



LOUISIANA PUBLIC DEFENDER BOARD

Bluebonnet Regional Library
9200 Bluebonnet Boulevard, Room 2
Baton Rouge, LA
Wednesday, April 26, 2017
1:30 p.m.

AGENDA

1. Call to Order and Comments by Chairman, Frank Holthaus
2. Adoption of the Agenda* pgs. 108-110
3. Call for Public Comment Sign in Sheet
4. Adoption- Minutes/March 23, 2017 * **Tab 1**, pgs. 111-118
5. Financial Report* **Tab 2** pgs. 119-123
This reports shows LPDB's financial status as of March 31, 2017
6. Expert Witness Fund
 - a. Management*
The Executive Director of the Louisiana Appellate Project has declined to continue the management of the Expert Witness Fund for LPDB after FY17. LPDB cannot issue checks. The Board will need to decide how to continue the management of the remaining funds in LAP's account for approved experts. LAP's FY17 contract for services is attached.
 - b. Funding, FY18*
The Board will need to decide whether to allocate FY18 funds to the Expert Witness Fund and for what amount.
7. FY17 District Assistance Fund **Tab 3**, pgs. 124-125
 - a. Disbursement Amounts*
Consideration of staff's recommendation to distribute available FY17 DAF based on districts' needs. Proposed amounts are attached.
8. Contract Amounts, FY 18 **Tab 4**
 - a. District Defender Contracts pgs. 126
 - b. 501(c)3 Proposed Contract Amounts* pgs. 127
 - c. Consulting/Professional Services Proposed Contract Amounts* pgs. 128-129
In or about April annually staff identifies all contracts for potential renewal and provides the Budget committee or the Board with funding recommendations so that contracts can be drafted and readied for the Office of Contractual Review. All contract amounts are subject to change in the event of budget allocation changes.

9. DAF
 - a. Amount*
The current OPB budget recommendation to LPDB for FY18 is \$33,920,091. The DNA Test Fund (\$28,500) and Indigent Parent Representation Program Fund (\$980,680) can only be used for those specific needs. Of the remaining balance of \$32,910,911, 65% shall go to the districts (\$21,392,092). Staff is requesting Board approval of the \$21,392,092 balance to the districts.
 - b. Contingency Amount*.
Staff is recommending that 5% of the \$21,392,092 (\$1,069,604) be withheld for unforeseeable fiscal crises in the district PDOs.

10. FY18 DAF Distribution – Discussion **Tab 5**, pgs. 130-143
To present what the distribution of the 65% or \$21,392,092 to the Districts for FY18 will look like and other scenarios as presented by the district defenders for Board information. Staffs’ presentation is based on the use of the current DAF formula and current OPB budget recommendation allocation to LPDB of \$33,920,091 which is subject to change.

11. Legislation, 2017 **Tab 6**, pgs. 144-154

Board Member Tommy Davenport has requested agenda items 12 – 20 **Tab 7**

12. (1) Invite the Louisiana Supreme Court, the Court Rules Committee, the Louisiana State Bar Association and the Louisiana Law Institute to consider creating a rule or law that addresses and resolves:

Often attorneys are required to be in two or more courtrooms on the same date. When this occurs, some judges will either hold the attorney in contempt, institute contempt proceedings, threaten contempt or sanction the attorney. More times than not, the lawyers, who are punished, are public defenders, who do not receive adequate compensation and who are overworked. When a judge issues a financial sanction, admonishment or remands the attorney to jail, effective public defense is frustrated.

This unnecessary practice could be resolved by judges contacting one another to determine the priority of the criminal cases and the most compelling need for the attorney’s presence. Then the attorney can prepare for court and not be placed in the precarious position.

13. (2) Terminate all contracts and agreements with every and any organization regarding capital organizations where payment for services are paid in advance Alternatively, to not disburse funds to non-governmental entities without there being an established benefit to the Board and after services are actually delivered per Act. 571, Sec. 166A.
14. (3) Develop a uniform process by which indigent defendants are referred to 501 (c) 3 (capital projects). Indigent defendants will be appointed to the “capital projects” upon receipt of an indictment and/or bill of information and when the state indicated its intention to seek the death penalty and when there has been a determination by the local district defender the indigent defendant will be best represented by a 501 (c) 3. The determination by the local district defender shall be presented to the Board and the District Defender shall make the presentation to pgs.155-178

the Board. A local public defender will represent the indigent defendant from pre-arrest investigation (if possible), arrest, and all pre-indictment/bill matters. Contemporaneously, the Board will assign an attorney, who is certified in death penalty matters, to assist the local public defender.

