



LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

Thursday, March 17, 2016
Bluebonnet Regional Library
9200 Bluebonnet Blvd.
Baton Rouge, LA
1:00 p.m.

AGENDA

1. Call to Order and Remarks of the Chairman
 - a. Mandatory Financial Disclosure due by May 15th Hand Out
 - b. 2016 Legislature
 - c. Welcome Steve Hanlon
2. Public Comment
3. Adoption of the Agenda* pgs. 35 - 36
4. Adoption of the Minutes-February 16, 2016 Meeting* **Tab 1**, pgs. 37 - 41
5. Budget and Fiscal Issues **Tab 2**
 - a. Financial Report* pgs. 42 - 46
 - b. Districts in ROS –Exigency Distribution*
 - c. FY16 Budget Update
 - d. FY17 Contract Amounts
 - i. 501c3 Programs* pg. 47
 - ii. Professional and Consulting Services* pg. 48
 1. Contract Resolutions* pgs. 49-52
 - e. FY17 DAF* pg. 53-54
 - f. CINC* pg. 55

**Requires Board Action*

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| 6. | Weighted Case Load Study – Steve Hanlon | |
| 7. | District Issues | Tab 3 |
| | a. ROS | |
| | i. District 25* | |
| | ii. Statewide ROS Plan* | pgs. 56-65 |
| | b. District Capital Plans* | Drop Box |
| | c. District Defender Position Status - Districts 3, 5, 9 | |
| | d. Communications | |
| 8. | Juvenile-LWOP Standards* | Tab 4 , pgs. 66-113 |
| 9. | Legislative Session, 2016 | Tab 5 , pgs. 114-141 |
| 10. | Executive Session, ¹ * | |
| 11. | SPD Report | Tab 6 , pgs. 142-149 |
| 12. | Other Business | |
| 13. | Next Meetings: April 6; May 10 | |
| 14. | Adjournment* | |

**Requires Board Action*

¹ 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 after formal demand. In accordance with La. R.S. 42:19(A)(b)(iii), the Board may discuss the following: *LPDB v. Dorroh, et al*, Docket: 2015CA1401, First Circuit Court of Appeal, Oral Argument, Feb 23 2016; *Darwin Yarls, Leroy Shaw and Douglas Brown v. Derwyn Bunton and James T. Dixon, Jr.* Civil Action: 3:16-cv-31, Middle District of Louisiana. Additionally, the Board may discuss the non-remittance of collected fines and fees in District 25 (Plaquemines); District 28 - \$45 fee issue.



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MINUTES

1. Call to Order and Remarks of the Chairman. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman on Thursday, March 17, 2016 at 1:15 p.m. at the Bluebonnet Regional Library in Baton Rouge, LA.

The following Board members were present:

Robert Burns	Franz Borghardt	Hampton Carver
Leo Hamilton	Frank Holthaus	Robert Lancaster
Hector Linares	Tom Lorenzi	Steven Singer

Rebecca Hudsmith, *Ex-Officio*

The following Board members were absent:

Flozell Daniels, Jr.	Jacqueline Nash Grant	Herbert Larson
Herschel Richard	Gina Womack	

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

Jay Dixon, State Public Defender
Barbara Baier, General Counsel
Natashia Carter, Acting Budget Officer
Jean Faria, Capital Case Coordinator
Anne Gwin, Executive Assistant
Carol Kolinchak, Trial Level Compliance Officer
Richard Pittman, Dep. State Public Defender, Dir. Juvenile Defender Services
Tiffany Simpson, Juv. Justice Compliance Officer/Director of Legis. Affairs

Judge Burns thanked the members of the volunteer board and guests for their efforts to attend the Board meetings, reminded all Board members to submit their annual financial disclosure statements to the Board of Ethics not later than May 15th, gave a brief summary of his and staffs' recent activities regarding the 2016 Legislative session and meetings with various criminal justice stakeholders, and welcomed Mr. Steve Hanlon who is providing pro-bono assistance on the case weighting study on going throughout the state of Louisiana.

2. Public Comment. Mr. Jim Looney, Executive Director of the Louisiana Appellate Project reported that LAP will celebrate its 20th anniversary on April 1, 2016. He further reported that eleven of the originally hired attorneys are still with LAP, two are deceased, and two are now judges.

3. Adoption of the Agenda*. Upon review, Mr. Hamilton moved adoption of the agenda, seconded by Mr. Lorenzi and passed unopposed.

