



LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

Monday, May 12, 2014
7389 Florida Blvd, Suite 400, Conference Room 2
Baton Rouge LA 70806
2:00 p.m.

AGENDA

1. Call to Order and Remarks of the Vice-Chairman
2. Call for Public Comment
3. Review of Agenda* pg. 106 - 107
4. Review of the April 14, 2014 Meeting Minutes* **Tab 1**
pgs. 108 - 111
5. Budget Committee Reports and Recommendations **Tab 2**
 - a. Financial Report* pgs. 112-116
 - b. FY15 DAF Disbursal* pgs. 117-120
 - c. Long Term Solvency Reports pgs.121-126
 - d. FY14 DAF Year End Distribution* pgs.127-128
 - e. Salary Increase Requests pg. 129
6. Policy Committee Reports and Recommendations **Tab 3**
 - a. Capital Timesheets and Guide* pgs.130-132
 - b. 501c3 - Full Organizational Budgets Update
7. Capital Performance Standards*
8. CAPOLA Assessment – Conclusions **Tab 4**, pgs. 133-137
9. Legislative Update

**Requires Board Action*

10. Executive Session^{1,2*}
11. Deputy State Public Defender, Director of Training* **Tab 5**, pgs. 138-142
12. SPD Report **Tab 6**, pgs. 143-148
13. Next Proposed Meeting Date: Thurs. Sep. 4, 2014
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: State v. Thibodeaux, Docket No.: 2013-190149, 16th JDC; State v. Jerrard Major, Docket No.: M-03918, 17th JDC; Barry Edge v. LPDB/DOC, Docket No.: 624,295, JDC; 19th JDC; State in the Interest of R.T., Docket No.: 2014-115-07-DQ-F, Juvenile Court of Orleans Parish, Section "E"; State v. Barbara and William Vincent, Docket No.: 24292-10, 14th JDC.

² 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 character and professional competence of a person; provided, however, such person(s) may require that such discussion be held at an open meeting pursuant to La. R.S. 42:17(A)(1). No final or binding action will be taken during executive session.



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Monday, May 12, 2014
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Baton Rouge LA 70806
2:00 p.m.

MINUTES

1. Call to Order and Remarks of the Vice Chairman. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Vice Chairman on Monday, May 12, 2014, at 2:00 p.m. at the Louisiana Office of Group Benefits in Baton Rouge, Louisiana.

The following Board Members were present:

Robert Burns, Vice Chairman
Hampton Carver
Leo Hamilton
Robert Lancaster
Herbert Larson
Hector Linares
Tom Lorenzi
Herschel Richard

The following Board Members were absent:

Addison Goff
Frank Holthaus
Rebecca Hudsmith
Jacqueline Nash
Gina Womack

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

Jay Dixon, State Public Defender
Natashia Carter, Accountant
Jean Faria, Capital Case Coordinator

Anne Gwin, Executive Assistant
Richard Pittman, Deputy Public Defender, Dir. Of Juvenile Defender Services
Tiffany Simpson, Juvenile Justice Compliance Officer
Erik Stilling, Information Technology and Management Officer

2. **Call for Public Comment.** No one presented for public comment.
3. **Review of Agenda.*** There were no changes made to the agenda and on motion of Mr. Hamilton seconded by Mr. Lorenzi, the agenda was approved, unopposed, as presented.
4. **Review of the April 14, 2014 Meeting Minutes*.** On Motion of Mr. Lorenzi seconded by Mr. Hamilton the April 14, 2014 Minutes were approved as presented and passed unopposed.
5. **Budget Committee Reports and Recommendations**
 - a. **Financial Report*.** Acting Budget Officer Natasha Carter reported \$32,355,499 has been spent or encumbered to date in FY14 with \$622,984 projected to be expended by June 30, 2014 leaving \$250,770 available for reallocation to the districts. State Public Defender Jay Dixon added that the Office of Planning and Budget has been contacted for approval of the release of \$465,203 remaining in personnel services (salaries and benefits which would have gone to staff positions currently vacant) for reallocation to the districts. Mr. Dixon indicated that the Budget Committee is recommending that the financial report, as presented, be approved. Mr. Hamilton seconded the recommendation which passed unopposed.
 - b. **FY15 DAF Disbursal*.** Dr. Erik Stilling gave a brief summary of the methodology from which staffs' FY15 DAF recommendation is derived and reported that the Budget Committee is recommending adoption of the FY15 distribution as presented. Mr. Hamilton seconded the Budget Committee recommendation which passed unopposed.
 - c. **Long Term Solvency Reports.** Mr. Dixon presented Dr. Stilling's solvency charts and graphs based on current pro forma budget amounts. The charts and graphs assist in explaining the financial condition of the district public defender offices for Fiscal Years 2015, 2016, 2017 and 2018 and the potential for systemic failure statewide.
 - d. **FY14 DAF Year End Distribution*.** Dr. Stilling explained that Staff is requesting approval to distribute final year end DAF monies according to the methodology as presented to the Budget Committee which is recommending adoption. Mr. Hamilton seconded the recommendation which passed unopposed.
 - e. **Salary Increase Requests.** Deputy Public Defender Richard Pittman reported that District Defender Vic Bradley (District 29/St. Charles) has requested a salary increase and staff will be making the requisite site visit in the near future to address the request after which a recommendation will be presented.
6. **Policy Committee Reports and Recommendations**
 - a. **Capital Timesheets and Guide*.** Capital Case Coordinator Jean Faria reported that the recent Legislative Auditor's report (released January, 2014) recommended that anyone in the district offices and the Contract Programs providing capital services should be required to maintain timesheets reflecting all time on capital cases. Ms. Faria indicated that the Contract Programs have a timekeeping mechanism in place and the

