/01	\$28,657.11	\$0.00	\$28,657.11	\$11,462.84
CLARK	10/01/01-12/31/01	\$93,354.56	\$3,360.76	\$89,993.80	\$35,997.52
CRAWFORD	01/01/01-12/31/01	\$34,237.52	Table		\$0.00
DECATUR	10/01/01-12/31/01	\$45,420.00	\$19,530.60	\$25,889.40	\$10,355.76
FAYETTE	10/09/01-11/27/01	\$19,787.16	\$92.16	\$19,695.00	\$7,878.00
FLOYD	10/01/01-12/31/01	\$82,722.28	\$0.00	\$82,722.28	\$33,088.91
FOUNTAIN	10/01/01-12/31/01	\$32,864.40	-\$12,195.98	\$45,060.38	\$18,024.15
FULTON	10/01/01-12/31/01	\$28,883.24	\$0.00	\$28,883.24	\$11,553.30
GREENE	11/01/01-12/31/01	\$37,875.04	\$0.00	\$37,875.04	\$15,150.02
HANCOCK	10/01/01-12/31/01	\$78,886.24	\$3,275.00	\$75,611.24	\$30,244.50
HENRY	11/08/01-02/06/02	\$64,581.83	\$0.00	\$64,581.83	\$25,832.73
JENNINGS	07/01/01-12/31/01	\$35,335.78	\$597.50	\$34,738.28	\$13,895.31
KNOX	10/01/01-12/31/01	\$73,652.64	-\$1,957.15	\$75,609.79	\$30,243.92
LAKE	10/01/01-12/31/01	\$590,640.51	\$0.00	\$590,640.51	\$236,256.20
LAPORTE	10/01/01-12/31/01	\$92,227.97	\$0.00	\$92,227.97	\$36,891.19
MARION	10/01/01-12/31/01	\$933,140.51	\$17,358.13	\$915,782.38	\$366,312.95
MIAMI	10/01/01-12/31/01	\$156,807.26	\$32,919.50	\$123,887.76	\$49,555.10
MONROE	10/01/01-12/31/01	\$76,039.00	\$76,039.00	\$0.00	\$0.00
NOBLE	10/01/31-12/31/01	\$43,637.72	\$0.00	\$43,637.72	\$17,455.09
PARKE	10/01/01-12/31/01	\$18,779.38	\$0.00	\$18,779.38	\$7,511.75
PERRY	12/05/01-02/04/02	\$16,017.49	\$4,207.33	\$11,810.16	\$4,724.06
PIKE	11/06/01-02/01/02	\$73,452.37	\$16,230.83	\$57,221.54	\$22,888.62
PULASKI	10/01/01-12/31/01	\$40,460.46	\$8,348.58	\$32,111.88	\$12,844.75
RUSH	11/01/01-12/31/01	\$15,080.94	\$1,401.16	\$13,679.78	\$5,471.91
SCOTT	11/07/01-02/06/02	\$44,800.83	\$13,440.10	\$31,360.73	\$12,544.29
SHELBY	11/01/01-01/31/02	\$53,523.20	\$0.00	\$53,523.20	\$21,409.28
SPENCER	11/07/01-12/20/01	\$16,491.13	\$0.00	\$16,491.13	\$6,596.45
STEBEN	10/01/01-12/31/01	\$64,308.74	\$16,738.45	\$47,570.29	\$19,028.12
SULLIVAN	11/06/01-01/17/02	\$10,838.00	\$0.00	\$10,838.00	\$4,335.20
UNION	08/01/01-12/31/01	\$2,951.38	\$0.00	\$2,951.38	\$1,180.55
VERMILLION	10/01/01-12/31/01	\$31,201.66	\$0.00	\$31,201.66	\$12,480.66
VIGO	10/01/01-12/31/01	\$228,176.85	\$66,171.29	\$162,005.56	\$64,802.22
WARREN	11/01/01-01/31/02	\$4,147.91		\$4,147.91	\$1,659.16
WASHINGTON	10/01/01-12/31/01	\$30,097.14	\$10,534.00	\$19,563.14	\$7,825.26
WHITE	07/01/01-12/31/01	\$22,448.18	\$0.00	\$22,448.18	\$8,979.27
TOTAL		\$3,255,920.40	\$276,091.26	\$2,945,591.62	\$1,178,236.63

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

claim from Crawford County was tabled, pending review of caseload compliance. The claim from Monroe County was rejected for failing to comply with Commission caseload standards.

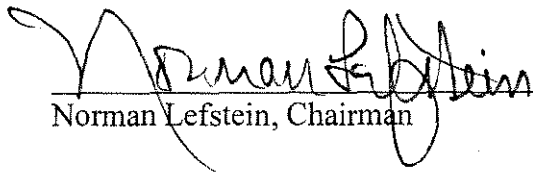
All noncapital claims were then suspended, pending the next deposit into the Public Defense Fund on June 30, 2002. These claims and subsequent noncapital claims this fiscal year will be subject to proration.

