Louisiana Public Defender Board

BOARD MEETING
Wednesday, February 20, 2013
Law Center, Tucker Room, 2:00 p.m.
Baton Rouge, Louisiana

AGENDA

1.	Call to Order and Remarks by the Chairman	
2	Review of Agenda	
3.	Review and Approval of January 16, 2013 Meeting Minutes*	**Tab 1** pgs. 52 - 55
4.	Budget Update a. Financial Report, February 14, 2013*	**Tab 2** pgs. 56 - 60
5.	District 25 – District Defender Selection Update	
6.	Restriction of Services Update a. District 7 (Catahoula/Concordia) b. District 8 (Winn) c. District 14 (Calcasieu) d. District 36 (Beauregard) e. District 37 (Caldwell) f. District 41 (Orleans) i. Report on the 41st	**Tab 3** pgs. 61 - 64
7.	Financial Audits	
8.	Capital Updates	
9.	Juvenile Division Updates	
10.	Staff Updates a. SPD Report	**Tab 4** pgs. 65 - 70

11. Executive Session
    a. Litigation[1]
        i. Stanley v. Casanave
        ii. State v. Beverly Arthur
        iii. New Orleans Traffic Court
        iv. Eugene Thomas v. Orleans DA Office and LPDB
    b. Personnel Working Group Update[2]

12. Next Meeting Dates

13. Other Business

14. Adjournment*

*Requires Board Action

[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 New Orleans Traffic Court lawsuit (LPDB, et al v. Jones, et al, Docket: 614262, 19th JDC, EBR Parish), pending litigation in Calcasieu (Stanley v. Casanave, Docket: C613472, Section 23, 14th JDC), State v. Beverly Arthur, Docket 262,255, 1st JDC, and Eugene Thomas v. Orleans Parish District Attorneys Office and LPDA, Docket 2012-09554.

[2] 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; 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.

LOUISIANA PUBLIC DEFENDER BOARD
BOARD MEETING
Wednesday, February 20, 2013
LSU Law Center, Tucker Room
2:00 p.m.

MINUTES

1. Call to Order and Remarks by the Chairman. A meeting of the Louisiana Public Defender Board, pursuant to the call of its Chairman and lawful notice, was duly convened and called to order by its Chairman at 2:12 p.m. on Wednesday, February 20, 2013, at the LSU Law Center in Baton Rouge, Louisiana.

The following Board Members were present:

Frank Neuner, Chairman
Robert Burns
Leo Hamilton
Frank Holthaus
Dan Krutz
Luceia LeDoux
Tom Lorenzi
Pam Metzger
Herschel Richard
Majeeda Snead
Gina Womack

The following Board Members were absent:

Add Goff
Jacqueline Nash

The following *ex officio* Board Members were absent:

Judge Robert Brinkman
Rebecca Hudsmith

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

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

2. Review and Approval of the Agenda. There being no changes, the agenda was approved as presented.

3. Review and Approval of the Minutes of the January 16, 2013 Meeting. After a brief discussion one change at the request of Professor Metzger was made to the Minutes of the January 16, 2013 as presented. Mr. Holthaus moved to adopt the Minutes as amended which was seconded by Mr. Lorenzi. Mr. Neuner called for a vote on the amended minutes which passed by a vote of 10 to one.

4. Budget Committee Updates and Reports.

a. Financial Report, February 14, 2013. Angel Williams presented the financial report. As of February 14, 2013, LPDB has expended or encumbered 90% of its budget, or $32.M, with $3.1M left to be expended before the end of the fiscal year. Additionally, there is approximately $229,000 of unexpended and unencumbered funds left in the budget for reallocation.

5. District 25 – District Defender Selection Update. Mr. Neuner reported that the Selection Committee for the 25th Judicial District's District Defender position has submitted five candidates for the position. He asked Judge Burns to Chair the interview committee. Judge Burns agreed.

