



STATE OF LOUISIANA
PUBLIC DEFENDER BOARD

RESOLUTION

On the 23rd day of January 2012, at a meeting of the Louisiana Public Defender Board, held in Baton Rouge, Louisiana, with a quorum of members present, the following business was conducted:

A discussion was had concerning the Orleans Public Defenders' (OPD's) \$3.5 million funding shortfall and the shortfalls that are projected in a number of other districts in FY 11-12. After discussion, it was duly moved and seconded that the following resolutions be adopted:

BE IT RESOLVED that Board staff is to set aside \$557,765 to fund shortfalls that are projected in districts other than OPD from now until the end of FY 11-12.

BE IT FURTHER RESOLVED that Board staff is to set aside \$500,000 to assist OPD through its impending service restriction.

BE IT FURTHER RESOLVED that Chairman Frank Neuner, Budget Committee Chair Luceia LeDoux, and Professor Pam Metzger (the "Board's delegates") are authorized to act on the Board's behalf in connection with oversight and approval of OPD's impending service restriction plan and related matters.

BE IT FURTHER RESOLVED that the Board's delegates are authorized to disburse the \$500,000 to OPD as they, acting together, deem necessary. However, it is anticipated that the \$500,000 will be disbursed to OPD in two phases, beginning with an initial distribution of \$200,000, upon the Board's delegates' acceptance of OPD's redrafted and clarified service restriction plan.

BE IT FURTHER RESOLVED that the Board's delegates are authorized to make a second distribution of no more than \$300,000 in or after April 2012 and only upon OPD's continued compliance with all fiscal reporting and service restriction directives of the Board's delegates and staff.

The above resolutions were passed unanimously by those Board members present and voting at the meeting.

I CERTIFY THAT the above and foregoing constitutes a true and correct copy of the resolution resulting from a meeting of the Louisiana Public Defender Board held on the 23rd day of January 2012.



FRANK X. NEUNER, JR.
CHAIRMAN



STATE OF LOUISIANA
PUBLIC DEFENDER BOARD

RESOLUTION SEEKING INCREASED LOCAL FUNDING

WHEREAS, the Board is concerned with the Louisiana public defender system's tenuous financial condition and the fact that the proposed FY 13 legislative appropriation to the Board is insufficient to cover the costs of providing constitutionally-required public defender services to eligible clients;

WHEREAS, without additional funding – either in the form of an increased legislative appropriation or an increase in local funding – many districts will be forced to restrict public defender services in FY 13 and subsequent years;

WHEREAS, district public defender offices presently rely heavily upon the \$35.00 “special costs” that district indigent defender funds receive pursuant to R.S. 15:168.B(1);

WHEREAS, these funds, which stay in the local districts, make up the majority of a district public defender office's local funds and account for approximately 60% of all revenues used to provide public defender services statewide;

WHEREAS, the Board recognizes that funding the public defender system through special costs can be problematic because it does not provide demand-driven resources to ensure that every district has a sufficient level of funding, but further recognizes that in light of the State's economic woes, the Board probably will not receive an increased State appropriation this year;

WHEREAS, the Board believes that the only way to maintain Louisiana's public defender system in these fiscally challenging times is to increase the special costs set forth in R.S. 15:168.B(1) from \$35 to \$55, to be assessed every time a defendant is convicted after a trial, a plea of guilty or nolo contendere, or after forfeiting bond;

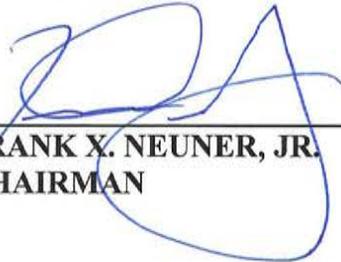
WHEREAS, without this increase, the Board will be unable to fulfill its statutory obligation to maintain a public defender system that meets state and federal constitutional requirements;

WHEREAS, the recent funding crisis in Orleans, resulting in the elimination of a number of staff attorney and support positions and the concomitant difficulties for judges and prosecutors to handle their caseloads, is a symptom of the funding crisis that is looming statewide;

WHEREAS, the Board stands committed to do everything within its power to assist the Louisiana Legislature fulfill its constitutional obligation to create a "uniform system for securing and compensating qualified counsel for indigents," but needs legislative support to increase available funding and thereby avoid the service restrictions that will otherwise occur in many districts during FY 13 and beyond;

NOW, THEREFORE, BE IT RESOLVED that the Board urges and requests the Louisiana Legislature to amend R.S. 15:168.B(1) to increase the amount of special costs to be remitted to district indigent defender funds from thirty-five dollars (\$35.00) to fifty-five dollars (\$55.00).

I CERTIFY THAT the above and foregoing constitutes a true and correct copy of the resolution resulting from a meeting of the Louisiana Public Defender Board held on the 9th day of February 2012, which was passed unanimously by those Board members present and voting at the meeting.



FRANK X. NEUNER, JR.
CHAIRMAN

RECEIVED

Chapter 17. Service Restriction Protocol

§1701. Purpose, Findings and Intentions

A. On May 25, 2011, the legislative auditor issued a report entitled, "Louisiana District Public Defenders Compliance with Report Requirements." The report, prepared in accordance with R.S. 24:515.1.F, focused largely upon the fact that 28 of Louisiana's 42 district public defenders had expenditures that exceeded revenues during the 18-month period beginning January 1, 2009 and ending June 30, 2010.