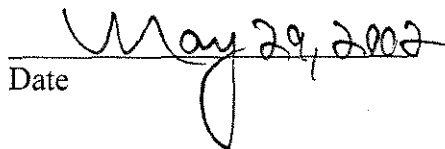
6. Next, a discussion was had regarding the adoption of a new guideline. This guideline would establish deadlines for the submission of noncapital claims. The Commission reviewed the proposal and made two changes. First, the deadline will be a fixed date, 45 days after each calendar quarter, and two the change will become effective immediately. The guideline provides:

In order to be eligible for reimbursement, claims in **noncapital** cases must be submitted to the Commission not later than **forty-five (45)** days after the end of the calendar quarter in which they were incurred. For example, **eligible expenses incurred between January 1, 2002 and March 31, 2002, must be submitted to the Commission by May 15, 2002.**

This change will result in all counties sharing in the burden of proration resulting from insufficient funding. The new guideline was adopted 5-1, with member Bettye Lou Jerrel voting nay. Staff will notify counties of this change.

7. 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.
8. The next meeting of the Commission is set for Wednesday, May 29, 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

INDIANA PUBLIC DEFENDER COMMISSION MINUTES

May 29, 2002

At 3:12 p.m., Chairman Lefstein determined that a quorum was present and called the meeting to order. Present were Commission members Susan Carpenter, Judge Daniel Donahue, Representative Ralph Foley, Bettye Lou Jerrel, Senator Timothy Lanane, and Rebecca McClure. Joining the meeting soon after its start were Senator Richard Bray and Representative Greg Porter. Also present were Larry Landis and Tom Carusillo.

1. Minutes from the February 27, 2002, meeting were reviewed and approved.
2. Staff reported the results of a survey of public defender compensation. Follow up with counties not responding to the survey was suggested. Meetings in Knox and Pike Counties were reported. Finally, attendance at the Judicial College Death Penalty Seminar was reviewed.
3. The Commission approved reimbursements in capital cases as follows:

COUNTY	DEFENDANT	TOTAL
Greene	Leone	\$6,688.10
Knox	Whipps	\$5,713.17
Marion	Barker	\$6,326.86
	Barker II	\$9,547.44
	Jones	\$14,439.44
	Powell	\$0.00
	Ritchie	\$7,431.21
	Shannon	\$7,049.60
Porter	Slater	\$39,062.83
Spencer	Ward	\$23,579.80
TOTAL		\$119,838.45

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

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUST	ADJUST'D EXPEND.	40% REIMB.
ADAMS	01/01/02-03/31/02	\$24,247.64	\$0.00	\$24,247.64	\$9,699.06
BENTON	11/09/01-05/15/02	\$24,481.36	\$2,053.74	\$22,427.62	\$8,971.05
BLACKFORD	03/01/02-04/30/02	\$5,352.50	\$0.00	\$5,352.50	\$2,141.00
CARROLL	01/01/02-03/31/02	\$15,849.97	\$0.00	\$15,849.97	\$6,339.99
CLARK	01/01/02-03/31/02	\$91,941.58	\$1,838.83	\$90,102.75	\$36,041.10
DECATUR	01/01/02-03/31/02	\$25,168.00	\$23,898.92	\$1,269.08	\$507.63
FAYETTE	12/01/01-03/26/02	\$93,210.99	\$0.00	\$93,210.99	\$37,284.40
FLOYD	01/01/02-03/31/02	\$145,260.41	\$0.00	\$145,260.41	\$58,104.16