6. Restriction of Services Update. Mr. Di Giulio provided the following updates.

a. District 7 (Catahoula/Concordia). Mr. Di Giulio met recently with local judges and the District Attorney in District 7 regarding restriction of services. District 7 received approximately $16,000 of the Cy Pres Grant funds awarded by the LSBA which will partially resolve their funding shortfall issues for this fiscal year.

b. District 8 (Winn). Winn Parish also received a portion of the Cy Pres Grant funds rendering that office solvent through this fiscal year, assuming no other unforeseen emergencies.

c. District 14 (Calcasieu). Mr. Di Giulio explained that District 14 is facing significant financial difficulty as a result of the decline of local revenues not being collected and/or remitted regardless of the ten dollar increase Act 578 (2012). Mr. Di Giulio further reported that staff is discussing an adjustment to the District Assistance Fund to include incentives for offices that employ full-time staff as a means to enhance funding to offset the full-time expense.

d. District 36 (Beauregard). The 36th PDO is staffed completely by contract attorneys with low caseloads and should make it through the fiscal year without service restriction.

e. District 37 (Caldwell). Caldwell Parish also received a portion of the Cy Pres Grant funds ($6,000) rendering that office solvent through this fiscal year, assuming no other unforeseen emergencies.

f. District 41 (Orleans). Mr. Di Giulio presented his report on OPD's response to the Lewis-Goyette Recommendations and District Defender Derwyn Bunton's continued weekly communications with staff, as required.

7. Financial Audits. Ms. Kilborn reported that two contract program audits have been completed since the last Board meeting, the Capital Assistance Project of Louisiana (CAPOLA) and the Capital Post-Conviction Project of Louisiana (CPCPL). Mr. Holthaus brought to staffs' attention a discrepancy in the reporting of rent monies by CAPOLA. Ms. Kilborn indicated staff would follow up for clarification.

8. Capital Updates. Ms. Yackel reported that there are currently 73 capital cases being handled by district offices of which 24 currently have core teams in place. She is working on solutions to staff all cases with core teams. Ms. Yackel further reported she is working with Mr. Kerry Cuccia on re-evaluating how to assign waitlisted cases.

9. Juvenile Division Updates. Ms. Kilborn summarized four handouts on juvenile issues for the Board information and review.

10. Executive Session. Upon motion of Rev. Krutz, seconded by Prof. Snead, the Board went into Executive Session. Ms. LeDoux moved to leave executive session. Professor Metzger seconded the motion.

Upon return to regular Board session, Rev. Krutz moved that Julie Kilborn be appointed Interim State Public Defender until further order of the Board and that Jean Faria take another position within the agency so that she may continue to offer her vision in reaching the mission of the agency and assist the Board with reassessment of long term strategic planning. Further, that the Personnel Working Group outline a checklist for the evaluation of executive staff. Ms. LeDoux seconded the motion.

Professor Snead moved to substitute, adding that an immediate search begin for a State Public Defender, with Ms. Kilborn acting as State Public Defender in the interim. This motion to amend failed for lack of a second and Rev. Krutz did not accept it as a friendly amendment. Professor Metzger moved to amend to add that within 30 days General Counsel Roger Harris prepare a checklist of Board compliance with Act 307. This friendly amendment was accepted by Rev. Krutz.

Mr. Lorenzi indicated he felt the situation needed more discussion and moved to table. Mr. Neuner called for a vote on the motion to table. The motion to table was defeated by a vote of six to four, with the chair not voting.

Mr. Neuner called for a vote on Rev. Krutz's original motion with Professor Metzger's amendment which passed in favor by a vote of six to four, with the chair not voting.

12. Next Meeting Dates. The next meeting date is scheduled for Tuesday, April 2, 2013. The location will be announced.

13. Other Business. There was no other business brought for discussion.

14. Adjournment*. Upon motion of Mr. Lorenzi, seconded by Professor Metzger, the meeting adjourned at 4:35 p.m.

Guests:

Reggie McIntyre	Derwyn Bunton	Brian McRae
Tony Champagne	James T. Dixon, Jr.	Brad Dauzat
Richard Tompson	Vic Bradley	Tony Tillman
Steven Thomas	Brett Brunson	

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 20th day of February, 2013, as approved by the Board on the 2nd day of April, 2013, at Baton Rouge, Louisiana.

Frank X. Neuner, Jr.