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Clark County Turns to Recovery Works to Help Clients

The Commission staff hope to regularly highlight a county that has made innovations in the way that they deliver public defense services to their county. This quarter, we wish to highlight the efforts made in Clark County to tackle the difficult issues of addiction and the cycle of incarceration.

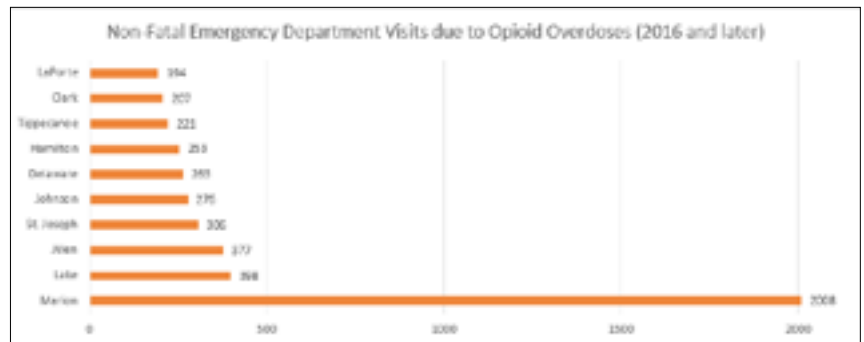
Chief Public Defender Abraham Navarro has seen how addiction has affected the residents of his county, and especially the clients of his office. “We were hit hard,” he said, noting that this is a state-wide



Clark County ranked tenth in the state for non-fatal emergency room visits per 100,000 people due to heroin overdoses in 2016. Data derived from Indiana State Department of Health Epidemiology Resource Center Stats Explorer.

issue. He consulted with Don Murphy, director of performance improvement at the Indiana Public Defender Council, and learned of the Recovery Works initiative. Mr. Murphy helped Mr. Navarro apply for a grant to hire a part-time case manager that works to enroll clients in the Recovery Works program.

When Clark County was awarded the grant, they were able to bring on Liz Gable as their case manager. With a bachelor’s degree in criminal justice and thirteen years of experience as a probation officer in Floyd County, Ms. Gable shepherds clients



Clark County ranks ninth in the state for non-fatal emergency room visits due to overall opioid overdoses. Data provided by Indiana State Department of Health Epidemiology Resource Center.

through the application process for Recovery Works. If a client is successfully admitted into the Recovery Works program, the program has up to \$10,000 to use on targeted treatment just for that client.

This program comes at no cost to Clark County, and provides a great opportunity for attorneys to provide more services to clients. While attorneys are the experts at trying a case, they may not know the ins and outs of the treatment programs available in their county.

“You have to have a different mindset now”
 -Liz Gable, on focusing on treatment in the criminal justice system

Having Ms. Gable on the team “gives us a lot more room to breathe,” Mr. Navarro said. Ms. Gable is not only able to assist in the application process for clients, she is also able to testify in court on behalf of public defender clients. Working with Recovery Works helps break the “redundant and vicious cycle of prison,” Ms. Gable said. Currently, she splits her **Recovery Works** continued on page 2

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We Need Your Photos

Please submit pictures of public defense in your county! Ideas include staff, courthouses, and courtrooms.

Selected photos may be featured in upcoming newsletters and/or displayed in our Commission Office. Photos may be sent to information@pdc.in.gov.

Recovery Works

Continued from page 1
time between Clark and Scott counties.

Focusing on treatment requires a “change of thinking,” she said. “You have to have a different mindset now” when working in criminal justice.

In Clark County, public defenders may refer their client to Ms. Gable for screening. If the client is still incarcerated, she will even visit the jail for a clinical assessment. At this time, only persons facing a felony are eligible for the program. If the client is eligible for the program, Ms. Gable will set up treatment services for the client—at times even before the client has left

jail. Once released, clients may transition to an inpatient center or a half-way house that will provide stability as the client seeks to remain sober. Recovery Works also provides assistance with searching for employment, transportation, and assists the client in obtaining medical insurance. Ms. Gable has also received training in motivational tools to help the client remain positive and focused on recovery. Reflecting on her time spent at Clark County so far, Ms. Gable said that her years of experience as a probation officer help give

her the background to work effectively with clients. She also helps to liaison between treatment providers, judges, public defenders, and even members of the Sheriff’s office.

“It’s an amazing initiative,” Mr. Navarro said. He hopes that this initiative will be sustainable for his county.