- a. The attorneys will be paid for services actually rendered at a rate of \$90.00 per hour, upon receipt of an approved itemized invoice.
- 15. (4) To develop the methods and reporting requirements of all 501 (c) 3 organizations that are providing capital defense to indigent defendants. pgs. 155
- 16. (5) To provide all Board members with all relevant information on all capital cases pending against all indigent defendants in the State of Louisiana. pgs.155
- 17. (6) Prepare a method by which invoices for services rendered are to be considered, approved, and paid. pgs.155-158
- 18. (7) Prepare a method by which the Board determines and approves (in advance) all out of state conferences attendance by members of the staff.
- 19. (8) Prepare a method by which the Board approves all proposed or planned out of state travel, lodging, and related expenses for staff members.
- 20. (9) To establish educational courses to be held throughout the State of Louisiana, to train lawyers in advocacy and other matters determined by the Board. pgs. 179-182
 - a. Establish training to be held in each major city in the State of Louisiana on a semi-annual basis.
- 21. LPDB Division Reports **Tab 8**
 - a. State Public Defender pgs.183
 - b. Juvenile pgs. 184
 - c. Capital pgs. 185-189
- 22. Other Business
- 23. Next Meeting(s) Scheduled
- 24. Executive Session¹ *
- 25. Adjournment *

¹ 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: Joseph Allen et al v. John Bel Edwards, et al, Docket: C655079, Section 27, 19th JDC, Parish of East Baton Rouge



LOUISIANA PUBLIC DEFENDER BOARD

Bluebonnet Regional Library
9200 Bluebonnet Boulevard, Room 2
Baton Rouge, LA
Wednesday, April 26, 2017
1:30 p.m.

Minutes

1. Call to Order and Comments. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman, Mr. Frank Holthaus, on Wednesday, April 26, 2017 at 1:32 p.m. at the Bluebonnet Regional Library in Baton Rouge.

The following Board members were present:

Frank Holthaus	Zita Andrus	Chris Bowman
Flozell Daniels	Thomas Davenport	W. Ross Foote
Katherine E. Gilmer	Michael Ginart	Donald North
Moses Williams		

The following Board member was absent:

Patrick Fanning

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

Jay Dixon, State Public Defender
Barbara Baier, General Counsel
Natashia Carter, Budget Officer
Jean Faria, Capital Case Coordinator
Anne Gwin, Executive Assistant
Carol Kolinchak, Trial Level Compliance Officer
Tiffany Simpson, Juvenile Compliance Officer, Legislative Affairs Director
Erik Stilling, Information and Technology Director

Mr. Holthaus indicated that due to a conflict he would be leaving the meeting early and that Vice Chairman North would lead the meeting in his absence.

2. **Adoption of the Agenda***. Mr. Holthaus asked for a motion to adopt the agenda as presented. Mr. Dixon informed the Board that there is one amendment to the agenda adding a Resolution at item 11 which addresses phasing out the capital contract programs in the event the legislature repeals the death penalty. Mr. Thomas Davenport stated that staff was remiss in not

presenting the materials to the board/public in sufficient time per his understanding of the policy and moved not to consider items 7, 8, 9 and 10 on the agenda. Mr. Chris Bowman seconded the motion. A brief discussion followed and the question was called. Upon vote, the motion failed six in opposition and two in favor.

3. Call for Public Comment. No one presented for public comment.

4. Adoption - Minutes/March 23, 2017*. Mr. Holthaus called for a motion to adopt the Minutes of the March 23, 2017 meeting. Mr. Davenport moved to amend item 7, page 112, to include his position that he felt it was impolite for the Board to receive a comment from Messrs. Stephen Hanlon and Norman Lefstein that 81% of the cases are not handled in a competent manner and that the Board should not accept such a cruel statement. Judge Foote seconded the motion. Mr. Holthaus restated Mr. Davenport's position and asked for confirmation from him. Mr. Davenport agreed with the statement. Professor North clarified that the 81% of the cases are not being handled correctly. Mr. Ginart moved to adopt the minutes as amended and Professor North seconded the motion which passed unopposed.

