



## LOUISIANA PUBLIC DEFENDER BOARD

### BOARD MEETING

May 21, 2013

LSU Law Center, Tucker Room

Baton Rouge, Louisiana

2:00 pm.

### 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, May 21, 2013, at 2:18 p.m. the LSU Law Center in Baton Rouge, Louisiana.

The following Board Members were present:

Frank Neuner, Chairman  
Robert Burns  
Rebecca Hudsmith  
Dan Krutz  
Luceia LeDoux  
Hector Linares  
Tom Lorenzi  
Pam Metzger  
Herschel Richard  
Majeeda Snead  
Gina Womack

The following Board Members were absent:

Addison Goff  
Leo Hamilton  
Frank Holthaus  
Robert Lancaster  
Jacqueline Nash

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

Julie Kilborn, Interim State Public Defender  
John Di Giulio, Trial-Level Compliance Officer  
Jean M. Faria, Capital Case Coordinator  
Anne Gwin, Executive Assistant  
Roger Harris, General Counsel  
Irene Joe, Assistant Training Director  
Erik Stilling, Information Technology and Management Officer  
Angel Williams, Budget Officer

Chairman Neuner welcomed new Board Member Hector Linares and commended Trial Level Compliance Officer John Di Giulio for his work at LPDB.

2. **Review of the Agenda.** There were no changes made to the agenda as presented.
3. **Call for Public Comments.** There were no requests to address the Board.
4. **Review and Approval of the Minutes of the April 2, 2013 Meeting.** There were no changes to the proposed Minutes from the April 2, 2013, meeting and upon motion of Mr. Lorenzi, seconded by Ms. Womack, the Minutes were adopted.
5. **Budget Committee Report.**
  - a. **Financial Report\*, May 17, 2013.** Budget Officer Angel Williams gave a brief financial update based on available information as of May 17, 2013. Ms. Williams reported that 96% of the 2013 budget has been spent or encumbered (\$32.4M). Ms. Williams also reported that \$328,074 is available for reallocation to the districts. Upon recommendation of the Budget Committee to approve the financial report, seconded by Mr. Richard, the financial report was approved unopposed.
  - b. **FY 13 DAF**
    - i. **Disbursement Amounts\*.** ITM Director Erik Stilling provided a brief summary of the method on which staff based their recommendation for FY 13 DAF final distributions. The DAF distribution to the following districts for the following amounts totaling \$328,074 came as a recommendation by the Budget Committee which was seconded by Prof. Metzger and passed unopposed.

District 1	\$126,915
District 10	\$ 12,132
District 14	\$ 6,998
District 15	\$164,543
District 33	\$ 13,181
District 36	\$ 4,305

- ii. **Board Approval for Committee Authorization to Approve Final FY13 DAF Disbursements by Staff\*.** Interim State Public Defender Julie Kilborn informed the Board that there would be subsequent final DAF disbursements to the districts as the end of the fiscal year nears. Because the Board may or may not be able to meet again before June 30<sup>th</sup>, Ms. Kilborn presented to the Board for

consideration the Budget Committee's recommendation that the Board give the Budget Committee approval to authorize staff to distribute final FY13 DAF in June based on districts' needs, negating the necessity for a Board meeting. Prof. Linares seconded the recommendation which passed unopposed.

- c. **FY 14 DAF\***. Budget Committee Chairman Dan Krutz requested that the Board approve Committee authorization to approve staff's distribution of the initial FY14 DAF to districts in amounts equal to the initial FY 13 DAF disbursements. After a brief review and comments by several district defenders in attendance, Ms. LeDoux clarified that the stand-still disbursement was decided pending more complete data on the funds generated by the Act 578 fee increase. Dr. Stilling reported that some districts have in fact experienced a significant decrease in their local revenues since the increase and that a full year's data was needed. Mr. Lorenzi seconded Rev. Krutz's motion which passed unopposed.
- d. **25<sup>th</sup> District Defender – Salary Approval – Pursuant to La.R. S. 161(H)(2)\***. Ms. Kilborn requested the Board's ratification of the salary for the new District Defender in District 25 (Plaquemines Parish), as recommended by the Budget Committee. Judge Burns seconded the recommendation which passed unopposed.

**6. Policy Committee Report**

a. **Expert Witness Funds\***. Capital Case Coordinator Jean Faria reported that there needs to be a tighter process in place for the management of limited expert witness funds. More specifically, the use of experts has increased significantly since the introduction of the expert witness fund. In addition, the fund, which is managed by LAP, is allocated in monthly increments of \$50,000 resulting in payment of invoices being backlogged through October, 2013. Ms. Faria requested Board guidance in addressing the current pending case funding requests as well as payment request backlogs. Mr. Richard Bourke, Executive Director the Louisiana Capital Assistance Center (LCAC) and Mr. Kerry Cuccia, Executive Director of the Capital Defense Project of Southeast Louisiana (CDPSLA) addressed the Board and provided information on more cost effective ways of providing expert services.

