

INDIANA PUBLIC DEFENDER COMMISSION MINUTES

February 26, 2003

At 3:10 p.m., Chairman Lefstein determined that a quorum was not present and called for a discussion of items on the agenda. It was determined that those present would make recommendations for action subject to ratification by a majority of the Commission. Present were Commission members Les Duvall and Rebecca McClure. Participating by telephone conference call were the Hon. Daniel F. Donahue and Betty Lou Jerrell. Also, present were Larry Landis, from the Public Defender Council, and Tom Carusillo.

1. Minutes from the December 11, 2002 meeting were reviewed and recommended for approval.
2. Staff reported on the status of the budget and on continued inquiry from counties seeking to participate in reimbursement. Larry Landis noted that efforts had been undertaken to find alternative revenue sources, through court filing fees, to increase the Fund's budget. Ms. Jerrell questioned the use of Supplemental Public Defense Fund monies. No hard data on the amounts in the funds was available. Chairman Lefstein then discussed the interview process for a new staff attorney. He hopes that candidates for interviews can be selected this month, and interviews completed by the end of March. Chairman Lefstein also requested that a copy of the annual report and the most recent budget memo be included on the Commission website.
3. The Commission members participating recommended approval of reimbursements in capital cases as follows:

COUNTY	DEFENDANT	TOTAL
Allen	Paker	\$19,670.48
Lake	Britt	\$4,970.50
Marion	Barker	\$3,634.00
	Davis	\$0.00
	Moore	\$40.73
	Ritchie	\$543.17
	Shannon	\$38,934.33
	Shannon	\$9,459.65
Spencer	Ward	\$26,617.51
Vanderburgh	McManus	\$11,970.33
TOTAL		\$115,840.70

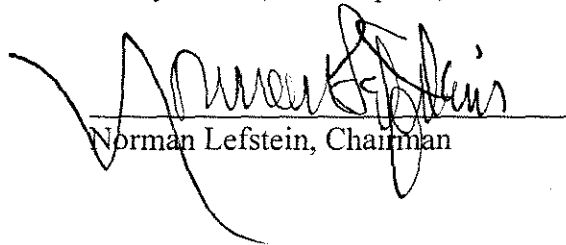
4. The Commission members participating recommended approval of reimbursements in non-capital cases as follows:

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUS'T	ADJUS'D EXPEND.	40% REIMB.
ADAMS	10/01/02-12/31/02	\$26,449.13	\$0.00	\$26,449.13	\$10,579.65
BENTON	11/08/02-02/10/03	\$12,131.06	\$60.00	\$12,071.06	\$4,828.42
BLACKFORD	11/01/01-01/06/03	\$6,339.00	\$0.00	\$6,339.00	\$2,535.60
CARROLL	10/01/02-12/31/02	\$15,564.54	\$0.00	\$15,564.54	\$6,225.82
CLARK	10/01/02-12/31/02	\$88,482.66	\$1,769.65	\$86,713.01	\$34,685.20
DECATUR	10/01/02-12/31/02	\$26,960.85	\$12,941.21	\$14,019.64	\$5,607.86
FAYETTE	10/08/02-12/23/02	\$42,866.18	\$0.00	\$42,866.18	\$17,146.47
FLOYD	10/01/02-12/31/02	\$94,765.37	\$0.00	\$94,765.37	\$37,906.15
FOUNTAIN	10/01/02-12/31/02	\$23,259.13	\$0.00	\$23,259.13	\$9,303.65
FULTON	10/01/02-12/31/02	\$32,034.33	\$0.00	\$32,034.33	\$12,813.73
GREENE	10/01/02-12/31/02	\$62,763.55	\$0.00	\$62,763.55	\$25,105.42
HANCOCK	10/01/02-12/31/02	\$103,445.92	\$0.00	\$103,445.92	\$41,378.37
HENRY	10/01/02-12/31/02	\$58,451.32	\$0.00	\$58,451.32	\$23,380.53
JASPER	10/01/02-12/31/02	\$41,674.99	\$10,418.75	\$31,256.24	\$12,502.50
JAY	10/01/02-12/31/02	\$60,317.63	\$5,237.75	\$55,079.88	\$22,031.95
JENNINGS	10/01/02-12/31/02	\$19,669.48	\$270.00	\$19,399.48	\$7,759.79
KOSCIUSKO	10/01/02-12/31/02	\$47,722.54	\$0.00	\$47,722.54	\$19,089.02
LAKE	10/01/02-12/31/02	\$666,371.35	\$0.00	\$666,371.35	\$266,548.54
LAPORTE	10/01/02-12/31/02	\$87,638.67	\$0.00	\$87,638.67	\$35,055.47
MADISON	10/01/02-12/31/02	\$318,277.92	\$19,827.15	\$298,450.77	\$119,380.31
MARION	10/01/02-12/31/02	\$1,360,098.77	\$17,844.99	\$1,342,253.78	\$536,901.51
MIAMI	10/01/02-12/31/02	\$81,190.55	\$1,205.00	\$79,985.55	\$31,994.22
MONROE	10/01/02-12/31/02	\$183,705.00	\$0.00	\$183,705.00	\$73,482.00
MONTGOMERY	10/01/02-12/31/02	\$42,014.16	\$0.00	\$42,014.16	\$16,805.66
NOBLE	10/01/02-12/31/02	\$104,933.86	\$0.06	\$104,933.80	\$41,973.52
OHIO	10/01/02-12/31/02	\$8,967.50	\$2,131.50	\$6,836.00	\$2,734.40
ORANGE	10/01/02-12/31/02	\$30,953.76	\$0.00	\$30,953.76	\$12,381.50
PARKE	10/01/02-12/31/02	\$23,831.84	\$0.00	\$23,831.84	\$9,532.74
PERRY	12/02/02-02/03/03	\$47,161.80	\$0.00	\$47,161.80	\$18,864.72
PIKE	10/01/02-12/31/02	\$118,432.14	\$19,431.21	\$99,000.93	\$39,600.37
PULASKI	10/01/02-12/31/02	\$25,649.91	\$6,431.82	\$19,218.09	\$7,687.24
RUSH	10/01/02-12/31/02	\$21,597.69	\$5,128.27	\$16,469.42	\$6,587.77
SCOTT	11/12/02-12/31/02	\$26,400.00	\$4,752.00	\$21,648.00	\$8,659.20
SHELBY	11/01/02-12/31/02	\$43,756.55	\$0.00	\$43,756.55	\$17,502.62
SPENCER	11/06/02-01/27/03	\$17,851.10	\$0.00	\$17,851.10	\$7,140.44
STEUBEN	10/01/02-12/31/02	\$64,192.48	\$15,406.20	\$48,786.28	\$19,514.51
SULLIVAN	10/23/02-01/21/03	\$13,811.30	\$234.00	\$13,577.30	\$5,430.92
SWITZERLAND	10/01/02-12/31/02	\$22,247.67	\$3,650.55	\$18,597.12	\$7,438.85
VANDEBURGH	10/01/02-12/31/02	\$405,998.12	\$0.00	\$405,998.12	\$162,399.25
VERMILLION	10/01/02-12/31/02	\$13,028.95	\$0.00	\$13,028.95	\$5,211.58
VIGO	10/01/02-12/31/02	\$239,388.99	\$31,120.57	\$208,268.42	\$83,307.37
WARREN	10/01/02-12/31/02	\$2,129.00	\$0.00	\$2,129.00	\$851.60
WASHINGTON	10/01/02-12/31/02	\$38,260.47	\$4,591.26	\$33,669.21	\$13,467.68
WHITE	10/01/02-12/31/02	\$18,579.27	\$0.00	\$18,579.27	\$7,431.71
TOTAL		\$4,789,366.50	\$162,451.94	\$4,626,914.56	\$1,850,765.83

