

# Wanted: Time study partners

## Help us, Help your county!

With some exceptions, the Commission's caseload maximums are based upon standards that are now decades out of date. It is time for an update!

In order to create accurate, scientific caseload standards that reflect the modern reality of representation, the Commission needs your participation. To do this we will require time study participation.

We hope to look at the practices that should be in place for each case (i.e., independent investigation of the probable cause affidavit, individual appointments

with the defendant, etc.) and the practices that are currently in place. The goal, ultimately, is to set time studies that incorporate not only current practice but that enables the public defender to perform at an optimal level.

The Commission, in partnership with the ABA and the Standing Committee on Legal Aid and Indigent Defense (SCLAID), hopes to obtain a grant to work with attorneys and counties to modify these standards. Regardless, we will be reaching out to counties to obtain participation in comprehensive time studies in the future. If your county will help, please contact Derrick Mason at [derrick.mason@courts.in.gov](mailto:derrick.mason@courts.in.gov).

## 2015 Meeting Dates

The Commission has approved its Commission quarterly meeting dates and you are invited to attend. Remember, your feedback and input on Commission issues help create better decisions.

- June 10, 2015 at 2:00 P.M.
- September 16, 2015 at 2:00 P.M.
- December 9, 2015 at 2:00 P.M.

*Commission Meetings are held at 30 S. Meridian St., Indianapolis, IN 46204 on the 8th Floor*

## Contact the Commission

Derrick Mason, Staff Attorney | ph. 317-234-2905 | [derrick.mason@courts.in.gov](mailto:derrick.mason@courts.in.gov)  
Kathleen Casey, Staff Attorney | ph. 317-233-3017 | [kathleen.casey@courts.in.gov](mailto:kathleen.casey@courts.in.gov)  
30 South Meridian Street, Suite 500  
Indianapolis, IN 46204-3568

The reimbursement form has been updated! Find the latest version at:  
<http://courts.in.gov/pdc>



APRIL 2015 | Volume 7, Issue 1

IN THIS ISSUE

## Legislature Mulls Important Issues for PDs

As this legislative season continues, lawmakers have considered issues that could mean big changes for public defenders across Indiana. Inside you will learn more about a bill that would affect indigent defense in the state.

In addition to news at the Statehouse, your staff attorneys have been hard at work in Indianapolis. The Commission is looking to partner with the ABA as it seeks a federal grant to update its standards with accurate time studies which will require participation from the public and private bar. We hope you and your county will participate.

The Commission is also reviewing its standards. Specifically, the pay parity standard (Standard G) and the lack of standards regarding counting cases when an attorney leaves public defense or is promoted/transferred within an agency.

Details are also inside about the adjusted Request for Reimbursement Form. As always, we are here for your questions, input, and we share your thoughts with the Commission at the quarterly meetings.

Sincerely,  
Kathleen Casey and Derrick Mason



## June Meeting Update

Learn about big issues before the Commission at the June quarterly meeting

## Legislative News

Discover what the legislature is discussing about indigent defense

## Internal Website

We are considering a website just for participating counties to submit forms, communicate with us and each other, etc.

## Meeting Dates Set

Please join us at our quarterly meetings now that all of 2015's dates are set

## Caseload Standards

Your county's help to update our caseload standards is needed

## Feedback needed

The Commission is considering clarifying its Standards. The staff attorneys will report county feedback on any issue to the Commission but we are looking for feedback on the following issues which will be addressed at the June meeting. Please email Derrick at [derrick.mason@courts.in.gov](mailto:derrick.mason@courts.in.gov) with thoughts.

## Pay Parity Standard

Standard G requires, in part, pay parity between the equivalent prosecutor's position and the public defender. For independent contractors, the Standard requires payment that compensates for the equivalent prosecutor's salary **and benefits** (if there is no equivalent position then the pay shall be no less than \$30,175 for a part-time public defender and \$60,350

for a full-time public defender). Despite Standard G, counties utilizing independent contractors have been allowed to largely base parity upon a "salary only" comparison. This discrepancy was mentioned at the March 2015 meeting and clarity will be sought from the Commission in June.

## Case Counting Rules

When an attorney leaves their public defense employment, or is either promoted or transferred intra-office and receives a new caseload, there are no rules on how to count the cases left open by that attorney that have to be transferred to someone else! We are proposing a rule to address this issue. This could include reassigning all transferred cases to the recipient attorney in the quarter they are transferred.