5. Financial Report. Budget Officer Natasha Carter reported \$32,809,197 expended or encumbered to date; \$1,300,438 projected to be expended through June 30, 2017; and zero funds available for reallocation. Mr. Bowman inquired about the balance of \$18,910 in personal services. Ms. Carter explained that personal services are salaries and related benefits and those funds cannot be used for anything other than those specific categories. Upon vote, the financial report was adopted as presented, unopposed.

6. Expert Witness Fund.

a. Management. Capital Case Coordinator Jean Faria reported that the Louisiana Appellate Project will not continue to administer the Expert Witness Fund after June 30, 2017 and that a replacement will be needed to manage any funds remaining in that account as LPDB does not have authority to write checks. She indicated that Mr. Gary Clements, Executive Director of CPCPL, has agreed to assume that responsibility. Mr. Clements has asked that LPDB cover the cost of stamps, envelopes and subpoena responses should that happen. Mr. Davenport expressed his concern with placing this responsibility with another non-governmental organization (NGO – 501c3). Mr. Jim Looney, Executive Director of LAP and current administrator of the fund reminded the Board that the funds, if not turned over to another non-profit program to administer, would have to be returned to the state, not to the agency, and the money would remit back to the state's general fund. Mr. Bowman indicated the issue should be vetted by the Budget Committee for a recommendation to the Board. Mr. Holthaus directed both items 6a and 6b for further study by both the Budget and Policy Committees for a final recommendation to the Board at the next meeting.

b. Funding, FY18. This issue was directed by the Chairman to the Budget and Policy Committees for resolution at the next Board meeting.

Chairman Holthaus then turned the meeting over to Professor North.

7. FY17 District Assistance Fund

a. Disbursement Amounts. Mr. Dixon reported that the documents presented in the materials at pages 124 and 125 were updated at the last minute. Mr. Michael Mitchell, District Defender, 19th Judicial District (East Baton Rouge Parish), contacted Mr. Dixon and reported that his district will need approximated \$100,000 to get through July of 2017, or until the FY18 DAF distribution. Mr. Dixon also reported that Mr. Brad Dauzat, District Defender for District 12

(Avoyelles Parish), is facing approximately \$20,000 in unexpected expert witness expenses which will make him insolvent before the end of the fiscal year. Additionally, there is \$1,300 needed by District 28 (LaSalle Parish) and \$10,200 by District 39 (Red River Parish). Professor North asked to hear from Mr. Mitchell who could not be present. Professor North requested that the issue be passed over until such time as Mr. Mitchell could answer questions to help the Board make a decision. The Board was informed that Mr. Mitchell was in route to the meeting.

Mr. Davenport asked if the funding for the other offices could be discussed. He further inquired if the \$20,000 to the Avoyelles Parish PDO could be taken from the Expert Witness Fund. Ms. Faria indicated that there is approximately \$94,000 in the fund, but that by past Board policy all funds allocated to capital cases were to remain available only to capital. Both Mr. Davenport and Mr. Ginart expressed concern that that policy should be addressed. Professor North indicated that the issue should be taken up by the Policy Committee at their next meeting, specifically, whether there is a written policy indicating that any funds allocated to capital shall remain available only to capital, whether that policy be changed, and whether there should be a new contract/new policy/and new funding. Judge Foote indicated his understanding that the process to take funds away from the Expert Witness Fund and provide it to the districts would require amending policies and contracts. Mr. Jim Looney confirmed that understanding. Mr. Davenport expressed his dismay at the “red tape” involved and moved to provide the Avoyelles Parish Public Defender Office \$20,000 from the Expert Witness Fund currently being held by the Louisiana Appellate Project. Mr. Bowman seconded the motion. Upon vote, the motion failed with a vote of 5 against, 2 in favor and one abstaining. Mr. Davenport stated that the expert witness fund should be made available for other types of cases. He then moved to give the Avoyelles Parish PDO \$20,000. Mr. Moses Williams asked that all funding issues be placed on hold until the Board could hear from Mr. Mitchell. Professor North agreed with Mr. Davenport’s position stating that the new contract should include experts for case types other than capital. Mr. Davenport indicated that anyone charged with a felony offense should not be excluded from access to limited funding that is a fraction of the types of cases that are prosecuted. Mr. Bowman reiterated that there should be a non-capital expert fund and asked for recommendations from the District Defenders on how to fund it. Mr. Bob Noel, Interim District Defender, District 5, informed that Board that he is working on a compilation of how all 50 states expert witness funds which should be ready for the next Policy Committee meeting.

