



LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

January 7, 2014

7389 Florida Blvd, Suite 400, Conference Room 2

Baton Rouge LA 70806

2:00 p.m.

AGENDA

1. Call to Order and Remarks of the Vice-Chairman **Tab 1**
 - a. Welcome New Board Members, Herbert Larson (Metzger/Tulane) and Hampton Carver (Krutz/LaInterchurch Conference)
 - b. Welcome James T. "Jay" Dixon, Jr., State Public Defender
 - c. Resignation, Frank X. Neuner, Jr., Chairman pgs. 3-4
 - d. Resignation, Julie Ferris
2. Call for Public Comment
3. Review of Agenda pg. 1-2
4. Review of the October 29, 2013 Meeting Minutes* **Tab 2**
pgs. 5-9
5. Budget Committee Reports and Recommendations **Tab 3**
pgs. 10-13
 - a. Financial Report*
 - b. Budget Committee - Membership Status/Appointments*
 - c. DAF – Second FY 14 Disbursement Update
 - d. 501(c)3 Offices – Second FY 14 Contracts Update
 - e. District Defender Salary Increase Requests*
6. CINC Distribution* **Tab 4**
pg. 14
7. Budget Officer Recommendation*
8. Policy Committee Reports and Recommendations **Tab 5**
 - a. Policy Committee - Membership Status/Appointments*
 - b. Division of Administration Meeting Update
 - c. Capital Update and Recommendations* pgs. 15-19
 - i. DOC/Angola 5 Funding Resolution* pgs. 20-21

**Requires Board Action*

9. District Updates
 - a. Appointment of Interim District Defender, Districts 14 and 38*
10. 2013 LLA Audit Update
11. SPD Report
12. Next Meeting Date*
13. Executive Session^{1,2*}
14. Adjournment*

Tab 6
pgs. 22-28

**Requires Board Action*

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: State v. Thibodeaux, Docket: 2013-190149, 16th JDC; State v. Brown, Docket: C-520401, 17th JDC; State v. Robertson, Docket: 07-12-0625, 19th JDC; Barry Edge v. LPDB/DOC, Docket: 624,295, 19th JDC, LPDB v. Robert Jones, et al, Docket: 614-262, Section 23, 19th JDC; State v. Brian Smith, 16th JDC, Docket Nos.: 2012-CR-303; 2012-CR-313; 2012-CR-366.

² 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 character and professional competence of a person; provided, however, such person(s) may require that such discussion be held at an open meeting pursuant to La. R.S. 42:17(A)(1). No final or binding action will be taken during executive session.



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2:00 p.m.

MINUTES

1. Call to Order and Remarks of the Vice-Chairman. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Vice Chairman on Monday, January 7, 2014, at 2:10 p.m. the Louisiana Office of Group Benefits in Baton Rouge.

The following Board Members were present:

Robert Burns, Vice Chairman
Add Goff
Leo Hamilton
Frank Holthaus
Dan Krutz
Robert Lancaster
Herbert Larson
Hector Linares
Tom Lorenzi
Jacqueline Nash
Herschel Richard
Majeeda Snead
Gina Womack

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

Jay Dixon, State Public Defender
Natashia Carter, Accountant
Jean M. Faria, Capital Case Coordinator
Anne Gwin, Executive Assistant
Richard Pittman, Deputy Public Defender, Dir. Of Juvenile Defender Services
Tiffany Simpson, Juvenile Justice Compliance Officer
Erik Stilling, Information Technology and Management Officer

Vice Chairman Robert Burns thanked Frank X. Neuner, Jr. for his years of outstanding service and commitment. He also thanked Julie Ferris for her contributions to LPDB over the years.

Judge Burns then welcomed to LPDB new Board members Hampton Carver (replacing Rev. Krutz) and Herbert Larson (replacing Pam Metzger).

Judge Burns welcomed incoming State Public Defender James T. “Jay” Dixon, Jr.

2. Call for Public Comment. No one presented for Public Comment.

3. Review of Agenda. Upon review of the agenda, Mr. Lorenzi moved to adopt it, as presented. Mr. Richard seconded the motion which passed unopposed.

