



LOUISIANA PUBLIC DEFENDER BOARD

Thursday, May 13, 2021

3:30 p.m.

Zoom¹

<https://us02web.zoom.us/j/81758216512?pwd=eERIVEJSSkQ1UFBkNmdOcXplTmRKUT09>

Meeting ID: 817 5821 6512

Passcode: 412976

MINUTES

1. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was called to order by its Chairman Frank Holthaus on Thursday, May 13, 2021 via ZOOM video-conference (see footnote) at approximately 3:35 p.m.

The following Board members were present²:

Zita Andrus	Flozell Daniels	Pat Fanning
W. Ross Foote	Michael Ginart	Frank Holthaus
Lyn Lawrence	Donald North	Allyson Prejean
Cindy Woodard		

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
Michael Mitchell, Trial Level Compliance Officer
Robert Noel, Dep. Public Defender, Director of Training
Richard Pittman, Dep. Public Defender, Dir. Juvenile Defender Services
Tiffany Simpson, Juvenile Compliance Officer-Legislative Director
Erik Stilling, Information and Technology Director

2. **Adoption of the Agenda.** Judge Ross Foote moved to adopt the agenda as presented. Ms. Allyson Prejean seconded the motion which passed unopposed.

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

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

² Replacement appointment for the District 3 vacancy has not been made. Professor Donald North was late arriving for the zoom meeting; quorum and voting was not affected by his late arrival.

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4. **Minutes – April 30, 2021 Meeting.** Mr. Flozell Daniels moved to adopt the Minutes of the April 30, 2021 meeting. Judge Foote seconded the motion which passed unopposed.

5. **Executive Session³.** Chairman Holthaus deferred Executive Session to later in the meeting.

6. **Budget Committee Reports and Recommendations.** Chairman Holthaus deferred the budget reports until the Budget Chairman's arrival.

7. **District Defender Vacancies and Selections.** The Board deferred items 7a and 7b until after executive session at which time the applicants for the district defender positions will be interviewed.

c. District 6 (E. Carroll, Madison, and Tensas Parishes). Mr. Starns reported that the Selection Committee in District 6 has moved forward despite the resignation of the appointment by the State Bar President. He reported that applications are being reviewed and the committee is to have a recommendation to him by May 23, 2021.

d. District 19 (EBR Parish). Mr. Starns reported that the deadline to apply for the District Defender position in East Baton Rouge Parish was May 10th and that after review of applications interviews will be set. The deadline for the Selection Committee to submit their list of candidates for the position is May 24, 2021.

e. District 21 (Livingston, St. Helena, Tangipahoa). Mr. Starns reported that District Defender Reginald McIntyre's resignation is effective June 30, 2021 and that the formation of the selection committee in that district is on-going.

Mr. Pittman reported that Budget Committee Chairman Donald North is now present in the meeting. Chairman Holthaus indicated the agenda would resume with the Budget Report and Recommendations.

6. **Budget Report and Recommendations**

a. FY21 DAF Year End Distribution*. Mr. Richard Pittman gave an overview of the three methodologies presented in the materials proposed for the distribution of the final DAF for FY21. He reported that the Budget Committee is recommending Methodology 2 (pg. 217). Professor North moved that the Board consider the recommendation from the Budget Committee. Judge Foote seconded the motion. Chairman Holthaus asked for a clarification of the motion. Professor North clarified his motion is for the full Board to adopt the Budget Committee's recommendation to accept Methodology Number Two. Mr. Lyn Lawrence seconded the clarified motion. Judge Foote added that the State Public Defender and staff need the ability to distribute any scrubbed monies. Chairman Holthaus asked for a motion.

³ 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. The board may discuss the applicants/appointments in District 36 (Beauregard Parish) and District 12 (Avoyelles Parish).

Judge Foote then moved that in connection with this disbursal or at such time as deemed appropriate, the State Public Defender, with guidance from staff, be authorized to distribute any available unexpended scrubbed funds to the districts, on a pro-rata basis prior to the end of the fiscal year. Mr. Daniels seconded the motion which passed unopposed.

b. FY22 District Assistance Fund (DAF) Formula* Mr. Starns gave a brief overview of the proposed DAF formula for FY22 which he indicated has been vetted by the districts and that the DAF as presented is being recommended by the Budget Committee. Mr. Fanning seconded the recommendation. Several district defenders addressed the Board and expressed their concerns. Professor North clarified that at the May 10, 2021 meeting, the Budget Committee polled the attendees on the issue and that the votes from the districts were overwhelmingly in favor of this disbursal. He called the question. Upon a vote, the recommendation of the Budget Committee for the Board to adopt the FY22 DAF formula as presented passed six in favor (Fanning, Lawrence, Ginart, North, Woodard and Holthaus); two opposed (Daniels, Foote) and two abstaining (Andrus, Prejean).

