



LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

July 31, 2013

LSU Law Center, Tucker Room

Baton Rouge, Louisiana

2:00 pm.

MINUTES

1. **Call to Order and Remarks of the Chairman.** A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman on Wednesday, July 31, 2013, at 2:30 p.m. the LSU Law Center in Baton Rouge, Louisiana.

The following Board Members were present:

Frank Neuner, Chairman
Robert Burns
Leo Hamilton
Frank Holthaus
Rebecca Hudsmith
Dan Krutz
Robert Lancaster
Luceia LeDoux
Hector Linares
Tom Lorenzi
Pam Metzger
Majeeda Snead

The following Board Members were absent:

Addison Goff
Jacqueline Nash
Gina Womack

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

Julie Ferris, Interim State Public Defender
Jean M. Faria, Capital Case Coordinator
Anne Gwin, Executive Assistant
Richard Pittman, Deputy Public Defender, Dir. Of Juvenile Defender Services
Erik Stilling, Information Technology and Management Officer

Chairman Neuner affirmed that the State Public Defender Search Working Group has selected four candidates to interview for the SPD position and that further discussions will be had during Executive Session.

Mr. Neuner welcomed Mr. Richard Pittman as LPDB's Deputy Public Defender, Director of Juvenile Defender Services and advised that Dr. Tiffany Simpson, Interim Juvenile Justice Compliance Officer (JJCO) is scheduled to commence work on August 5.

Mr. Neuner explained that Dr. Simpson has been hired as the Interim JJCO because she does not hold the specific degrees outlined in La. R.S. 15:158. Mr. Neuner indicated that the statutory language for the JJCO position would need to be amended in the 2014 legislative session. Mr. Hamilton expressed concern that, absent full Board approval, there could be trouble with the hiring of Dr. Simpson under the circumstances. Ms. Ferris clarified that the Juvenile Working Group (JWG) interviewed Dr. Simpson and found her unquestionably qualified for the position as she holds two Master's Degrees and a Ph.D. Further, Ms. Ferris clarified that it was a unanimous decision by the JWG to hire Dr. Simpson. Reverend Krutz moved to amend the agenda to make this issue an action item. Ms. LeDoux seconded the motion which passed unopposed. A discussion followed as to whether Dr. Simpson should be employed alternatively by contract. Prof. Snead moved to extend a contract to Dr. Simpson to perform the functions of the JJCO until such time as the statute can be amended. Mr. Neuner called for a vote on Professor Snead's motion which failed six to three. Reverend Krutz clarified that Dr. Simpson has the qualifications that the JWG have been searching for and the changes to be requested be made to the statute, technical in nature, should be relatively easy. Rev. Krutz then moved to hire Dr. Simpson as the Interim Juvenile Justice Compliance Officer. The motion passed favorably with Prof. Snead and Mr. Hamilton opposing.

2. **Review of the Agenda.** There were no changes made to the agenda as presented.
3. **Review and Approval of the Minutes of the May 21, 2012 Meeting.** There were no changes to the proposed Minutes from the May 21, 2013 meeting and upon motion of Professor Metzger, seconded by Ms. LeDoux, the Minutes were adopted.
4. **Call for Public Comments.** Mr. Richie Tompson, District Defender for the 24th Judicial District inquired when the State Public Defender interviews were going to be held. Mr. Neuner confirmed August 20, 2013, in Baton Rouge at Mr. Holthaus' law firm with a recommendation to be brought to the full board at the next scheduled meeting. Mr. Neuner confirmed that Ms. Julie Ferris, Mr. Remy Starns, Mr. Jay Dixon, and Ms. Joyce Akhahenda have been selected to be interviewed.

5. Budget Committee Report.

a. Financial Reports*. Interim State Public Defender Julie Ferris reported that LPDB ended FY 13 with \$13,462 in unspent monies and that to date there is approximately \$165,502 available in FY 14 funds for reallocation. Ms. Ferris reported that the General Appropriations Bill (HB1- Act 14 of 2014) has allocated \$33,612,948 to LPDB. Mr. Lorenzi moved to approve the financial report as presented. Professor Snead seconded the motion which passed unopposed.

b. FY 13 DAF

i. Final Disbursement Amounts. Ms. Ferris reported that a total of \$601,149 was distributed in final DAF to the districts. Staff was given authority to distribute unspent, available monies by the Budget Committee at its last meeting on June 17, 2013.

c. Soileau Contract. Mr. Neuner requested Board ratification of a FY14 contract for legal representation of LPDB by Rudie R. Soileau, Jr. to continue his work in District 14. The contract approval was presented as a recommendation from the Budget Committee. Mr. Lorenzi seconded the recommendation which passed unopposed.

d. Districts' Needs Budget Requests, FY 15 – October 1 Deadline*. Ms. Ferris requested Board consideration of the Budget Committee's recommendation to require Needs Budget Requests from each District Defender to be submitted by October 1, annually. Ms. Ferris clarified that these budgets would include the districts' defensible financial needs. Mr. Hamilton seconded the recommendation which passed unopposed.

