



Report of the State Public Defender

To: The Board

From: Jean M. Faria

Date: May 5, 2011

BUDGET DIVISION

The Budget Division's primary focus is making sure that all districts will be solvent through the end of the current fiscal year. The secondary focus is working with the districts in danger of failing within the 2011-2012 fiscal year. The only funds distributed were those approved at the last Board meeting. At the current time \$211,950 remains in the DAF fund prior to the requests presented at this meeting.

The Budget Division is working with the districts on conversion to the cash method for more accurate reporting to the Board in compliance with the decision made at the last board meeting.

CAPITAL DIVISION

The Capital Division continues the process of re-certifying all attorneys who are appointed to represent indigent defendants in capital cases. Out of 117 applications received to date, 103 applicants have been informed that they have the required experience for the respective levels of certification. The remaining applications are being revisited and the applicants requested to revise them to indicate proper levels of experience, if possible. The other qualifications will be assessed as the required training programs are conducted by our training division.

The Capital Case Coordinator continues to meet with the heads of offices and units handling capital cases in the districts handling the bulk of capital cases. He remains concerned with identifying and regularizing the processes by which these agencies are assigned to clients. More of the burden of providing capital representation is shifting from the district defenders to the contracting agencies which have finite capacity, increasing the likelihood of the agencies declining cases. The district defenders are being encouraged to complete the district capital guidelines so that the process of assigning counsel can be regularized.

Contracts for the first half of the coming fiscal year were completed by general counsel and transmitted to the 501(c)3 agencies.

COMPLIANCE DIVISION

Trial Level Compliance Officer John Di Giulio continued his work as a liaison with judges and other stakeholders regarding court cost legislation and on April 8, 2011, he and Deputy Public Defender Julie Kilborn attended the Spring Judges Conference in Lafayette where they conducted a presentation on the topic. On April 12, Mr. Di Giulio visited the 23rd Judicial District (Ascension, Assumption and St. James Parishes) and discussed with District Defender Alan Robert the possibility of the public defender office transitioning to a full-time office and the collection and disbursement of funds by the sheriffs in his jurisdiction. He participated in the April 14 District Defender Advisory Council meeting, as well as, the Budget Committee meeting on April 27, after which he attended a meeting at JRS with SPD Faria and Ms. Kilborn.

Mr. Di Giulio participated in Performance Standards trainings in Shreveport and Monroe on April 20-21, 2011.

He continued working with General Counsel Roger Harris on the mandamus action and the federal lawsuit against the New Orleans judges. On April 13, he attended a contempt hearing against three public defenders at OPD that resulted in the dismissal of all charges. Following the hearing, Mr. Di Giulio met with District Court Judge Laurie White and later with District Attorney Leon Cannizzaro to discuss the District Attorney's office working with OPD to promote communication and collegiality in order to avoid further problems with the bench for either side. On April 26, he participated in a meeting at the New Orleans office of Rafael Goyeneche, President of the Metropolitan Crime Commission, along with Chairman Neuner and Budget Chair LeDoux, to discuss support for local funding for the Orleans Public Defender office.

Mr. Di Giulio appeared before the House Judiciary Committee to provide information relative to the bill filed by Representative Foil to require greater uniformity and transparency in the assessment and collection of local court costs.

INFORMATION AND TECHNOLOGY MANAGEMENT

Technology

The Office of Technology & Management completed the standard (non-customized) software development with Justice Works staff, finalized the data migration procedures and completed billing procedures with the Office of State Purchasing and Justice Works, the case management system (CMS) vendor. ITM staff completed the remaining CMS database prescreening/train-the-trainer meetings in Ruston and Alexandria and developed and initiated district registration training webinars statewide for all users of the new case management system. Staff also researched a major upgrade to the LPDB office telephone system, and implementation is currently in progress.

Information

ITM staff created an interactive PDF of the Walker Mayor's Court Fees Remittance Form for possible statewide use pending HB553. The office conducted a 100% successful district COOP email drill, in which all districts confirmed activation of their emergency gmail accounts. The office also initiated district/program-level information gathering for district/program-level COOPs, as well as updated and distributed emergency preparedness info cards to LPDB staff. ITM staff initiated Webex webinars on LPDB website content management.

