



## Louisiana Public Defender Board Report of the State Public Defender

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To: The Board  
From: Jean M. Faria  
Date: September 23, 2011

### **BUDGET DIVISION**

Civil Service maintains its earlier interpretation that the Budget Officer cannot be an unclassified position. Further, based on their requirements, we cannot upgrade the position as the agency does not have a budget in excess of \$50 million.

Currently, the position is being advertised on the state (Civil Service) website. We have reached out to the Ourso College of Business at LSU and we will be reaching out to Southern University College of Business. We are concentrating on alumni specializing in managerial accounting. An offer of employment has to be made no later than October 20, prior to the election, otherwise the position is frozen until after the governor has been sworn in. This is true for all vacancies.

The agency's budget must be filed by the November 1, 2011 deadline.

### **CAPITAL DIVISION**

Trial Level Compliance Officer John Di Giulio continues to act as Capital Case Coordinator until the position is filled, reviewing expert funding requests, assigning capital cases to counsel and overseeing capital litigation generally. He has also participated in attempts to resolve the issue of funding appeals in the Angola 5 case. A contract for Capital Case Coordinator services, approved by the Budget Committee, is awaiting approval by the Division of Administration.

### **COMPLIANCE DIVISION**

Since the last Board meeting, the Trial Level Compliance Officer has participated in weekly coordinating calls with the Orleans Public Defender and has made site visits to the 10<sup>th</sup> (Natchitoches Parish), 34<sup>th</sup> (St. Bernard Parish) and 22<sup>nd</sup> Judicial Districts (St. Tammany and Washington Parishes). He accompanied me to the Louisiana Sentencing Commission meeting on August 24, 2011, and attended, in my stead, the Louisiana Interchurch Conference Criminal Justice Commission meeting on August 31, 2011, the Louisiana Sentencing Commission Release Mechanisms meeting on September 8, 2011 and the September 16, 2011 Louisiana State Law

Institute Expungement Subcommittee meeting. In addition, he attended the Louisiana Association of Criminal Defense Lawyers' September 9, 2011 Legislative Planning Session and Board meeting and the September 15, 2011 Louisiana State Bar Association Criminal Justice Committee meeting. He is also participating in the newly formed Study Group on Indigency and Appointment of Counsel and he continues to field complaints and questions from the field.

## **INFORMATION TECHNOLOGY & MANAGEMENT DIVISION**

### **Information Management**

The ITM Division provided districts with new monthly financial reporting forms, which were modified to conform to the reporting requirements of Act 366. Notable changes in the new form are the inclusion of lines for remittance of the \$2.00 bond posting fees and the \$35.00 special costs for each individual court in each district, as well as entry lines for lump sum remittance from the court, sheriff, and police jury, in the event that the remitting agency in a district fails to comply with Act 366. ITM staff also created a district tutorial with instructions/examples regarding reporting state revenue and fund balances correctly for the new monthly financial report, and fielded numerous telephone requests for additional technical support. In order to assist districts in identifying types and amounts of fees remitted to them from various entities, the ITM Division developed and provided districts with an interactive, email-viable court/sheriff remittance form. This form was created to assist sheriffs, clerks of courts, and police juries, who may not have a form of their own, in complying with Act 366.

The division completed an analysis of FY12 insolvency projections by providing line graphs of all districts' actual finances reflecting FY 11 expenditures and revenues for each of the 42 districts, including two scenarios for District 10. The ITM division worked with the State Public Defender and Compliance Officer in submitting an emergency funding letter to districts which will have a shortfall of revenue in CY 2012. The division prepared a digest of the LPDB DAF distribution formula and FY12 pie chart which compared caseload and state funding between Orleans and East Baton Rouge. ITM staff researched District 5 attorney expenses and caseloads in comparison to the 6th and 10th Districts, as well as reviewed CY10 revenues for District 22 as requested by the Compliance Officer after receiving the letter from the ACLU regarding the 22<sup>nd</sup> Public Defender Office. The ITM division was asked to complete a caseload comparison of a staff defender and a contract conflict attorney in District 14, in response to subpoenas received by the SPD and Deputy Defender-Director of Training Julie Kilborn. The division assisted with review of the capital program budgets and caseloads.

### **Technology Management**

The ITM Division worked with David Newhouse and JusticeWorks on updating the LPDB database juvenile case types, results, statutes, options and events pages. The division met with district attorneys and Supreme Court representatives regarding statute codes for the LPDB database. ITM staff drafted and revised portions of the contract for JusticeWorks to build the database add-on for financial, dashboard, and capital reporting, currently being reviewed by our General Counsel and relevant external state agencies. The ITM division is in the process of database data cleanup of capital cases: identifying open capital cases, eliminating duplicates, and researching mislabeled charges. The division provided a comparison of major districts'

CY10 charges heard by juries (regardless of the total number of jury cases), as well as total cases handled in the districts for CY 10 (for districts 1, 15, 19, 21, 22, 24, and 41) for presentation to the New Orleans Mayor. ITM staff researched and tested software for online annual reporting for districts, and researched and tested software for in-house project management.

