



LOUISIANA PUBLIC DEFENDER BOARD

Thursday, February 25, 2021

2:00 p.m.

Zoom¹

<https://us02web.zoom.us/j/87460888134?pwd=NndwanJraEx4dHNpOEV4K3RrQStwUT09>

Meeting ID: 874 6088 8134

Passcode: 588972

MINUTES

1. **Call to Order.** A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was called to order by Chairman Frank Holthaus on Thursday, February 25, 2021 via ZOOM video-conference (see footnote) at approximately 2:05 p.m.

The following Board members were present²:

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

The following Board members were absent:

Pat Fanning	Willie Hunter, Jr.	Lyn Lawrence
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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
Robert Noel, Depy. Public Defender, Director of Training
Richard Pittman, Depy. Public Defender, Dir. Juvenile Defender Services
Tiffany Simpson, Juvenile Compliance Officer-Legislative Director
Erik Stilling, Information and Technology Director

2. **Adoption of the Agenda.** Mr. Flozell Daniels moved to adopt the agenda as presented. Professor Donald North seconded the motion which passed unopposed.

3. **Public Comment.** Chairman Holthaus indicated public comments would be taken with each item.

4. **Minutes – December 14, 2020 Meeting.** Judge Ross Foote moved to adopt the Minutes of the December 14, 2021 meeting. Professor North seconded the motion which passed unopposed.

¹ This meeting is being held via a ZOOM video-conference pursuant to La. R.S. 42:17.1 effective October 29, 2020. (Act 302 of the 2020 Regular Session)

² Ms. Zita Andrus arrived late. Voting on action items prior to her arrival was not affected as quorum was noted with 7 members present.

5. District Office Acquisitions*

a. District 14 (Calcasieu Parish). District Defender Harry Fontenot gave a status of the proposed building purchase in Lake Charles to house the 14th Public Defender's Offices. Mr. Daniels suggested that going forward any district should initially obtain contractor(s) estimates in addition to the other items requested by the Board for expediency of purchase. SPD Starns reminded the Board of the time constraints for expending the special appropriation. Budget Administrator clarified that any carryforward monies would have to be for an existing expense. No action was taken on this issue.

b. District 36 (Beauregard Parish). Interim District Defender Tony Tillman reported he and the seller are ready to move forward with the purchase of the building in DeRidder to house the 36th Public Defender's Offices. SPD Starns reported the Budget Committee recommended favorable approval of the final purchase price of \$148,000. Professor North indicated the Committee so moved. Mr. Starns clarified that the District 36 (Beauregard Parish) District Defender's Offices would be the owner of the building.

6. District Offices Storm Related Needs – Discussion. Mr. Starns reported no storm related needs specific to any district office requiring resources from the Board. Ms. Michelle AndrePont, District Defender, District 1 (Caddo Parish) reported her office closed due to the recent ice/snow storm but reported no damages and that the courthouse has reopened. There was no further discussion.

7. District 13 (Evangeline Parish) - District Defender Salary.

8. State-wide District Defender Salary Policy – Chair Directive.

Mr. Starns asked to address Items 7 and 8 together. The Board concurred.

Mr. Starns reported that staff is developing, pursuant to the Board instruction last year, a schedule or a policy to present to the Board on how to treat new chief defenders in terms of salary and salary increases. He indicated the draft as presented to the Budget Committee and Board (in the materials) is still a work in progress and until the Board adopts a policy his recommendation is to keep Ms. Ward's salary at the current level (approximately \$69,000) until such time as the Board adopts a policy that may possibly change it.

Chairman Holthaus directed that both the Policy Committee and the Budget Committee are to consider this issue along with the efforts of staff to come up with a uniform policy of managing salaries other than piece by piece.

Judge Foote inquired if the issue of the salary for the District Defender in District 13 (Evangeline Parish) would be put on hold pending a policy. Professor North expressed strong opposition for delaying the setting of Ms. Ward's salary pending a formal policy.

Mr. Starns explained that the process requires distributing finite state funds in terms of salary that ensures that each judicial district defender's office functions but also does not imperil the solvency of the system. He outlined various factors being considered in the proposed salary policy/plan, including conviction and user fees (CUFs), local revenues, caseload, the number of criminal court sections in each jurisdiction, population and office/organization size.

