



LOUISIANA PUBLIC DEFENDER BOARD

Friday, July 24, 2020

12:00 p.m.

Zoom¹

<https://us02web.zoom.us/j/87566392572>

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, Wednesday, July 24, 2020, via ZOOM video-conference (see footnote) at approximately 12:05 p.m. Mr. Holthaus acknowledged quorum.

a. Retirement of Jean Faria, Capital Case Coordinator. Mr. Holthaus announced the retirement of long-time public defense advocate and LPDB Capital Case Coordinator Jean Faria effective August 1. He thanked Ms. Faria for her years of service. Professor North moved by Resolution of the Board that Ms. Faria be honored by the Board for her years of service. Judge Ross Foote seconded the motion which passed unanimously.

The following Board members were present²:

Chris Bowman	Flozell Daniels	W. Ross Foote
Michael Ginart	Frank Holthaus	Donald North
Chaz Roberts		

The following Board members were absent:

Zita Andrus	Pat Fanning	Lyn Lawrence
Moses Williams		

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

Rémy Voisin Starns, State Public Defender
Barbara Baier, General Counsel
Natashia Carter, Budget Administrator
Anne Gwin, Executive Assistant
Richard Pittman, Dep. Public Defender, Dir. Juvenile Defender Services
Erik Stilling, Information and Technology Director
Tiffany Simpson, Juvenile Compliance Officer-Legislative Director

¹ This meeting is being held via a ZOOM video-conference pursuant to Executive Proclamation 84-JBE-2020, Section 2(C).

² Mr. Flozell Daniels arrived late. Voting on action item prior to their arrival was not affected as quorum was noted with 6 members present.

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2. Adoption of the Agenda. Professor North moved to adopt the agenda which was seconded by Judge Foote and passed unopposed.
3. Call for Public Comment. Mr. Holthaus indicated public comment would be taken up with each item.
4. Adoption of the Minutes, June 26, 2020 Meeting. Professor North moved to adopt the Minutes of the June 26, 2020 meeting as presented. Judge Foote seconded the motion which passed unopposed.
5. Budget Reports. Professor North asked SPD Starns to provide the Budget reports.
 - a. FY20 Final Disbursements. Budget Administrator Natasha Carter reported a list of all final disbursements between June 22 and July 15 is provided in the materials. She reported the FY20 final DAF disbursement was \$999,195.28 and two supplement disbursements totaling \$624,179 for a total of \$1,623,374.28 to the districts.
 - b. FY21 Budget Allocation. Ms. Carter reported having received notification of LPDB's FY21 General Appropriation in the amount of \$48,193,875. She clarified that CINC funds are no longer statutorily dedicated and are included in the \$39,272,018 amount listed as part of the Louisiana Public Defender Fund in the materials. She also reported an interagency transfer COVID grant (LCLE) received in the amount of \$543,862.
 - c. Solvency Projections. Dr. Erik Stilling indicated having very little new information to report since the last meeting but stated that no district is in the red at this time. Judge Foote asked for clarification on the percentage of collections. SPD Starns reported having collected 62% of CUFs which are down 38% compared to this same time last year. Dr. Stilling reported that staff had planned for zero for this same period. Dr. Stilling indicated that the lowest numbers are expected to be reported for April. Those remittances will be this month, so there are still concerns.
 - d. FY21 DAF Disbursement. SPD Starns reported the voucher in the materials in the amount of \$29,970,074 was signed last week and sent for disbursement to the districts.
6. Capital Expert Witness Fund. SPD Starns reported that in addition to the aggressive mitigation efforts, all the capital expert witness funds were paused/frozen until June 30 and that the Board resolution doing so has expired. He reported that there is less than \$600,000 currently in the capital expert witness fund of which \$400,000 has been allocated and awaiting disbursal. Mr. Pittman clarified that in July, the \$595,000 allocated for FY21 should start going into that fund. Mr. Starns reiterated that \$400,000 is already dedicated and in the Spring (FY21) the Board will probably need to address the Expert Witness Fund.
 - a. Protocol to Obtain an Expert Witness. SPD Starns reported that Mr. Richard Pittman has been monitoring the EWF with the assistance of Ms. Cristine Roussel who makes sure all the entries/numbers are correct. The Capital Case Coordinator (retired) was responsible for substantive decisions, (*i.e.* who gets funding, in what amount) but that those duties are being dispersed between the Trial Level Compliance Officer and the Director of Training. The Director of Training will take over monitoring all contracts

(501(c)3, professional and consulting) and the TLCO and DoT will share capital attorney certification process duties.