FOUNTAIN	01/01/02-03/31/02	\$10,968.60	\$2,961.52	\$8,007.08	\$3,202.83
FULTON	01/01/02-03/30/02	\$22,723.58	\$0.00	\$22,723.58	\$9,089.43
GREENE	01/01/02-03/31/02	\$42,390.03	\$0.00	\$42,390.03	\$16,956.01
HANCOCK	01/01/02-03/31/02	\$33,970.92	\$0.00	\$33,970.92	\$13,588.37
HENRY	02/07/02-03/31/02	\$42,245.10	\$0.00	\$42,245.10	\$16,898.04
JASPER	10/11/01-05/13/02	\$90,271.46	\$26,178.72	\$64,092.74	\$25,637.10
JENNINGS	01/01/02-03/31/02	\$12,010.80	\$177.50	\$11,833.30	\$4,733.32
KNOX	01/01/02-03/30/02	\$70,624.41	-\$1,114.40	\$71,738.81	\$28,695.52
KOSCIUSKO	09/01/00-03/31/02	\$273,604.86	\$0.00	\$273,604.86	\$109,441.94
LAKE	01/01/02-03/30/02	\$577,835.38	\$0.00	\$577,835.38	\$231,134.15
LAPORTE	01/01/02-03/31/02	\$88,088.79	\$0.00	\$88,088.79	\$35,235.52
MADISON	10/01/01-03/31/02	\$670,237.23	\$0.00	\$670,237.23	\$268,094.89
MARION	01/01/02-03/31/02	\$1,333,148.77	\$0.00	\$1,333,148.77	\$533,259.51
MIAMI	01/01/02-03/31/02	\$66,837.08	\$3,676.04	\$63,161.04	\$25,264.42
MONROE	10/01/01-03/31/02	\$205,810.64	\$0.00	\$205,810.64	\$82,324.26
MONTGOMERY	07/01/01-03/31/02	\$115,213.12	\$0.00	\$115,213.12	\$46,085.25
NOBLE	01/01/02-03/31/02	\$66,833.65	\$7,351.70	\$59,481.95	\$23,792.78
OHIO	01/01/02-03/31/02	\$11,837.22	\$2,401.25	\$9,435.97	\$3,774.39
ORANGE	07/01/01-03/31/02	\$58,195.52	\$1,835.02	\$56,360.50	\$22,544.20
PARKE	01/01/02-03/31/02	\$15,420.92	\$0.00	\$15,420.92	\$6,168.37
PERRY	03/04/02-05/06/02	\$15,983.14	\$0.00	\$15,983.14	\$6,393.26
PIKE	01/25/02-03/31/02	\$17,917.12	\$5,285.00	\$12,632.12	\$5,052.85
PULASKI	01/01/02-03/31/02	\$25,903.77	\$4,218.61	\$21,685.16	\$8,674.06
RUSH	01/01/02-03/31/02	\$32,462.46	\$6,139.98	\$26,322.48	\$10,528.99
SCOTT	02/07/02-05/06/02	\$44,017.56	\$15,846.32	\$28,171.24	\$11,268.50
SHELBY	02/01/02-04/30/02	\$55,542.44	\$0.00	\$55,542.44	\$22,216.98
SPENCER	01/03/02-04/16/02	\$12,208.15	\$0.00	\$12,208.15	\$4,883.26
STEBEN	01/01/02-03/31/02	\$55,063.96	\$13,215.35	\$41,848.61	\$16,739.44
SULLIVAN	01/23/02-04/22/02	\$9,675.00	\$0.00	\$9,675.00	\$3,870.00
SWITZERLAND	01/01/02-03/31/02	\$24,285.16	\$7,961.72	\$16,323.44	\$6,529.38
VANDEBURGH	10/01/01-03/31/02	\$567,085.80	\$0.00	\$567,085.80	\$226,834.32
VERMILLION	01/01/02-03/31/02	\$21,210.68	\$0.00	\$21,210.68	\$8,484.27
VIGO	01/01/02-03/31/02	\$220,023.07	\$33,003.46	\$187,019.61	\$74,807.84
WARREN	01/01/02-04/30/02	\$3,182.06	\$0.00	\$3,182.06	\$1,272.82
WASHINGTON	01/01/02-03/31/02	\$40,394.59	\$7,674.97	\$32,719.62	\$13,087.85
WHITE	01/01/02-03/31/02	\$13,773.63	\$0.00	\$13,773.63	\$5,509.45
WHITLEY	07/01/01-03/31/02	\$104,251.59	\$68,109.38	\$36,142.21	\$14,456.88
TOTAL		\$5,496,760.71	\$232,713.63	\$5,264,047.08	\$2,105,618.84

Judge Donahue abstained from consideration of the claim from Clark County. All noncapital claims were then suspended, pending the next deposit into the Public Defense Fund on June 30, 2002. These claims and those from February 27, 2002 will be subject to proration.

5. Next, a discussion was had regarding the Commission's position regarding inquiries from counties seeking approval of comprehensive plans. It was concluded that the Commission had no authority to refuse to consider submitted plans. This led to a discussion of Commission strategy regarding the next biennium budget. It was concluded that a formal budget letter should be produced noting the benefits that have accrued from the Fund to date. Staff anticipated that the current budget of \$7.0 million would only meet the demands of existing counties. It was suggested that the new budget seek \$8.9 and \$11.4 million over the biennium to cover continued growth through the inclusion of all ninety-two counties. New counties seeking inclusion in the reimbursement program need to be apprised that 40% reimbursement may not occur due to increased claims against the Fund.