The report explains, at p. 6, that:

[D]uring 2008 and 2009, the Louisiana Public Defender Board ("Board") received less money than it had requested during the budgeting/appropriations process. To preserve the state's public defender system, the Board reduced, and in some cases, eliminated state funding to local public defender districts that had positive fund balances. This allowed state funding to be directed to those districts with the greatest financial need. Twelve districts were required to use their fund balances to finance operations in 2008 and 28 districts were required to do so in 2009. It was a limited solution that allowed the continuation of the public defense system during lean economic times. At the same time, this seriously depleted most of the local districts' fund balances.

1. As a result of this spending pattern, the legislative auditor recommended that the board monitor the fiscal operations and financial position of all district defenders and, further, provide guidance to district defenders to ensure that districts do not spend more money than they collect. In order to comply with the legislative auditor's recommendation to provide guidance to public defenders to ensure that districts do not spend more funds than they receive, the board adopts this service restriction protocol.

B. The board recognizes that excessive caseloads affect the quality of representation being rendered by public defense service providers and thereby compromise the reliability of verdicts and threaten the conviction of innocent persons.

C. The board further recognizes that excessive caseloads impair the ability of public defense service providers to meet the ethical obligations imposed upon all attorneys, public and private, by the Rules of Professional Conduct. The board finds that by breaching the ethical obligations imposed by the Rules of Professional Conduct, a public defense service provider fails to satisfy the state's obligation to provide effective assistance of counsel to indigent defendants at each critical stage of the proceeding.

1. The relevant ethical obligations imposed by the Rules of Professional Conduct include, but are not limited to rules:

- a. 1.1 (requiring competent representation);
- b. 1.3 (requiring "reasonable diligence and promptness" in representation);
- c. 1.4 (requiring prompt and reasonable communications with the client);
- d. 1.7(a)(2) (a "lawyer shall not represent a client if ... there is a significant risk that the representation of one or

more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person...");

e. 1.16(a)(1) (requiring a lawyer to "withdraw from the representation of a client if...the representation will result in violation of the Rules of Professional Conduct or law.");

f. 5.1(a) and (b) (imposing on a "firm" the obligation to make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct" and that a "lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct"); and

g. 6.2(a) (a "lawyer shall not seek to avoid appointment by a tribunal to represent a person except for good cause, such as ... representing the client is likely to result in violation of the Rules of Professional Conduct or other law.").

2. The board further recognizes that a district or a district defender's office may be a "firm" for the purposes of Rule of Professional Conduct 5.1(a).

D. When this protocol uses "shall" or "shall not," it is intended to impose binding obligations. When "should" or "should not" is used, the text is intended as a statement of what is or is not appropriate conduct, but not as a binding rule. When "may" is used, it denotes permissible discretion or, depending on the context, refers to action that is not prohibited specifically.

E. This protocol is intended to be read consistently with constitutional requirements, statutes, the Rules of Professional Conduct, other court rules and decisional law and in the context of all relevant circumstances.

F. This protocol is neither designed nor intended as a basis for civil liability, criminal prosecution or the judicial evaluation of any public defense service provider's alleged misconduct.

G. If any phrase, clause, sentence or provision of this protocol is declared invalid for any reason, such invalidity does not affect the other provisions of this protocol that can be given effect without the invalid provision, and to this end, the provisions of this protocol are severable. The provisions of this protocol shall be liberally construed to effectuate the protocol's purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Public Defender Board, LR 38:813 (March 2012).

§1703. Definitions

A. As used in this protocol, unless the context clearly indicates otherwise, the following terms shall have the following meanings.

Board—the Louisiana Public Defender Board.

Board Staff—one or more members of the executive staff of the Board as set forth in R.S. 15:150 assigned by the board

or the state public defender to perform the duties set forth herein.

Case—*case* as defined in R.S. 15:174.C.

Caseload—the number of cases handled by a public defender service provider. The *caseload* of a district is the sum of all public defender service providers' caseloads in that district.

District—the judicial district in which a district defender supervises service providers and enforces standards and guidelines.

District Defender—an attorney under contract with the board to supervise public defense service providers and enforce standards and guidelines within a judicial district or multiple judicial districts. Also known as a district public defender or chief indigent defender.

District Indigent Defender Fund—the fund provided for in R.S. 15:168.

Fiscal Crisis—that a district indigent defender fund is unable to support its expenditures with revenues received from all sources and any accrued fund balance. Because a district indigent defender fund may not expend amounts in excess of revenues and accrued fund balance, a district facing a fiscal crisis must restrict public defense services to cut back on or slow the growth of expenditures. Services should be restricted in the manner that the board and the affected district defender determine to be the least harmful to the continuation of public defense services within the district.

Notice—written notice given as provided for herein.:

a. between the district defender and the board or board staff. Notice between a district defender and the board or board staff, as required in this protocol, may be given by mail, facsimile transmission or electronic mail. If notice is given by certified or registered mail, notice shall be effective upon receipt by the addressee. If notice is given by mail that is not sent certified or registered, by facsimile transmission, or by electronic mail, notice shall be effective only after the sending party confirms telephonically with the receiving party that all pages, including attachments, were received by the receiving party;

b. from the district defender to the court. Notice from a district defender to the court, as required in this protocol, shall be given by filing notice with the affected district's clerks(s) of court and hand-delivering copies to the offices of the chief judge and the district attorney of the affected district.;

c. from the district defender to others. Notice from a district defender to persons not otherwise specified may be given by hand-delivery or by certified or registered mail; notice of shall be effective upon hand-delivery or deposit into the U.S. mail.

Public Defender Service Provider—an attorney who provides legal services to indigent persons in criminal proceedings in which the right to counsel attaches under the United States and Louisiana constitutions as a district

employee or as an independent contractor. Unless the context or surrounding circumstances clearly indicate otherwise, a public defender service provider includes a district defender.

