



Louisiana Public Defender Board
Report of the Interim State Public Defender

To: The Board
Date: April 1, 2013

BUDGET DIVISION

To date, LPDB has disbursed 94.8% of DAF funds, or \$16,094,912 and 99.5% CINC funds, or \$974,734. The 41st PDO continues to receive monthly DAF and CINC disbursements.

Budget Officer Angel Williams participated in interviews for the LCLE grant-funded accountant/auditor position on Monday, March 18, Tuesday, March 19 and Wednesday March 20 2013. Mrs. Corlis Green has been offered and has accepted the contractual position to assist in reviewing and evaluating district monthly financial reports and local revenue remittances, and performing audit field work, as needed. The term of the contract is for the period of April 1, 2013 through December 31, 2013. However, it is likely that the contract term will be extended in order to give the accountant/auditor ample time to complete all grant deliverables. Additionally, the LCLE funds will be used to cover costs associated with printing and distribution of performance standards (Delinquency, Child in Need of Care, and General Trial Court), Capital Defense Guidelines, and LPDB's protocols and policies. The Capital Defense Guidelines are ready for print and staff are currently getting estimates from several vendors.

On Tuesday, March 12th, Budget Officer Williams, General Counsel Roger Harris, and Board members Frank Neuner, Dan Krutz and I attended the House Committee on Appropriations hearing for HB1 of the 2013 Regular Session. Our 2014 executive budget recommendation of \$33,612,948 was reviewed with no specific questions posed to the staff.

On Wednesday, March 13th, the FY14 Pro-Forma budget request template was sent to district defenders and each of their respective fiscal points-of-contact. Pro-Forma budget requests are due April 1, 2013, giving the Budget Officer and me ample time to analyze, review, and discuss issues/concerns with district defenders before submission of final, approved FY14 budgets on or before the June 15, 2013 deadline. District Defenders were advised to use their FY13 DAF and Parent Representation disbursements as a baseline for their FY14 budget.

CAPITAL DIVISION

Since taking over the position as Capital Case Coordinator on March 20, 2013, Jean Faria has created a work plan which has been shared with the Personnel Working Group and the Chair of the Capital Working Group (CWG), Mr. Frank Holthaus. The work plan is broken down into daily and monthly tasks as well as the first month's plan and a twelve month plan. Plans are being made to begin the work of the CWG.

Last week, Ms. Faria met for several hours with Mr. Richard Bourke of LCAC and ITM Director Erik Stilling to discuss the parameters of the data base, the information to be collected, and the needed adjustments to be made to the data base. A second meeting has been scheduled for next week to continue working on what data to collect, how to use the data base for the monthly trial reports and reduce the flow of paper associated with capital cases, while maintaining accountability for the cases and the history of each case.

Ms. Faria is currently drafting a policy for supervision of provisionally certified counsel and working with various resource counsel to clearly differentiate their respective roles. The policy will assist supervising and resource counsel as well as those lawyers currently provisionally certified. Once completed and approved by the Capital Working Group, the policy will be disseminated to the field.

Expert witness requests and invoices are reviewed on a daily basis. The Capital Division has also recently received expert witness requests on the one remaining Angola 5 defendant. To date we have not funded these requests, as LPDB previously has taken the position that the financial responsibility for these cases lies with the Department of Corrections, as it did for the previous four defendants. Requests for assistance from the field are received on a daily basis. The requests range in degree of complexity from asking about expert witness funding to providing support for a team that has received a particularly harsh or enigmatic ruling from the trial court.

Currently there are 101 capital cases at the trial court level -- this includes both indictment and pre-indictment cases. Thirty-nine of these cases are functioning without a full core defense team, i.e., they are not in compliance with the capital guidelines. There are currently no cases on the waiting list. Three of the programs are at capacity. Expert witness invoices which are being presented now, once verified, are in line for payment in July.

COMPLIANCE DIVISION

The Compliance Division continued participation in Sentencing Commission meetings and Committee work, including Reentry and Evidence Based Committee and Release Mechanism Committee. Compliance Officer John Di Giulio attended the LDJA/DPS&C Liaison Committee Meeting on February 22, 2013 and the Louisiana Supreme Court Rules Committee meeting on February 27, 2013. He also represented the Board in meetings of the Criminal Justice Committee of the Louisiana State Bar Association. He participated in several meetings to prepare information for the Board's Capital Working Group. Mr. Di Giulio participated in the interviews for the 25th Judicial District Defender position and interviews for the Juvenile positions currently vacant with LPDB. On March 5, 2013, Mr. Di Giulio attended the Board's Budget Committee meeting held in New Orleans. On March 6, 2013, Mr. Di Giulio participated in the District Defender Advisory Council's meeting held at LPDB. Compliance Officer Di Giulio also

attended and participated in Committee and full meetings of the Louisiana Law Institute on March 15-16, 2013.

