



LOUISIANA PUBLIC DEFENDER BOARD

Tuesday, December 6, 2022
12:00 p.m.
600 North Street – Baton Rouge

MINUTES

1. Call to Order and Comments, Chairman Michael C. “Mike” Ginart, Jr. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was called to order by Vice-Chairman Donald North on Tuesday, December 6, 2022, at approximately 12:15 p.m.

The following Board members were present¹:

Lou Daniel	Flozell Daniels	Pat Fanning
Michael Ginart	Holly Howat	Lyn Lawrence
Donald North	Frank Thaxton	

The following Board members were absent: Zita Andrus, Frank Holthaus, Allyson Melancon.

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

Rémy Voisin Starns, State Public Defender
Barbara Baier, General Counsel
Kevin Broussard, Budget Officer
Anne Gwin, Executive Assistant
Michael A. Mitchell, Trial Level Compliance Officer
Richard Pittman, Dep. Public Defender, Dir. Juvenile Defender Services
Tiffany Simpson, Juvenile Compliance/Legislative Director
Erik Stilling, IT Director

2. Adoption of the Agenda. Mr. Flozell Daniels moved to adopt the agenda. Mr. Lyn Lawrence seconded the motion which passed unopposed.

3. Public Comment. Four people pre-registered for public comment.

¹ Chairman Michael Ginart had a court conflict and arrived at 12:25. Quorum or voting was not affected by his late arrival.
1_Board_Minutes_Dec 6 2022

District Defender Amanda Martin District 15 (Acadia, Lafayette, Vermilion Parishes) informed the Board of critical fiscal issues in her district. Mr. Daniels moved to amend the agenda to include Ms. Martin on the agenda for full Board discussion. Judge Frank Thaxton seconded the motion. After a brief discussion, Mr. Daniels rescinded his motion. Ms. Martin requested that she be placed on the agenda at the Board's next meeting for full discussion. Professor North indicated that the Board needs written documentation of the issues to get a clearer picture and that staff needs to present a fiscal analysis. He then asked Mr. Daniels to re-urge his motion for today's meeting. Mr. Daniels moved to amend the agenda to include discussion of the District 15 issues and Judge Thaxton seconded the motion. Upon vote, Judge Lou Daniel voted in opposition indicating his preference to place the issue on a January 2023 agenda. Unable to obtain a unanimous vote in favor of amending the agenda, the motion failed. Chairman Ginart assured Ms. Martin that the issue would be on the January agenda.

Mr. Harry Landry, III an assistant public defender in District 19 (EBR Parish) reported that, in response to State Public Defender Starns' request for changes or tweaks to laws in the upcoming 2023 legislative session, he would like to see public defenders given state or city employee status which would provide health benefits and retirement.

District Defender Chanel Long District 25 (Plaquemines Parish) commented on agenda item 8 – District Defender Salary Discussion. Ms. Long urged higher salaries for the district defenders comparable to District Court and Appellate Court judges based on the number of parishes in their districts or, alternatively, to be paid the same salary as the District Attorney in their district.

District Defender Harry Fontenot District 14 (Calcasieu Parish) thanked State Public Defender Starns and the Board for their support and patience during his district's extensive and exhausting search for a building for the public defender's office. He reported a building has been located that will house the public defenders and will generate income for the PDO.

Mr. Starns addressed each of these issues briefly. He reported that he would continue to ask the legislature for funding for public defender buildings statewide as well as funding for their maintenance; that he has been active in the effort to obtain benefits for the public defenders since day one and legislation was passed last session making public defenders eligible for retirement benefits through their local police juries; that the Board is statutorily required to set public defender salaries, he has been talking with the district defenders to get a better sense of office staffing in order to set ranges for a variety of things, including salaries, rather random assignment.

4. Adoption of the Minutes: September 29, 2022 and October 10, 2022 Meetings. Mr. Pat Fanning moved to adopt the Minutes of the September 29, 2022 and October 10, 2022 meetings. Professor North seconded the motion which passed unopposed.

