



Louisiana Public Defender Board Report of the State Public Defender

To: The Board
From: Jean M. Faria
Date: December 12, 2011

BUDGET DIVISION

Since the last Board meeting, LPDB's application for a one-year Byrne/Jag Grant, administered through the Louisiana Commission on Law Enforcement (LCLE) and the Administration of Justice, was approved in the amount of \$126,309. This grant will allow for 730 hours of compensated consultant time to monitor and improve the Public Defender Case Management System (CMS), create a CMS user's guide, provide training to defender/defender staff, and develop the long-term report capacity and analysis goals of the agency. Additionally, the funds will be used to hire a temporary staff person to run reports from the Caseload Management System (CMS), support data/analysis requested by LPDB staff and board members and work with LPDB staff and the CMS Consultant to identify and remedy data inconsistencies and missing data entry. In order to improve the accuracy and timeliness of data entry, 11 laptops will be purchased for those defenders that currently do not have a laptop computer for office use and 42 licenses for MS Office software will be purchased to ensure that all 42 offices in the system have at least one current version of the same software.

The project funded through the Byrne/Jag Grant will identify and remedy anomalies (including program deficiencies and missing data entry from the districts) in the newly-implemented Public Defender Case Management System and enhance the ability of LPDB to produce reports from data contained in the Public Defender Case Management System.

Executive Staff developed three new objectives and 11 new performance indicators, which meet SMART (Specific, Measurable, Aggressive but Attainable, Results-oriented, and Time-bound) definitions and which have been submitted to the Office of Planning and Budget for review.

Initially, the Office of Planning and Budget asked LPDB to submit to Jaime McClendon, LPDB's Budget Analyst, a proposed plan to cut five percent of the DNA Testing Fund and Indigent Parent Representation Fund budgets. A five percent budget cut to those funds would yield a total budget cut of \$28,877 (\$1,425 from DNA Testing and \$27,452 from Indigent Parent

Representation). Staff was subsequently asked to present their recommendation for a five percent reduction to the Public Defender Fund would result in cuts of approximately \$1,558,759.

Finally, the contracts with John Holdridge to provide capital case coordinator services and with David Greer to perform audits pursuant to La. R.S. 15:147(A), consult with Board staff to develop appropriate audit procedures, and train Board staff regarding the use of those audit procedures were approved by the Office of Contractual Review.

INFORMATION TECHNOLOGY & MANAGEMENT DIVISION

Information Management

The ITM division followed up with districts that were predicted to have a shortfall of revenue for FY12. The division analyzed districts that made expenditure cuts and changes in their revenue, and determined that some earlier solvency projections may be reversed. Staff analyzed the shortfall for District 3 in light of recent expenditure cuts, analyzed the budget for District 22, and completed an expenditure comparison of District 1 (Caddo) versus seven other districts (District 4, 9, 14, 15, 19, 22, and 24). The ITM division in collaboration with the budget division redeveloped Performance Indicators for FY13. The division completed an analysis of solvency projections for FY13, by determining additional district funds needed based on FY12 solvency projections. Staff completed a comparison of high caseload districts by creating bar charts which contrasted the largest 5 districts' received cases plus cases pending from March 2010 to February 2011, and showed their proposed corresponding share of the Statewide FY12 DAF. The division also revised the district monthly financial reports to reflect a change in where to report police jury revenue, as well as adding surety bond licensing fees to the criminal bond fees section of the report. The ITM division compiled a summary of the number of CY10 attorney and non-attorney workers for all 42 districts, program offices, and Juvenile Regional Services (JRS). This list will assist in useful future analyses, such as ratios of different types of workers to attorneys, and the number of administrative support staff per district caseload size. The division also compiled a summary of Louisiana Supreme Court DA filings that showed trends from CY05 to CY10 for Orleans, East Baton Rouge, and Shreveport.