On March 12, 2013, Compliance Officer Di Giulio traveled to Caddo Parish to attend a court hearing in *State v. Beverly Arthur* regarding on-going capital representation issues. These issues have not been resolved and Mr. Di Giulio continues to work with the current attorneys regarding this matter.

In February 2013, Mr. Di Giulio re-assumed a much larger role in the Capital Division, in the absence of a Capital Case Coordinator. He monitored funding requests, assisted in obtaining qualified counsel for several cases and attended meetings concerning cases needing representation. He also maintained continuous communication with various District Defenders, including OPD, in order to monitor progress in service restriction cases.

INFORMATION TECHNOLOGY & MANAGEMENT DIVISION

Information Management

The ITM Division has completed March solvency projections of FY13 shortfall districts, using two different methods of projecting future revenues for FY13. The Division has completed various analyses of districts' local revenues, expenditures, and caseloads, as well as analyses on full time office versus part time office DAF amounts. Staff in the ITM Division has generated numerous ad hoc and workload reports on various topics such as caseloads and finances. Since the last board meeting, the ITM officer participated in several staff meetings, as well as the Budget Committee meeting and DDAC meeting.

Technology Management

The ITM Division has released dashboard reports for all district offices to utilize. The dashboard reports are hosted on the website www.lpdbdata.org and provides district defenders with "at-a-glance" access to useful information that will help them to better manage their office and staff. Various graphics and charts are available for key areas such as revenues, expenditures, and caseload activity. Beneath each set of graphics are buttons that open new graphics, where districts can "drill down" further into the raw data to get more detailed information on those key areas. The dashboard reports contain real time information, as the data is always as current as the last financial report or case the district staff entered in relation to the moment they login.

ITM staff continues to work on upgrades to the database in the areas of capital, juvenile, financial, and budget. The Division has coordinated the data cleanup of capital cases on the database. Staff has contacted districts and program offices to verify that the database contains the most updated and accurate information on capital cases. The ITM division has designed several juvenile auto-documents in order to add enhancements to the juvenile portion of the database. The Division is in the development phase of upgrading the budget/financial portion of the database, as well as redesigning the Personnel Compensation Report. ITM staff, along with JusticeWorks president Carl Richey, hosted several meetings regarding database modifications. Meetings were held at the LPDB as well as the district offices in Orleans and Terrebonne Parishes, in order to accommodate participation by leading CMS users in districts near these training sites.

The ITM Division has provided input on various surveys and forms that will be distributed to the districts, as well as posting them on the LPDB data collection website www.LPDB.org. Staff assisted in the development of a CINC survey, SOAP evaluation form, and a district office definition survey.

ITM staff is in the process of developing a COOP website which can be accessed from any device with web-access from anywhere on earth. The COOP website will facilitate real-time contact information updates for LPDB staff and District Defenders in the event of evacuation and relocation of detainees. It will also facilitate open communication among districts and staff, and to facilitate private communication between any two users of the site. It is automated such that LPDB staff – if incapacitated – are not necessary for the open communication or real-time updates.

JUVENILE DIVISION

Since the last Board meeting, staff has spent significant time continuing to improve the CMS for juvenile defenders. In conjunction with other projects, ITM Officer Stilling, defenderData designer Carl Richey, and I spent time with juvenile defender partners to detail how the CMS could meet various service requests and to develop a budget for other projects.

Staff disseminated a General CINC survey to increase LPDB's understanding of the range of CINC delivery models/issues statewide, better participate as a member of the LSC Court Improvement Program, and to prepare for a presentation requested by Rep. John Schroder before the CNC Task Force on April 8, 2013. This presentation will be co-delivered with CINC defender Tracy Davenport-McGraw from the 15th Judicial District. Additionally, CMS Analyst Cristine Roussel has compiled several years of CINC data for these projects.

Assistant Training Director Irene Joe has continued to support each juvenile trainer in the development and delivery of their local training. This project is the continuation of the LPDB's Train-the-Trainers program held in December 2012. Additionally, she will be representing LPDB as part of the Equity Project Action Group, a group of East Baton Rouge juvenile justice professionals, stakeholders, and LGBT and community advocates, partnering with the Equity Project to improve experiences of youth through a localized, multifaceted, collaborative approach.

The updated LPDB listserv has been increasingly utilized since the subscription of more than 75 new participants – both District Defenders and current juvenile defenders.