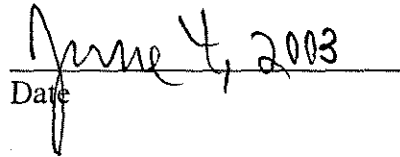
Hon Daniel F. Donahue abstained from consideration of the Clark County claim.

5. The participating members then considered and recommended rejection of a request to reimburse counties for indigent defense services in misdemeanor cases where the defendant received an enhanced sentence as a habitual substance offender. It was noted that the Fund statute specifically excludes misdemeanors from reimbursement.
6. Next, approval of an appellate seminar entitled *Appellate Practice: A Masters Level Course* was considered. Those participating recommended its approval. Downloadable material entitled *Appellate Practice* was not recommended for approval.
7. Finally, a discussion was held about the need for Marion County to achieve compliance in its juvenile court division. Chairman Lefstein sought authority to send Marion County Public Defender David Cook a letter stressing the need for the County to develop a plan and timetable for bringing the juvenile public defenders into compliance.

The Commission's next scheduled meeting is June 4, 2003, at 3:00 p.m. in Room 1071, South Tower, National City Center, Indianapolis, Indiana.



Norman Lefstein, Chairman



Date

**INDIANA PUBLIC DEFENDER COMMISSION MEETING
MINUTES**

June 4, 2003

The meeting commenced at approximately 3:00 p.m. Present were: Chairman Norman Lefstein, Commission members Bettye Lou Jerrel, Judge Daniel Donahue, Sen. Timothy Lanane, Monica Foster, Les Duvall, Rep. Ralph Foley, and Sen. Richard Bray. Also in attendance were Larry Landis of the Indiana Public Defender Council, and Tom Carusillo and Neal Bowling, attorneys with the Office of State Court Administration.

1. Minutes from the February 26, 2003, meeting were reviewed and recommended for approval.
2. Chairman Lefstein discussed the need to update the Commission web site to reflect changes in staff. He also suggested the possibility of posting the minutes of all Commission meetings, as well as the Commission's annual report, on the web site.
3. Chairman Lefstein noted that Commissioner Rebecca McClure's term has expired, and requested that Neal Bowling confer with Lilia Judson, Executive Director of State Court Administration, about recommending that Chief Justice Randall Shepard reappoint her.
4. Chairman Lefstein proposed dates for the next two Commission meetings, for September 4, 2003, and December 4, 2003.
5. The claims for reimbursements from the various counties were addressed. It was agreed that there was no dispute as to the validity of the claims. The Commission voted to reimburse the counties for expenses in capital cases at the full rate of 50%. The approved capital claims were:

COUNTY	DEFENDANT	TOTAL
Allen	Parker	\$3,078.57
Knox	Whipps	\$685.74
Lake	Britt	\$4,901.40
Marion	Adams	\$1,914.75
	Covington	\$7,140.38
	Ritchie	\$9,710.50
	Shannon	\$27,620.81
Spencer	Ward	\$15,512.57
Vanderburgh	McManus	\$776.38
TOTAL		\$71,341.10

6. The Commission then addressed the claims for reimbursement in noncapital cases. For the second quarter of 2003, these claims totaled \$1,848,345. However, the Public Defender Fund contained only \$1,261,597. The Fund was scheduled to receive its next allocation from the State of Indiana on July 1, 2003, in the amount of \$3,500,000. Tom Carusillo took the position that the noncapital claims currently before the Commission could not be paid from the amount to be deposited into the Fund on July 1, 2003, as that allocation was earmarked for reimbursement requests accumulated by the Commission during the second half of 2003. Mr. Carusillo asserted that the noncapital claims currently before the Commission should be paid on a prorated basis. Larry Landis took a different position, and argued that the statute governing reimbursement, I.C. 33-9-14-6, permitted the Commission to suspend all current noncapital claims, and pay them in full on July 1, 2003.

