



LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

Monday, March 10, 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
2. Call for Public Comment
3. Review of Agenda pgs. 24-25
4. Appointment of a Vice-Chairman*
5. Executive Staff Performance Evaluations*
6. Review of the January 7, 2014 Meeting Minutes* **Tab 1**
pgs. 26-29
7. Budget Committee Reports and Recommendations **Tab 2**
 - a. Financial Report*
 - b. Mid-Year Solvency Projections & Recommendations* pgs. 30-38
 - c. District 21 (St. Helena/Livingston/Tangipahoa)
 - d. FY 15 Budget Recommendation pgs. 39-43
 - i. HB -1, March 11, 2014
 - e. T.O. Reduction
 - f. Hiring Freeze
8. Policy Committee Reports and Recommendations **Tab 3**
 - a. DAF/CINC Factors to Consider*
 - b. PDO/DOC Representations* pg. 44
9. LaCCR/JJPL* **Tab 4**, pg. 45

**Requires Board Action*

10. Capital Trial Standards*
11. 2014 LLA Audit Update
12. JLCB – 2013 Report **Tab 5, pgs. 46-56**
13. District Defender – 14th/38th Judicial Districts – Update
14. Legislative Session, 2014 **Tab 6, pgs. 57-68**
15. Other Business
 - a. Ethics Reporting – Due 5/15/14 (Hand out)
16. SPD Report **Tab 7, pgs. 69-74**
17. Next Meeting Dates
Monday, April 14, 2014 – La. Office of Group Benefits
Monday, May 12, 2014 – La. Office of Group Benefits
18. Executive Session^{1*}
19. Adjournment*

**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.



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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, March 10, 2014, at 2:00 p.m. the Louisiana Office of Group Benefits in Baton Rouge, Louisiana.

The following Board Members were present:

Robert Burns, Vice Chairman
Hampton Carver
Add Goff
Leo Hamilton
Herb Larson
Hector Linares
Tom Lorenzi
Jacqueline Nash
Herschel Richard
Gina Womack

The following Board Members were absent:

Frank Holthaus
Rebecca Hudsmith
Robert Lancaster
Majeeda Snead

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
Lori Honore, Budget Officer
Richard Pittman, Deputy Public Defender, Dir. Of Juvenile Defender Services
Tiffany Simpson, Juvenile Justice Compliance Officer
Erik Stilling, Information Technology and Management Officer

2. **Call for Public Comment.** No one presented for public comment.
3. **Review of Agenda.** There were no changes made to the agenda as presented.
4. **Appointment of a Vice-Chairman*.** Mr. Lorenzi moved to table this agenda item until such time as it is appropriate. Prof. Nash seconded the motion which passed unopposed.
5. **Executive Staff Performance Evaluations*.** Mr. Lorenzi moved to table this agenda item and the appointment of board members to the evaluating committee until such time as a permanent Chairman is appointed. Mr. Goff seconded the motion which passed unopposed.
6. **Review of the January 7, 2014 Meeting Minutes*.** Mr. Lorenzi moved to adopt the Minutes as presented which was seconded by Mr. Hamilton and passed unopposed.
7. **Budget Committee Reports and Recommendations**
 - a. **Financial Report.** Budget Officer Lori Honore reported that the current financial statement indicates some negative balances in some line items as the result of either erroneous coding or errors to the original budget spread. She indicated that she is working in the state's accounting system and with OFSS to resolve the errors.

Ms. Honore further reported that staff recently met to review the existing FY budget for unencumbered or unspent monies to be made available to districts facing financial shortfall before the end of this fiscal year and has determined there is approximately \$60,000 available at this time.

b. **Mid-Year Solvency Projections & Recommendations*.** ITM Director Erik Stilling reported that based on the recent projections District 10 will be in financial crisis in the next 30 days and that Districts 16 and 2 are being closely monitored. Mr. Dixon reported that the Budget Committee has been apprised of the districts' situations and brings to the Board its recommendation that \$30,000 of the funds available for reallocation be made available to District 10. Professor Nash seconded the recommendation which passed unopposed.

Mr. Dixon indicated that the Budget Committee also recommended that the remaining available funds (\$30,000) be held in reserve for Districts 16 and 2, should it become necessary and that staff be given authority to disperse those funds if the need developed before the next Board meeting. Mr. Hamilton seconded the recommendation which passed unopposed.

c. **District 21 (St. Helena/Livingston/Tangipahoa).** District Defender Reggie McIntyre reported that the issue regarding the recent hacking of the District 21 office computers has been investigated by the AG's office and the issue has been resolved. He also reported safeguards have been put in place to ensure proper and secure channeling of office funds.

d. **FY 15 Budget Recommendation**

e. **T. O. Reduction** Ms. Honore reported that the FY 15 Budget as presented indicates some item reductions but that the Office of Planning and Budget has indicated those reductions were the result of the recent Table of Organization (T.O.) cuts; however, those cuts

have been rescinded and the funds should be returned to the existing budget. Ms. Honore reported that the Executive Budget (HB-1) is being presented to the Legislature Tuesday, March 11, 2014.

f. Hiring Freeze. Mr. Dixon reported on his recent communications with the Division of Administration's Human Resources Director and the Office of Planning and Budget to get clarity on the recent hiring freeze as a result of an Executive Order from the Governor's office. He reported that LPDB may proceed with the hiring of the Training Director, Trial Level Compliance Officer and General Counsel and he hopes to have recommendations for filling those positions at the next Board meeting.