7. District Issues
 - a. Resignation of David Wallace, District 36. Mr. Starns reported that Mr. David Wallace, District Defender since 1999, has submitted his resignation effective in mid-August. He thanked Mr. Wallace for his service, dedication and contributions.
 - i. Interim Appointment and Salary. Mr. Starns reported he has asked District 30 (Vernon Parish) District Defender Tony Tillman to act as Interim in District 36 (Beauregard Parish) pending the hiring of a permanent district defender. Mr. Bowman moved to accept the recommendation of the SPD for interim services in District 36 (Beauregard Parish). Judge Foote offered a friendly amendment to include issuing a letter of commendation to Mr. Wallace for his long and loyal service. Mr. Bowman accepted the amendment and Judge Foote seconded the motion which passed unopposed. Mr. Starns reported that typically an interim is paid between \$2000 and \$3500. He reported his salary recommendation for Mr. Tillman is \$3,000. He reminded the Board that Mr. David Marcantel accepted the interim position in District 13 (Evangeline Parish) for the same amount; however, because that district is not financially able to pay that salary, Mr. Marcantel has cut his salary to \$1500. He indicated that District 36 (Beauregard Parish) is financially secure to pay Mr. Tillman the monthly stipend recommended and Mr. Tillman has the experience. Professor North moved to accept the salary recommendation for interim services of \$3000/month. Mr. Bowman seconded the motion which passed unopposed.
 - b. Salary Increase Request, Reginald McIntyre- District 21 (Livingston, St. Helena, Tangipahoa). Mr. Starns reported that Mr. McIntyre has submitted a salary increase request which has triggered the site visit protocol and staff will begin the process. Because of COVID that process may take longer than usual but staff will make every effort to have a recommendation for the Board at the earliest possible time.
8. Executive Session^{3*}. Executive Session was moved to later in the agenda.
9. *Susan Hebert Henry v. LPDB*. This issue was deferred until after Executive Session.
 - a. Resolution to Retain Counsel*. This issue was deferred.
10. Division Reports – Informational
 - a. SPD Report. SPD Starns reported a partnership with PDAL to provide District Defender orientations. He thanked the participants and PDAL for spearheading the meeting.

³ The Board may vote to go into executive session pursuant to La. R.S. 42:16 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. Accordingly, the Board may discuss the following: State v. Ian Howard, 15th JDC, Dockets: 16358 and 163534; State v Jason David Landry, 22nd JDC, Docket: 603835, Division F; Susan Henry Hebert v. LPDB, 19th JDC, Docket: 694429, Division 27; State v. George, Docket20-307, 16th JDC, Iberia Parish.

b. Capital. The full capital report is in the materials. SPD Starns reported 40 capital cases currently in various stages with 11 currently on the waitlist. He congratulated LCAC on the successful removal of the death penalty from one of their cases last week.

c. Juvenile. Mr. Pittman indicated his full report is included in the materials. He further reported that the second and final phase of Raise the Age came into effect on July 1 resulting in seventeen-year-old persons accused of offenses in Louisiana now being in the juvenile delinquency juvenile justice system instead of the adult system. They still however are subject potentially to transfer if charged with more serious offenses.

11. Announcements. Chairman Holthaus reported that he and Mr. Starns participated this week in the Drug and Specialty Courts Commission formed this past legislative session which provides for a member of this Board on the Commission. He volunteered as meeting are twice a month in Baton Rouge (currently held via Zoom). The efforts are to try to get a statewide enhancement of the Drug Court and Specialty Court to make the administration of justice more efficient. Prosecutors, sheriffs and other stakeholders are also participating.

8. Judge Foote moved to go into Executive Session which was seconded by Professor North and passed unopposed. Mr. Daniels moved to return to regular session which was seconded by Judge Foote and passed unopposed.

