



LOUISIANA PUBLIC DEFENDER BOARD

Thursday, September 30, 2021

1:30 pm

Zoom¹

<https://us02web.zoom.us/j/85451132063?pwd=WG0weVlKTjVqeVNzM290eXJyZdndz09>

Meeting ID: 854 5113 2063

Passcode: 011436

MINUTES

1. Call to Order and Comments by Chairman. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was called to order by its Chairman Michael C. Ginart on Thursday, September 30, 2021 at approximately 1:35 p.m.

The following Board members were present²:

Flozell Daniels
Michael Ginart
Lyn Lawrence

Pat Fanning
Frank Holthaus
Donald North

W. Ross Foote
Holly Howat
Cindy Woodard

The following Board members were absent:

Zita Andrus

Allyson Prejean

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

Chairman Ginart welcomed new board member Dr. Holly Howat. Dr. Howat expressed her excitement to be a member of the board and that she is looking forward to helping the people of Louisiana.

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) and gubernatorial Proclamation 168 JBE 2021, *Extension of Emergency Provisions Due to COVID-19 Public Health Emergency*.

² Board Member Frank Holthaus arrived at approximately 2:10 pm. Quorum was not affected by his late arrival.

Mr. Ginart acknowledged the recent death of retired District Defender, Reginald “Reggie” McIntyre (District 21 (Livingston, St. Helena, Tangipahoa). State Public Defender Starns reported that Mr. McIntyre was a tremendous asset as a long-term District Defender and his leadership created a model public defender office for the entire state. Mr. Robert Noel reported that Mr. McIntyre loved the State of Louisiana, was an ally to all public defenders, was a source of advice and, right or wrong, he always pushed forward for his district and public defense. Judge Foote moved to send full Board condolences to Mr. McIntyre’s family expressing their gratitude for his years of service to public defense and to the Board. The motion passed unanimously.

2. Adoption of the Agenda. Professor Donald North moved to adopt the agenda as presented. Judge Ross Foote seconded the motion which passed unopposed.

3. Public Comment. Mr. Ginart indicated public comments would be taken with each agenda item.

4. Minutes – June 14, 2021 Meeting. Professor North moved to adopt the Minutes of the July 16, 2021 meeting. Mr. Flozell Daniels seconded the motion which passed unopposed.

State Public Defender Starns asked to interrupt the agenda to report breaking news of a reversal in the death penalty case, *State v. David Brown*, and commended the Capital Appeals Project for their incredible work.

Chairman Ginart announced that the regular meeting would break for Executive Session at 3:00 in order to interview the candidates for the District Defender position vacancies and that the candidates have been informed of the agenda change.

5. Budget and Financial

a. Financial Report. Budget Officer Natasha Carter reported that due to the state’s recent programmatic conversion from ISIS to LaGOV there have been no budget reports received from the state in order to compile the agency’s individual financial report. She indicated that at this time LPDB is budgetarily sound and no district is in fiscal trouble.

b. FY23 Budget Submittal. Mr. Starns reported that an additional \$2.5M - \$3.M is being requested in the LPDB budget for FY23. He indicated as soon as the FY23 budget compilation is finalized, he would provide it to the Board.

6. Discussion of Mission Statement – Hiring and Complaint Procedures. Mr. Ginart indicated that Judge Foote requested this item on the agenda and turned the discussion over to him.

Judge Foote referenced the agency’s Mission Statement and La. R.S. 15:142 and expressed his concerns regarding line defender independence from political and judicial interference; that regionalization plans have not been presented to the Board; that he is unaware of what, if any, regionalization plans have been presented to local stakeholders; and, that the hiring process for new district defenders continues without change. He indicated his desire to have discussions as to the regionalization plans being presented to the judges, to the line defenders, and to the stakeholders and to set a policy to create more independence. Discussion continued but no action was taken.

Judge Foote expressed additional concern regarding client complaints and rumors he has heard statewide. Mr. Starns addressed Judge Foote's concerns and explained how complaints are handled in the LPDB office. Mr. Starns indicated that from his perspective the district and line defenders work extremely hard and trial results statewide are encouraging. Mr. Flozell Daniel's indicated, from his position, there are clients who frequently feel they are not being well taken care of. He (Daniel³) inquired how the Board could find out whether or not the represented people believe the public defenders have been doing a great job. After discussions, Chairman Ginart requested that Staff talk with the line defenders about a way to get some feedback from people being represented and that the issue be placed on the next meeting agenda.

7. District Issues

a. Post-Ida District Office Report. Mr. Starns gave a brief report on his recent visits to St. John the Baptist and St. Charles District Offices. He stated that he and staff are in contact with the affected districts on a regular basis and through the weekly Zoom meeting on Fridays. He thanked district defenders and staff for their joint efforts aiding the affected districts (District Defender Deirdre Fuller for water delivery and District Defender Derrick Carson for a generator to District 40). Mr. Bob Noel reported on the loss of Conviction and User Fees (CUFs) in the Ida-affected districts: District 17 (Lafourche Parish), District 29 (St. Charles Parish), District 32 (Terrebonne Parish) and District 40 (St. John the Baptist Parish). Mr. Daniels reported that he learned in Orleans Parish that juveniles had been relocated to adult prisons and inquired if staff was aware if that had happened in other districts. Mr. Richard Pittman indicated that was an isolated incident specific to Orleans Parish Detention Center, that other facilities either did not evacuate or relocated to other juvenile centers. Mr. Daniels suggested a Board resolution or other steps to ensure that would not happen in the future.