5. Budget/Financials

- a. **Financial Report through November 29, 2022.** Budget Officer Kevin Broussard reported the FY23 carryforward monies remain unchanged since the last meeting; \$26,864,897 has been expended or encumbered for the districts; \$10,765,221 expended or encumbered for the 501(c)3 programs and other contracts; and \$2,250,000 encumbered for the purchase of a building in District 14 (Calcasieu Parish) which leaves approximately \$1,895,591 remaining in the FY23 budget.
- b. **FY24 Budget Request Approval.** Mr. Broussard reported that the FY24 budget request was submitted timely (November 1, 2022) in the amount of \$51,923,651 which is eight percent more than appropriated in FY23.

Mr. Daniels inquired as to the budget submittal process. Mr. Starns and Mr. Broussard reported that upon receipt of annual instructions from DOA, including the deadline for submission, staff compiles and submits the budget request by the deadline and subsequently presents the budget to the Board for ratification. Mr. Daniels expressed concern that the Board has no input and urged that some procedural guidelines be put in place in the future. Chairman Ginart suggested that SPD Starns provide the Board with budgetary information thirty days from the submittal deadline for Board review/input. Mr. Broussard explained that the period between notice of instructions, compilation of data, and submittal by the mandatory deadline is very short. Further, budget submittal requirements change annually. Mr. Ginart suggested that the Budget Committee become more involved in this process. Budget Committee Chairwoman Dr. Holly Howat requested clarification on the role and responsibilities of the Budget Committee and inquired if the committee should be a Standing Committee or Ad Hoc. After a brief discussion, Chairman Ginart indicated at the next Board meeting the Budget Committee shall address the discussed budget submittal concerns, as well as, the issues reported by District Defender Martin District 15 (Acadia, Lafayette, Vermilion Parishes). Requesting and obtaining further clarification, Dr. Howat restated her understanding that the Budget Committee would act in an Ad Hoc capacity and before the next Board meeting -- to be scheduled in January -- the Budget Committee would review documentation provided by District Defender Martin and the 15th public defender's office and any other information and provide an outline of the problems for the Board's consideration. Additionally, the Committee would have a recommendation to the Board for Board approval on the roles and responsibilities of the Budget Committee.

Professor North asked for the membership of the Budget Committee. The following Board members are on the Budget Committee: Holly Howat (Chairwoman), Zita Andrus, Flozell Daniels, Pat Fanning and Lyn Lawrence.

With no further discussion, Mr. Fanning moved to approve the Financial Report as presented. Professor North seconded the motion which passed unopposed. Mr. Fanning then moved to approve the FY24 budget submittal, as presented. Dr.

Howat seconded the motion. Upon vote, the motion passed with one member in opposition (Daniels).

c. Solvency Projections. Dr. Stilling presented the current solvency projections.

d. O-Level / DAF Recommended Disbursements. SPD Starns explained that his disbursement recommendation is a combination of a pro-rata amount to be provided to all districts with a “floor” of \$10,000 to some and an additional “partial solvency” disbursement to those districts in immediate need. Mr. Lyn Lawrence moved to approve the disbursement recommendation as presented on page 201. Professor North seconded the motion.

Mr. Fanning expressed concern regarding the additional amounts to some districts and requested that before the next meeting he would like for staff to provide, for the districts that are showing insolvency and requiring large amounts of money, a list of their personnel, the positions they hold, a brief job description, their salary and the percentage of the district’s budget that goes toward attorney salaries.

After the return from a break, Chairman Ginart’s call for the vote on Mr. Lawrence’s motion to approve the O-Level/DAF disbursement as presented on page 201 which was seconded by Professor North passed unopposed.

6. SPD Recommendations

a. District Delivery Models. Mr. Starns reported that he has been meeting with District Defenders and learning about each district to better understand the reports that they submit with the end goal being finding the best ways to send out the DAF earlier, ensuring solvency of each district and helping to resource the chiefs in delivering the excellent services that they provide. He further reported that there are different delivery models around the state; they can all work; the statute contemplates that the chief district defenders choose their district models and as long as they are providing effective representation, he is committed to systems that work. He reported that discussions continue, and he will have recommendations in the Spring after full collaboration with the chief defenders and the contract program directors.

b. 501(c)3 FY23 Contract Amendments. Mr. Starns reported he is also talking to the program directors about appropriate scopes of work and amounts of funding and he would have those recommendations as well.