9. *Susan Hebert Henry v. LPDB.*

a. Resolution to Retain Counsel*

Upon return to Regular Session, Mr. Starns reported that the proposed Resolution in the materials is for the Board to hire counsel Stanley, Reuter, Ross, Thornton, & Alford, LLC, a law firm in New Orleans, to represent the Board in the *Susan Hebert Henry v. LPDB* case pending in the 19th JDC. He would authorize the firm to file the necessary responsive pleadings. Chairman Holthaus inquired if the Resolution contains the amounts discussed. SPD Starns indicated the amounts are in the proposed contract that General Counsel is drafting. Mr. Bowman moved to adopt the SPD's recommendation. Mr. Ginart seconded the motion. General Counsel Barbara Baier indicated that an amount is required and that individual member voting has to be recognized. Mr. Starns stated that at the rate of \$175 an hour for the lawyer and \$60 for the paralegal at a maximum contract amount of \$75,000 that his recommendation is for the Board to hire the firm of Stanley, Reuter, Ross, Thornton, & Alford to represent the Public Defender Board. Mr. Bowman moved adoption of that recommendation. Mr. Ginart seconded the motion. Mr. Starns clarified that \$75,000 is the maximum amount that will be expended specific to this lawsuit. Upon vote, the motion carried with all members present voting in favor.

With respect to *State v. George*, Chairman Holthaus suggested, for the record, that as soon as the presiding judge vacates his order that payment of Mr. Nick Trenticosta's invoice is authorized. Mr. Ginart made that motion and Professor North seconded. Upon vote, the motion carried with all members present voting in favor. Clarification was made that this is a unique situation and not precedent for future cases.

12. Next Meeting. The next meeting was set for Thursday, October 8, 2020, via Zoom video-conference -- if video conferencing is still allowable by emergency declaration.

13. Adjournment. Professor North moved to adjourn. Mr. Daniels seconded the motion which passed unopposed.

GUESTS: (See Zoom participants list, attached)

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 24th day of July 2020 as approved by the Board on the 8th day of October, 2020⁴.



Frank Holthaus, Chairman

⁴The meeting at which these minutes were approved was held by Zoom video-conference pursuant to La.R.S. 42:17.1 (Act 302 of the 2020 Regular Session).

Board - Jun 26 2020

Paul C Fleming Jr
Joshua Newville
Jee Park
Robert Noel
LJames
Richie Tompson
G Paul Marx
Sarah
Aaron
Aliseia
Anthony Champagne
deirdrefuller
David McClatchey
Michelle M. AndrePont
Derwyn Bunton
Richard Bourke
Emily Zolynsky
Alan Robert
Harry Fontenot
Aaron Clark-Rizzio
Michael Miller
Trisha Ward
Angela Claxton
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Renee Bourg
Donald Kneipp
J.Albert Ellis
Kerry Cuccia
Richard Bourke
Herman Castete
emily ratner
lisa leblanc
Chanel Long
Richard Stricks
Jill Pasquarella
Harry Landry III
Kenn Barnes
Bettye
John Lindner
Michael A. Mitchell
Kristin Wenstrom
Brett Brunson
Gary Clements

Mike Courteau
Cecelia Kappel
Maggie Broussard
Noor Mozaffar
Matilde Carbia
Hannah Van De Car
Kyla Romanach
Jacqueline DeRobertis
Lindsay Blouin
Chris Dommermuth
K Walker
S. Renee Bourg
Elizabeth
CKolinchak
Christopher Aberle
Katie Lerer
Maggie LeBlanc
Reginald McIntyre
Bruce Unangst# II
Steve
Brian McRae
tgernhauser
SRobinson
Kristen Rome
Brad Dauzat
AT&T
iPhone
Rachel
mike courteau
Hannah Van De Car
rlcan
Dannielle Berger
John Landis
Carl Schwab
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Bruce Unangst
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Steven Thomas

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W Ross Foote
Chris Bowman
Mike Ginart
Zita Andrus
Donald North
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Chaz Roberts
Moses Williams
Pat Fanning
Lyn Lawrence

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NCarter
Tiffany Simpson
BBaier
Rémy Starns
AGwin
Erik Stilling