



# LOUISIANA PUBLIC DEFENDER BOARD

## BOARD MEETING

Tuesday, March 6, 2012  
LSU Law Center  
2:00 p.m.

### AGENDA

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1. Call to Order and Remarks by the Chairman
2. Review and Approval of the Agenda pg. 85-86
3. Review and Approval of the Minutes of February 9, 2012 Meeting\* **Tab 1**  
pgs. 87-91
4. Financial Report, March 2, 2012 **Tab 2**  
pgs. 92-93
5. Budget Committee Updates and Recommendations **Tab 3**
  - a. Emergency Funding Requests\* pg . 94
  - b. Management Contract – OPD\*
  - c. District Contract Amendment - FY 13, Pro forma budgets to be submitted by April 1\*
    - i. Resolution\* pg. 96
6. Policy Committee Updates and Recommendations **Tab 4**
  - a. OPD Update
    - i. Traffic Court Audit
    - ii. Restriction of Services Update pgs. 97-103
    - iii. Pro bono Panel
  - b. LPDB to Request Orleans Municipal Court Policies and Procedures\*

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7. District 22 – District Defender Recommendation<sup>1</sup>\* **Tab 5**  
Pgs. 104-105
  8. JLCB – 2011 Report and Powerpoint Presentation **Tab 6**  
pgs. 106-112
  9. Fee Increases **Tab 7**
    - a. House Bill 325 pgs. 113-114
    - b. LSBA Legislation Committee pg. 115
  10. LJC Update
  11. Staff Updates **Tab 8**
    - a. SPD Report pgs. 116-120
    - b. Angola 5 Update pg. 121-123
    - c. JJIC Agenda pg. 124
    - d. LSBA Summit Agenda pg. 125
    - e. Michigan PowerPoint Presentation pgs. 126-134
  12. Other Business
  13. Next Meeting(s)
  14. Adjournment\*

\*Requires Board Action

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<sup>1</sup> 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.



LOUISIANA PUBLIC DEFENDER BOARD  
**BOARD MEETING**

March 6, 2012  
Baton Rouge, Louisiana  
2:00 PM

MINUTES

**1. Call to Order and Remarks by the Chairman.**

A meeting of the Louisiana Public Defender Board pursuant to lawful notice was duly convened and called to order by its Chairman at 2:15 p.m. on Tuesday, March 6, 2012, at the LSU Law Center, in Baton Rouge, Louisiana.

The following Board Members were present:

Frank Neuner, Chairman  
Robert Burns  
Sam Dalton  
Add Goff  
Dan Krutz  
Luceia LeDoux  
Tom Lorenzi  
Pam Metzger  
Majeeda Snead

The following Board Members were absent:

Leo Hamilton  
Frank Holthaus  
Lucy McGough  
Jacqueline Nash  
Herschel Richard  
Gina Womack

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  
John Di Giulio, Compliance Officer  
Anne Gwin, Executive Assistant  
Roger Harris, General Counsel  
Jack Harrison, Juvenile Justice Compliance Officer  
Erik Stilling, ITM Officer  
Angel Williams, Budget Officer

Mr. Neuner wished Compliance Officer John Di Giulio a happy birthday and Board members and guests joined in wishing him well.

Mr. Neuner presented Board member Sam Dalton with a framed photograph of Mr. Dalton at the NLADA Award presentation in December, 2011, in Washington, D.C. Mr. Dalton was the Kutak-Dodds Award recipient.

**2. Review and Approval of the Agenda.** Upon motion of Mr. Lorenzi, seconded by Prof. Metzger the agenda was approved as presented.

**3. Review and Approval of the Minutes of the Meeting.** Mr. Lorenzi moved to approve the minutes of the February 9, 2012, meeting as presented to the Board. Ms. LeDoux seconded the motion which passed unopposed.

**4. Financial Report, March 2, 2012.** Ms. LeDoux provided the most recent financial information. There were no significant budgetary issues brought for discussion.

**5. Budget Committee Updates and Recommendations.**

**a. Emergency Funding Requests.\*** Ms. LeDoux moved on behalf of the Budget Committee that the Board approve emergency funding requests in the amount of \$462,601. Mr. Goff seconded the motion which passed unopposed.

