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Standard Spotlight

Standards E & F: Appointment of Counsel

Misdemeanors, Level 6 Felonies, or mental health commitment hearings. As you should all know by now, we also require our Standard E & F Qualifications Forms to be submitted by every attorney doing work in our participating counties so that we can ensure qualified attorneys are selected. We require a copy when they begin and when they become qualified to handle new or higher level offenses. As always, the county should retain a copy as well so you know what the attorney is qualified to handle! Preferably, you will scan a copy to us of each attorney's qualifications so we can keep a digital copy via information@pdc.com. If you must mail them,

Once again I am soliciting comment on our Standards! Right now we have attorney qualification standards for Murder through Level 5 felonies, appeals, CHINS & Termination, and Delinquency cases. We do not have standards for

then you should mail all of the new and updated forms with your quarterly reimbursement so we definitely have them available come the time to review the reimbursement request.

If you have any comments regarding our qualifications, please let me know. But I do have some specific questions I'd love to hear from you on!

- 1) Should the Commission have Level 6 or mental health qualification criteria? If so, what?
- 2) Do you have suggestions for revision of the attorney qualification form (either for the attorney filling them out or for the county that has to interpret them)?



In this recurring feature, Senior Staff Attorney, Derrick Mason, will review a Public Defender Commission Standard and solicit feedback from our members. In this edition, we look at Standards E and F: Appointment of Counsel and Appointment of Appellate Counsel.

Recommendations Needed for Caseload Study

As most of you know, we are in the midst of a comprehensive workload study to update our caseload/workload standards with a scientific basis instead of based on 1970's NAC standards. The next phase needs your help and time is running out!

As our workload study continues along, please let me

know if you have any attorneys that are well-qualified in CHINS/TPR, delinquency, appellate, or adult criminal cases that you believe should be invited to participate in our next phase in early 2018! Specifically, we need attorneys who would be good at stating how much time it SHOULD take an adequately

resourced, staffed attorney to do specific case tasks on each of these case types (and the frequency that the attorney does those tasks – such as 100% of all cases get client contact). In other words, we need attorneys with enough experience to know how much time it would reasonably take to do these things in each

of the four areas. Preferably we would have a good mix of public and private practitioners but if you are able to share names (maybe even some contact info, but not required) and in what area(s) they would be best in that would be very helpful! I need to know ASAP so please email me at derrick.mason@pdc.com.

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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.com.

Indiana Task Force on Public Defense Continues Fact Finding Process

Last issue, we introduced the Indiana Task Force on Public Defense, a state-wide, bipartisan effort to reform public defense in Indiana. This Task Force, convened by the Commission to further investigate the 6th Amendment Center Report, has now held four meetings. In this issue we will go further into the members of the Task Force, its mission, and upcoming events where your input is needed.

Who is on the Task Force?

- Honorable John Tinder, Chairman
- Roderick E. Bohannon, Project Director at Indiana Legal Services
- Judson McMillin, Mullin McMillin & Rychener
- David Bottorff, Executive Director of the Association of Indiana Counties
- Dr. Jeff Papa, Partner at Barnes and Thornburg
- Senator Rodric Bray
- Representative Gregory W. Porter
- Judge Vicki Carmichael, Clark Circuit Court and Vice President of the Indiana Judges Association
- Professor Joel Schumm, Clinical Professor and Director of Experiential Learning at the Indiana University McKinney School of Law
- Judge Mary Ellen Diekhoff, Monroe Circuit Court
- Judge Mary Willis, Chief Administrative Officer of the Office of Court Services at the Indiana Supreme Court
- Monica Foster, Chief Federal Defender of the Indiana Federal Community Defenders
- Dean Andrea D. Lyon of the Valparaiso University Law School
- Justice Christopher M. Goff, Indiana Supreme Court
- Stephen P. Luce, Executive Director Indiana Sheriff's Association
- Joseph R. Heerens, General Counsel Office of Indiana Governor Eric Holcomb
- Larry Landis, Executive Director of the Indiana Public Defender Council.

What is the process for the Task Force?

Since the first meeting on September 8, 2017, the Task Force has completed four meetings out of a possible nine total. Each meeting is centered on a critical issue in public defense reform. This fact-finding is crucial to the report that will be written at the end of the

process. The Task Force anticipates that its report will be issued in the summer of 2018. From there, the Commission will decide whether to adopt those recommendations and ask for legislative change in the 2019 legislative session.

At the last meeting of the Task Force, the members heard from Mimi Laver of the American Bar Association on the issue of TPR and CHINS. This is also the focus of one of three subcommittees, which will conduct a deep dive into that issue as well as the issues of appellate representation and juvenile representation.

How can I learn more and participate?

All materials from the Task Force are available online at our website: <http://in.gov/publicdefender/2333.htm>. There you can read not only the minutes and PowerPoint presentations, but you can also read a wide variety of sources that staff have collected as they have conducted the work for the Task Force.