Professor North indicated he agreed with Mr. Starns but stressed his concern again with hiring Ms. Ward but not setting her salary at the time of her hire, then changing the practice in mid-stream and making her wait until a policy is adopted to set her salary. He stated that the Board

erred by not setting her salary at the time of her hire and urged that the Board move forward today with setting her salary.

Mr. Flozell Daniels suggested contacting other state agencies that have these same issues -- regional offices, caseloads and other dynamics -- and have been able to develop salary ranges that make sense which may be helpful to us.

Judge Foote indicated that the policy would have to factor in the changing dynamics of conviction and user fees (CUFs) and how to plan for cutting salaries back if suddenly a district can no longer support that salary. Getting people to move into a rural area to do this work is difficult. Judge Foote urged being pro-active in working to attract people that are passionate about this work as opposed to just moving into a profession.

Mr. Starns agreed with Mr. Daniels and Judge Foote but expressed his concern about setting a higher salary in Evangeline Parish without first looking at all the variables. He reminded the Board about the continued bail-outs of that district and he reported that Evangeline Parish, a single-parish, rural district has little to no local revenue, relies primarily on state (Board) funding and may not be able to support a higher salary.

Mr. Chaz Roberts urged that the decision for setting salaries needs to remove emotion and look at objective measures for each district -- statistics, cases, population, and organizational structure -- and come up with a system or formula. He stressed his disappointment at the continued practice of setting arbitrary salaries and the lack of information.

Mr. Mike Ginart stated this issue has been brought to the board time and again and the last time was with the hiring of the Chief in District 25 (Plaquemines Parish). He indicated the process continues to cause problems and hard feelings between the defenders who work hard and the Board has to stop kicking the issue down the road. He urged moving the issue to whatever committees or a special committee and get with staff and get it done.

Mr. Starns indicated that staff has made a good start on a plan and that plan is in the materials for the full board's input.

Chairman Holthaus was emphatic that the full Board is to be active through the Policy Committee, that Mr. Starns and Judge Foote are to work together with a time limit, and the issue is not to take another four months.

Professor North inquired if a policy can be created that will affect someone retroactively. Chairman Holthaus clarified that no policy was being created today, any policy would be going forward, none of the new hires are grandfathered in, so anytime there is a new contract it would be re-negotiated.

Mr. Roberts then moved that every time the Board makes a new hire, that the salary is pre-determined before the hire. Professor North seconded the motion. Professor North then moved to amend the agenda to make Item 8, State-wide District Defender Salary Policy -- Chair Directive, an action item. Chairman Holthaus clarified that discussions about establishing a policy (Item 8) going forward is not an action item. Further, a motion to debate or to vote on whether to offer or hire anybody without establishing a pre-stated salary is not necessary because the Board is not going to continue that practice until a policy is in place. Nor will the Board entertain on any agenda a request for a salary increase until a policy is in place. This is to be a collaborative effort with a time limit and will not be kicked down the road. Professor North

withdrew his second of Mr. Robert's motion and indicated the agenda did not have to be amended.

Ms. Trisha Ward, District Defender, District 13 (Evangeline Parish) addressed the Board. Ms. Ward reported she has been in the District Defender position for two months and being paid her prior line defender salary (\$69,336). The proposal in the materials would put her in the Tier 4 salary range – between \$70 and \$80,000. She expressed concern with a waiting on a policy that make take 4 or 5 months to pass and which could result in her salary being limited to her current salary.

Professor North then moved that Ms. Ward be paid the same amount as Ms. Chanel Long is paid in her district. He asked for clarification as to that amount. Mr. Richard Pittman indicated Ms. Chanel Long is paid \$95,000.

Mr. Daniels suggested that the Board allow the Policy Committee to come back under the State Public Defender's leadership and make a recommendation with regard to Ms. Ward's salary and that recommendation be retroactive to her date of hire. Judge Foote indicated opposition to that as Ms. Ward had certain expectations when she was hired, she was given the responsibilities of the district, and should not be expected to wait months out for a decision. Mr. Roberts asked for clarification on Ms. Ward's expectations. Chairman Holthaus indicated it is reasonable that Ms. Ward anticipated being paid more than her prior salary because she was made Chief. Because no specific dollar amount was promised or indicated, the Board must be fair now and get a policy stated and in force as fast as possible.