6. The Commission next reviewed the proration of suspended claims. Proration was approved as set forth below:

COUNTY	PRO RATA SHARE	COUNTY	PRO RATA SHARE
ADAMS	\$11,420.75	NOBLE	\$21,341.94
BENTON	\$3,106.40	OHIO	\$1,239.98
BLACKFORD	\$0.00	ORANGE	\$11,664.53
CARROLL	\$9,211.31	PARKE	\$2,573.54
CLARK	\$17,882.00	PERRY	\$5,752.18
DECATUR	\$1,329.67	PIKE	\$14,457.12
FAYETTE	\$19,267.04	PULASKI	\$7,130.85
FLOYD	\$32,973.40	RUSH	\$8,278.98
FOUNTAIN	\$9,190.30	SCOTT	\$8,010.49
FULTON	\$6,983.70	SHELBY	\$12,339.12
GREENE	\$6,732.86	SPENCER	\$2,035.09
HANCOCK	\$9,332.69	STEUBEN	\$16,860.99
HENRY	\$13,492.00	SULLIVAN	\$1,518.70
JASPER	\$13,264.82	SWITZERLAND	\$0.00
JENNINGS	\$6,701.14	UNION	\$87.61
KNOX	\$17,117.28	VANDERBURGH	\$117,365.71
KOSCIUSKO	\$56,626.05	VERMILLION	\$8,423.85
LAKE	\$150,849.82	VIGO	\$41,471.21
LAPORTE	\$17,728.64	WARREN	\$1,014.80
MADISON	\$107,944.45	WASHINGTON	\$8,269.19
MARION	\$360,363.77	WHITE	\$7,496.57
MIAMI	\$25,550.81	WHITLEY	\$3,014.80
MONROE	\$33,518.48		\$1,247,650.56
MONTGOMERY	\$16,715.92		

The Commission agreed counties should be notified of the increased budget, but that the addition of new counties could result in future proration. Counties will also

be reminded to urge their legislators to support increased funding for reimbursement so as to avoid proration in the future.

7. Finally, the Commission consider a request from Vanderburgh County regarding the addition of a juvenile PD and its impact on the county's support staffing. The Commission desired to encourage the county to bring its juvenile PD's into compliance. The Commission agreed that the county would be permitted to exceed staffing standards by 5% and still be considered to be compliant with Commission Standards. It was decided the county report within 9 months the status of its juvenile PD's and submit a plan to bring all juvenile PD's into compliance. This determination was reach with member Bettye Lou Jerrel abtaining.
8. The next meeting of the Commission is set for Wednesday, September 4, 2002, at 3:00 p.m. in National City Center, **South Tower, Room 1071**, 115 West Washington Street, , Indianapolis, Indiana.


Norman Lefstein, Chairman


Date

INDIANA PUBLIC DEFENDER COMMISSION MINUTES

September 4, 2002

At 3:08p.m., Chairman Lefstein determined that a quorum was present and called the meeting to order. Present were Commission members Susan Carpenter, Judge Daniel Donahue, Representative Ralph Foley, Bettye Lou Jerrel and Rebecca McClure. Senator Richard Bray joined the meeting soon after it started. Also, present were Gael Depert, from the Public Defender Council, and Tom Carusillo.

1. Minutes from the May 29, 2002 meeting were reviewed and approved.
2. Staff reported that he would be leaving as attorney for the Commission and taking on other duties in the Division of State Court Administration. The meeting with the JTAC and Computer Associates regarding the statewide case management system was also discussed.
3. Chairman Lefstein discussed the process for selecting a new staff attorney and indicated he would be speaking to Lilia Judson about the details. Members Susan Carpenter and Bettye Lou Jerrel volunteered to serve on a committee participating in the interview process.
4. Chairman Lefstein also discussed attendance at Commission meetings by members and noted that he may contact those not regularly attending to review their situation.
5. Next, Chairman Lefstein reported on the American Bar Association's effort to revise guidelines in death penalty cases. The proposed revisions would put more subjective analysis into the qualification of attorneys to handle death penalty cases. Chairman Lefstein suggested that the Commission may want to revisit Criminal Rule 24 and make recommendations for changes to the Supreme Court.
6. A brief discussion was then had regarding the annual report. A draft was circulated.
7. The next Commission meeting is scheduled for December 11, 2002 at 3:00 p.m. in Room 1071, South Tower, National City Center, 115 West Washington Street, Indianapolis, Indiana.
8. The Commission approved reimbursements in capital cases as follows:

COUNTY	DEFENDANT	TOTAL
Greene	Leone	\$341.25
Knox	Whipps	\$4,244.40
Lake	Britt	\$5,140.25
	Richeson	\$8,563.35
Marion	Shannon	\$15,825.60
Spencer	Ward	\$14,413.22
TOTAL		\$48,528.07

