



LOUISIANA PUBLIC DEFENDER BOARD

Board Meeting

Tuesday, September 27, 2011
West Baton Rouge Parish Library
830 N. Alexander Avenue
Port Allen, LA
2:00 PM

MINUTES

A meeting of the Louisiana Public Defender Board, pursuant to the call of its Chairman and lawful notice, was duly convened and called to order by its Chairman at 2:11 p.m. on September 27, 2011, at the West Baton Rouge Parish Library, 830 N. Alexander Avenue, in Port Allen, Louisiana.

The following Board Members were present:

Frank Neuner, Chairman
Judge Robert Burns
Sam Dalton
Add Goff
Frank Holthaus
Leo Hamilton
Dan Krutz
Luceia LeDoux
Tom Lorenzi
Pam Metzger
Herschel Richard Jr.
D. Majeeda Snead
Gina Womack

The following Board Members were absent:

Cleveland Coon
Lucy McGough

The following *ex officio* Board Members were present:

Rebecca Hudsmith

The following *ex officio* Board Members were absent:

Judge Robert Brinkman

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

Jean M. Faria, State Public Defender
Julie Kilborn, Deputy Public Defender – Director of Training
John Di Giulio, Trial-Level Compliance Officer
Roger Harris, General Counsel
Erik Stilling, Information Technology and Management Officer
Irene Joe, Assistant Training Director
Anne Gwin, Paralegal, Executive Assistant to the State Public Defender
Lynette Roberson, JIDAN Coordinator

1. **Remarks by the Chairman.** The Chairman welcomed new Board member Herschel E. Richard, Jr. of Shreveport, Louisiana. Mr. Richard was appointed to the Board by the President of the Louisiana State Bar Association.

The Chairman congratulated several Board members on being recipients of awards. Mr. Sam Dalton has been awarded the 2011 Kutak-Dodds Prize for outstanding service in public defense. Mr. Leo Hamilton has been awarded the 2011 Bar Foundation President's Award for dedication and commitment to the Louisiana Bar Foundation and Professor Majeeda Snead has been recognized by the Urban League of Greater New Orleans for her service through the Loyola University New Orleans College of Law Clinic and for being the first African-American woman to lead the clinic.

2. **Review and Approval of the Agenda.** Mr. Hamilton made the motion to add the following to the Board meeting agenda as action items from the Policy Committee: a recommendation in the form of a resolution to authorize the State Public Defender to request emergency funding from the Joint Legislative Committee on the Budget to keep district offices facing shortfall solvent; a resolution directing districts in immediate jeopardy of experiencing a deficit to notify other agencies within the district of their financial posture and the restriction of services; and, a resolution authorizing the State Public Defender to make demands on the local officials to comply with the law in remitting funds to the public defenders' office. The motion was seconded by Ms. LeDoux and was approved without opposition.
3. **Review and Approval of the Minutes.** The Board reviewed the minutes of its August 17, 2011 meeting. Mr. Lorenzi moved to accept the minutes. The motion was seconded by Pam Metzger and was approved without opposition.
4. **Budget Committee Updates.**
 - a. **Financial Report.** Ms. LeDoux presented the financial reports. She informed members of inaccuracies which reflect deficits in some expenditure categories. The inaccuracies are a result of coding errors by

the Office of Finance & Support Services. Staff is working with OFSS to correct the problem.

- b. **Performance Indicators.** Ms. LeDoux presented members with updated agency Performance Indicators which the agency is required to maintain and periodically update. The Budget Committee made a motion to approve the Performance Indicators as presented. The motion was seconded by Ms. Womack and was approved without opposition.
- c. **Auditor.**
 - 1. **Resolution.** The Budget Committee recommended in the form of a motion that the Board adopt a resolution authorizing the State Public Defender to contract with David Greer for a variety of services, including auditing and training. The motion was seconded by Mr. Hamilton and was approved without opposition.
- d. **Interim Capital Case Coordinator.**
 - 1. **Resolution.** The Budget Committee made a motion that the Board adopt a resolution authorizing the State Public Defender to contract with John Holdridge to fulfill the duties of the Capital Case Coordinator until that position can be filled. The motion was approved without opposition.
- e. **District Shortfall Projections.** Dr. Stilling presented information to the Board regarding district offices which will most likely experience deficiencies prior to the end of the fiscal year. These were Districts 1, 3, 4, 5, 7, 10, 13, 28, 32, 34, 37, and 41. Dr. Stilling reported that \$3.4 million is needed to keep those districts operational through the end of the fiscal year, exceeding the amount available through the agency for emergency funding. Dr. Stilling reported that these districts have been notified of their financial situation and that the Board's staff is assisting the districts in identifying available local revenues and applying for emergency funding.
- f. **Orleans Funding Status.** The Chairman updated members on meetings with officials with the City of New Orleans regarding the urgent funding needs of the 41st Judicial District Public Defenders' Office.

