



LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

September 16, 2013
LSU Law Center, Tucker Room
Baton Rouge, Louisiana
2:00 p.m.

AGENDA

1. Call to Order and Remarks of the Chairman
2. Review of Agenda pg. 341
3. Review of the July 31, 2013 Meeting Minutes* **Tab 1**, pgs. 342-346
4. Call for Public Comment
5. SPD Selection Presentations **Tab 2**, pgs. 347-503
6. Executive Session¹
7. SPD Selection*
8. Budget and Policy Committees Recommendations **Tab 3**
 - a. Financial Report* pgs. 504-508
 - b. Protocols*
 - c. Auditor Contract Cancellation*
 - d. FY 14
 - i. Expert rate reductions*
 - ii. Other recommendations* pgs. 509-510
 - e. FY15 * pgs. 511-524
 - f. Guide for Developing a Needs-Based Budget Request* pgs. 511-524
9. ISPD Report **Tab 4**, pgs. 525-531
10. Next Meeting Date*
11. 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 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. The Board may discuss the following applicants for the State Public Defender position: James Dixon, Julie H. Ferris and Remy Voisin Starns.



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MINUTES

- 1. Call to Order and Remarks of the Chairman.** A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman, Frank Neuner, on Monday, September 16, 2013, at the LSU Law Center in Baton Rouge, Louisiana.

The following Board Members were present:

Frank Neuner, Chairman
Robert Burns, Vice-Chairman
Add Goff
Leo Hamilton
Frank Holthaus
Dan Krutz
Robert Lancaster
Luceia LeDoux
Hector Linares
Tom Lorenzi
Pam Metzger
Jacqueline Nash
Herschel Richard
Majeeda Snead
Gina Womack

The following Staff were present:

Julie H. Ferris, Interim State Public Defender
Natashia Carter, Accountant
Jean Faria, Capital Case Coordinator
Anne Gwin, Executive Assistant
Richard Pittman, Dep. State Public Defender, Dir. of Juvenile Defender Services
Erik Stilling, ITM Director

Chairman Neuner inquired if the Board would be in agreement to move the Executive Session to the first item of business in order to discuss the State Public Defender selection progress.

Rev. Krutz moved to amend the agenda, placing the Executive Session as first order of business. Professor Nash seconded the motion which passed unopposed and the agenda was amended.

Rev. Krutz moved to go into Executive Session and the motion was seconded.

At 3:05 p.m. the Board meeting re-convened to address the remaining agenda items.

Rev. Krutz moved that the State Public Defender selection be delayed until the next scheduled meeting of the Board so that more information can be gathered in order for the SPD Selection Working Group to come forward with a recommendation for the position. Mr. Richard seconded the motion which passed with Mr. Linares dissenting.

Mr. Neuner informed the Board that each candidate for the position had been informed that they would have five minutes to address the Board and that each candidate may have one person to speak for an additional five minutes on his/her behalf followed by a question and answer session. Ms. LeDoux clarified that the session would be limited to Board members' questions only.

The candidates' names were drawn randomly to determine the order in which to proceed. The resulting order was Mr. Jay Dixon, Ms. Julie Ferris, and Mr. Remy Starns, respectively.

Mr. Dixon addressed the Board and presented Judge Robert L. Wyatt of the 14th Judicial District Court to speak on his behalf.

Ms. Ferris addressed the Board and presented Mr. Ernie Lewis, former Public Advocate for the State of Kentucky to speak on her behalf.

Mr. Starns addressed the Board and presented Mr. Samuel S. Dalton, attorney and ex-Board member to speak on his behalf.

At the conclusion of the presentations, Rev. Krutz thanked each candidate and their guests.

2. Review of the July 31, 2013 Meeting Minutes*. Mr. Holthaus moved to adopt the Minutes of the July 31, 2013 meeting. Ms. LeDoux seconded the motion which passed unopposed.

