



LOUISIANA PUBLIC DEFENDER BOARD

Board Meeting

Tuesday, May 31, 2011

LSU Law Center

Baton Rouge, Louisiana

2:00 PM

MINUTES

A meeting of the Louisiana Public Defender Board, pursuant to the call of its Chairman and lawful notice, was duly convened and called to order by its Chairman at 2:25 p.m. on May 31, 2011, at the LSU Law Center, Tucker Room, in Baton Rouge, Louisiana.

The following Board Members were present:

Frank Neuner, Chairman
Judge Robert Burns
Sam Dalton
Add Goff
Leo Hamilton
Frank Holthaus
Luceia LeDoux
Christine Lipsey
Tom Lorenzi
Gina Womack

The following Board Members were absent:

Cleveland Coon
Rev. Dan Krutz
Lucy McGough
Pam Metzger
Majeeda Snead

The following *ex officio* Board Members were present:

Rebecca Hudsmith

The following *ex officio* Board Members were absent:

Judge Robert Brinkman

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

Julie Kilborn, Deputy Public Defender – Director of Training

John Di Giulio, Trial-Level Compliance Officer

Kristy Boxberger, Juvenile Justice Compliance Officer

Laurie Durnin, Budget Officer

Dr. Erik Stilling, Information Technology and Management Officer

John Craft, Capital Case Coordinator

Roger Harris, General Counsel

Anne Gwin, Paralegal, Executive Assistant to the State Public Defender

Lynette Roberson, JIDAN Coordinator

Natashia Carter, Accountant

2. **Review and Approval of the Agenda.** There being no changes, the Agenda was approved as presented.
3. **Review and Approval of Minutes of April 4, 2011 Meeting.** The Board reviewed the minutes of its meeting on April 4, 2011. Ms. Lipsey moved to adopt the minutes. The motion was seconded by Mr. Hamilton and was approved without opposition.
4. **JJIC**
 - a. **The Board's Appointment to JJIC.** Mr. Neuner reported that the Juvenile Justice Subcommittee of the Board was unable to meet to discuss the appointment to the Juvenile Justice Reform Act Implementation Commission. Mr. Hamilton moved to adopt the recommendation that Mr. Neuner be appointed to serve on the JJIC. The motion was seconded by Ms. LeDoux and was approved without opposition.
 - b. **The Administration's Plan to Relocate Office of Juvenile Justice with the La. State Police.** Mr. Neuner informed members of the plan of the current administration to relocate the Office of Juvenile Justice within the Louisiana State Police. Ms. Kilborn informed the Board that the HR, Budget, and IT functions of OJJ would be the positions consolidated with the State Police as a cost-saving measure.
5. **Budget Committee Report and Updates.**
 - a. **Financial Report.** Ms. LeDoux presented the Budget Report to the members.
 - b. **Emergency Funding Requests.**
 - i. **37th Judicial District.** Ms. LeDoux presented to members a request from the 37th Judicial District for emergency funding. The Budget Committee made a motion to authorize staff to provide emergency funding to the 37th Judicial District. The motion was seconded by Mr. Goff and was approved without opposition.

- ii. **Board Approval to Distribute Emergency Funds.** Ms. LeDoux informed the Board that staff is reviewing the budget for unspent or encumbered funds which can be made available for distribution to districts as emergency funding. The Budget Committee recommended that staff be permitted to distribute emergency funds to districts, with staff recommendations subject to joint approval of the Board Chair and the Budget Committee Chair. Mr. Lorenzi moved for a resolution authorizing staff to distribute emergency funds, subject to the approval of the Board Chair and the Budget Committee Chair. The motion was seconded by Mr. Hamilton and was approved without opposition.
 - c. **Estimated DAF**
 - i. **List of Districts – Shortfall Status.** Ms. LeDoux reported that approximately 17 districts face financial failure before the end of the calendar year. She informed the Board that estimated DAF funding figures have been made available to the districts to assist them in budgeting.
 - d. **Quarterly Reporting Update.** Mr. Di Giulio updated members on staff discussions regarding district reporting of court costs collection. Districts should begin reporting this information on financial reports submitted quarterly.
 - e. **Orleans Update.**
 - i. **Meetings with Metropolitan Crime Commission and others.** Mr. Neuner reported that several Board members and staff members have met with members of the New Orleans Crime Coalition regarding issues affecting the 41st Judicial District.
 - ii. **\$40 Fee Collection – Orleans Criminal Court En Banc Agenda.** Mr. Neuner informed members of discussions with the 41st Judicial District Court judges to permit the judicial administrator to collect intake fees on behalf of the public defenders’ office, with the administrator retaining only the costs of collecting the fee. Mr. Di Giulio added that he has spoken with Clerk of Court Rob Kazik who indicated he did not believe this additional task would be a problem.
6. **Policy Committee Report and Updates.**
- a. **Restricting Services – Discussion.**
 - i. **Draft Protocol.** Mr. Di Giulio presented the members with a draft protocol for assisting districts with restricting services where budget constraints so require. The protocol includes the involvement of staff to create a plan to address the unique challenges and needs of each district. Board members requested that the protocol be finalized for adoption at a future meeting.

