

# LOUISIANA PUBLIC DEFENDER BOARD

## AGENDA

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### Board Meeting

Tuesday, August 24, 2010

IberiaBank Building, 200 West Congress Street, Lafayette

2:00 PM

1. Call to Order
2. Review and Approval of the Agenda
3. Remarks of the Chairman
4. Public Comments
5. Approval of the June 14, 2010 Minutes\* - **Tab 1**
6. Vision Statement\* - **Tab 2**
7. Equal Justice Works Fellow\*
8. Budget Report - **Tab 3**
  - a. Projection
  - b. Final Approved Budget
  - c. Budget Officer Recommendation\*
9. Budget and Policy Committee Actions - **Tab 4**
  - a. DAF Formula Adjustment \*
    - i. Fund Balance/Reserves
  - b. Salary Ranges\*
  - c. Supplemental Salary Requests\*
  - d. Emergency Distributions to OPD
  - e. New Orleans Law Suit/LPDB\*
    - i. Related Resolution
  - f. Attorney Timesheets
  - g. LDAA – MOU
  - h. LPDB Contracts
    - i. Phyllis Subin\*
      - a. Related Resolution
    - ii. Baby Mogul\*
      - a. Related Resolution

- i. Capital Coordinator
- 10. Auditor and Development Director Job Descriptions\* - **Tab 5**
- 11. District Updates – **Tab 6**
  - a. 4<sup>th</sup> Judicial District Pilot Program
  - b. 14<sup>th</sup> JDC Update
    - i. Interim Appointment\*
    - ii. Proposed Job Description
  - c. 25<sup>th</sup> JDC Plaquemines
  - d. 15<sup>th</sup> JDC DD Selection
    - i. Resignation of David Balfour
  - e. 20<sup>th</sup> JDC DD Selection
    - i. Resignation of DD Richard Howell
  - f. 38<sup>th</sup> JDC DD Selection
    - i. Resignation of Ginger Vidrine
- 12. Contracts Update
- 13. SPD Report – **Tab 7**
- 14. Other Business
- 15. Next Meeting:
  - Wednesday, October 6, 2:00 – Metairie, East Bank Regional Library
  - Tuesday, December 14, 2:00 – Hammond, Location TBA
- 16. Adjournment



LOUISIANA PUBLIC DEFENDER BOARD

**Minutes**

Tuesday, August 24, 2010

Board Room

IberiaBank Building, 200 West Congress, 12th Floor  
Lafayette, Louisiana

A meeting of the Louisiana Public Defender Board, pursuant to the call of the Chairman and lawful notice, was duly convened and called to order by its Chairman at 2:00 p.m. on Tuesday, August 24, 2010, in the Board Room of the IberiaBank Building, 200 West Congress, 12<sup>th</sup> Floor in Lafayette, LA.

The following Board Members were present:

Frank Neuner, Chairman  
Judge Robert Burns  
Add Goff  
Leo Hamilton  
Rev. Dan Krutz  
Luceia LeDoux  
Christine Lipsey  
Lucy McGough  
Gina Womack

The following Board Members were absent:

Jim Boren  
Cleveland Coon  
Sam Dalton  
Frank Holthaus  
Pam Metzger  
D. Majeeda Snead

The following *ex officio* Board Member were absent:

Judge Robert Brinkman  
Rebecca Hudsmith

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

Jean M. Faria, State Public Defender  
John Di Giulio, Trial-Level Compliance Officer  
Julie Kilborn, Deputy Public Defender – Director of Training  
Clay Walker, Deputy Public Defender – Director of Juvenile Defender Services  
Roger Harris, General Counsel  
Dr. Erik Stilling, Information Technology and Management Officer  
Kristy Boxberger, Juvenile Justice Compliance Officer  
Sean Williams, CCLI Grant Coordinator  
Anne Gwin, Paralegal, Executive Assistant to the State Public Defender  
Lynette Roberson, JIDAN Coordinator

