



LOUISIANA PUBLIC DEFENDER BOARD

Minutes

Monday, June 14, 2010, 2:00 pm

Tucker Room

Louisiana State University School of Law

Baton Rouge, Louisiana

A meeting of the Louisiana Public Defender Board, pursuant to the call of the Chairman and lawful notice, was duly convened and called to order by its Chairman at 2:02 p.m. on Monday, June 14, 2010, in the Tucker Room at Louisiana State University School of Law in Baton Rouge, Louisiana.

The following Board Members were present:

Frank Neuner, Chairman
Judge Robert Burns
Sam Dalton
Leo Hamilton
Rev. Dan Krutz
Luceia LeDoux
Lucy McGough
Majeeda Snead
Gina Womack

The following Board Members were absent:

Jim Boren
Cleveland Coon
Add Goff
Frank Holthaus
Christine Lipsey
Pam Metzger

The following *ex officio* Board Member was present:

Rebecca Hudsmith

The following *ex officio* Board Member was absent:

Judge Robert Brinkman

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

Marianne Buchanan, Budget Officer
John Di Giulio, Trial-Level Compliance Officer

Jean M. Faria, State Public Defender
Roger Harris, General Counsel
Julie Kilborn, Deputy Public Defender – Director of Training
Dr. Erik Stilling, Information Technology and Management Officer
Clay Walker, Deputy Public Defender – Director of Juvenile Defender Services
Lynette Roberson, JIDAN Coordinator
Anne Gwin, Paralegal, Executive Assistant to the State Public Defender
Kristy Z. Boxberger – Juvenile Justice Compliance Officer

1. **Remarks of the Chairman.** Mr. Neuner informed the Board that Budget Officer Buchanan has accepted a deputy undersecretary position at another agency and will be resigning from the Board's staff. Mr. Neuner thanked her for her service.
2. **Review and Approval of the Agenda.** Ms. LeDoux made a motion to amend the agenda to add a recommendation from the Policy Committee to allow staff to proceed with District Defender contracts. The motion to amend the agenda was seconded by Mr. Hamilton and was approved without opposition.

Ms. LeDoux made a motion to place on the agenda a recommendation from the Policy Committee to create a policy regarding contract investigators. The motion to amend the agenda was seconded by Mr. Hamilton and the motion was approved without opposition.

Ms. LeDoux made a motion to place on the agenda a recommendation from the Policy Committee to require staff to promulgate Board policies. The motion to amend the agenda was seconded by Mr. Hamilton and the motion was approved without opposition.

At the request of the Chairman, Mr. Harris informed the Board that a public records request was received on June 9, 2010, from Jim Shannon of the local CBS affiliate. The request was for salary information for staff listed on the Board's website and all emails between the State Public Defender and the district defenders for the past 12 months dealing with the District Defender contract. The information was forwarded to the Mr. Shannon within 2 days of the request.

4. **Public Comments.** There were no public comments.
5. **Approval of Minutes of May 17, 2010 Board Meeting.** Mr. Hamilton made the motion to accept the minutes. The motion was seconded by Ms. LeDoux and was approved without opposition.
6. **Budget Report.** Ms. Buchanan reported an undistributed balance of \$408,041 for the fiscal year, ending June 30, 2010. The Budget Committee recommended that \$300,000 be distributed to District 14 with restrictions and that the remainder be distributed to District 41. Ms. Buchanan also reported that \$30.7 million is expected to be appropriated to the Board for FY 2011, pending legislative approval. Ms. LeDoux moved to accept the budget report. The motion was seconded by Mr. Hamilton, which passed without opposition.

7. **Contracts**

- a. **District.** Ms. LeDoux reported that the Budget Committee continues to work on overhead recommendations. The Committee is scheduled to meet June 30 and will be prepared to present its recommendations regarding overhead at the August meeting. Mr. Hamilton made a motion to allow staff to present to District Defenders, for signature, the most recent version of the contract as drafted by staff and for those districts unwilling to sign them, to require those districts to contact staff. The motion was seconded by Mr. Dalton and passed without opposition.
- b. **501(c)(3)s.** Ms. LeDoux, on behalf of the Budget Committee, recommended approval of an amended list of 501(c)(3) contracts. Mr. Hamilton seconded the motion, which passed without opposition.
 - i. **LAP Board of Directors.** Mr. Harris recommended to the Board that it pass a resolution to authorize the LAP Board to amend its Articles of Incorporation to remove the authority of this Board to appoint LAP Board members. Mr. Hamilton made the motion to adopt such a resolution. The motion was seconded by Judge Burns and the motion was approved without opposition.