** See page 5

8. Contract Amounts, FY 18.

a. District Defender Contracts. Mr. Dixon reported that the salary amounts of the district defenders presented in the materials are current. He further reported that District Defender David Wallace, District 36, has requested a salary increase and that staff is completing site visits and will have a recommendation to the Budget Committee. Mr. Davenport asked for clarification on the DD1-4 ranges. Mr. Dixon explained that the DD 1-4 tiers correspond with district population with “DD4” being the larger districts such as Orleans, East Baton Rouge, and Shreveport and “DD1” being less populated districts. Mr. Williams asked if the district defenders are full or part-time. Mr. Dixon explained the struggle that the past Board had with this issue and that it depends on the district and that each district defender has to report the hours he/she spends on public defense on the database/compensation reports.

b. 501(c)3 Proposed Contract Amounts. Mr. Bowman moved to refer this issue to the Budget and Policy Committees. Mr. Ginart seconded the motion. Mr. Looney

expressed concern about postponing a decision as it could result in the contracts being held up in the state system and payments being late. Professor North inquired of the Budget Administrator if that could potentially happen. Ms. Carter stated that in the past, when the state's contract system was more "hands-on" there were times when contracts took much longer to go through the approval stages; however, that system has since been updated and the electronic contract system is much more streamlined and efficient. Ms. Carter indicated in her opinion that deferring the decision one month to the next Board meeting should not cause a significant delay. Mr. Davenport stated that pursuant to Act 571, Section 166A, he believes that the Board is acting in a borderline unlawful manner by paying the programs in advance of services being rendered. Mr. Bowman agreed that documentation should exist which show services rendered before payment is made. Mr. Kerry Cuccia vehemently disagreed with Mr. Bowman and Mr. Davenport's position. Mr. Davenport clarified that his concern is for there to be more accounting to the Board. Mr. Cuccia stated that the contracts could be altered to more clearly identify the work being done, but without question the work is being done. Professor North inquired again what the timetable might be for getting contracts through the state system and whether there is the possibility that people might not get paid in a timely manner. Ms. Carter indicated that she could not guarantee a timeframe, but reiterated her position that the system has become more streamlined and that there should be plenty of time.

c. Consulting/Professional Services Proposed Contract Amounts. Mr. Dixon informed the board that these contracts are for office administration, database, and legal services. Mr. Bowman inquired as to why LPDB is paying Mr. John Holdridge whose job description is similar in scope to that of the Capital Case Coordinator. He then moved to refer this item to the Budget and Policy Committees for a recommendation at the next Board meeting. Mr. Davenport seconded the motion. Upon vote, the motion passed unopposed.

9. DAF

a. Amounts. Mr. Dixon reported that annually the Board approved the amount of the DAF. The current amount is \$21,392,029, which represents 65% of the current LPDB budget recommendation to the public defense fund of \$33,910,911. Mr. Davenport stated that this issue is in connection with the DAF discussion and in light of that should go to the working group and deferred to the Budget Committee. Mr. Dixon clarified that this is only a board approval of an amount and not a disbursement recommendation to the districts. Mr. Bowman moved that item 9a be deferred. There was no second to the motion. Mr. Williams then moved that the DAF amount be approved as presented. Mr. Ginart seconded the motion. Upon vote, the motion to approve the DAF as presented passed. Mr. Davenport abstained.

b. Contingency Amount. Mr. Dixon explained that, as last year, he is requesting that 5% of the DAF (\$1,069,604) be reserved for unforeseeable crises in the district offices. A motion was made for 5% of the funds allocated to the DAF be withheld for contingencies. Mr. Bowman seconded the motion. Mr. Davenport indicated that he believes that the full 65% should be disbursed and any funds withheld for contingencies should come from another source. Professor North called for a vote. Upon vote, the motion passed 5 in favor, 2 against. Mr. Davenport abstained.

