



LOUISIANA PUBLIC DEFENDER BOARD

Friday, April 17, 2020

12:00 p.m.

Zoom¹

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, April 17, 2020, via ZOOM video-conference (see footnote) at approximately 12:15 p.m. Mr. Holthaus acknowledged quorum.

The following Board members were present:

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

The following Board members were absent:

Lyn Lawrence	Chaz Roberts
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The following members of the Board's staff were present:

Rémy Voisin Starns, State Public Defender
Barbara Baier, General Counsel
Natashia Carter, Budget Administrator
Jean Faria, Capital Case Coordinator
Anne Gwin, Executive Assistant
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 which was seconded by Mr. Flozell Daniels and passed unopposed.

3. Call for Public Comment. Mr. Holthaus indicated public comment would be taken up with each item.

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

4. Adoption of the Minutes. Judge Foote moved to adopt the Minutes of the April 3, 2020 meeting as presented. Professor North seconded the motion which passed unopposed.

5. Mitigation Efforts and Solvency Projections. Chairman Holthaus asked SPD Starns to report on this issue. Mr. Starns reported the districts are in compliance with the Board's directive to submit expenditure reductions as a result of courthouse closures due to COVID-19 and that staff (Erik Stilling, Richard Pittman and Tiffany Simpson) have worked quickly to incorporate the submitted information into projections and spreadsheets for discussion. Professor North inquired which districts were not compliant. Dr. Simpson indicated District 12 (Avoyelles Parish), District 18 (Iberville, Pointe Coupee, WBR Parishes), District 36 (Beauregard Parish) and District 38 (Cameron Parish) did not submit plans. She reported that many of the districts provided additional information that was non-responsive to the survey and thus was not included in the spreadsheet for discussion but that the information is important and will be archived. She reported with mitigation efforts by the districts approximately two million dollars in savings through FY20 is realized and that the majority of the districts began their mitigation plans on April 1.

District 24 (Jefferson Parish) District Defender Richard Tompson reported decreasing his contracts by 50% which may help get his district through to October with his district's current fund balance. Without the cuts, the district would not make it through June 2020.

Mr. Starns reported that with the mitigation efforts the solvency projections look better for the end of the fiscal year; however, problems still exist through the end of the calendar year and into Spring of 2021 and that is assuming LPDB gets a standstill budget. He reiterated from last week's meeting the need to plan now in order to meet the challenges later.

Dr. Stilling then presented the solvency projections on page 117 of the materials. Mr. Starns summarized the presentation reporting that rather than the 18 districts projected insolvent at the April 3 meeting, this week's projections indicate 9 districts and that six of those 9 can be made solvent for approximately \$288,000 (\$287,924). The remaining 3 larger districts (District 15 (Acadia, Lafayette and Vermilion Parishes) District 22 (St. Tammany and Washington Parishes) and District 41 (Orleans Parish)) remain in a combined shortfall of approximately \$645,000 (644,900). After a disbursement of \$288,000 to the 6 smaller districts and \$645,000 to the 3 larger districts, the contingency fund (\$1,506,020) will have a projected balance of approximately \$573,000 (\$573,196) on June 1 with an additional need for approximately one million to bring all districts to solvency through July pending new fiscal year allocations. Mr. Starns reported that in pursuit of finding the resources to meet these needs, he has met (via Zoom) with all of the program directors regarding their contracts for this fiscal year and next and he will be having like conversations with the districts as well as looking at staff

administration and the budget to find areas to better allocate LPDB limited resources.

6. Districts

a. Letter of Support. Chairman Holthaus reported a number of district defenders signed off on a letter supporting the “Starns Solution” or Starns Recommendation” and asked Mr. Starns to address the item.