8. **CINC Standards.** Mr. Walker presented the Child in Need of Care practice standards and addressed members' questions from the previous Board meeting. Mr. Walker highlighted sections of the standards that would constitute a change for defenders. District Defender Tony Champagne recommended that § 1113(B)(6) be amended to replace "counsel should *provide* the client copies of all petitions..." with "counsel should *make available* to the client copies of all petitions...". Prof. Snead made a motion to approve and promulgate the standards as amended. The motion was seconded by Prof. McGough and the motion was approved without opposition.

9. **Strategic Plan.** Ms. Faria presented the five-year strategic plan. The plan includes the creation of three new positions to assist the Board and current staff in fulfilling their statutory duties: first assistant, director of development and auditor. Mr. Hamilton moved to approve the strategic plan. The motion was seconded by Ms. Womack and the motion was approved without opposition.

10. **14th Judicial District Update.** Mr. Neuner informed the Board that the Bureau of Justice Assistance (BJA) is waiting to hear from the Chief Judge whether the court will request continuation of the caseload management study. BJA would be working with the District Defender, judges, and district attorneys in Calcasieu to review caseloads, facilities, and processes. BJA will be making suggestions about how to handle backlog and screening cases.

Separate from the case flow management request are LPDB's and the Calcasieu Parish Public Defender Office's requests for a management audit which begins June 28, 2010.

11. **Case Weighting Committee Update.** Ms. Faria stated that Ms. Hudsmith, Mr. Dalton, Mr. Boren and Tony Champagne met to discuss case weighting. Members of the Committee then met with the DDAC. The Committee will report back at the next Board meeting.

12. **S.O.A.P. Meeting (Sex Offender Assessment Panels).** John Di Giulio participated in a meeting convened by the district judges' association and the Department of Corrections to discuss the right to or appointment of counsel in these cases. Professor McGough moved that the Board recognize this as an important issue of public policy, support its staff in ensuring mandates for representation are funded, including the filing of an amicus brief if warranted. The motion was seconded by Prof. Snead and the motion passed without opposition.

13. **Policy Committee Recommendations.** Ms. Kilborn reported the results of a survey to determine whether districts were using contracted or employed investigators and whether those investigators were licensed through the appropriate state board.

Mr. Neuner stated that state private investigator law requires that persons must be licensed by the state to provide investigator services by contract. The Policy Committee recommended a policy requiring contract investigators who provided public defender services to be licensed by the Louisiana State Board of Private Investigator Examiners. Prof. McGough seconded the motion, which was approved without opposition.

Ms. LeDoux, on behalf of the Policy Committee, recommended that the staff promulgate the policies of the Board each January and July. Prof. Snead seconded the motion, which was approved without opposition.

14. **Progress on LJC as Foundation.** Mr. Hamilton reported that he is working with Heather Hall and is reviewing the LJC's charter and other documents, to be sure that they reflect a change in the organization's mission.

Ms. Faria informed the Board that there is funding available through the John R. Justice Student Loan Payment Act for loan repayment programs that the Board could use for recruitment and retention of defenders. Mr. Hamilton made a motion to permit staff to seek and acquire the funding. The motion was seconded by Mr. Dalton and was approved without opposition.

15. **Other Business.** Mr. Dalton informed the Board about defenders in Orleans Parish having problems visiting clients in custody and requested that this issue be added to the next Board meeting agenda.

16. **Upcoming Meeting Date.** The Board set its next meeting on Tuesday, August 24 in Lafayette at the Lafayette Public Library at 2 p.m. Subsequent meetings are as follows: Wednesday, October 6 (Metairie) at 2 p.m. with a Policy Committee meeting at 12:00 p.m., and Tuesday, December 14 (Hammond) at 2 p.m. with a Policy Committee meeting at 12:00 p.m.

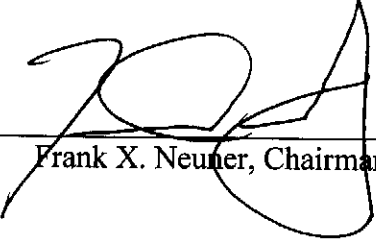
17. **Adjournment.** Ms. LeDoux moved for adjournment. The motion was seconded by Prof. Snead and passed without opposition.

Guests Present:

Mike Mitchell
Jacob Oakley
Richard Tompson
John Simmons
Reggie McIntyre
Tony Champagne
Jim Looney

Louis Champagne
Mike Courteau
Bradley Dausat
Derwyn Bunton
David Smith
Peggy Sullivan

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 June, 2010, as approved by the Board on the 24th day August , 2010.



Frank X. Neuner, Chairman