



LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING
TUESDAY, DECEMBER 14, 2010
STONE PIGMAN LAW FIRM
546 CARONDELET STREET, CONFERENCE ROOM A
NEW ORLEANS
2:00 P.M.

AGENDA

1. Call to Order and Comments of the Chairman
2. Review and Adoption of the Agenda, Pg. 482-484
3. Public Comments
4. Review and Adoption of the Minutes of the October 6, 2010 Minutes* - **Tab 1**, Pgs. 485-489
5. Calcasieu District Defender Position** (Exec. Session)—**Tab 2**-Pgs. 490-507
 - a. Thomas L. Lorenzi, Commendation and Resolution, Pg. 508
6. Orleans Updates ***

* Requires Board Action

** 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 character and professional competence of a person; provided, however, such person(s) may require that such discussion be held at an open meeting pursuant to La. R.S. 42:17(A)(1). No final or binding action will be taken during executive session.

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7. Core Values* - **Tab 3**, Pgs. 509-510
8. Budget Updates, Committee Reports and Recommendations–**Tab 4**
 - a. LPBD Financial Report* Pg. 511-515
 - b. FY 2011-2012 Budget Submittal
 - c. DAF Second (Final) Distribution, Pg. 516
 - d. Supplemental Funds (DAF)
 - i. 14th - Calcasieu
 - ii. 41st - Orleans
 - e. Emergency Fund Requests
 - i. 3rd – Lewis Jones
 - ii. 5th – Jim Miller
 - iii. 8th – Herman Castete*, Pg. 517
 - f. Supplemental Salary Requests
 - i. 1st - Alan Golden
 - ii. 11th/42nd - Steve Thomas
 - iii. 15th - Paul Marx*, Pg. 518
 - g. Parent Representation Allocation, FY ‘11-’12*, Pg. 519
 - h. 38th Judicial District Update and Discussion*, Pgs. 520-521
 9. Policy Committee Report and Recommendations – **Tab 5**
 - a. Public Defenders May Not Act as Prosecutors Inside Their District(s) Boundaries* – Draft Resolution. Pg. 522
 - b. Leadership Training (February 25, 2011) – Mandatory, Annual Participation for District Defenders and Contract Program Directors* - Draft Resolution, Pg. 523
 - c. Approval for SPD to Provide Supplemental DAF for District Training Printing Costs* – Draft Resolution, Pgs. 524-525
 - d. Redistribution of Unencumbered, Unspent, “Restricted” Funds*
 - i. 3rd Judicial District* Pg. 526
 - ii. 15th Judicial District* Pgs. 527-529
 - e. Supplemental Salary to District Defenders from Parish Governments*
 - f. Acceptance of Fees by PD’s from Indigent Clients – No Tolerance Rule
 - i. Excerpt, District Defender Contract, Section 2.8, Pg. 530
 10. Adoption of Juvenile Delinquency Performance Standards for Promulgation* - **Tab 6**, Pgs. 531-548
 11. Compliance Office Update
 - a. Client Complaints
 - b. Site Visits
 - i. 3rd
 - ii. 6th
 - iii. 22nd

* Requires Board action; pursuant La. R.S. 42:14(D), public comment will be allowed prior to such action.

12. State Public Defender Report – **Tab 7**, Pg. 549-556
13. Other Business
14. Next Meeting(s)
15. Adjournment*

* Requires Board action.



LOUISIANA PUBLIC DEFENDER BOARD
Tuesday, December 14, 2010
Stone Pigman Law Firm, 1st Floor Conference Room-A
546 Carondelet Street, New Orleans, Louisiana
2:00 PM

MINUTES

1. 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 2:16 p.m. on Tuesday, December 14, 2010, at the Stone Pigman Law Firm, 546 Carondelet Street, New Orleans, Louisiana.

The following Board Members were present:

Frank Neuner, Chairman	Luceia LeDoux
Jim Boren	Christine Lipsey
Judge Robert Burns	Pam Metzger
Sam Dalton	D. Majeeda Snead
Add Goff	Gina Womack
Rev. Dan Krutz	

The following Board Members were absent:

Cleveland Coon
Leo Hamilton
Frank Holthaus
Lucy McGough

The following *ex officio* Board Member was present:

Rebecca Hudsmith

The following *ex officio* Board Member was absent:

Judge Robert Brinkman

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

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

2-3. Review and Adoption of the Agenda and Comments. Mr. Neuner requested that the Board amend the agenda to include two items to be addressed: supplemental salary to District Defenders from parish governments and the Bureau of Justice Assistance report of August 2009. Ms. LeDoux moved to amend the agenda. The motion was seconded by Professor Snead and was approved without opposition.

4. Review and Approval of Minutes of October 6, 2010 Board Meeting. The Board reviewed the Minutes of its meeting on October 6, 2010. Mr. Boren moved to adopt the minutes. The motion was seconded by Prof. Metzger and was approved without opposition.