1. **Remarks of the Chairman.** Mr. Neuner informed the Board that members Mr. Dalton and Prof. Snead were ill and asked that they be kept in members' thoughts.
2. **Review and Approval of the Agenda.** Ms. LeDoux made a motion to place on the agenda final approval of the budget under "Budget Report" and consideration of a resolution under "Budget and Policy Committee Actions." The motion to amend the agenda was seconded by Rev. Krutz and was approved without opposition.
3. **Approval of the June 14, 2010 Minutes.** The Board reviewed the minutes of its meeting on June 14, 2010. Rev. Krutz made the motion to accept the minutes. The motion was seconded by Ms. LeDoux and was approved without opposition.
4. **Vision Statement.** Ms. Faria presented the Board with the vision statement recommended by staff. The vision statement is required by the Division of Administration. Ms. LeDoux made a motion to accept the vision statement recommended by staff. The motion was seconded by Ms. Womack and was approved without opposition.
5. **Equal Justice Works Fellow.** Ms. Faria stated that a law school graduate is interested in working with the LPDB staff through the Equal Justice Works program. The Fellow would be sponsored by another agency and LPDB, as the host agency, would be required to fund the Fellow's health insurance. The Fellow would serve for a period of 2 years. Prof. McGough made a motion to set aside funding for health insurance benefits for an Equal Justice Works Fellow. The motion was seconded by Ms. LeDoux and was approved without opposition.
6. **Budget Report.** Ms. Faria made the budget report to the board. Ms. Faria reported an undistributed balance of \$684,957 for this fiscal year, which began on July 1, 2010. She reported that there have been few expenditures so far but that there are encumbrances on the funds.
  - a. **Final Approved Budget.** Ms. Faria stated that the budget for fiscal year July 2011 to June 2012 is due on the first Monday of November. Ms. LeDoux, on behalf of the Budget Committee, moved that the Board submit a stand-still budget request for \$40 million. Mr. Hamilton seconded the motion which was approved without opposition.

b. **Budget Officer Recommendation.** Ms. Faria informed the Board that staff had interviewed and recommended Laurie Durnin for the Budget Officer position. She stated that Ms. Durnin could begin on Sept. 13. Rev. Krutz made a motion to accept staff's recommendation to hire Laurie Durnin as the Budget Officer. The motion was seconded by Mr. Hamilton and was approved without opposition.

7. **Budget and Policy Committee Actions.** The Policy Committee presented a resolution requested by the Legislative Auditor that contracts be reviewed and submitted for approval with a balanced budget attached. Rev. Krutz made the motion to adopt the resolution that contracts be reviewed and submitted for approval with a balanced budget attached. The motion was seconded by Mr. Hamilton and was approved without opposition.

a. **DAF Formula Adjustment.** Dr. Stilling presented to the committee a spreadsheet explaining that the DAF will require an adjustment so as to prevent districts from accruing fund balances with state funds. The Budget Committee made the motion to adjust the DAF. The motion was seconded by Mr. Hamilton and was approved without opposition.

i. **Fund Balance/Reserves.** Mr. Harris stated that the Governmental Accounting Standards Board, the organization that establishes accounting standards for all levels of government in the United States, issued a new pronouncement relative to the use of the term "fund balance" that took effect for fiscal year 2010-11. As a result of that pronouncement, staff plans to transition from the use of the term "reserves" to "fund balance" and will work with the Legislative Auditor's office in doing so.

b. **Salary Ranges.** Staff presented recommendations for District Defender salary ranges. Dr. Stilling presented to the Board salary ranges based on current District Defender salaries, district population and caseload. The ranges were also compared to Civil Service attorney salary ranges. The Budget Committee made the motion for the Board to approve the recommended salary ranges for District Defenders. The motion was seconded by Mr. Hamilton and was approved without opposition.