b. "O" Level Funding Requests. Mr. Starns reported multiple meetings with staff and districts regarding "O" level funding requests. He indicated the Ida affected districts have incurred some unforeseen expenditures and it is probable that CUFs will be affected as well. He stated that none of the affected districts are facing financial hardship at this time, but he requested the authority to disburse up to \$130,000 between those 4 districts to cover those unexpected expenditures. Judge Foote moved that Mr. Starns be authorized to disburse \$130,000 in emergency funds to cover Ida expenses. Mr. Lyn Lawrence seconded the motion. Mr. Holthaus offered an amendment that the monies are to come from the "O" Level funds. Judge Foote accepted the amendment and changed the disbursal amount to \$140,000. Upon vote, the motion carried with no opposition.

10. Executive Session^{3*}

Pursuant to Chairman Ginart's earlier announcement, Mr. Lawrence moved to go into Executive Session. Judge Foote seconded the motion which passed unopposed.

³ 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/interview the applicants/appointments for the district defender positions in District 21 (Livingston, St. Helena, Tangipahoa) and District 35 (Grant Parish).

Professor North moved to leave Executive Session which was seconded by Mr. Holthaus and passed unopposed.

Upon return to Regular Session, the Board took action on Item 11 on the agenda.

11. District Defender Selection Committees

a. District 21 (Livingston, St. Helena, Tangipahoa) Recommendation. Professor North moved that Mr. Charles “Chuck” Reid be hired as the new District Defender in District 21 (Livingston, St. Helena, Tangipahoa). Mr. Pat Fanning seconded the motion. Upon vote, the motion carried with eight votes in favor (Daniels, Fanning, Howat, Holthaus, Lawrence, North, Woodard, Ginart) and one in opposition (Foote). Co-applicants Ms. Susan Hebert and Mr. Allen Harvey indicated that they look forward to working with Mr. Reid. Mr. Reid thanked the Board for the opportunity.

b. District 35 (Grant Parish) - Recommendation. Professor North moved to appoint Mr. Joe Beck as the new District Defender in District 35 (Grant Parish). Upon vote, the motion carried unopposed. Mr. Beck thanked the Board for their confidence and indicated he looks forward to working in his district and with the Board.

c. District 2 (Bienville, Claiborne, Jackson) – Status. This item was not addressed.

d. District 6 (E. Carroll, Madison, Tensas) – Status. This item was not addressed.

e. District 11 (Sabine Parish) – Status. This item was not addressed.

f. District 42 (Desoto Parish) – Status. This item was not addressed.

The Board then returned to the subsections of Item 7 on the agenda.

c. ROS Exit Protocol. Mr. Starns reported that Dr. Tiffany Simpson has revised the ROS Protocol which is in the materials for the Board’s approval. Judge Foote moved to approve the revised ROS Exit Protocol, as presented. Mr. Daniels seconded the motion which passed unopposed.

d. Site Visit Protocol. This issue was not discussed.

e. District 1 (Caddo Parish) Salary. Mr. Starns reported that staff has completed the requisite site visit to District 1 and are in agreement that a salary increase is warranted. He reported that based on some challenges uncovered at the site visit, his recommendation is for District Defender AndrePont’s annual salary to be increased to \$115,000 (from \$100,000). Judge Foote argued that Ms. AndrePont was promised a review after one-year, which was delayed by COVID, and during that time she has put the district in better fiscal standing. Ms. AndrePont clarified that her request was for an increase to \$120,000 which is in line with other districts in her category. Judge Foote then moved for an increase to \$120,000 retroactive to February 20, 2021. Mr. Lawrence seconded the motion. Discussion continued and Mr. Starns indicated his recommendation remains to be \$115,000. Professor North called the question. Upon vote, the motion to increase Ms. AndrePont’s salary to \$120,000 retroactive to February 20, 2021 passed with 8 in favor.

f. Regionalization – discussion/informational. This item was not discussed.

8. Policy – Database Compliance and Privilege* and 9. Board Committees/Working Groups. Professor North moved to defer items 8 and 9 to the next meeting. Judge Cindy Woodard seconded the motion which passed unopposed. Chairman Ginart indicated that a

Board meeting limited to these issues would be scheduled prior to the calendared December meeting. Mr. Starns indicated staff would circulate dates to the Board and announce the results.

12. Division Reports – informational. These issues were not discussed.

- a. SPD
- b. Training
- c. Database Compliance
- d. Capital/Compliance
- e. Juvenile

13. Next Meeting:

Limited Meeting – to be determined and announced

Next Pre-Scheduled Board Meeting - Thursday, December 16, 2021, 1:30 pm

Location to be determined.

14. Adjournment. Mr. Holthaus moved to adjourn. Professor North seconded the motion which passed unopposed.

Guests: See attached Zoom Participation list.

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 30th day of September, 2021 as approved by the Board on the 16th day of December, 2021⁴.



MICHAEL C. GINART, JR., CHAIRMAN

⁴ The meeting at which these minutes were approved was held by Zoom video-conference pursuant to La. R.S. 42:17.1.