



LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

Monday, May 16, 2016
Baton Rouge, LA 70806
2:00 p.m.

AGENDA

1. Call to Order and Remarks of the Chairman
2. Call for Public Comment
3. Adoption of the Agenda* pgs. 188-189
4. Review of the Minutes, April 6, 2016 Meeting* **Tab 1**, pgs. 190-193
5. Policy Committee Recommendations **Tab 2**, pgs. 194-198
 - a. FY17 Funding Allocation*
 - i. Resolution pg. 199
6. Budget Committee Recommendations and Fiscal Issues **Tab 3**
 - a. FY 16 Year End Distribution pg. 200
 - b. Financial Report* pgs. 201-205
 - c. FY17 DAF*
 - d. FY17 501c3 Contract Amounts*
7. Executive Session¹, ²*

**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 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 the selection of a district defender in District 9 (Rapides).

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: *Darwin Yarls, Leroy Shaw and Douglas Brown v. Derwyn Bunton and James T. Dixon, Jr.* Civil Action: 3:16-cv-31, Middle District of Louisiana.

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| 8. | District Issues | Tab 4 |
| a. | District 9 – District Defender Position and Salary Recommendation* | pgs. 206-207 |
| b. | District 8 - Request for Waiver* | pgs. 208-212 |
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| 9. | Juvenile | Tab 5 |
| a. | Strategic Plan* | pgs. 213-214 |
| b. | NJDC - <i>Gault at 50 - Statement of Principles Endorsement*</i> | pg. 215 |
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| 10. | Restriction of Services Updates | |
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| 11. | Legislative Session, 2016 | Tab 6 , pgs. 216-224 |
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| 12. | SPD Report | Tab 7 , pgs. 225-230 |
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| 13. | Other Business | |
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| 14. | Next Meetings | |
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| 15. | Adjournment* | |

**Requires Board Action*



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Monday, May 16, 2016

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 Monday, May 16, 2016 at 2:17 p.m. at the LSU Law Center in Baton Rouge.

The following Board members were present:

Robert Burns
Leo Hamilton
Hector Linares
Gina Womack

Franz Borghardt
Frank Holthaus*
Tom Lorenzi

Hampton Carver
Robert Lancaster
Steven Singer

*Mr. Holthaus was not present for roll call but arrived at approximately 2:45 pm. This will be reflected in the voting record throughout the meeting.

The following Board members were absent:

Flozell Daniels, Jr.
Herschel Richard

Jacqueline Grant
Rebecca Hudsmith, *ex officio*

Herbert Larson

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

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

3. Adoption of the Agenda*. Mr. Lorenzi moved to adopt the agenda as presented which was seconded by Mr. Hamilton and passed unopposed.

4. Review of the Minutes, April 6, 2016 Meeting*. Mr. Hamilton moved to approved the Minutes of the April 6, 2016 meeting as presented which was seconded by Mr. Lorenzi and passed unopposed.
5. Policy Committee Recommendations.
 - a. FY17 Funding Allocation*. The Policy Committee recommended adoption of funding scenario #1 on page one of the hand out in the materials which provides for 65% of the total funding allocation to LPDB to go to the districts pursuant to the DAF formula resulting in a 33.3% reduction of the FY16 funding allocation to the capital contract programs with the non-capital programs, LCCR, IPNO, and LAP receiving 100%, 90%, and 80%, respectively, of their FY16 funding allocation. Professor Singer seconded the recommendation which passed unanimously with nine members voting.
 - i. Resolution. Policy Committee Chairman Leo Hamilton read a proposed Resolution stating that any actions of the Board in support the proposed FY17 budget allocation are not to be construed as agreement that funding is sufficient, but rather that the Board is adopting actions in consideration of the state's current fiscal circumstances. Mr. Hamilton stated that the Policy Committee is recommending adoption of the resolution as presented. Professor Singer seconded the recommendation which passed unanimously with nine members voting.
6. Budget Committee Recommendations and Fiscal Issues.
 - a. FY16 Year End Distribution. State Public Defender Jay Dixon reported that year end funds available for reallocation to the districts have been distributed in the amount of \$150,676.
 - b. Financial Report*. The Budget Committee recommended adoption of the financial report as presented which was seconded by Mr. Borghardt and passed with nine members in favor and one abstention.
 - c. FY17 DAF*. Mr. Hamilton moved to adopt the funding allocation to the districts as presented by staff, which was seconded by Professor Singer and passed with nine members in favor and one abstention.
 - d. FY17 501c3 Contract Amounts*. Considering Board action on item 5a--FY17 Funding Allocation--Mr. Hamilton moved to approve the adoption of funding scenario #1 (page one of the hand out in the materials) allocating 65% of LPDB's total FY17 funds to the districts pursuant to the DAF formula with the non-capital programs, LCCR, IPNO, and LAP receiving 100%, 90%, and 80%, respectively, of their FY16 funding allocation. The resultant 33.3% cut to the capital contract programs will result in those programs being able to maintain two core teams with reduced expert witness funding. Mr. Lorenzi seconded the motion which passed unanimously with ten members voting.
7. Executive Session*. Mr. Borghardt moved to enter executive session which was seconded by Mr. Hamilton and passed unopposed. Mr. Holthaus moved to leave executive session which was seconded by Mr. Borghardt, which vote failed 3-5. Mr. Borghardt moved to leave executive session which was seconded by Professor Lancaster and passed unopposed.
8. District Issues.
 - a. District 9 – District Defender Position and Salary Recommendation*. SPD Dixon reported that the selection committee submitted three candidates for the district defender