Rules of Professional Conduct—the Louisiana Rules of Professional Conduct.

State Public Defender—the person employed by the board pursuant to R.S. 15:152.

Workload—a public defender service provider's caseload, including appointed and other work, adjusted by factors such as case complexity, support services, and an attorney's nonrepresentational duties. Non-caseload factors also include the experience level of the public defense service provider, waits in courtrooms for judicial priority afforded private-lawyer cases, training functions required of senior lawyers to junior lawyers, travel time to and from jails and prisons where clients are incarcerated, timeliness and ease of access to incarcerated clients, and the number of non-English speaking clients. A workload is excessive when it impairs the ability of a public defense service provider to meet the ethical obligations imposed by the Rules of Professional Conduct. The workload of a district is the sum of all public defender service providers' workloads in that district. The workload of a district is excessive when all non-supervisory public defense service providers within that district have excessive workloads.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Public Defender Board, LR 38:814 (March 2012).

§1705. Applicability of Sections

A. Sections 1707 through 1717 shall apply when a district is facing a fiscal crisis or excessive workload, or both. Section 1719 applies when one or more individual public defender service providers are facing excessive workloads, but the district itself is not.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Public Defender Board, LR 38:815 (March 2012).

§1707. Notice of Impending Fiscal Crisis, Excessive Caseload, or Both

A. When a district defender or board staff projects that a district will experience a fiscal crisis or an excessive workload, or both, during the next 12 months, the district defender or board staff, as the case may be, shall give notice to the other within 7 days of making such projection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Public Defender Board, LR 38:815 (March 2012).

§1709. Discussion of Alternatives; Proposed Service Restriction Plan

A. If the fiscal crisis or excessive workload, or both, is/are expected to occur six or more months from giving or receiving

of the notice specified in §1707, the following steps shall be taken.

1. Within 45 days after giving or receiving the notice, the district defender shall discuss with board staff any viable alternatives to restricting public defense services within the district.

2. If the district defender and board staff are unable to agree upon any viable alternatives to restricting public defense services with the district, the district defender shall, within 60 days after either giving or receiving the notice, develop a proposed written plan for restricting services in the district, including staff and overhead reductions where necessary, and submit the proposed plan to board staff.

B. If the fiscal crisis or excessive workload, or both, is/are expected to occur less than six months from giving or receiving of the notice specified in §1707, the following steps shall be taken.

1. Within 15 days after giving or receiving the notice, the district defender shall discuss with board staff any viable alternatives to restricting public defense services within the district.

2. If the district defender and board staff are unable to agree upon any viable alternatives to restricting public defense services with the district, the district defender shall, within 30 days after either giving or receiving the notice, develop a proposed written plan for restricting services in the district, including staff and overhead reductions where necessary, and submit the proposed plan to board staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Public Defender Board, LR 38:815 (March 2012).

§1711. Comprehensive and Expedited Site Visits

A. If the fiscal crisis or excessive workload, or both, is/are expected to occur six or more months from the giving or receiving of the notice specified in §1707 and the district defender and board staff are unable to agree upon any viable alternatives to restricting public defense services with the district, the following steps shall be taken.

1. Within 90 days of receiving the district defender's proposed service restriction plan, board staff shall conduct a comprehensive site visit. the purpose of the comprehensive site visit is to confirm that a restriction of services is necessary and to ensure that the restriction of services is handled in a manner that minimizes the adverse effects on the local criminal justice system, while avoiding assuming caseload and/or workload levels that threaten quality representation of clients or run counter to the Rules of Professional Conduct. In conducting comprehensive site visits, board staff should perform any and all such actions that board staff deems necessary, including, but not limited to, requesting and reviewing documents, examining computers and computerized information, interviewing district employees and independent contractors, and contacting other stakeholders in the local criminal justice system. If the board staff determines that services should be restricted in the

district following completion of the comprehensive site visit, the district defender and board staff should consult with the chief judge and district attorney before finalizing the service restriction plan.

B. If the fiscal crisis or excessive workload, or both, is/are expected to occur less than six months from the giving or receiving of the notice specified in §1707 and the district defender and board staff are unable to agree upon any viable alternatives to restricting public defense services with the district, the following steps should be taken.

1. Within 45 days of receipt of the district defender's proposed service restriction plan, board staff should conduct an expedited site visit. The purpose of the expedited site visit is to confirm that a restriction of services is necessary and to ensure that the restriction of services is handled in a manner that minimizes the adverse effects on the local criminal justice system, while avoiding assuming caseload and/or workload levels that threaten quality representation of clients or run counter to the Rules of Professional Conduct. In conducting expedited site visits, board staff may perform any and all such actions the board staff deems necessary, including, but not limited to, requesting and reviewing documents, examining computers and computerized information, interviewing district employees and independent contractors, and contacting other stakeholders in the local criminal justice system. If the board staff determines that services should be restricted in the district following completion of the expedited site visit, the district defender and board staff should consult with the chief judge and district attorney prior to finalizing the service restriction plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Public Defender Board, LR 38:815 (March 2012).

§1713. Factors to be Considered in Development of a Service Restriction Plan

A. Recognition of Diversity of Districts

1. Individual districts have different public defender service delivery methods, funding levels, caseloads, workloads and staff. As a result, service restriction plans should be tailored to each district. In some districts, restricting misdemeanor representation may be the appropriate step, while in others; districts may no longer be able to handle capital cases. However, to the extent possible, all service restriction plans should reflect that the district will continue representation of existing clients.

B. Non-Attorney Support Staff

1. In preparing the final service restriction plan for a district, the district defender and board staff should attempt to preserve the district's support staff to the extent possible.