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

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUS'T	ADJUS'D EXPEND.	40% REIMB.
ADAMS	04/01/02-06/30/02	\$25,242.49	\$0.00	\$25,242.49	\$10,097.00
BENTON	05/15/02-08/07/02	\$9,878.42	\$480.00	\$9,398.42	\$3,759.37
BLACKFORD	05/01/02-07/31/02	\$9,219.50	\$809.92	\$8,409.58	\$3,363.83
CARROLL	04/01/02-06/30/02	\$24,329.27	\$0.00	\$24,329.27	\$9,731.71
CLARK	04/01/02-06/30/02	\$75,107.98	\$2,853.57	\$72,254.41	\$28,901.76
DECATUR	04/01/02-06/30/02	\$41,099.88	\$18,494.95	\$22,604.93	\$9,041.97
FAYETTE	04/01/02-06/25/02	\$68,364.69	\$0.00	\$68,364.69	\$27,345.88
FAYETTE	09/01/01-07/23/02	\$20,972.75	\$10,224.20	\$10,748.55	\$4,299.42
FLOYD	04/01/02-06/30/02	\$105,276.33	\$0.00	\$105,276.33	\$42,110.53
FOUNTAIN	04/01/02-06/30/02	\$17,741.97	\$3,725.81	\$14,016.16	\$5,606.46
FULTON	04/01/02-06/30/02	\$26,473.96	\$2,928.58	\$23,545.38	\$9,418.15
GREENE	04/01/02-06/30/02	\$46,241.42	\$540.00	\$45,701.42	\$18,280.57
HANCOCK	04/01/02-06/30/02	\$89,311.64	\$0.00	\$89,311.64	\$35,724.66
HENRY	04/01/02-06/30/02	\$92,918.87	\$0.00	\$92,918.87	\$37,167.55
JASPER	SEQ			\$0.00	\$0.00
JAY	05/01/01-03/31/02	\$133,203.01	\$104,284.12	\$28,918.89	\$11,567.56
JENNINGS	04/01/02-06/30/02	\$17,879.95	\$130.00	\$17,749.95	\$7,099.98
KNOX	04/01/02-06/30/02	\$61,117.75	\$0.00	\$61,117.75	\$24,447.10
KOSCIUSKO	04/01/02-06/30/02	\$48,083.13	\$0.00	\$48,083.13	\$19,233.25
LAKE	04/01/02-06/30/02	\$570,487.20	\$1,140.97	\$569,346.23	\$227,738.49
LAPORTE	04/01/02-06/30/02	\$88,902.22	\$0.00	\$88,902.22	\$35,560.89
MADISON	04/01/02-06/30/02	\$348,553.88	\$0.00	\$348,553.88	\$139,421.55
MARION	04/01/02-06/30/02	\$1,286,225.83	\$0.00	\$1,286,225.83	\$514,490.33
MIAMI	04/01/02-06/30/02	\$72,382.93	\$0.08	\$72,382.85	\$28,953.14
MONROE	04/01/02-06/02/02	\$159,886.00	\$0.00	\$159,886.00	\$63,954.40
MONTGOMERY	04/01/02-06/30/02	\$26,454.75	\$0.00	\$26,454.75	\$10,581.90
NOBLE	04/01/02-06/30/02	\$40,470.67	\$0.00	\$40,470.67	\$16,188.27
OHIO	04/01/02-06/30/02	\$8,532.36	\$0.00	\$8,532.36	\$3,412.94
ORANGE*	04/01/02-06/30/02	\$42,401.21	\$0.00	\$42,401.21	\$16,960.48
PARKE	04/01/02-06/30/02	\$12,034.33	\$0.00	\$12,034.33	\$4,813.73
PERRY	06/03/02-08/05/02	\$15,309.23	\$0.00	\$15,309.23	\$6,123.69
PIKE	04/01/02-06/30/02	\$36,347.67	\$10,374.34	\$25,973.33	\$10,389.33
PULASKI	04/01/02-06/30/02	\$26,362.73	\$9,687.22	\$16,675.51	\$6,670.20
RUSH	04/01/02-06/30/02	\$22,433.47	\$5,912.12	\$16,521.35	\$6,608.54
SCOTT	05/07/02-08/12/02	\$44,636.40	\$13,837.28	\$30,799.12	\$12,319.65
SHELBY	05/01/02-07/31/02	\$51,266.90	\$0.00	\$51,266.90	\$20,506.76
SPENCER	05/09/02-07/22/02	\$5,180.60	\$0.00	\$5,180.60	\$2,072.24
STEBEN	04/01/02-06/30/02	\$53,882.64	\$11,854.18	\$42,028.46	\$16,811.38
SULLIVAN	04/14/02-07/19/02	\$13,180.34	\$0.00	\$13,180.34	\$5,272.14
SWITZERLAND	04/01/02-06/30/02	\$18,478.54	\$9,266.27	\$9,212.27	\$3,684.91