Staff initiated a drill of the LPDB emergency Continuity of Operations Plan (COOP) by requesting via email that districts, staff, and contract programs access their emergency email accounts. The ITM division assisted the Special Projects Coordinator with the Byrne Grant data collection request as well as assisted with revising the LCLE proposal outline. The division assisted in the revision of budget performance indicators as well. ITM staff performed troubleshooting of the LPDB phone system.

## **JUVENILE DIVISION**

The position for Juvenile Compliance Officer was advertised earlier this month and staff has screened the applications and conducted preliminary interviews. Some follow up will be required prior to submitting the final applicant to the juvenile working group for interview and recommendation to the full Board.

Working with the Special Projects Advisor and the JIDAN Coordinator, we have developed a pilot project, which if funded, will provide educational advocacy services from within the 23<sup>rd</sup> Judicial District PDO for both court-involved and pre-court-involved clients who have identified educational needs (attendance/discipline/special education services). The purpose of the pilot project is two-fold: 1) to improve the quality of representation and educational services for court-involved Project clients, and; 2) to elevate the capacity of the public defender to act as a pre-contact community problem-solver, addressing systemic educational deficiencies, that is informed by the public defender's more traditional client advocacy.

## **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 list-serv; drafting and disseminating press statements as appropriate; and, participating in staff meetings and other discussions/projects as a member of the executive staff.

In addition, since the last meeting, the Special Projects Advisor has submitted a \$75,000 (each year for three years) proposal to the Southern Poverty Law Center to create an Ed-Law Pilot Project in the 23<sup>rd</sup> Judicial District Public Defenders' Office; drafted a \$126,000 technology grants proposal for consideration by the Louisiana Commission on Law Enforcement and the Administration of Justice (LCLE); created an externship protocol between LPDB and LSU; developed a model client interview form for consideration by staff; reconstructed a timeline of LPDB milestones from 2007-present; developed a preliminary media strategy in anticipation of restricted services in the districts; completed a preliminary research memo on state agency staffing and funding as part of the larger effort to increase agency T.O.; assisted in the development of agency performance indicators; drafted a social media protocol for LPDB to

appropriately and efficiently network on both Facebook and Twitter; and, submitted the revised Articles of Incorporation of the Louisiana Justice Coalition to the Louisiana Secretary of State.

## **TRAINING**

The Defender Training Institute was held September 11 – 16, 2011 in Baton Rouge. Forty-four public defenders from districts across the state spent six days in intense training consisting of skills work covering the life of a case, from initial client interview through sentencing and collateral consequences of convictions. Participants worked either a mock case or a real public defender case throughout the week. Faculty consisted of seasoned criminal defenders from Louisiana as well as public defender trainers from across the country including Maryland, Minnesota, Washington, Virginia, Arizona, North Carolina, Missouri and Ohio. Last year's DTI graduates attended the DTI Annual Conference on September 15 – 16, 2011 where they continued to refine their courtroom skills.

The Training Division continues to develop and prepare for the Advanced Capital Training (Oct. 25 – 29, 2011) as well as the statewide and regional trainings scheduled for 2012.

## **STATE PUBLIC DEFENDER**

### Staff Changes

We welcome a new staff member Irene Joe, who joins us as the Assistant Training Director. She comes to LPDB from the Orleans Public Defender Office, where she was Assistant Special Litigation Counsel. She is a graduate of Stanford Law School; an Equal Justice Initiative of Alabama Fellowship Attorney; and, former Law Clerk to the Honorable Napoleon A. Jones, Jr., United States District Court for the Southern District of California.

### Task Force and Committee Appointments

The various legislatively created task forces requiring LPDB participation have started meeting as well as those commissions and committees which have a seat for the State Public Defender: the Task Force on Domestic Violence; the Graham Task Force; the Task Force studying the impact of the childhood addiction to pornography; the Drug Policy Board; the Sentencing Commission; the Supreme Court Rules Committee; the Louisiana Law Institute: Criminal Code Committee, meetings on Expungement and Discovery; the LLI Children's Code Committee; the LSBA Criminal Justice Committee; LSBA Children's Law Committee; the Task Force on Indigent Parent Representation; the Louisiana Commission on Law Enforcement; and, the Attorney Accountability Task Force to name a few.

### Performance Standards

Working with LAP Director, Jim Looney and Phyllis Subin, along with the criminal defense lawyers on staff, we had our initial meeting and are beginning the process of researching and developing Appellate Practice Standards.

The third year has always been the “year of heavy lifting” in my mind. It represents the confluence of all of the hard work of the Board, the staff, the district defenders and the lawyers

and the improvements to the criminal justice system as a whole. As the district defenders work to decrease unreasonable caseloads and with the Board's continued work to increase funding to achieve salary parity with prosecutors and for defenders to receive health care and retirement benefits, turnover is slowing, increasing stability in the defense function. Keep lifting.