C. Public Defender Service Provider Considerations

1. Public defender service providers' workloads must be controlled so that all matters can be handled competently. If workloads prevent public defender service providers' from providing competent representation to existing clients, public

defender service providers must neither be allowed nor required to accept new clients.

2. Reasonable communications between public defender service providers and their clients are necessary for clients to participate effectively in their representation.

3. Loyalty and independent judgment are essential elements in public defender service providers' client relationships. Conflicts of interest can arise from the public defender service providers' responsibilities to other clients, former clients, third persons or from the public defender service providers' own interest. Loyalty to clients is impaired when a public defender service provider cannot consider, recommend, or carry out appropriate courses of action for clients because of the public defender service providers' other responsibilities or interests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Public Defender Board, LR 38:816 (March 2012).

§1715. Declination of New Appointments; Other Relief

A. If the district defender and board staff agree that the fiscal crisis or excessive workload, or both, is imminent, the district defender and public defense service providers shall begin declining new appointments at an agreed upon time prior to breaching the Rules of Professional Conduct.

B. If the court appoints the district defender or one of the district's public defense service providers following declination of appointments as set forth in §1715.A, the district defender and the district's public defense service providers shall seek continuances in those cases where the defendant is not incarcerated. The district defender and the district's public defense service providers shall continue to provide legal services for incarcerated clients provided they may do so without breaching the Rules of Professional Conduct and after considering the severity of the offense and the length of time the defendant has been in custody. If the district defender determines that litigation pursuant to *State v. Peart*, 621 So.2d 780 (La. 1993); *State v. Citizen*, 04-KA-1841 (La. 4/1/05), 898 So.2d 325 or other related litigation is necessary at this time, the district defender is authorized to take such action after giving notice to the board and board staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Public Defender Board, LR 38:816 (March 2012).

§1717. Finalization of Plan; Dissemination

A. If the fiscal crisis or excessive workload, or both, remains imminent at conclusion of the board staff's site visit, the district defender shall, within 30 days of conclusion of the site visit, submit his or her proposed written final service restriction plan to board staff.

B. Board staff shall have seven days after receipt of the proposed final service restriction plan to review and approve the plan as submitted or approve the plan as modified by board staff. The plan becomes final upon the district

defender's receipt of the board staff's approval. If board staff takes no action on the proposed final services restriction plan, the plan is deemed to be approved as submitted on the first business day following the expiration of the seventh day.

C. After the plan has been approved by board staff, the district defender shall give notice of the plan, together with a copy of the plan, to the court in accordance with §1703.A.9.b. and to the state public defender in accordance with §1703.A.9.a.

D. Copies of the notice and the final service restriction plan also shall be sent by the district defender to the chief justice of the Louisiana Supreme Court, the president of the Louisiana State Bar Association, the chief and/or administrative judge of each court in the district in which public defender service providers deliver legal services to indigent persons in criminal proceedings, and the sheriff and parish president or equivalent head of parish government for each parish in the district in accordance with §1703.A.9.c.

E. The district defender may seek assistance from the court, where appropriate, in recruiting members of the local private bar to assist in the provision of indigent representation.

F. Notices under this §1717 shall include the effective date of the service restriction and should be provided as soon as practicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Public Defender Board, LR 38:816 (March 2012).

§1719. Excessive Workloads of Individual Public Defender Service Providers

A. A public defender service provider's workload, including appointed and other work, should never be so large as to interfere with the rendering of quality representation or result in the breach of ethical obligations, and public defense service providers are obligated to decline appointments above such levels.

B. If the district defender becomes aware that one or more of the district's public defender service providers' workloads are, or will become, excessive, the district defender shall take appropriate action. Appropriate action includes, but is not limited to, transferring non-representational responsibilities within the district, including managerial or supervisory responsibilities to others; transferring cases from one public defender service providers to another; or authorizing the public defender service providers to refuse new cases.

C. If a public defense service provider believes that he or she has an excessive workload, the public defense service provider shall consult with his or her supervisor and seek a solution by transferring cases to a public defense service provider whose workload is not excessive or by transferring non-representational responsibilities. Should the supervisor disagree with the public defense service provider's position or refuse to acknowledge the problem, the public defense service provider should continue to advance up the chain of command within the district until either relief is obtained or the public

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defense service provider has reached and requested assistance or relief from the district defender. If after appealing to his or her supervisor and district defender without relief, the public defense service provider should appeal to the regional director, if applicable, and the state public defender for assistance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Public Defender Board, LR 38:817 (March 2012).

I Court Performance Standards



LOUISIANA PUBLIC DEFENDER BOARD
BOARD MEETING
March 6, 2012
Baton Rouge, Louisiana
2:00 PM

MINUTES

1. Call to Order and Remarks by the Chairman.

A meeting of the Louisiana Public Defender Board pursuant to lawful notice was duly convened and called to order by its Chairman at 2:15 p.m. on Tuesday, March 6, 2012, at the LSU Law Center, in Baton Rouge, Louisiana.

The following Board Members were present:

Frank Neuner, Chairman
Robert Burns
Sam Dalton
Add Goff
Dan Krutz
Luceia LeDoux
Tom Lorenzi
Pam Metzger
Majeeda Snead

The following Board Members were absent:

Leo Hamilton
Frank Holthaus
Lucy McGough
Jacqueline Nash
Herschel Richard
Gina Womack

The following *ex officio* Board Members were absent:

Judge Robert Brinkman
Rebecca Hudsmith

The following members of the Board's staff were present:

Julie Kilborn, Deputy Public Defender–Director of Training
John Di Giulio, Compliance Officer
Anne Gwin, Executive Assistant
Roger Harris, General Counsel
Jack Harrison, Juvenile Justice Compliance Officer
Erik Stilling, ITM Officer
Angel Williams, Budget Officer

Mr. Neuner wished Compliance Officer John Di Giulio a happy birthday and Board members and guests joined in wishing him well.

