



LOUISIANA PUBLIC DEFENDER BOARD
BOARD MEETING
February 9, 2012
LSU AgCenter, Efferson Hall, Room 214
Baton Rouge, Louisiana
2:00 PM

MINUTES

1. Call to Order and Remarks by the Chairman. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman at 2:10 p.m. on Thursday, February 9, 2012, at the LSU AgCenter's Efferson Hall in Baton Rouge, Louisiana.

The following Board Members were present:

Frank Neuner, Chairman
Robert Burns
Sam Dalton
Add Goff
Frank Holthaus
Luceia LeDoux
Dan Krutz
Tom Lorenzi
Lucy McGough
Pam Metzger
Herschel Richard

The following Board Members were absent:

Leo Hamilton
Majeeda Snead
Gina Womack

The following *ex officio* Board Members were absent:

Robert Brinkman
Rebecca Hudsmith

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

Julie Kilborn, Deputy Public Defender–Director of Training
John Di Giulio, Trial-Level Compliance Officer
Anne Gwin, Executive Assistant
Roger Harris, General Counsel
Jack Harrison, Juvenile Compliance Officer
Erik Stilling, Information Technology and Management Officer
Angel Williams, Budget Officer

Mr. Neuner recognized the 14th and the 15th Judicial District Offices and their District Defenders who were recently featured in local news for the advancements made in their respective offices. Mr. Neuner also recognized Board member Gina Womack who was featured in the January – February issue of Louisiana Life Magazine as its Louisianian of the Year in the Civic Activist Category. Mr. Neuner took the opportunity to inform the Board that member Professor Lucy McGough would be leaving the Board soon to take the position of Dean of the Appalachian School of Law in western Virginia. Mr. Neuner thanked Professor McGough for her time and contributions to the Board.

2. Review and Approval of the Agenda. Upon review, Mr. Neuner requested that the agenda be amended to include the approval of the Justice Works Contract in the amount of \$30,000, a Resolution ratifying Mr. David Newhouse's contract for CMS assistance, a Resolution giving authority to Deputy Defender Kilborn to contract with Justice Works and discussion on the increase of fines from \$35 to \$55 to be brought to the Legislature this year. Upon motion of Judge Burns, seconded by Mr. Lorenzi, the amended agenda was approved without opposition.

3. Review and Approval of the Minutes

a. December 14, 2011 Meeting. After review and upon motion of Mr. Lorenzi, seconded by Mr. Dalton, the minutes of the December 14, 2011 meeting were approved as presented.

b. January 23, 2012 Meeting. After review and upon motion of Mr. Lorenzi, seconded by Mr. Dalton, the minutes of the January 23, 2012 meeting were approved as presented.

4. Financial Report. Budget Officer Angel Williams provided the most recent financial information. There were no significant budgetary issues brought for discussion.

5. Policy Committee Updates and Reports.

a. OPD Update.

i. Restriction of Services. Mr. Neuner informed the Board that OPD will begin implementation of its service restriction plan on February 15th with layoffs, salary and benefit reductions, and furloughs. Mr. Neuner further reported that upon recommendation of Ernie Lewis, he met Mr. Dan Goyette, the Chief Public Defender in Louisville, Kentucky. Mr. Goyette agreed to and met with OPD staff to review the managerial and structural components of the office. Mr. Goyette will provide recommendations in the form of a written report in the near future.

John Di Giulio reported on the OPD conflict counsel issue. At issue is to whom those cases assigned to conflict counsel will go when OPD closes the conflict office. Professor Metzger suggested anyone who could volunteer to take a case, should.

ii. Traffic Court. Mr. Neuner reported that OPD has hired CPA Holly Sharp to work with Traffic Court's comptroller on the audit of Traffic Court's records. He indicated that the audit will be of random samples. He also informed the Committee that he met recently with Andy Kopplin regarding traffic court revenues.

iii. \$40 Application Fee. Mr. Di Giulio reported that Orleans Criminal District Court Chief Judge Camille Buras is the only judge currently addressing the indigency determination/\$40 fee issue by providing indigent defendants with a form at the time of the determination which indicates they are ordered to remit payment of \$40 pursuant to La.R.S. 15:175. Mr. Di Giulio indicated Judge Buras is encouraging the other judges to use the form, as well.

Prof. Metzger reported she has been trying to meet with Judge Sens regarding Municipal Court revenues and asked the District representatives present at the meeting for their input.