Ms. LeDoux made the motion that the agenda be amended to include Item 6, "Orleans Updates" to be addressed in executive session. The motion was seconded by Ms. Womack and was approved without opposition. Ms. LeDoux moved that the Board enter executive session. The motion was seconded by Ms. Womack and was approved without opposition.

5. Calcasieu District Defender Position and Orleans Updates (Executive Session).

Rev. Krutz moved that the Board leave executive session. The motion was seconded by Ms. LeDoux and was approved without opposition.

Ms. LeDoux made a motion to take Staff's recommendation to appoint James Dixon as the District Defender in the 14th JDC and also to permit staff to set a salary range for Mr. Dixon within the ranges previously set by the Board. The motion was seconded by Ms. Lipsey and was approved without opposition.

- a. **Thomas L. Lorenzi, Commendation and Resolution.** Mr. Boren made a motion to adopt a resolution to commend Thomas L. Lorenzi for his service as interim District Defender of the 14th JDC. The motion was seconded by Prof. Metzger and was approved without opposition.

Mr. Neuner informed the Board that there are ongoing meetings with Orleans Parish Criminal Court Judges regarding the assessment of statutorily-required court fees and remittance to local public defender offices. Mr. Neuner also informed the Board that Stone Pigman Walther Wittmann, L.L.C. is assisting the Board in filing a mandamus action on this issue.

7. **Core Values.** Mr. Neuner presented the agency's proposed core values, for adoption by the Board. Ms. LeDoux moved to approve the core values as presented. The motion was seconded by Professor Metzger and was approved without opposition.

8. **Budget Updates, Committee Reports and Recommendations.**

- a. **LPDB Financial Report.** Ms. Durnin presented the Budget Report to the Board. Ms. Durnin reported year-to-date expenditures, additional encumbrances for this fiscal year, projected expenditures through June 30, 2011, and monies available for reallocation.
- b. **FY 2011-2012 Budget Submittal.** Ms. Faria informed the Board that staff submitted timely to the Office of Planning and Budget, a FY 2011-2012 budget request for \$40 million, as directed by the Board.
- c. **DAF Second (Final) Distribution.** Dr. Stilling presented a chart to the Board, detailing all DAF distributions for the 2010-2011 fiscal year.
- d. **Supplemental Funds (DAF).** Dr. Stilling reported the amounts distributed to the 14th and 41st districts in supplemental DAF funds.
- e-f. **Emergency Fund Requests and Supplemental Salary Requests.** Ms. LeDoux informed the Board that the emergency fund requests from the 3rd and 5th districts and supplemental salary requests from the 1st and the 11th/42nd districts would be discussed at a future proposed joint meeting between the Policy and Budget Committees.

e-iii. 8th – Herman Castete. Ms. LeDoux, on behalf of the Budget Committee, made the motion to distribute \$10,620 per month for 3 months, starting December 1, 2010, to the 8th district. The motion was seconded by Mr. Dalton and was approved without opposition.

f-iii. 15th – Paul Marx. Ms. LeDoux, on behalf of the Budget Committee, moved to distribute a total of \$6,405.20, prorated from November 17, 2010 to March 31, 2011, as supplemental salary to the new District Defender in the 15th district. The motion was seconded by Prof. Metzger and was approved without opposition.

g. Parent Representation Allocation, FY 2011-2012. Dr. Stilling presented the Budget Committee's recommendations regarding funding for districts affected by the Child in Need of Care transition to parent representation in January 2010. He presented a chart detailing the recommended allocations to each affected district. The formula used was similar to DAF calculations and used the percentage of the increased caseload attributed to CINC cases. The Budget Committee moved for the approval of these recommended distributions. The motion was seconded by Mr. Dalton and was approved without opposition.

h. 38th Judicial District Update and Discussion. The Budget Committee made a motion that the 38th district become a managerial and supervisory function of the 14th district pursuant to LSA R.S. 15:162(H). The motion was seconded by Mr. Dalton and was approved without opposition.

9. Policy Committee Report and Recommendations.

a. Public Defenders May Not Act as Prosecutors Inside Their District(s) Boundaries. The Policy Committee moved that the Board adopt a resolution prohibiting all paid employees and independent contractors of a District Defender's Office, including but not limited to the District Defender, from serving as prosecutors in any court (e.g., district, parish, city, city-ward, ward, municipal, magistrate's, mayor's, traffic, and juvenile) within the judicial district(s) in which they perform public defender services. Mr. Boren made a substitute motion that the resolution be amended to become effective on February 1, 2011, and that the Board adopt the amended resolution. The substitute motion was seconded by Ms. LeDoux and was approved without opposition.

- b. **Leadership Training (February 25, 2011) – Mandatory, Annual Participation for District Defenders and Contract Program Directors.** The Policy Committee moved that the Board adopt a resolution that would require all District Defenders and Executive Directors of the 501(c)(3) programs with whom the Board contracts to attend the Board-sponsored Leadership Training program offered annually. The motion was seconded by Ms. Womack and was approved without opposition.