form compiled by staff, based on that mechanism, meets the requirements of the Legislative Auditor. Ms. Faria reported that the Policy Committee is recommending adoption of the timekeeping form and the guide. Mr. Lorenzi seconded the recommendation which passed unopposed.

b. 501c3 – Full Organizational Budgets Update. Mr. Dixon reported that staff had completed further review of this issue and it is their opinion that rather than requiring submittal of full organizational budgets by the contract programs, that each program will be required to submit, with all future budget requests, a copy of their previous year's legislative audit.

7. Capital Performance Standards*. Ms. Faria reported that the Capital Performance Standards are complete and staff is requesting adoption by the Board and approval to move forward with administrative processes. Mr. Lorenzi commended the Capital Working Group and moved for adoption. Mr. Hamilton seconded the motion which passed unopposed.

8. CAPOLA Assessment – Conclusions. Ms. Faria reported that the Capital Working Group has reviewed and approved the recent CAPOLA assessment and recommendations. CAPOLA's Board of Directors has requested a formal meeting with staff to get a better understanding of the report, which is being scheduled.

9. 2014 Legislative Update. Mr. Dixon summarized recent legislation and the status of bills being tracked by LPDB. Specifically Mr. Dixon reported on SB 168 which is waiting on Governor's signature and will serve as a guide for the Board's makeup to incorporate more members from North Louisiana; SB 652 sponsored by Senator Guillory which would allow teachers to have students arrested and removed from premises in handcuffs without having committed a crime and without authorization of the principal or the discretion of the officer to decline to arrest; and, HB 16 which will establish a re-entry court in Lafayette.

10. Executive Session*. On motion of Mr. Richard, seconded by Mr. Hamilton the Board went into Executive Session. On motion of Mr. Hamilton, seconded by Mr. Richard, the Board left Executive Session.

Upon returning to its regular meeting, Mr. Richard moved that LPDB support an amicus brief in the Interest of R. T., seconded by Hector Linares and passed unopposed. Mr. Linares agreed to write the brief.

11. Deputy Public Defender, Director of Training*. Mr. Dixon reported that William Boggs has been offered and has accepted the Deputy Public Defender, Director of Training position for the annual salary of \$110,000 and is scheduled to start June 1, 2014. Mr. Richard moved to hire Mr. Boggs for the position at an annual salary of \$110,000, which was seconded by Mr. Larson and passed unopposed.

12. SPD Report. Mr. Dixon informed the Board that the SPD report on all staff actions since the last Board meeting is in the provided packets.

13. Next Proposed Meeting Date: Thurs. Sep. 4, 2014. The Board scheduled its next meeting date for Thursday, September 4, 2014, at 2:00 p.m. The location will be announced once confirmed.

14. Adjournment*. There being no further business, and upon motion of Mr. Richard, seconded by Mr. Hamilton, the meeting adjourned.

GUESTS:

Richard Goorley
Paul C. Fleming
John Burkhardt
Derwyn Bunton
Alan J. Robert
John W. Lindner
Richard Bourke

Tony Champagne
Richard Tompson
Bruce Unangst
Stephen Singer
Mario Guadamud
Tony Tillman
Josh Perry

Reggie McIntyre
Jim Looney
Michael A. Mitchell
Matthew Robnett
G. Paul Marx
Herman Castete

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 12th day of May, 2014, as approved by the Board on the 4th day of September, 2014, at Baton Rouge, Louisiana.



Robert Burns, Vice-Chair