



LOUISIANA PUBLIC DEFENDER BOARD  
Tuesday, February 22, 2011  
LSU Law Center, Tucker Room  
Baton Rouge, Louisiana  
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 2:15 p.m. on Tuesday, February 22, 2011, at the LSU Law Center, Tucker Room, in Baton Rouge, Louisiana.

The following Board Members were present:

Frank Neuner, Chairman  
Gina Bennett  
Judge Robert Burns  
Sam Dalton  
Add Goff  
Leo Hamilton  
Frank Holthaus  
Rev. Dan Krutz  
Christine Lipsey  
Tom Lorenzi  
Lucy McGough  
Pam Metzger  
Gina Womack

The following Board Members were absent:

Cleveland Coon  
Luceia LeDoux  
Majeeda Snead

The following *ex officio* Board Members were absent:

Rebecca Hudsmith  
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

Clay Walker, Deputy Public Defender – Director of Juvenile Defender Services  
Kristy Boxberger, Juvenile Justice Compliance Officer  
Natashia Carter, Accountant  
John Craft, Capital Case Coordinator  
John Di Giulio, Trial-Level Compliance Officer  
Laurie Durnin, Budget Officer  
Anne Gwin, Paralegal, Executive Assistant to the State Public Defender  
Roger Harris, General Counsel  
Lynette Roberson, JIDAN Coordinator  
Dr. Erik Stilling, Information Technology and Management Officer

1. **Review and Adoption of the Agenda.** Mr. Dalton moved to adopt the agenda. The motion was seconded by Mr. Hamilton and was approved without opposition. Mr. Holthaus moved that the Board meeting agenda be amended to move executive session agenda items to the end of the meeting. The motion was seconded by Mr. Lorenzi and was approved without opposition.
2. **Review and Approval of Minutes of December 14, 2010 Board Meeting.** The Board reviewed the Minutes of its meeting on December 14, 2010. Ms. Lipsey moved to adopt the minutes. The motion was seconded by Mr. Dalton and was approved without opposition.
3. **Commendation and Acknowledgment of Board Member James Boren.** Mr. Neuner acknowledged Board Member James Boren, whose term recently ended. Mr. Holthaus made the motion to commend James Boren for his service. The motion was seconded by Mr. Lorenzi and was unanimously approved.
4. **Welcome Board Member, Thomas L. Lorenzi.** Mr. Neuner welcomed Mr. Thomas L. Lorenzi to the Board. Mr. Lorenzi was appointed by the Louisiana State Bar Association.
5. **Budget Committee Report, Recommendations and Updates.**
  - a. **LPDB Financial Report.** Ms. Durnin presented the Budget Report to the Board. The Budget Committee approved emergency funding for five districts: the 1<sup>st</sup>, 7<sup>th</sup>, 8<sup>th</sup>, and 35<sup>th</sup>. The agency's remaining reallocation balance would total \$1,217,004 for the remainder of fiscal year 2010-2011. Ms. Durnin also reported that the Office of Planning and Budget ("OPB") recommended cuts of \$1 million from "other charges." She recommended that districts opt to receive funding through electronic fund transfer to reduce payment costs. She informed the Board of inquiries by OPB regarding staff salary amounts available for reallocation, which were attributed to staff attrition.
  - b. **Emergency Fund Requests and Budget Committee Approvals.** Rev. Krutz, on behalf of the Budget Committee, made the motion to grant the emergency funding requests of the 1<sup>st</sup>, 7<sup>th</sup>, 8<sup>th</sup>, and 35<sup>th</sup> districts. The motion was seconded by Mr. Hamilton and was approved without opposition. Mr. Dalton

moved to approve the Budget Report to the Board. The motion was seconded by Mr. Hamilton and was approved without opposition.

**c. 501(C)(3) Contract Amounts.**

**i. Resolution.** Mr. Neuner presented a list of contracts and *contract amounts to* be approved, based on six-month terms. The resolution had been approved by the Policy Committee. Mr. Dalton made the motion to approve the contracts at the following amounts:

- |                                   |                                |
|-----------------------------------|--------------------------------|
| 1) BRCCO - \$467,500              | 6) CPCPL/Ancillary - \$800,000 |
| 2) CAP - \$548,257.50             | 7) IPNO - \$200,000            |
| 3) CAPOLA - \$699,893.50          | 8) LCAC - \$592,146            |
| 4) CDPSL - \$831,685              | 9) LAP/Operations - \$948,125  |
| 5) CPCPL/Operations - \$1,153,000 | 10) LAP/Ancillary - \$600,000  |

The motion was seconded by Mr. Lorenzi and was approved without opposition.

**d. Summer Intern Program.** Ms. Kilborn made a request that the Board approve a \$20,000 expenditure for a summer intern program. The funds would be used to pay stipends to summer interns. The expenditure was approved by the Budget Committee. Judge Burns made the motion to approve the expenditure. The motion was seconded by Mr. Lorenzi and was approved without opposition.

**e. Updates.**

**i. Report to Joint Legislative Committee on the Budget.** Ms. Faria presented a report to the Joint Legislative Committee on the Budget on March 1, 2011, regarding revenues and expenditures for each district. Mr. Hamilton made the motion to approve the report. The motion was seconded by Prof. Metzger and was approved without opposition.