Discussion continued on LPDB's and the Districts' continued due diligence in obtaining the \$40 application fee until such time as it is determined that the fee either cannot be collected from a defendant or that the costs incurred in trying to collect the fee exceed the initial amount of the fee. For future discussion or research, it was suggested that districts obtain promissory notes from defendants for the fee.

b. Capital Certification. John Di Giulio reported that provisional capital certification is currently in place pending a formal certification policy. Mr. Di Giulio informed the Committee that John Holdridge, Julie Kilborn and he continue to work together on the capital certification policy and process.

c. Conflict Counsel Issue. The Committee moved to form a Conflict Counsel Study Group to research the question of whether counsel who are contracted with to handle conflict cases are "employees" of the public defender offices who pay them and whether those offices are to be considered "law firms." Mr. Di Giulio was made point person to follow up on calls to interested board members and district defenders to make up the group. The group is to research the issue and report its findings to the Board. Upon motion of Mr. Lorenzi, seconded by Prof. Metzger, the group was formed without opposition.

d. Indigency Applications. Professor Metzger reported on the status of the uniform indigency applications and indicated a draft policy should be ready to present to the Board at the next meeting.

6. Spitfire Strategies. Mr. Neuner informed the Board that a public relations group, Spitfire Strategies, is working with LPDB on a statewide message regarding the impending failure of districts and potential restriction of services.

7. District 22 Update. Mr. Di Giulio reported that three finalists have been chosen by the Selection Committee for the District Defender position in the 22nd Judicial District. The interviews of Mr. Dwight Doskey, Mr. Kevin Linder and Mr. John Lindner at the LPDB office in Baton Rouge are being scheduled. Mr. Simmons' effective date of resignation is March 1, 2012. The Board is to be notified of the scheduled interviews.

8. Staff Updates.

a. SPD report. Ms. Kilborn informed the Board that the 800+ page annual report was submitted on January 31, 2012, and the next mandatory report to the Joint Legislative Committee on the Budget (JLCB) is due March 1, 2012.

9. Other Business. – Amended Agenda Items.

1. Justice Works Contract Approval. Erik Stilling reported on the contractual agreement with LPDB and Justice Works and a resolution authorizing Deputy Public Defender Kilborn to execute the contract with Justice Works was presented. After a brief discussion and clarification concerning funds availability, Reverend Krutz moved to approve the contract and authorize Ms. Kilborn to enter into the contract on behalf of LPDB. Mr. Holthaus seconded the motion which passed unopposed.

2. Resolution – Prof. Metzger moved to approve the Resolution ratifying Mr. David Newhouse's contract for CMS assistance. Mr. Richard seconded the motion which passed unopposed.

3. Mr. Harris addressed the proposed increase of fines from \$35 to \$55 to be brought before the Legislature this year. Mr. Holthaus expressed concern for lack of Board presence at upcoming committee hearings and that LPDB's position should be made clear on the issue. Mr. Holthaus agreed, if able, to be present at the hearings when the issue arose. Upon motion of Rev. Krutz, seconded by Mr. Holthaus, the Board adopted a Resolution to request an increase of fines from \$35 to \$55 pursuant to La.R.S. 168(B)(1).

Mr. Holthaus asked that the minutes reflect that the January 23rd meeting was an emergency call of the Board to discuss an urgent matter. Mr. Neuner instructed that the minutes should reflect that the January 23rd meeting was an emergency meeting and further instructed that any future unscheduled meetings shall be also be designated as emergency meetings.

10. Next Meeting(s). The next meeting will be on March 6, 2012. The location will be announced.

11. Adjournment. The being no further business and on motion of Rev. Krutz, seconded by Frank Holthaus, the meeting adjourned at 3:55 p.m.

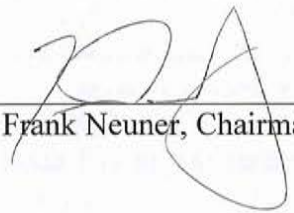
Guests:

Vic Bradley, Jr.
Judy Pugh
Steve Thomas
Derwyn Bunton
Michael Bradley
Michael Courteau

Jay Dixon
Clay Carroll
Brain McRae
Herman A. Castete
Tony Champagne

Reggie McIntyre
Derrick Carson
Ken Rodenbeck
Brett Brunson
Richard M. Tompson

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 9th day of February, 2012, as approved by the Board on the 6th day of March, 2012, in Baton Rouge, Louisiana.



Frank Neuner, Chairman