After a brief discussion, Mr. Lorenzi moved to adjust the fund distribution to LAP for FY 14 by providing one initial payment in July, 2013 in the amount of \$250,000 to cover the outstanding payment requests due and thereafter provide the balance of the fund in monthly installments of \$50,000 until the annual allotment is expended, resulting in bringing the expert witness fund current.

Ms. LeDoux seconded the motion but clarified that the fund had to be made current and that staff has to determine what revenue will be remaining after the outstanding payments are made. She emphasized that no funding should be approved or expended beyond the FY 14 allocation.

Prof. Metzger moved that Ms. Faria as the Capital Case Coordinator draft guidelines to be presented to the Board at the next meeting that recommend what expenses should and should not be paid out of the expert witness fund, including whether the cost of



mitigation specialists should be paid from the fund. Mr. Richard seconded Prof. Metzger's motion which passed unopposed.

**b. Emergency Meeting Protocol\*.** Ms. Williams reported that the emergency meeting protocol is being brought for consideration on the recommendation of Budget and Policy Committees. Ms. LeDoux seconded the recommendation which passed unopposed.

**c. Executive Staff Evaluation\*.** Mr. Neuner recommended on behalf of the Policy Committee that Executive Staff evaluations be completed on an annual basis. Mr. Neuner appointed Mr. Hamilton, Prof. Metzger, Rev. Krutz and Judge Burns to a Working Group to assist in annual executive staff evaluations. Ms. LeDoux seconded the recommendation which passed unopposed.

**d. CAP FY14 contract\*.** Mr. Harris reported the FY 14 CAP contract contained a change which was not reported to the Board at the last meeting. The Policy Committee has recommended ratification of the FY 14 CAP contract with the changes as submitted. Professor Snead seconded the recommendation which passed unopposed.

**7. Strategic Plan, FY 2014-2019\*.** Ms. Kilborn presented the Strategic Plan for FYs 14 - 19 that lays out goals and objectives for LDPB for the next five years and the strategies for reaching those goals. Mr. Lorenzi moved to adopt the Strategic Plan as presented. Ms. LeDoux seconded the motion which passed unopposed.

**8. State Public Defender**

**a. Search for Permanent SPD\*.** Mr. Neuner reported that a search for a permanent State Public Defender is necessary. He appointed Judge Burns, Rev. Krutz, Professor Snead and Ms. Womack to a working group. Judge Burns moved to begin the search for a permanent State Public Defender and to approve the appointments to the Working Group. Rev. Krutz seconded the motion which passed unopposed.

**b. ISPD Report.** Ms. Kilborn stated that other items of interest to the Board are and will continue to be included in the ISPD report in staff's efforts to keep meetings within reasonable time limits.

**9. Other Business.** Mr. Neuner reported that the Selection Committee for a new District Defender in the 9<sup>th</sup> District (Rapides) to replace current, retiring District Defender Kenneth Rodenbeck, has been formed. The members of the Committee are attorneys Jonathan Goins, Ellis Saybe and Phil Hunter, all of Alexandria.

Mr. Lorenzi reported that a recent arrest was made by the Calcasieu Sheriff and District Attorney on a second degree murder from 1962, which predates *Gideon*. The Public Defender's Office has been appointed.

**10. Next Meetings(s).** The next Board meeting date is scheduled for July 31, 2013, at a location to be determined.

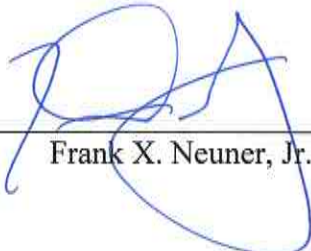
**11. Executive Session<sup>1</sup>.** Upon motion of Prof. Metzger, seconded by Prof. Snead, the Board went into executive session. Upon motion of Ms. LeDoux, seconded by Prof. Metzger, the Board left executive session.

**12. Adjournment\*.** Upon motion of Ms. LeDoux, seconded by Prof. Snead, the meeting adjourned.

**Guests:**

Alan J. Robert	Steven R. Thomas	Mike Courteau
Tony Tillman	Jay Dixon	Derwyn Bunton
Alan Golden	Julie Betz	Irina Zheludkova
Tim Mathis	Kerry Cuccia	David Rubin
G. Paul Marx	Matt Robnett	John Burkhart
David E. Marcantel	Richard M. Tompson	Tony Champagne
Brian C. McRae	Vic Bradley	John Lindner
J. Clay Carroll	Reggie McIntyre	Bruce Unangst
Kathryn Sheely	Kyla Romanach	Alan Golden

**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 21st day of May, 2013, as approved by the Board on the 31st day of July, 2013, at Baton Rouge, Louisiana.

  
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Frank X. Neuner, Jr.

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<sup>1</sup> 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: New Orleans Traffic Court lawsuit (LPDB, et al v. Jones, et al, Docket: 614262, 19<sup>th</sup> JDC, EBR Parish), litigation in Calcasieu (Stanley v. Casanave, Docket: C613472, Section 23, 14<sup>th</sup> JDC), and State v. Barbara Vincent, Docket 24292-10, 14<sup>th</sup> JDC).