



**August 12, 2024**

Joseph M. Habig  
Acting State Budget Director  
State Budget Agency  
Room 212 State House  
Indianapolis, Indiana 46204-2796

**Re: Agency Overview (Transmittal Letter) for FY 2026 and FY 2027 – Indiana Public Defender Council (IPDC)**

Fund 16780 (State)  
Fund 47070 (Publications Special Revenue)  
Fund 45780 (Training Programs Special Revenue)  
Fund 13145 (At Risk Youth and Families)  
(Updated: 10/28/2024)

Dear Mr. Habig:

This transmittal letter accompanies the proposed FY 2026 and FY 2027 biennium budget for the Indiana Public Defender Council (IPDC).

**Introduction**

IPDC is vital to ensuring Hoosiers’ constitutionally guaranteed rights to a fair trial and effective assistance of counsel are upheld.<sup>1</sup> As a counterpart to the Indiana Prosecuting Attorney’s Council, IPDC offers a range of essential services to public defenders, contractual pauper counsel, and other court-appointed attorneys across the state.

**Three Indiana State Agencies Involved in Public Defense**

In the 170 years since Indiana first recognized the right to counsel at public expense, Indiana has developed a system for delivering public defense services. Although the federal and state constitutions guarantee an attorney in criminal cases, the funding for this is mainly at the county level in Indiana, which has resulted in disparate delivery systems. Concerns around the quality and conditions of defense services prompted the creation of these three agencies:

<sup>1</sup> See *Webb v. Baird*, 6 Ind. 13, 18 (1854); *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963); *Strickland v. Washington*, 466 U.S. 668 (1984); U.S. Const. amend. VI; Ind. Const. art. 1, § 13.

1. IPDC. Shortly after the creation of the Indiana Prosecuting Attorney's Council, the General Assembly created the IPDC in 1977. Because most Indiana counties do not have dedicated public defender offices but rely on attorneys to provide public defense services on a contractual basis, IPDC was created to help coordinate the duties of attorneys engaged in the defense of indigents at public expense. IPDC serves over 1800 attorney members in all 92 Indiana counties. IPDC is also mandated to maintain liaison contact with study commissions, organizations, and agencies of all branches of local, state, and federal government that will benefit criminal defense as part of the fair administration of justice in Indiana. Ind. Code § 33-40-4-5.
2. The Office of the State Public Defender. Created by the General Assembly in 1945, this is the state agency responsible for providing post-conviction legal representation and other services to people who allege a critical error occurred at the trial or appellate level and cannot afford to hire an attorney. The enabling statute is found in Indiana Code § 33-40-1.
3. Indiana Commission on Court Appointed Attorneys (f/k/a Indiana Public Defender Commission). Created by the General Assembly in 1989, this agency is charged with developing standards and guidelines for indigent defense services, including caseload limits and minimum pay. Counties that follow these standards and guidelines receive a percentage of reimbursement from the State for public defense services. Ind. Code § 33-40-5-4.

From 1989 to 2016, the Commission existed as a program under the auspices of the Indiana Supreme Court. *See* P.L. 84-2016, sec. 153. Following the 2016 legislation, the Commission became the third state agency within the judicial branch to touch public defense.

## **IPDC Core Programs and Functions**

### Training and Professional Development

One of IPDC's core functions is to provide comprehensive training to attorneys and support staff appointed to represent indigent adults and children in all 92 counties. Attorney training opportunities are certified for Continuing Legal Education (CLE) credit. Often, training provided by IPDC is needed before a public defender can be qualified to provide representation in certain case types such as appellate, juvenile delinquency, and child welfare cases.

### Research Assistance

IPDC also provides needed research assistance and support to public defenders throughout Indiana. This research support is central to our mission to improve the quality of legal representation for indigent clients. It serves as a key resource for public defenders. Most public defenders work on a part time or contractual basis with limited resources to help with research involving complex matters. Our research staff provides phone and email assistance to those

attorneys on an ongoing basis. Research calls and emails are usually returned on the same day or within one business day. In addition, our experienced staff collaborates and consults on cases with attorneys who represent indigent adults and children charged with juvenile offenses.