VANDEBURGH	04/01/02-06/30/02	\$369,024.60	\$0.00	\$369,024.60	\$147,609.84
VERMILLION	04/01/02-06/30/02	\$17,668.34	\$0.00	\$17,668.34	\$7,067.34
VIGO	04/01/02-06/30/02	\$256,125.58	\$43,545.94	\$212,579.64	\$85,031.86
WASHINGTON	04/01/02-06/30/02	\$38,311.00	\$11,493.30	\$26,817.70	\$10,727.08
WHITE	04/01/02-07/31/02	\$9,759.28	\$0.00	\$9,759.28	\$3,903.71
WHITLEY	04/01/02-06/30/02	\$30,489.44	\$7,081.24	\$23,408.20	\$9,363.28
TOTAL		\$4,577,251.15	\$268,664.09	\$4,308,587.06	\$1,723,434.82

Judge Donahue abstained from consideration of the claim from Clark County. The claims from Fayette and Jay Counties were rejected to the extent they included claims prior to January 1, 2002. Since the rejected claims would have been subject to proration if they had been timely filed, the Commission felt the claim deadlines should be enforced as to claims prior to January 1, 2002. All counties will be reminded of the filing deadlines and of the possibility that late claims will be rejected. A discussion was also had regarding noncompliance in class D felony courts in Marion County. This situation will continue to be monitored.

10. The Commission then reviewed its standing policy of not counting judicial experience toward qualification of counsel to handle cases under the Commission's standards. The Commission determined to table the matter, with Judge Donahue volunteering to draft a proposed resolution.
11. Next, the Commission considered a request for guidance from Miami County concerning the public defender board hiring a former judge who had appointed two members to the board, and potential conflicts arising from the former judge appearing before a former colleague. While the Commission was troubled by the hiring of a former judge who appointed members to the public defender board, the Commission did not feel it was in a position to make a decision on the matter. It was noted that this presented issues of ethics for which the Commission could not issue a binding decision. It was suggested that perhaps the Indiana State Bar Association, the Supreme Court Disciplinary Commission or the Judicial Qualifications Commission might be better situated to provide guidance.
12. The Commission next reviewed a request to use experience as stand-by counsel to qualify for handling cases under the Commission's standards. The Commission concluded that such service should not be counted towards satisfying Commission standards.
13. The Commission then considered whether Marion County complied with Commission standards for purposes of authorizing a salaried capital public defender. The Commission concluded that for purposes of reimbursement of a salaried capital public defender, Marion County is sufficiently in compliance with its comprehensive plan. The Executive Director of State Court Administration will be notified of the Commission's determination.
14. The next matter taken up involved a guideline for counties phasing-in compliance. It was generally felt that a guideline was needed. The Commission then approved

the following guideline:

A. For purposes of authorizing reimbursement pursuant to I.C. 33-9-14-5, "compliance with the guidelines and standards set by the commission" shall be considered by the Commission to include counties that have submitted a comprehensive plan approved by the Commission and that are, at the time of the requested reimbursement, substantially in compliance with:

1. all Commission guidelines and standards, or,
2. the terms of a phase-in plan and all Commission guidelines and standards applicable to the terms of the phase-in plan.

Counties that qualify for reimbursement pursuant to subsection (2) above shall only be eligible for reimbursement of those indigent defense services provided under the terms of the phase-in plan. No reimbursement will be approved for those indigent defense services that are not substantially in compliance with the terms of the phase-in plan.

B. For purposes of this guideline, "phase-in plan" means a comprehensive plan that proposes compliance with Commission guidelines and standards over a period of time rather than full compliance as of the time the comprehensive plan is approved. The "phase-in plan" shall specifically describe and designate:

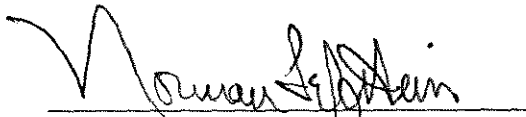
1. those indigent defense services or courts that will be phased-in, and,
2. the time frame in which the phase-in of specific indigent defense services or courts will be achieved, including intermediate steps toward achieving compliance.

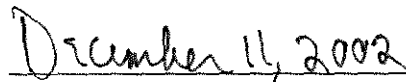
The period of time for the phase-in of indigent defense services or courts will be established by the Commission in consultation with the applying County, but normally the phase-in period will not be permitted to exceed five years.

C. Failure of a County to abide by the terms of a "phase-in plan" may result in the disapproval of all claims for reimbursement of defense services in noncapital cases submitted by the county. A county that is found to not be in compliance with the terms of its "phase-in plan" shall be required to comply with its original time frame, as set forth in its original "phase-in plan", or such amended "phase-in plan" as the Commission may approve, in order to regain eligibility for reimbursement.

15. The Commission then discussed and confirmed its policy that reimbursement of appellate transcripts in death penalty cases be limited to counties that have an approved appellate provision in their comprehensive plan.

16. Finally, the Commission tabled the issue of using prior experience as a prosecutor to qualify an attorney under Criminal Rule 24.


