



LOUISIANA PUBLIC DEFENDER BOARD

Monday, June 14, 2021

11:00 a.m.

Zoom¹

MINUTES

1. Call to Order and Comments of the Chairman. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was called to order by its Chairman Frank Holthaus on Monday, June 14, 2021 via ZOOM video-conference (see footnote) at approximately 11:07 a.m.

The following Board members were present²:

Zita Andrus	Flozell Daniels	Pat Fanning
W. Ross Foote	Michael Ginart	Frank Holthaus
Lyn Lawrence	Donald North	Allyson Prejean
Cindy Woodard		

The following members of the Board's staff were present:

Rémy Voisin Starns, State Public Defender
Barbara Baier, General Counsel
Natashia Carter, Budget Administrator
Anne Gwin, Executive Assistant
Michael Mitchell, Trial Level Compliance Officer
Robert Noel, Dep. Public Defender, Director of Training
Richard Pittman, Dep. Public Defender, Dir. Juvenile Defender Services
Tiffany Simpson, Juvenile Compliance Officer-Legislative Director
Erik Stilling, Information and Technology Director

2. Adoption of the Agenda. Professor Donald North moved to adopt the agenda as presented. Ms. Allyson Prejean seconded the motion which passed unopposed.

3. Public Comment. Chairman Holthaus indicated public comments would be taken with each item.

¹ This meeting is being held via a ZOOM video-conference pursuant to La. R.S. 42:17.1 (Act 302 of the 2020 Regular Session)

² Board Members Ross Foote, Zita Andrus and Mike Ginart arrived at 11:11, 11:12 and 11:24 respectively. Quorum was not affected by their late arrival.

4. Minutes – May 13, 2021 Meeting. Mr. Flozell Daniels moved to adopt the Minutes of the May 13, 2021 meeting. Professor North seconded the motion which passed unopposed.

5. Resolution and Remembrance of District Defender Donald Kneipp. District Defender Donald Kneipp, District 2 (Bienville, Claiborne, Jackson Parishes), passed away unexpectedly on June 8, 2021. Board Member Cindy Woodard reported that she first knew Mr. Kneipp as a lawyer and later when he appeared in her Court where he was always professional and respectful. She provided a proposed resolution³:

The Louisiana Public Defender Board would like to take a moment to honor the memory of one of our District Defenders who died June 8, 2021. Donald L. Kneipp was born in Shreveport, Louisiana on February 3, 1950. After college, he graduated from LSU Law Center in 1975 with honors. He began the practice of law in Monroe, Louisiana and continued this practice until he was appointed as the District Defender of the Second Judicial District in 2015 where he served until his death.

Don exhibited many traits that good lawyers (and people) share. Don was honest, industrious, responsive, prompt and creative. He practiced law as if he truly believed that it was a privilege to represent his clients. He showed this belief in how well he listened and communicated with his clients as well as in how he presented their case. Don had a very diverse civil practice, and at the end of his career the way that he embraced the cause of indigent defense showed that he recognized that for him the practice of law was not merely a business pursuit, but a higher calling to service. As a District Defender, he exhibited sound judgment and took great pains to ensure that the indigent defense system under his supervision was well run and the clients' needs were properly served.

Don was a great husband to Kay and a good father and grandfather. He showed his love for them in his words and actions. He represented the best in the legal community and will be greatly missed.

Professor North moved for the adoption of the Resolution in remembrance of Mr. Kneipp. Judge Foote seconded the motion which passed unopposed.

6. Budget and Fiscal

a. Financial Report as of May 31, 2021. Budget Administrator Natasha Carter reported \$45,548,243 expended to date; \$5,738,281 expected to be spent before June 30; and approximately \$159,435 available for reallocation to the districts (in addition to any other located unspent monies). Professor North moved to adopt the Financial Report as presented. Ms. Prejean seconded the motion which passed unopposed.

