



LOUISIANA PUBLIC DEFENDER BOARD

Thursday, September 28, 2023 – 1:00 p.m.
Louisiana Licensing Board for Contractors
600 North Street
Baton Rouge, LA

MINUTES

1. Call to Order and Comments, Chairman, Michael C. “Mike” Ginart, Jr. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was called to order by Chairman Michael C. Ginart, Jr. on Thursday, September 28, 2023 at approximately 1:05 p.m.

The following Board members were present¹:

Zita Andrus	Adrejia Boutté	Lou Daniel
Michael Ginart	Frank Holthaus	Holly Howat
Charles Porter	Frank Thaxton	

The following Board members were absent: Pat Fanning; Lyn Lawrence.²

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

Rémy Voisin Starns, State Public Defender
Barbara Baier, WAE/General Counsel
Anne Gwin, Executive Assistant
Caressa Hall, Accountant 3
Richard Pittman, Dep. Public Defender, Director Juvenile Defender Services
Tiffany Simpson, Juvenile Compliance/Legislative Director
Erik Stilling, IT Director

2. Adoption of the Agenda. Judge Frank Thaxton moved to adopt the agenda. Judge Charles Porter seconded the motion which passed unopposed.

3. Public Comment³. District 29 (St. Charles Parish) District Defender Fen Swann; District 13 (Evangeline Parish) District Defender Trisha Ward and Reverend Alexis Anderson registered for public comment on agenda items 7a(ii)/7a(iv); 7aiv; and 8c(ii), respectively.

6. Budget and Financial

a. Financial Report. LPDB Accountant Caressa Hall briefly reported on the financial status of the Board. She added that she would be meeting with the Office of Planning and Budget

¹ Frank Holthaus arrived at approximately 1:15 and Zita Andrus at 1:35. Voting was not affected by their late arrival.

² There remains one vacancy.

³ Public Comment must relate to current agenda items. All comments are limited to three minutes. Please address comments to the Chairman.

(OPB) on the new submittal process for the FY25 budget on October 2 and that the FY25 budget request is due November 1, 2024.

Judge Thaxton requested the amount and to which districts the final FY23 scrub disbursement went. Ms. Hall did not have that information; however, Dr. Erik Stilling indicated he would locate the information and report once obtained.

4. Adoption of Minutes—June 22, 2023 Meeting. Judge Thaxton moved to adopt the Minutes of the June 22, 2023 meeting. Mr. Frank Holthaus seconded the motion which passed unopposed.

5. Executive Session⁴. Judge Porter moved to go into Executive Session. Judge Thaxton seconded the motion which passed unopposed. Mr. Holthaus moved to return to Regular Session. Judge Porter seconded the motion which passed unopposed.

Upon return to Regular Session, Dr. Stilling reported that final FY23 scrub monies from the LPDB administrative budget in the amount of \$657,690 were disbursed to those districts projected to be in the most tenuous fiscal condition at the end of FY24 (Jun 30, 2024). On August 2, 2023 a portion of the available funds was disbursed initially to District 15 (Acadia, Lafayette and Vermilion Parishes) - \$250,000 and District 19 (EBR Parish) - \$100,000. The remaining funds were disbursed *pro rata* based, as follows: District 8 (Winn Parish) - \$33,483; District 9 (Rapides Parish) - \$24,871; District 10 (Natchitoches Parish) - \$48,933; District 26 (Bossier and Webster Parishes) - \$69,993; District 28 (LaSalle Parish) - \$20,347; District 30 (Vernon Parish) - \$37,004; District 34 (St. Bernard Parish) - \$23,856; District 40 (St. John the Baptist Parish) - \$20,000; District 42 (Desoto Parish) - \$29,199⁵.

