



LOUISIANA PUBLIC DEFENDER BOARD

Monday, October 25, 2021

10:00 a.m.

Zoom Video Conference¹

<https://us02web.zoom.us/j/89561579223?pwd=cGZPeHNxVExZVmJ2WGM5aWkrGxkZz09>

Meeting ID: 895 6157 9223

Passcode: 038185

MINUTES

1. Call to Order and Comments by Chairman, Michael C. Ginart, Jr. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was called to order by its Chairman Michael C. Ginart, Jr. on Monday, October 25, 2021, at approximately 10:15 a.m.

The following Board members were present²:

Zita Andrus	Flozell Daniels	Pat Fanning
W. Ross Foote	Michael Ginart	Frank Holthaus
Holly Howat	Lyn Lawrence	Donald North
Allyson Prejean	Cindy Woodard	

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

Rémy Voisin Starns, State Public Defender
Barbara Baier, General Counsel
Natashia Carter, Budget Administrator
Anne Gwin, Executive Assistant
Michael Mitchell, Trial Level Compliance Officer
Robert Noel, Dep. Public Defender, Director of Training
Richard Pittman, Dep. Public Defender, Dir. Juvenile Defender Services
Tiffany Simpson, Juvenile Compliance Officer/Legislative Director
Erik Stilling, Information and Technology Director

2. Adoption of the Agenda. Judge Ross Foote moved to adopt the agenda as presented. Ms. Allyson Prejean seconded the motion which passed unopposed.

¹ Meeting being held via Zoom video-conference pursuant to La. R.S. 42:17.1

² Board Members Frank Holthaus and Pat Fanning arrived at 11:17 am and 12:15 pm, respectively. Quorum was not affected by their late arrival.

3. Public Comment. Chairman Ginart indicated public comment would be taken up with each agenda item. He stated that Judge Foote requested the opportunity to address the Board and attendees.

Judge Foote stated that he was made aware after the last Board meeting (Sep 30, 2021) that comments he made at that meeting were taken to mean that he believed public defenders were not working or that he was saying that public defenders are not effective. He urged that his comments be reviewed and stressed that what he was stating is that it is the system that is broken. He also stated that he is available at any time to talk to any line or district defender and LPDB staff and encourage all to call him, if needed.

4. Policy – Database Compliance and Privilege. State Public Defender Starns reported that the draft policy in the materials was requested by the Board at a past meeting. He turned the discussion over to Deputy Public Defender Robert (Bob) Noel. Mr. Noel reported that the proposed policy in the materials complies with the statute except for the 7-day and 60-day time limits for seeing clients and each district's jail visitation policy to be prepared and placed on the LPDB website. Professor North urged that the policy be passed as presented, as it is an excellent start and will have impact statewide.

Mr. Richard Bourke (Executive Director, Louisiana Capital Assistance Center) addressed the Board, indicated his full support for the policy and suggested that the confidentiality issue be enhanced by citing La. R.S. 15:147(B)(17), which clarifies that the database entries/materials that are being gathered fall under the supervisory authority of the Board and are protected by privilege; that the 60-day visitation requirement has language that encourages visitation sooner than 60 days and more frequent client visits, acknowledges restrictions that are a result of COVID (or other future emergencies), increased caseloads and jail visitation rules and regulations; and, clarifies whether investigators are covered under the policy.

Mr. Starns urged that the policy in its present form go forward today with amendments or other policies added later, as needed.

Judge Cindy Woodard agreed with Mr. Bourke's suggestions and Judge Foote moved that the policy as presented be adopted with the understanding that the Policy Committee meet and work out the discussed changes and refer the amended policy back to the full Board. Mr. Daniels seconded the motion. Judge Woodard indicated she felt no need for the policy to go to a committee as the Board agrees with the 60-day visitation limits and urged that the policy language be worked out and the policy voted on today. Judge Foote withdrew his motion.

Professor North urged the Board not to pass up the opportunity on this current policy as presented and moved that the Board adopt the policy as is and to ask staff to present any refinements to it at the next Board meeting. Judge Woodard seconded the motion. Upon vote the motion carried unanimously.

After vote, Chairman Ginart inquired if it would be possible for staff to provide the proposed policy amendments as discussed by the end of this meeting. Mr. Noel indicated he was working with Mr. Bourke to get that done. Mr. Ginart indicated the issue would be revisited before the end of the meeting.

5. Working Groups to Replace Existing Board Committees. Chairman Ginart reported that during his tenure on the Budget Committee, he experienced a redundancy of efforts and his idea is to see working groups formed that would compile information to be provided to the Board in advance of Board meetings rather than holding multiple meetings covering the same issues. Mr. Daniels stated the importance of maintaining committees to deliberate issues and make recommendations and that perhaps a restructuring of the committees for efficiencies is what should be considered. General Counsel Barbara Baier suggested the use of Ad Hoc committees rather than Standing Committees which could be used to address unique or specific issues as they arise. Judge Woodard suggested that all Board members could be provided agendas and materials of any committee meetings so that all are apprised of issues in advance of the full Board meetings. Mr. Daniels suggested that all Board members be provided the Minutes of all meetings after-the-fact in an effort to be informed and to help streamline Board meetings.

