



Louisiana Public Defender Board Report of the State Public Defender

To: The Board
From: Jean M. Faria
Date: October 28, 2011

BUDGET DIVISION

After our last Board meeting, we were *very* fortunate to engage Marianne Buchanan, our former Budget Officer, to prepare the agency's budget which was completed on October 27, 2011 and has been filed.

The Chair of the Budget Committee, Ms. LeDoux and I interviewed candidates for the Budget Officer on October 11 and 14, 2011. Second interviews with staff were held and Angel Williams was selected for the position. Ms. Williams is scheduled to start on October 31, 2011. Her work experience includes employment in the non-profit and business sectors as well as with the federal government. She will finish her MBA in February 2012 and will begin sitting for her CPA credential next month. Ms. Buchanan has agreed to train our new Budget Officer and introduce her to the Louisiana state budget process and return at the close of the fiscal year to scrub our budget, spread the FY 13 budget, close out the FY 12 budget and instruct and support Ms. Williams in preparing LPDB's budget for FY 14.

CAPITAL DIVISION

As Acting Capital Case Coordinator, John Di Giulio reviewed, approved, and in some cases, denied requests for expert witness funding. He also participated in ongoing discussions concerning the appeal of the Angola 5 capital verdict, and the possibility that there will be more capital verdicts handed down in that case. In conjunction with the six day Advanced Capital Training in New Orleans, he participated in a lengthy meeting with John Holdridge and me. John Holdridge's contract was approved by the Board at its September meeting. Once the contract is approved by the Office of Contractual Review, he will assist with capital case planning and coordination.

COMPLIANCE DIVISION

As the Compliance Officer, Mr. Di Giulio participated in the Supreme Court Rules Committee meetings on October 3 and 4, numerous meetings of subcommittees of the Sentencing Commission, including a meeting of the Commission on October 27. He also participated in the Louisiana State Bar Association Criminal Justice Committee, and the Law Institute's criminal procedure revision committee, both of which are interested in reforming expungement law.

In addition, he also made a site visit to the First Judicial District (Caddo) and observed Shreveport City Court. He attended part of the LACDL seminar and board meeting in Shreveport, where public defender issues were discussed. He has continued to work with District Defender Derwyn Bunton and me on the looming crisis in Orleans due to lack of local funding for that office. He also attended the Bureau of Justice presentation to the stakeholders in the criminal justice system in the 14th Judicial District (Calcasieu) with Chairman Neuner on October 26, 2011.

INFORMATION TECHNOLOGY & MANAGEMENT DIVISION

Information Management

The ITM Division in collaboration with the Compliance Division, completed research on capital case counts and was able to determine the statewide number of open capital cases, closed capital cases, and cases that program offices pled down from capital to a lesser charge. The division analyzed the capital programs' June 2011 fund balances in contrast to 50% of FY11 annual expenditures, and proposed a spend down policy for FY12 for the capital program offices that mirrors the policy applied to district offices. The division worked with districts that submitted emergency funding requests: Districts 1, 5, and 10. The division worked with District 32 and District 34 regarding tracking revenues and expenditures, as these districts notified staff that emergency funding is not needed, even though LPDB projections indicated a shortfall of revenue in 2012.

ITM staff completed various studies on District 41 (Orleans): budget research, open number of jury trials, open number of cases, and municipal court revenue analysis. Staff coordinated a conference call related to express data entry for Orleans municipal court and arrest register feed (arrest registry). Staff also developed an express data entry window in the database for the high-volume New Orleans Municipal Court. This window is capable of counting the number of \$35 fee assessments as well as sentencing data in order to count assessments which are likely to be non-collectible. Staff also researched, calculated and assisted with Orleans \$1.87 million supplemental funding and voucher. Staff participated in a conference call regarding Orleans' restriction of services.

Technology Management

The ITM Division has created a website that will enable districts to fill out their CY 11 annual reporting forms (District Narratives, District Staff Directories, Technology Surveys and Personnel Expenditure Reports) online (visit www.lpdb.org). The division researched and tested

numerous software packages and has purchased Smart Sheet software to assist with development of these online annual reporting forms. ITM staff has revised/edited questions for the 2011 district narrative, technology survey, and personnel expenditure report. Staff has converted all 2010 district narratives into the new 2011 reporting format. This will enable districts to view their responses from last year, such that if nothing has changed, district defenders need not re-enter the same data on the new form, thus saving districts' much time and effort.

The ITM Division coordinated a work group tasked with developing a comprehensive, but succinct, list of all possible juvenile case types and related results. Staff completed the drafting of technical specifications, deliverables and the final version of the contract for the creation of an automated uniform indigence eligibility calculator document to be integrated into the database. The Division also completed the final draft of technical specifications, deliverables, and the final version of the contract for financial reporting, capital reporting, and dashboard add-ons for the database. Staff also assisted the Special Projects Coordinator with the LCLE grant, by providing a description of the procurement process for a case management consultant and report analysis, as well as the procurement process to purchase laptops and software for the districts. ITM staff proofed, edited, and distributed the LPDB newsletter.

JUVENILE DIVISION

Over the last couple of months, LPDB staff has worked to develop a replicable ed-law program description, and has submitted a proposal for funding (to SPLC). Funding opportunities through the Louisiana Bar Foundation, Baton Rouge Area Foundation, Department of Justice (Bureau of Justice Assistance) and Regional Planning Commission for the Louisiana Commission on Law Enforcement and the Administration of Justice are currently being explored, with the participation of 23rd Judicial District Defender Alan Robert.

A series of edits were made to the American Bar Association juvenile collateral consequences resource (www.beforeyouplea.com) and once these have been successfully uploaded to the site, will be circulated to all defenders, with special outreach to District Defenders and the juvenile defender listserv.

