



Louisiana Public Defender Board Report of the State Public Defender

To: The Board
Date: April 9, 2012

BUDGET DIVISION

To date, LPDB has received 15 emergency funding requests totaling \$837,168. Emergency funds in the amount of \$368,201 were disbursed on March 15, 2012 to districts 2, 3, 5, 9, 32, and 39. The remaining \$468,967 includes emergency funding requests from districts 4, 7, 9, 10, 16, 28, 35, and 37 and BRCCO, which are still under staff review.

The final FY12 payment of \$125,000 was disbursed to Juvenile Regional Services (JRS) for services to be performed from April 2012 – June 2012.

On March 12, 2012, the districts received the FY13 Pro Forma Budget Request form and the estimated FY13 DAF and CINC funding amounts were provided to them on March 30, 2012. FY13 Pro Forma Budget Requests are due from the districts no later than April 15, 2012. The districts' final budgets will be due June 15, 2012.

Additionally, two executive orders have been issued. The first, executive order, BJ2011-13 – Limited Hiring Freeze, will reduce LPDB's current T.O. from 16 to 15 for the remainder of the fiscal year. The second, executive order, BJ2012-3, is an expenditure freeze to all budget activities, except those activities expressly and directly mandated by the constitution, existing court orders, cooperative endeavor agreements, or existing bone fide obligations and those directly financed by federal funds. Budget activities that are exempt from the freeze are essential field travel for LPDB and essential expenditures for supplies that total no more than 75% of the initial appropriation for supplies.

COMPLIANCE DIVISION

Trial Level Compliance Officer John Di Giulio, along with Chairman Neuner and other members of the LPDB staff, continue to address the funding crisis by reaching out to other stakeholders in the criminal justice community. On March 8, 2012, he and Mr. Neuner attended a meeting of The Judicial Council of the Supreme Court of Louisiana to ask for their support of House Bill 325, which seeks to raise the special costs due to be remitted to the local indigent defender fund from \$35 to \$55. They also attended a March 21, 2012 meeting of the Louisiana District Attorney Association, along with Deputy Public Defender Julie Kilborn, where they addressed the funding crisis and answered questions regarding House Bill 325. Mr. Di Giulio also attended

the 2012 Louisiana State Bar Association Criminal Justice Summit with Ms. Kilborn, held on March 16, where Mr. Neuner presented on the indigent defense funding crisis and Mr. Di Giulio spoke on the relevance of expungements to indigent defendants.

On behalf of the State Public Defender, Mr. Di Giulio participated in various committee meetings of the Louisiana Sentencing Commission, including the March 8 Re-Entry Committee meeting and the March 15 Release Mechanisms Committee meeting, which was followed by a meeting of the full Sentencing Commission. On March 28, 2012, he traveled to Lafayette to attend a meeting of the Court Rules Committee of the Louisiana Supreme Court, after which he conducted a brief site visit at the 15th Judicial District Public Defenders' Office.

On March 5, 2012, he attended the Drug Court Graduation and Judicial Ride-Along at the 19th Judicial District Court. Chief Justice Kimball was the keynote speaker. In attendance were Mayor Holden of Baton Rouge, Senator Daniel Claitor, Jimmy LeBlanc of the Department of Corrections, and numerous other officials.

Mr. Di Giulio attended portions of the District Defender Leadership Training, held March 8-9, 2012 in Baton Rouge. On March 22, 2012, he and other staff members conducted a District Defender Orientation for John Lindner, the new District Defender in the 22nd Judicial District. He also participated in the March 20, 2012 Budget Committee meeting and several other staff meetings to discuss restriction of services process in various districts throughout the state.

He continues to assist Acting Capital Case Coordinator John Holdridge with expert funding requests and Mr. Holdridge and Ms. Kilborn with developing the capital certification process. He participated in the March 23, 2012 Capital Advisory Committee telephone conference which established the protocol by which the committee will review the applications.

As a member of the LPDB working group on Orleans, Trial Level Compliance Officer Di Giulio continues to participate in numerous meetings regarding the restriction of services process, including a March 8, 2012 meeting at the Louisiana State Bar Association.

