



LOUISIANA PUBLIC DEFENDER BOARD

Board Meeting

Tuesday, November 1, 2011

Goodwill Industries

3400 Tulane Avenue

New Orleans, LA

2:00 PM

MINUTES

A meeting of the Louisiana Public Defender Board, pursuant to the call of the Chairman and lawful notice, was duly convened and called to order by its Chairman at 2:00 p.m., on Tuesday, November 1, 2011 at the Goodwill Industries, 3400 Tulane Avenue, in New Orleans, Louisiana.

The following Board Members were present:

Frank Neuner, Chairman
Judge Robert Burns
Add Goff
Leo Hamilton
Rev. Dan Krutz
Luceia LeDoux
Tom Lorenzi
Pam Metzger
Majeeda Snead

The following Board Members were absent:

Cleveland Coon¹
Sam Dalton
Frank Holtaus
Lucy McGough
Herschel Richard Jr.
Gina Womack

¹ Southern University Clinical Law Professor Jacqueline A. Nash has been recommended by Chancellor Freddie Pitcher, Jr. as replacement for Professor Cleveland Coon. Professor Nash was in attendance; however, Professor Coon has not formally resigned nor has the Governor formally appointed Professor Nash to complete Professor Coon's term which expires in 2013.

The following *ex officio* Board Members were absent:

Judge Robert Brinkman
Rebecca Hudsmith

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

Jean M. Faria, State Public Defender
Julie Kilborn, Deputy Public Defender – Director of Training
Irene Joe, Assistant Training Director
John Di Giulio, Trial-Level Compliance Officer
Angel Williams, Budget Officer
Erik Stilling, Information Technology and Management Officer
Roger Harris, General Counsel
Anne Gwin, Paralegal, Executive Assistant to the State Public Defender
Lynette Roberson, Juvenile Division Development Assistant

1. **Call to Order and Remarks by the Chairman.** Mr. Neuner welcomed Jacqueline Nash who has been recommended by Southern University Chancellor Freddie Pitcher, Jr. to replace Cleveland Coon. Mr. Neuner also welcomed the new staff Budget Officer, Angel Williams.
2. **Review and Approval of the Agenda.** Ms. LeDoux made a motion to amend the agenda to add the following recommendations from the Policy Committee as action items: a process for releasing limited funds to failing districts, a directive to staff to contact the Legislative Auditor regarding collection and remittance of fees to local district offices, and creation of a juvenile certification program. The motion was seconded by Mr. Hamilton and the motion was approved without opposition.
3. **Review and Approval of the Minutes – September 27, 2011 Meeting.** The Board reviewed minutes from its September 27, 2011, meeting. Mr. Hamilton made the motion to accept the minutes. The motion was seconded by Prof. Metzger and the motion was approved without opposition.
4. **Office of Juvenile Justice, Dr. Mary Livers.** Dr. Livers made a presentation to the Board regarding the Office of Juvenile Justice's mission and services and answered questions from members and guests.
5. **Budget Committee Updates.**
 - a. **Financial Report.** Ms. LeDoux presented the financial report. She noted that, due to an error in the Office of Finance & Support Services reporting system, the report inaccurately reflects a deficit in amounts available for reallocation. Ms. LeDoux reported that the errors are expected to be corrected by next month and deferred action on the report until that time.

