

LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

Tuesday, June 14, 2016
LSU Law Center, Tyson Room
Baton Rouge, LA 70806
2:00 p.m.

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 Tuesday, June 14, 2016 at 2:11 p.m. at the LSU Law Center in Baton Rouge.

The following Board members were present:

Robert Burns	Franz Borghardt	Hampton Carver
Leo Hamilton	Frank Holthaus	Robert Lancaster
Hector Linares	Tom Lorenzi	Herschel Richard
Steven Singer		

The following Board members were absent:

Flozell Daniels, Jr.	Rebecca Hudsmith (<i>ex-officio</i>)	Jacqueline Nash Grant
Herbert Larson	Gina Womack	

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

Jay Dixon, State Public Defender
Barbara Baier, General Counsel
Jean Faria, Capital Case Coordinator
Anne Gwin, Executive Assistant
Carol Kolinchak, Trial Level Compliance Officer
Richard Pittman, Dep. State Public Defender, Dir. Juvenile Defender Services
Erik Stilling, I.T. Director

Chairman Burns thanked the Board members for their service¹ and quoted from the June 13, 2016 Advocate editorial regarding LPDB's oversight of the state's indigent defense funding. He also thanked District Defender Matthew Robnett (District 25-Plaquemines Parish) for his service to the district and indigent defense and wished him well in his future endeavors. Finally, he

¹ Pursuant to HB1137 (not enacted at the time of this meeting), all current Board members with the exception of the appointment of the President of the Senate and Speaker of the House, shall submit their resignations on or before August 1, 2016, at which time a new board will be appointed by the Governor and the La Supreme Court Chief Justice.

acknowledged Josh Perry for his successful efforts in the 2016 Legislative session on behalf of Louisiana's juveniles.

2. Call for Public Comment. No one presented for public comment.
3. Adoption of the Agenda*. Mr. Hamilton moved to adopt the agenda as presented which was seconded by Professor Singer and passed unopposed.
4. Review of the Minutes, May 16, 2016 Meeting*. Mr. Hamilton moved to adopt the Minutes of the May 16, 2016, as presented. Mr. Richard seconded the motion. Mr. Paul Fleming requested that the minutes be edited at item 3 to include "Womble", the last name of the 24th PDO attorney recently appointed as a Child Welfare Law Specialist. Mr. Holthaus moved to amend the minutes, as discussed. Mr. Hamilton seconded the motion and the minutes passed as amended with no opposition.
5. Budget Reports and Recommendations
 - a. Financial Report*. Budget Officer Natasha Carter reported zero funds available for reallocation and 98.6% of the LDPB budget either expended or encumbered to be spent before June 30, 2016. Mr. Richard moved to adopt the financial report as presented. Mr. Holthaus seconded the motion which passed unopposed.
 - b. FY17 DAF*. State Public Defender Jay Dixon presented the final FY17 DAF amounts and answered questions. Mr. Hamilton moved to approve the DAF amounts. Mr. Holthaus seconded the motion which passed unopposed.
 - c. FY17 501c3 Contract Amounts. Mr. Dixon presented the capital contract program amounts reminding the Board that the remaining three non-capital program contract amounts were approved at the May, 2016 meeting. Mr. Hamilton moved to approve the contract amounts for the capital programs as presented. Mr. Richard seconded the motion which passed unopposed.
6. Restriction of Services Updates
 - a. Wait List Status – Database Entry for Districts in ROS*. Mr. Dixon explained a situation recently brought to light regarding how districts in ROS are entering waitlist cases into the statewide database. Mr. Dixon reported that staff will be drafting a guidance policy for the next meeting on the most effective and accurate way in which to enter these types of cases.
7. District Issues
 - a. District 25 – Selection for District Defender. Mr. Dixon reported that the formation of a selection committee in District 25 for a new district defender has begun and that Mr. Clark Beljean has been appointed as interim pending a permanent appointment.
8. Legislative Session, 2016. Mr. Dixon, Deputy Public Defender-Director of Juvenile Defender Services Richard Pittman and Trial Level Compliance Officer Carol Kolinchak provided brief summaries of the bills/acts from the 2016 legislative session that impact LPDB and/or public defense.

Mr. Hamilton moved that staff draft and send a Resolution to the Governor respectfully urging his veto of HB 689 which allows the five city courts in the 16th judicial district to form their own

public defense boards. The resolution is to address the significant flaws within the bill and outline the consequences if the bill becomes law. After discussion, Mr. Holthaus called the question which was seconded by Mr. Hamilton. Upon a vote, the decision to send a resolution to the Governor addressing HB 689 as discussed passed by a vote of ten to one.

9. Executive Session*. Prior to going into executive session, Mr. Franz Borghart moved to amend footnote 1 to include discussion on potential litigation in District 15 (Lafayette Parish). Professor Singer seconded the motion which passed unopposed.

Professor Linares moved to go into Executive Session which was seconded by Mr. Hamilton and passed unanimously. Mr. Holthaus moved to leave executive session which was seconded by Professor Linares.

10. Litigation*. Mr. Dixon gave a brief summary of the on-going litigation in the *Yarls* case. Mr. Holthaus moved to authorize Mr. Dixon in his official capacity to sign the proposed judgment in *Yarls v. Bunton, et al*, subject to the contents of the letter to Mr. John Landis dated June 7, 2016, as it is the most fiscally prudent action to take. Professor Singer seconded the motion which passed unopposed.

11. Other Business. There was no other business presented for discussion; however, Mr. Lorenzi moved to commend staff on their hard work and dedication over the years. Mr. Hamilton seconded the motion. Ms. Faria thanked the Board for all that they have done.

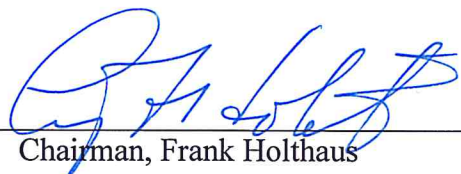
12. Next Meeting(s). Mr. Holthaus moved that Chairman Burns, in consultation with Mr. Dixon, set the next meeting date according to their wisdom and best judgments. Mr. Hamilton seconded the motion which passed unopposed.

13. Adjournment*. Mr. Borghardt moved to adjourn which was seconded by Mr. Holthaus. The meeting adjourned at 5:10 p.m.

Guests:

Deirdre Fuller	Harry Fontenot	Derwyn Bunton	Kerry Cuccia
Alan J. Robert	Matt Robnett	John Burkhardt	Lindsay Blouin
Michael A. Mitchell	Richard M. Tompson	Thomas Gernhauser	Jim Looney
Gary Clements	Kyla Romanach	Ryan Clough	Chris Murell
Paul C. Fleming, Jr.	Vic Bradley, Jr.	Steve Hanlon	John Landis
David Price	Cecelia Bonin	Emily Maw	

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, 2016, as approved by the Board on the 15th day of December, 2016, at Baton Rouge, Louisiana.



Chairman, Frank Holthaus