In the upcoming year the Task Force will begin its listening tour around the state. Five potential locations have been identified to seek community input and to document the state of public defense in Indiana in its various forms. Additionally, surveys and focus groups will be conducted among stakeholder groups who have first-hand knowledge of the system.

The Task Force seeks input from a variety of stakeholders regarding their experience with public defense in Indiana. The Task Force will accept public comments and you are encouraged to submit your thoughts. Please forward your comments to information@pdcom.in.gov. If you wish to mail your comments, please mail to our address at 309 West Washington Street. If you wish to remain anonymous, please indicate this in your e-mail.

If you would like to attend a future Task Force Meeting date, they are all held at our offices at 309 West Washington Street. The next meeting date is:

Friday, February 9 - 10:00 - 12:00

Who can I contact if I have questions?

Please contact staff attorney Kathleen Casey at Kathleen.casey@pdcom.in.gov or Kim Tandy, Technical Advisor, at KTandy1@pdc.in.gov.



Kim Tandy

Kim Tandy has nearly three decades experience as a lawyer defending the civil rights of children, youth, and adults in the justice system. She was the founder and Executive Director of the Children's Law Center, Inc. in Covington, Kentucky where she successfully litigated numerous class action civil rights cases on behalf of confined youth, or youth otherwise denied their constitutional rights. She has directed communications and policy initiatives around removing youth from adult court and adult facilities, ending solitary confinement practices, and stopping the "school to prison pipeline." As the coordinator for the Central Juvenile Defender Center for nearly twenty years, she served as primary investigator and author of state juvenile defense assessments in Ohio, Kentucky, Indiana and Missouri, and has participated in twelve other state assessments for the National Juvenile Defender Center. Kim also spent nearly 15 years as an appellate contract lawyer for the Department of Public Advocacy in Kentucky, and for the Sixth Circuit Court of Appeals.

Kim has lectured across the country on numerous issues including conditions of confinement, improving juvenile defense, ethical considerations in representing child clients, ending the school to prison pipeline, and other civil rights issues. She has received awards from the National Juvenile Defender Center, the American Bar Association, the IMPACT fund, and various state and local honors.

Currently, she serves as a consultant for the Indiana Public Defender Council, and is the Technical Advisor for the Indiana Task Force on Public defense. She is married to Jack Tandy and between them, they have five children and two Golden Doodles.

December Commission Meeting Held

At the last meeting, the Commission voted to approve the comprehensive plans for Miami and Scott Counties, who are both set to rejoin the Commission in 2018. While there are some ongoing caseload concerns, all requests for both capital and non-capital case reimbursement requests were approved.

In office updates, the Commission welcomed new staff members Paula Diaz and Andrew Cullen, and Mr. Mason presented the budget for the current year. Commission members expressed a desire for staff to set strategic goals and steps to ensure those goals are being met.

The Commission also voted to pursue statutory changes for the upcoming 2018 legislative session. Specifically, the Commission voted to support the addition of misdemeanor reimbursement and language to clarify administration of the public defense

fund. One other important legislative change that staff will pursue this year is augmentation of the public defense fund. Addition of this “augmentation language” would ensure that no county would ever have to receive prorated funds in the future. Please contact the Commission and your legislator if you have any questions or would like to support these endeavors.

Additionally, the Commission approved proposed meeting dates for next year. Please join us at our 2108 meeting dates of March 21, June 13, September 19 and December 12. All meeting dates are at 2 p.m. at our office at 309 West Washington Street, Indianapolis, Indiana 46204. Updates to meeting dates, times and locations will be posted to our website. For a full copy of previous minutes, please visit our website at www.in.gov/publicdefender.

New Member Appointment and Current Member Reappointments to Commission

Richard Bray was recently appointed to the Commission by Governor Holcomb. Mr. Bray is no stranger to the Commission and our activities. He was one of the representatives involved in authoring the bill that created the Commission. Additionally, he sponsored the legislation that created public defender boards.

Mark Rutherford and David Hensel were reappointed to another four year term by the Governor.

Commission Welcomes Two New Staff Members

At the September 2017 meeting, Commission members approved the hiring of additional staff. During the last month, two new staff have joined the commission - Paula Diaz and Andrew Cullen. Commission staff are currently interviewing to fill the Research and Statistics Analyst position.



Paula Diaz

In her most recent position as an Administrative Assistant with the Indiana Department of Workforce Development, Paula worked with the different aspects of appellate procedure related to transcripts and filing documents with the Indiana Court of Appeals. The Commission is pleased to have her as a new member of the team. Should you have any questions, you can contact her at Paula.Diaz@pdc.com.in.gov and 317-233-6908.

The Indiana Public Defender Commission has brought Paula Diaz on board to fill the role of Administrative Assistant and Receptionist. Paula brings almost ten years of experience in state government to this position and greatly expands the customer service aspect of the Commission. In the agencies she’s worked with, Paula has gained knowledge in finance, information technology, legal assisting, and customer service.

Andrew Cullen joined the team at the Commission as a part-time Policy & Communications Analyst in November.