The ITM office conducted DAF analyses after completing analyses to determine average attorney salaries by district, actual FTEs by district, district defender casework salary vs. managerial salary, pending and newly received caseloads by district (raw and value-adjusted), overhead costs vs. attorney salary expenditures, operating costs per attorney by district, total annual local revenues, total annual expenditures, and fund balance spend-downs where required. The office also conducted DAF Contingency Policy Formula and DAF Shortfall Date and Amount analyses. Staff completed and reported statewide average FTE caseload analysis and conducted Orleans Public Defender trial counts research. The ITM office provided pertinent information to the State Public Defender to assist in addressing Representative Carmody's recent questions concerning indigent defense in Louisiana.

JUVENILE DIVISION

The Juvenile Defender Advisory Council (JDAC) has received the 2011 Louisiana State Bar Association Children's Law Award. Members of the JDAC have been invited to participate in the upcoming awards ceremony at the Louisiana Supreme Court on May 24, 2011.

Juvenile staff visited Juvenile Regional Services (JRS) in New Orleans on April 27, where staff, led by the State Public Defender, met with representatives of 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 also met with the supervising juvenile attorneys in the 1st Judicial District Public Defenders' Office and the 4th Judicial District Public Defenders' Office to discuss post-disposition representation.

On April 13, juvenile staff attended the Models for Change and Cross-Action Network meetings in Baton Rouge. At the Models for Change meeting, participants discussed ways to sustain Models for Change projects after the MacArthur Foundation funding ends. The Cross-Action Network meeting was an opportunity for the three Louisiana networks - mental health, disproportionate minority contact, and JIDAN - to share accomplishments and plan for the implementation of evidence-based practices throughout Louisiana. Juvenile staff assisted with and attended *Fighting for Families: A CINC Training for Defenders of Parents' Rights* on April 15, in Ruston. On April 8, staff attended the Missouri Model Task Force, a legislative task force created to examine the implementation of the Missouri Model in Louisiana. Staff also participated in the Children's Code Committee meeting on May 5, 2011. On May 6 and 7, juvenile staff participated in the LPDB Staff Training.

Juvenile staff drafted a response to a fiscal note request for proposed Senate Bill 32 of the 2011 Legislative Session. Staff attended a session to learn about the new statewide defender database

and compiled suggestions to the juvenile portions of the database. Staff is editing juvenile-related motions for a motion bank, continuing to monitor legislation regarding juveniles, and researching indigence determinations. Staff contacted a post disposition representative, Sandra Simkins of Rutgers-Camden, regarding their post disposition law school clinic. Staff is also meeting with the JIDAN lead for Louisiana and the juvenile staff at the 19th Judicial District Public Defenders' Office to discuss post disposition representation. Staff is compiling an annual list of criminal and juvenile court schedules throughout the state. Staff served as editors of a draft collateral consequences brochure. 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; prepare the Mental Health Handbook (a collaborative project with Louisiana Appleseed and the Louisiana Justice Coalition, which went to print on April 18, 2011 and will be delivered to the LPDB office on May 12, 2011); develop the agenda for the LPDB staff retreat on May 6-7, 2011; promote the job posting for the Deputy Director of Juvenile Defender Services; act as the Liaison with the Louisiana Bar Foundation for the reception of the Children's Law Award (awarded to JDAC, awards ceremony at the Louisiana Supreme Court on May 24, 2011); improve the draft concept memo for a special project in the 19th JDC Public Defenders' Office; announce the John R. Justice Loan Repayment Program application (and coordinate various programmatic concerns between defenders and the Louisiana Office of Student Financial Assistance, and; coordinate the training of additional staff to have increased website maintenance and improvement capacity in-house.

The grants prospect research was completed and, upon review, the Special Projects Advisor presented a development opportunities memo State Public Defender Jean Faria. With her approval, several grant opportunities to develop non-profit capacity to assist LPDB are currently in progress.