4. Adoption of the Minutes-February 16, 2016 Meeting*. Prof. Linares moved to amend the minutes presented at agenda item 8b in the February meeting regarding the Board's voting record on the acceptance of DAF distribution scenarios, to record the item as failed for insufficient votes, citing La. R.S. 15:151, requiring a majority of board membership to pass the measure. Prof. Singer seconded the motion. After discussion, Prof. Linares offered a substitute motion for the language to read "upon vote, six were in favor and two against." Prof. Singer seconded the motion. The motion passed unanimously.

Prof. Singer moved to further amend Item 8b, second paragraph. Mr. Franz Borghardt seconded the motion. Prof. Singer moved to substitute proposed language. After discussions, Prof. Singer clarified that the paragraph should read:

~~"After discussions, Mr. Lorenzi moved to accept scenario 3. Mr. Larson submitted a friendly amendment that the Board accepts the implementation of these cuts and restriction of services under protest because they are a that the Board authorize, under protest, the State Public Defender to present scenario 3 to the Legislature as a potential impact to the indigent defense system in Louisiana.~~

Mr. Borghardt seconded the motion to amend Item 8b as written above which passed unopposed.

Mr. Hamilton moved to adopt the minutes of the February 16, 2016 meeting, as amended. Mr. Lorenzi seconded the motion, which passed without opposition.

5. Budget and Fiscal Issues.

a. Financial Report*. Budget Officer Natasha Carter reported \$32,207,709 expended to date for fiscal year 2016. With the exception of \$31,016 for professional services and \$472,898 in mid-year budget reductions, there remains \$251,491 available for distribution. Mr. Hamilton moved to adopt the financial report as presented. Prof. Singer seconded the motion, which passed unanimously.

b. Districts in ROS – Exigency Distribution*. SPD Dixon reminded the Board of the process of reallocation of all available funds to the districts at the end of each fiscal year. Mr. Dixon reported approximately \$50,000 is needed for District 25 (Plaquemines Parish) to continue basic operations (one attorney and one office assistant) and that other districts would receive the balance of available funds in pro-rata amounts based on need,

including but not necessarily limited to districts 19, 34, 23, 15, 33, 41, 32, 22, and 28. Mr. Hamilton moved to approve the year end distribution process as presented by Mr. Dixon which was seconded by Mr. Carver and passed unanimously.

c. FY16 Budget Update. The FY16 budget update was covered in items 5a and 5b.

Professor Singer moved to defer action on items 5d and 5e so that they may be referred first for discussion and subsequent recommendation by the Budget Committee at the next Board meeting set for April 6, 2016. Mr. Borghardt seconded the motion. After discussions and a call for vote, the motion to defer action on items 5d and 5e failed with a vote of two in favor, six against and one abstention.

d. FY17 Contract Amounts.

i. 501c3 Programs*. Mr. Hamilton moved to approve the contract amounts as presented, based on the budget recommendation of \$12.8M. Mr. Carver seconded the motion. Upon a vote of 8 in favor and 1 against, the 501c3 contract amounts for FY17 were approved as presented.

ii. Professional and Consulting Services*. Mr. Hamilton moved to approve the contract amounts as presented, based on the budget recommendation of \$12.8M. Prof. Singer seconded the motion. Upon a vote of 8 in favor and 1 against, the Professional and Consulting Services contract amounts for FY17 were approved as presented.

1. Contract Resolutions*.

Mr. Hamilton moved to approve the contract resolution required by the Attorney General's office for Mr. John Holdridge. Mr. Lorenzi seconded the motion. Upon a vote of 8 in favor and 1 against, the contract resolution was approved as presented.

Mr. Hamilton moved to approve the contract resolution required by the Attorney General's office for services to be provided by Stone Pigman. Mr. Lorenzi seconded the motion. Upon a vote of 8 in favor and 1 against, the contract resolution was approved as presented.

e. FY17 DAF*. Mr. Hamilton moved to approve the DAF distribution as presented. Mr. Dixon clarified that he presumes that there will be an amended proposed budget recommendation at which time amended DAF amounts will be provided to the Board. Mr. Lorenzi seconded the motion. Upon a vote of 8 in favor and 1 against, the FY17 DAF amounts were approved, as presented.

f. CINC*. Mr. Hamilton moved to approve the CINC distribution as presented. Prof. Singer seconded the motion which passed unanimously.

