LOUISIANA PUBLIC DEFENDER BOARD

Board Meeting
October 6, 2010
Congregation Gates of Prayer Synagogue Facilities
4000 West Esplanade South, Metairie
2:00 pm

AGENDA

1. Call to Order

2. Review and Approval of the Agenda

3. Comments by the Chairman
   a. Welcome Laurie Durnin, Budget Officer
   b. Welcome John Craft, Capital Coordinator

4. Public Comments

5. Review and Approval of the Minutes of the August 24, 2010, Meeting* - **TAB 1**

6. Budget Update – **TAB 2**
   a. Financial Report
   b. FY 12 T.O. Increase*
   c. Supplemental Salary Requests
      i. 27th – St. Landry/Lopez*
      ii. 37th - Caldwell/Champagne*
      iii. 11th/42nd – Sabine, DeSoto/Thomas
   d. DAF Recalculation for Remainder of FY 2010-11*
   e. Requests for Emergency Funding
      i. 4th *
      ii. 3rd
      iii 5th
   f. OPD- Matching Funds, Equal Justice Corps Attorneys*

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

7. Policy Committee Report and Recommendations – **TAB 3**
   a. Assistant Defenders/City Prosecutors
   b. Special Cost of $35 Update
      i. Estimated $11 Million Shortfall
      ii. Mandamus
      iii. Resolution*
      iv. Letters to Judges

8. Juvenile Delinquency Performance Standards* - **TAB 4**
   a. Resolution – Roberson JIDAN Contract Authority

9. District Defender Selections Update – **TAB 5**[1]
   a. 15th *
   b. 20th
   c. 14th

10. Litigation Updates – **TAB 6**[2]
   a. 14th
   b. 6th

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

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[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 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.

[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, 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 following:

A. Litigation: John Anderson, et al. v. State of Louisiana, et al., Number C545,852, Section "24", 19th Judicial District Court, Parish of East Baton Rouge;

B. Litigation: Raymond Lee Cannon v. Sixth District Public Defender Office, et al., Civil Action Number 09-2164, U.S.D.C., W.D. La., Shreveport Division;

No final or binding action will be taken during executive session.

11. State Public Defender Report – **TAB 7**

12. Other Business

13. Next Meetings
    Tuesday, December 14, 2010, Location TBA

14. Adjournment

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

LOUISIANA PUBLIC DEFENDER BOARD
Board Meeting Minutes
Wednesday, October 6, 2010
Congregation Gates of Prayer, 4000 W. Esplanade Ave.
Metairie, LA

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 2:15 p.m. on Wednesday, October 6, 2010, at the Congregation Gates of Prayer, 4000 W. Esplanade Avenue in Metairie, Louisiana.

The following Board Members were present:
Frank Neuner, Chairman
Jim Boren
Judge Robert Burns
Sam Dalton
Add Goff
Leo Hamilton
Rev. Dan Krutz
Pam Metzger
D. Majeeda Snead

The following Board Members were absent:
Cleveland Coon
Frank Holthaus
Luceia LeDoux
Christine Lipsey
Lucy McGough
Gina Womack

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

1. **Review and Approval of the Agenda.** Mr. Hamilton made a motion to move agenda item nine, "District Defender Selections Update," to the first item on the agenda. The motion was seconded by Rev. Krutz and was approved without opposition.

2. **Comments by the Chairman.** Mr. Neuner welcomed to the Board's staff John Craft, Capital Case Coordinator; Laurie Durnin, Budget Officer; Gina Carley, Administrative Coordinator; and Julie Gregory, Paralegal for the Training Division.

   Mr. Neuner noted that both candidates for the 15th District Defender position were present, G. Paul Marx and Kirk Piccione.

   Mr. Hamilton made a motion for the Board to enter executive session. The motion was seconded by Prof. Metzger and was approved without opposition.

3. **District Defender Selections Update and Litigation Updates.**

   Judge Burns made a motion for the Board to end executive session. The motion was seconded by Mr. Hamilton and was approved without opposition.

   Mr. Hamilton made a motion for the Board to accept the recommendation of the 15th Judicial District selection committee, to appoint G. Paul Marx as the District Defender in that district. The motion was seconded by Mr. Boren. The motion was approved without opposition.

   Mr. Hamilton made a motion to amend the agenda to allow the Board to take action on the recommendation of the 20th Judicial District selection committee. The motion was seconded by Prof. Snead and was approved without opposition.

   The Board considered the selection committee's report, which recommended that Rhonda Covington be appointed District Defender in the 20th district. Mr. Hamilton made the motion to accept the recommendation. The motion was seconded by Prof. Metzger and was approved without opposition.

Ms. Faria informed the Board that the 14th JDC selection committee required more time to make a recommendation.

4. **Review and Approval of the Minutes of the August 24, 2010, Meeting.** The Board reviewed the minutes of its meeting on August 24, 2010. Mr. Di Giulio directed the Board's attention to an error in the minutes at page 407, Item 9(b)(i), of the Board's materials. The maximum hourly rate for the contract for Tom Lorenzi should have been reported as $175. Prof. Metzger made the motion to accept the minutes as amended. The motion was seconded by Mr. Hamilton and was approved without opposition.