Judge Donahue then moved that all noncapital claims be suspended and paid then paid in full on July 1, 2003, when the Fund was to receive its next disbursement. All Commissioners present, with the exception of Rebecca McClure, voted in the affirmative. Ms. McClure voted "no."

The noncapital claims at issue were:

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUST	ADJUS'D EXPEND.	40% REIMB.
ADAMS	01/01/03-03/31/03	\$23,176.08	\$3,939.93	\$19,236.15	\$7,694.46
CARROLL	01/01/03-03/31/03	\$26,943.20	\$0.00	\$26,943.20	\$10,777.28
CLARK	01/01/03-03/31/03	\$85,208.15	\$1,704.16	\$83,503.99	\$33,401.59
DECATUR	01/01/03-03/31/03	\$34,615.70	\$13,846.28	\$20,769.42	\$8,307.77
FAYETTE	01/01/03-03/31/03	\$119,728.10	\$0.00	\$119,728.10	\$47,891.24
FLOYD	01/01/03-03/31/03	\$55,236.43	\$0.00	\$55,236.43	\$22,094.57
FOUNTAIN	01/01/03-03/31/03	\$11,108.03	\$1,666.20	\$9,441.83	\$3,776.73
FULTON	01/01/03-03/31/03	\$24,022.00	\$0.00	\$24,022.00	\$9,608.80
GREENE	01/01/03-03/31/03	\$48,888.44	\$0.00	\$48,888.44	\$19,555.37
HANCOCK	01/01/03-03/31/03	\$46,842.59	\$0.00	\$46,842.59	\$18,737.04
HENRY	01/01/03-03/31/03	\$63,979.53	\$0.00	\$63,979.53	\$25,591.81
JASPER	01/01/03-03/31/03	\$22,555.32	\$0.00	\$22,555.32	\$9,022.13
JAY	01/01/03-03/31/03	\$41,383.84	\$6,571.97	\$34,811.87	\$13,924.75
JENNINGS	01/01/03-03/31/03	\$21,499.95	\$2,300.00	\$19,199.95	\$7,679.98
KNOX	10/01/02-12/31/02	\$65,513.12	\$1,066.00	\$64,447.12	\$25,778.85
KNOX	01/01/03-03/31/03	\$73,216.33	\$8,224.42	\$64,991.91	\$25,996.76
KOSCIUSKO	01/01/03-03/31/03	\$56,720.78	\$0.00	\$56,720.78	\$22,688.31
LAKE	01/01/03-03/31/03	\$587,991.15	\$0.00	\$587,991.15	\$235,196.46
LAPORTE	01/01/03-03/31/03	\$88,389.35	\$0.00	\$88,389.35	\$35,355.74
MADISON	01/01/03-03/31/03	\$391,782.37	\$0.00	\$391,782.37	\$156,712.95
MARION	01/01/03-03/31/03	\$1,500,704.13	\$0.00	\$1,500,704.13	\$600,281.65

MIAMI	01/01/03-03/31/03	\$59,465.31	\$235.00	\$59,230.31	\$23,692.00
MONROE	01/01/03-03/31/03	\$177,944.00	\$0.00	\$177,944.00	\$71,177.00
MONTGOMERY	01/01/03-03/31/03	\$18,486.74	\$0.00	\$18,486.74	\$7,394.00
NOBLE	01/01/03-03/31/03	\$51,038.82	\$0.00	\$51,038.82	\$20,415.00
OHIO	01/01/03-03/31/03	\$13,738.82	\$2,422.88	\$11,315.94	\$4,526.00
ORANGE	01/01/03-03/31/03	\$16,838.71	\$0.00	\$16,838.71	\$6,735.00
PARKE	01/01/03-03/31/03	\$18,952.26	\$0.00	\$18,952.26	\$7,580.00
PERRY	03/03/03-05/05/03	\$35,918.28	\$0.00	\$35,918.28	\$14,367.00
PIKE	01/01/03-03/31/03	\$10,091.08	\$1,987.82	\$8,103.26	\$3,241.00
PULASKI	01/01/03-03/31/03	\$30,550.84	\$3,588.63	\$26,962.21	\$10,784.00
RUSH	01/01/03-03/31/03	\$36,909.88	\$14,763.95	\$22,145.93	\$8,858.00
SCOTT	01/01/03-03/31/03	\$28,502.85	\$0.00	\$28,502.85	\$11,401.00
SHELBY	01/01/03-03/31/03	\$66,639.31	\$0.00	\$66,639.31	\$26,655.00
SPENCER	01/01/03-03/31/03	\$12,994.00	\$0.00	\$12,994.00	\$5,197.00
STEUBEN	01/01/03-03/31/03	\$57,820.11	\$11,564.02	\$46,256.09	\$18,502.00
SULLIVAN	12/16/02-04/09/03	\$13,841.75	\$0.00	\$13,841.75	\$5,536.00
SWITZERLAND	01/01/03-03/31/03	\$18,477.67	\$4,140.75	\$14,336.92	\$5,734.00
VANDERBURGH	01/01/03-03/31/03	\$341,182.25	\$0.00	\$341,182.25	\$136,472.00
VERMILLION	01/01/03-03/31/03	\$22,819.44	\$0.00	\$22,819.44	\$9,127.00
VIGO	01/01/03-03/31/03	\$242,356.14	\$36,353.42	\$206,002.72	\$82,401.00
WARREN	01/01/03-03/31/03	\$7,764.50	\$0.00	\$7,764.50	\$3,105.00
WASHINGTON	01/01/03-03/31/03	\$36,403.98	\$9,101.00	\$27,302.98	\$10,921.00
WHITLEY	01/01/03-03/31/03	\$41,493.04	\$5,394.10	\$36,098.94	\$14,439.00
TOTAL		\$4,749,734.37	\$128,870.53	\$4,620,863.84	\$1,848,345.00

7. It was agreed that, in December of 2003, it would probably be necessary to prorate noncapital claims. It was further agreed that the Commission should probably send out a letter to the counties participating in the Commission's reimbursement program, advising them that such proration was likely to be necessary.
8. Next, the Commission took up the issue of Marion County's struggle to achieve compliance with Commission standards with respect to its juvenile division. The Commission discussed Marion County Chief Public Defender Dave Cook's June 2, 2003, letter to the Commission outlining his proposals for revising juvenile court standards. Chairman Lefstein stated that he believed it necessary to arrange for a consultant to evaluate the Marion County Public Defender Agency's system of providing indigent defense to juvenile defendants, and to report back to the Commission on the state of such services.
9. The Commission then scheduled subsequent meetings for September 11, 2003, and December 11, 2003.

