



## LOUISIANA PUBLIC DEFENDER BOARD

March 27, 2020  
12:00 p.m.  
Video-Conference-ZOOM<sup>1</sup>

### Minutes

1. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was called to order by its Chairman Frank Holthaus on Friday, March 27, 2020, via ZOOM video-conference (see footnote). Mr. Holthaus acknowledged that the meeting was duly noticed with the proper certification for holding the meeting via video-conferencing and he noted quorum.

The following Board members were present:

Zita Andrus	Chris Bowman	Flozell Daniels
Pat Fanning	W. Ross Foote	Michael Ginart
Frank Holthaus	Lyn Lawrence	Donald North
Chaz Roberts	Moses Williams	

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

Remy Voisin Starns, State Public Defender  
Barbara Baier, General Counsel  
Natashia Carter, Budget Administrator  
Jean Faria, Capital Case Coordinator  
Anne Gwin, Executive Assistant  
Chase May, I. T. Support Specialist  
Richard Pittman, Dep. Public Defender, Dir. Juvenile Defender Services  
Erik Stilling, Information and Technology Director  
Tiffany Simpson, Legislative Director – Juv. Compliance Officer

2. Adoption of the Agenda. Professor Donald North moved to adopt the agenda as presented. Mr. Chaz Roberts seconded the motion which passed unopposed.
3. Call for Public Comment. Chairman Holthaus introduced SPD Starns who asked to address the Board prior to taking up the agenda. He stated that public comment would be heard with agenda items.

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<sup>1</sup> This meeting is being held via ZOOM video-conference pursuant to Executive Proclamation JBE 2020-30 – Additional Measures for COVID-19 Public Health Emergency Section 4.

Mr. Starns reported that staff has been addressing district solvency and recent court closures due to the COVID pandemic. The new projections indicate insolvency in 16 of the 42 district offices and approximately \$3.2M shortfall. He reported his priority is to keep all 42 districts solvent and that he has been in constant contact with the Commissioner of Administration and others. He indicated working with staff to identify dedicated and other available funds that can be released and redistributed to the districts. He indicated his recommendation to the Board is to form a working group made up of district defenders, contract program heads and staff to find those funds to be repurposed. In addition, staff is also reviewing the recent Stimulus Bill as a possible solution to get through the fiscal year.

4. District Issues

a. Amended FY20 Solvency Projections. Dr. Stilling presented the projections in the materials. Mr. Starns expressed his belief that returning to regular work by May is optimistic, so the projections as presented are based on worse-case scenario—no conviction user fees for March through June 2020. The discussion focused on how to keep district offices solvent, where to find the funds to do it, and when to take action. Mr. Roberts indicated that cutting expenses and putting plans in place now is necessary. Judge Foote expressed concern for cutting the contract programs which serve indigent clients, just through a different vehicle. Several members expressed the need for more time and more information on the stimulus package and other funding options before cutting expenses. Mr. Ginart urged that staff begin meeting with the district defenders to see where they can save money and for staff to come back to the Board with options. Mr. Starns agreed and reiterated that was his goal. Judge Foote urged a Policy Committee meeting to come up with solvency prioritization policies. Mr. Williams agreed more time is needed to review the stimulus bill and that it is too early to move money with so much uncertainty. He urged a working group to look at the options and more time to think about long term consequences.

Mr. Derwyn Bunton, District Defender, District 41 reported, having been through Katrina, it is key to remain diligent and make known the needs of public defense locally, statewide and federally through advocacy.

Professor North made clear to the district defenders that the board would be supportive but urged that they provide information.

Mr. Daniels urged support at the legislative level, in policy work and through communication.

Mr. Fanning stressed too many unknowns and that it is too early to act without knowing more about the stimulus money.

Mr. Starns again reiterated the need for a task force or working group made up of the program directors, staff and district defenders to determine if LPDB can access the stimulus money and to provide other options for Board consideration.

b. Exigency Funding Requests\*

i. Districts 7 (Catahoula/Concordia) and 28 (LaSalle). Mr. Starns reported District 7 is requesting \$40,000. District Defender Derrick Carson indicated the funds are not needed immediately because courts are closed in both districts.

Professor North asked to refer the 7<sup>th</sup> and 28<sup>th</sup> requests to the Budget Committee. No other action was taken.

ii. District 8 (Winn). District Defender Herman Castete has requested \$50,000 by the end of July. Mr. Starns asked that this also be referred to the Budget Committee as the need is not immediate. No action was taken.

iii. District 13 (Evangeline). Mr. Starns reported the resignation of District Defender Alex (Sonny) Chapman in mid-March and an \$8,000 request for exigency funds. However, a recent \$6,000 submittal was made by the Evangeline Parish Sheriff to the 13<sup>th</sup> PDO. The district is still in need of \$2,000 to make March payroll. Mr. Ginart moved to give \$2,000 to District 13. Judge Foote seconded the motion which passed unopposed.

iv. District 35 (Grant). Mr. Starns asked to refer the District 35 request to the Budget Committee. No action was taken.

