



## LOUISIANA PUBLIC DEFENDER BOARD

Thursday, January 11, 2018  
Bluebonnet Regional Library  
9200 Bluebonnet Boulevard  
1:30 p.m.

### MINUTES

1. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was called to order by its Vice-Chairman, Professor Donald North, on Thursday, January 11, 2018, at Bluebonnet Regional Library, Baton Rouge, at 1:35 p.m.

The following Board members were present:

Zita Andrus	Chris Bowman	Flozell Daniels
W. Ross Foote	Mike Ginart	Donald North
Ami E. Stearns	Moses Williams	

The following Board members were absent:

Patrick Fanning	Katherine Gilmer	Frank Holthaus <sup>1</sup>
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The following members of the Board's staff were present:

Jay Dixon, State Public Defender  
Barbara Baier, General Counsel  
Natashia Carter, Budget Officer  
Jean Faria, Capital Case Coordinator  
Anne Gwin, Executive Assistant  
Richard Pittman, Deputy Public Defender, Dir. of Juvenile Defender Services  
Tiffany Simpson, Juvenile Compliance Officer, Legislative Affairs Director  
Erik Stilling, Information and Technology Director  
Chase May, ITM

2. Adoption of the Agenda\*. Mr. Moses Williams moved to adopt the agenda as presented. Mr. Chris Bowman seconded the motion which passed unopposed.

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

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<sup>1</sup> Board Chairman Frank Holthaus indicated he had a conflict and would be late for the meeting. He arrived at approx. 2:30 p.m. as may be reflected in recorded votes.

4. Adoption the Minutes, November 30, 2017 Meeting\*. Mr. Williams stated that the Policy Committee did not make any recommendations for Jean Faria to take the Director of Training position with a shift of capital duties to other staff as reported in the Minutes at item 6, nor did they instruct staff to look into that possibility; but, rather recommended only that the issue of staff restructure go to the full board for discussion. He agreed that discussions were had for staff to look at the possibility of moving Ms. Faria into the Director of Training position with a shift of capital duties to other staff but clarified that no recommendation by the Committee was made other than referral of the issue to the full board for discussion. Mr. Williams moved that the minutes be amended to reflect that recommendation. Upon vote the Minutes passed as corrected.

5. FY19 – 10% Budget Cut Scenarios. For informational purposes, State Public Defender Dixon reported that on December 15, 2017 he met with the Commissioner of Administration and was provided with the LPDB proposed budget for FY19 of \$35M. He indicated that he was also asked to provide suggestions for a ten percent cut to that budget (scenarios provided in the materials). He was told firmer instructions regarding cuts should be forthcoming after January 19, 2018. After some comments and discussions, Mr. Dixon clarified that he was informed that all agencies could be facing a 10% cut. Budget Administrator Natasha Carter clarified that all agencies are subject to mid-year reductions.

6. *Miller / Montgomery* – FY19 Funding Plan. For informational purposes, Ms. Carol Kolinchak gave a detailed power point presentation on proposals for moving forward with *Miller and Montgomery* cases and their funding in the State of Louisiana. The Board and Mr. Dixon thanked Ms. Kolinchak for the excellent presentation and indicated that the proposals touched on in the presentation need to be brought to the Budget and Policy Committees for vetting and moving to the next step.

7. Executive Session. The Chairman moved execution session discussions to after item 8 on the agenda. Judge Foote moved to amend the agenda to take item 8.b out of order, seconded by Prof. North. The motion passed unanimously.

8. District Issues

a. District 5 – District Defender Recommendation/Salary\*. This issue was taken up after executive session.

b. District Assistance Fund Formulae. Mr. Dixon reported that the districts have met and presented various proposals with a consensus plan on page 72 of the materials, which provides \$4.5M to the 26 smaller districts with the balance reserved for the larger districts. He further reported that while there are still some challenges to be worked out with the proposal, it is his recommendation that staff, the district defenders, meet to tweak the proposal for a final plan.