The Policy Committee moved that the Board adopt a resolution directing any district public defender facing a deficit that is expected to result in a restriction of services to notify the district's chief judge and district attorney of the district public defender's financial situation and the impending restriction of services as soon as practicable. The motion was seconded by Mr. Hamilton and was approved without opposition.

- g. Budget Officer Status.** Ms. Faria updated the Board on the search for a new Budget Officer. The Division of Administration has denied a request to declassify the position. Staff is currently advertising the position and will be forwarded applications by Civil Service after the posting closes on September 30, 2011.

5. Policy Committee Updates and Recommendations.

- a. Restriction of Services – Protocol Update.** Ms. Faria updated the Board on the status of the restriction of services protocol adopted at a previous Board meeting. Staff will amend the protocol to state that districts restricting services should do so by written correspondence and by notice of intent to the court. Staff recommended that this policy be promulgated in accordance with the Administrative Procedures Act. The Policy Committee made the motion to adopt the amended protocol and to authorize staff to promulgate the protocols in accordance with the Administrative Procedures Act. The motion was passed without opposition.

- b. 10th Judicial District Fees Distribution.**

- 1. Correspondence.** Brett Brunson, District Defender in the 10th Judicial District, updated the Board on a review of local distributions of fees and failure to remit fees owed to the public defenders' office. The Policy Committee made a motion to authorize the State Public Defender to make demands on the local officials to comply with the law in remitting funds to the public defenders' office. The motion was seconded by Judge Burns and was approved without opposition.

- c. Emergency Funding JCLB.** The Policy Committee made the motion to authorize the State Public Defender to request emergency funding through the Joint Legislative Committee on the Budget. The motion was seconded by Prof. Snead and was approved without opposition.

6. Reports and Updates.

- a. Capital Case Count.** Dr. Stilling updated the Board on data migration and efforts to verify capital case counts. There are currently 89 capital cases in the trial phase, with 60% of districts reporting. Not included in this count are defendants on death row, capital appeals, or post-conviction cases.

- b. Irene Joe – Assistant Training Director.** Ms. Kilborn introduced Assistant Training Director Irene Joe to the Board as a new staff member.

- c. Court Fee Remittance Form – Final.** Dr. Stilling presented members with a fee remittance form drafted by staff for use by clerks of court to assist them in itemizing funds remitted to the public defenders' offices.

The form has been provided to District Defenders for use in their districts, if desired.

d. Monthly Reporting Form – Final. Dr. Stilling presented members with the new monthly budget reporting form provided to the District Defenders.

e. 22nd Judicial District Personnel Issues

1. ACLU Report. Mr. Di Giulio presented members with a letter from the ACLU regarding complaints about public defender service delivery in the 22nd Judicial District.

2 LPDB Request for Audit. The agency has made a request to the Bureau of Justice Assistance for their assistance in auditing services being provided in the 22nd Judicial District.

4. SPD Report. Ms. Faria presented members with her report on staff activities. Ms. Faria informed members that staff has applied for a grant from the Southern Poverty Law Center for a pilot project in the 23rd Judicial District, to pair an education lawyer and a social worker to conduct education advocacy activities on behalf of clients. The grant would be in the amount of \$75,000 and will be awarded in January. If an award is made to LPDB, requests for matching funds in the amount of \$50,000 will be made at a future meeting. Ms. Faria informed the Board that staff has also applied for a Byrne JAG grant in the amount of \$126,000 available through the Louisiana Commission on Law Enforcement. The grant would be used to improve data collection and analysis throughout the state and to provide district offices with uniform software for this purpose. Ms. Faria also informed members that the LSBA Criminal Justice Committee endorsed the “Ten Principles of a Public Defense Delivery System” and that they would now go to the House of Delegates for passage.

Mr. Holthaus made the motion for the Board to go into Executive Session. The motion was seconded by Ms. Womack and was approved without opposition.

5. Executive Session

a. October 6, 2011 hearing – Clark Case

Mr. Holthaus made a motion that the Board permit the Chairman to take whatever action he deemed appropriate in this matter prior to the next Board meeting. The motion was seconded by Mr. Richard and was approved without opposition.

6. Next Meeting

a. Tuesday, Nov. 1, 2011 – Goodwill Industries Facility, 3400 Tulane Ave., New Orleans

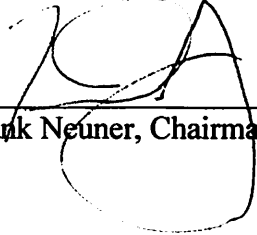
7. Adjournment. Prof. Snead moved for adjournment. The motion was approved without opposition.

Guests Present:

**Steven Thomas
Michael A. Mitchell
Vic Bradley
Richie Tompson
Brett Brunson**

**Herman Castete
Alan J. Robert
Tony Champagne
Brian McRae
Derwyn Bunton**

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 27th day of September, 2011, as approved by the Board on the 1st day of November, 2011, in New Orleans, Louisiana.



Frank Neuner, Chairman