- c. **Approval for SPD to Provide Supplemental DAF for District Training Printing Costs.** The Policy Committee made the motion that the Board adopt a resolution authorizing the Board's staff to locate a low-cost printer to print a collateral consequences client brochure for District Defenders to purchase, allowing District Defenders to take advantage of economies of scale. In addition, the resolution authorizes the State Public Defender to make supplemental distributions to a District Defender who certifies that he or she does not have the funds to pay for the printing of the brochures. The motion was seconded by Rev. Krutz and was approved without opposition.

- d. **Redistribution of Unencumbered, Unspent, "Restricted" Funds.** The Policy Committee made the motion that the Board adopt a resolution allowing any District Defender holding "Board-restricted" funds received from any of the LPDB's predecessor boards prior to August 15, 2007 to consider those funds "unrestricted" and use such funds to fulfill his or her lawful duties, upon giving written notice to the LPDB Budget Officer of the amount of such funds prior to re-classifying such funds. The resolution further requires District Defenders to reflect the re-classification on their next monthly financial report to the LPDB. The motion was seconded by Mr. Goff and was approved without opposition.

- e. **Supplemental Salary to District Defenders from Parish Governments.** The Policy Committee made the motion that the Board adopt a resolution prohibiting District Defenders from using funds from any source to supplement his or her salary. The motion was seconded by Ms. Snead and was approved without opposition.

- f. **Acceptance of Fees by PDs from Indigent Clients – No Tolerance Rule.** The Board discussed drafting a resolution prohibiting public defenders from accepting fees from indigent clients. Members stated that this prohibition is already included in District Defender contracts and the State Public Defender has the

authority from the Board to take action upon defenders participating in this practice.

- g. Bureau of Justice Assistance Technical Report in 41st District.** The Policy Committee made a motion to disseminate the Bureau of Justice Assistance's August 2009 report, addressed to Judge Arthur L. Hunter, Jr., to all Orleans Parish Criminal District Court judges and to encourage them to invite BJA to complete their report in that district. The motion was seconded by Prof. Snead and was approved without opposition.

- 10. Adoption of Juvenile Delinquency Performance Standard for Promulgation.** Mr. Walker presented the Juvenile Delinquency Performance Standards for Board approval. The Standards were drafted from performance standards and guidelines from the Institute of Judicial Administration/American Bar Association and 14 other states and recommended by the Juvenile Defender Advisory Council. Prof. Metzger made the motion to approve the Standards for promulgation. The motion was seconded by Ms. Womack and was approved without opposition.

11. Compliance Office Update.

- a. Client Complaints:** Ms. Faria informed the Board that a status list of all complaints submitted to staff from either a District Defender or individual clients has been compiled and is available by request. The list is maintained by the Compliance Division. She further informed the Board that information of a confidential or privileged nature was not included and would not be made available.
- b. Site Visits:**

 - i. 3rd and 6th districts.** Mr. Di Giulio informed the Board that budget issues in the 3rd and 6th districts have been resolved.
 - ii. 22nd district.** Mr. Di Giulio also updated the Board on a visit to the 22nd district. This district is experiencing similar difficulties as the 41st district in collecting court fees required to be assessed to support local public defender services. Mr. Boren proposed a resolution that the Board remain in support of a mandamus action where necessary to assist districts in collecting these fees. The motion was seconded by Prof. Metzger and was supported without opposition.

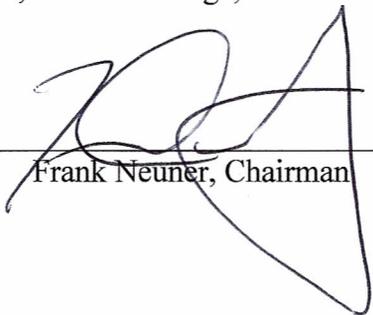
12. **State Public Defender Report.** Ms. Faria presented her report to the Board. She informed the Board of a problem with defenders registering for trainings with limited space, then not attending. Board members suggested that the matter be referred to the District Defender Advisory Council and the Assistant Defender Advisory Council for possible solutions, including penalty fees and a system for notifying those on the waiting list. Guests in attendance suggested that staff contact District Defenders where defenders registered and failed to attend.
13. **Other Business.** Prof. Metzger requested that the Board's staff include a map with parish names and district numbers in Board materials for reference during future board meetings.
14. **Upcoming Meeting Date.** The Board set its next meeting for Tuesday, February 22, 2011, tentatively in Baton Rouge at the LSU Law Center at 2:00 p.m., with a Policy Committee meeting at 12:00 p.m.
15. **Adjournment.** Rev. Krutz moved for adjournment. The motion was seconded by Ms. LeDoux and was approved without opposition.

Guests Present:

Janet Malbrough
G. Paul Marx
Michael Mitchell
Chris Aberle
Paul Fleming, Jr.
Richie Tompson

Vic Bradley
Tony Champagne
Derwyn Bunton
Reggie McIntyre
James Dixon
Jim Looney

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 December 14, 2010, in New Orleans, Louisiana, as approved by the Board on the 22nd Day of February, 2011, in Baton Rouge, Louisiana.



Frank Neuner, Chairman