6. Weighted Case Load Study – Steve Hanlon. Judge Burns introduced Mr. Steve Hanlon who presented an overview of the services being provided and by whom for the on-going weighted case load study. The Board offered some clarifying language to Mr. Hanlon's memorandum which is to be distributed to the districts. Mr. Hanlon also requested that the Board approve a letter to the ABA, at their request, outlining his services and fees which are at no cost to LPDB. Prof. Singer moved to make item six on the agenda an action item by the Board. Mr. Borghardt seconded the motion. Prof. Singer moved to approve the letter to the ABA, seconded by Mr. Hamilton, and passed unopposed.

7. District Issues
 - a. ROS. Dr. Tiffany Simpson reported fourteen districts are currently restricting services with several about enter ROS. Their plans are being developed.
 - i. District 25*. SPD Dixon reported \$31,107 has been provided to District 25 (Plaquemines Parish) to prevent office closure. Those funds will only carry the district PDO to April 1, 2016. Mr. Dixon requested ratification of the action. Mr. Hamilton moved to ratify the previously provided funds and approve the additional funds for District 25. Mr. Lorenzi seconded the motion. The motion passed with eight votes in favor and one abstention.
 - ii. Statewide ROS Plan*. Mr. Hamilton moved to defer discussion to the next Board meeting. Mr. Holthaus seconded the motion which passed unopposed.
 - b. District Capital Plans*. Capital Case Coordinator Jean Faria reported that the districts, with the exception of District 15, 21, 36, and 41 have all submitted district capital representation plans giving the State Public Defender authority over capital cases in their districts. Mr. Hamilton moved to approve the district capital representation plans. Mr. Lorenzi seconded the motion.
 - c. District Defender Position Status - Districts 3, 5, 9. Mr. Dixon reported that District 3 is still operating with an interim district defender, District 5 has reopened the process to now allow candidates to maintain a part-time private practice provided they work at least 40 hours per week in the district office; and, that District 9 has three applicants. Those interviews will be held soon.
 - d. Communications. Mr. Dixon reported that staff will meet with the DDAC soon and to address district defender needs and concerns.

8. Juvenile-LWOP Standards*. Trial Level Compliance Officer Carol Kolinchak presented the Juvenile Life Without Parole Standards for board approval to be submitted for promulgation through the Administrative Procedures Act. Prof. Linares moved to approve the standards which was seconded by Mr. Holthaus. The motion passed unanimously.

9. Legislative Session, 2016. Dr. Simpson gave a brief synopsis of the following bills being monitored: HB 627- Mayor's Courts; HB 547 – Indigency determination by PDO and not the court and partial indigency practices; HB136 – Extends \$10 increase to the year 2020; HB 809 – Curatorships – who is responsible and will funds be made available; and, HB 818 – restructure of the Board.

10. Executive Session.* Mr. Holthaus moved to go into Executive Session, seconded by Prof. Linares. Mr. Holthaus moved to go out of Executive Session, seconded by Prof. Linares.

Upon returning to regular session, Mr. Hamilton moved that SPD Dixon be authorized to contact the Legislative Auditor regarding issues of fee remittance, non-remittance, or incorrect remittance by local agencies to the PDOs. Mr. Hamilton seconded the motion.

11. SPD Report. Staff activities since the last meeting can be reviewed in the SPD report.

12. Other Business. No one presented for other business.

13. Next Meetings: April 6; May 10.

14. Adjournment*. Upon a motion which was seconded, the meeting adjourned at 5:11 p.m.

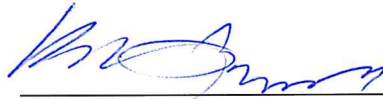
Guests:

Tony Tillman
Pamela Smart
Michael A. Mitchell
John Lindner
Mark Plaisance
Kerry Cuccia
Matt Robnett
Cecelia Bonin
Martha Carol
Kimya Holmes
E. King Alexander, Jr.
Josh Perry

Steven R. Thomas
Jill Pasquerella
Christopher Murell
Jim Looney
Derrick Carson
Herman A. Castete
Vic Bradley
John Di Giulio
Bradley Dausat
Mark Cunningham
Harry Fontenot
Kyla Romanach

Brian C. McRae
Kristin Winstrom
Richard Bourke
Jee Park
David Price
Gary R. Clements
Richard Tompson
Norm Buck
Chris Aberle
Paul Fleming
Emily Maw
Steve Hanlon

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 17th day of March, 2016, as approved by the Board on the 6th day of April, 2016, at Baton Rouge, Louisiana.



Judge Robert J. Burns (Ret.), Chairman