Louisiana Public Defender Board

Report of the State Public Defender

To: The Board
From: Jean M. Faria
Date: June 16 2011

BUDGET DIVISION

Working with other LPDB divisions, the Budget Division reviewed the existing budget for any remaining money that could be moved from any category to the DAF for distribution. The Budget Division submitted its request to move the monies to the Office of Planning and Budget. OPB approved the request on June 10, 2011. Funds in the amount of $537,778 were distributed to five districts are currently facing financial shortfall. In addition, funding approved by the Board at the May 31, 2011 meeting was distributed to District 37 (Caldwell Parish), in response to their request for emergency assistance.

Financial site visits were made to the 32nd, 25th, 35th, and 39th districts since the last board meeting. The Budget Division continues to work with the districts to verify and improve accuracy in reporting.

District Defender offices submitted their required budgets on or before June 15, 2011, to the LPDB for the 2012 fiscal year. These budgets are currently under review.

CAPITAL DIVISION

The Capital Case Coordinator participated in the training program for capital litigators held in Baton Rouge in early June. He gave a presentation on the ethics involved in preparing a client to accept a plea agreement and was one of the facilitators in small group sessions in which attorneys, investigators and mitigation specialists discussed active cases.

The Capital Division is encouraging district defenders to complete the district capital guidelines so that the process of assigning counsel can be regularized. The contracting, non-profit agencies are cooperating in efforts to coordinate assignment of cases to reduce the amount of time and expense lost in travel.

All of the 501(c)3 agencies have entered into six month contracts with LPDB covering the first half of the fiscal year to avoid delays in funding and to allow for realistic appraisal of the level of services available after appropriations.

COMPLIANCE DIVISION

On May 30, 2011 and June 2, 2011, Trial Level Compliance Officer Di Giulio appeared for the purpose of providing information in support of HB 1 before the Senate Finance Committee, as well as providing information to individual senators as requested. On June 8, 2011, he participated in a panel discussion at the Judicial College/LSBA joint meeting in Destin on the issue of funding indigent defense. On May 27, 2011 and June 15, 2011, he conducted follow up site visits to the 22nd Judicial District (St. Tammany and Washington Parishes) and Orleans.

INFORMATION TECHNOLOGY & MANAGEMENT DIVISION

Information Management

The ITM staff completed the DAF formula and contingency policy disbursement analyses which was begun in March. The CINC disbursement calculi were executed. ITM staff produced 41 individualized emails to all district defenders announcing their estimated individual DAF amounts (assuming a standstill budget from last year), in addition to fielding emails and phone calls in response to these announcements. The Division produced analyses and reports on CY10 salaries, as well as caseload changes from CY09-CY10, which are generally favorable and demonstrate improvements upon the CY09 caseload figures. In collaboration with the Budget Division, ITM staff uncovered and corrected Plaquemines' (District 25) financial data entry errors on their CY10 monthly financial reports. Staff also responded to a salary information request from District 25, and produced a document with reasonable salary comparisons among like-sized districts and among the Greater New Orleans Area districts. The office began an update of the chief defender salary range analysis. The ITM Division worked with other LDPB divisions on the end-of-year budget adjustments to enhance the end-of-year fund balances of shortfall districts, and the subsequent EB-3 and voucher issuances. The office also drafted letters to the recipients of these end-of-year funds for PR enhancement in conjunction with the Special Projects Division. ITM staff produced a generic district Uniform Fee and Partial Indigence Attorney Fee remittance form as an interactive-pdf file to be vetted among the District Defender Advisory Council later this summer. Finally, ITM staff developed the action steps for Phase II of the ITM in-house strategic plan: with consultant David Newhouse, they will develop customized dashboard reports for district defenders, LPDB Staff and Board Members so that the rich and reliable data being collected in the new case management system can be put to use for data-driven decision-making. These dashboard reports will be in the form of secure web-pages with continuously updated data analyses and graphics for at-a-glance monitoring of key factors in management decisions.

Technology Management

The LPDB's new case management system Justice Works-defenderData [*sic*] was implemented on June 1, 2011, with a smooth transition. ITM staff monitored the software/database deployment and responded to many calls and emails from districts requesting assistance downloading the new database. Staff worked with defenderData on handshakes from districts with their own databases (OPD is operational/EBR is close). The Division produced a graphics-enhanced tutorial on the new database regarding security – teaching the chief defenders how to check active accounts against active employee names and how to de-activate former employees. They developed data entry structure for sentencing, fees and fines per charge for the database with Mr. Newhouse and Justice Works-defenderData programmer Carl Richey. Staff also resolved database sentencing data conversion problems with Justice Works. ITM staff

completed training sessions on updating/maintaining the LPDB website. The Division developed a job description for a Web-based Tech Support Technician who will help produce the dashboard reports and several other online reports for the district defenders to submit to the state board. Staff produced graphics for the Compliance Officer's presentation to judges at their annual summer conference regarding decreasing revenues and increasing costs and LPDB statewide funding sources. The office tweaked the new phone system, trained staff, set up their accounts, trouble-shot, and repaired minor technical snags. With help of a Blackbox/phone system technician, the LDPB office experienced negligible system down-time. The office also edited, proofed, produced and disseminated the LPDB e-newsletter.

JUVENILE DIVISION

On June 9, 2011, the Juvenile Division staff visited Juvenile Regional Services (JRS) in New Orleans where they met with representatives of the National Juvenile Defender Center (NJDC), JRS and LSU Law School's Juvenile Law Clinic to discuss projects to be developed and implemented to continue the JIDAN work in Louisiana. Juvenile staff attended the Department of Health and Hospitals "Children's Mental Health Summit and Louisiana Behavioral Health Partnership Forum" on June 15, 2011. At the Summit, staff met with members of the Mental Health community. On June 16, 2011, Juvenile Division staff was part of the advisory committee for the Court Improvement Program's CARE meeting.