10. FY18 DAF Distribution. Mr. Dixon clarified that the documents presented showing DAF distributions are for discussion purposes only. Mr. Bowman moved to table Item 10. Professor North stated that all of the district defenders need to participate in the formation of a new DAF so that they all understand it. Mr. Stricks requested that staff provide the calculations to the DAF options that were provided in the books and further requested that the Board not defer the issue. Professor North indicated that a date will be picked and a timeline set to resolve the issue. Mr. Brett Brunson and Mr. Bob Noel both indicated that the Public Defenders Association of Louisiana is working on a plan and everyone is aware of time constraints. Mr. Williams indicated that the DAF should come from Mr. Dixon and that they should work with him to run the numbers. Professor North stated that the districts are to have recommendations, that staff will facilitate and run numbers and the Committee will act on what the districts want and there will be no further delays. Mr. Davenport agreed to assist in the compilation of the district defenders' DAF proposals and to send the final compilation to Mr. Dixon on or before May 10th via email. Professor North reiterated the process, as follows: 1) anyone with a DAF proposal is to submit that proposal to Mr. Davenport via email; 2) by May 10th, Mr. Davenport is to have the proposals compiled and is to submit them to Mr. Dixon; 3) Mr. Dixon is to run the numbers on the proposals and develop pros and con. The final proposals with numbers, pros/cons are to be made available for Budget Committee meeting on May 15, 2017 at 10:00 a.m. in Baton Rouge.

11. Legislation, 2017

i. Resolution. Mr. Dixon reported that there is a bill this legislative session to repeal the death penalty in Louisiana. Should that happen, staff is proposing that contracts with the 501c3 programs be terminated as each program completes all of its cases. Judge Foote moved to amend the agenda to include the discussion of the Resolution. Mr. Daniels seconded the motion. Ms. Katherine Gilmer moved that the Board adopt the Resolution as written. Judge Foote seconded the motion which passed unanimously.

Dr. Tiffany Simpson gave a brief summary of the activity at the legislature pertinent to indigent defense and/or LPDB, specifically HB 83 (Mack) which provides relative to the powers, duties, and responsibilities of the Louisiana Public Defender Board; HB 410 (Jackson) which provides relative to the quorum necessary for the Public Defender Board to transact business; HB 413 (Leger) which provides relative to the funding of public defenders, and HB336 (Marcelle) which creates a Diversion Oversight Committee to examine district attorney-operated diversion programs statewide. Dr. Simpson was asked to provide talking points to the district defenders who may want to attend legislative hearings. The districts were urged to get involved in the traffic diversion bill, as they need to lead the charge.

** 7. FY17 District Assistance Fund (continued)

Professor North acknowledged Mr. Mitchell, District Defender for the 19th JDC, and asked him to provide justification for his request for \$100,000 supplemental DAF in order to make it through the end of the fiscal year. Mr. Mitchell reported that since the flood in August 2016 and other issue beyond his control, local revenue remittance to the public defender office are down 30%. The state provides 28% of their funding. Mr. Mitchell reported that the city police are not writing tickets, which are the main source of the office's local income. The office typically averages \$100,000 to \$140,000 month. Mr. Mitchell reported receipt of \$8,000 in local income last month. Mr. Mitchell indicated a current fund balance of \$580,000. His expenditures average \$200,000 a month. The additional \$100,000 will get his office through May, June, and July. Professor North asked Mr. Mitchell to outline his expenses. Mr. Mitchell explained that since his revenues are

down, he has had to reduce expenditures and personnel. That has resulted of the loss of 20 attorneys and 3 investigators since 2013. He will need to pay contract investigators to cover his district caseload. Additionally, he will have a large one-time annual expenditure next month -- \$23,000 for malpractice insurance. Mr. Williams asked if LPDB provides \$100,000 this month, will he need more next month. Mr. Mitchell indicated he would be using his existing fund balance, and would initiate more cuts in order to avoid having to make additional requests.

Mr. Davenport then moved to provide the Avoyelles Parish Public Defender Office \$20,000, the East Baton Rouge Parish Public Defender Office, \$100,000, the 28th Public Defender Office (LaSalle Parish) \$1,300 and the 39th Public Defender Office (Red River Parish) \$10,2000. Mr. Ginart seconded the motion. Upon vote, the motion passed unopposed.

Professor North then asked for a firm date that the expert witness fund policy be determined. Mr. Williams summarized earlier issues to be determined by the committee, as follows: is the EWF in its current form a legal issue or a board issue; the Board has contracted with Mr. Looney to administer the fund and placed the money there; what happens to the money, post-LAP; does the Board want to place the funds with another NGO or can the funds be brought back to LPDB for another use? Mr. Ginart indicated that Ms. Barbara Baier has been asked to research these issues and provide her results to the Board. Professor North asked Judge Foote for his summarization of what the Committees need to produce to the Board. Judge Foote indicated, in his opinion, the Policy Committee has to address the current and future expert witness fund/s and it/their uses and the Budget Committee has to address whether to fund an Expert Witness Fund/s and if so, how much?

