



LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

Tuesday, May 12, 2015

LSU Law Center, 2nd Floor, Tucker Room, 2:00 pm

Baton Rouge LA 70806

MINUTES

1. Call to Order and Remarks of the Chairman. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman on Tuesday, May 12, 2015, at 2:05 p.m. at the LSU Law Center, Tucker Room, in Baton Rouge, Louisiana.

The following Board members were present:

Robert Burns
Frank Holthaus
Herbert Larson
Jacqueline Nash

Franz Borghardt
Leo Hamilton
Hector Linares
Herschel Richard

Hampton Carver
Robert Lancaster
Tom Lorenzi
Stephen Singer

The following Board members were absent:

Add Goff
Gina Womack
Rebecca Hudsmith, Ex Officio

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

Jay Dixon, State Public Defender
Barbara Baier, General Counsel
Natashia Carter, Acting Budget Officer
Jean Faria, Capital Case Coordinator
Anne Gwin, Executive Assistant
Richard Pittman, Dep. State Public Defender, Dir. Juvenile Defender Services
Tiffany Simpson, Juv. Justice Compliance Officer/Director of Legis. Affairs
Erik Stilling, Program Development and Resource Management Officer

Judge Burns announced that SPD Dixon has spoken to Mr. Marty Stroud and informed him of LPDB's commendation resolution. Mr. Stroud could not attend the meeting due to a prior commitment.

Judge Burns welcomed Mr. Flozell Daniels, Jr. who is being appointed to the Board by Chief Justice Bernette Johnson and replaces Lucia LeDoux.

2. Call for Public Comment. No one presented for public comment.
3. Adoption of the Agenda*. Mr. Hamilton moved to adopt the agenda as presented which was seconded by Mr. Lorenzi and passed unopposed.
4. Review of the March 24, 2015 Meeting Minutes*. Mr. Hamilton moved to adopt the minutes of the March 24, 2015 meeting which was seconded by Mr. Lorenzi and passed unopposed.
5. Policy Committee Reports and Recommendations.
 - a. Changes to the DAF – FY 16*. Mr. Hamilton moved to defer discussion of this issue in conjunction with item 9 on the agenda. Mr. Holthaus seconded the motion which passed unopposed.
 - b. Voluntary Local Funds Management.
 - i. Proposed Policy*. Mr. Lorenzi seconded the Policy Committee's recommendation to accept the proposed policy as amended which passed unopposed.
6. Budget and Fiscal Issues and Committee Recommendations
 - a. Financial Report*. Mr. Borghart moved to adopt the financial report as presented which was seconded by Mr. Larson and passed unopposed.
 - b. Executive Budget Recommendation, FY 16.
 - i. Proposed Resolution – Position Cuts*. After discussions, Mr. Holthaus moved to defer this issue to the June 16, 2015 meeting. Mr. Borghart seconded the motion which passed unopposed.
 - ii. Office Move Update. Mr. Dixon informed the Board that its administrative offices would be relocating in June, 2015.
 - c. FY 15 - Year End DAF – Status. Mr. Dixon reported \$160,715 available to reallocate to the districts. Mr. Holthaus moved to authorize SPD Dixon to apply the FY15 year-end DAF allocation as he sees fit. Mr. Larson seconded the motion which passed unopposed.
 - d. 2014 JLCB Report – Ratification*. Upon review of the report, staff agreed to amend the pie chart as presented in the final report to provide clarifying individual itemization percentages and to submit the amended document to the JLCB.
7. District Defender Issues.
 - a. District 33. Mr. Dixon reported that the selection process for a district defender in the 33rd Judicial District has been re-opened and interviews are being scheduled. Mr. Singer moved to give the SPD authority to appoint an interim district defender pending a permanent appointment. Mr. Holthaus seconded the motion which passed unopposed.
 - b. District 2. Mr. Dixon reported that the committee in District 2 is awaiting committee appointment by the LSBA President. Mr. Holthaus moved to give the SPD authority to appoint an interim district defender pending a permanent appointment. Prof. Nash seconded the motion which passed unopposed.
 - c. District 3. Mr. Dixon reported that the Selection Committee in District 3 is in place and the process started. Prof. Nash moved to give the SPD authority to appoint an

interim district defender pending a permanent appointment. Mr. Holthaus seconded the motion which passed unopposed.