Mr. Starns indicated that his recommendation takes into account a number of things including projecting what the insolvencies are and solving those with the Contingency and Residual Funds starting with the problems that can be solved first and then focusing on the larger deficit areas; looking top to bottom at the districts for ways to save/allocate resources; looking critically at and analyzing all of the program contracts to see how best to deal with the work that goes on in the 35% budget allocation; and, looking at how resources are allocated for the Board’s staff and administrative costs.

b. Funding Requests. Mr. Starns reported three districts have submitted funding requests – District 13 (Evangeline Parish), District 22 (St. Tammany and Washington Parishes) and District 41 (Orleans Parish).

District 13 (Evangeline Parish) – Mr. Starns reported that Mr. David Marcantel is acting Interim and has submitted a request for \$100,000 to get the district through the end of the fiscal year. Mr. Starns indicated that the district’s *immediate* need is for \$34,350 by the end of this month for payroll and it is his recommendation to provide those funds. Mr. Pat Fanning stressed concern that the district showed no action to reduce expenditures in the district on the mitigation report while other districts such as the 24th are cutting salaries in half and/or furloughing staff. He indicated he would support the payment this month but would not support further funding without some mitigation from the district. Mr. Holthaus reminded the board that Mr. Marcantel has only been in position a short while after the resignation of the prior district defender and that this recommendation is only for this month. Mr. Fanning reiterated he would support funding this month but not going forward. Mr. Mike Ginart inquired how the district got into this situation and what information staff has on the district. Mr. Starns reported that a site visit has been done and hiring the interim was the first step. The insolvency of the district is an inherited problem that the interim is having to deal with. Mr. Ginart agreed that he would support the funding this month but not moving forward without more information. Judge Foote clarified that, in fact, Mr. Marcantel did cut his interim salary in half as a mitigating effort and that he needs more time to assess the district’s situation. Professor North reported that the Budget Committee was in support of the funding request at the March 2 Committee meeting, that the attorneys in the district have not seen reduced workloads as a result of the pandemic and are still having to appear in court. District 13 attorney Trisha

Ward confirmed that the district's workloads have not decreased, there is no local revenue coming in, and that the public defenders are getting pushback from the judges and the district attorneys. Professor North then moved to approve \$34,250 to David Marcantel in District 34 (clarified to be District 13). The motion was seconded and upon vote passed unopposed.

District 22 (St. Tammany and Washington Parishes) – Mr. Starns reported Mr. Lindner has requested funding but he does not believe it is immediate at this time. Mr. Lindner addressed the Board. He reported receipt of local revenues of \$103,000 between April 1 and April 14 which reduced his original projected deficit through the end of the fiscal year from \$350,000 to \$36,000, so his need is not immediate. However, the current issue he is facing is that a large part of his district's mitigation plan is the suspension of the conflict felony contracts. When court resumes in mid to late May he will have to bring those attorneys back and will need \$100,000. Mr. Holthaus indicated discussions would continue as the date gets closer.

District 41 (Orleans Parish). Mr. Starns reported a situation similar to the 22nd in that a large request has been made but is not immediate; rather Mr. Bunton is looking ahead at July hurdles. His request is for \$450,000 which is what staff has projected but it is not an immediacy. District Defender Derwyn Bunton addressed the Board. He reported that he has written to the City of New Orleans regarding the district PDO's participation in the City's relief plans. He reported his district's savings through June of approximately \$315,000 through reductions. However, he stressed to the Board that the district cannot go to zero funds. They have to maintain a balance because of reimbursable grant guidelines. Once the district expends funds, the grant repays the district. If the district goes to zero there is a danger of default on certain grants.

7. Executive Staff Positions. Mr. Starns reported on two vacant statutory positions. He indicated it is imperative they be filled before the end of the fiscal year. He indicated that interviews had been set up prior to COVID-19 and that they will be reset and held by Zoom next week and that hopefully by next Friday or no later than the Friday after he will have recommendations to fill those positions.
8. Next Meeting: Friday, April 24, 2020. 12:00 p.m. via ZOOM Videoconference

Mr. Flozell Daniels then took the opportunity to thank Mr. Starns and staff for the compiled information for the districts and the programs and for working overtime to submit everything. He then expressed his concern for the safety of district defenders and programs as there are scenarios where judges are requiring them to physically go to court. He urged them to let the Board know when they think they are at risk and the Board will figure out how to protect them.