Throughout the legislative session, juvenile division staff continues to monitor legislation that affects juveniles and draft fiscal notes as requested. Also, staff finalized the *Trial Court Performance Standards for Attorneys in Child in Need of Care and Termination of Parental Rights Cases* for publication on the website. Staff contacted judicial districts throughout the state to compile an annual list of criminal and juvenile court schedules, edited the collateral consequences document, collaborated with JIDAN Team Leader Professor Hector Linares to edit and improve the motion bank, and tested and modified motions in the data management system. Juvenile Division staff assisted juvenile defenders and their support personnel with the use of the new defender database. 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; 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 worked to write the report synthesizing the ExtraLegal Needs Assessment in Vernon Parish; released "Representing Clients with Mental Illness: A Resource for Louisiana Defenders" and worked to coordinate the distribution of 1,750 copies to defenders and relevant partners in Louisiana; coordinated reception and compilation of applications for the Deputy Director of Juvenile Defender Services; coordinated the training of additional staff to increase in-house website content maintenance and drafted a protocol for website maintenance and site updating; wrote and disseminated press materials related to the LBF Children's Law Award to JDAC and the recent ACCD policy paper

on pre-trial detention practices; created a status report memo on the strategic plan and revised draft performance indicators; completed the design oversight, edits and website posting of the Trial Court Performance Standards for CINC representation; acted as a liaison between public defenders, LACDL and OSFA to make adjustments to the JRJ Loan Repayment program application (to increase eligibility); supported executive staff in its scouring of the budget; worked to advance the LPDB-LJC collaboration for future ventures; and, participated in training related to opposition messaging and the new LPDB case management software.

TRAINING

The Capital Defender Training 2011 was held June 6-8, 2011 in Baton Rouge. Fifteen capital defense teams participated in the confidential, three-day conference working actively on their currently-pending capital cases with facilitation and support of faculty. As part of the training, the teams will engage in follow-up phone conferences with assigned faculty to aid in the implementation of ideas developed during the conference. This training was the final one required under the Capital Case Litigation Initiative grant awarded to the LPDB by the Department of Justice, Bureau of Justice Assistance. The grant officially ends on August 31, 2011. The Advanced Capital Training, required for capital defense certification, is scheduled for October 25-29, 2011 in New Orleans.

A half-day Mental Health Advocacy training was provided on May 19, 2011, co-sponsored by Louisiana Appleseed. Materials for the training included the newly published *Mental Health Handbook*, a guide for public defenders who represent clients with mental illness. The *Handbook* was written and provided with support from Louisiana Appleseed and the Louisiana Justice Coalition.

In May, the Director of Training participated in the MacArthur Foundation's Models for Change meeting in Washington, D.C. where ongoing and completed projects were shared among stakeholders along with ideas for sustaining the work and collaboration for future projects. The Director of Training also participated in the trainers' conference of the Southern Public Defender Training Center in Atlanta.

Additional upcoming trainings being developed by the Training Division for 2011 include: *Fighting for Families: A CINC Training for Defenders of Parents' Rights* (July 8, 2011); *Investigators Workshop* (July 18-20, 2011); *Defender Training Institute* (Sept. 11-16, 2011), including *DTI Annual Conference* (Sept. 15-16, 2011); *Advanced Capital Training* (Oct. 25-29, 2011); *Legislative Update* (December 16, 2011).

STATE PUBLIC DEFENDER

In conjunction with the May 21, 2011 Legislative Auditor's Report discussing spending and the depletion of local indigent defender funds by the district offices, a draft protocol for the restriction of the delivery of services has been completed for the Board's review. After studying the changes in caseloads, expenditures, revenues and local fund balances from January 1, 2009 through December 31, 2010, Dr. Stilling determined that total caseloads have increased 20.49%, total expenditures have increased 10.74%, total revenues have increased 4.82% and local fund balances have decreased 32.5 percent. Review of the districts' proposed budgets for FY 2012 reflects that several offices have already reduced the number of attorneys in anticipation of continued funding shortfalls.

Working with the Louisiana JIDAN team members we have developed a training which is scheduled for July 25, 2011 in Baton Rouge. The Chairman and I invited juvenile defenders handling delinquency matters to attend this one day training facilitated by a national trainer. In those districts where no juvenile defender(s) had been identified, we contacted the District Defender for his or her recommendation. The first half of the training is devoted to developing the juvenile defender community and its vision, while the second half of the day will be spent with juvenile justice partners, learning about their work and how they interact with and support the juvenile defender community.

I am very excited about our new database/case management system and its capacity. Kudos to Dr. Stilling and the ITM Division for the seamless transition from the old LIDAB database to the new LPDB database. In conjunction with this transition I would like to take a moment to recognize and thank LAP's Executive Director, Jim Looney and Dieter Pichowiak, who developed, tweaked and maintained the old LIDAB database. I am convinced that their work helped LPDB make the case to OPB for increased funding in the current fiscal year. Thank you for your vision and hard work.

Staff is wading through the applications for Deputy Director, Director of Juvenile Defender Services to pare down the list to be submitted to the interview committee formed at the last Board meeting. Please bring your calendars as I hope to set the interview date after Tuesday's Board meeting.

At the conclusion of this legislative session, staff will be revisiting the strategic plan and the Board's performance indicators to develop more germane indicator