Mr. Neuner presented Board member Sam Dalton with a framed photograph of Mr. Dalton at the NLADA Award presentation in December, 2011, in Washington, D.C. Mr. Dalton was the Kutak-Dodds Award recipient.

2. Review and Approval of the Agenda. Upon motion of Mr. Lorenzi, seconded by Prof. Metzger the agenda was approved as presented.

3. Review and Approval of the Minutes of the Meeting. Mr. Lorenzi moved to approve the minutes of the February 9, 2012, meeting as presented to the Board. Ms. LeDoux seconded the motion which passed unopposed.

4. Financial Report, March 2, 2012. Ms. LeDoux provided the most recent financial information. There were no significant budgetary issues brought for discussion.

5. Budget Committee Updates and Recommendations.

a. Emergency Funding Requests.* Ms. LeDoux moved on behalf of the Budget Committee that the Board approve emergency funding requests in the amount of \$462,601. Mr. Goff seconded the motion which passed unopposed.

b. Management Contract.* Mr. Neuner informed the Board that Mr. Ernie Lewis and Mr. Dan Goyette have presented a proposal to serve as consultants in assisting OPD in developing operational procedures to streamline the office to fit the current (and future) budget(s) without compromising the quality of the delivery of services to clients. The proposed cost of their services is \$21,150. The Budget Committee's recommendation was for the appropriation of funds of approximately \$20,000 for this project. Mr. Lorenzi moved to amend the Budget Committee's recommendation of \$20,000 to \$21,150. Mr. Dalton seconded the motion. Prof. Metzger added that the resources and finished product will be made available to all jurisdictions and not just Orleans. The motion amending appropriation in the amount of \$21,150 for the management contract passed without opposition.

c. District Contract Amendment – FY 13, Pro Forma Budgets to be Submitted by April 1*. The Budget Committee recommended to the full board the change to the District Defenders' contracts for FY 2013 to include a pro forma budget that would be due annually on April 1, beginning April 1, 2013. This will assist the Budget

Officer in reviewing the districts' current and future financial status and anticipating emergency funding needs. Staff is to provide the districts with a DAF amount on which to base their pro forma balance budgets. The contract amendment and pro forma budget will be mandatory in FY 13 and every year thereafter; however, staff is requesting that the districts submit a pro forma budget by April 15th of the current year.

Mr. Clay Carroll, District Defender for the 2nd Judicial District, addressed the Board, and asked that staff provide the pro forma budget form as soon as possible. Staff acknowledged they would send it promptly.

i. Resolution*. On recommendation of the Budget Committee, the Resolution amending the district contracts beginning in FY 13 to included a pro forma budget due annually on April 1 passed unopposed.

6. Policy Committee Updates and Recommendations.

a. OPD Update. Mr. Neuner informed the Board that staff submitted a report to the Joint Legislative Committee on the Budget (JLCB) on March 5th requesting supplemental funding for conflict office/counsel in Orleans. The purpose of presenting to JLCB is to reinstate a conflict system in Orleans which is funded separately from OPD. Mr. Neuner requested that the Board ratify the request submitted to the JLCB. On motion of Mr. Lorenzi, seconded by Ms. LeDoux, the request sent to the JLCB on March 5 was ratified by the Board by unanimous vote.

i. Traffic Court Audit. Mr. Neuner reported the audit of the New Orleans Traffic Court's records should be ready this week. The LaPorte CPA firm audited the month of February, 2011, and will also audit June of 2011, for balance. The preliminary data for February indicates that OPD should have received \$1.9 million rather than the \$1.4 remitted from Traffic Court in 2011. Ms. Kilborn reported that LaPorte will reconcile their analysis with the Sunguard Report for consistency.

ii. Restriction of Services Update. Ms. Kilborn reported that \$200,000 of the \$500,000 additional appropriation for FY 12 approved by the Board was disbursed to OPD last week. Additionally, staff continues to monitor OPD's restriction of services that includes restructured service delivery in all courts (while maintaining reasonable caseload limits) and weekly financial reports.

Mr. Bunton, District Defender for OPD, reported that during this restriction process community support has been high, judicial criticism higher, and client impact minimal, thus far.

Mr. Neuner informed the Board that he will attend the LSBA and Judicial Council meetings on Thursday, March 8, 2012, in New Orleans, both of which will include discussions about the increase of fees under R.S. 15:168 from \$35 to \$55. The Board voted in support of the increase at the February 9, 2012 meeting, in the absence of additional statewide appropriations. Mr. Neuner sent correspondence to the Judicial Council members outlining the issue this morning.

iii. Pro bono Panel. Mr. Bunton reported that Mr. Mark Cunningham and Mr. Michael Bradley successfully put together a Pro bono panel which met recently in New Orleans. Approximately 20 firms/25 attorneys agreed to take five cases each, alleviating some strain from the conflict case load resulting from the closure of the OPD conflict office.

b. LPDB to Request Orleans Municipal Court Policies and Procedures.* Mr. Neuner reported the Policy Committee recommends this issue be tabled giving Professor Metzger the opportunity to continue discussions with Chief Judge Paul Sens. Ms. LeDoux moved to table the issue, which was seconded by Professor Snead. The motion passed unopposed.