INFORMATION TECHNOLOGY & MANAGEMENT DIVISION

Information Management

The ITM Division, in collaboration with the Budget Division, completed projections of each district's estimated DAF and CINC disbursements for FY13. ITM staff has emailed to every district notifying them of their estimated DAF and CINC amounts for the first half of FY13 (July 1st – Dec. 31st). ITM staff analyzed the possible effects on districts' local revenue if there is an increase in the \$35 special court costs (statute 15:168). This special cost analysis compared the effects of a \$10 increase as well as a \$20 increase of the \$35 special cost fee. The ITM Division assisted several districts who requested emergency funding by providing them with step-by-step guidelines to follow when requesting emergency funding. The Division also completed solvency projection calculations for each district that has requested emergency funding. ITM staff assisted the Budget Division with edits to the FY13 district monthly financial report and FY13 district budget request template, in order to comply with the Legislative Auditor's guidelines. The ITM Division prepared for and attended the Budget Committee Meeting, as well as several staff budget group meetings.

Technology Management

The ITM Division has developed a dashboard report that will be accessible to districts in FY13 via the database: an indigence assessment calculator with questions (per statute) to determine eligibility, menu options, text and system design for auto populating certificates of eligibility and ineligibility. The Division has created certificate templates of indigent eligibility as well as denial certificates if one is determined not to meet criteria for indigency. In preparation for the new district monthly financial report that will be on the database in FY13, ITM staff has compiled district financials from 2008 to FY11 for all districts and forwarded them to Justice Works for uploading to the database.

ITM staff has created a schedule of district database trainings that will be conducted throughout the state in late April and early May. As improvements are made to the Case Management System (CMS), these in-depth trainings to CMS users are necessary. They also provide an opportunity for ITM staff to obtain ideas for improvements to the system from the field. The ITM Division will be conducting these trainings in seven regions throughout the state: Baton Rouge, Orleans, Alexandria, Natchitoches, Shreveport, Monroe, and Lafayette. Email invitations have been sent to all districts by ITM staff. Through the Byrne-Jag technology grant, the Division has ordered and received laptops and computer software to be distributed to seventeen districts during the database training tour.

The ITM Division attended a Research and Technology meeting at the Louisiana Commission on Law Enforcement. This meeting addressed all agencies' use of the same charge tables - namely, the Louisiana Supreme Court's tables. The tables will include statute descriptions (text) which are separate from the corresponding numeric codes (La. R.S. numbers), and statutory sentences which are laid out in maximum and minimum days, months, and years. This will allow the dominant charge to be easily and automatically identified and marked. The Division also edited, proofed and distributed the LPDB newsletter.

JUVENILE DIVISION

Since the last Board meeting, Juvenile Justice Compliance Officer Jack Harrison has visited a number of districts, engaged with juvenile system stakeholders and participated in staff efforts to address a broad range of issues involved in the continuing improvement of Louisiana indigent defense.

Upon the request of several district defenders and stakeholders, Mr. Harrison visited a number of districts in the northwestern part of the State. Mr. Harrison visited the 8th, 10th, 1st and 26th Judicial Districts, and began a process of engaging with juvenile court judges, parish officials and juvenile advocates. Some of the issues addressed during these visits involved questions of appropriate appointment of defenders in juvenile matters and juvenile specific training.

In addition to meeting these defenders and stakeholders, Mr. Harrison has been participating, along with staff members Ms. Kilborn, Ms. Hall, and Ms. Joe, in efforts to reexamine LPDB's juvenile strategic plan and to identify areas of priority. Mr. Harrison also participated in the orientation of a new district defender, and attended the Defender Leadership Training, as well as meetings of the Children's Code Committee of the Louisiana Law Institute.

SPECIAL PROJECTS

Since the last meeting of the Board, 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, events and information (including the district summaries from the annual report and the 2010 census data for Louisiana); moderating the LPDB juvenile listserv (which will be transitioning to become a job duty of the Juvenile Justice Compliance Officer starting April 15, 2012.); drafting and disseminating press statements as appropriate (in conjunction with other staff); and participating in staff meetings and other discussions/projects as a member of the executive team.