c. Contracts, FY22*. Mr. Starns reported maintaining all 501(c)3 contracts at the same level as last year with the following exceptions: CPCPL to be increased \$15,000; LAP to be amended by adding \$200,000 which restores their previous contract that was cut last year. He reported that CAP has agreed to reduce their contract from \$1,200,000 to \$1,050,000 and increase their services to include working with the three capital trial level programs in a preindictment representation plan and starting a pilot writ-taking project in the 4th and 5th circuits. Chairman Holthaus asked to budget (not encumber) \$60,000 for Stone-Pigman in the event they are needed. Mr. Daniels then moved to accept the recommendation on all the contracts with the addition of the funds for potential representation budget as may be needed for Stone Pigman.

Mr. Starns reported that LCCR has also agreed to a reduction of their *Miller/Montgomery* contract by \$200,000 (to \$848,000) with the understanding that all *Montgomery* cases would be completely resolved at the end of two fiscal years. Additionally, the \$460,000 contract to handle the Orleans Public Defender's Office's juvenile cases would not be renewed but the same funds would be sent directly to OPD, giving District Defender Bunton the option on how to provide juvenile defense. These extra funds to OPD would be phased out eventually.

Mr. Clark Rizzio addressed the Board and expressed his appreciation for the renewed contract, indicated there are no guarantees all of the *Montgomery* cases could be resolved in the 2-year time period but that would be his office's goal and strongly urged the Board to continue to directly contract with LCCR to handle OPD's juvenile cases.

After discussions, Judge Foote moved to adopt the contracts on page 221 with the following clarifications: \$200,000 to LAP; restore the \$460,000 funding directly to LCCR to handle OPD's juvenile cases; and, budget -- but not encumber -- \$60,000 to contract with Stone Pigman, if needed. Upon vote, nine members voted in favor of the contract amounts, as clarified.⁴

⁴ Professor North had left the meeting and did not vote. Quorum was not affected.
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d. Office Acquisitions*. Dr. Tiffany Simpson reported that prior approval from the Board to move forward with buildings costing less than \$250,000 has resulted in purchases in District 36 (Beauregard Parish), District 20 (East/West Feliciana Parishes), District 17 (Lafourche Parish), District 18 (Iberville, Pointe Coupee, WBR Parishes); one in District 5 (Franklin, Richland and W. Carroll Parishes) and District 13 (Evangeline Parish). However, because of the cost of renovations in District 13 (Evangeline Parish) which are almost equal to the cost of the building, Mr. Starns has rescinded the approval of the purchase. She further reported the Budget Committee approved the sale price of \$790,000 and \$300,000 in renovations for the building at 715 Ryan Street in Lake Charles and that Mr. Starns is asking Board approval to purchase a building in Ruston - District 3 (Lincoln and Union Parishes) if the District Defender is able to get the price down to \$385,000.

Mr. Bob Noel and Mr. Mike Mitchell reported they met with District 13 (Evangeline Parish) District Defender Trisha Ward in Ville Platte and looked at other properties in Ville Platte as options. They reported one building available for \$125,000 that will need some work but is a valid option in close proximity to the courthouse and they would recommend it over the current proposal. Mr. Noel indicated that the owner is willing to negotiate. Mr. Mitchell reported that the HUD inspection report on the original proposed building indicates all the issues, but the extent of the damage cannot be known from review of a report. Mr. Fanning then moved to accept the recommendation of staff for the second option subject to inspection and appraisal.

District Defender Ward reported that the new building option has flooring issues and the HVAC was installed in 1995. Further, the original building will come with \$20,000 worth of furniture, and for \$184,934 (including \$20,000 furniture) after renovations, it will be turn-key.

Judge Foote then moved to go forward with the original HUD inspected building for \$94,000 with the estimated renovations of \$80,000 provided that the buy-sell agreement is not signed unless the \$80,000 for remediations as indicated in the HUD inspection is included in the contract. Mr. Daniels seconded the motion. Eight members⁵ voted in support of the motion to approve the District 13 (Evangeline Parish) building acquisition amount of \$94,000 with \$80,000 allocated for renovations.

A motion was then made to authorize the funds for the District 14 (Calcasieu Parish) building acquisition located at 715 Ryan Street for the amount of \$790,000 with \$300,000 allocated for renovations. Mr. Daniels seconded the motion. Eight members⁶ voted in support of the motion to approve the District 14 (Calcasieu Parish) building acquisition amount of \$790,000 with \$300,000 allocated for renovations.