position in District 9 (Rapides) but that one candidate withdrew. SPD Dixon reported staff recommendation is to hire Ms. Deirdre Fuller at an annual salary of \$90,085 which is equal that of the previous district defender. Mr. Dixon clarified that Ms. Fuller will maintain a private practice, but will provide not less than 40 hours per week for public defense work. Mr. Borghardt moved to adopt staff recommendation to hire Ms. Fuller as the district defender for district 9 at an annual salary of \$90,085. Mr. Hamilton seconded the motion which passed unopposed.

b. District 8 - Request for Waiver*. The Policy Committee recommended approving the waiver request by District Defender Herman Castete (Winn Parish) allowing him to hire a public defender who is also a city court prosecutor provided the protocol is followed. Mr. Borghardt seconded the motion. The motion passed seven in favor and two against.

9. Juvenile

a. Strategic Plan*. Mr. Pittman presented the final juvenile strategic plan for approval. Mr. Linares moved for adoption of the plan as presented which was seconded by Professor Singer and passed unopposed.

b. NJDC - *Gault at 50 - Statement of Principles Endorsement**. Mr. Pittman presented a brief summary of the *Gault at 50* principles and requested the Board's endorsement. Professor Linares reaffirmed that those principles already exist in the juvenile representation standards created and passed by the Board. Mr. Hamilton moved to approve the endorsement which was seconded by Professor Singer and passed unopposed.

10. Restriction of Services Updates. Trial Compliance Officer Carol Kolinchak gave a brief update on districts in restriction.

11. Legislative Session, 2016. SPD Dixon gave a brief update on HB 1137 which seeks to restructure the Board from 15 to 11 members and set funding distribution to the districts at 65% of LPDB's total annual allocation.

12. SPD Report. Staff activity since the March 2016 meeting is found in the Board materials.

13. Other Business. Mr. Paul Fleming announced that attorney Jennifer ^{Womble}?? with the 24th judicial district PDO was recently named a Child Welfare Law Specialist.


14. Next Meetings. The next meeting of the Board is Tuesday, June, 14, 2016, at 2:00 p.m. The location is to be determined.

15. Adjournment*. Mr. Hamilton moved to adjourn which was seconded by Professor Singer. The meeting adjourned at 4:50 p.m.

Guests:

Herman Castete	Steve Thomas	Derwyn Bunton	Tony Tillman
Paul C. Fleming	Gary Clements	Harry Fontenot	Vic Bradley
Alan Robert	Michael A. Mitchell	Kerry Cuccia	Jim Looney
Richard Tompson	Reggie McIntyre	John Lindner	Chris Murell
Deirdre Fuller	Matthew Robnett	Kathryn Sheely	Brian McRae

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 May, 2016, as approved by the Board on the 14th day of June, 2016, at Baton Rouge, Louisiana.



Judge Robert J. Burns (Ret.), Chairman