c. Ratification – Interim Salary, District 13 (Evangeline). Mr. Starns reported that he appointed Mr. David Marcantel (District Defender in District 31 – Jefferson Davis Parish) as Interim in District 13 after the resignation of Mr. Chapman. He asked for ratification of the interim salary of \$2,500 per month for Mr. Marcantel to handle the duties in that district pending a permanent hire. After some inquiries and discussion, it was clarified that Mr. Chapman still carries a caseload, the 13<sup>th</sup> PDO is being run out of Mr. Chapman's privately owned office and that he remains as one of two signatories on the 13<sup>th</sup> PDO checking account. Staff and Mr. Marcantel were instructed address these issues and report back to the Board. Mr. Roberts then moved to ratify the interim salary of \$2,500 per month. Professor North seconded the motion which passed unopposed.

d. District 11 – *St. v. Williams*, Court Order, Expert Witness Funding. Mr. Starns reported that an order has been issued that the private attorney and district defender are to work together on funding experts for this case. This matter was referred to the Policy Committee.

e. Districts Being Monitored. Mr. Starns reported that this issue has been covered in today's discussions.

5. FY20 Contracts. Mr. Starns reported this issue has been discussed and a working group will address the contract options.

6. COVID-19 Emergency Response. Mr. Starns reported these documents contain the Governor's stay-at-home order and the Supreme Courts court closure orders.

7. DAF FY21. Mr. Starns reported he is working with the District Defenders on a funding mechanism, that a ZOOM meeting will be scheduled in the near future, and all chiefs are invited.

8. Announcements. There were no announcements made.

9. Next Meeting(s). The Policy Committee will meet on Wednesday, April 1, 2020, at 10:00 a.m. The Budget Committee will meet on Thursday, April 2, 2020, at 1:00 p.m. and the Board will meet on Friday, April 3, 2020 at 12:00 p.m. All meetings will take place via Zoom video-conferencing.

Mr. Starns reported that since the last Budget Committee meeting on March 2, \$30,000 was disbursed to District 25 (Plaquemines Parish). He clarified that the Budget Committee recommended approval of the full \$107,000 request, but the district needed the \$30,000 before the Board could meet for consideration. He is asking for ratification of the action. Mr. Daniels

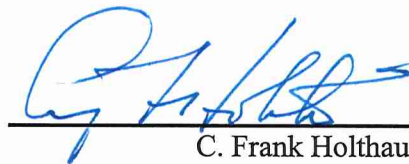
moved to ratify the disbursal of \$30,000 to District 25. Professor North seconded the motion which passed unopposed.

10. Adjournment. A motion was made to adjourn, seconded by Mr. Daniels and passed unopposed.

Guests:

Kyla Romanach	Chuck Reid	Cecelia Kappel
Derrick Carson	Harry Fontenot	David Wallace
Andrea Stentz	Matilde Carbia	Tom Gernhauser
Richie Tompson	Rhonda Covington	Angela Claxton
Richard Stricks	Mike Courteau	Mike Miller
Tony Champagne	G. Paul Marx	Bettye Wall
Deirdre Fuller	Conor Gaffney	Jee Park
Herman Castete	Paul Fleming	Richard Bourke
Chanel Long	Gary Clements	John Albert Ellis
Derwyn Bunton	Don Kneipp	Alan Robert
Lindsay Blouin	Aaron Clark Rizzio	Carol Kolinchak
Steve Thomas	John Lindner	Tony Champagne
David Marcantel	Rene Bourg	Chris Aberle
Joshua Newville	Danielle Berg	Brett Brunson
Maggie LeBlanc	Brian McRae	Chad Guidry
Michelle AndrePont	Trisha Ward	Reggie McIntyre
Bob Noel	(318)471-9806	(225)439-4574
(318)614-4727		

I HERBY CERTIFY that the foregoing is a full, true, and correct account of the proceedings of the Louisiana Public Defender Board's meeting held via Zoom video conference<sup>2</sup> on the 27th day of March 2020, as approved by the Board on the 3rd day of April, 2020.



C. Frank Holthaus, Chairman

<sup>2</sup> The meeting at which these minutes were approved was held via a ZOOM video-conference pursuant to Executive Proclamation JBE 2020-30 – Additional Measures for COVID-19 Public Health Emergency Section 4.



## Certification

Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, the Governor declared a Public Health emergency in Proclamation Number 25 JBE 2020 due to the COVID-19 outbreak in Louisiana. Additional measures are now necessary to further protect the health and safety of the public; therefore, in accordance with Proclamation Number JBE 2020-30, Section 4, I hereby certify:

- 1) That the Louisiana Public Defender Board (LPDB) has urgent issues upon which to act which require adherence to the Open Meetings Law, in particular, quorum requirements;
- 2) That given the expansion of the COVID-19 outbreak, the Louisiana Public Defender Board should not call a meeting in a public venue;
- 3) That, during the pendency of this emergency, attendance shall be provided for and allowed via teleconference or videoconference;
- 4) That all efforts shall be made to provide for observation and input by the public; and
- 5) That this certification shall be posted at the same time and in the same manner as the agenda for any LPDB meeting until further notice from the Governor.

At Baton Rouge, Louisiana, this 24<sup>th</sup> day of March, 2020.

A handwritten signature in blue ink, appearing to read "C. Frank Holthaus", is written over a horizontal line.

C. Frank Holthaus, Chairman