Norman Lefstein
Norman Lefstein, Chairman

October 14, 2003
Date

**INDIANA PUBLIC DEFENDER COMMISSION MEETING
MINUTES**

September 4, 2003

The meeting commenced at approximately 3:00 p.m. Present were: Chairman Norman Lefstein, Commission members Bettye Lou Jerrel, Sen. Timothy Lanane, Monica Foster, Rep. Ralph Foley, Rep. Greg Porter, Susan Carpenter, and Sen. Richard Bray. Also in attendance were Larry Landis of the Indiana Public Defender Council, and Neal Bowling, attorney with the Office of State Court Administration.

1. Minutes from the June 4, 2003, meeting were reviewed and recommended for approval.
2. The Commission addressed the issue, previously raised at the June 4, 2003, meeting, of whether the Commission should send a letter to Chief Justice Randall Shepard recommending that, in cases in which counsel is currently compensated at \$70 per hour, compensation be adjusted to match the rate at which more recently-assigned counsel are paid. Given that there is only one active death penalty case in which counsel is being compensated at \$70 per hour, the Commission decided against drafting such a letter.
3. The Commission approved reimbursement in capital cases in the following amounts:

COUNTY	DEFENDANT	TOTAL
Delaware	Verner	\$20,869
Lake	Britt	\$2,218.62
Marion	Barker	\$1,118.25
	Bomani	\$357.75
	Ritchie	\$3,605.50
	Shannon	\$5,201.50
Spencer	Ward	\$19,913.70
Vanderburgh	McManus	\$952.88
TOTAL		\$54,236.70

54,237.20

4. The Commission approved reimbursement for noncapital claims in the following amounts:

*Prorated
These Amounts
were not paid
see 12/1/03
minutes*

Indiana Public Defender Commission

Recommendations for Reimbursement in Non-capital Cases--September 4, 2003

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUS'T	ADJUS'D EXPEND.	40% REIME
ADAMS	04/01/03-06/30/03	\$31,079.84	\$3,147.17	\$27,932.67	\$11,173.0
BENTON	04/01/03-06/30/03	\$18,252.02	\$840.00	\$17,412.02	\$6,964.0
BLACKFORD	04/01/03-06/30/03	\$7,714.50	\$0.00	\$7,714.50	\$3,085.0
CARROLL	04/01/03-06/30/03	\$22,257.81	\$0.00	\$22,257.81	\$8,903.0
CLARK	04/01/03-06/30/03	\$36,744.62	\$881.87	\$35,862.75	\$14,345.0
DECATUR	04/01/03-06/30/03	\$29,770.33	\$14,885.17	\$14,885.16	\$5,954.0
FAYETTE	04/01/03-06/30/03	\$33,236.10	\$0.00	\$33,236.10	\$13,294.0
FLOYD	04/01/03-06/30/03	\$76,576.81	\$0.00	\$76,576.81	\$30,630.0
FOUNTAIN	04/01/03-06/30/03	\$17,868.53	\$0.00	\$17,868.53	\$7,147.0
FULTON	04/01/03-06/30/03	\$19,406.84	\$0.00	\$19,406.84	\$7,762.0
GREENE	04/01/03-06/30/03	\$62,270.51	\$0.00	\$62,270.51	\$24,908.0
HANCOCK	04/01/03-06/30/03	\$69,842.79	\$0.00	\$69,842.79	\$27,937.0
HENRY	04/01/03-06/30/03	\$63,588.12	-\$141.00	\$63,729.12	\$25,491.0
JASPER	04/01/03-06/30/03	\$31,052.46	\$8,384.16	\$22,668.30	\$9,067.0
JAY	04/01/03-06/30/03	\$39,534.36	\$8,978.15	\$30,556.21	\$12,222.0
JENNINGS	04/01/03-06/30/03	\$21,290.71	\$1,517.76	\$19,772.95	\$7,909.0
KNOX	04/01/03-06/30/03	\$103,375.82	\$3,363.51	\$100,012.31	\$40,004.0
KOSCIUSKO	04/01/03-06/30/03	\$61,752.77	\$0.00	\$61,752.77	\$24,701.0
LAKE	04/01/03-06/30/03	\$705,184.81	\$0.00	\$705,184.81	\$282,073.0
LAPORTE	04/01/03-06/30/04	\$88,388.55	\$0.00	\$88,388.55	\$35,355.0
MADISON	04/01/03-06/30/03	\$316,930.97	\$0.00	\$316,930.97	\$126,772.0
MARION	04/01/03-06/30/03	\$1,402,743.80	\$7,200.00	\$1,395,543.80	\$558,217.0
MARTIN	04/01/03-06/30/03	\$94,128.35	\$0.00	\$94,128.35	\$37,651.0
MIAMI	04/01/03-06/30/03	\$68,681.66	\$0.00	\$68,681.66	\$27,472.0
MONROE	04/01/03-06/30/03	\$173,982.00	\$0.00	\$173,982.00	\$69,592.0
MONTGOMERY	04/01/03-06/30/03	\$34,896.31	\$1,675.74	\$33,220.57	\$13,288.0
NOBLE	04/01/03-06/30/03	\$52,313.88	-\$91.00	\$52,404.88	\$20,961.0
OHIO	04/01/03-06/30/03	\$11,290.85	\$2,422.87	\$8,867.98	\$3,547.0
ORANGE	04/01/03-06/30/03	\$16,084.28	\$226.06	\$15,858.22	\$6,343.0
PARKE	04/01/03-06/30/03	\$18,226.28	\$0.00	\$18,226.28	\$7,290.0
PERRY	04/01/03-06/30/03	\$11,990.51	\$0.00	\$11,990.51	\$4,796.0
PIKE	04/01/03-06/30/03	\$96,662.87	\$16,105.91	\$80,556.96	\$32,222.0
PULASKI	04/01/03-06/30/03	\$29,296.60	\$5,826.32	\$23,470.28	\$9,388.0
RUSH	04/01/03-06/30/03	\$29,996.52	\$2,535.65	\$27,460.87	\$10,984.0
SCOTT	04/01/03-06/30/03	\$28,502.85	\$0.00	\$28,502.85	\$11,401.0
SHELBY	04/01/03-06/30/03	\$60,876.55	\$0.00	\$60,876.55	\$24,350.0
SPENCER	04/01/03-06/30/03	\$9,386.61	\$0.00	\$9,386.61	\$3,754.0