Mr. Ginart reiterated that he is looking for a way of gathering information with a reduction in the redundancy of Board member efforts that will assist the Board in making decisions more quickly at full Board meetings and that restructuring the current committees does not fix the problem.

Mr. Starns stated that the problem is the difficulty in separating the two committees as the issues overlap and multiple meetings means more work for members and staff. He indicated by way of example that an "O" Level Funding meeting will be held in Marksville in November with staff and district chiefs attending as a working group. He stated that Board members are welcomed to be present and interact before or after the meeting and that a report to the full Board would be provided at the next meeting resulting in no need to convene a separate meeting of Board members.

The discussion continued and Judge Foote and Professor North both disagreed with the suggestion that committees are not necessary; Judge Woodard proposed that restructuring be tried first before total dissolution of the existing committees; Mr. Lawrence agreed with Mr. Starns that committees are not necessary as they can be waste of time; and Mr. Holthaus suggested rotation of the Committee Chairs and/or annual evaluation of the committees.

Professor North then moved that the Budget and Policy Committees be maintained with their current structure subject to some modifications. Mr. Daniels seconded the motion. Mr. Lawrence asked for clarification as to the modifications. Professor North indicated that the Board, with guidance from the Chairman and State Public Defender, would decide on the needed modifications. Mr. Ginart further clarified that, as in the past, if there is an issue to be studied, it would be brought to the Board's attention and the Board would send the issue to the proper committee with specific direction. Professor North agreed with the clarifications and Mr. Daniels confirmed that he seconded the motion as clarified. Mr. Daniels stated that his purpose for supporting Professor North's motion is to be able to come back to the full Board with recommendations that will get to the needed efficiencies being discussed. Professor North called the question and upon vote, the motion to maintain the Budget and Policy Committee with the modifications discussed passed with six in favor (Daniels, Foote, Holthaus, North, Prejean, Woodard), two against (Lawrence, Ginart) and one abstention (Howat).

Chairman Ginart indicated that there are currently vacancies on the Budget Committee and asked for volunteers and for a nomination for Chairman. Ms. Holly Howat volunteered for membership and Chair Ginart asked that Mr. Holthaus consider membership. Mr. Holthaus agreed. Chairman Ginart then appointed Mr. Fanning to complete the Budget Committee

membership, to include: Pat Fanning, Holly Howat, Frank Holthaus, Lyn Lawrence, and Donald North. Mr. Lawrence then nominated Professor North to continue as the Chair of the Budget Committee and Mr. Holthaus seconded the nomination. Chairman Ginart named the members of the Policy Committee (Zita Andrus, Flozell Daniels, Ross Foote and Allyson Prejean). Judge Cindy Woodard volunteered which completes that Committee.

6. Executive Session. Mr. Lawrence moved to go into Executive Session. Judge Foote seconded the motion which passed unopposed. Mr. Fanning moved to leave Executive Session which was seconded by Judge Woodard and passed unopposed.

Chairman Ginart inquired if the Board members had received the revised Database Compliance Policy as discussed earlier in the meeting³. After a brief discussion, several members remained unclear on the proposed changes and the Board voted unanimously to revisit the amended Database Compliance Policy at the December 16, 2021 meeting.

Mr. Ginart reported that there are four vacant District Defender positions and he would like to schedule a special meeting before the December 16 meeting dedicated to the selection process for those positions. SPD Starns reported that a training for new Chief District Defenders is scheduled in Marksville on November 17th and he would like to have these vacant positions filled prior to that so the newly hired chief District Defenders can attend. Mr. Starns indicated staff would send out a poll for Board member availability for a special meeting on November 15 and November 16.

Judge Foote inquired if Zoom capability is available for the "O" Level Funding meeting on November 17 in Marksville. Mr. Noel indicated that is already set up and the logistics would be sent out to the Board.

7. Next Scheduled Meeting: Thursday, December 16, 2021, 1:30 pm.

8. Adjournment. Mr. Fanning moved to adjourn. Judge Woodard seconded the motion which passed unopposed.

Guests: See attached Zoom participation list.

I HEREBY CERTIFY that the foregoing is a full, true, and correct account of the proceedings of the meeting of Louisiana Public Defender Board meeting held via Zoom video-conference on the 25th day of October, 2021 as approved by the Board on the 16th day of December, 2021⁴.



MICHAEL C. GINART, JR., CHAIRMAN

³ Staff edited the Policy as discussed and sent the revised policy to all Board members for final action this meeting.

⁴ The meeting at which these minutes were approved was held by Zoom video-conference pursuant to La. R.S. 42:17.1.