



# LOUISIANA PUBLIC DEFENDER BOARD

## BOARD MEETING

Monday, January 23, 2012  
LSU Law Center, Tucker Room  
Baton Rouge, Louisiana  
3:00 p.m.

## AGENDA

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1. Call to Order and Remarks by the Chairman
2. LPDB Financial Report – January, 2012 pgs. 2-3
3. Other Districts Solvency Projections pgs. 4-19
4. Orleans Public Defender Office pgs. 20-34
  - a. Current Financial Status
  - b. Restriction of Services
  - c. OPD's Proposed Plan – Reduction of Revenue and Expenses
  - d. Judiciary Commission Complaint against Traffic Court Judges
  - e. Litigation Regarding Local Funding Issues\*
    - i. LPDB vs. Parker
5. Other Business
6. Adjournment

\* 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 litigation regarding local funding issues.



LOUISIANA PUBLIC DEFENDER BOARD  
**BOARD MEETING**

January 23, 2012  
LSU Law Center, Tucker Room  
Baton Rouge, Louisiana  
3:00 PM

MINUTES

The following Board Members were present:

Frank Neuner, Chairman  
Judge Robert Burns  
Add Goff  
Leo Hamilton  
Luceia LeDoux  
Rev. Dan Krutz  
Tom Lorenzi  
Lucy McGough  
Pam Metzger  
Herschel Richard  
Gina Womack

The following Board Members were absent:

Sam Dalton  
Frank Holthaus  
Majeeda Snead  
Jacqueline A. Nash

The following *ex officio* Board Members were absent:

Judge Robert Brinkman  
Rebecca Hudsmith

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

Julie Kilborn, Deputy Public Defender–Director of Training  
Anne Gwin, Executive Assistant

Roger Harris, General Counsel  
Jack Harrison, Juvenile Justice Compliance Officer  
Erik Stilling, Information Technology and Management Officer  
Angel Williams, Budget Officer

**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 on January 23, 2012, at 3:10 p.m. in Baton Rouge, Louisiana.

Mr. Neuner thanked everyone present for attending this meeting which was called on short notice to address the pending restriction of services and funding crisis in Orleans Parish.

Upon review of the agenda, Mr. Neuner requested that item 4d, 'Judiciary Commission Complaint Against Traffic Court Judges' be tabled. Upon motion of Mr. Hamilton, seconded by Ms. LeDoux, and with no opposition, item 4d was tabled.

Mr. Neuner also requested that an item be added to the agenda for Board action, namely, the delegation of authority to three Board members to oversee and approve the Orleans Public Defenders' (OPD's) impending service restriction plan. Mr. Lorenzi moved to include this action item on the agenda. Mr. Hamilton seconded the motion.

**2. LPDB Financial Report – January, 2012.** Budget Officer Angel Williams informed the Board that the recent budget cuts resulted only in a reduction of \$1,425 to LPDB's DNA Testing Fund and with that decrease there remains a current balance in LPDB's funds of \$1.5 million.

**3. Other Districts Solvency Projection.** Dr. Stilling reported on districts projected to face shortfall for a total amount of \$557,765. He assured the Board that staff was monitoring all districts closely.

**4. Orleans Public Defender Office.** Mr. Neuner informed the Board that after meeting with City Officials and Chief Traffic Court Judge Robert Jones that Judge Jones has agreed to allow a forensic audit of Traffic Court's books. The City of New Orleans has agreed to remit \$500,000 to OPD as early as next week and an additional \$500,000 in March 2012. Mr. Neuner further informed the Board that forensic auditor (under contract with LPDB) David Greer has completed a preliminary review of OPD and that Orleans District Defender Derwyn Bunton has been asked to submit a revised Restriction of Services plan to be reviewed and approved by staff.

Mr. Greer gave a brief report on his audit findings in Orleans.

Ms. Kilborn presented staff's proposed two-phase plan for providing financial assistance to OPD. Phase One consists of an interim payment by LPDB of \$200,000 to OPD upon staff's acceptance of OPD's redrafted and clarified service restriction plan. Phase Two is a second payment not to exceed \$300,000 after April 1, 2012, that would be approved by the Board but is contingent on OPD's compliance with all other LPDB deliverables and deadlines as agreed upon.

After a brief discussion, Rev. Krutz moved to fund OPD in an amount not to exceed \$500,000. Mr. Goff requested that motion be amended to direct staff to set aside funds in the amount of \$557,765 to the other districts facing shortfall and thereafter, for staff to set aside funds in the amount not to exceed \$500,000 for OPD. Mr. Hamilton seconded the motion as amended. There being no opposition, the motion passed.

Mr. Bunton thanked the Board and Mr. Greer for their assistance.

Mr. Hamilton moved to delegate responsibility for oversight of OPD's service restriction plan to three Board members as requested by Mr. Neuner. Professor McGough seconded the motion. There being no opposition, the motion passed. The Board's delegates are Chairman Neuner, Budget Committee Chair LeDoux, and Professor Metzger.

Mr. Lorenzi inquired whether OPD is currently collecting the \$40 indigency application fee. After discussion, Mr. Bunton and staff were instructed to work together to implement a program for the collection of the fee.

## **5. Other Business**

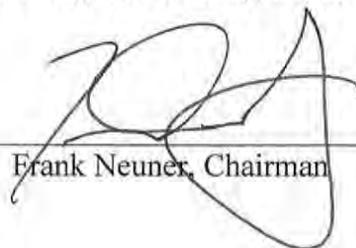
Professor McGough inquired on the status of the ACLU litigation in Calcasieu Parish. General Counsel Roger Harris indicated the lawsuit was currently inactive. Mr. Lorenzi clarified that the judges are participating fully with the BJA recommendations.

Professor Metzger addressed the staff of OPD in attendance at the meeting.

**6. Adjournment.** There being no other business for discussion, the meeting adjourned at 4:40 p.m.

**Guests Present:** Anna Fecker, Tonya McClary, Aaron Clark-Rizzio, Derwyn Bunton, Kendall Green, William Boggs, Kenneth Hardin, Jee Park, Michael Bradley.

**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 23<sup>rd</sup> day of January, 2012, as approved by the Board on the 9<sup>th</sup> day of February, 2012, in Baton Rouge, Louisiana.



Frank Neuner, Chairman