8. District Issues

c. District Defender Selections

i. District 18 (Iberville, Pointe Coupee, WBR Parishes)

Recommendation and Salary. State Public Defender Rémy Starns informed the Board that the Selection Committee for District 18 reported that three people applied for the chief position but one person did not qualify and was not interviewed. The Committee submitted their list in order of preference with Mr. Tom Nelson being their first choice for the position. Mr. Starns indicated that he interviewed both candidates and Mr. Nelson is his recommendation for the position having served for many years as a public defender in District 18 (Iberville, Pointe Coupee, WBR Parishes) with long-time District Defender Jerry D’Aquila. Mr. Ginart thanked the candidates for their interest. Mr. Holthaus moved to accept the State Public Defender’s recommendation appointing Mr. Tom Nelson as District Defender in District 18. Dr. Holly Howat seconded the motion. Upon vote, the motion carried six in favor (Andrus, Daniel, Holthaus, Howat, Porter, Thaxton) and one opposed (Boutté).⁶

Judge Thaxton moved to defer the setting of the salary pending a decision on the Chief Salary Range Structure proposal. Judge Porter seconded the motion which passed unopposed.

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. Pursuant to La. R.S.42:17, executive session is limited to matters exempt from public discussion/open meetings including strategy sessions with respect to prospective or pending litigation against the Board; and, the Board may discuss and/or interview final candidates for the District 19 (EBR Parish) District Defender position: Sara Clarke; Quincy Richard; Kyla Blanchard Romanach; and, the District 18 (Iberville, Pointe Coupee, WBR Parishes) District Defender position: Thomas A. Nelson and George Grace.

⁵The voucher submitted for payment for \$657,690 includes cents that are not indicated in the whole amounts reported here.

⁶ Chairman Ginart’s name was inadvertently not called for vote. He did not formally abstain.

ii. District 19 (EBR Parish) Recommendation and Salary. Mr. Starns reported the Committee submitted their list in order of preference with Ms. Kyla Romanach being their first choice for the position out of three finalists. Mr. Starns indicated Ms. Romanach is also his recommendation for the position. He reported that Ms. Romanach is currently the Executive Director of the Baton Rouge Capital Conflict Office (BRCCO) and that he is requesting that the Board approve her appointment as District Defender in District 19 (EBR Parish) and a merging of BRCCO with the EBR Public Defender's Office. He indicated he would not decrease any funding of BRCCO at this time and that he has met with the EBR Parish Mayor's Office regarding an increase in office space and local funding for the 19th PDO.

Chairman Ginart thanked the applicants for their interest. Judge Thaxton moved to accept the State Public Defender's recommendations. Mr. Holthaus seconded the motion which passed unopposed. Judge Thaxton then moved to defer the setting of the salary pending a decision on the Chief Salary Range Structure proposal. Mr. Holthaus seconded the motion which passed unopposed.

Reverend Alexis Anderson addressed the Board. She expressed her concern regarding critical issues in the 19th PDO, EBR jails, and much needed stability and engagement from the office of the 19th Public Defender. Chairman Ginart thanked her for her comments.

Mr. Ginart took the opportunity to announce his decision not to seek or accept re-appointment to the Board upon expiration of his term at the end of this month. He expressed his appreciation of the people he has met while serving on the Board and thanked everyone for their passion for indigent defense.

7. Working Groups. Dr. Tiffany Simpson reported that the working groups met multiple times via zoom to address various issues.

a. Compensation. Dr. Simpson reported that the Compensation Working Group created four subgroups: the COLA subgroup; Chief Salary Subgroup; new District Defender Salary Range Structure Subgroup and the Health Insurance/Retirement Subgroup. She indicated that she would present the recommendation of the subgroups and the subgroup representative would answer any additional questions.

i. Compensation and Related Benefits Survey. Dr. Simpson reported to initiate the Compensation Working Group that LPDB staff sent out a survey (pg. 201-206) that included current chiefs' salaries, years since a last raise, if and when COLAs are given; and, health insurance and retirement questions. Thirty-five of the 42 districts are represented in the survey summary.

ii. Compensation – COLA. Dr. Simpson reported that the subgroup's recommendation is to provide either a 15% *or* a \$15,000 COLA for all district defenders. District 29 (St. Charles Parish) District Defender Fen Swann spoke on behalf of the subgroup as the author of the COLA recommendation and clarified that the recommendation is actually 14.6% or \$15,000 and that providing a flat \$15,000 would be equal across the board for everyone alleviating possible inequities. He reported that if the Board approves the Salary Structure proposal, the COLA recommendation would be moot for most of the chiefs. Discussion continued. Clarification was made that the COLA recommendation is only for the Chief District Defenders as they lack the authority to adjust their own income.