5. **Budget Update**

   a. **Financial Report.** Ms. Durnin informed the Board that budget expenditures were occurring as expected at this point in the fiscal year. She informed the Board that legislative committees may be meeting to impose budget cuts of 35 percent.

   b. **FY12 T.O. Increase.** Staff recommended that the Board authorize staff to request an increase in the agency's table of organization by two employees. Prof. Metzger made the motion to accept the recommendation. The motion was seconded by Mr. Hamilton and was approved without opposition.

   c. **Supplemental Salary Requests.**

      i. **27th St. Landry/Lopez.** The Budget Committee recommended that the Board grant a salary increase to District Defender Ed Lopez. Mr. Hamilton moved to accept the Committee's recommendation. The motion was seconded by Prof. Metzger and was approved without opposition.

      ii. **37th Caldwell/Champagne.** The Budget Committee will review this request based on new information and submit a recommendation to the Board at a later date.

      iii. **11th /42nd Sabine, Desoto/Thomas.** The Budget Committee denied Mr. Thomas' request for a salary increase.

   d. **DAF Recalculation for Remainder of FY 2010-11.** The Budget Committee recommended that the 25% DAF disbursement to districts be made based on the June 2010 data. Mr. Hamilton made the motion to accept the Committee's recommendation. The motion was seconded by Prof. Snead and was approved without opposition.

   e. **Requests for Emergency Funding**

      i. **4th district.** The Budget Committee recommended that this district receive a $250,000 disbursement. Prof. Metzger made the motion to accept the Committee's recommendation. The motion was seconded by Prof. Snead and was approved without opposition.

      ii. **3rd and 5th districts.** The Budget Committee did not make recommendations for these districts at this time.

f. **OPD-Matching Funds, Equal Justice Corps Attorneys.** The Budget Committee recommended that the Board commit to match funds for five Equal Justice Works attorneys working with Juvenile Regional Services and the 41st district office. The commitment would be $125,000 for the first year, at $25,000 per attorney. Mr. Hamilton made the motion to accept the Committee's recommendation. The motion was seconded by Prof. Metzger and was approved without opposition.

6. **Policy Committee Report and Recommendations**

a. **Assistant Defenders/City Prosecutors.** Mr. Di Giulio informed the Board that the staff would draft a policy prohibiting public defenders in a district from also serving as a city prosecutor within the same district. The policy will be presented at the December Board meeting for Board approval.

b. **Special Cost $35 Update**

i. **Estimated $11 Million Shortfall.** Dr. Stilling presented an estimate of court costs collected statewide that should have generated local revenues for districts but were not distributed. The estimate is based on the total number of cases reported by the Louisiana Supreme Court for the year and the estimated percentage of cases that generated court costs, reduced by the amount of local revenues received by the districts in the same year. Dr. Stilling informed the Board that the 41st district and the 22nd district reported the greatest shortfalls, 64% and 71% respectively. Staff recommended to the Board that districts with a shortfall of greater than 20% get a more in-depth investigation. Dr. Stilling also informed the Board that training is being designed for districts to assist them in collecting local revenues.

ii. **Mandamus/Resolution.** Staff presented a resolution for Board approval that authorizes the State Public Defender to take whatever action, including the institution of legal proceedings, that she deems necessary and/or appropriate on the Board's behalf to ensure that District Defenders are receiving funds to which they are entitled. Rev. Krutz made the motion to adopt the resolution. The motion was seconded by Mr. Dalton. The Board voted and the motion was approved with Prof. Metzger opposed.

7. **Juvenile Delinquency Performance Standards.** Mr. Walker presented the Board with the Trial Standards for Attorneys Representing Children in Delinquency Proceedings. The standards are recommended for promulgation by the Juvenile Defender Advisory Council. The Board will take action on the standards at the December meeting.

a. **Resolution – Roberson JIDAN Contract Authority.** Mr. Boren made a motion to amend the agenda to make this an action item. The motion was seconded by Prof. Metzger and was approved without opposition.

The staff presented a resolution for Board approval to ratify and confirm actions taken by the State Public Defender to expedite processing of a Contract for Consulting Services between the Board and Lynette Roberson for the sum of $36,500. Mr. Goff made a motion to adopt the resolution. The motion was seconded by Prof. Metzger and was approved without opposition.

8. **State Public Defender Report.** Ms. Faria presented the Board with her report of staff activity since the last Board meeting. The Board discussed positive feedback on the Defender Training Institute.

9. **Upcoming Meeting Date**. The Board set its next meeting on Tuesday, December 14, 2010, in New Orleans, LA (location to be determined) at 2:00 p.m.

10. **Adjournment.** Prof. Snead made the motion that the Board meeting be adjourned. The motion was seconded by Judge Burns and was approved without opposition.

Guests Present:

Mike Courteau
Paul Marx
Richie Tompson
Paul Fleming
Reggie McIntyre
Kirk Piccione
Derwyn Bunton
Chris Flood
Kerry Cuccia
Shelley Goff

I HEREBY CERTIFY that the foregoing is a full, true and correct account of the proceedings of the Louisiana Public Defender Board, held on October 6, 2010, as approved by the Board on the 14th day of December, 2010.

FRANK X. NEUNER, JR.
Chairman