7. District 22 – District Defender Recommendation.* Mr. Di Giulio reported that the Selection Committee for the 22nd Judicial District, following statutory process, submitted three recommendations for the District Defender position being vacated by Mr. John Simmons. Mr. Di Giulio, Mr. Harris, Dr. Stilling, and Ms. Kilborn interviewed the three applicants and are recommending Mr. John Lindner for the position.

Mr. Lindner was in attendance at the meeting and addressed the Board expressing his thanks and excitement for the opportunity if chosen for the position.

Ms. LeDoux moved to accept staffs' recommendation and for staff to negotiate the salary in compliance within the range for that position. Judge Burns seconded the motion. There being no opposition, Mr. Lindner was approved as District Defender for the 22nd Judicial District.

8. JLCB – 2011 Report and Powerpoint Presentation. Dr. Stilling presented a Powerpoint overview of the documents and types of information provided to the Joint Legislative Committee on the Budget (JLCB) in the mandatory report submitted on March 1, 2012 for the previous fiscal year.

9. Fee Increases.

a. House Bill 325. House Bill 325 provides for the increase of special costs assessed in criminal cases in each judicial district court for the district indigent defender fund from \$35 to \$55. On February 9, the Board passed a Resolution in favor of supporting the increase, in the absence of additional statewide appropriations. The issue will go before the Judicial Council on March 8, 2012.

b. LSBA Legislation Committee. The LSBA Legislation will meet on March 8, 2012 in New Orleans. LPDB has asked that the increase of fees from \$35 to \$55 be presented for discussion.

10. LJC Update. Professor Metzger gave a brief update on the status of LJC, a 501(c)(3) not-for-profit organization being formed to serve as a vehicle to handle projects and funding issues that the Board cannot.

11. Staff Updates.

a. SPD report. Ms. Kilborn acknowledged the hard work of all staff since the last meeting, the submittal of the mandatory report to the Joint Legislative Committee on the Budget (due annually on March 1) and the commencement of this year's Legislative session on March 12, 2012.

b. Angola 5 Update. Mr. Di Giulio gave a brief report on his recent correspondence on behalf of LPDB expressing concern about the potential ethics and conflict issues involved in the recent arrest of one of the attorneys representing one of the Angola 5 defendants in his on-going capital case.

c. JJIC Agenda. The Juvenile Justice Reform Act Implementation Commission will meet in Baton Rouge on March 7, 2012 at 2:00 at the State Capitol.

d. LSBA Summit Agenda. The LSBA Summit is scheduled for Friday, March 16, 2012, in Baton Rouge. Mr. Neuner will present during the lunch hour on the indigent defense funding crisis.

e. Michigan Power Point Presentation. Staff members Heather Hall and Sean Williams put together the Powerpoint presentation presented by Frank Neuner to the Michigan Public Defenders. The presentation was an overview of the Louisiana Public Defender Board.

12. Other Business. There was no additional business brought before the Board for discussion.

13. Next meeting(s). The next meeting will be Tuesday, April 10, 2012, in Baton Rouge. The location will be announced.

14. Adjournment. Upon motion by Ms. LeDoux, seconded by Add Goff, the meeting adjourned.

Guests Present:

John Lindner

Jim Looney

Sheeley Goff

James R. Murray

Michael A. Mitchell

Vic Bradley

J. Clay Carroll

Alan J. Robert

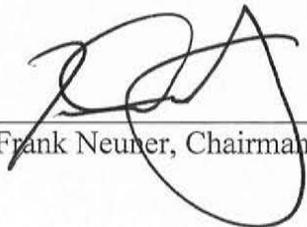
Reggie McIntyre

Derwyn Bunton

Richard Tompson

Graham daPonte

I HEREBY CERTIFY that the foregoing is a full, true, and correct account of the proceedings of the Louisiana Public Defender Board meeting held on the 6th day of March, 2012, as approved by the Board on the 10th day of April, 2012, in Baton Rouge, Louisiana.



Frank Neuner, Chairman



STATE OF LOUISIANA
PUBLIC DEFENDER BOARD

RESOLUTION

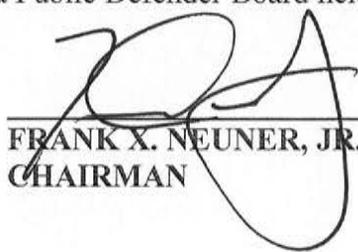
On the 10th day of April 2012, at a meeting of the Louisiana Public Defender Board held in Baton Rouge, Louisiana, with a quorum of members present, the following business was conducted:

A discussion was had concerning the Budget Committee's need for accurate and complete information from the districts seeking financial assistance from the Budget Committee and, ultimately, the Board. After discussion, it was duly moved and seconded that the following resolution be adopted:

BE IT RESOLVED that, beginning July 1, 2012, the District Defender of any district that requests supplemental or emergency Board funding, or any District Defender who requests a salary increase, shall be required to attend the Budget Committee meeting at which his or her request is being considered. If the District Defender is unable to attend the Budget Committee meeting through no fault of the District Defender's making, the District Defender may obtain the State Public Defender or Deputy Public Defender's consent to send a knowledgeable person to act as his or her representative; such consent shall be sought as soon as the District Defender becomes aware of the circumstances that will prevent his or her attendance.

The above resolution was passed unanimously by those board members present and voting at the meeting.

I CERTIFY THAT the above and foregoing constitutes a true and correct copy of the resolution resulting from a meeting of the Louisiana Public Defender Board held on the 10th day of April 2012.