³ The resolution language was provided prior to the meeting and was not read at the meeting.
2_Board_Jun 14 2021_Minutes

- b. FY21
 - i. Solvency Projections. Dr. Erik Stilling reported on the solvency projections which provide amounts in column F (page 245 in the materials) that each district will have in their fund balance at the end of FY21 to begin with in FY22.
 - ii. Final FY21 DAF Distribution. Dr. Stilling reported the document on page 246 in the materials reflects the final FY21 DAF distribution sent to the districts on June 2, 2021 based on the distribution method approved by the Board at the May 13, 2021 meeting.
 - iii. FY21 Year End Scrub Distribution. Dr. Stilling reported that any unused administrative monies at the end of the fiscal year will be sent, pro rata, to the districts. That amount is unknown at this time. Ms. Carter clarified that the scrub will include the \$159,435 available for reallocation plus any other unused monies and that the authority to disburse these funds was given to the SPD by the Board at the May 13, 2021 meeting.
 - c. FY22 Final LPDB Budget Allocation (HB1). Mr. Starns reported that the passage of HB1 which has been signed by the Governor allocates \$45,154,607 to LPDB for FY22. He reported that no additional funds for building acquisitions nor additional funding included in FY21 for courtroom closures due to COVID are included in the appropriation for FY22.
 - d. FY22 Proposed DAF. Dr. Stilling reported that the FY22 DAF disbursement method approved by the Board at the May 2021 meeting has been updated with the most recent projections and include the final \$3.5M FY21 DAF disbursement to the districts. With all current data, the projections indicate only two districts with “in the red” fund balances – District 11 (Sabine Parish) and District 41 (Orleans Parish) at \$55,214 and \$62,546, respectively. He reported the good news is that the remaining monies in the “O” Fund pursuant to the FY22 DAF formula is \$4,301,974. Those funds will be available to the districts in need over the next year. Professor North moved for the adoption of the FY22 DAF as presented. Mr. Lyn Lawrence seconded the motion which passed unopposed.

7. **Executive Session^{4,5*}**. Executive Session was taken up later in the agenda.

8. **District Defender Selections and Status**

- a. District 19 (EBR Parish) - Appointment of District Defender and Setting of Salary*. This item was taken up later in the agenda.
- b. District 2 (Bienville, Claiborne, Jackson Parishes) - Appointment of Interim District Defender and Setting of Salary. Mr. Starns reported that with the passing of District Defender Kneipp it is necessary to appoint an interim and begin the formation of the Selection Committee in District 2. His recommendation is to appoint District

⁴ The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including strategy sessions with respect to litigation and prospective litigation. In accordance with La. R.S. 42:19(A)(b)(iii), the Board may discuss the following: *Jami Pellerin vs State of Louisiana, through Indigent Defender Board, et al*, 15th Judicial District Court, Docket: c-202116471, Lafayette Parish.

⁵ The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including character and professional competence of a person; provided, however, such person(s) may require that such discussion be held at an open meeting pursuant to La. R.S. 42:17(A)(1). No final or binding action will be taken during executive session. The board may discuss the applicants/appointments in District 19 (EBR Parish) – Ms. Lindsay Blouin, Ms. Margaret Lagatutta, Ms. Lisa Parker and Mr. Stephen Sterling, III.

Defender Rick Candler, District 3 (Lincoln and Union Parishes), as interim at a salary of \$3,000 per month. Judge Woodard reported that District 3 is contiguous with District 2, she knows Mr. Candler who has appeared in her district court, that she has spoken with him and he is aware of the potential appointment. Professor North moved to adopt the recommendation of SPD Starns to appoint Mr. Candler in the interim position in District 2. Judge Woodard seconded the motion which passed unopposed.

c. District 21 (Livingston, St. Helena, Tangipahoa) – Appointment of Interim District Defender and Setting of Salary. Mr. Starns reported that long-time District 21 District Defender Reginald (Reggie) McIntyre will retire at the end of this month and he (Starns) is recommending the appointment of District Defender Alan Robert, District 23 (Ascension, Assumption and St. James Parishes), as interim at a salary of \$3,000 per month. Professor North moved to adopt the recommendation of SPD Starns to appoint Mr. Robert as interim in District 21. Judge Woodard seconded the motion which passed unopposed.

d. District 35 (Grant Parish) – Appointment of Interim District Defender and Setting of Salary*. Mr. Starns reported that long-time District 35 District Defender Robert (Bob) Kennedy will retire at the end of this month and he is recommending the appointment of District Defender Herman Castete, District 8 (Winn Parish), as interim at a salary of \$3,000 per month. Professor North moved to adopt the recommendation of SPD Starns to appoint Mr. Castete as interim in District 35. Mr. Lawrence seconded the motion which passed unopposed.

e. District 6 (E. Carroll, Madison and Tensas Parishes). Mr. Starns reported a slow start in the formation of the District 6 selection committee with several complications, but that the committee has finally formed, applications have been submitted, and he is awaiting the committee's recommendations.

f. District 11 (Sabine Parish). Mr. Starns reported that this selection committee is not fully formed.

g. District 42 (Desoto Parish). Mr. Starns reported that the selection committee is not fully formed.