8. Executive Session*. Mr. Holthaus moved to amend the agenda to move Executive Session to after item #13, SPD Report. Mr. Hamilton seconded the motion which passed unopposed.

9. FY16 DAF and CINC Distribution*. Mr. Dixon informed the Board, that upon their direction at the last meeting, he and Mr. Alan Golden, District Defender for the 1st Judicial District, have resolved the issue in dispute and as a result staff is recommending final FY16 DAF and CINC distribution amounts as presented. Mr. Hamilton moved to accept staffs' recommendation which was seconded by Mr. Holthaus and passed unopposed.

10. Restriction of Services – Update.

a. 19th JDC Family Court Fees – Update. District Defender Michael A. Mitchell reported that the East Baton Rouge Family Court fee collection for appointments in non-support cases has increased to approximately \$3600 a month allowing the district to assign and pay one part-time attorney in that court. Mr. Mitchell further reported that even with the increase his district will face shortfall in June of 2015 and he will have to cancel contract and conflict counsel until the new fiscal year.

Mr. Robert Tucker, Sr., conflict counsel in the 19th Judicial District, addressed the Board and explained the dire consequences of non-representation by conflict counsel in the 19th due to inadequate funds.

b. ROS – Districts 8 (Winn), 12 (Avoyelles), 34 (St. Bernard), 39 (Red River). SPD Dixon reported that all approved ROS plans will be made available on the website to all Board members. Mr. Bunton addressed the Board and said that he expected the 41st to go into ROS in the next fiscal year.

11. 2015 Legislative Session. SPD Dixon gave a synopsis of Act 605 of the 2015 legislative session and what it will mean to the structure and functions of LPDB if passed. Mr. Dixon informed everyone that the hearing on 605 is scheduled for Thursday, May 14, 2015.

12. Juvenile Strategic Planning Report. Deputy State Public Defender/Director of Juvenile Defender Services Richard Pittman reported that as directed by the Board at the March 2015 meetings, he has undertaken the organization of statewide juvenile strategic planning meetings and has held two meetings in Baton Rouge and Alexandria to date with several to follow in other parts of the state.

13. SPD Report. SPD Dixon reported the SPD account of staff activity since the last meeting is available in the Board materials.

Executive Session. Mr. Holthaus moved to go into Executive Session which was seconded by Mr. Hamilton and passed unanimously. Mr. Hamilton moved to leave Executive Session which was seconded by Mr. Holthaus and passed unanimously.

Upon return from Executive Session, Mr. Holthaus moved that the next meeting agenda on June 16, 2015, include an item for the institution of formal disciplinary proceedings and performance review of the District Defender in District 1 (Caddo Parish/Alan Golden), that District Defender

Golden be provided with timely notification of the action, and that the State Public Defender provide a recommendation that has been communicated to Mr. Golden. Mr. Larson seconded the motion, which passed unopposed.

14. Reminder. Board members were reminded to file their mandatory personal financial disclosure statements no later than May 15, 2015.

15. Other Business. There was no further business brought for discussion.

16. Next Meeting: June 16, 2015 – LSU/Tucker Room.

17. Adjournment*. Mr. Singer moved to adjourn which was seconded by Hector Linares and passed unopposed.

Guests:

Matthew Robnett
Tony Champagne
Mark Plaisance
Robert W. Tucker, Sr.
John Di Giulio
Vic Bradley
Josh Perry
Robert Tucker

Derwyn Bunton
G. Paul Marx
Kerry Cuccia
Bruce Unangst
Richard Tompson
Reggie McIntyre
Cecelia "Beanie" Bonin

John W. Lindner
Brett Brunson
Jim Looney
Michael A. Mitchell
George Steimel
John Burkhardt
Flozell Daniels, Jr.

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, 2015, as approved by the Board on the 16th day of June, 2015, at Baton Rouge, Louisiana.



Robert J. Burns (Ret.), Chairman