



# LOUISIANA PUBLIC DEFENDER BOARD

## BOARD MEETING

Monday, April 14, 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. 75-76
4. Review of the March 10, 2014 Meeting Minutes\* **Tab 1**  
pgs. 77- 80
5. Budget Committee Reports and Recommendations **Tab 2**
  - a. Committee Status\*
  - b. Financial Report\* pgs. 81-85
  - c. Solvency Projections & Recommendations\* pgs. 86-93
  - d. FY 15 Contracts\* pgs. 94
    - i. 501c3s
    - ii. Districts
    - iii. Consultants and Professional Services pgs. 95
  - e. Mitigation Specialists\*
6. Policy Committee Reports and Recommendations
  - a. Full Organizational Budget Submittal Requirement
  - b. Strategic Planning – Summer, 2014\*

*\*Requires Board Action*

7. Executive Session<sup>1, 2</sup>
8. District Defender – Districts 14/38\*
  - a. Salary\*
9. CAPOLA\*
10. 2014 Legislative Update
11. SPD Report
12. Next Meeting Date – Monday, May 12, 2014
13. Adjournment\*

**Tab 3**, pgs. 96-102

**Tab 4**, pgs. 103-105

*\*Requires Board Action*

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<sup>1</sup> 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.

<sup>2</sup> 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: 2013-190149, 16<sup>th</sup> JDC; State v. Brown, Docket: C-520401, 17<sup>th</sup> JDC; State v. Robertson, Docket: 07-12-0625, 19<sup>th</sup> JDC; Barry Edge v. LPDB/DOC, Docket: 624,295, 19<sup>th</sup> JDC, LPDB v. Robert Jones, et al, Docket: 614-262, Section 23, 19<sup>th</sup> JDC; State v. Brian Smith, 16<sup>th</sup> JDC, Docket Nos.: 2012-CR-303; 2012-CR-313; 2012-CR-366.



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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, April 14, 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  
Add Goff  
Leo Hamilton  
Rebecca Hudsmith  
Robert Lancaster  
Hector Linares  
Tom Lorenzi  
Jacqueline Nash  
Herschel Richard  
Gina Womack

The following Board Members were absent:

Hampton Carver  
Frank Holthaus  
Herbert Larson  
Majeeda Snead

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  
Lori Honore, Budget Officer  
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 as presented and on motion of Mr. Hamilton seconded by Ms. Womack the agenda was approved as presented, and passed unopposed.

4. **Review of the March 10, 2014 Meeting Minutes\*.** On Motion of Mr. Lorenzi seconded by Mr. Hamilton the March 10, 2014 minutes were approved as presented, unopposed.

5. **Budget Committee Reports and Recommendations.**

a. **Committee Status\*.** Mr. Dixon reported that Budget Committee Chairwoman Majeeda Snead has resigned and the Committee is seeking volunteer members. Vice-Chairman Burns recommended Board member Hampton Carver to fill the vacancy. Upon motion of Mr. Hamilton, seconded by Ms. Womack, Mr. Carver was appointed to the Budget Committee upon his acceptance.

b. **Financial Report\*.** Budget Officer Lori Honore presented the current financial report. Ms. Honore reported \$32,000,000 expended year-to-date with \$1,015,145 in projected expenditures through the end of FY14 and \$274,719 currently available for reallocation. Mr. Hamilton moved to approve the financial report as presented. Professor Nash seconded the motion which passed unopposed.

c. **Solvency Projections & Recommendations\*.** ITM Director Erik Stilling gave a brief summary of the process for the tracking of districts' funding throughout the fiscal year in order to project financial need and distribute available funds at year's end. Dr. Stilling reported that based on his projections that a total of \$181,107 will be needed to get Districts 7 (Catahoula/Concordia), 10 (Natchitoches) and 16 (Iberia-St. Martin-St. Mary) through the end of June 2014. Mr. Dixon indicated that the Budget Committee is recommending that staff be authorized to distribute the necessary funds to projected districts in need. Mr. Hamilton seconded the recommendation which passed unopposed.

d. **FY 15 Contracts\***

i. **501c3s.** Mr. Dixon reported that the Budget Committee is recommending that the Board accept staff recommendation for standstill budgets and 6-month contract terms for the contract programs for FY15, with the exception of the Louisiana Appellate Project which is requesting an additional \$3,324 to cover the cost of Lexis-Nexis increases. The recommendation also excludes the Capital Assistance Project of Louisiana (CAPOLA) pending the on-going assessment results. Mr. Lorenzi seconded the recommendation which passed unopposed.