Andrew previously served as a Legislative Assistant to then-House Speaker John Gregg, and as Regional Director to former U.S. Senator Evan Bayh. He also held the post of Legislative Director at the Indiana Department of Natural Resources.

He is not new to criminal justice policy, having spent four years with the Public Defender Council, where he served on the staff committee that drafted the first major overhaul of Indiana’s Criminal Code in over 30 years. He also lobbied for the creation of Indiana’s expungement statute. Most recently, Andrew served as Vice President for Public Policy at the United Way, where he led statewide efforts to establish and expand Indiana’s Pre-K Program for low-income children.

In addition to his part-time work for the Commission, he continues to serve as a public policy consultant for nonprofits.

Andrew can be reached at Andrew.Cullen@pdc.com.in.gov.



Andrew Cullen

Reimbursement Request Tip

Do you have the latest version of Form III (New Case Assignment Worksheet)? Forms were updated in 2015 to increase the caseload limits for CHINS/TPR cases, and the 2017 update highlights the annual FTE total in red when the caseload exceeds 1.0. Ensuring you have the latest versions of these forms will help you to monitor the attorney caseloads.



2018 Commission Meeting Dates



March 23 September 19
June 13 December 12
All meetings are scheduled to begin at 2 pm. A brief executive session may precede each meeting. Meetings are scheduled to be held at our offices (309 W Washington Street Suite 501, Indianapolis, IN 46204) Updates to meeting dates, times and locations are posted on our website: www.in.gov/publicdefender

Interested in Receiving the Newsletter Electronically?

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



Request for Reimbursement Deadlines for 2018

Mark your calendars with the 2018 reimbursement request deadlines!



4th Quarter 2017 due
February 14, 2018

1st Quarter 2018 due
May 15, 2018

2nd Quarter 2018 due
August 14, 2018

3rd Quarter 2018 due
November 14, 2018

All requests must be received by the above dates. Per Commission guidelines, penalties may be assessed to late submissions.

"12/15/05 (Amended Guideline) To be eligible for maximum reimbursement, claims in non-capital cases must be received by the Commission not later than forty-five (45) days after the end of the calendar quarter in which they were incurred. Claims received 1 to 10 days later than 45 days after the end of the calendar quarter will be penalized 10% of the maximum eligible reimbursement. Claims received 11 to 20 days later than 45 days after the end of the calendar quarter

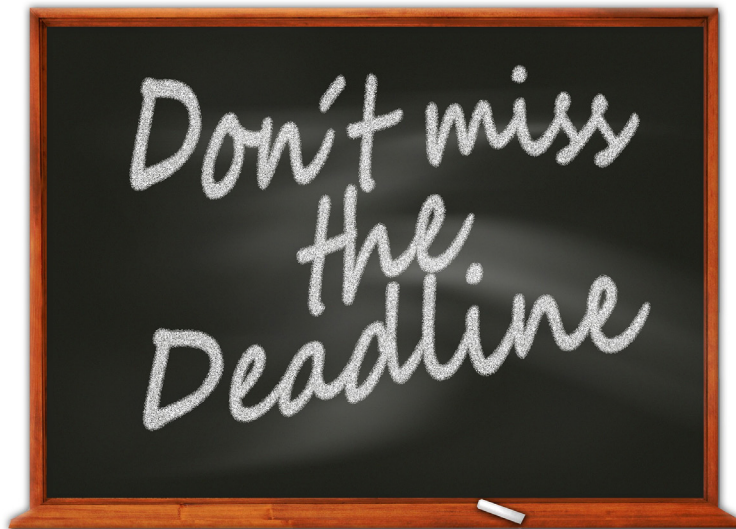
will be penalized 25% of the maximum eligible reimbursement. The Commission will deny all late claims received more than 65 days after the end of the calendar quarter. A "claim" as used in this guideline includes all requested financial information relating to defense expenditures, caseload information in proper spreadsheet format, attorney qualifications and verifications. Upon written request demonstrating good cause, the Commission will consider setting aside the denial of a late claim. Whether a county's quarterly claim is timely, late or denied, caseload data must be submitted for public defender offices, contract attorneys and assigned counsel."

The excel versions of Forms I - IV may be emailed to information@pdc.com.in.gov. If there is a minor correction and staff have the excel versions of the forms, we may be able to make the correction for you! Form V (the signature/verifications page) must be mailed in. Hard-copies may be sent to:

Indiana Public Defender Commission
309 W Washington Street Suite 501
Indianapolis, IN 46204

At this time, we are unable to accept faxed copies.

As a reminder, please make sure you are using the forms updated in 2017. The 2017 forms may be downloaded from our website at <http://www.in.gov/publicdefender/2376.htm>. The updated forms offer more detailed expenditure categories, have built-in formulas to assist with calculations, and have



various self audit checks built in to assist you in monitoring caseloads.

As always, our staff are happy to assist with any questions you have in completing the forms. Please continue to send suggestions and ideas to information@pdc.com.in.gov - Commission staff want to continue to refine the reimbursement process to make it as streamlined as possible!

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