### Publications

IPDC regularly creates and publishes many manuals of procedure and practice guides widely relied upon by public defenders and court-appointed attorneys. The publications are available to members for free on IPDC’s website. Printed publications and practice guides may be purchased by members and nonmembers. These manuals cover topics including, but not limited to, Pretrial Procedure, Trial Procedure, Sentencing, Evidence, Search and Seizure, Confessions, Speedy Trial, Expungement, Sex Offender Registry, Capital Defense, Juvenile Defense, Child Welfare Advocacy, Involuntary Commitment, and Appellate Practice.

### **Major Accomplishments (Current Biennium)**

#### Significant Increase in Training Participation

In past years, IPDC training events included a few large, in-person sessions primarily held in Indianapolis. IPDC has significantly revamped and broadened its training services, enhancing access to high-quality professional development for public defenders statewide. This expansion has seen unprecedented member engagement, highlighting the value and necessity of these training opportunities.

One significant development has been the increased use of live virtual training. Although IPDC had explored virtual training options before the pandemic, the shift to online platforms accelerated as in-person sessions became less workable. The popularity of live training sessions—both in-person and virtual—has soared. In FY 2023, 884 members participated in these sessions, and the number rose to 1,024 in FY 2024, bringing the total to 1,908 participants over the biennium. This much participation shows a strong and consistent interest in ongoing professional development, with members typically attending four live and virtual training sessions yearly. Through these sessions alone, IPDC has enabled public defenders to earn up to 76.5 hours of training over the last two years, for free or at little cost. These developments have saved counties money in paying for training and allowed overworked and under resourced attorneys to learn in their counties without traveling to Indianapolis.

<b>Fiscal Year</b>	<b>Live Participants</b>
2023	884
2024	1024
<b>Total</b>	<b>1908</b>

In addition to live sessions, IPDC has also expanded its on-demand training services, providing flexible learning options that public defenders can access at their convenience. Over the past two years, 337 members have used these opportunities, with 158 participating in FY 2023 and 179 in FY 2024. On average, these members have completed about three on-demand courses per year, highlighting the demand for self-directed, accessible training.

<b>Fiscal Year</b>	<b>On-Demand Users</b>
2023	158
2024	179
<b>Total</b>	<b>337</b>

The robust participation across both live and on-demand formats underscores the success of IPDC’s efforts to diversify and enhance its training offerings. By providing abundant learning experiences, IPDC empowers public defenders to tailor their professional development, stay up to date with current legal trends, and improve their advocacy skills. Enhanced training for public defenders not only leads to better client representation but also results in significant cost savings for the state through more efficient case management, quicker resolutions, alternatives to incarceration, and more effective plea bargaining.

Thousands of Research Requests Resolved

IPDC’s research staff has seen a significant increase in requests for help, reflecting a growing need for comprehensive legal information, guidance, and support. To illustrate the range of topics IPDC helps with, below is a table detailing the number of research help requests by topic and fiscal year. These requests cover a wide range of legal areas, reflecting the diverse challenges faced by public defenders. Whether it involves exploring case law, discussing trial strategies, or answering procedural questions, our team is committed to providing prompt and accurate information to support effective legal advocacy.

<b>Case Type</b>	<b>FY 2023</b>	<b>FY 2024</b>
Appellate	458	433
Case Review	44	49
CHINS/TPR	58	61
Civil Commitment	1	1
Criminal	1,255	1,359
Delinquency	46	76
Investigation	8	12
Outreach	-	3
PCR	18	27
Social Work	1	1
<b>Total</b>	<b>1,889</b>	<b>2,022</b>

This detailed data underscores IPDC’s commitment to supporting public defenders through comprehensive training and research assistance, ultimately enhancing the quality of justice delivered to the community.

Built a Bar for Child Welfare Attorneys

IPDC is dedicated to improving the quality of representation and outcomes for families, so it has hired a child welfare expert on staff and set up an email listserv to find and connect attorneys

across the state specializing in this field to foster communication and support. Recognizing the need for advocacy skills specific to child welfare, IPDC created a Child Welfare Trial Practice Institute (TPI), offering multi-day intensive training. Over 100 attorneys have participated in IPDC's Child Welfare TPI. To support attorneys further, IPDC partnered with the National Association of Counsel for Children to offer certification as Child Welfare Law Specialists to Indiana attorneys. Previously, Indiana was one of five states without this certification. Thanks to this initiative, 28 attorneys obtained accreditation at no cost. With more skilled litigators, CHINS and TPR cases can be resolved more quickly and favorably, reducing taxpayer costs.