STEUBEN	04/01/03-06/30/03	\$73,089.59	\$17,809.35	\$55,280.24	\$22,112.
SULLIVAN	04/01/03-06/30/03	\$19,941.12	\$751.00	\$19,190.12	\$7,676.
SWITZERLAND	04/01/03-06/30/03	\$15,839.94	\$3,250.31	\$12,589.63	\$5,035.
VANDEBURGH	04/01/03-06/30/03	\$433,572.70	\$0.00	\$433,572.70	\$173,429.
VERMILLION	04/01/03-06/30/03	\$15,528.62	\$57.00	\$15,471.62	\$6,188.
VIGO	04/01/03-06/30/03	\$284,994.57	\$42,749.19	\$242,245.38	\$96,898.
WARREN	04/01/03-06/30/03	\$1,617.00	\$0.00	\$1,617.00	\$646.
WASHINGTON	04/01/03-06/30/03	\$42,066.60	\$7,151.32	\$34,915.28	\$13,966.
WHITE	04/01/03-06/30/03	\$17,816.25	\$0.00	\$17,816.25	\$7,126.
WHITLEY	04/01/03-06/30/03	\$34,236.11	\$9,141.04	\$25,095.07	\$10,038.
TOTAL		\$4,933,881.69	\$158,667.55	\$4,775,214.14	\$1,910,085.

ADJUSTMENTS

Adams	Nonreimbursable misdemeanor cases
Benton	Nonreimbursable cases
Clark	Nonreimbursable cases
Decatur	Nonreimbursable cases
Henry	Original claim did not include some reimbursable expenses
Jasper	Nonreimbursable cases
Jay	Nonreimbursable misdemeanor cases
	Nonreimbursable JC
	\$880; Court ordered
	psychiatric testimony and
	services \$1,370;
	Interpreter for sentencing
Jennings	\$50
	Nonreimbursable or non
Knox	documented charges
Marion	Nonreimbursable charges
Miami	Nonreimbursable charges
	Error in calculating
	reimbursable amount;
	nonreimbursable
Montgomery	misdemeanor cases
Noble	Arithmetic error
Ohio	Nonreimbursable misdemeanor cases
Orange	Nonreimbursable misdemeanor cases; arithmetic errors
Pike	Nonreimbursable misdemeanor cases
Pulaski	Nonreimbursable misdemeanor cases; interpreter used in court
Rush	Nonreimbursable misdemeanor cases
Steuben	Nonreimbursable misdemeanor cases
Switzerland	Nonreimbursable misdemeanor cases

Vermillion	Postsentencing expenses-\$57.00
Vigo	Nonreimbursable misdemeanor cases
Washington	Nonreimbursable misdemeanor cases
Whitley	Nonreimbursable misdemeanor cases

5. Chairman Lefstein noted that the total amount which the Commission had approved for reimbursement in noncapital cases, \$1,910,085.63, was in excess of the \$1,635,000 in the Public Defense Fund which was available to spend. He then pointed out that I.C. 33-9-14-6 requires that, when payment in full of requested noncapital reimbursements would reduce the Fund below \$250,000, the Commission must suspend payment of claims until the "next semiannual deposit" into the Public Defense Fund. It was pointed out that, in practice, there is no such thing as a "deposit" into the Fund, as the word "deposit" is ordinarily construed. Rather, there are two events during which the Fund receives money: a statutory "distribution" of \$1,200,000 on June 30 and December 31 of each year, and an allocation from the State budget of \$2,300,000 on July 1 and January 1 of each year. The fact that the Fund receives these two different types of cash infusions, and at different times, creates ambiguity as to how the Commission should interpret the statutory phrase "next semiannual deposit." The Commission discussed and debated this issue at great length before eventually deciding that payment of the noncapital claims from the fourth quarter of fiscal year 2002-2003 should be suspended, and that, furthermore, noncapital claims from the first quarter of fiscal year 2003-2004 would also need to be suspended. The Commission further agreed that the December 31, 2003, statutory distribution of \$1,200,000 should be treated as the "next semiannual deposit" for purposes of I.C. 33-9-14-6, and that the capital claims from both the fourth quarter of 2002-2003 and the first quarter of 2003-2004 would be prorated and paid at that time.

6. Chairman Lefstein stated that it would be necessary to draft and send a letter to the counties explaining the necessity of suspending payment of claims from the fourth quarter of fiscal year 2002-2003, and delegated this task to staff attorney Neal Bowling.