Mr. Starns reported that agenda items 8 e-f are closely related to the discussions in item 9- District Regionalization and asked that they be addressed together.

9. District Regionalization Discussion and Recommendations.

- a. Regionalization Protocol.
- b. District 6
- c. Districts 11/42
- d. Districts 35

Judge Ross Foote indicated that he did not have adequate time to review the materials presented. Mr. Pittman indicated that one person had registered for Public Comment on the issue. Chairman Holthaus called for Public Comment. District 6 (E. Carroll, Madison and Tensas Parishes) Chief Judge Laurie Brister addressed the proposed potential for regionalizing District 6 with District 5 (Franklin, Richland and W. Carroll Parishes). She indicated that she was also speaking on behalf of District Judge Angela Claxton who could not be present due to her court duties. Judge Brister indicated that the memorandum in the packet accurately state the issues in District 6. She further indicated that both she and Judge Claxton are opposed to combining the two districts for the reasons stated in the memorandum and others including a fear of a back-log of cases, more voluminous caseload for public defenders, and budgetary issues. She stated that

she was available to provide any other comments or information should anyone want to contact her and strongly urged the Board's consideration of all aspects as stated before voting on regionalizing the two districts. Judge Foote indicated that economy of scale would be considered but there is a need for uniformity. Judge Cindy Woodward stated that if the system is working, there is no need to fix it.

Chairman Holthaus directed staff to put this issue on the next Board agenda after the Policy Committee has had time to address it. No further action was taken.

10. Building (District Office) Acquisitions. Dr. Tiffany Simpson reported that building purchases are completed in District 36 (Beauregard Parish - **DeRidder**) and District 18 (Iberville, Pointe Coupee, WBR Parishes - **Plaquemine**). The following districts continue to complete the process toward the purchase of buildings: District 17 (Lafourche Parish - **Thibodaux**) – closing scheduled for today (Jun 14); District 13 (Evangeline Parish – **Ville Platte**) - closing scheduled for tomorrow (Jun 15); District 20 (East/West Feliciana Parishes - **Clinton**) – closing should happen this week; and, District 5 (Franklin, Richland and W. Carroll Parishes – **Oak Grove** and **Winnsboro**) - expects to close on both buildings in that district this week. Funds have been processed for the purchase of the building in District 3 (Lincoln and Union Parishes - **Ruston**). Staff is waiting for the final required paperwork to process the funds for the renovations of buildings in District 12 (Avoyelles Parish - **Marksville**), District 20 (East/West Feliciana Parishes - **Clinton**), District 18 (Iberville, Pointe Coupee, WBR Parishes - **Plaquemine**) and District 13 (Evangeline Parish - **Ville Platte**).

The purchases of the buildings in District 9 (Rapides Parish-**Alexandria**) and District 14 (Calcasieu Parish-**Lake Charles**) continue to be unknown. Dr. Simpson reported that should the purchase in Alexandria fall through, the backup plan is to forward those funds (\$203,000) to District 32 (Terrebonne Parish-**Houma**) to be allocated toward the purchase price of the current PDO building. The sale price of that building was reduced from \$575,000 to \$505,000. District Defender Anthony Champagne (Houma) will pay the balance of the purchase out of the district's fund balance. Mr. Starns indicated he is asking for the authority to send the funds previously assigned to District 9 to District 32 if the purchase in Alexandria fails. Judge Foote moved to authorize the State Public Defender to send any unused money to assist in the purchase in District 32 (Terrebonne Parish). Professor North asked for further clarification. Dr. Simpson reported that in addition to the funds for District 9, there is the potential for other savings in other districts and all unused monies should be spent. She further reported that deadlines have been given so other districts will have time to get closing dates set before the end of the fiscal year. District 9 District Defender Deirdre Fuller reported she is aware of the deadline and is meeting with the School Board this afternoon. Should the purchase deal fall through, Ms. Fuller indicated she is in full agreement that the money designated for the purchase in her district should go to the District 32 (Terrebonne Parish). Professor North then moved for the adoption of the recommendation that the State Public Defender be authorized to expend these monies as indicated. Mr. Lyn Lawrence seconded the motion which passed unopposed.