## Legislative Update

2015 has been a busy year for the fight to improve indigent defense in Indiana! There has been a great deal of work done both in the halls of the Statehouse and back at the Public Defender Council and Commission to improve services, both for public defender clients and for our member counties.

### HB 1304—proving more paths to treatment

Among the important bills currently working their way through the legislature, House Bill 1304 effectuates many positive changes that were made and intended in last year's criminal code revision. HB 1304 will be used to provide more alternatives to incarceration, including addiction counseling, inpatient detoxification, and potentially the administration of drugs that will help prevent recently sober persons from becoming re-addicted to substances. House Bill 1304 ties in with House Bill 1006 which provides funding and requires, in part, that probation consult community corrections when drafting pre-sentence reports.

The positive changes made by last year's Criminal Code revision are still making their efforts felt throughout the criminal justice system. As you and your attorneys see important areas that need revision, **please be involved**. The Indiana Public Defender Council (<http://www.in.gov/ipdc>) is always willing to listen to defense attorneys with suggestions and take volunteers for assistance in making the public defense presence heard at the legislature. We need your input!

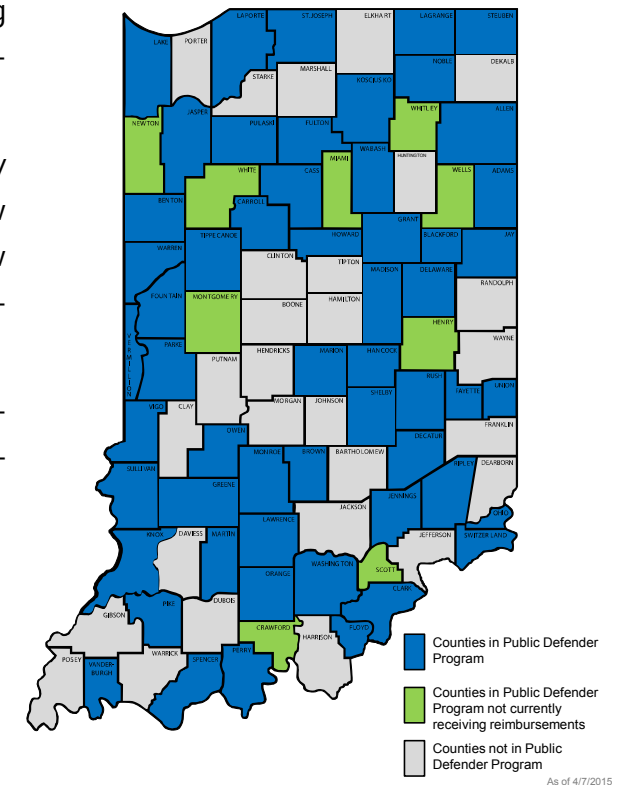
**For more information on HB1304, and all current legislation, please visit the Indiana General Assembly's website at: <http://iga.in.gov/>.**

## Commission Status: Better than ever

The Commission has grown to a record 55 participating counties in 2015! Please welcome Owen County as the latest to join the Commission.

The Commission reimburses counties 40% for the money spent on reimbursable indigent defense expenses. Now may be the time to see if your county should adopt a new system of indigent defense that could save you more money and/or enhance the quality of representation.

There are many ways to establish an indigent defense system and we can help you evaluate if a newer or better model might be appropriate if you give us a call or email.



## Website input needed

**We're hoping to create a new internal website to serve your needs. However, in order to create this site we need your input!**

We have heard from a number of different counties that would eventually like to submit forms in an electronic format. This would save on both postage and time for all parties involved. This has led to a discussion of whether the Commission needs to create an internal website accessible only for participating counties.

*However, in order to create a useable website, we need input from you!* We would like to know what other information you wish you could have from the Commission, and how you would like to submit your data each quarter.

If you have questions or are interested in participating in a working group on this issue, please e-mail Kathleen at [Kathleen.casey@courts.in.gov](mailto:Kathleen.casey@courts.in.gov).

## PD Board info needed

### New Request for Reimbursement Form Created

We need current information in order to more effectively communicate with counties and those in charge of the indigent defense systems in each county.

In an effort to accomplish this, a revised Request for Reimbursement was emailed to counties at the beginning of this quarter. This form requires that the County Public Defender Board's information be provided each quarter.

If you do not have the new form, as always, you can email us or download the latest forms on our website at <http://courts.in.gov/pdc> and click on "Forms."