FRANK X. NEUNER, JR.
CHAIRMAN



STATE OF LOUISIANA
PUBLIC DEFENDER BOARD

**RESOLUTION EXPRESSING INTENTION
TO MAINTAIN DISTRICT FUNDING LEVEL**

WHEREAS, prior to making its FY 2012-13 budget request, the Board determined that it would need a state appropriation in the amount of \$42 million to maintain the Louisiana public defender system through June 30, 2013;

WHEREAS, despite the Board's \$42 million budget request, the Governor recommended, and the General Appropriations Bill (House Bill No. 1) currently proposes, an appropriation of only \$33.1 million for FY 2012-13.

WHEREAS, the proposed appropriation, which leaves the Board with an approximately \$8.9 million shortfall, is premised upon the fact that the Board will oversee the capital appeals of two of the Angola 5 cases – something that was not known when the Board developed its \$42 million budget request.

WHEREAS, at its meeting on February 9, 2012, the Board expressed concern with the Louisiana public defender system's tenuous financial condition and the fact that the proposed FY 2012-13 legislative appropriation to the Board was insufficient to cover the costs of providing constitutionally-required public defender services to eligible clients and adopted a resolution supporting the Louisiana Legislature in amending R.S. 15:168B(1) to increase the amount of special costs to be remitted to district indigent defender funds from thirty-five dollars (\$35.00) to fifty-five dollars (\$55.00);

WHEREAS, since then, certain stakeholders have expressed concern that if local funds are increased, the state monies that flow to the local districts will be reduced;

WHEREAS, the Board, being acutely aware of the public defender system's tenuous financial condition, is of the opinion that even if the Louisiana Legislature increases the amount of special costs to fifty-five dollars (\$55.00), such increase will not generate sufficient funds to

decrease the local districts' collective need for state dollars distributed by the Board (the "DAF");

WHEREAS, the Board anticipates that the increased special costs will generate sufficient funds to reduce some of the districts' fiscal dependence upon the Board, which, in turn, will allow the Board to direct its limited funds to the districts with unmet needs.

WHEREAS, the Board desires to assure stakeholders that it has carefully considered the circumstances involved and further desires to allay any concerns that the DAF will be diverted away from the districts.

NOW, THEREFORE, BE IT RESOLVED that the Board has no intention of reducing the total amount of money flowing to the districts if, and when, special costs are increased; rather, it is the Board's intention to distribute the DAF to districts experiencing the greatest needs at that time in an effort to help the Louisiana Legislature achieve its constitutional mandate of providing "a uniform system for securing and compensating qualified counsel for indigents."

I CERTIFY THAT the above and foregoing constitutes a true and correct copy of the resolution resulting from a meeting of the Louisiana Public Defender Board held on the 10th day of April 2012, which was passed unanimously by those Board members present and voting at the meeting.



FRANK X. NEUNER, JR.
CHAIRMAN



STATE OF LOUISIANA
PUBLIC DEFENDER BOARD

RESOLUTION

On the 15th day of May 2012, at a meeting of the Louisiana Public Defender Board, held in Baton Rouge, Louisiana, with a quorum of members present, the following business was conducted:

WHEREAS, LaPorte, CPAs and Business Advisors (LaPorte) issued its forensic accounting audit report on the New Orleans Traffic Court to the Board on May 11, 2012;

WHEREAS, the LaPorte audit report found that the New Orleans Traffic Court routinely failed to assess, collect and remit the \$35 fee mandated by La. R.S. 15:168 and thereby deprived Orleans Public Defenders' office (OPD) of millions of dollars in lost revenue while, at the same time, unnecessarily increased OPD's dependence upon the State's coffers;

WHEREAS, the assessment, collection and remittance of these funds is solely the duty of the Traffic Court and not the OPD or the Board; and

NOW, THEREFORE, in consideration of the foregoing, it was duly moved and seconded that the following resolution be adopted:

BE IT RESOLVED that, considering the constitutional and statutory obligation of the Board and in view of the fragile financial state of Louisiana's public defense system, in general, and the Orleans Public Defenders' office, specifically, Julie H. Kilborn, Deputy Public Defender, is authorized to take whatever action, including the institution of legal proceedings, that she deems necessary and/or appropriate on the Board's behalf, to ensure that the Orleans Public Defenders' office has received and/or is receiving the monies to which it is statutorily entitled.

The above resolution was passed unanimously by those Board members present and voting at the meeting.

I CERTIFY THAT the above and foregoing constitutes a true and correct copy of the resolution resulting from a meeting of the Louisiana Public Defender Board held on the 15th day of May 2012.



FRANK X. NEUNER, JR.
CHAIRMAN



STATE OF LOUISIANA
PUBLIC DEFENDER BOARD

RESOLUTION

On the 29th day of May 2012, at a meeting of the Louisiana Public Defender Board, held in Gonzales, Louisiana, with a quorum of members present, the following business was conducted:

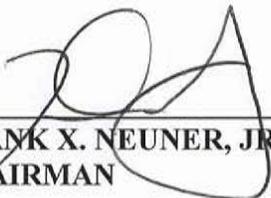
It was duly moved and seconded that the following resolution be adopted:

BE IT RESOLVED that, upon passage into law of House Bill 1059 of the 2012 Regular Session of the Louisiana Legislature, Julie H. Kilborn, Deputy Public Defender, is authorized to amend the FY 2011-12 contracts with the following non-profit organizations on the Board's behalf, increasing the contracts up to the budgeted amount of services rendered and/or to be rendered through the end of FY 2011-12 on behalf of two of the Angola 5 defendants, to-wit: Jeffrey Clark and David Brown; provided, however, such increases may not exceed the amounts appropriated in the enrolled version of HB 1059:

- 1) The Contract for Criminal Defense Services on Behalf of Indigents on Appeal of Capital Convictions by and between the Board and **The Capital Appeals Project**, shall be increased by the sum of 123,848.84; and
- 2) A Contract for Criminal Defense Services on Behalf of Indigents Seeking Capital Post-Conviction Relief by and between the Board and **Capital Post-Conviction Project of Louisiana (Operations)**, shall be increased by the sum of 72,629.30.

