



Louisiana Public Defender Board Report of the State Public Defender

To: The Board
Date: Friday, March 2, 2012

BUDGET DIVISION

Since the last Board meeting, the FY13 Governor's Executive Budget was released. Our recommended budget for FY13 is \$33,145,420; an increase of \$336,084 from our current FY12 budget of \$32,809,335. The \$33,145,420 recommendation includes \$25,000 in fees and self-generated funds (we are only able to spend those funds if revenue is collected); \$31,791 carry-forward for our LCLE grant, and the remaining \$33,088,629 is in statutory dedications (of which, \$400,000 is specifically earmarked for the Angola 5 appellate work). Staff will attend the House Appropriations Committee hearing on House Bill No. 1 on March 6, 2012.

Of the \$500,000 LPDB set aside for OPD, \$200,000 was disbursed on February 24, 2012.

Emergency funding requests totaling \$611,763 were received from the 2nd, 3rd, 5th, 7th, 9th, 28th, 32nd, 35th, and the 39th Judicial Districts. However, staff has recommended that a total \$462,601 be disbursed. This does not include funding for the 9th and the 35th which are still under review.

In accordance with La. R.S. 15:147(B)(11), LPDB's Annual Report to the Joint Legislative Committee on the Budget was submitted on March 1, 2012.

Additionally, LPDB has received the sub-grant award letter from LCLE and our FY12 budget was updated to reflect total LCLE funding through June 30, 2012.

CAPITAL DIVISION

Acting Capital Case Coordinator John Holdridge and Trial Level Compliance Officer John Di Giulio review expert funding requests, assign capital cases to counsel and oversee capital litigation generally. John Di Giulio continues to work on the issue of funding appeals in the Angola 5 case.

The Capital Unit has scanned all of the attorney certification applications. An Advisory Committee has been established to assist with the review and processing of attorney certification applications. The members of the committee are: Tom Lorenzi, Jim Boren, Rebecca Hudsmith, Denny LeBoeuf, Rick Schroeder, John Landis, Herschel Richard and John Wilson Reed.

The Capital Unit has sent out letters to all attorneys with capital cases who have not applied for certification. Letters have also been sent to all attorneys who have applied for certification but have not fulfilled the training requirements.

The Capital Unit is finalizing an expert fee schedule which will ensure greater uniformity and accountability in expert funding expenditures. The Unit is also in the process of developing attorney compensation rates that will ensure greater uniformity in attorney compensation and should improve the quality of representation in some districts.

The Capital Unit has requested the client complain policies from each of the non-profit programs.

The Capital Unit continues to review the district capital representations plans. The district plans need to be approved and finalized before a state plan can be completed.

The Capital Unit continues to develop a new database case tracking system, which will permit more efficient and effective case tracking and monitoring.

COMPLIANCE DIVISION

As a member of the LPDB working group on Orleans, Trial Level Compliance Officer DiGiulio continues to participate in numerous meetings regarding the restriction of services process. On February 10, 2012, he testified at a *Wigley/Citizen* hearing in Orleans District Court and on February 27 and 28, 2012, he attended organizational meetings of the firms participating in the Orleans pro bono conflict consortium. He also attended workgroup sessions prior to the Budget Committee meeting on February 28, 2012, before leaving for the pro bono meeting.

As a member of the Louisiana State Bar Association Criminal Justice Committee, which is actively planning the 2012 Louisiana Criminal Justice Summit, Mr. DiGiulio participated in meetings on February 17, 2012 and February 27, 2012 to discuss and plan the upcoming Summit. While the Summit is focused primarily on the issue of expungements, organizers have agreed to revise the format to allow a presentation by LPDB Chairman Neuner on the funding crisis during the luncheon portion of the Summit.

On February 17, 2012, he and other staff members conducted interviews of the applicants for the 22nd District Defender position. He also participated in the March 1, 2012 District Defender Advisory Committee meeting. He continues to assist Acting Capital Case Coordinator John Holdridge with expert funding requests and work with John Holdridge and Deputy Public Defender Julie Kilborn in developing the capital certification process.

On behalf of the State Public Defender, Trial Level Compliance Officer DiGiulio attended the February 16, 2012 Louisiana Sentencing Commission meeting and the February 29, 2012 Louisiana District Judges Association/Department of Public Safety and Corrections Liaison Committee meeting.