Mr. Bowman made a motion to suspend the current expert witness fund and hold it in abeyance pending Committee/Board action. Professor North indicated that the current protocols need to be reviewed for the policy committee to determine if changes need to be made. No action was taken on Mr. Bowman's motion.

Ms. Carter reminded the Board that there is a second part to the DAF distribution, in addition to the emergency funding approved to the four districts. Mr. Ginart moved to approve the recommended DAF to all districts, pro rata, in the amount of \$187,028. Judge Foote seconded the motion which passed unopposed.

Board Member Tommy Davenport has requested agenda items 12 – 20 Tab 7

12. (1) Invite the Louisiana Supreme Court, the Court Rules Committee, the Louisiana State Bar Association and the Louisiana Law Institute to consider creating a rule or law that addresses and resolves:

Often attorneys are required to be in two or more courtrooms on the same date. When this occurs, some judges will either hold the attorney in contempt, institute contempt proceedings, threaten contempt or sanction the attorney. More times than not, the lawyers, who are punished, are public defenders, who do not receive adequate compensation and who are overworked. When a judge issues a financial sanction, admonishment or remands the attorney to jail, effective public defense is frustrated.

This unnecessary practice could be resolved by judges contacting one another to determine the priority of the criminal cases

and the most compelling need for the attorney's presence. Then the attorney can prepare for court and not be placed in the precarious position.

Mr. Davenport reported that attorneys are being punished for not appearing in one court due to a conflict in another court. He is urging that the practice needs to stop. Mr. Williams moved that Mr. Dixon prepare a Resolution for presentation to the Supreme Court, State Bar Association and the Louisiana State Law Institute individually, to study, consider and resolve this issue. Mr. Bowman seconded the motion.

13. (2) Terminate all contracts and agreements with every and any organization regarding capital organizations where payment for services are paid in advance Alternatively, to not disburse funds to non-governmental entities without there being an established benefit to the Board and after services are actually delivered per Act. 571, Sec. 166A.

This issue was referred to the Budget and Policy Committees for recommendations.

14. (3) Develop a uniform process by which indigent defendants are referred to 501 (c) 3 (capital projects). Indigent defendants will be appointed to the "capital projects" upon receipt of an indictment and/or bill of information and when the state indicated its intention to seek the death penalty and when there has been a determination by the local district defender the indigent defendant will be best represented by a 501 (c) 3. The determination by the local district defender shall be presented to the Board and the District Defender shall make the presentation to the Board. A local public defender will represent the indigent defendant from pre-arrest investigation (if possible), arrest, and all pre-indictment/bill matters. Contemporaneously, the Board will assign an attorney, who is certified in death penalty matters, to assist the local public defender.
 - a. The attorneys will be paid for services actually rendered at a rate of \$90.00 per hour, upon receipt of an approved itemized invoice.

Mr. Davenport explained that a change in this process by which counsel is appointed to a capital case could result in cost savings and begin to develop competent counsel in the districts. The change would include the districts handling the case from arrest until such time as the district attorney notifies he/she is seeking death. Mr. Davenport is concerned that public defenders are not becoming death penalty certified. Additionally, it would keep the public defenders involved in their jurisdiction and reduce the burden on the contract programs. Ms. Faria clarified that every district except for two have turned their capital responsibilities over to the state. In order for Mr. Davenport's suggested process to take place, each district would have to alter their capital representation plans accordingly and resubmit them. Mr. Ginart stated that the policy should allow them to be able to do so if they want. Mr. Mitchell indicated that there would have to be some flexibility within the plan. If a district attorney cannot or will not indicate whether he will bill a case as capital, Mr. Mitchell wants the flexibility to turn the case over to the Capital Case Coordinator. Mr. Richard Stricks, District Defender, District 40, informed the Board that his district has no capital certified attorneys and that the contract programs are the most valuable service that LPDB offers to the districts. Mr. Stricks also indicated

that none of his attorneys make \$90 an hour. Mr. Davenport moved to adopt item 14. Mr. Bowman seconded the motion. Upon vote with four in favor and four opposed, with one abstention, the motion died.