TRAINING

A one-day training for CINC parent attorneys was provided on April 15, 2011 in Ruston. Eighteen defenders participated. This training will be provided again on July 8, 2011 in Hammond. The program is 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.

Several defenders participated in the interactive one-day training focused on the LPDB Trial Court Performance Standards (promulgated April 2009) in Shreveport and Monroe on April 20 and 21, 2011. This program addressed the various ways that the Standards support public defenders in best serving clients and providing effective representation.

On April 26, the Training Division provided the make-up Defender Leadership Training for the four District Defenders and two program office Executive Directors who were unable to attend the February 25 training. All required defenders have now participated in the 2011 leadership training.

Along with Trial Compliance Officer Di Giulio, the Director of Training participated in a panel discussion at the Louisiana Judicial College on April 8, 2011 in Lafayette. The discussion centered around the need for development of a uniform fines and fees form to be used by the criminal courts throughout the state so that District Defenders have a monthly accounting of the local funds they receive. The purpose of the proposed form is to increase accountability, transparency and auditability of the use of public funds.

The Director of Training served as faculty at the Kentucky Department of Public Advocacy's Death Penalty Institute in Erlanger, Kentucky on April 10-12, 2011. She also participated in the MacArthur Foundation's Models for Change meeting of the grantees on April 13, 2011 as well as Louisiana's JIDAN Cross-Action Network meeting to prepare for the Models for Change meeting in Washington D.C. on May 10-11, 2011.

The Training Division is in the final stages of preparation for the Capital Defender Training scheduled for June 6-8, 2011 in Baton Rouge. This is the last training required under the Capital Case Litigation Initiative grant awarded to LPDB by the Department of Justice, Bureau of Justice Assistance. The grant term ends in August 2011.

Additional upcoming trainings being developed by the Training Division for 2011 include: *Mental Health Advocacy* (May 19, 2011); *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

Several members of the executive staff have taken over portions of the Deputy Public Defender, Director of Juvenile Defender Services' work load. On April 27, 2011 we met, in our capacity as the JIDAN Team Leader, with the two other JIDAN grantees, JRS and the LSU Juvenile Clinic Project Coordinator to discuss sustainability and growing the network for the future. Discussions have begun regarding continuing support for the Juvenile Defender listserve, which recently showcased reported opinions on writ grants in Louisiana juvenile court. This listserve is hosted

by NJDC in Washington, DC. JIDAN grantees are also working together to develop a replicable writ practice model and hope to select specific defender offices to introduce the model.

Several applications for the position of Deputy Public Defender - Director of Juvenile Defender Services have been received and are being screened. Very few of the applicants meet the minimum statutory requirements. Once the documents have been redacted, we will post them on the Board Member only portion of the web site and we will notify you of the posting. After the Board has had an opportunity to review the documents, we will need to discuss a selection process.

On May 2, 2011, I attended a Bureau of Justice Assistance 2011 Training and Technical Assistance Grantee Meeting in Arlington, VA. The Bureau requested 120 of the 11,000 grantees come to Washington to discuss increasing BJA's efficiency and maximizing the use of their accumulated stores of data. LPDB has one BJA grant: the Capital Case Litigation Initiative grant for capital defenders and prosecutors.

Several staff members have referenced the May 6 and 7, 2011 staff training, which built on the staff training held in August of 2009. Former state public defenders Ernie Lewis and Phyllis Subin, and the director of training for the Kentucky Public Defender Advocate worked with staff to maximize efficiencies, focusing on preventing staff burnout. One of many positive results was that staff learned from the national trainers that Louisiana is considered a national leader in indigent defense reform. The trainers cited a number of Board and staff accomplishments which, given our staff size, have been remarkable. In particular they cited the development of practice standards, high quality training, executed contracts with the District Defenders, and active Board member involvement among others.

John Di Giulio and I are preparing for our presentation to the Judicial College in Florida the second week in June. We have been asked to discuss court costs and the determination of indigence on a number of panels.