



PUBLIC NOTICE

Notice is hereby given to the public that the Louisiana Public Defender Board will meet at 1:30 p.m. on Thursday, November 30, 2017, at the Bluebonnet Regional Library, Room 2, 9200 Bluebonnet Boulevard, Baton Rouge, LA.



LOUISIANA PUBLIC DEFENDER BOARD

Thursday, November 30, 2017
Bluebonnet Regional Library
9200 Bluebonnet Boulevard, Room 2
1:30 p.m.

AGENDA

1. Call to Order and Comments by Chairman, Frank Holthaus
2. Adoption of the Agenda* pgs. 343-345
3. Call for Public Comment Sign in Sheet
4. Adoption the Minutes, August 23, 2017 Meeting* **Tab 1**, pgs. 346-351
5. Executive Session¹
Mr. Remy Starnes will address the Board in Executive Session.
6. Policy Committee Report and Recommendations* **Tab 2**
 - a. LPDB Table of Organization – Staffing Restructure* pgs. 352-353
Staff was instructed to look at the possibility of moving the Capital Case Coordinator into the Deputy Public Defender, Director of Training position and staffing the Board created position of Capital Case Coordinator with a less expensive person and/or spreading the duties of that position to other existing LPDB positions.
 - b. Juvenile Delinquency Standards* pgs. 354-391
The Policy Committee is recommending approval of the revised standards to the full Board for consideration.
 - c. Non-Capital Expert Witness Fund* pgs. 392-393
 - *The Committee is recommending the creation of “a vehicle” for the use of dedicated capital Expert Witness Funds for non-capital cases upon conversion to non-capital, upon justification and approval, pursuant to rules and regulations to be developed.*
 - *Mr. Dixon will provide the pros and cons of two different proposals for expert witness fund creation.*
 - *Judge Foote has indicated that he would attempt to select a working group.*
 - d. CINC Fund Distribution-Policy* pg. 394
The Committee agreed to propose to the full Board that they adopt a policy to distribute CINC funds based on the districts’ twelve month caseloads to be subject to review on an annual basis. Staff drafted the proposed policy in the materials.

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: *Joseph Allen et al v. John Bel Edwards*, et al, Docket: C655079, Section 27, 19th JDC, Parish of East Baton Rouge. Additionally, pro bono attorney Casey Secor in capital case, *State v. Landon Broussard*, Docket No: 140699, 15th JDC, has asked to address the Board regarding expert witness funding request issues.

- e. **Mayor’s Court Magistrate Issue*** pgs. 395-400
Initially the Committee agreed to defer to the full board the issue of whether a Mayor’s Court Magistrate handling misdemeanor traffic cases in one city may also handle felony cases in another city when those cities are in the same Judicial District and Parish; however, after discussions and input from the districts, the committee’s recommendation to the Board is to request an ethics opinion pending a decision.
 - f. **501(c)3 Contract Restructure Proposal*** pgs.401- 423
The Committee agreed to accept the draft contract as written for next year and to request that the Board request agreement from the programs, in writing, to voluntarily comply with the contract for six months.
 - g. **Ethically Compelled District Case Refusal - Draft Resolution*** pg. 424
Policy Chairman Foote expressed his desire to recommend that the Board issue a proclamation affirmatively providing the District Defenders the full backing of the Board for declining cases for ethical concerns. Staff drafted the resolution in the materials for Board consideration.
7. **Budget Report**
- a. **Financial Report*** **Tab 3**, pgs. 425-429
 - b. **FY 2019 Budget Request (\$66,822,565)-Submittal Ratification*** pgs. 430-431
Staff submitted the FY19 budget request on October 16, 2017, as instructed by OPB.
 - c. **Potential FY18 Budget Cuts – Status**
To date, staff has not received notification of any pending cuts to LPDB’s budget.
8. **Juvenile Life Without Parole (LWOP)*** **Tab 4**, pgs. 432-436
After the filing deadline of October 30, there are 84 confirmed Montgomery-style Juvenile Life Without Parole cases pending in the districts. This will be a significant and unfunded burden on the public defender system
9. **District Issues** **Tab 5**
- a. **District Defender Selection, District 5**
The District Defender position was advertised in the Rayville Beacon News on Nov. 2 and 9, on the LPDB website, in various Listservs statewide and announced to all district and contract offices. The deadline to apply was Nov 13th. As of November 20th there were 7 applicants. Interviews were held on Nov. 21 and the Committee submitted their list of candidates to staff on Nov 28th. Interviews are currently being scheduled. Board members will be kept apprised of the dates and times and are encouraged to attend.
 - b. **District Defender Selection, District 16** pgs. 437-438
District Defender Beannie Bonin has announced her resignation Effective February 28, 2018. The selection process has begun.
 - c. **Local Agency Compensated Enforcement (LACE)** pg. 439
On November 8, 2017, the Louisiana State Police announced the suspension of the LACE program statewide pending its investigation of payroll fraud in St. Charles Parish. This action affects several public defender offices which receive LACE funding.
10. **District Assistance Fund (DAF) Formula**
- a. **DAF Formula FY19 Status.**
The Working Group will report on the status of a new formula for the future disbursement of district funds
 - b. **Grant Status – P&N.**
Ms. Faria will report on the progress of the Postlethwaite and Netterville grant for district assistant funding disbursement.

11. LPDB Division Reports **Tab 6**, pgs. 440-445
The Capital and Juvenile Division reports.

12. Other Business **Tab 7**
 - a. Mandatory Trainings pgs. 446-451
Information on Board member mandatory trainings to be completed before December 31st, annually.

13. Next Meeting(s)
Thursday, January 11, 2018
Wednesday, March 7, 2018

14. Adjournment