Finally, seven members of staff and Board member Rev. Dan Krutz participated in the interviews of applicants for the Director of Juvenile Defender Services and Juvenile Justice Compliance Officer positions on March 26, 2013.

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 LPDB e-newsletter to 900+ subscribers; updating the website with relevant announcements, employment opportunities, events and information; drafting and disseminating

press statements as appropriate (one since last Board meeting); moderating the 'lajuveniledefenders' listserv; contributing as a member of the Southern Juvenile Defender Center Advisory Committee; and, participating in staff meetings and other discussions/projects as a member of the executive team.

In addition, since the last meeting, Special Projects Advisor Hall developed three guest opinion articles to be released on the anniversary of the *Gideon* decision; had a number of meetings with investigative reporter Katy Reckdahl to encourage more interest in local public defense issues; offered requested feedback on media submissions from OPD; modified the office definitions document to begin to reevaluate the DAF distribution formula; conducted research on CINC representation; made preliminary recommendations to the revised LPDB strategic plan and worked with both the Budget Officer and Assistant Director of Training to develop more effective performance indicators; done extensive grants research and begun work on a Catapult! proposal (offered by the Public Strategies Group) for staff and Board review; assisted Chairman Neuner in the development of a presentation ("Rethinking Incarceration") to the 2013 Spring Judges' Conference; supported the Defender Leadership Training; assisted in the development of the LPDB Training Brochure; contributed to the implementation of the 2013 LCLE grant by vetting auditor applications and implementing the requisite procedures to begin printing the *Capital Defense Guidelines* and three sets of *Trial Court Performance Standards*; and worked on finalizing both the evaluation for contract attorneys in SOAP cases and the District Performance and Compensation Protocol; drafting and submitting the LPDB letter of consideration for the Orleans Parish Prison consent decree; coordinating the promotion and scheduling of the two interviews for open juvenile positions at LPDB; and, assisting in the CMS development project/Carl Richey visit.

TRAINING DIVISION

The annual Defender Leadership Training was held on March 7-8, 2013. Sixty-one district defenders, program directors and office supervisors attended the two-day interactive program titled "Using Gideon's Promise to Achieve Justice." At the training, defender leaders worked alongside national faculty and representatives from Spitfire Communications to address issues they face as defender leaders and develop communication strategies for achieving progress on behalf of their staff and clients. Board Chairman Frank Neuner opened the training with a discussion of advances made in the last year and a discussion of the objectives for the upcoming year. The training was well-received by the participants, with several participants commenting that it was the best training they had ever attended and that they were looking forward to implementing the techniques and ideas they learned in their districts.

Assistant Training Director Irene Joe continues to work with the four Train-the-Trainer honorees to develop individual district trainings, the Juvenile Justice Project of Louisiana to develop a *Miller v. Alabama* training, and Juvenile Regional Services to develop two regional juvenile defender trainings.

The remaining annually recurring trainings for calendar year 2013 are the Investigator Workshop (July 15-16, 2013), the Defender Training Institute and Annual Conference (September 8-13, 2013), the Capital Defender Training (October 23-25) and the Legislative Update (December 13).

INTERIM STATE PUBLIC DEFENDER

Since the last Board meeting, I have worked on a number of internal projects, including: revision of the strategic plan in advance of its July 1, 2013 deadline; coordinated with Anne Gwin to adjust/extend the employment terms for a number of current staff; reviewed our March 1, 2013 submission of the JLCB report; developed a Monthly Update to the District Defenders/Program Directors; participated in the interviews for District Defender in the 25th JDC and scheduled follow-up orientation; participated in the two juvenile position interviews; attended the LPDB budget review hearing before the House Appropriations Committee; led a meeting of the District Defender Advisory Council; spent time with members of staff discussing current projects and proposed future projects; conducted weekly staff meetings; reviewed work plans and timesheets for all staff; prepared for and participated in a meeting of the Budget Committee; communicated project progress with the Juvenile Working Group; and, prepared for meetings of the Policy Committee and full Board by developing agendas and substantive documents in consultation with staff. On March 15, 2013, I participated in the annual Criminal Justice Summit hosted by the Louisiana State Bar Association.

Additionally, I supported the development and delivery of the Defender Leadership Training March 7-8 in Baton Rouge, and worked with the Juvenile Division's and Special Projects Advisor to develop a training brochure. Along with the Budget Officer and ITM Division, I have been heavily involved in the review of LPDB's CINC funding and oversight. I am also developing an external outreach plan for implementation over the next 90 days. Working with the ITM Division, I participated in a 90-minute CMS presentation/brainstorm with defenderData designer Carl Richey at LPDB and met with local partners in New Orleans to discuss various CMS revision and upgrade proposals.