#### Increased Amicus Advocacy

Over the biennium, IPDC has filed a dozen "friend of the court" or *amicus curiae* briefs in legal cases. The subject matter of these briefs has spanned a range of issues, including mental health commitment proceedings and the imposition of fines, fees, and other costs on parents whose children have been adjudicated as delinquent. By weighing in as amicus, IPDC aids our high courts in examining pending matters before them. This comprehensive examination ultimately leads to more informed and definitive resolutions, which provide more straightforward guidance to future litigants. IPDC's amicus participation promotes finality in the litigation process.

#### **Challenges (Current Biennium)**

##### Indiana's attorney shortage

IPDC's services have never been more needed than they are now due to the attorney shortage and the state's efforts to expand the right to an attorney. Indiana faces a significant shortage of attorneys, resulting in legal deserts. Public interest law, including prosecution and public defense, have been particularly affected. Some public defender programs have had longstanding vacancies, and even when positions are filled, they struggle with low retention rates. As IPDC assists attorneys with their cases, many are experiencing increasing caseloads, and some counties, like Vanderburgh and Knox in 2023, had cases without available attorneys.

On top of the attorney shortage, there is a growing call to expand the right to counsel, particularly for representing children in child welfare matters and foster care providers. Additionally, each legislative session results in the creation of new crimes and increased penalties, adding complexity to case resolutions. Our public defender community is being asked to handle more cases with an already insufficient number of attorneys and resources. If caseloads continue to grow at this rate without enough attorneys, more counties will face situations similar to those in Vanderburgh and Knox counties. IPDC's services are critical in helping public defenders manage these higher volumes of cases and providing essential support to ensure effective legal representation.

##### Under-Resourced Defender Services

In 2021, the high-tech crime unit was established to aid prosecutors in investigating and collecting evidence related to criminal acts committed with or assisted by digital evidence, networks, or communications technology. *See* Ind. Code § 33-39-8-7. The General Assembly appropriated eight million dollars for the biennium, followed by six million dollars in the subsequent budget. This legislation has provided a significant tool for prosecution, resulting in large amounts of data being generated and sometimes provided to the defense during discovery.

Defense attorneys who need an expert to help parse and understand this discovery must argue before trial judges for an expert on a case-by-case basis. These requests are sometimes granted and sometimes not. Further, defender programs struggle with having storage tools to manage the large amounts of data received through discovery.

To assist attorneys in overcoming the inequity in access to experts, IPDC has provided attorneys with 4 hours with an investigator who will examine the case and help attorneys make strong arguments for their need for an expert. Over the biennium, 20 attorneys have made use of this opportunity. Even so, a more equitable solution would be to provide a future increase in funding for IPDC to provide comprehensive e-discovery management services. This would ensure that public defenders have the necessary resources to effectively handle the data, promoting fairness and justice in the legal process. As we work with our members over the next biennium, we will further identify the impact the high-tech crime unit has to case investigation and prosecution.

### **Funding Priorities and Performance Measures for FY 26 and FY27**

#### 3% COLA and Benefit Rate for All IPDC Staff

IPDC's exceptional service relies on retaining staff who are experts and highly experienced in their fields. We have a strong track record of staff retention by offering an excellent working environment, meaningful and impactful work, and competitive salaries. To help our staff maintain their lifestyles amid rising living costs, we provide a basic 3% salary adjustment. The key performance measure for IPDC will be our ability to maintain a stable workforce.

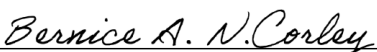
#### 8% Increase in IOT expenses

IPDC relies on the Indiana Office of Technology (IOT) backbone for various services, and IOT will likely increase its charges to agencies by about 8%. IPDC's budget must accommodate this increase to keep up with current technology services. The key performance measure will be IPDC's ability to maintain the current level of services through IOT.

#### 2% Rent increase

IPDC offices are located off the State House campus and have been housed in the Old Trails Building since its creation in 1977. Rent for this location increases incrementally each year. The performance measure will be IPDC's ability to continue maintaining its office in this current location.

Sincerely,

  
Bernice Corley, Executive Director  
Indiana Public Defender Council