For more information on Recovery Works, visit <http://www.in.gov/fssa/dmha/2940.htm> or contact Don Murphy at dsmurphy@pdc.in.gov. To share your county story, contact Kathleen Casey at kathleen.casey@pdcom.in.gov.

Clark County Chief Public Defender Abraham Navarro and Recovery Works case manager Liz Gable



Indiana Task Force on Public Defense Holds First Meeting

Last fall, the Sixth Amendment Center issued a lengthy and detailed report on Indiana’s public defense system that raised serious concerns about the way in which defense services are delivered in Indiana. A second report, the result of a federal planning grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), called into question how youth in the delinquency system in Indiana are represented, and in some cases, not represented. The recent, dramatic increase in our state’s CHINS and TPR filings have created greater demand for representation and placed a strain on many of our local defender systems and county budgets.

The Indiana Public Defender Commission is tasked with making recommendations regarding the provision of public defense in Indiana, and for this reason has taken the lead to assemble a diverse group of leaders to further study these concerns and develop findings and recommendations. The Task Force on Public Defense includes representatives from all three branches of government and held their first meeting on September 8, 2017.

The task force will study a wide variety of topics related to public defense ranging from initial appointment of public defenders through the resolution of a case. The group makes all of their materials public on our website, which may be viewed at: <http://www.in.gov/publicdefender/2333.htm>.



Kathleen Casey reviews county public defense structure at the first task force meeting.

Among materials of interest are the meeting PowerPoint as well as national reports on public defense.

The next meeting of the task force will be on October 27, 2017. For more information, please contact Kathleen Casey at kathleen.casey@pdcom.in.gov.



Commission requires .75 support staff for every full-time attorney. Specifically, 1 secretary/paralegal, 1 paralegal/investigator, 1 “other.” This is often construed as one clerical, one paralegal, and one investigator for every four full time attorneys. Appellate attorneys need only 1 support staff for every four full-time attorneys. The question posed today is, “is this the correct standard?”

Total	1 for every 4 full-time attorneys
Secretary/Paralegal	1 for every 4 full-time attorneys
Paralegal/Investigator	1 for every 4 full-time attorneys
Other Litigation support (social worker, mitigation investigator, etc.)	1 for every 4 full-time attorneys
Total	.75 support staff for each full-time attorney
Appellate Support Staff (secretary, paralegal, law clerk)	1 for every 4 full-time attorneys

Standard J Table 2

are downright necessary. We have previously received complaints of lack of investigation by county attorneys. Indiana does not impose requirements to be called a paralegal and while clerical support is important, in the day of e-filing, do you need as much clerical support as you used to? These are important questions and I would like to hear from you as the Commission reviews this important standard. What exactly do you (or your Public Defenders) need in order to be considered “adequately staffed?” Remember, adequate staffing raises each attorney’s caseload between 20-25%! Let me know at derrick.mason@pdcom.in.gov your thoughts.



In this recurring feature, Senior Staff Attorney, Derrick Mason, will review a Public Defender Commission Standard and solicit feedback from our members.

It is great to see the work that Clark County is doing with a social worker as outlined above and on the first page. Marion County has actually used social workers in their Children in Need of Services and Termination of Parental Rights cases for some time and they have found them invaluable. Which brings me to our Standard and Guidelines discussion for the quarter!
It is time to update our adequate staff standards. Commission Standard I states that each county shall provide for investigative, expert, and other services necessary to provide quality legal representation. A counterpart to this is Standard J. Standard J is the caseload standard. In order to gain the additional caseload that is available to “adequately staffed” attorneys, counties must provide the adequate staff.

What is adequate staff? Presently, the

Social workers, like investigators, are versatile employees that can be used as a witness in cases to rebut the Department of Child Services or the prosecution. They can find halfway houses, beds in treatment centers, help with re-entry for a former client, and make recommendations to the court on treatment outcomes instead of relying on probation, etc. The list goes on and on.

Investigators are crucial to an adequate defense. Provision of an attorney that can assign an investigator to track down evidence, find witnesses, be an impeachment witness, or other tasks

September Commission Meeting Held

At the September 20, 2017 meeting, the Commission met at our offices located at 309 West Washington Street. This meeting was the introduction of our two new members, Judge Hanlon and Senator Koch. The Commission approved capital case reimbursements totaling \$73,011.32 and non-capital reimbursements totaling \$5,992,366.08. In addition to the approval of reimbursement requests, decisions were also made to increase staffing and to consider legislative requests for the upcoming year.

The team at the Commission will soon be growing! The Commission authorized the hiring of two new employees (an administrative assistant and a statistical analyst) and two contractors (technical assistance for the Task Force on Public Defense and a legislative liason).