Judge Thaxton commented on the two district defenders on the agenda requesting pay raises and the process for addressing those requests. He inquired if the process is the same for the

Board's staff and on what criteria their pay raises are based. He then suggested tying pay increases for LPDB staff and district chiefs going forward in the same amounts as the legislatively approved increases that are given to the judiciary, sheriffs, and District Attorneys. Mr. Starns reported that his salary is set by statute and more than half of the LPDB staff (classified) get cost of living increases annually by Civil Service rule. Of the remaining unclassified staff, there is no protocol to address pay increases, but a few have gotten raises from time to time. He added that his concern about all of these issues is not who deserves raises or not, rather what is the source of funds, how giving these raises may impact what the legislature allocates in DAF every year and LPDB's subsequent ability to get new sources of funding.

iii. Compensation – District Defender Salary Range Structure. Dr. Simpson reported that the proposed recommendation in the materials is a salary structure for new district defenders that is based on size, experience, private practice, number of parishes and multi-district chiefs. She indicated that the structure was applied to the two district hires today with an alternate proposal for Ms. Romanach as staff was not sure if the board would consider her years as Executive Director of BRCCO equal to that of a District Defender. She then turned the explanation of the proposed salary range structure over to Judge Thaxton.

1. Thaxton Plan. As background, Judge Thaxton reported that the subgroup wanted to set up a structure that did not have money in it, rather they wanted objective, weighted criteria. He indicated that he entered the original numbers based on how the chiefs weighted them, that entry salaries from assistant DAs and the districts, contract lawyers and line defenders were reviewed and because the chiefs cannot waive costs and fines, or conviction and user fees (CUFs) were not included.

Chairman Ginart thanked everyone for their efforts. Mr. Frank Holthaus expressed concern whether the Board has the funding now and seeking funding from the legislature in the future.

SPD Starns reiterated that the need for raises is not being disputed but based on the salary structure proposed by the subgroup, the funding for the increases is being taken from the fund balances and those monies will have to be made up with O-level funds at the end of the year as the proposal does not identify a new source of funding. He reminded everyone that CUFs (Conviction and User Fees) are declining at \$700,000 per year and that the .445 sales tax may or may not be renewed in 2025. He also reminded everyone that these salary increases could potentially have to be defended to the legislature as salary increases have in the past.

Judge Thaxton reported that the salary increases pursuant to the proposed structure will only cost an additional \$57,000 out of O-Level funds after which there will remain \$2.4M. Mr. Holthaus asked for confirmation on that amount. Dr. Simpson clarified that the total additional increase to salaries, based on the structure as presented, is \$943,907, annually (excluding Districts 18 and 19 until confirmation on the salary structure application to the 19th District Defender).

Mr. Holthaus reiterated that Mr. Starns is who will have to defend this action to the legislature. Judge Thaxton indicated that there is plenty of money in O-Level funds. Dr. Howat indicated that more information is needed on what monies will sustain the raises in the future. Chairman Ginart indicated a great deal of progress has been made but to be prudent administrators more information may be needed and the pay raises

can be retroactive.

Judge Thaxton asked if each Compensation subgroup item was going to be taken up individually. Chairman Ginart clarified that if the Salary Structure is adopted it will affect both present chiefs and future hires. Judge Thaxton indicated he would combine his subgroup's (Salary Structure) motion as well as Chief Champagne's (Chief Salary Increases).

Dr. Simpson indicated that the private practice policy issue needed to be clarified. Mr. Ginart stated that the proposed salary structure provides for a \$20,000 increase to a district defender who does not have a private practice. Judge Thaxton confirmed that the information that was solicited from the chiefs was applied to the structure and if there is a chief that is unhappy with the resultant salaries that are being presented, he/she can bring it to the Board for a resolution. Mr. Ginart stated that a district defender either has a private practice or does not.

District 20 (East/West Feliciana Parishes) District Defender Rhonda Covington and District 31 (Jefferson Davis Parish) District Defender David Marcantel addressed the Board on this issue. Pursuant to the proposed structure Ms. Covington indicated she will be making \$11,000 less than a comparable district and Mr. Marcantel reported that because of DAF cuts to his district three years ago, he cannot afford to pay himself the salary the board is authorizing.