15. (4) To develop the methods and reporting requirements of all 501(C)(3) organizations that are providing capital defense to indigent defendants.

Mr. Davenport stated that he wants the Board to receive reports that services have been rendered prior to payment being made. Mr. Bowman moved to adopt item 15. Mr. Davenport seconded the motion. Professor North called for a vote. Mr. Williams indicated that this matter had already been resolved and to pass this motion is redundant. There was no vote taken.

16. (5) To provide all Board members with all relevant information on all capital cases pending against all indigent defendants in the State of Louisiana.

This issue was resolved by a policy adopted by the Board on March 23, 2017.

17. (6) Prepare a method by which invoices for services rendered are to be considered, approved, and paid.

This issue was referred to the Budget Committee.

18. (7) Prepare a method by which the Board determines and approves (in advance) all out of state conferences attendance by members of the staff.

Mr. Dixon reported that in 2012 the Board adopted a policy freezing all out-of-state travel by the staff. That policy has not been rescinded and staff does not use LPDB funds to travel out of state unless approved by the Board.

19. (8) Prepare a method by which the Board approves all proposed or planned out of state travel, lodging, and related expenses for staff members.

Mr. Dixon reported that all out of state travel is approved by the Board. Staff and Board members are required by law to comply with the State's rules and regulations for travel pursuant to PPM49.

20. (9) To establish educational courses to be held throughout the State of Louisiana, to train lawyers in advocacy and other matters determined by the Board.
 - a. Establish training to be held in each major city in the State of Louisiana on a semi-annual basis.

Mr. Davenport stated that training programs for attorneys in advocacy and litigation need to be established and held in all major Louisiana cities making accessibility easier for public defenders. Mr. Noel reported that the District 4 PDO provides Nuts and Bolts advocacy training on the third Friday of every month at 11:00 a.m. Mr. Bowman reported that by statute, the Board is mandated to employ a Director of Training, and that there are other staff currently employed in non-statutory/non-mandatory positions. Mr. Williams suggested that the Board direct Mr. Dixon to plan to fill the training director position. Mr. Bowman moved that the Budget Committee consider filling the Training Director position and eliminating positions that are not required by the statute. Mr. Ginart seconded the motion. Mr. Williams made a friendly amendment to Mr.

Bowman's motion deleting the second part, moving that the Budget Committee consider filling the training director position. Mr. Bowman accepted the friendly amendment. Mr. Ginart seconded the motion which passed unopposed.

21. LPDB Division Reports. Mr. Dixon indicated that his report and those from the Juvenile and Capital Divisions as required by the Board are found in the materials.

22. Other Business. Mr. Mitchell thanked the Board for their support and the staff for always being responsive to his district's needs. Judge Foote thanked the guests for the services that they provide. Mr. Flozell Daniels urged participation in the legislative process and contact with legislators during this session. Dr. Simpson indicated she would send out Committee membership and pending legislative bills. Professor North urged the district defenders to be involved in the DAF process and the contract programs to participate in the Budget meetings.

23. Next Meeting(s) Scheduled. The Board scheduled the next meeting for Wednesday, May 24, 2017 at 1:30 p.m. The location will be announced once it is confirmed.

24. Executive Session. The Board did not go into Executive Session.


25. Adjournment. Ms. Andrus moved to adjourn. Mr. Williams seconded the motion and the meeting adjourned at approximately 5:09 p.m.

Guests:

Chris Murell	Aaron Clark-Rizzio	Tony Champagne
Ella Kleibert	Alan Robert	Mike Courteau
Clarke Beljean	Jim Looney	Richard M. Tompson
Colin Reingold	Reggie McIntyre	Brett Brunson
Emily Maw	G. Paul Marx	Pamela Smart
Beanie Bonin	Richard B. Stricks	Kimya Holmes
Lisa Parker	Harry Fontenot	E. King Alexander, Jr.
Margaret Lagattuta	Alaina Boothe	Brian C. McRae
Tony C. Tillman	John Lindner	John Di Giulio
Kyla Romanach	Bruce Unangst	Thomas Gernhauser
Kerry Cuccia	David Marcantel	Paul Fleming
Richard Bourke		

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 26th day of April, 2017, as approved by the Board on the 27th day of June, 2017, at Baton Rouge, Louisiana.


Chairman, Frank Holthaus


Vice Chairman, Donald North