4. Review of the October 29, 2013 Meeting Minutes*. Mr. Lorenzi moved for adoption of the October 29, 2014, minutes which was seconded by Mr. Hamilton and passed unopposed.

5. Budget Committee Reports and Recommendations.

a. Financial Report*. Accountant Natasha Carter reported \$425,000 of the FY 14 budget available for reallocation of which \$189,000 must be pre-approved by the Office of Planning and Budget as it is allocated to salaries.

b. Budget Committee - Membership Status/Appointments*. SPD Dixon reported that with the term expirations of Committee members Luceia LeDoux and Dan Krutz, the Budget Committee has only one remaining member. Mr. Lorenzi nominated Herbert Larson which was seconded by Prof. Snead. Gina Womack volunteered her services on the Committee. Hector Linares moved to appoint Herbert Larson and Gina Womack to the Budget Committee which was seconded by Prof. Snead and approved unopposed. Vice Chairman Burns appointed Prof. Snead as the Committee’s chairwoman.

c. DAF – Second FY 14 Disbursement Update. Mr. Dixon reported that the Budget Committee approved the second disbursement amounts and with prior authority given by the Board and the Budget Committee, staff has disbursed those funds.

d. 501(c)3 Offices – Second FY 14 Contracts Update. Mr. Dixon reported that all contract program contracts have been executed and approved by OCR except CDPSELA’s which was signed on January 7, 2014. That contract will go immediately to OCR for review and approval.

e. District Defender Salary Increase Requests*. Mr. Dixon reported that two requests for salary increase were presented to the Budget Committee at its last meeting and one request that had been submitted was withdrawn prior to the meeting. Mr. Dixon further reported that the Staff’s recommendation to grant District Defender Tony Tillman’s request for a salary increase for \$12,000, a lesser amount than requested, resulted, after discussion, with the Committee’s recommendation to increase Mr. Tillman’s annual salary by \$15,000. Mr. Dixon indicated that the decision was based on merit and ability and that the increase is in line with current approved salary ranges. Mr. Lorenzi moved to approve the salary increase as recommended by the Budget Committee which was seconded by Mr. Holthaus and passed unopposed.

6. CINC Distribution*. On motion of Mr. Hamilton seconded by Prof. Snead, staffs’ recommended distribution of CINC funds was adopted and passed unopposed.

7. **Budget Officer Recommendation***. Mr. Dixon reported that interviews for the LPDB Budget Officer position were held and because the position is statutory, the Board's approval to hire is required. Mr. Dixon gave a synopsis of the interview process which resulted in all staff participants agreeing on applicant Lori Honore. Mr. Dixon provided a brief background on Ms. Honore after which Mr. Holthaus moved to hire Ms. Honore as the Budget Officer. Mr. Hamilton seconded the motion. Rev. Krutz inquired as to Ms. Honore's proposed start date. Mr. Holthaus amended the motion to include a start date of January 21, 2014. The motion to hire Ms. Honore passed unopposed.

8. **Policy Committee Reports and Recommendations.**

a. **Policy Committee - Membership Status/Appointments***. Mr. Dixon informed the Board that with the December 31, 2013 resignation of Mr. Neuner and term expiration of Ms. LeDoux, that the Policy Committee has been reduced to three members. Mr. Holthaus expressed his desire to be removed from the Capital Working Group and to volunteer to be on the Policy Committee. Prof. Jacqueline Nash also volunteered. On motion of Mr. Hamilton to add Mr. Holthaus and Prof. Nash to the Policy Committee, seconded by Herschel Richard, the Committee was restored to a membership of five. The motion passed unopposed. Mr. Lorenzi then nominated Mr. Hamilton as Committee Chairman. The recommendation was seconded by Mr. Holthaus. Vice Chairman Burns then appointed Mr. Hamilton as Policy Committee Chairman.