Norman Lefstein, Chairman


Date

INDIANA PUBLIC DEFENDER COMMISSION MINUTES

December 11, 2002

At 3:25 p.m., Chairman Lefstein determined that a quorum was not present. Present were Commission members Representative Ralph Foley, Monica Foster, Bettye Lou Jerrel and Senator Tim Lanane. Les Duvall joined the meeting at 3:28 p.m., establishing a quorum. Also, present were Larry Landis, from the Public Defender Council, and Tom Carusillo.

1. Minutes from the September 4, 2002 meeting were reviewed and approved.
2. Chairman Lefstein then discussed the interviews conducted for a new staff attorney. The Commission concluded it would look for additional candidates. The Division of State Court Administration will run an advertisement.
3. Tom Carusillo reported that Lawrence and Morgan Counties had made inquiries about participating in the program. It was also noted that Orange County was considering changing from a case-by-case assignment system to a contract system.
4. Chairman Lefstein next discussed future projects for the Commission. These included preparing reports on the status of how indigent defense services are actually being handled in participating counties, a review of the Commission's non-capital standards and a review of Criminal Rule 24 in light of the soon to be adopted new ABA standards.

It was suggested that Criminal Rule 24 standards might not be working as effectively as thought by the Supreme Court

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

COUNTY	DEFENDANT	TOTAL
Greene	Leone	\$2,063.75
Knox	Whipps	\$4,899.38
Lake	Britt	\$8,147.00
	Richeson	\$7,017.50
Marion	Adams	\$66,035.69
	Ritchie	\$2,686.25
	Shannon	\$30,388.78
	Thompson	\$3,348.00
Spencer	Ward	\$51,101.33
Vanderburgh	McManus	\$2,407.50
TOTAL		\$178,095.18

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

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUST	ADJUST'D EXPEND.	40% REIMB.
ADAMS	07/01/02-09/30/02	\$29,043.62	\$1,173.42	\$27,870.20	\$11,148.08
BENTON	08/06/02-11/08/02	\$11,332.03	\$0.00	\$11,332.03	\$4,532.81
BLACKFORD	09/01/02-11/12/02	\$9,275.06	\$0.00	\$9,275.06	\$3,710.02
CARROLL	07/01/02-09/30/02	\$14,138.78	\$0.00	\$14,138.78	\$5,655.51
CLARK	07/01/02-09/30/02	\$92,508.00	\$0.00	\$92,508.00	\$37,003.20
DECATUR	07/01/02-09/30/02	\$34,979.88	\$15,391.15	\$19,588.73	\$7,835.49
FAYETTE	07/09/02-09/24/02	\$30,935.80	\$0.00	\$30,935.80	\$12,374.32
FLOYD	07/01/02-09/30/02	\$89,646.56	\$0.00	\$89,646.56	\$35,858.62
FOUNTAIN	07/01/02-09/30/02	\$14,945.11	\$3,885.73	\$11,059.38	\$4,423.75
FULTON	07/01/02-09/30/02	\$20,691.67	\$0.00	\$20,691.67	\$8,276.67
GREENE	07/01/02-09/30/02	\$47,914.14	\$0.00	\$47,914.14	\$19,165.66
HANCOCK	07/01/02-09/30/02	\$92,479.26	\$0.00	\$92,479.26	\$36,991.70
HENRY	07/01/02-09/30/02	\$92,826.46	\$603.40	\$92,223.06	\$36,889.22
JASPER	05/14/02-09/30/02	\$40,912.32	\$14,728.44	\$26,183.88	\$10,473.55
JAY	04/01/02-06/30/02	\$32,020.61	\$5,866.53	\$26,154.08	\$10,461.63
JAY	07/01/02-09/30/02	\$39,510.50	\$4,751.33	\$34,759.17	\$13,903.67
JENNINGS	07/01/02-09/30/02	\$17,749.95	\$0.00	\$17,749.95	\$7,099.98
KNOX	07/01/02-09/30/02	\$63,074.15	\$1,820.45	\$61,253.70	\$24,501.48
KOSCIUSKO	07/01/02-09/30/02	\$47,526.50	\$0.00	\$47,526.50	\$19,010.60
LAKE	07/01/02-09/30/02	\$664,267.46	\$0.00	\$664,267.46	\$265,706.98
LAPORTE	07/01/02-09/30/02	\$87,638.67	\$0.00	\$87,638.67	\$35,055.47
MADISON	07/01/02-09/30/02	\$372,916.13	\$0.00	\$372,916.13	\$149,166.45
MARION	07/01/02-09/30/02	\$1,464,694.18	\$0.00	\$1,464,694.18	\$585,877.67
MIAMI	07/01/02-09/30/02	\$80,354.40	\$0.00	\$80,354.40	\$32,141.76
MONROE	07/01/02-09/30/02	\$140,324.00	\$0.00	\$140,324.00	\$56,129.60
MONTGOMERY	07/01/02-09/30/02	\$39,102.96	\$39,102.96	\$0.00	\$0.00
NOBLE	07/01/02-09/30/02	\$47,736.44	\$0.00	\$47,736.44	\$19,094.58
OHIO	07/02/02-09/30/02	\$5,197.50	\$0.00	\$5,197.50	\$2,079.00
ORANGE	07/01/02-09/30/02	\$14,839.47	\$686.95	\$14,152.52	\$5,661.01
PARKE	07/01/02-09/30/02	\$13,049.63	\$0.00	\$13,049.63	\$5,219.85
PERRY	09/01/02-11/04/02	\$27,732.99	\$607.97	\$27,125.02	\$10,850.01
PULASKI	07/01/02-09/30/02	\$31,378.12	\$7,224.44	\$24,153.68	\$9,661.47
RUSH	07/01/02-09/30/02	\$33,622.66	\$11,196.35	\$22,426.31	\$8,970.52
SCOTT	08/13/02-11/11/02	\$44,636.40	\$12,944.56	\$31,691.84	\$12,676.74
SHELBY	08/01/02-10/31/02	\$50,661.50	\$0.00	\$50,661.50	\$20,264.60
SPENCER	08/06/02-10/22/02	\$11,124.30	\$0.00	\$11,124.30	\$4,449.72
STEUBEN	07/01/02-09/30/02	\$52,013.46	\$10,922.83	\$41,090.63	\$16,436.25
SULLIVAN	07/20/02-10/22/02	\$15,490.60	\$0.00	\$15,490.60	\$6,196.24
SWITZERLAND	07/01/02-09/30/02	\$15,973.28	\$18.00	\$15,955.28	\$6,382.11
UNION*	01/01/02-08/30/02	\$6,473.90	\$0.00	\$6,473.90	\$2,589.56