Judge Thaxton then moved that the consensus by the subgroups that was prepared in the summary with the attached chart⁷ be adopted with regard to the salary structure to apply not only to the vacancies which currently exist but also to the current chiefs effective September 28, 2023. Judge Porter seconded the motion. Clarification was made that the motion is to include the vacancies and also to be effective September 28, 2023. Upon vote the motion passed six in favor (Andrus, Boutté, Daniel, Holthaus, Porter, Thaxton) and two in opposition (Howat, Ginart).

2. SPD Proposed Salary Structure (in progress). This item was not presented.

iv. Compensation – Chief Salary Increases. This was combined with the discussion of item 7a(iii)(1).

b. Standards and Guidelines

i. Capital Data Collection. Dr. Simpson reported that the data to be captured has been identified and agreed upon. Dr. Stilling is working with the *defenderData* technology group to develop the online forms.

ii. Capital Guidelines and Standards – Review and Revision. This item was not presented.

8. District Issues

a. Solvency Projections. Dr. Stilling reported on projections of district solvency using data as of September 15, 2023 which shows three districts potentially insolvent by July 15, 2024, as follows: District 8 (Winn Parish) - \$11,483 – continued decline in CUFs; District 30 (Vernon Parish) - \$79,337 – \$-0- CUFs for 2 months in FY24; and, District 41 (Orleans Parish). He indicated Orleans is expecting \$6.7M in local monies which aren't included here.

b. O-Level Funding Disbursements-informational. SPD Starns reported that three districts

⁷ The "attached chart" was a handout attached to Judge Thaxton's typed motion and not the chart that was provided in the meeting documents and compiled by staff. The final amounts differ.

were provided with O-Level funds for representation. District 40 (St. John the Baptist Parish) District Defender Fontella Baker gave a brief report on the issue in her district. She thanked attorney Kevin Christensen and SPD Starns for the assistance. Mr. Ginart thanked Mr. Fleming for his assistance in District 25 (Plaquemines Parish).

d. Salary Increase Requests and Recommendations

i. District 13 (Evangeline Parish)

ii. District 29 (St. Charles Parish)

These items were not presented as they were resolved with the passage of the Salary Range Structure and chief salary increases discussion.

9. Division Reports - informational

a. SPD. Mr. Starns thanked Tommie Gipson and Rhonda Covington for their interim District Defender support in District 19 (EBR Parish) and District 18 (Iberville, Pointe Coupee, WBR Parishes), respectively.

b. Juvenile. Deputy State Public Defender/Director of Juvenile Defender Services Richard Pittman presented the Guide for line defenders for incorporating disability advocacy into representation of parents in child in need of care cases (pages 348-359).

c. Training. The training schedule was presented on page 360.

Judge Thaxton asked that the issue of raises for compensation adjustments for chiefs going forward and unclassified members of the LPDB staff tying that to any raise or compensation raise that is given to our state public defender go on the next agenda. Chairman Ginart asked that he send the request to him and SPD Starns before the next meeting. Judge Thaxton then asked for the formation of an O-Level funding oversight committee made up of Board members, chief defenders and staff. General Counsel Barbara Baier indicated that any Committee would be subject to the Open Meetings laws and could not meet by Zoom. She asked that she be told what the proposal is for the group's purpose/duties and she would provide guidance as to whether the Open Meeting laws apply. Mr. Ginart suggested Judge Thaxton work with the chiefs and staff when funding requests come up, he could provide input, have knowledge of issues, and he could provide a report to the Board negating the necessity of a Committee. Judge Thaxton asked for clarification on contacting staff directly. Mr. Ginart indicated requests are made through the state public defender.

Mr. Holthaus then moved for a unanimous consent and expression of gratitude to Mr. Ginart from the Board thanking him for his leadership and service. Judge Porter seconded the motion which passed unopposed.

10. Next Meeting(s): Thursdays, 1:00 – 5:00 p.m., Louisiana State Licensing Board for Contractors, 600 North Street, Baton Rouge: Nov 30, 2023; Feb 29, 2024; Jun 20, 2024.

11. Adjournment. Dr. Howat moved to adjourn which was seconded by Mr. Holthaus and passed with no opposition.

Guests: See attached sign in sheet.

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 28nd day of September, 2023 in Baton Rouge, LA, as approved by the Board on the 30th day of November, 2023, in
Baton Rouge, LA.



HOLLY HOWAT, CHAIRWOMAN