Dr. Simpson reported on the purchase in District 14 (Calcasieu Parish-**Lake Charles**). The purchase is still pending as the parking issue is being negotiated with the building owner. Mr. Starns reported that the issue arose *after* the funds were sent to the district for the purchase. He reported it is his position that as long as the district maintains those funds for the purchase of a building – whether it is this building or another – that the funds were properly committed when they were sent to the district and they will be expended as intended by the legislature. Professor

North strongly urged that both the District Defender and the State Public Defender document all purchase proceedings going forward and the funding agreement.

11. Division Reports – informational. Chairman Holthaus indicated the divisional reports listed below are in the materials for review.

- a. SPD
- b. Training
- c. Database Compliance
- d. Compliance/Capital
- e. Juvenile
- f. Legislative. Dr. Simpson gave a brief report on FY21 legislation pertinent to LPDB and public defense.

7. Executive Session^{6,7*}. Judge Foote moved to go into Executive Session which was seconded by Mr. Lawrence and passed unopposed. Mr. Lawrence moved to leave Executive Session which was seconded by Mr. Daniels and passed unopposed. Mr. Daniels moved to reconvene regular session which was seconded by Mr. Lawrence. Regular session reconvened at approximately 5:41 p.m.⁸

Upon return to regular session, Mr. Daniels moved to consider Ms. Lindsay Blouin as District Defender in District 19 (EBR Parish). Ms. Prejean seconded the motion. Upon vote, the motion failed with four voting in favor (Andrus, Daniels, Foote, Prejean) and five voting in opposition (Fanning, Lawrence, North, Woodard, Holthaus).

Judge Woodard then moved to appoint Ms. Lisa Parker as District Defender in District 19 (EBR Parish). Professor North seconded the motion. Upon vote the motion carried with six voting in favor (Andrus, Daniels, Fanning, North, Woodard and Holthaus) and three voting in opposition (Foote, Lawrence, Prejean).

Mr. Starns recommended an annual salary of \$115,000. Professor North moved that Ms. Parker be offered an annual salary of \$115,000. Mr. Lawrence seconded the motion which passed unopposed.

12. Next Meeting. The Board set the next meeting for Thursday, July 15, 2021. The location is to be determined and announced.

13. Adjournment. Ms. Prejean moved to adjourn. Mr. Lawrence seconded the motion which passed unopposed. The meeting adjourned at approximately 5:52 p.m.

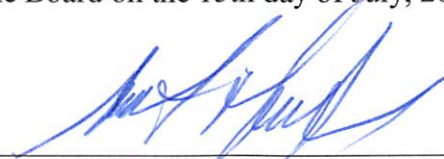
GUESTS: See Zoom participant list

⁶ The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including strategy sessions with respect to litigation and prospective litigation. In accordance with La. R.S. 42:19(A)(b)(iii), the Board may discuss the following: *Jami Pellerin vs State of Louisiana, through Indigent Defender Board, et al*, 15th Judicial District Court, Docket: c-202116471, Lafayette Parish.

⁷ The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including character and professional competence of a person; provided, however, such person(s) may require that such discussion be held at an open meeting pursuant to La. R.S. 42:17(A)(1). No final or binding action will be taken during executive session. The board may discuss the applicants/appointments in District 19 (EBR Parish) – Ms. Lindsay Blouin, Ms. Margaret Lagatutta, Ms. Lisa Parker and Mr. Stephen Sterling, III.

⁸ Mr. Ginart left the meeting during executive session and did not return to regular session.

I HEREBY CERTIFY that the foregoing is a full, true, and correct account of the proceedings of the meeting of Louisiana Public Defender Board meeting held on the 14th day of June, 2021 as approved by the Board on the 15th day of July, 2021.



MICHAEL C. GINART, JR., CHAIRMAN⁹

⁹ Mr. Ginart was designated as Board Chairman by Governor John Bel Edward and replaced Chairman C. Frank Holthaus effective Jun 28, 2021. Mr. Ginart was an active Board member and present for a majority of the June 14, 2021 meeting.
7_Board_Jun 14 2021_Minutes