**b. Management Contract.\*** Mr. Neuner informed the Board that Mr. Ernie Lewis and Mr. Dan Goyette have presented a proposal to serve as consultants in assisting OPD in developing operational procedures to streamline the office to fit the current (and future) budget(s) without compromising the quality of the delivery of services to clients. The proposed cost of their services is \$21,150. The Budget Committee's recommendation was for the appropriation of funds of approximately \$20,000 for this project. Mr. Lorenzi moved to amend the Budget Committee's recommendation of \$20,000 to \$21,150. Mr. Dalton seconded the motion. Prof. Metzger added that the resources and finished product will be made available to all jurisdictions and not just Orleans. The motion amending appropriation in the amount of \$21,150 for the management contract passed without opposition.

**c. District Contract Amendment – FY 13, Pro Forma Budgets to be Submitted by April 1\*.** The Budget Committee recommended to the full board the change to the District Defenders' contracts for FY 2013 to include a pro forma budget that would be due annually on April 1, beginning April 1, 2013. This will assist the Budget

Officer in reviewing the districts' current and future financial status and anticipating emergency funding needs. Staff is to provide the districts with a DAF amount on which to base their pro forma balance budgets. The contract amendment and pro forma budget will be mandatory in FY 13 and every year thereafter; however, staff is requesting that the districts submit a pro forma budget by April 15<sup>th</sup> of the current year.

Mr. Clay Carroll, District Defender for the 2<sup>nd</sup> Judicial District, addressed the Board, and asked that staff provide the pro forma budget form as soon as possible. Staff acknowledged they would send it promptly.

**i. Resolution\*.** On recommendation of the Budget Committee, the Resolution amending the district contracts beginning in FY 13 to included a pro forma budget due annually on April 1 passed unopposed.

## **6. Policy Committee Updates and Recommendations.**

**a. OPD Update.** Mr. Neuner informed the Board that staff submitted a report to the Joint Legislative Committee on the Budget (JLCB) on March 5th requesting supplemental funding for conflict office/counsel in Orleans. The purpose of presenting to JLCB is to reinstate a conflict system in Orleans which is funded separately from OPD. Mr. Neuner requested that the Board ratify the request submitted to the JLCB. On motion of Mr. Lorenzi, seconded by Ms. LeDoux, the request sent to the JLCB on March 5 was ratified by the Board by unanimous vote.

**i. Traffic Court Audit.** Mr. Neuner reported the audit of the New Orleans Traffic Court's records should be ready this week. The LaPorte CPA firm audited the month of February, 2011, and will also audit June of 2011, for balance. The preliminary data for February indicates that OPD should have received \$1.9 million rather than the \$1.4 remitted from Traffic Court in 2011. Ms. Kilborn reported that LaPorte will reconcile their analysis with the Sunguard Report for consistency.

**ii. Restriction of Services Update.** Ms. Kilborn reported that \$200,000 of the \$500,000 additional appropriation for FY 12 approved by the Board was disbursed to OPD last week. Additionally, staff continues to monitor OPD's restriction of services that includes restructured service delivery in all courts (while maintaining reasonable caseload limits) and weekly financial reports.

Mr. Bunton, District Defender for OPD, reported that during this restriction process community support has been high, judicial criticism higher, and client impact minimal, thus far.

Mr. Neuner informed the Board that he will attend the LSBA and Judicial Council meetings on Thursday, March 8, 2012, in New Orleans, both of which will include discussions about the increase of fees under R.S. 15:168 from \$35 to \$55. The Board voted in support of the increase at the February 9, 2012 meeting, in the absence of additional statewide appropriations. Mr. Neuner sent correspondence to the Judicial Council members outlining the issue this morning.

**iii. Pro bono Panel.** Mr. Bunton reported that Mr. Mark Cunningham and Mr. Michael Bradley successfully put together a Pro bono panel which met recently in New Orleans. Approximately 20 firms/25 attorneys agreed to take five cases each, alleviating some strain from the conflict case load resulting from the closure of the OPD conflict office.

**b. LPDB to Request Orleans Municipal Court Policies and Procedures.\*** Mr. Neuner reported the Policy Committee recommends this issue be tabled giving Professor Metzger the opportunity to continue discussions with Chief Judge Paul Sens. Ms. LeDoux moved to table the issue, which was seconded by Professor Snead. The motion passed unopposed.