**6. Policy Committee Report, Recommendations and Updates.**

**a. Orleans Resolution.** Mr. Neuner presented a resolution to discontinue emergency funding to the 41<sup>st</sup> Judicial District Public Defenders' Office and to encourage the City of New Orleans and the Orleans Parish Criminal Judiciary to work to enhance local funding for the office. Mr. Bunton reported that local funding has increased. After discussion, members deferred action on the resolution at this time.

**b. Creation of a Legislative Committee.** Mr. Neuner informed Board members of a proposal to create a standing Legislative Committee to interact with legislators on behalf of the Board. Mr. Goff made the motion to create a Board Legislative Committee. The motion was seconded by Mr. Hamilton and was approved without opposition. Mr. Lorenzi, Prof. Metzger, Mr. Hamilton, and Mr. Holthaus volunteered to serve on this committee.

- c. **Creation of a Standards Committee.** Mr. Neuner informed Board members of a proposal to create a standing Standards Committee to establish caseload and workload standards. Mr. Dalton made the motion to create a Board Standards Committee. The motion was seconded by Rev. Krutz and was approved without opposition. Prof. Metzger, Mr. Lorenzi, Ms. Bennett, Mr. Dalton, and Mr. Goff volunteered to serve on this committee.
  - d. **LJC/LPDB Foundation.** Mr. Harris informed Board members that he had reviewed the proposed articles of incorporation for the Louisiana Justice Coalition Foundation. Staff will present the Committee with action items in this matter at a later date. Ms. Faria acknowledged and thanked Breazeale, Sachse & Wilson for providing pro bono assistance in this matter.
  - e. **\$40 Assessment Update and Developing Best Practices for Generating and Auditing Local Funding.** Mr. Neuner informed Board members that several districts do not currently collect the statutory \$40 assessment fee from clients. He also informed Board members of a need to assist districts in collecting local funding. Mr. Dalton moved that the Board adopt a resolution to require District Defenders to assess a \$40 nonrefundable application fee, and that the Board creates a Best Practices Committee for generating and auditing local funding. The motion was seconded by Mr. Holthaus and was approved without opposition. Mr. Dalton, Prof. Metzger, and Ms. Womack volunteered to serve on this committee, with Mr. Dalton serving as the chair.
7. **NLADA – Statement of Principles.** Ms. Faria presented a statement of principles for the right to counsel from the National Legal Aid & Defender Association. The Policy Committee made the motion to recommend for Board adoption a resolution permitting the State Public Defender to endorse these principles on behalf of the Board. The motion was seconded by Judge Burns and was approved without opposition.
8. **State Public Defender Report and 15<sup>th</sup> District Progress Report.** Ms. Faria presented her report to the Board. She included a progress report from Paul Marx, District Defender in the 15<sup>th</sup> district, detailing his first 120 days in office. Staff recommended the districts use this report as a prototype. Ms. Faria also informed Board members that staff still anticipates acquiring a new case management system by July 1, 2011.
9. **Executive Session to Discuss Litigation.** Prof. Metzger moved that the Board enter executive session. The motion was seconded by Mr. Holthaus and was approved without opposition.
- a. **Mandamus Order, *LPDB v. Julian Parker, et al***
  - b. **Orleans Municipal Court**
  - c. **Court Reporters – Jefferson Parish**

Mr. Dalton moved that the Board leave executive session. The motion was seconded by Rev. Krutz and was approved without opposition.

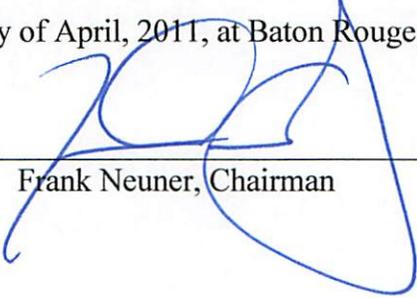
10. **Other Business.** Ms. Faria informed Board members of concerns from the 30<sup>th</sup> district regarding decreases in local revenues by 77%. Dr. Stilling informed Board members that caseloads are up by 23%, expenditures are up by 28%, and local revenues are only up by 4%.
11. **Next Meeting(s).** The Board set its next meeting for Monday, April 4, 2011 at LSU Law Center in Baton Rouge at 2:00 p.m., with a Policy Committee meeting at 12:00 p.m.
12. **Adjournment.** Rev. Krutz moved for adjournment. The motion was seconded by Mr. Hamilton and was approved without opposition.

Guests Present:

Sarah Ottinger  
Derwyn Bunton  
Gary Clements  
Jane Royle  
Michael A. Mitchell  
Richard Bourke  
Alex Calthrop  
Andrew Rapato  
Steve R. Thomas  
Ken Rodenbeck  
Herman Castete  
Alan Robert

Mike Courteau  
Tony Champagne  
G. Paul Marx  
Reggie McIntyre  
Clay Carroll  
Pam Smart  
Paul Fleming, Jr.  
Richard Tompson  
Bradley Dausat  
Kerry Cuccia  
Harold Murry

**I HEREBY CERTIFY** that the foregoing is a full, true, and correct account of the proceedings of the Louisiana Public Defender Board's meeting held on the 22<sup>nd</sup> day of February, 2011, as approved by the Board on the 4<sup>th</sup> day of April, 2011, at Baton Rouge, Louisiana.



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Frank Neuner, Chairman