Technology Management

ITM staff called all districts to verify receipt of the Online Annual Report notification email & letter, and to answer any questions regarding the new online reporting format. Staff is currently coordinating the construction of attorney caseload reports for the Annual Report, and has assisted in creation of a caseload report demo. Because the LPDB Exchange server is more than four years old and needs to be replaced, the ITM staff produced a comparative analysis of cost and functionality between a locally housed and maintained server versus a web-based software-as-a-service (SaaS) cloud-application server. The analysis is currently under review. Staff acquired a free, online project management system for in-house tracking of work plans and completion rates, developed a tutorial and has planned a demonstration/training for all staff. The ITM division interviewed candidates for the LPDB Technical Analyst position, which is still currently vacant. The division edited, proofed and distributed the LPDB newsletter.

JUVENILE DIVISION

On November 28, Jack Harrison began service as the Juvenile Justice Compliance Officer. He is planning a first round of visits to a number of jurisdictions to begin interacting with the juvenile defenders and with other juvenile justice personnel to assist with the development of assessment protocols for juvenile compliance. By inviting juvenile attorneys to participate in this process of assessment development, they will have an investment in those assessment tools and in their use for compliance evaluation. In order to maximize defender participation in the process, this first round of visits will involve some of the larger jurisdictions for initial interaction with the largest number of people.

The juvenile staff has recently begun research for a proposal on certification of juvenile attorneys. Texas and North Carolina provide examples of a certification process for attorneys in delinquency cases. We are analyzing the nuances of each model and will prepare for a future recommendation to the Board. The Southern Poverty Law Center grant for the Ed Law program was not awarded for the 23rd Judicial District, but the staff is continuing to assist District Defender Alan Robert in seeking funding sources for the implementation of this program. Staff participated in discussions at the recent Children's Code Committee of the Louisiana State Law Institute regarding a proposed exemption from mandatory reporting for social workers working as part of the defense team, as well as discussions on a proposal to prohibit jurisdictions from charging juvenile victims of sex trafficking with sex crimes. During the 2012 Legislative Session, the Law Institute will present legislation regarding expungement of juvenile delinquency records and grounds for termination of parental rights. Staff will continue to keep the Board informed of developments on these proposals.

Last week, Mr. Neuner and I attended the national Models for Change (MfC) conference in Washington, DC. There we met with the Louisiana delegation from each of the six MfC sites and had a facilitated conversation regarding which agency should be the Lead Entity for FINS. Four members of the Louisiana FINS Commission were present for the discussion.

The conference also afforded us an opportunity to meet with three of the funders for JRS: MacArthur Foundation, Tides Center and Open Society Foundations.

Staff continues to participate in collaborative work groups to engage stakeholders, including the Children's Law Committee of the Louisiana State Bar Association and the Pelican State Center for Children and Families (with an appointment to the Board of Directors). Along with other Board staff, Juvenile Division staff actively participated in the legislative task force analyzing Louisiana's compliance with *Graham v. Florida* and joined juvenile defense partners in recommending amendments to the state's parole eligibility for juveniles. Additionally, the juvenile staff has continued to attend meetings of the commission addressing reform to the FINS process to encourage the engagement of juvenile defenders as advocates for children, as well as meetings of the Domestic Violence Task Force to advocate for appropriate interventions for each of the accused, particularly juveniles.

Finally, staff continues to contribute articles to the e-newsletter directed defenders to the latest research supporting our clients. The next issue will feature the results of a Justice Policy

Institute report finding that school resource officers have detrimental impact on the school environment and on students, particularly students of color.