- ii. **Draft Caseload Assessment Documents.** Mr. Di Giulio presented the members with a list of caseload assessment documents which may be used to assist districts in restricting services.
 - b. **Non-distribution of Partially Remitted Fines/Fees.** Mr. Di Giulio reported having met with the 23rd Judicial District regarding remittance of partial payments on court costs.
 - c. **Partial Indigency – Update.**
 - i. **Proposed Form.** Mr. Di Giulio presented members with several applications for public defender representation drafted by staff as an aid to districts in making indigency determinations.
 - ii. **25th JDC.** Mr. Di Giulio presented members with staff’s response to questions from the 25th Judicial District Court regarding assessment of court costs to indigent defendants.
 - d. **Legislative Auditor – Improper Assessment and Remittance of Court costs (retroactive remittance)**
 - i. **Purpera Letter.** Mr. Neuner updated the members on an issue in the 4th Judicial District with underassessment of court costs. The Policy Committee made the motion to adopt a resolution to direct Mr. Courteau to meet with the judiciary in his district to resolve the matter and inform the Board in writing of how the matter is resolved. The motion was seconded by Ms. LeDoux and was approved without opposition.
 - e. **Angola 5 Case – Discussion.** Mr. Craft updated Board members on the status of the case and issues that have arisen, as discussed in the Policy Committee meeting. Mr. Craft informed members that the Department of Corrections is required by La. R.S. 15:868 to pay for the defense of any inmate charged with a crime alleged to have been committed while in state custody. The statute also requires judges to appoint defenders in these cases. Mr. Hamilton made a motion that the Board adopt a resolution stating that it is the position of the Board that counsel appointed pursuant to La. R.S. 15:868 must be certified by the Board in capital cases, with the resolution only applied prospectively. The motion was seconded by Judge Burns and was approved without opposition.
- 7. **Legislative Session 2011 – Discussion**
 - a. **HB 1 Discussion.** Mr. Neuner updated members on the progress of HB 1 regarding appropriations, which was being considered by the Senate Committee on Finance as of the meeting date.
 - b. **Uniform Cost Form Status.** Mr. Neuner updated members on the progress of HB 553 regarding a uniform fines and costs assessment form for all criminal cases. The bill was amended in committee to no longer require the use of a uniform form and is awaiting Senate floor action.

- c. **Representative Carmody – LPDB Response to Request for Information.** Mr. Neuner presented committee members with the State Public Defender’s response to a request for information from Representative Thomas Carmody of Shreveport.
- d. **FY 12 Funding – Actions to Take to Secure More Funding.**
 - i. **Legislative Contacts and Visits.** Mr. Harris informed Board members that letters were sent to legislators whose districts’ public defender offices are experiencing budget shortfalls.
 - 1. **Neuner Letter – Senate President Chaisson and Speaker of the House Tucker.** Mr. Neuner informed Board members of correspondence and meetings with the Senate President and the Speaker of the House regarding the impact of budget shortfalls on districts.
 - 2. **Senator Peterson Correspondence.** Mr. Neuner informed Board members of correspondence and meetings with Senator Karen Carter Peterson, a member of the Senate Finance Committee, regarding the impact of budget shortfalls on districts.
- e. **Other Legislation Impacting LPDB.** Mr. Harris informed members that staff is actively tracking legislation that would impact the Board.
- 8. **FY 12 Capital Contracts.** Mr. Harris informed members that all contracts had been signed and returned except that for the Innocence Project New Orleans.
- 9. **Deputy Public Defender/Director of Juvenile Services**
 - a. **Update.** Ms. Kilborn informed members of the ongoing search statewide and nationwide for a Deputy Public Defender-Director of Juvenile Services.
 - b. **Selection Committee** Ms. Kilborn informed members that a Board selection committee would be created at the June Board meeting. Mr. Neuner asked Board members who wished to serve on the selection committee inform Ms. Kilborn. Mr. Lorenzi and Ms. Womack expressed interest in serving on the committee. Members requested that staff send all Board members the list of applicants.
- 10. **Executive Session**
 - a. **Litigation Update(s).** Judged Burns made the motion that the Board enter executive session. The motion was seconded by Mr. Hamilton and was approved without opposition.

Mr. Holthaus made moved to leave executive session. The motion was seconded by Mr. Hamilton and was approved without opposition.

11. **State Public Defender Report.** Mr. Neuner presented members with the State Public Defender Report.
12. **Other Business.** Mr. Neuner presented members with a press release regarding the LSBA Children's Law Award awarded to the Juvenile Defender Advisory Council. Mr. Di Giulio informed members that Mr. Lorenzi and Mr. Neuner also received pro bono awards from LSBA.

Members discussed membership of the Juvenile Justice Subcommittee and items tasked to them in previous meetings.
13. **Next Meeting(s).** The Board set its next meeting for Tuesday, June 21, 2011 at Iberia Bank in Lafayette at 2:00 pm
14. **Adjournment.** Mr. Holthaus moved for adjournment. The motion was seconded by Mr. Dalton and was approved without opposition

Guests Present:

Chris Aberle

Scott Kendrick

Brian McRae

Richard Tompson

Reggie McIntyre

Tony Champagne

Bradley Dautat

Mike Courteau

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 31st day of May, 2011, as approved by the Committee on the 21st day of June, 2011, at Lafayette, Louisiana.



Frank Neuner, Chairman