8. Policy Committee Reports and Recommendations

a. DAF/CINC Factors to Consider*. Mr. Dixon gave a brief summary of this issue which would include omitting any locally obtained funds from the DAF calculation. Mr. Dixon reported that this issue was discussed by the Policy Committee and tabled pending further research by staff into state funding complexities. No action was taken by the Board.

b. PDO/DOC Representations*. Mr. Dixon reminded the Board that staff was tasked at the last meeting with the research of representation by public defenders of inmates charged with crimes while in the custody of the Department of Corrections. Because of the enormity of the task which has multiple layers, the Policy Committee is recommending that the issue be approached two ways. First, staff is to research those districts that have a DOC facility and second, staff will ask the districts to flag on the database all DOC inmates that they represent. Professor Nash amended the recommendation to include all juvenile DOC inmates. Mr. Hamilton added that staff is to report back to the Board accordingly. Mr. Linares seconded the amended recommendation which passed unopposed.

9. LCCR/JJPL*. Mr. Josh Perry, Executive Director of the Louisiana Center for Children's Rights addressed the Board, bringing to their attention the anticipated merger of LCCR and the Juvenile Justice Project of Louisiana. Mr. Perry assured the Board that all funds received by LCCR from LPDB would remain separate and all services for indigent youth in Orleans Parish as defined in the LCCR contract with LPDB would remain intact, with only administrative functions of the two non-profit organizations being combined for cost efficiency. After a brief discussion, Mr. Larson moved that the Board, being advised of the nature and structure of the merger, has no objection. Mr. Hamilton seconded the motion which passed unopposed.

10. Capital Trial Standards*. Capital Case Coordinator Jean Faria presented the Capital Trial Standards for approval. Ms. Faria clarified that if approved, the vetting process with statewide criminal justice stakeholders would begin. Mr. Hamilton moved to approve the Capital Trial Standards for vetting which was seconded by Mr. Richard and passed unopposed.

11. 2014 LLA Audit Update. Mr. Dixon reported that he recently attended the Joint Legislative Audit Council meeting at which the recent LPDB audit was presented. Mr. Dixon indicated he told the council that the audit would be used as a tool to improve the office.

12. JLCB – 2013 Report. Dr. Stilling gave a brief synopsis of LPDB's recent submittal to the Joint Legislative Committee on the Budget, which is due annually on March 1.

13. District Defender – 14th/38th Judicial Districts – Update. Mr. Dixon reported that the Selection Committee for the new District Defender in the 14th and 38th Judicial Districts has

submitted their recommendations and interviews of three candidates, Mr. Harry Fontenot, Mr. Donald Sauviac, and Mr. Brian Gill have been scheduled for March 18, 2014, from 2:00 to 4:30. Board members were invited to attend.

14. Legislative Session, 2014. Mr. Dixon reported that staff is currently reviewing proposed legislation and that he is scheduled to meet on March 12, 2014, with Senator Walsworth, the author of a bill which would require that the Board be made up of two members from each Congressional district. Mr. Dixon indicated that staff is compiling supporting documentation in opposition to that bill.

15. Other Business

a. Ethics Reporting – Due 5/15/14 (Hand out). Mr. Dixon reminded the Board members of the May 15 deadline to submit the required financial reporting to the Board of Ethics.

16. SPD Report. Mr. Dixon informed the Board that the SPD report on all staff actions since the last Board meeting is in the provided packets.

17. Next Meeting Dates. The Board confirmed its next meeting dates as follows: Monday, April 14, 2014 and Monday, May 12, 2014. Both meetings will be held at the La. Office of Group Benefits, 7389 Florida Boulevard, in Baton Rouge, at 2:00 p.m.

18. Executive Session*. On motion of Mr. Lorenzi, seconded by Herb Larson, the Board went into Executive Session. On motion of Mr. Hamilton, seconded by Mr. Linares, the Board left Executive Session.

19. Adjournment*. There being no further business, and upon motion of Mr. Larson, seconded by Mr. Hamilton, the meeting adjourned.

GUESTS:

Jim Looney	Vic Bradley	Herman Castete
Reggie McIntyre	Steve Thomas	John Burkhardt
Tony Tillman	Brett Brunson	Tony Champagne
Alan J. Robert	Shelley Goff	Harry Fontenot
Richard Tompson	Josh Perry	Richard Bourke
Mike Courteau	Derwyn Bunton	Donald A. Sauviac, Jr.

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 10th day of March, 2014, as approved by the Board on the 14th day of April, 2014, at Baton Rouge, Louisiana.



Robert Burns, Vice-Chair