c. **Supplemental Salary Requests.** Staff presented requests from several districts for supplemental salary. Ms. Faria stated that the supplemental salary could not exceed 20% of the current salary and that the current salary and the supplemental salary combined could not be more than two standard deviations of the mean salary of District Defenders with similar populations and caseloads. The requests would constitute an increased expenditure of \$186,854. The Budget committee made a motion to approve the supplemental salary requests recommended by staff. The motion was seconded by Mr. Hamilton and was approved without opposition.

d. **Emergency Distributions to OPD.** Ms. Faria informed the Board that \$450,000 was distributed to the PDO in the 41<sup>st</sup> JDC as an emergency distribution.

- e. **New Orleans Law Suit/LPDB.** Staff recommended a resolution authorizing the State Public Defender to contact sheriffs regarding conditions at parish jails, prisons and/or detention facilities. Judge Burns made the motion to adopt the resolution. The motion was seconded by Prof. McGough and was approved without opposition.
  - f. **Attorney timesheets.** Mr. Neuner informed the Board that the executive counsel to the Governor contacted Ms. Faria regarding a complaint from Sen. Walsworth (West Monroe) about attorney timesheets. Ms. Faria reported that she contacted the Senator and explained the purpose of the timesheets as well as other programs recently undertaken by LPDB staff. Ms. Faria also invited the senator to attend the Board meeting.
  - g. **LDAA – MOU.** Ms. Faria reported that the prosecutor training required by the CCLI grant would require a Memorandum Of Understanding and the transfer of \$80,000 from the CCLI grant funds to the LDAA by LPDB. Once the funds are transferred, the LDAA will conduct the prosecutors’ training within the requirements of the CCLI grant. Mr. Hamilton moved to transfer the necessary funds. The motion was seconded by Ms. Womack and was approved without opposition.
  - h. **LPDB Contracts.**
    - i. **Phyllis Subin.** Ms. Faria recommended to the Board for adoption of a resolution to enter into a contract with Phyllis Subin for the production of appellate standards, an assessment tool, leadership training, and strategic plan. The resolution would be modified to read “in an amount not to exceed \$49,500.” Ms. LeDoux made a motion to adopt the resolution. The motion was seconded by Judge Burns and was approved without opposition.
    - ii. **Baby Mogul.** Ms. Faria recommended to the Board for adoption of a resolution to enter into a contract or contracts with Baby Mogul for various website and data design services. Ms. LeDoux noted that some of the deliverables of the contract may change. She requested that staff be authorized to review every contract to include the possibility of training staff to provide these services in-house. The resolution states that the amount of the contract or contracts would not exceed an aggregate of \$25,000 to complete projects as prioritized in the resolution. Ms. LeDoux moved to adopt the resolution. The motion was seconded by Mr. Hamilton and was approved without opposition.
  - i. **Capital Coordinator.** Ms. Faria presented to the Board John Craft, who will join the staff as the Capital Coordinator at the end of September.
8. **Auditor and Development Director Job Descriptions.** Ms. Faria stated that the staff was in need of an auditor and a development director to seek and write grants for the agency. Rev. Krutz made a motion to approve job descriptions for these positions as presented by the staff and to do what was necessary to fill these positions. The motion was seconded by Ms. Womack and was approved without opposition.