Mr. Daniels moved to give authority to the State Public Defender to approve up to \$399,000 for the building in District 3 (Lincoln and Union Parishes) – Ruston -- with additional costs for the inspection and appraisal with the understanding that negotiations to get the sale price down are on-going. Mr. Fanning seconded the motion. Eight members⁷ voted in support of the motion to authorize the State Public Defender to offer

⁵ Professor North and Lyn Lawrence were no longer present at the meeting and did not vote. Quorum was not affected.

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up to \$399,000 for the building in District 3 (Lincoln and Union Parishes) with extra funds for the inspection and appraisal.

Dr. Simpson gave a brief report on other properties under consideration or declined and reported approximately \$200,000 remaining in the building acquisition fund (provided the purchases as presented move forward). SPD Starns asked for the authority to spend the balance of the building acquisition funds as appropriate and to communicate activity going forward. Mr. Ginart so moved and his motion was seconded. Upon vote, eight members⁸ voted in support of the motion to authorize the State Public Defender to spend the balance of unused building acquisition funds as appropriate.

5. Executive Session. Mr. Daniels moved to go into Executive Session. Mr. Ginart seconded the motion which passed unopposed. Mr. Ginart moved to leave Executive Session. Mr. Fanning seconded the motion which passed unopposed.

Upon return to regular session the Board returned to item 7 and addressed 7a and 7b.

7. District Defender Vacancies and Selections

a. District 36 (Beauregard Parish) – SPD Recommendation for Appointment and Salary*. Mr. Starns reported that Mr. Tony Tillman, Mr. Jack Simms and Mr. Glen Cella were interviewed for the position of District Defender in District 36 (Beauregard Parish) and that his recommendation is to hire Tony Tillman at a salary of \$3,000 a month. Mr. Tillman would continue to maintain his position as district defender in District 30 (Vernon Parish) as well. The motion was made and seconded to hire Tony Tillman as District Defender in District 36 (Beauregard Parish) at a salary of \$3,000 per month. There was no opposition.

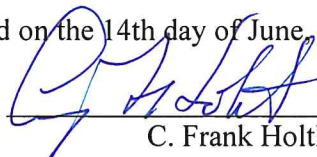
b. District 12 (Avoyelles Parish) – SPD Recommendation for Appointment and Salary*. Ms. Allyson Prejean moved that Mr. Chad Guillot be named as the District Defender in District 12 at a salary to be disclosed to him by Mr. Starns. Mr. Daniels seconded the motion which passed unopposed.

8. Next Meeting. The next meeting was set for Monday, June 14, 2021 at 11:00 a.m.

9. Adjournment*. Mr. Fanning moved to adjourn, seconded by Ms. Prejean and passed unopposed.

Guests: See Zoom Participation List

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 13th day of May, 2021 as approved by the Board on the 14th day of June, 2021⁹.



C. Frank Holthaus, Chairman

⁸ Professor North and Lyn Lawrence were no longer present at the meeting and did not vote. Quorum was not affected.

⁹ 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.

Board Meeting
May 13 2021

Name (Original Name)

Richard Stricks
Mike Courteau
aliseia williams
Chuck Reid
Jack L. Simms# Jr.
G Paul Marx
Michelle M. AndrePont
Bruce Unangst# II
Jami Pellerin
kerry cuccia
Lindsay Blouin
Reginald McIntyre
Herman Castete
John Hogue
D. Delisle George
Emily Zolynsky
don kneipp
Trisha Ward
Richard Bourke (he/him)
Richard Tompson
J.Albert Ellis
Deirdre Fuller
Cathy Lopez
Jean Faria
Tony Tillman
Tom Nelson
Margaret Lagattuta
Kyla Romanach
David Marcantel
Matilde Carbia
Chad Guillot
Carol Kolinchak
Andrea Stentz
jee
Anthony Champagne

15042653297
Anthony Champagne
Harry Fontenot
Elizabeth Coe
Brett Brunson
John Lindner
emily ratner
Steve Robinson
Aaron Clark-Rizzio (he/him)
Eve Hampson
Cecelia Kappel
lisa leblanc
Christopher Aberle
Kristen Rome
Mike Courteau
Thomas Gernhauser
Chase
Paul Fleming
Glen Cella
Maggie LeBlanc
Dannielle Berger
Gary Clements
Leslie Pellegrin - ODPD
Jamiles Lartey (Jamiles)
Glen Cella
Anthony Champagne
rlcan
margaret lagattuta
Tom Nelson
Alan Robert
Julie O'Donoghue
Mike Miller
Daniel Engelberg
Jamiles Lartey
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Board

Frank Holthaus
Cindy Woodard
Lyn Lawrence
Mike Ginart
W Ross Foote
Flozell Daniels# Jr.
Zita Andrus
Patrick Fanning
Donald North
Allyson Prejean

RPittman
Rémy Starns
Barbara Baier
Robert Noel
Anne Gwin
Tiffany
Natashia Mims Carter
Michael A. Mitchell
Erik Stilling