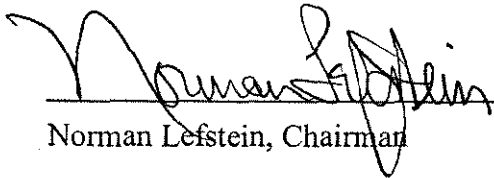
7. The Commission reviewed and discussed Allen County's proposed comprehensive plan for the provision of indigent defense. Chairman Lefstein pointed out that the plan contained language that was unacceptable; specifically, the Commission objected to language on page 6 of the proposed plan providing that:

"In order to achieve compliance with the caseload standards of the Public Defender Commission, the County will follow a five (5) year plan of phased-in compliance. The County will achieve full compliance with Commission Standard (sic) no later than the end of the fifth plan year."

Consequently, the Commission decided to table consideration of the plan until Allen County could provide clarification as to the meaning of such language with respect to Allen County's compliance with Commission standards.

8. The Commission reviewed and discussed the comprehensive plan and contract for legal services submitted by Wells County. The Commission agreed that the comprehensive plan complied with Commission standards, but that the contract for legal services did not. The Commission decided that it would draft a letter to Wells County to inform them of the problem with the contract and request that it be revised in order to comply with Commission standards.
9. The Commission addressed the request by Indiana attorney Joe Lewis that the Commission approve the educational programs completed by Ohio attorney David Stebbins as satisfying the educational requirements of Criminal Rule 24(B)(2)(c). The Commission reviewed Mr. Stebbins' completed coursework in capital defense, and concluded that such coursework did in fact satisfy the educational requirements of Criminal Rule 24.
10. The Commission addressed the late claims submitted by Martin County for the years 2000, 2001, and 2002. The Commission was uncertain as to whether it had previously announced a deadline by which claims from any given quarter must be submitted, and tabled further consideration of the late claims until it could be determined whether such a policy had ever been announced.
11. The Commission then addressed the American Bar Association's Guidelines for the Appointment and Performance of Defense Counsel in death Penalty Cases, especially as they compare with Indiana's Criminal Rule 24. Chairman Lefstein proposed that the Commission form a committee to study the ABA Guidelines further and report back to the full Commission as to what extent Indiana could or should adopt the Guidelines.
12. The Commission addressed the problem of inconsistency of reporting formats of the various counties. Specifically, the Commission agreed that counties that do not specify how much of the indigent defense expenditures were for nonreimbursable expenditures, such as expenditures for misdemeanor defense and representation in child custody cases, pose particularly cumbersome problems for the Commission in determining the appropriate amount to reimburse. Thus, the Commission concluded that it needs to develop a standard format for all counties to use in seeking reimbursement.
13. Finally, the Commission resolved that the language of I.C. 33-9-14-6 should be revised to better reflect the financial transactions that affect the Public Defense Fund. Specifically, Larry Landis circulated a draft of a revision of the statute that replaced the language "next semiannual deposit" with "next transfer of funds." The Commission agreed that this language would be an improvement, but that it

still did not deal with the problem of the odd timing of such transfers, i.e., the transfer of two blocks of funds within 24 hours of one another.


Norman Lefstein, Chairman

12 / 14 / 03
Date

RATIFIED BY COMMISSION POST-HOC
- SEPTEMBER 2003 - PHASE-IN
LANGUAGE REMOVED

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FACSIMILE TRANSMITTAL SHEET

TO: Neal Bowling FROM: Charles F. Leonard

COMPANY: DATE: September 8, 2003

FAX #: (317) 233-6586 TOTAL PAGES: 9

RE: Allen County Comprehensive Plan

NOTES / COMMENTS:

*Added to book
on minutes 3/20/06
by Deborah Neal
found in Allen County
Comph. Plan file*

If you do not receive all the pages of this document, or if the quality is inadequate, please call the author at 260-420-6000.

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**INDIANA PUBLIC DEFENDER COMMISSION MEETING
MINUTES**

December 11, 2003

The meeting commenced at approximately 3:06 p.m. Present were: Chairman Norman Lefstein, Commission members Bettye Lou Jerrel, Sen. Timothy Lanane, Rep. Ralph Foley, Susan Carpenter, Rebecca McClure, and Sen. Richard Bray. Also in attendance were Larry Landis of the Indiana Public Defender Council, and Neal Bowling, attorney for the Commission.

1. Minutes from the September 4, 2003, meeting were reviewed and recommended for approval.
2. Next, the issue of Martin County's late claims was addressed. Commissioner Carpenter noted that the Commission had established a clear and unambiguous policy of requiring counties to submit quarterly claims for reimbursement during the next consecutive quarter, and for denying claims which were not submitted in a timely fashion. Given this precedent, the Commission resolved that Martin County's late claims should be denied.
3. The Commission resolved that the current funding statutes governing the timing of distribution of funds into the Public Defense Fund should be redrafted. Currently, the Fund receives cash infusions four times each year: June 30, July 1, December 31, and January 1. The Commission resolved that the 24 hours separating the June and July transfers, as well as the December and January transfers, created an artificial distinction, and that the two payments so close together in time should be treated as one payment for purposes of I.C. 33-9-14-6.
4. The Commission approved reimbursement in capital cases in the following amounts:

December 11, 2003		
COUNTY	DEFENDANT	TOTAL
Allen	Azania	\$36,426.29
Delaware	Verner	\$9,255.13
Lake	Britt	\$5,726.00
Marion	Bomani	\$1,035.50
	Covington	\$5,800.65
	Dye	\$14,375.50
	Ritchie	\$761.93
Morgan	Pruitt	\$62,221.51
Spencer	Ward	\$3,759.00
Vanderburgh	McManus	\$4,568.14

TOTAL		\$143,929.65
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The Commission tabled \$110,838.13 in past due claims in the Pruitt case until a more thorough explanation could be obtained from Morgan County officials as to why the claims were not submitted on time. Also, attorney Bowling will report back to the Commission as to what extent counties were notified of the necessity of filing capital claims in a timely fashion.