**7. District 22 – District Defender Recommendation.\*** Mr. Di Giulio reported that the Selection Committee for the 22<sup>nd</sup> Judicial District, following statutory process, submitted three recommendations for the District Defender position being vacated by Mr. John Simmons. Mr. Di Giulio, Mr. Harris, Dr. Stilling, and Ms. Kilborn interviewed the three applicants and are recommending Mr. John Lindner for the position.

Mr. Lindner was in attendance at the meeting and addressed the Board expressing his thanks and excitement for the opportunity if chosen for the position.

Ms. LeDoux moved to accept staffs' recommendation and for staff to negotiate the salary in compliance within the range for that position. Judge Burns seconded the motion. There being no opposition, Mr. Lindner was approved as District Defender for the 22<sup>nd</sup> Judicial District.

**8. JLCB – 2011 Report and Powerpoint Presentation.** Dr. Stilling presented a Powerpoint overview of the documents and types of information provided to the Joint Legislative Committee on the Budget (JLCB) in the mandatory report submitted on March 1, 2012 for the previous fiscal year.

**9. Fee Increases.**

**a. House Bill 325.** House Bill 325 provides for the increase of special costs assessed in criminal cases in each judicial district court for the district indigent defender fund from \$35 to \$55. On February 9, the Board passed a Resolution in favor of supporting the increase, in the absence of additional statewide appropriations. The issue will go before the Judicial Council on March 8, 2012.

**b. LSBA Legislation Committee.** The LSBA Legislation will meet on March 8, 2012 in New Orleans. LPDB has asked that the increase of fees from \$35 to \$55 be presented for discussion.

**10. LJC Update.** Professor Metzger gave a brief update on the status of LJC, a 501(c)(3) not-for-profit organization being formed to serve as a vehicle to handle projects and funding issues that the Board cannot.

**11. Staff Updates.**

**a. SPD report.** Ms. Kilborn acknowledged the hard work of all staff since the last meeting, the submittal of the mandatory report to the Joint Legislative Committee on the Budget (due annually on March 1) and the commencement of this year's Legislative session on March 12, 2012.

**b. Angola 5 Update.** Mr. Di Giulio gave a brief report on his recent correspondence on behalf of LPDB expressing concern about the potential ethics and conflict issues involved in the recent arrest of one of the attorneys representing one of the Angola 5 defendants in his on-going capital case.

c. **JJIC Agenda.** The Juvenile Justice Reform Act Implementation Commission will meet in Baton Rouge on March 7, 2012 at 2:00 at the State Capitol.

d. **LSBA Summit Agenda.** The LSBA Summit is scheduled for Friday, March 16, 2012, in Baton Rouge. Mr. Neuner will present during the lunch hour on the indigent defense funding crisis.

e. **Michigan Power Point Presentation.** Staff members Heather Hall and Sean Williams put together the Powerpoint presentation presented by Frank Neuner to the Michigan Public Defenders. The presentation was an overview of the Louisiana Public Defender Board.

12. **Other Business.** There was no additional business brought before the Board for discussion.

13. **Next meeting(s).** The next meeting will be Tuesday, April 10, 2012, in Baton Rouge. The location will be announced.

14. **Adjournment.** Upon motion by Ms. LeDoux, seconded by Add Goff, the meeting adjourned.

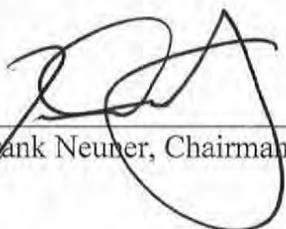
Guests Present:

John Lindner  
Jim Looney  
Sheeley Goff  
James R. Murray

Michael A. Mitchell  
Vic Bradley  
J. Clay Carroll  
Alan J. Robert

Reggie McIntyre  
Derwyn Bunton  
Richard Tompson  
Graham daPonte

**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 6<sup>th</sup> day of March, 2012, as approved by the Board on the 10<sup>th</sup> day of April, 2012, in Baton Rouge, Louisiana.



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Frank Neuner, Chairman