6. Policy Committee Report

a. Policy Development Working Group*. Mr. Neuner reported that the Policy Committee is recommending the creation of a *Policy Development Working Group* to develop policies required by La. R.S. 15:148(B). The creation of the working group was presented as a recommendation by the Policy Committee. Judge Burns seconded the recommendation which passed unopposed. Mr. Neuner indicated he would choose its members.

b. Expert Witness Funds Status. Capital Case Coordinator Jean Faria gave a brief synopsis of the current fund situation and presented several options for Board consideration and requested Board guidance on current funding requests pending Board decisions. Mr. Neuner indicated that the Policy Committee does not have a recommendation at this time and that staff needs to expend more time on the issues in order to present a concrete proposal. Rev. Krutz indicated the issues need to be referred to the Budget Committee. Mr. Hamilton stressed the need for a sound policy which identifies spending priorities.

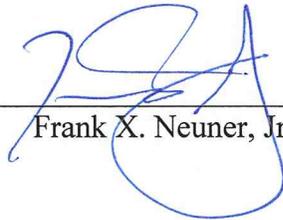
Ms. LeDoux moved that staff is to respond to all requests for funding that until further notice all Expert Witness Fund monies are fully encumbered for Fiscal Year 2014 and requests are summarily denied. Further, that the Budget Committee is to work with Staff and the 501c3 programs on internal controls and policies concerning the process for the administration of the expert witness fund monies. Mr. Holthaus seconded the motion which passed unanimously.

c. Efficiency Study Update. Ms. Faria gave a brief summary of the study on the efficiency of placing full time mitigation specialists in offices versus contracting with them. The Policy Committee had no recommendation at this time.

7. District 9 – District Defender*. Ms. Ferris reported that five applications were submitted by the Selection Committee for the new District Defender in the 9th Judicial District. Of those five, four were interviewed. Ms. Ferris stated that the final two applicants both presented favorably at their interviews and requested that the Board consider scheduling second interviews in order to make a final decision. Additionally, Ms. Ferris requested ratification of the retention of Mr. Tony Tillman (District Defender/Vernon Parish) as Interim District Defender inasmuch as Mr. Tillman has agreed to facilitate the transition of the position. Mr. Lorenzi moved to conduct second interviews and ratify the hiring of Mr. Tillman as Interim District Defender pending the placement of the new District Defender. Mr. Holthaus seconded the motion which passed unopposed.
8. LCLE Grant CY2014*. Ms. Ferris reported on staffs’ recommendation to submit a grant proposal to Louisiana Commission on Law Enforcement for CY 2014 to be used to continue funding the auditor position with any extra funds to be used toward an LPDB outreach campaign addressing public defense education and funding deficiencies. Rev. Krutz moved to approve the submittal. Ms. LeDoux seconded the motion which passed unopposed.
9. Post-Conviction Relief Appointments. Mr. Ferris gave a brief update on the impact of post-conviction relief representation appointments of the district offices. Mr. Alan Robert, District Defender/District 23, expressed concern about situations in which his office is appointed by the court to handle a PCR and the claim is ineffective assistance of counsel against one of his attorneys.
10. La. R.S. 15:868 Orders. Ms. Ferris reported on the increase in public defender appointments to handle charges against inmates who are in DOC custody. Specifically, in Concordia Parish the public defenders’ office is being appointed to a large number of cases where the charge is introduction of contraband into penal institution. Ms. Ferris reported that it is the Department of Corrections’ position that they are not responsible for the representation of these cases because the inmates are not being physically housed in a DOC facility, but rather are in the custody of private facilities.
11. Interim State Public Defender Report. Ms. Ferris have a brief update on the Legislative Auditors’ on-going audit of LPDB, the status of the proposals from consultants to assist staff in fulfilling SCR 99, recent executive staff evaluations completed by the Board and the scheduled meeting for all District Defenders being held August 19, 2013 in Baton Rouge on how the DAF works and proposed changes. Ms. Ferris extended an invitation to the DAF meeting to all Board members.
12. Other Business. Professor Metzger moved that staff organize a Board retreat to address governance and the Board’s strategic plan process. Professor Snead seconded the motion.

13. Next Meeting(s)*. The next meeting is scheduled for Monday, September 16, 2013. The location will be announced.
14. Executive Session. Professor Metzger moved to go into executive session. Ms. LeDoux seconded the motion. Ms. LeDoux moved to leave executive session. Mr. Holthaus seconded the motion.
15. Adjournment*. Professor Snead moved to adjourn which was seconded by Ms. LeDoux. The meeting adjourned at 4:40 p.m.

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 31st day of July, 2013, as approved by the Board on the 16th day of September, 2013, at Baton Rouge, Louisiana.



Frank X. Neuner, Jr.