b. **Division of Administration Meeting Update.** State Public Defender Jay Dixon reported on his recent meeting with the Commissioner of the Division of Administration at which he was specifically asked his opinion on how to save the state money in the area of indigent defense. Mr. Dixon reported that at least a five million dollar a year savings could be made by placing a moratorium on the death penalty. Mr. Dixon further reported that he was asked to provide details, which he indicated have been submitted. Mr. Dixon indicated that staff would provide updates to the Board as the issue progresses.

c. **Capital Update and Recommendations***. Capital Case Coordinator Jean Faria reported on the current status of the Expert Witness Fund and stated that one protocol recently passed by the Board was in need of amending, specifically section 6.2 of the Protocol For Management of the Capital Expert Witness Fund. Mr. Dixon indicated that the amended version is being recommended by the Policy Committee. Mr. Holthaus seconded the recommendation which passed unopposed.

i. **DOC/Angola 5 Funding Resolution***. Mr. Dixon reported that pursuant to Board directive at the last meeting, a Resolution clarifying LPDB's position that it is not responsible for providing indigent representation to inmates charged with a crime while in the custody of the Department of Corrections has been drafted and is being presented as a recommendation by the Policy Committee for Board approval. After presentation of discrepancies in the practices of district offices statewide and other opposing opinions, Mr. Richard moved to table the issue for future discussion. Mr. Holthaus seconded the motion which passed unopposed.

9. **District Updates.**

a. **Appointment of Interim District Defender, Districts 14 and 38***. Mr. Dixon reported that due to his acceptance of the SPD position, the 14th/38th District Defender position was left vacant and those duties are currently being fulfilled by Mr. Harry Fontenot. Mr. Dixon indicated that both he and the Chief Judges for the 14th and 38th Judicial Districts have submitted their appointees for the Selection Committee and that the LSBA President's appointment is still pending. Mr. Dixon reminded the Board, that by statute, it is required to appoint an interim

pending the Selection Committee's submittal of candidates and the hiring of a full time District Defender. On motion of Mr. Lorenzi, seconded by Prof. Snead, Mr. Harry Fontenot was approved as the interim district defender for the 14th/38th district public defender offices. Further, on motion of Mr. Holthaus, seconded by Prof. Snead, the Board unanimously approved the interim appointment of Mr. Harry Fontenot retroactive to December 1, 2013.

10. 2013 LLA Audit Update. A draft report of the Louisiana Legislative Auditor on LPDB which is the result of eight months of staff interviews and extensive document submittal has been provided to staff. Mr. Dixon reported that discrepancies and other issues are being addressed by staff in a draft response. Mr. Dixon is meeting with the auditors on January 8, 2014. Prof. Snead moved to address this issue further in executive session. Prof. Linares seconded the motion which passed unopposed.

11. SPD Report. Mr. Dixon stated the SPD report is available in the books for review.

12. Next Meeting Date*. The Board set the next three Board meetings for Monday, March 10, 2014, Monday, April 14, 2014, and Monday, May 12, 2014. Meeting locations are to be announced as they are confirmed.

13. Executive Session. Mr. Hamilton moved to go into Executive Session. Mr. Holthaus seconded the motion. Professor Snead moved to leave Executive Session, seconded by Mr. Richard.

Upon returning to regular session, Mr. Hamilton moved to set 14th Judicial District Interim District Defender Harry Fontenot's salary at \$100,000 pending the appointment of a new District Defender. Mr. Goff seconded the motion. Professor Snead made a friendly amendment to the motion to make the salary increase retroactive to December 1, 2013, the date on which Mr. Fontenot formally assumed the duties. The motion passed unanimously.

14. Adjournment*. Professor Snead moved to adjourn, seconded by Mr. Richard.


Guests:

Michael A. Mitchell
Kerry Cuccia
Jim Looney
Herman Castete

G. Paul Marx
Steve Thomas
Tony Tillman
Richard Tompson

Bruce Unangst II
Tony Champagne
Reggie McIntyre
Derwyn Bunton

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 7th day of January, 2014, as approved by the Board on the 10th day of March, 2014, at Baton Rouge, Louisiana.



Robert Burns, Vice-Chair