The above resolution was passed unanimously by those Board members present and voting at the meeting.

I CERTIFY THAT the above and foregoing constitutes a true and correct copy of the resolution resulting from a meeting of the Louisiana Public Defender Board held on the 29th day of May 2012.



FRANK X. NEUNER, JR.
CHAIRMAN



STATE OF LOUISIANA
PUBLIC DEFENDER BOARD

RESOLUTION

On the 29th day of May 2012, at a meeting of the Louisiana Public Defender Board (the "Board") held in Gonzales, Louisiana, with a quorum of members present, the following business was conducted:

WHEREAS, R.S. 15:148.B(1)(a) requires the Board to develop an empirically-based case-weighting system that does not count all cases of similar case type equally, but, rather, denotes the actual amount of attorney and non-attorney effort is needed to bring a specific case to an appropriate disposition; such a system is essential to establishing manageable workloads that permit the rendering of competent representation by Louisiana's public defenders.

WHEREAS, the U.S. Department of Justice's Bureau of Justice Assistance (BJA) is soliciting proposals for a FY 12 grant, "Answering Gideon's Call: Improving Indigent defense Delivery Systems," that could be used by the Board to defray some or all of the development costs of the Board's case-weighting system.

WHEREAS, BJA anticipates that it will make four awards of up to \$350,000 for a 2-year project period under the Answering Gideon's Call grant.

WHEREAS, the deadline for applying for funding under the Answering Gideon's Call grant was May 24, 2012, five days before the Board meeting.

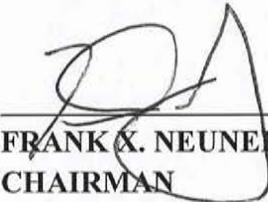
WHEREAS, in an effort to obtain federal dollars to defray the costs of one of the Board's statutory obligations, Deputy Public Defender Julie H. Kilborn applied for the Answering Gideon's Call grant on the Board's behalf prior to the deadline. If funded, it is anticipated that the 2-year grant period will begin in early 2013..

NOW, THEREFORE, after discussion, it was duly moved and seconded that the following resolution be adopted:

BE IT RESOLVED that Deputy Public Defender Julie H. Kilborn's submission of an Answering Gideon's Call grant application to BJA for the purpose of defraying the costs of a case-weighting system for Louisiana is hereby ratified by the Board.

The above resolution was passed unanimously by those Board members present and voting at the meeting.

I CERTIFY THAT the above and foregoing constitutes a true and correct copy of the resolution resulting from a meeting of the Louisiana Public Defender Board held on the 29th day of May 2012.



FRANK X. NEUNER, JR.
CHAIRMAN



STATE OF LOUISIANA
PUBLIC DEFENDER BOARD

RESOLUTION

On the 29th day of May 2012, at a meeting of the Louisiana Public Defender Board (the "Board") held in Gonzales, Louisiana, with a quorum of members present, the following business was conducted:

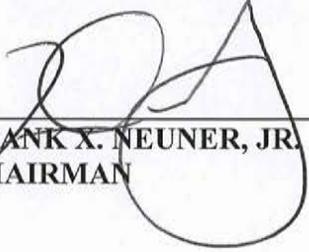
It was duly moved and seconded that the following resolution be adopted:

BE IT RESOLVED that any contract entered into between the Board and any District Defender for the fiscal years 2013 and thereafter shall contain a provision that is consistent with and/or substantially similar to the following:

- **Restriction of Services.** If Contractor's District restricts services during the term of this Contract, Contractor agrees to execute a Board-approved addendum to this Contract to ensure the delivery of quality public defense services during the restriction period. Said addendum will contain additional requirements, including, but not limited to, regular caseload assessments and reporting, weekly financial reporting, quarterly contract reviews and any other terms and conditions that the Board deems appropriate at the time.

The above resolution was passed unanimously by those board members present and voting at the meeting.

I CERTIFY THAT the above and foregoing constitutes a true and correct copy of the resolution resulting from a meeting of the Louisiana Public Defender Board held on the 29th day of May 2012.



FRANK X. NEUNER, JR.
CHAIRMAN

The Louisiana State Bar Association Statement Of Diversity Principles

Those signing this Statement of Principles, hereby commit themselves to foster diversity in the legal profession. The LSBA recognizes that diversity is an inclusive concept that encompasses race, color, ethnicity, gender, sexual orientation, age, religion, national origin, disability and other aspects of diversity.

We believe that with greater diversity, we can be more creative, effective and just, bringing more varied perspectives, experiences, backgrounds, talents and interests to the practice of law and the administration of justice. We further believe that a diverse group of talented legal professionals is critically important to the success of every law firm, corporate or government legal department, law school, and public service organization and every other organization that includes attorneys.

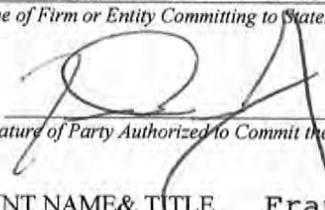
We recognize that to fully and equitably pursue justice our profession must reflect the full spectrum of our communities. To this end we pledge to make our best efforts to increase the diversity in our hiring, retention and promotion of attorneys and the elevation of attorneys to leadership positions within our respective organizations. We believe that all members of the bar should participate equally and fully in our profession. