



## Louisiana Public Defender Board Report of the State Public Defender

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To: The Board  
From: Jean M. Faria  
Date: August 15, 2011

### **BUDGET DIVISION**

LPDB was appropriated \$32,799,336 for FY 12, a reduction of \$378,326 from our FY 11 appropriation of \$33,177,662. Our total staff is once again frozen at 16, which is insufficient to support the Board's work needed to fulfill the statutory requirements of Act 307.

Several scours of the LPDB budget were conducted throughout the spring and summer which resulted in \$769,647 being allocated to five districts with financial shortfalls. Approximately 14 million dollars in District Assistance Fund and Indigent Parent Representation monies were distributed to the field in July.

Our Budget Officer has chosen to retire. In her absence, several staff members -- particularly, our accountant, Natashia Carter, and Information Technology and Management Officer, Erik Stilling -- have assumed the most pressing duties of the position. With the help of the Budget Committee Chair, we revised the Budget Officer position description to tailor it to the agency's needs. Advertising will begin after Civil Service reviews and approves the new description.

The Board's completed budget for FY 13 is due Tuesday, November 1, 2011.

### **CAPITAL DIVISION**

The Capital Division has encouraged district defenders to complete the district capital guidelines so that the process of assigning counsel can be regularized. The overwhelming majority of district defenders have now submitted capital representation plans. The process of recertification of attorneys to be eligible for appointment to represent indigent clients in capital cases continues. Applications have been vetted for appropriate levels of experience and provisional certification granted pending completion of the process with the mandatory intensive training program in October.

The Capital Case coordinator participated in the training program for capital investigators held in Baton Rouge. In recent training sessions for attorneys, emphasis has been placed on the availability of funding for experts for both guilt and penalty phases of capital trials. As a result, there are increasing numbers of requests for funds.

## **COMPLIANCE DIVISION**

Since the last Board meeting, the Trial Level Compliance Officer has participated in weekly coordinating calls with the Orleans Public Defender, has made site visits to the 41<sup>st</sup>, 22<sup>nd</sup>, 9<sup>th</sup>, 25<sup>th</sup>, 1<sup>st</sup>, and 26<sup>th</sup> districts. He has participated on behalf of the SPD in the Supreme Court Rules Committee, as well as providing information to the legislature to support funding for the Board and all local districts. He has also participated in preparing for seeking substantial funding from Orleans parish officials for the Orleans Public Defender office, to avoid serious shortfalls in that program in CY 2012. He has collaborated with the Training Officer, ITM Officer, and Capital Coordinator in their missions which impact compliance statewide.

## **INFORMATION TECHNOLOGY & MANAGEMENT DIVISION**

### **Information Management**

The ITM Division compiled a two year retrospective analysis which compared all districts CY09 & CY10 total revenue, expenditures, total caseloads, January 2009 beginning fund balances, and December 2010 ending fund balances. The Division completed an analysis of FY 12 solvency projections by providing line graphs of all districts actual finances that show FY 11 expenditures and revenues for every district. The Division also applied the District Assistance Fund formula for the FY12 CINC and DAF disbursements and applied the Contingency Withholding Policy in order to ensure that all districts facing shortfalls would receive some additional funding. Presently, there is about \$27,000 left to use for Indigent Parent Representation and nearly \$900,000 in the DAF for emergency funding requests for the remainder of FY12.

ITM staff analyzed all FY12 budgets to confirm each district submitted a balanced budget, thereby permitting disbursement of state funds as DAF and CINC monies. Staff checked budgets for accuracy by comparing fund balances on budgets to our records. Each district's total revenues were compared to total expenditures to determine whether each district's May fund balance was well above any shortfall and the impact on their requested budget for FY12. Staff also notified district defenders/office managers of all problems including in-depth dollar-by-dollar changes to be made. The ITM Division completed realty research of the Mansfield, Louisiana area in order to justify a supplemental salary increase for District 11/42. The Division also provided research for a salary increase request from Paul Marx of the 15<sup>th</sup> District.

ITM staff responded to a request from Representative Wooton of the Criminal Justice Committee, by providing a comparison of the 25<sup>th</sup> Public Defender Office to DD1 districts and to the Greater New Orleans (GNO) Metro Area Districts. Staff provided Mr. Wooton with information regarding parish appropriations, parish office space, and district imposition of partial payment for attorney fees. The ITM division provided graphics for a meeting with the New Orleans mayor's office regarding Orleans revenue vs. the state-at-large and Orleans vs. comparable size districts. ITM staff participated in a capital program conference call regarding

district funding, failing districts, and state funds devoted to district assistance for FY12. Staff attended a meeting with the Office of Juvenile Justice and initiated discussions regarding data-sharing.

### **Technology Management**

The ITM Division reviewed their technology budget and revisited the in-house technology inventory. Computer and software upgrades were recommended for LPDB staff in order to bring everyone up to Office 2007. ITM staff also recommended purchasing an extension to the service warranty for the LPDB server. This would extend maintenance and repair support for another year. The ITM Division procured a contract for a backup technical support analyst, for the purpose of providing support to LPDB in emergency situations. The division requested executive staff to review the current Annual Report district narrative/technology survey, as well as the current district monthly financial reporting form, in order to revise and automate these two forms. Once the forms are revised, IT staff will begin building these forms online, which districts will find more efficient, user friendly and much less time consuming to fill out than in the past. Staff worked with Justice Works on updating database juvenile case types, as well as putting up a news message on the database login screen to communicate to all users how to properly provide appeals information to Louisiana Appellate Project (LAP). Staff researched numerous database questions from districts, and participated in database phone conferences with Orleans and East Baton Rouge.

Presently, staff is completing the third month of the three-month database-modification period after the deployment of the database software, and modifications are all on schedule. A major challenge in this process is the data-cleaning; several large districts had previously used their own systems which used free-form text data entry, which resulted in unquantifiable data. Therefore, these data must be evaluated and re-coded into quantitative data which is very time-consuming, but the process is still on schedule. Once this is completed, the data collection phase of the ITM divisional strategic plan will be largely complete and the ITM staff will turn its attention to providing data analysis at the district level. The staff will produce several regularly updated financial and workload reports on each district chief's desktop customized for each district office to assist the chiefs in data-driven decision-making. Similar reports will also be customized for board member and staff needs. ITM staff produced a PowerPoint slide show for Jean Faria and Frank Neuner for presentation to the National Council of Bar Presidents at the American Bar Association Annual Conference in Toronto.

### **JUVENILE DIVISION**

On July 8, staff attended the Child in Need of Care Training in Hammond. On July 19 and August 4, juvenile staff met with the District Defender in the 23<sup>rd</sup> Judicial District regarding securing a social worker and investigator to assist in juvenile defense. Juvenile staff, along with other executive staff, participated the Juvenile Defender Vision Meeting on July 25 and JIDAN Team Member meeting on July 26, 2011. As a follow-up to the Vision Meeting, several staff

members met with juvenile defenders via web-x and teleconference to customize the defenderData case management database. On August 5, juvenile staff attended the LSBA Children's Code Committee and the Committee's anniversary celebration.

Juvenile staff edited the collateral consequences document, collaborated with the JIDAN Team Leader Assistant Professor Hector Linares to finalize the JIDAN report, and created motions for a juvenile motion bank. Juvenile staff completed research regarding Title IV-E funding in Child in Need of Care cases. Since the last Board meeting, staff continued to administer the statewide juvenile defender listserv, distribute CINC Parent Handbooks to juvenile defenders across the state, and write articles for the LPDB newsletter.

### **SPECIAL PROJECTS**

Since the last meeting of the Board of Directors for LPDB, the Special Projects Advisor has continued to work on the following projects: writing, editing and facilitating the dissemination of the bimonthly LPDB e-newsletter to 900+ subscribers; supporting the administration of the CCLI grant (which formally ends 8/31/11 and for which final reports are due on 11/30/11); updating the website with relevant announcements, events and information; drafting press statements as appropriate, and; participating in staff meetings and other discussions/projects as a member of the executive staff.

In addition, since the last meeting, the Special Projects Advisor has completed the report synthesizing the ExtraLegal Needs Assessment in Vernon Parish; provided a FY 11/FY 12 update to the strategic plan for Executive Staff's review, attended and trained at the Community Oriented Defender/American Council of Chief Defender Conference at the Brennan Center for Justice (July 20-22, 2011); procured communications support from Spitfire Strategies to work with John Thompson and Greg Bright (Louisiana exonerees who served 21 and 27½ years respectively, for crimes in Orleans Parish that they did not commit); drafted talking points for IPNO review that will raise Board and staff awareness with wrongful conviction facts in Louisiana; conducted research, outreach and drafting for a possible pilot project relating to juvenile representation in the 23<sup>rd</sup> JDC; continued to work to advance the collaboration between LPDB and LJC; pursued a special project to feature the award recipients from the 2011 John R. Justice Loan Repayment Program; and supported the development of a power point presentation about Bar participation in public defense reform for the August 5, 2011 ABA conference in Toronto, Canada.

### **TRAINING**

A one-day training for CINC parent attorneys was provided on July 8, 2011 in Hammond. The program was an interactive, working session covering LPDB's recently-promulgated *Trial Court Performance Standards for Attorneys Representing Parents in Child of Need of Care Cases* and issues affecting the practical realities of CINC parent representation in Louisiana.

The Investigator Workshop was held July 18–20, 2011 in Baton Rouge. Fifty-two public defender investigators attended. The training consisted of instruction on various forensics topics as well as development of investigation skills as the participants worked in teams to investigate a mock homicide case.

The Director of Training also participated in a meeting hosted by the National Juvenile Defender Center (NJDC) in Chicago on June 28-28, 2011 to review the Juvenile Training Immersion Program curriculum created by the NJDC. Training Director Kilborn is part of the editing committee to continue the development of this program. Additionally, the Director of Training attended the American Bar Association's 2<sup>nd</sup> Annual Parent Representation Conference in Washington D.C. on July 13-14, 2011. Four parent representation attorneys from Louisiana also attended this conference with a generous grant from the Louisiana Supreme Court's Court Improvement Program. Plans are in the works to distribute the information obtained at the ABA conference to other CINC parent attorneys across the state. On August 5-8, 2011, Training Director Kilborn participated as faculty at the Southern Public Defender Training Center in Birmingham, AL.

With assistance from the NJDC, the Director of Training organized the Juvenile Defender Vision Meeting held at LSU on July 25, 2011. This meeting brought together juvenile defender supervisors and line defenders from all over the state to discuss the most pressing needs and recommendations for continued reform in juvenile justice.

The Training Division continues to develop and prepare for the Defender Training Institute (Sept. 11 - 16, 2011), DTI Annual Conference (Sept. 15 - 16, 2011), and the Advanced Capital Training (Oct. 25 - 29, 2011). The statewide trainings scheduled for 2012 are listed on the attached.

## **STATE PUBLIC DEFENDER**

### Staff Changes

In addition to the Budget Officer's departure, Juvenile Compliance Officer Kristy Boxberger, tendered her resignation at the beginning of the month. Her last day in the office was Friday, August 12, 2011. She is returning to direct services after spending some time with her family. Everyone on staff thanks her for her service and dedication to this work and wishes her all the best.

Chase May, our technical support specialist, has decided to continue his education and study computer programming. His last day will be Friday, August 19. We all have grown very dependent on his technical and moral support. He, too, has our thanks and best wishes in his studies to become a programmer to develop Apps.

### Juvenile Defender Visioning Meeting

One of the most significant events for me since our last Board meeting was the Juvenile Defender Visioning Meeting referred to earlier in both the Juvenile Division and Training portions of this report. It was a momentous occasion as the first meeting of all of the identified juvenile defenders in the state. Dr. Mary Livers, Secretary of the Office of Juvenile Justice, and Dr. Debra DePrato, Project Director, Louisiana Models for Change, Systems Reform for Juvenile Justice, Director, Institute for Public Health and Justice, School of Public Health, LSUHSC, addressed the juvenile defenders about their work early in the morning. After hearing from the good Doctors, with the Executive Director of NJDC as facilitator, the defenders broke into

working groups to discuss and address six questions. After lunch, JJPL met with the defenders to discuss their initiatives and work. Six LPDB members attended the final debriefing session and listened to the juvenile defenders discuss the work of the day.

On the following day, JIDAN Team Members met with the facilitator, Julie, Kristy, Lynnette Roberson and me to process the information, prioritize stated needs and put together the beginnings of an action plan for juvenile defense.

We repeatedly heard that juvenile defenders want to be able to spend unstructured time together, as a group, to discuss the challenges of their practice settings. They want to see each other in court to see how other defenders handle the same problems. They want parity with adult defenders and their counterparts in the district attorney's office.

I would like to see this same group of juvenile defenders and several others who were not able to attend in July get together at least once a year to focus on the challenges of juvenile defense and to build and strengthen the community of juvenile defenders. Their specialized and unique practice is essential to the criminal justice system and to our communities state wide.

It was an historic and wonderful event.

Dr. Livers has addressed the District Judges and the District Attorneys regarding their work. The Chairman has extended an invitation to Dr. Livers to address LPDB at one of its monthly meetings. She, in turn, has extended an invitation for Board members and staff to tour a juvenile facility. She extended that same invitation to the juvenile defenders to tour facilities in their respective regions.

#### Legislative Requests

Representative Carmody has again reached out to us for information regarding the District Assistance Fund and the contract programs. My response is attached. You will recall that he asked for answers to several questions during the last fiscal year.

#### Presentations

In July, I made a presentation to the American Council of Chief Defenders and the Community Oriented Defender Network at the Brennan Center in New York City. I was part of a panel which addressed the challenges facing indigent defense and the value of weighted caseload studies, or in our case, what to do in the absence of one.

Earlier this month, Chairman Neuner and I made a presentation to the National Council of Bar Presidents at the American Bar Association's Annual Conference in Toronto. The topic was the crisis in indigent defense. We were joined by former Georgia Bar President Linda Klein, former Missouri Bar President Doug Copeland (who chairs Missouri's Commission on Public Defense) in framing the problems and discussing solutions. The break out session was well attended and we were asked to provide NCBP staff with our PowerPoint for their website.