9. **District Updates.**

- a. **4<sup>th</sup> Judicial District Pilot Program.** Ms. Faria stated that this district currently has a regional juvenile program and is interested in adding a social worker to that program.
- b. **14<sup>th</sup> JDC Update.** Mr. Di Giulio stated that the District Defender would be transitioning to a CFO position, and that there had been a selection committee created to find a new District Defender.
  - i. **Interim Appointment.** Mr. Di Giulio requested that the Board approve a contract for Tom Lorenzi to serve as the interim District Defender at an hourly rate of \$175, estimated to work for 20 hours per week for a maximum of \$45,000. Mr. Hamilton made the motion to approve the contract. The motion was seconded by Mr. Goff and was approved without opposition.
- c. **25<sup>th</sup> JDC Plaquemines.** Ms. Faria stated that Peter Barbee requested appropriations of \$250,000 from the parish council in the district. The appropriation was vetoed by the parish president.
- d. **15<sup>th</sup> JDC DD Selection**
  - i. **Resignation of David Balfour.** Ms. Faria stated that Mr. Balfour would continue to act as the interim District Defender through September. Mr. Neuner stated that a selection committee had been formed and that there were several candidates being considered.
- e. **20<sup>th</sup> JDC DD Selection**
  - i. **Resignation of DD Richard Howell.** Ms. Faria stated that Rhonda Covington is serving as the interim District Defender. Rev. Krutz made a motion that the Board approve the interim District Defender. The motion was seconded by Ms. LeDoux. Ms. Faria also reported that a selection committee had been formed to seek a new District Defender.
- f. **38<sup>th</sup> JDC DD Selection**
  - i. **Resignation of Ginger Vidrine.** Ms. Faria stated that Chad Mudd was the chairman of the selection committee. Members discussed consolidating the management of the district with a neighboring district. Ms. LeDoux made the motion that the Board instruct staff to discuss with the selection committee having the district managed by a contiguous district. The motion was seconded by Mr. Hamilton and was approved without opposition.

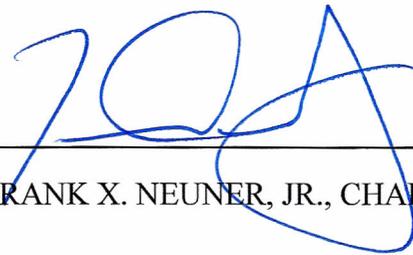
10. **Contracts Update.** Mr. Harris informed the committee that 19 of the District Defenders had signed the contracts prior to July 2, 2010. Nineteen District Defenders requested a meeting with staff. Staff expended 40 hours in these meetings. Eighteen District Defenders subsequently signed contracts. Three District Defenders resigned, namely, in the 14<sup>th</sup>, 20<sup>th</sup>, and 38<sup>th</sup> districts. All outstanding meetings and contract signings have been completed.

11. **SPD Report.** Ms. Faria stated that the staff had a new receptionist and assistant to ITM, Gina Carley. She stated that interviews are being conducted for a paralegal for the Training and Juvenile Services divisions. She also stated that the staff had done a great amount of committee and subcommittee work for the Sentencing Commission.
12. **Upcoming Meeting Date.** The Board set its next meeting on Wednesday, October 6 in Metairie at 2 p.m. at the East Bank Regional Library. The Board discussed changing the location. Subsequent meetings are as follows: Tuesday, December 14 in Hammond at 2 p.m. with a Policy Committee meeting at 12:00 p.m.
13. **Other Business.** Ms. Womack requested that next meeting's agenda include an update on the client complaint policy.
13. **Adjournment.** Ms. LeDoux made the motion that the Board meeting be adjourned. The motion was seconded by Ms. Womack and was approved without opposition.

Guests Present:

Herman Castete	J. Clay Carroll
David E. Mercantel	Louis Champagne
Reggie McIntyre	Pam Smart
Steve Thomas	Shelley Goff
John Simmons	Vic Bradley
Gerald J. Block	Tony Champagne
Richie Tompson	M. Craig Colwart
Alan Robert	Brian McRae
Bradley Dausat	Brent Brunson
G. Paul Marx	Derwyn Bunton
Scott Kendrick	Peggy Sullivan
Jim Looney	Kirk Piccione
John Craft	Ed Lopez
Chris St. Julien	

**I HEREBY CERTIFY** that the foregoing is a full, true and correct account of the proceedings of the Louisiana Public Defender Board, held on August 24, 2010, as approved by the Board on the 6th day of October, 2010.

  
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FRANK X. NEUNER, JR., CHAIRMAN