5. The Commission approved reimbursement for noncapital claims in the following amounts:

These amounts not paid. Pro rated Claim Log follows

Indiana Public Defender Commission-Updated

Recommendations for Reimbursement in Non-capital Cases--December 11, 2003

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUS'T	ADJUS'D EXPEND.	40% REIMB.
ADAMS	07/01/03-09/30/03	\$28,589.30	\$7,919.24	\$20,670.06	\$8,268.02
BENTON	07/01/03-09/30/03	\$8,081.96	\$960.00	\$7,121.96	\$2,848.78
BLACKFORD	07/01/03-09/30/03	\$11,496.50	\$0.00	\$11,496.50	\$4,598.60
CARROLL	07/01/03-09/30/03	\$26,774.82	\$0.00	\$26,774.82	\$10,709.93
CLARK	07/01/03-09/30/03	\$90,632.01	\$1,759.84	\$88,872.17	\$57,056.53
DECATUR	07/01/03-09/30/03	\$27,811.10	\$12,793.11	\$15,017.99	\$6,007.20
FAYETTE	07/01/03-09/30/03	\$37,820.05	\$0.00	\$37,820.05	\$15,128.02
FLOYD	07/01/03-09/30/03	\$64,816.35	\$0.00	\$64,816.35	\$25,926.54
FOUNTAIN	07/01/03-09/30/03	\$14,491.47	\$0.00	\$14,491.47	\$5,796.59
FULTON	07/01/03-09/30/03	\$23,696.03	\$0.00	\$23,696.03	\$9,478.41
GREENE	07/01/03-09/30/03	\$46,834.65	\$0.00	\$46,834.65	\$18,733.86
HANCOCK	07/01/03-09/30/03	\$81,884.26	\$6,399.63	\$75,484.63	\$29,018.44
HENRY	07/01/03-09/30/03	\$58,790.48	\$78.00	\$58,712.48	\$23,484.99
JASPER	07/01/03-09/30/03	\$31,149.96	\$5,918.49	\$25,231.47	\$10,092.59
JAY	07/01/03-09/30/03	\$28,171.86	\$6,783.24	\$21,388.62	\$8,555.45
JENNINGS	07/01/03-09/30/03	\$22,144.03	\$375.00	\$21,769.03	\$8,707.61
KNOX	07/01/03-09/30/03	\$103,375.82	\$3,363.51	\$100,012.31	\$40,004.92
KOSCIUSKO	07/01/03-09/30/03	\$60,974.70	\$0.00	\$60,974.70	\$24,389.88
LAKE	07/01/03-09/30/03	\$645,826.83	\$0.00	\$645,826.83	\$258,330.73
LAPORTE	07/01/03-09/30/03	\$88,388.55	\$12,109.23	\$76,279.32	\$30,511.73
MADISON	07/01/03-09/30/03	\$412,869.79	\$5,731.00	\$407,138.79	\$162,855.52
MARION	07/01/03-09/30/03	\$1,608,446.08	\$0.00	\$1,608,446.08	\$643,378.43
MIAMI	07/01/03-09/30/03	\$57,322.52	\$0.00	\$57,322.52	\$22,929.01
MONROE	07/01/03-09/30/03	\$175,587.00	\$0.00	\$175,587.00	\$70,234.80
MONTGOMERY	07/01/03-09/30/03	\$47,842.45	\$13,874.31	\$33,968.14	\$13,587.26
NOBLE	07/01/03-09/30/03	\$49,405.63	\$0.00	\$49,405.63	\$19,762.25
OHIO	07/01/03-09/30/03	\$10,211.11	\$1,618.48	\$8,592.63	\$3,437.05
ORANGE	07/01/03-09/30/03	\$11,687.64	\$0.00	\$11,687.64	\$4,675.06

PARKE	07/01/03-09/30/03	\$14,497.09	\$0.00	\$14,497.09	\$5,798.84
PERRY	07/01/03-09/30/03	\$12,970.67	\$0.00	\$12,970.67	\$5,188.27
PULASKI	07/01/03-09/30/03	\$18,443.58	\$6,620.10	\$11,823.48	\$4,729.39
RUSH	07/01/03-09/30/03	\$41,423.87	\$3,793.67	\$37,630.20	\$15,052.08
SCOTT	07/01/03-09/30/03	\$43,004.01	\$8,256.77	\$34,747.24	\$13,898.90
SHELBY	07/01/03-09/30/03	\$60,588.10	\$0.00	\$60,588.10	\$24,235.24
SPENCER	07/01/03-09/30/03	\$20,031.01	\$0.00	\$20,031.01	\$8,012.40
STEUBEN	07/01/03-09/30/03	\$63,164.97	\$17,623.03	\$45,541.94	\$18,216.78
SULLIVAN	07/01/03-09/30/03	\$23,788.28	\$1,053.00	\$22,735.28	\$9,094.11
SWITZERLAND	07/01/03-09/30/03	\$13,691.39	\$1,870.12	\$11,821.27	\$4,728.51
VANDERBURGH	07/01/03-09/30/03	\$312,910.83	\$0.00	\$312,910.83	\$125,164.33
VERMILLION	07/01/03-09/30/03	\$13,649.03	-\$4,051.94	\$17,700.97	\$7,080.39
VIGO	07/01/03-09/30/03	\$237,560.67	\$35,158.98	\$202,401.69	\$80,960.68
WARREN	07/01/03-09/30/03	\$3,650.38	\$198.00	\$3,452.38	\$1,380.95
WASHINGTON	07/01/03-09/30/03	\$54,085.58	\$17,045.72	\$37,039.86	\$14,815.94
WHITE	07/01/03-09/30/03	\$18,051.97	\$18,051.97	\$0.00	\$0.00
WHITLEY	07/01/03-09/30/03	\$49,427.81	\$5,634.77	\$43,793.04	\$17,517.22
TOTAL		\$4,876,062.19	\$190,937.27	\$4,685,124.92	\$1,894,382.23

Judge Donahue abstained on the Clark County claim.