- b. **Contract Program Amounts.** Ms. LeDoux presented the Board with proposed contract amounts for non-profit organizations for the six-month period beginning on January 1, 2012 and ending on June 30, 2012. The Budget Committee recommended approval of these contract amounts. The recommendation was seconded by Mr. Lorenzi and was approved without opposition. Ms. LeDoux also presented the Board with proposed changes to the program contracts, regarding the representation of clients in federal proceedings. After some discussion, Mr. Hamilton made a motion that the proposed provision be deleted from the contracts for this six month contract period. The motion was seconded by Mr. Lorenzi and was approved without opposition.
 - c. **Grant for Juvenile Pilot – 23rd District.** Ms. Faria presented the Board with a proposal for a juvenile defense pilot project in the 23rd District. The pilot project would require matching funds from the Board in the amount of \$50,000. The Budget Committee recommended approval of this grant in the amount of \$50,000, subject to the awarding of the grant from the Southern Poverty Law Center or other funding. The recommendation was seconded by Mr. Lorenzi and was approved without opposition.
 - d. **Emergency Funding to Districts.** Ms. LeDoux presented the Board with requests for emergency funding from the 1st, 5th and 10th Districts. Mr. Hamilton made the motion to defer action on the request from the 1st District, to permit the district to submit additional financial information. The motion was seconded by Mr. Goff and was approved without opposition. The Budget Committee made the recommendation that the requests for emergency funding be granted for one-half of the amounts requested, totaling \$81,121 for the 5th District and \$61,558.50 for the 10th District. The motion was seconded by Rev. Krutz and was approved without opposition.
 - e. **Budget Officer Status.** The Budget Committee recommended that the Board approve the appointment of Angel Williams as the new staff Budget Officer. The recommendation was seconded by Mr. Lorenzi and was approved without opposition.
6. **Restriction of Services Protocol**
- a. **Final Version.** Mr. Harris presented the Board with the final draft of the Restriction of Services Protocol. He informed the Board that the protocol includes revisions by an expert in legal ethics and technical revisions for clarity. Rev. Krutz made the motion to approve the protocol as revised and to adopt a resolution that the protocol be promulgated according to the Administrative Procedures Act. The motion was seconded by Mr. Hamilton and was approved without opposition.
7. **Policy Committee Updates.** The Policy Committee made a recommendation that amounts remaining for reallocation be provided in proportionate amounts to districts that will experience financial crisis, with the amount requested in emergency funding by the 1st District being held for approval at a future meeting. The motion was approved without opposition.

The Policy Committee made a recommendation that staff be directed to request assistance from the Legislative Auditor in cases where judges fail to assess the \$35 special costs and to provide the Legislative Auditor with copies of the Judgment rendered in the matter of *LPDB v. Julian*

Parker, et al. and the letter to all judges from the Chief Justice of the Louisiana Supreme Court. The motion was seconded by Prof. Metzger and was approved without opposition.

The Policy Committee made a recommendation that staff be authorized to consult with the Louisiana Supreme Court to explore the possibility of creating a certification program for juvenile defenders, to research juvenile certification programs in other states, and to present recommendations for the Committee's consideration. The motion was seconded by Prof. Snead and was approved without opposition.

8. Reports and Updates:

- a. **Indigency Determination Working Group.** Prof. Metzger reported on the Indigency Determination Working Group.
- b. **Angola 5.** Ms. Faria reported on ongoing meetings with the Division of Administration regarding the funding of the "Angola 5" cases.
- c. **IPNO – Henry James Exoneration.** Emily Maw of the Innocence Project New Orleans informed the Board of the circumstances surrounding the recent exoneration of Henry James, including a grant-funded inventory of the evidence storage facility where the exonerating evidence was found. She informed those present that grant funding remains available for other evidence storage facilities interested in conducting inventories.
- d. **SPD Report.**
 - i. **Timeline.** Ms. Faria presented the Board with her SPD report and a timeline of accomplishments of the Board since its creation.

9. **Other Business.** Frank Neuner reported on the BJA report on the 14th Judicial District.

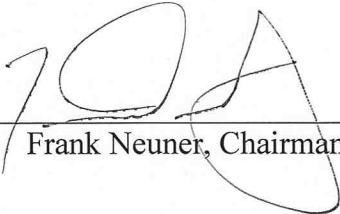
10. **Next Meeting.** The Board set its next meeting for Tuesday, December 13, 2011, in Baton Rouge, with the location to be determined, at 2:00 pm, with a Policy Committee meeting at 12:00 pm.

11. **Adjournment.** Prof. Snead made a motion to adjourn the meeting. The motion was approved without opposition.

Guests:

Richard Bourke	Karen Stubbs
Herman A. Castete	Jack Harrison
Paul C. Fleming, Jr.	Jacqueline Nash
Reggie McIntyre	Derwyn Bunton
Richard Tompson	Emily Maw
Gary Clements	Jim Looney
Alan J. Robert	
Dr. Mary Livers	

I HEREBY CERTIFY that the foregoing is a full, true, and correct account of the proceedings of the Louisiana Public Defender Board meeting held on the 1st day of November, 2011, as approved by the Board on the 14th day of December, 2011, in Baton Rouge, Louisiana.



Frank Neuner, Chairman