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 (moved from bi-monthly to every third week); updating the website with relevant announcements, events and information; moderating the LPDB juvenile listserv; 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, completed and printed the timeline for LPDB achievements 2007-2011; completed the final reporting requirements for the Capital Case Litigation Initiative (grant from the U.S. Bureau of Justice Assistance); responded to the Inspector General Report on Municipal and Traffic Court in New Orleans; interviewed IPNO exoneree Henry James (and his lawyer Paul Killebrew) for inclusion in the newsletter and other opportunities; attended the National Legal Aid & Defender Centennial Conference in Washington, DC; handled numerous orientation logistics for newly hired staff (Irene Joe, Angel Williams, Jack Harrison and John Holdridge); initiated the design of the LPDB Performance Standards for the Representation of Children in Delinquency Proceedings; begun development for the operations of the Louisiana Justice Coalition (LPDB's non-profit partner); revised the social media protocol for LPDB's presence on FaceBook and Twitter; continued to pursue funding for the Ed-Law Project in the 23rd Judicial District Public Defenders' Office; and begun updating the census data on the LPDB website to reflect 2010 data for all parishes (complete by December 31, 2011); participated as a member of the ABA Task Force for Comprehensive Services and the Louisiana Language Access Coalition; and, continued to encourage and provide technical assistance to support the development of a Community Outreach Division within the 19th Judicial District Public Defenders' Office.

TRAINING

The training division is providing a Legislative Update program on Friday, December 16, 2011 with Greg Riley, Senior Attorney for the Louisiana House of Representatives, presenting an update of all bills passed in 2011 that affect criminal law and procedure.

The Juvenile Defender Training is scheduled for January 25 – 27, 2012 in Baton Rouge and will have separate tracks for attorneys representing children in delinquency cases and attorneys representing parents in Child in Need of Care cases. The program is being designed as a skills training for new and experienced defenders with a focus on the most recent science and information on adolescent brain development and abuse/neglect issues.

Training Director Kilborn and Assistant Training Director Joe attended the Centennial Conference of the National Legal Aid and Defender Association in Washington D.C. Ms. Joe also participated in the Train the Trainers pre-conference. Ms. Kilborn has been appointed as

Secretary to the National Alliance of Indigent Defender Educators, a national community of public defense trainers within the NLADA.

Additional upcoming trainings being designed by the training division include the Defender Leadership Training (Baton Rouge, March 8-9, 2012) and a series of regional trainings for juvenile delinquency defenders (dates and locations to be announced).

STATE PUBLIC DEFENDER

We welcomed Jack Harrison as the Juvenile Compliance Officer on November 28, 2011. He hit the ground running and we are very glad to have him on board. He has begun fielding the lion's share of our inquiries regarding juvenile matters and has made his first site visit. He will be co-presenting with me at the Louisiana Judicial College's City, Family and Juvenile Judges Conference on January 11, 2012.

Staff is inundated with responsibilities regarding task force, working group, committee, and commission appointments. I have asked John Di Giulio to represent me on the Law Institute and Sentencing Commission. Those two appointments alone will take all day Thursday, Friday and Saturday. Julie Kilborn and Jack Harrison have stepped in to start taking over some of this important committee work.

We received a letter of resignation from long time defender John Simmons in the 22nd Judicial District, Covington and Washington Parishes. John Simmons was a pioneer in the world of indigent defense and capital representation and has served the community for many years. He graciously agreed to stay on until March 1, 2012, so that we could coordinate the selection process for a smooth transition in leadership.

Attending the NLADA Awards Banquet, watching Board member, Mr. Samuel S. Dalton, receive the prestigious Kutak-Dodds award, was a high point for me. The Kutak-Dodds award is given annually to one defender and one civil legal aid attorney. These are national awards recognizing advocates dedicated to public service for the poor. It was a wonderful sight to see Mr. Dalton receive national recognition for his leadership and advocacy for the poor which has benefitted the state of Louisiana. Congratulations, Sam, you so deserve this award.

I would like to take this opportunity to thank every member of the Board for your hard work, talent, support and guidance. Without your dedicated service, we would not have come as far as we have as quickly. This work simply could not have happened without you. I would especially like to recognize the Chair of the Budget Committee, Ms. Luceia LeDoux and Chairman of the Board Mr. Frank Neuner for untold hours of volunteer consulting, advocacy and their leadership and support. It is a pleasure working with such dedicated people. Finally, I would like to thank my wonderful staff without whom, none of the work of the Board could be done.

Calendar year 2012 is the year of heavy lifting. We have many challenges facing us. If we remain true to our mission, we will continue to make progress in these difficult times.