Given that the current Public Defense Fund balance is inadequate to pay these claims, the Commission suspended payment until the next semiannual deposit into the Fund, which will occur on December 31, 2003. At that time, these claims, along with the suspended noncapital claims from September 4, 2003, will be paid in a prorated fashion.


The Commission tabled the claim from White County pending further discussion (see below).

- Staff attorney Neal Bowling reported to the Commission on his investigation of the public defender system in White County. Specifically, Bowling learned that public defenders are not appointed in a fashion that comports with White County's approved comprehensive plan. Furthermore, Bowling learned that the White County Public Defender Board has not met quarterly as required by statute, and that two board members reported that the board has never met at all. The Commission discussed and debated at some length as to what the Commission's response to this problem should be, and ultimately resolved to draft a letter to the White County Public Defender Board seeking detailed information about prior meetings, and a definite answer as to whether the Board did or did not approve the comprehensive plan that was submitted to the Commission. Chairman Lefstein

expressed grave concern that the comprehensive plan was transmitted to the Commission by the judge of the White Superior Court, and suggested that the Commissioners ought to be particularly concerned about the independence of a county public defender board any time a proposed comprehensive plan is transmitted to the Commission by a court or a judge.

7. The Commission reviewed the draft of the Commission's annual report. Chairman Lefstein indicated that some changes would be made in the report and in the cover letter. Specifically, Chairman Lefstein expressed his belief that the cover letter should point out that Indiana currently ranks forty-sixth (46th) among states in per capita spending on indigent defense. It was agreed that Chairman Lefstein and attorney Bowling would make final modifications to the report and cover letter and provide the Commissioners with copies.
8. Chairman Lefstein reported on the recent study of the Marion County juvenile justice system conducted by the American Bar Association in conjunction with the Children's Law Center. A more comprehensive report is forthcoming from Patricia Pruritz of the ABA.
9. The Commission considered Grant County's proposed comprehensive plan. Chairman Lefstein expressed concern that the plan was transmitted by a Grant Superior Court judge. The Commission resolved that the plan should be approved, subject to verification by attorney Bowling that the Grant County Public Defender Board is actually functioning as contemplated by statute and performing its duties, and was not merely giving passive approval to the actions of the judiciary. Specifically, the Commission wanted to be certain that the problems in White County were not repeated in Grant County.
10. The Commission considered and approved proposed new comprehensive plans from Henry and Noble Counties. Both plans were approved. The Commission resolved that it would need more information in the future about potential problems with a disparity between the compensation of the new chief public defender of Henry County and the Henry County Prosecutor. Attorney Bowling was delegated the task of gathering the salary information.
11. The next Commission meeting was set for Wednesday, March 3, 2004, at 3:00 p.m.


Norman Lefstein, Chairman


Date

CLAIM LOG SEQUENCE NUMBER
2390/102200
PUBLIC DEFENSE

Document #	Document Date	Object	Amount	Payable To
Co 22050401-9	1/5/04	572500	3159.00	Spencer Co
10	?	?	4568.14	Wendoverburgh Co
11	1/30/04	Non-Capital Cases 572500	12203.68	Adams Co ✓
12	[Large bracket spanning rows 12-27]	[Large bracket spanning rows 12-27]	6160.25	Benton Co ✓
13			4823.70	Blackford Co ✓
14			12311.62	Carroll Co ✓
15			44820.66	Clark Co ✓
16			7508.39	Decatur Co ✓
17			17841.52	Fayette Co ✓
18			35502.46	Floyd Co ✓
19			8125.28	Fountain Co ✓
20			10822.72	Fulton Co ✓
21			27395.25	Greene Co ✓
22			35752.48	Hancock Co ✓
23			30743.91	Henry Co ✓
24			12027.17	Jasper Co ✓
25			13042.85	Jay Co ✓
26			10430.79	Jennings Co ✓
27			50224.25	Knox Co ✓

*Capital
Capital*

*Pro Rated
2148
12/11/2003*

CLAIM LOG SEQUENCE NUMBER
2390/102200
PUBLIC DEFENSE

Document #	Document Date	Object	Amount	Payable To
Co22050401-28	1/20/04	572500	30815.69	Kosciusko Co ✓
29			339226.03	Lake Co ✓
30			41346.52	LaPorte Co ✓
31			181806.96	Madison Co ✓
32			754272.97	Marian Co ✓
33			31638.44	Miami Co ✓
34			87773.41	Monroe Co ✓
35			16870.44	Montgomery Co ✓
36			25563.64	Noble Co ✓
37			4384.19	Ohio Co ✓
38			6916.50	Orange Co ✓
39			8216.52	Parke Co ✓
40			6267.51	Perry Co ✓
41			20227.08	Pike Co ✓
42			8861.92	Pulaski Co ✓
43			16343.74	Rush Co ✓
44			15881.49	Scott Co ✓
45			30498.61	Shelby Co ✓
46			7386.48	Spencer Co ✓

CLAIM LOG SEQUENCE NUMBER
2390/102200
PUBLIC DEFENSE

Document #	Document Date	Object	Amount	Payable To
Co22050401-47	1/20/04	572500	25315.48	Steuben Co
48	}	}	10527.06	Sullivan Co
49			6129.34	Switzerland Co
50			193198.17	Vanderburg Co
51			8329.32	Vermillion Co
52			111646.60	Vigo Co
53			1272.87	Warren Co
54			18067.24	Washington Co
55			17297.15	Whitley Co
Co22050402-1	2/9/04	540100	126.36	Financial Forms
2	2/9/04	572500	36426.29	Lake County
Co22050403-1	3/1/04	530200	739.94	Pip Printing
2		520700	306.00	IBJ
3	3/10/04	520700	306.00	IBJ
4	3/19/04	520700	306.00	IBJ
5	1	520600	100.00	Spangenberg Group
6	3/22/04	572500	15867.66	Delaware Co
1	}	}	31068.31	Lake Co
8			3619.00	Lake Co