Mr. Ginart echoed Mr. Daniels' thanks to Mr. Starns, staff, and the districts for the needed information. He then requested a capital report in the form previously discussed with Capital Case Coordinator Jean Faria to be presented at an early May Board meeting.

Judge Foote expressed his appreciation to every district defender who made cuts and to the people who agreed to take them.


District Defender Paul Marx (District 15) suggested a Board resolution that the district defenders could present to the judges who are requiring court attendance. Mr. Daniels agreed that the Board should consider putting a resolution in place.

Professor North asked SPD Starns to place the 501(c)3 programs' mitigation efforts on the next Board agenda, schedule a budget committee meeting if needed, and for a status report on whether or not the districts and the 501c3s are getting help from the stimulus or the payroll protection plan. Dr. Simpson indicated the contract programs submitted mitigation plans and that she would update the spreadsheets for the next Board meeting to include the stimulus information.

9. Adjournment. Mr. Ross Foote moved to adjourn. Professor North seconded the motion which passed unopposed.

GUESTS: (See ZOOM participant report, attached)

I HEREBY CERTIFY that the foregoing is a full, true, and correct account of the proceedings of the Louisiana Public Defender meeting held on the 17th day of April, 2020, as approved by the Board on the 30th day of April, 2020².



C. Frank Holthaus, Chairman

² The meeting at which these minutes were approved was held by Zoom video-conference pursuant to Executive Proclamation JBE 2020-30 – Additional Measures for COVID-19 Public Health Emergency Section 4.

Guests: April 30 2020, ZOOM video conference

Eve Hampson	Deirdre Fuller	Lindsay Blouin
Molly Fowler	Bruce Unangst	MGarvey 6
Lyn Lawrence	Carol Kolinchak	Galaxy Note9
Mike Ginart	Kristen Richardson	Olivia Woollam
Emily Zolynsky	Brian Mcrae	15045209695
Bettye Wall	Emily Ratner (emily)	Reginald J Mcintyre
Ben Cohen	Rhonda Covington	Walt Sanchez
Mike Courteau	Brett Brunson	MMitchell
Paul C Fleming Jr	Cecelia Kappel	Brett Brunson
Emily	Matilde Carbia	Renée Slajda
745852	12254394574	Galaxy Note9
Denny LeBoeuf	Christopher Aberle	Renee Bourg
Jerry D'Aquila	Elizabeth	Michael Mitchell
Chuck Reid	Derrick Carson	Jeremy McDaniel
12167854248	Michael Miller	Don Kneipp
G Paul Marx	Hannah Van De Car	Annie Flanagan
Louis Champagne	Kyla Romanach	Anthony Champagne
Herman Castete	Steve	PDO- Fen Swann
Jeremy McDaniel	Gary	Joshua Newville
Trisha Ward	15047568880	Rhonda Covington
Dan Schilling	Dannielle Berger	Lauren's iPhone
Richie Tompson	15046697446	rlcan
crwhitehead3	Natalie Lawton	G Paul Marx
Anthony Champagne	Maggie LeBlanc	Mauricio
Angela Claxton	Kerry Cuccia	
Adrienne Harreveld	Stephen Stanford	
Richard Bourke	M. Naquin	
Richard Stricks	Aaron Clark-Rizzio	
Don Kneipp	Thomas Gernhauser	
Renee Bourg	Kristin Wenstrom	
Robert Noel	Jeremy McDaniel	
Derwyn Bunton	Tim Carr	
J. Albert Ellis	Michael A. Mitchell	
Chanel Long	Richie Tompson	
Darrilyn Favorite	Tim Carr	
Harry Fontenot	Melanie Carr	
Kristen Rome (Kristen)	Olivia Woollam	
Brad Dauzat	John Lindner	
Michelle AndrePont		
David Marcantel		
Alan Robert		
Jill Pasquarella		
Jee Park		
Jancy Hoeffel		
Steven Thomas		
Tony Tillman		