7. Policy: Public Defenders Running for Office. Chairman Ginart reported that this issue was brought before the Board during the last election cycle. The Board discussion was that an employed public defender running for public office must take a leave of absence after qualifying. There was also some discussion about possible waivers. Mr. Starns reported that District Defender Fen Swann District 29 (St. Charles Parish) has inquired as to the status of the policy. Mr. Swann addressed the Board and requested clarification on the Board’s position.

He agreed his request is premature but that he would need an answer in the future. Board members Ginart, Fanning and Daniels provided input and Chairman Ginart referred the issued to the Policy Committee. He then asked for volunteers and selected Policy Committee members as follows: Flozell Daniels, Donald North, and Lou Daniel. Mr. Fanning moved to appoint Mr. Daniels, Professor North, and Judge Daniel to the Policy Committee. Judge Daniel asked to include Allyson Melancon on the Policy Committee. The Chair asked for a motion and Judge Daniel moved to amend the motion to include Ms. Melancon on the Policy Committee. Mr. Lawrence seconded the motion, as amended. General Counsel Barbara Baier asked to clarify if the Policy Committee was to act in an Ad Hoc or Standing capacity. Chairman Ginart indicated his preference is for this one specific issue to be resolved and asked for a motion. Judge Daniel moved to amend the motion for the Policy Committee (comprised of Lou Daniel, Flozell Daniels, Allyson Melancon, and Donald North) to act in an Ad Hoc capacity for the purpose of resolving the issue of a policy for Public Defenders Running for Public Office. Mr. Lawrence seconded the motion which passed unopposed.

8. District Defender Salary Discussion. Mr. Starns reported this item was addressed in Agenda Item 3 – Public Comment; however, he indicated as his discussions continue with the contract programs and district defenders, he will likely have a recommendation in the Spring regarding district defender salaries. Chairman Ginart indicated this issue would be referred to the Budget Committee at some point for review as to whether the range or the size of districts still makes sense and to what extent it makes sense for discussion at the Board level and with the chiefs regarding how salaries should be set.

9. Division Reports

a. Juvenile. Deputy Public Defender/Director of Juvenile Services Richard Pittman gave a brief report. Mr. Daniels asked that the division reports be placed earlier on the agenda in the future.

b. Training. Mr. Starns reported that the contract with the University of Louisiana at Monroe (ULM) to provide training has been signed and sent to the state for approval. He thanked everyone who helped to get it finalized.

c. Compliance/Capital. Trial Level Compliance Officer Mike Mitchell indicated an error in the statement that none of the open, indicted capital cases are being handled by the districts. Rather, District 24 (Jefferson Parish) currently has one open, indicted capital case.

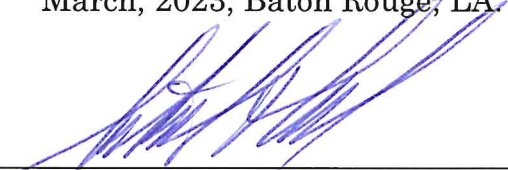
10. Adjournment. Mr. Daniels moved to adjourn. Before adjourning, Mr. Lawrence addressed the audience and Board. He reported that 7% of the Board's budget is spent on capital defendants on death row and if the Board is to consider raising district defender salaries they are going to have to look at the capital contract programs and how they spend the money provided by the Board. Ms. Cecelia Kappel, Executive Director, Capital Appeal Program (CAP), reported that her program submits timesheets, monthly financial reports, and a staffing proposal and budget annually in January for the next fiscal year, all of which she would provide to him.

Mr. Lawrence moved to adjourn. Mr. Daniels seconded which passed unopposed.

Guests: See attached sign in sheet.

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 6th day of December 2022 in Baton Rouge, LA, as approved by the Board on the 9th day of

March, 2023, Baton Rouge, LA.

A handwritten signature in blue ink, appearing to read "Michael C. Ginart, Jr.", is written over a horizontal line.

MICHAEL C. GINART, JR., CHAIRMAN