The second annual Juvenile Defender Training will be held January 25-27, 2012 at the Holiday Inn South in Baton Rouge. Registration is not yet open, but faculty contracts and training curriculum developments are well underway. The juvenile defender listserv continues to be active, seeing a variety of posted content and participation across the state.

The Trial Court Performance Standards for Delinquency Representation, promulgated on September 20, 2011, have been formatted and are currently being designed for web-posting and eventual printing. LPDB released a statewide press release announcing the promulgation on October 7, 2011. (On September 29, 2011, LPDB also posted a statewide press release on the recent awards for LPDB members, which included the highlighted work of juvenile justice advocates Gina Womack and Majeeda Snead.)

At the request of Dr. Mary Livers, we polled the juvenile defender listserv to see if defenders are regularly receiving notice of when OJJ is making a recommendation to modify. LPDB is in ongoing communication with Dr. Livers about this notification and other issues of concern to juvenile defenders.

There has been progress on filling one of the two vacant juvenile defender positions. After an intensive review of candidates for the Juvenile Justice Compliance Officer, staff selected a candidate to recommend to the Board members interested in juvenile defender reform. We are in the process of scheduling an interview with the Board members interested in juvenile defender reform and the candidate recommended by staff for the Juvenile Compliance Officer position. The Deputy Director – Director of Juvenile Defender Services position will be reposted for advertisement this month. Lynette Roberson, originally hired as the JIDAN Administrator has been approved as a temporary employee (one year term, renewable) to assist in legal research, development projects and juvenile justice initiatives.

On October 4, 2011, the Annie E. Casey Foundation released its report, “No Place for Kids: The Case for Reducing Juvenile Incarceration.” This report “is the most comprehensive recent analysis of research and new data on the effectiveness and costs of juvenile incarceration. The report concludes that there is now overwhelming evidence that the wholesale incarceration of juvenile offenders is a failed strategy for combating youth crime.” Roughly 60,500 U.S. youth – disproportionately young people of color – are confined in juvenile correctional facilities or other residential programs on any given night, according to an official national count of youth in correctional custody conducted in 2007. The report, including state-specific data on the number of juveniles in detention, juvenile corrections budgets, closed confinement facilities and confinement is online at: www.aecf.org/OurWork/JuvenileJustice/JuvenileJusticeReport.aspx

SPECIAL PROJECTS

Since the Board’s last meeting, the Special Projects Advisor Heather Hall 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 submitted a \$126,000 technology grants proposal for consideration by the Louisiana Commission on Law Enforcement and the Administration of Justice (LCLE); finalized a timeline of LPDB milestones from 2007-present; participated as a member of the ABA Task Force for Comprehensive Services and the Louisiana Language Access Coalition; facilitated the submission of the final financial report for the Capital Case Litigation Initiative (CCLI) grant; supported the submission of a community-oriented defense Soros Fellowship application benefitting the 15th Judicial District Public Defenders’ Office (with support from Jean Faria and G. Paul Marx); drafted possible research topics for Economics Doctoral candidate Greg Upton; collected background information on the successful \$1.2 million grant proposal to improve evidence collection protocols statewide (IPNO

was one of several applicant-partners – LPDB wrote a letter of support for this successful proposal); followed up on the revised juvenile collateral consequences resource at the ABA; updated the document, “Beginning the Transition,” which is part of the Community Defender Toolkit and was requested by the Brennan Center for Justice; and confirmed (with the Louisiana Office of Student Financial Assistance) successful dedication of JRJ Loan Repayment funds to 6 public defenders in Louisiana.

TRAINING

The Training Division delivered the Advanced Capital Training last week in New Orleans. The 5-day training provided six tracks: Trial; *Atkins* Development and Investigation; *Atkins* Litigation; Jury Selection; Post-Conviction Representation; and Capital Investigators and Mitigation Specialists. Over 150 participants attended, including attorneys, investigators, and mitigation specialists. Faculty was comprised of preeminent capital defenders from across the country. Participants experienced significant breakthroughs, not just in capital defense but also in client-centered advocacy as a whole.

STATE PUBLIC DEFENDER

I want to take this time to thank our interim Budget Officer. The return of Marianne Buchanan and her preparation of the agency’s budget has provided executive staff with the time to handle work in our respective areas of expertise. We are all very grateful.

As is evident in this meeting’s materials, the Restriction of Services protocol had to be rewritten to meet the formal requirements of the Louisiana Administrative Code. General Counsel Roger Harris did an excellent job with the rewrite. We were fortunate to work with a national expert who reviewed previous versions of the protocol and made substantive contributions to this final draft. We have been working with the Orleans District Defender to ready the district for the restriction of services in the event that the City adopts the Mayor’s recommended appropriation for OPD. As the City’s budget process will not be completed until after the November meeting of the Joint Legislative Committee on the Budget, staff will submit its request for emergency funding for the JLCB December 16 meeting.

Staff is gearing up for the Annual Survey which will be going out to districts in November. Our Annual Report to the Legislature has to be filed by February 1, 2012 and our Report to the Joint Legislative Committee on the Budget is due March 1, 2012. These highly labor intensive reports of the Board’s work with supporting information from each of the districts, also involve a great deal of statistical analysis. Suggested changes to the legislation creating the Board and its duties are to be included.

In preparation for the Annual Report and media work, Special Projects Advisor Heather Hall chronicled the work of the Board since 2008. The list is attached to this report and it is impressive. It reflects a tremendous amount of high quality work and progress toward implementing the reforms envisioned in the enabling legislation that created LPDB.