3. Call for Public Comment. Mr. Neuner called for public comment. No one presented for public comment.

4. **Budget and Policy Committees Recommendations.**

a. **Financial Report*.** LPDB Accountant Natasha Carter reported there is currently \$169,227 available for reallocation; however, staff just learned of outstanding costs being billed by the Division of Administration for interagency fees in the amount of \$45,846 and an additional \$10,000 in legal fees for representation of LPDB in two districts on funding issues. If staff is permitted to cancel the current FY 14 auditor's contract and unencumber those funds in the amount of \$47,000, the reallocation availability will be \$160,865. The Budget Committee has reviewed and is recommending adoption of the financial report. Mr. Hamilton seconded the recommendation which passed unopposed.

b. **Protocols*.** Capital Case Coordinator Jean Faria reported that the Expert Witness Fund protocols are being recommended by the Budget Committee for adoption by the full Board. Ms. Faria reported that staff is prepared to implement the protocols immediately. Mr. Hamilton seconded the recommendation which passed unopposed.

c. **Auditor Contract Cancellation*.** Interim State Public Defender Julie Ferris reported that staffs' recommendation to cancel the Auditor contract to free up funds to be used for other needs has been approved and is being recommended by the Budget and Policy Committees. Prof. Snead moved to adopt the recommendation. Mr. Holthaus seconded Prof. Snead's motion which passed unopposed.

d. **FY 14.**

i. **Expert rate reductions*.** Ms. Ferris reported that the Policy Committee is recommending a reduction for FY 14 to the current fee schedules for experts of between five and fifteen percent, allowing some exception where necessary. Mr. Holthaus moved adoption of the reduction recommendation. Mr. Hamilton seconded the recommendation.

ii. **Other recommendations*.** Ms. Ferris advised that staff will develop a strategic plan for delivering capital defense services and requested that the other recommendations to be discussed be deferred to the next scheduled Board meeting.

e. **FY15*.** Ms. Ferris reported that the budget for fiscal year 2015 is due on October 15 this year rather than the usual November 1 due date. The Budget Committee recommended this item be deferred to the next Board meeting. Mr. Hamilton seconded the motion which passed unopposed.

f. **Guide for Developing a Needs-Based Budget Request*.** Ms. Ferris reported that the Guide is to assist the districts in completing their Needs Based Budget Requests due to staff on October 1, 2013. All districts' budget requests will be compiled to assist staff in the development of the agency's FY 15 budget request. The Guide has been adopted and recommended by the Budget Committee. Professor Metzger seconded the recommendation which passed unopposed.

5. **Other Business.** Rev. Krutz moved to amend agenda to include the District 9 (Rapides Parish) District Defender's interim status. Professor Metzger seconded the motion and the agenda was amended, unopposed. Rev. Krutz moved to extend Interim

District Defender Tony Tillman's term to October 31, 2013, by which time the Board will have made a decision on the permanent hiring of the District Defender. Judge Burns seconded the motion which passed unopposed.

6. Next Meeting Date*. The next Board meeting is scheduled for Tuesday, October 29, 2013, in Baton Rouge. The location will be announced.

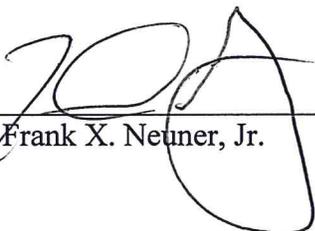
Professor Metzger moved to go back into Executive Session. Mr. Hamilton seconded the motion.

7. Adjournment*. Mr. Goff moved to adjourn. Mr. Hamilton seconded the motion.

GUESTS:

Ernie Lewis	G. Paul Marx	Derwyn Bunton
Irina Zheludkova	Julie Betz	James W. Craig
Paul C. Fleming	Derrick Carson	Brett Brunson
Tony Tillman	Clay Carroll	Robert Wyatt
Mike Courteau		

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 16th day of September, 2013, as approved by the Board on the 29th Day of October, 2013, at Baton Rouge, Louisiana.



Frank X. Neuner, Jr.