In addition, since the last meeting, the Special Projects Advisor has provided background materials for numerous projects, completed the first quarterly report for the LCLE grant, served as staff support to the sub-group of the board providing support and guidance to OPD through their Restriction of Services plan, redesigned the LPDB FaceBook and Twitter pages and is preparing to “launch” them on May 1; provided orientation information related to Special Project Advisor job duties to new District Defender John Lindner; updated the LPDB Fact Sheet and website map; promoted the April 30, 2012 deadline for the JRJ Loan Repayment Program administered by OSFA; assisted in the development of the juvenile strategic plan; participated as a member of the ABA Task Force on Comprehensive Representation; participated in communications improvement with Spitfire Strategies (including training, as part of *pro bono* technical assistance procured with the support of NLADA); joined Deputy Public Defender Kilborn in development opportunities with potential grant funders; and maintained the LPDB media archive.

TRAINING DIVISION

The annual Defender Leadership Training was held March 8 – 9, 2012 in Baton Rouge. Sixty District Defenders, program office Executive Directors and attorney Supervisors attended the two-day interactive program. The training agenda covered several issues affecting public defender offices. Presenters consisted of Board Chairman Frank Neuner and Budget Committee Chairwoman Luceia LeDoux, as well as seasoned district defenders and consultants from around the nation.

The Assistant Training Director Irene Joe attended a training program with the National Alliance of Indigent Defense Educators (a section of the National Legal Aid and Defender Association) in Lexington, Kentucky from March 24 – 30, 2012. This training focused on helping training directors implement adult learning theory into their training curricula. Ms. Joe has also been working with Jack Harrison, the Juvenile Justice Compliance Officer, and Heather Hall, Special Projects Advisor, to reevaluate and further implementation of the juvenile strategic plan set forth on July 1, 2010.

Additional trainings for 2012 include the Investigator Workshop (July 16 – 18, 2012); the Forensics Training “Debunking the Myth: Effective Criminal Defense in the Forensics Age” in collaboration with the Louisiana Association of Criminal Defense Lawyers on August 10, 2012; the Defender Training Institute (September 9 – 14, 2012); the DTI Annual Conference (September 13 – 14, 2012); and the Capital Defender Training (October 24 – 26, 2012). The Training Division also continues to prepare with the Juvenile Indigent Defender Action Network for three regional juvenile trainings: Houma (May 17 – 19), West Monroe (July 26 – 28), and Shreveport (September 27 – 29).

DEPUTY PUBLIC DEFENDER

The Deputy Public Defender, along with other members of the Training Division staff, provided the Defender Leadership Training on March 8 – 9, 2012 (see above).

With the 2012 legislative session in full swing, LPDB continues to monitor the bills affecting state agencies and criminal defense work. In particular, we are monitoring HB 325 which would increase the special cost mandated by R.S. 15:168 from \$35 to \$55. The Deputy Public Defender, along with Board Chairman Neuner and Trial Level Compliance Officer Di Giulio met with Louisiana District Attorneys' Association's executive committee to provide information on the need for the additional funding for Public Defender Offices and the expected impact of HB 325.

The Deputy Public Defender continues to assist the Orleans Public Defenders' Office with its restriction of services. The Board's contracted auditor, David Greer, has been working closely with staff to review offices in financial distress and to make recommendations for funding efficiencies. An expedited site visit is scheduled for April 17th to District 9 (Rapides) in response to the district's notice of anticipated service restriction. Consultants Ernie Lewis and Dan Goyette are also working with staff to develop a system for addressing service restrictions throughout the state, based on lessons learned from the recent experience with the Orleans Public Defenders' Office.

The Deputy Public Defender participated in the LSBA's 3rd annual Criminal Justice Summit on March 16, 2012. She continues to work with the Criminal Attorney Accountability Working Group on preparing trainings to begin in late 2012. Since the last board meeting, staff has met with John Lindner, new District Defender in the 22nd, to provide a comprehensive orientation to his new position and to provide information about the resources, reporting requirements, and support provided by LPDB.

LPDB currently has two requests for supplemental funding pending before the Joint Legislative Committee on the Budget for additional funds for FY2012. The requests have not yet been added to the JLCB's meeting agenda and staff is monitoring for future agenda postings.