Mr. Chris Bowman expressed concern that setting Ms. Ward's salary now (today) at \$95,000 indicates to all the public defenders not being paid that same amount and who are also serving a one-parish district that they also entitled to a minimum \$95,000 salary. It sets a baseline for everybody. He urged putting the policy in place before setting the salary.

Ms. Chanel Long, District Defender, District 25 (Plaquemines Parish) asked to address the Board. Ms. Long reported that the issue not being addressed in terms of chiefs' salaries is what other public defender's offices and the contract programs are able to pay their line defenders and other employees. Larger, neighboring district offices and the programs are able to pay more so it does not make sense for anyone to take the position of chief defender in the rural parishes for less money when the contract for services are the same. Mr. Holthaus indicated those are things that the Policy Committee and the staff, in forming a policy, have to take into consideration.

Mr. Bowman then moved to defer this issue to the next meeting of the Board. There was no second.

Mr. Roberts inquired on what basis to make the decision today what Ms. Ward should be paid. Judge Foote clarified that it should be based on the fact that Ms. Ward has reported that the District has gotten local increases and are expected to in the future and that to hang the solvency issues and the history with the non-performing sheriff and a non-performing District Defender on District 13 now should not be a factor going forward.

Professor North then moved that Ms. Ward be given a salary of \$85,000 pending the results of the policy coming down from the Policy Committee that gives some direction. Mr. Daniels seconded the motion. Upon vote, the motion passed with five in favor (Andrus, Daniels, Foote, North, Holthaus) and three in opposition (Bowman, Ginart, Roberts).

9. District 19 (EBR Parish) District Defender. Mr. Starns reported that long time District 19 (EBR Parish) District Defender Michael Mitchell has resigned and is now the new Trial Level Compliance Officer for the LPDB resulting in a search for a new District Defender for District 19 (EBR Parish). He indicated he has started that process with letters to the 19th JDC Chief Judge and President of the State Bar Association. He also indicated pursuant to the earlier discussion that the policy will be needed regarding salaries.

10. District Assistance Formula (DAF). Mr. Starns provided an update on the District Assistance Fund (DAF) formula for FY22. He indicated that there is a draft in the materials for review and that he is hopeful for a formula for the new fiscal year.

11. Next Meeting. The next meeting was set for Thursday, April 1, 2021 at 1:30 p.m.

12. Adjournment. Mr. Daniels moved to adjourn. Mr. Roberts 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 25th day of February, 2021 as approved by the Board on the 30th day of April, 2021³.



C. Frank Holthaus, Chairman

³ The meeting at which these minutes were approved was held by Zoom video-conference pursuant to La. R.S. 42:17.1, effective October 29, 2020.
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La Public Defender Board
Thursday, February 25, 2021

Name (Original Name)

Jason Hessick
Derwyn Bunton
Rick Candler
Rhonda Covington
suddutht
G Paul Marx
Paul Fleming
Tomeka Gilbert
Mike Courteau
Richard Tompson
Dannielle Berger
Glen Cella
Jee
Anthony Champagne
Michael Miller
Richard Stricks
nicholas trenticosta
aliseia williams
Fen Swann
J.Albert Ellis
Alan Robert
Harry Fontenot
Herman Castete
Jee Park

Kyla Romanach
Tony Tillman
Andrea Stentz
Lindsay Blouin
david marcantel
Brett Brunson
Brian McRae
Chase
Steven Thomas
12259335365
Michelle M. AndrePont
don kneipp
Cathy Lopez
John Lindner
Trisha Ward
Chanel Long
deirdrefuller
Gary Clements
Cecelia Kappel
Reginald McIntyre
kerry cuccia
Maggie LeBlanc

Board Members

Mike Ginart (mike)
Chris Bowman
Frank Holthaus
W Ross Foote
Chaz Roberts
Flozell Daniels# Jr.
Zita Andrus
Donald North

Staff

Richard Pittman
Erik Stilling
Rémy Starns
Barbara Baier
Natashia Carter
Anne Gwin
Tiffany
Bob Noel