While the current state of the public defense fund has sufficient funds to operate, in the past proration of reimbursements had been necessary. The Commission had previously voted to request that language be added to the Public Defense fund statute that would allow additional money to be added to the fund as needed without a separate legislative appropriation and to remove the the language calling for proration if a shortage of available funds exists. This is called augmentation. Adding augmentation language would reduce the risk of prorated county reimbursements in the future. This request will be made in the upcoming legislative year. If you have any questions or wish to assist the Commission with this goal, please contact Derrick Mason at derrick.mason@pdcom.in.gov.

The next meeting will be held December 13, 2017 at 2 pm at our offices.

New Members Appointed to Commission

The Commission is happy to welcome two new members: the Honorable Kelsey B. Hanlon from Spencer and Senator Eric Koch from Bedford.

Judge Hanlon presides over Owen Circuit Court II. A graduate of Indiana University School of Law – Bloomington, she took office on January 1, 2015. Her court handles cases ranging from Civil Torts to Child in Need of Services. She is also a member of the Juvenile Benchbook Committee.



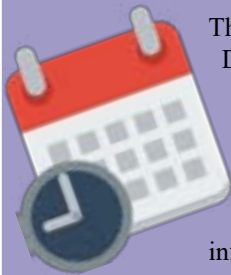
Hon. Kelsey B. Hanlon



Senator Eric Koch

Senator Koch graduated from the Indiana University School of Law and served in the Indiana House of Representatives from 2002 until 2016. In 2016, he was elected to the Indiana State Senate. He is on several standing committees related to law, including Civil Law, Corrections and Criminal Law, and the Judiciary standing committee.

Join Us For the Next Commission Meeting



The next Commission meeting will be held December 13, 2017 at 2 pm. The meeting is scheduled to be held in our office located at 309 West Washington Street, Suite 501, Indianapolis, IN 46204.

Please visit our website for the latest date, time and location of the meeting and information on upcoming meetings.

Interested in Receiving the Newsletter Electronically?

If you'd like to start receiving our quarterly newsletter electronically, please send an email to information@pdcom.in.gov with the subject "e-newsletter" to get started.



Jill Johnson Receives National Award for Juvenile Advocacy

The National Association of Counsel for Children awarded Indiana attorney Jill Johnson the 2017 Outstanding Legal Advocacy Award. The award was presented at NACC's 40th National Child Welfare, Juvenile, and Family Law Conference in New Orleans August 10-12th. NACC is a non-profit child advocacy and professional membership association headquartered in Aurora, Colorado.

Jill is the Deputy Chief of the Juvenile Division at the Marion County Public Defender Agency where her work on behalf of

juveniles begins with her advocacy in the courtroom. Jill also serves as a trial unit coordinator for the Indiana Public Defender Council's (IPDC) Juvenile Defense Project. Jill's position involves assistance with resources to public defenders advocating in delinquency cases.

Jill's advocacy for youth extends well beyond her normal job requirements. She worked with others to build connections

between the juvenile division and major felony division in Marion County so that clients with overlapping cases have attorneys who are collaborating, ensuring the best outcome possible. Jill participated in multiple meetings to bring about the dual status court which handles delinquency and dependency cases together, allowing for better and more consistent outcomes for families.



Jill Johnson (center) receives the 2017 Outstanding Legal Advocacy Award. Also pictured Shannon O'Toole (left) and Rachel Roman-Lagunas (right).

Statewide, Jill has been a catalyst for some remarkable legislative changes. Working collaboratively with nonprofits, state agencies, and the state bar association, Jill's advocacy has led to improved laws affecting children.

Thanks to Jill's work, Indiana juveniles' rights are better protected and more juveniles are given second chances and an opportunity for treatment and rehabilitation in the juvenile system.

Jill was nominated by her coworkers who see every day what a true and zealous advocate for youth she is.

Updated Forms Required for Third Quarter Submission

The Commission released updated reimbursement request forms in May and many of you have been utilizing these forms in the last quarter for your submissions. We appreciate your patience with us as we have continued to modify these forms over the last couple of months based on your suggestions and input. Please continue to submit these ideas to us!

Starting with the third quarter submission (due November 14, 2017), these new forms are required. Please download the updated forms from our website at <http://www.in.gov/publicdefender/2376.htm>. Excel versions of forms I-IV may be submitted to information@pdcom.in.gov. Form V (verifications) must be mailed in.

Specific revisions to the updated forms have been detailed in our last two newsletters, available at <http://www.in.gov/publicdefender/2334.htm>.

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