VANDERBURGH	07/01/02-09/30/02	\$310,725.27	\$0.00	\$310,725.27	\$124,290.11
VERMILLION	07/01/02-09/30/02	\$12,076.24	\$0.00	\$12,076.24	\$4,830.50
VIGO	07/01/02-09/30/02	\$254,703.75	\$33,111.49	\$221,592.26	\$88,636.90
WASHINGTON	07/01/02-09/30/02	\$35,167.93	\$7,385.27	\$27,782.66	\$11,113.06
WHITE	07/01/02-09/30/02	\$10,919.12	\$0.00	\$10,919.12	\$4,367.65
TOTAL		\$4,664,330.76	\$171,421.27	\$4,492,909.49	\$1,797,163.77

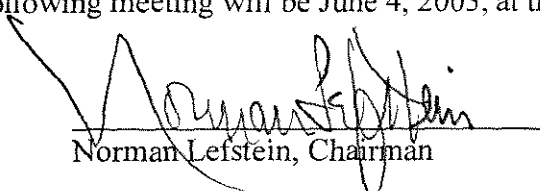
The claim from Montgomery County was tabled to give the County the opportunity to correct possible errors in caseload numbers. It was also suggested that a standard reporting form be developed to make the numbers more usable.

7. The Commission then discussed a draft of the annual report. It was determined that in addition to the normal recipients; the Commission should send the report to all members of the General Assembly.
8. The issue of caseload standards in juvenile cases was the next topic discussed. Larry Landis reported that his survey and research revealed unreliable data. The consensus, however, was that the caseloads for JD cases was probably too low. On the other hand, the caseloads for CHINS and JT cases were determined to be too high. Mr. Landis suggested that the Commission raise the JD standard to 300. Without any data, Chairman Lefstein questioned if this was the correct number. Mr. Landis reported that the current 200 case standard is generally acceptable to the public defender community, but that it is unworkable in Marion County.

This discussion lead to a consideration of the Commission's phase-in policy and just when Marion County would be required to comply with juvenile caseload standards. Chairman Lefstein suggested that a dialogue needed to be opened between the Commission and Marion County so that progress on this issue could occur.

9. The Commission next considered the issue of substituting judicial experience for actual practice in determining eligibility to handle cases. Chairman Lefstein professed his concern regarding establishing an objective standard that did not permit a review of each applicant. Rep. Foley felt that any standard should be flexible so that the particular circumstances presented could be weighed. Mr. Duvall and Ms. Foster echoed this sentiment. The Commission decided to table the proposed objective standard and to redraft a more subjective standard taking into account the totality of the applicant's judicial experience.

The Commission scheduled its next two meeting. The Commission will next meet on February 26, 2003, at 3:00 p.m. in Room 1071, South Tower, National City Center, Indianapolis, Indiana. The following meeting will be June 4, 2003, at the same time and place.



 Norman Lefstein, Chairman

 Date