**ii. Districts.** Mr. Dixon reported that the Budget Committee is also recommending that the Board accept staffs' recommendation for standstill funding for the districts for FY15. Mr. Hamilton seconded the motion which passed unopposed.

**iii. Consultants and Professional Services.** A recommendation by the Budget Committee for the Board to approve the FY15 Consultant and Professional Services contracts, seconded by Mr. Richard, passed unopposed.

**e. Mitigation Specialists\*.** Ms. Faria reported that staff proposed a pilot mitigation specialist program to the Budget Committee in September of 2013 which was tabled. The Budget Committee is recommending that the Board approve the program which would fund two mitigation specialists for use only by the districts on capital cases. The two mitigation experts would be housed at and supervised by the Capital Defense Project of Southeast Louisiana (CDPSLA/Kerry Cuccia) and the District 15 Public Defender Office (Paul Marx). Mr. Richard moved to pull the issue from the table, which was seconded by Mr. Goff. Mr. Lorenzi seconded the Budget Committee's recommendation to approve the pilot program which passed unopposed.

## **6. Policy Committee Reports and Recommendations**

**a. Full Organizational Budget Submittal Requirement.** Mr. Dixon reported that the Policy Committee is recommending this issue be tabled as premature. Mr. Lorenzi seconded the recommendation which passed unopposed.

**b. Strategic Planning – Summer, 2014\*.** Mr. Dixon reported that it is the recommendation of the Budget and Policy Committees that the Board convene for a training retreat in August of 2014 to address the funding crisis and development of media relations and outreach. The Committee also recommended that an outside consultant be brought in to assist. Mr. Lorenzi seconded the recommendation. The Board agreed upon August 21 – 22, 2014 with the location to be determined. Staff was instructed to locate a consultant.

**7. Executive Session.** On motion of Ms. Womack, seconded by Mr. Hamilton, the Board went into Executive Session. On motion of Mr. Hamilton, seconded by Mr. Linares, the Board left Executive Session.

## **8. District Defender – Districts 14/38\*.**

### **a. Salary\***

Mr. Dixon reported that staff has recommended Interim District Defender Harry Fontenot for the permanent position in the 14/38 districts and the Budget Committee is recommending Board approval of Mr. Fontenot's employment as well as his annual salary of \$115,000. Mr. Richard moved to approve Mr. Fontenot as the District Defender for the 14/38<sup>th</sup> District at a salary of \$115,000. Mr. Lorenzi seconded the motion which passed unopposed.

**9. CAPOLA.** Ms. Faria report that staff is not submitting a recommendation for funding for FY15 for the Capital Assistance Program of Louisiana (CAPOLA) at this time as the program is still under assessment. Once the assessment is finalized, it will be sent to the

Executive Director, Richard Goorley, for response. Ms. Faria indicated the assessment will be presented to Board at the May meeting.

**10. 2014 Legislative Update.** Mr. Dixon summarized SB 168 by Senator Walsworth which would result in the Board's membership including appointments of North Louisiana citizens; and, SB 541 (defeated) which would have allowed video-conferencing in juvenile matters. Mr. Dixon also reported on HB 1035 which amends ACT 307 by changing the Juvenile Justice Compliance Officer qualifications.

**11. 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. Mr. Dixon also announced the retirement of LPDB's Budget Officer, Lori Honore.

**12. Next Meeting Date.** The Board confirmed its next meeting date is Monday, May 12, 2014 at the La. Office of Group Benefits, 7389 Florida Boulevard, in Baton Rouge, at 2:00 p.m.

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

**19. Adjournment\*.**

**GUESTS:**

Steven Thomas  
Reggie McIntyre  
Harry Fontenot  
John Burkhardt  
Kerry Cuccia  
Derwyn Bunton

Richard Goorley  
Paul C. Fleming  
E. King Alexander, Jr.  
Bruce Unangst  
Don Sauviac, Jr.  
Stephen Singer

Tony Champagne  
Richard Tompson  
Jim Looney  
Michael A. Mitchell  
Robert Toale

**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 14th day of April, 2014, as approved by the Board on the 12th day of May, 2014, at Baton Rouge, Louisiana.



Robert Burns, Vice-Chair