



LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

Tuesday, June 16, 2015

LSU Law Center, 2nd Floor, Tucker Room, 2:00 pm

Baton Rouge LA 70806

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 16, 2015, at 2:05 p.m. at the LSU Law Center, Tucker Room, in Baton Rouge, Louisiana.

The following Board members were present:

Hon. Robert Burns
Leo Hamilton
Robert Lancaster
Gina Womack

Franz Borghardt
Frank Holthaus
Tom Lorenzi

Hampton Carver
Rebecca Hudsmith
Herschel Richard

The following Board members were absent:

Flozell Daniels, Jr.
Jacqueline Nash

Herbert Larson
Steven Singer

Hector Linares

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

Jay Dixon, State Public Defender
Barbara Baier, General Counsel
Natashia Carter, Acting Budget Officer
Anne Gwin, Executive Assistant
Richard Pittman, Dep. State Public Defender, Dir. Juvenile Defender Services
Tiffany Simpson, Juv. Justice Compliance Officer/Director of Legis. Affairs

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

Jean Faria, Capital Case Coordinator
Eric Stilling, Program Development-Resource Management Officer

Judge Burns announced that Board member Addison Goff has submitted his letter of resignation from the Board effective June 11, 2015. Mr. Hamilton moved to commend Mr. Goff for his many years of service to the state and to the Board. Mr. Lorenzi seconded the motion which passed unopposed.

Chairman Burns commended State Public Defender Dixon and the LPDB staff for their efforts in the 2015 Legislative Session.

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. Mr. Lorenzi seconded the motion which passed unopposed.
4. Review of the May 12, 2015 Meeting Minutes. Mr. Lorenzi moved to adopt the Minutes of the May 12, 2015 meeting as presented. Mr. Hamilton seconded the motion which passed unopposed.
5. Financial Report. Acting Budget Officer Natasha Carter reported 98.7% of the FY15 budget allocation expended or encumbered as of May 31, 2015, \$475,496 in projected expenditures through the end of the fiscal year and approximately \$790,000 to be reallocated to the districts. Mr. Dixon commended staff on their efforts to conserve funds in these difficult times. Mr. Dixon further reported that staff will continue its efforts to unencumber funds to add to the reallocation amount currently available to the districts in fiscal year 2015. Mr. Borghardt moved that staff prepare a detailed report to the Board explaining the derivation of the available reallocation funds and justifying how those funds are to be distributed. Ms. Hudsmith offered a friendly amendment that the report should include an explanation of the need to contract with attorneys and the unpredictability of litigation with which they are faced. Mr. Hamilton seconded the motion, as amended, which passed unopposed. Mr. Hamilton moved adoption of financial report and reallocations as presented and Mr. Richard seconded the motion which passed unopposed.
6. FY 15 - Year End DAF Status. Mr. Dixon explained the upcoming distribution of year-end DAF which will go to districts currently in Restriction of Services and to those which experienced a decrease in DAF from FY15 to FY16 in excess of thirty-three percent as a result of the decision not to utilize the adjustment formula. The year-end distribution will bring those districts back up to the amounts at which they were funded in FY15 and additionally will help the other districts forecast as facing ROS. Mr. Hamilton moved to adopt the recommended year-end disbursement as presented. Mr. Richard seconded the motion which passed unopposed.
7. Byrne-Jag Grant Recommendations. Mr. Dixon reported that a grant emphasizing public defense systems is open for application but that there is a June 30th deadline. Staff is requesting that the Board approve application to the grant with funds, if awarded, to be used to compile a "toolkit" to assist offices that are in or may go into service restriction. After a brief discussion, Mr. Hamilton moved to defer this item to later in the agenda to give staff time to obtain a copy of the grant application for Board review. Ms. Womack seconded the motion which passed unopposed.
8. Policy Committee Reports and Recommendations. Mr. Dixon presented an amended resolution addressing the loss of two statutory positions. After a brief discussion, staff was instructed to further amend the resolution to include specific information. Mr. Holthaus moved to defer this item to the next scheduled meeting. Mr. Richard seconded the motion which passed unopposed.

9. FY 16 – Contract Resolutions. Act 796 of 2014 requires that any contract for legal services be supplemented, when submitted to the Office of Contractual Review for approval, with a Board resolution approving the contract. Four resolutions approving contracts for legal services in FY16 were presented for Board approval.

Mr. Lorenzi moved to adopt the resolution approving Anthony Florence’s contract for legal services in the State v. Willis case. Mr. Richard seconded the motion, which received a unanimous vote of 9 -0, with one (ex officio) Board member not voting, and five members absent.

Mr. Lorenzi moved to adopt the resolution approving Robert Noel’s contract for legal services in the State v. Willis case. Mr. Holthaus moved to amend the resolution to include an explanation for multiple representation requirements in capital cases and the Board’s cognizance of the need for continuity of counsel. Mr. Richard seconded the motion to amend which passed unopposed. Mr. Hamilton then moved to adopt the resolution, as amended, which was seconded by Mr. Lorenzi and which received a unanimous vote of 9 -0, with one (ex-officio) Board member not voting, and five members absent.

Mr. Richard moved to adopt the resolution, with amendments as moved and adopted as to Robert Noel’s contract, approving Ross Owen’s contract in the State v. Wilson case. Mr. Lorenzi seconded the motion, which received a unanimous vote of 9 -0, with one (ex-officio) Board member not voting, and five members absent.

Mr. Borghardt moved to adopt the resolution, with amendments as moved and adopted as to Robert Noel’s contract, approving Michael Thiel’s contract in the State v. Wilson case. Mr. Lorenzi seconded the motion, which received a unanimous vote of 9 -0, with one (ex-officio) Board member not voting, and five members absent.

Mr. Hamilton moved to reconsider the resolution previously adopted approving Anthony Florence’s contract. Mr. Lorenzi seconded the motion which passed unopposed. Mr. Hamilton moved to adopt the resolution, with amendments as moved and adopted as to Robert Noel’s contract, approving Anthony Florence’s contract in State v. Willis which was seconded by Mr. Richard and received a unanimous vote of 9–0, with one (ex-officio) Board member not voting and five members absent.

10. District Defender Selection Status – Districts 2, 3, and 33. Mr. Dixon gave a brief update on the three pending selection committees. None of the committees have submitted their recommendations to date.

11. Restriction of Services - Update

a. 19th JDC Family Court Fees – Update. Mr. Michael A. Mitchell, District Defender for the 19th Judicial District, reported that the Family Court fees have increased substantially allowing his office to continue to provide representation in those courts.

b. District ROS List. Mr. Dixon reported that in addition to the previously reported districts in ROS (1st, 19th, 20th, 26th, 28th, and 30th) five more districts have submitted plans for approval – the 5th (Franklin/Richland/West Carroll), 8th (Winn), 12th (Avoyelles), 34th (St. Bernard) and 39th (Red River).

12. Juvenile Strategic Planning Update. Deputy Public Defender/Director of Juvenile Service Richard M. Pittman reported that five of the six regional meetings scheduled statewide have been completed with the final meeting to be held June 30th in New Orleans. Mr. Pittman indicated that once all meetings are held, the Board's Juvenile Working Group would meet to work on the next steps in the plan.

13. 2015 Amended JLCB Report*. General Counsel Barbara Baier reported that, as directed by the Board at the last meeting, staff has amended the pie chart presented in the original report to the Joint Legislative Committee on the Budget to clarify capital funding. Ms. Baier stated that upon Board approval, the amended report would be submitted. Mr. Hamilton moved to adopt the amended JLCB report as presented. Mr. Borghardt seconded the motion which passed unopposed.

14. 2015 Legislative Session Report. Director of Legislative Affairs, Tiffany Simpson, synopsised the final results of the 2015 session affecting LPDB and reported that staff has begun preparation for 2016.

15. Office Move Update. Mr. Dixon reported that the LPDB administrative offices are relocating to the 7th Floor of the Capital One Bank Building located at 301 Main Street in Baton Rouge. The move will take place June 26 -28, 2015.

16. SPD Report. Mr. Dixon reported that the activities of the staff since the last meeting are available in the State Public Defender's report.

Mr. Dixon returned to the discussion of the Byrne- Jag Grant. After given appropriate time to review the grant information and after a brief discussion, Mr. Hamilton moved to approve application submittal for the grant. Mr. Richard seconded the motion which passed unopposed.

17. Other Business. No one presented other business for discussion.

18. District Defender Issues

a. District 1 – Caddo Parish – Resignation. Mr. Dixon reported that District Defender, Alan Golden, has submitted his letter of resignation effective September 30, 2015, which Mr. Dixon has accepted. Mr. Dixon reported that a selection committee would be formed soon.

19. Executive Session¹, ²*. Mr. Borghardt moved to go into Executive Session which was seconded by Mr. Hamiton. Mr. Hamilton moved to leave Executive Session which was seconded by Ms. Womack.

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 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. The Board may discuss issues pertinent to the operation of the 1st Judicial District PDO.

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 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. Barthelemy, 11th JDC, Dockets: 13-CR-072667, 668 and 669; State v. Kenneth Willis, Docket No.: 304,806, Division 3, Caddo Parish; State v. Tarika Wilson, Docket No.: 315,973, Division 1, Caddo Parish; State v. Stacey Blount-Juneau; State v. Finister, et al, 19th JDC, Docket: 04-14-0380, 2014-KW-1440; State v. 4 – Board_Jun 16 2015_Minutes

20. Next Meeting(s)*. The Board set its next meeting for Tuesday, September 15, 2015, in Baton Rouge, Louisiana. The location will be announced when it is finalized.

21. Adjournment*. Mr. Hamilton moved to adjourn which was seconded by Mr. Holthaus.

Guests:

G. Paul Marx
Mike Courteau
Derwyn Bunton
Steve Thomas
Caroline Roberts

Reggie McIntyre
Tony Champagne
Harold Murray
John Burkhart

Richie Tompson
Jim Looney
Zach Brevis
Jessica Gingold

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 16th day of June, 2015, as approved by the Board on the 15th day of September, 2015, at Baton Rouge, Louisiana.



Robert J. Burns (Ret.), Chairman