Mr. Bob Noel addressed the board and stated that everyone, with the exception of two dissenters, has continued to work together to reach this consensus.

Mr. Dixon reiterated that the proposed plan is close but needs tweaking and input from all districts, large and small.

Mr. Mike Mitchell stressed that everyone has worked hard to come up with the answer but there is not enough money in the system and *that* variable has to be addressed by legislation.

Mr. Chris Bowman suggested that no decision be made until further discussions are had.

Chairman Holthaus stated his desire for the full Board to hear from everyone, including the two dissenters and until that time expressed his reluctance to pass a proposal.

Mr. Bob Noel clarified that they sought a consensus of all the chiefs and requested and shared information, data and input from everyone. No one was shut out of the process.

Ms. Jean Faria reminded everyone of the pending report from Postlethwaite and Netterville, the grant funded accounting firm hired to address the DAF issue. That preliminary report is due February 15, 2018.

Professor North urged a timeline of 30 days and Chairman Holthaus asked for a motion.

Mr. Mike Ginart suggested finalizing the plan for this year, but not necessarily for future years as work continues toward a better plan.

Mr. Holthaus reiterated Mr. Ginart's and Professor North's suggestions, into which Professor North moved that 30 days from today's date staff is to define the plan. Further, district defenders will have a 30-day period (between now and the March 7, 2018 Board meeting) to either agree, dispute or comment about the defined plan. Should the grant-funded study/report impact the plan, the Board will discuss it at the March 7, 2018 meeting. Mr. Bowman seconded the motion which passed unopposed.

7. Executive Session. This item was addressed out of place on the agenda. Mr. Daniels moved to go into Execution Session. Ms. Zita Andrus seconded the motion which passed unopposed. Professor North moved to leave Executive Session. Mr. Williams seconded the motion which passed unopposed.

8.

8a. District 5 – District Defender Recommendation/Salary\*. This item was addressed out of place on the agenda. Upon return from Executive Session, Mr. Williams moved that the Board hire Mr. John Albert Ellis as the District Defender for District 5. Professor North seconded the motion. Upon a vote, the motion passed unanimously. Professor North moved that the salary recommendation by the State Public Defender of \$90,000 per year for that position be approved. Mr. Williams seconded the motion.

Mr. Noel addressed the Board and asked when his interim position would terminate. Professor North indicated that staff would work the details out. Mr. Noel indicated that he would continue to assist in the transfer of duties to Mr. Ellis.

9. Other Business. Mr. Dixon announced the Defender Training Institute, February 17-23, 2018, in Baton Rouge and a second one September 15-21, 2018.

Mr. Holthaus reported that the Regular Legislative Session begins March 12<sup>th</sup>.

10. Next Meeting. The next meeting is scheduled for Wednesday, March 7, 2018, Bluebonnet Regional Library.

11. Adjournment\*. Mr. Bowman moved to adjourn. Professor North seconded the motion and the meeting closed at 5:45 p.m.

Guests:

Harry Fontenot	Olivier Carriere	John Hogue
John W. Lindner	Bob Noel	Richard Tompson
Renee Bourg	Gary Clements	Matilde J. Carbia
Kerry Cuccia	Paul C. Fleming, Jr.	Steve Thomas
Keith Thornton	Brian McRae	Herman Castete
Mike Courteau	Mark Plaisance	J. Albert Ellis
E. Dion Young	Reggie McIntyre	Alan J. Robert
David E. Marcantel	John Burkhardt	Michael A. Mitchell
Lindsay Blouin	Michael Caffery	Richard Bourke
Aaron Clark-Rizzio	Kyla Romanach	Jim Looney
Kara Korlard	Jee Park	Tony Champagne
Ella Kliebert	Franz Borghardt	Jill Pasquarella
Derwyn Bunton	Tony Pryer	

**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 11th day of January, 2018, as approved by the Board on the 7<sup>th</sup> day of March, 2018, at Baton Rouge, Louisiana.

  
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C. Frank Holthaus, Chairman