INFORMATION TECHNOLOGY & MANAGEMENT DIVISION

Information Management

The ITM Division participated in emergency funding conference calls with Districts 3, 5, 7, 9, 16, 28, and 32, and produced a table summarizing the emergency requests comparing district estimates and ITM estimates of annual shortfalls in relevant districts. The office also produced a statewide salary and caseload chart for every attorney in the LPDB system in preparation for Board consideration of salary and compensation standards, and produced average caseloads for each district. ITM staff prepared a district comparison of court costs which showed the possible amount of increase in districts' local revenues if the \$35 court remittance were increased. ITM staff assisted General Counsel with the mandatory March 1st JLCB report by providing documents and graphics.

Technology Management

ITM staff continues to work with Justice Works regarding developing online dashboard reports including the monthly financial report, capital reporting form, and indigent eligibility forms. Staff assisted the Special Projects Advisor by providing bar charts of the annual state appropriation to LIDAB/LPDB from 2006-2013. ITM staff is currently working on notifying districts who will receive computer hardware and software from the Byrne-Jag technology grant. The Division edited, proofed and distributed the LPDB newsletter.

JUVENILE DIVISION

During the month of February, Juvenile Justice Compliance Officer Jack Harrison has been reaching out to juvenile defenders across the state. First, he has engaged in visits to a number of jurisdictions, including East Baton Rouge Parish Juvenile Court, Denham Springs City Court, Orleans Parish Juvenile Court, the 18th Judicial District and the 20th Judicial District. Additionally, Mr. Harrison observed oral arguments in a juvenile case heard by the Court of Appeal, First Circuit. Mr. Harrison plans to continue meeting with juvenile defenders and stakeholders by visiting additional districts in the northern part of the state in the coming weeks.

In addition to meeting defenders and stakeholders on their own turf, Mr. Harrison has represented the interests of the Board in meetings of the Louisiana State Bar Association's Children's Law Committee and the American Bar Association's Juvenile Justice Subcommittee. Mr. Harrison has also promoted the work of public defenders at the Public Interest Law Society's job fair at the LSU Law Center on March 3, 2012.

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, the Special Projects Advisor has provided background materials for numerous projects, prepared for the initiation of the CY 2012 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, continued to pursue grants opportunities, and participated in communications improvement with Spitfire Strategies (including training, as part of *pro bono* technical assistance procured with the support of NLADA).

TRAINING DIVISION

The annual Defender Leadership Training is scheduled for March 8 – 9, 2012 in Baton Rouge. The program will be a two-day interactive program designed to assist district defenders and attorney supervisors with strategies to address the numerous challenges they face, including high caseloads, defender fatigue and burnout, performance evaluations, and other real, pending issues that the participants will bring with them to the training.

The Assistant Training Director Irene Joe participated in a training program with the Southern Public Defender Training Center in Birmingham, AL from January 27 – 29, 2012. This training focused on helping previous line defenders who graduated from the Southern Public Defender Training Program enhance the skills necessary to train and supervise newer attorneys.

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 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 in Houma (May 17 – 19), West Monroe (July 26 – 28), and Shreveport (September 27 – 29).

DEPUTY PUBLIC DEFENDER

Since the last board meeting, the Deputy Public Defender has continued to assist the Orleans Public Defender’s Office with its restriction of services. Deputy Public Defender Kilborn has also participated in several meetings with criminal justice stakeholders statewide, including the

Louisiana State Bar Association Criminal Justice Committee and the Louisiana Sentencing Commission.

Additionally, the Deputy Public Defender remains involved as a member of the Southern Juvenile Defender Center Advisory Council and as the Secretary of the National Alliance on Indigent Defense Educations, a division of the National Legal Aid & Defender Association.

Staff is continuing to prepare for the upcoming legislative session that begins on March 12, 2012. House Bill 1, the Executive branch funding bill, is set for hearing on March 6, 2012. Additionally, pursuant to La. R.S. 15:147(B)(11), staff submitted LPDB's annual report on March 1, 2012 to the Joint Legislative Committee on the Budget.

We are sad to see Natasha George, policy advisor to the State Public Defender, leave LPDB. Ms. George started working at LPDB two years ago as a law clerk. After graduating from the Paul M. Hebert Law School at LSU last May, she transitioned into the policy advisor position. Ms. George's work was very helpful to the agency and we wish her the very best.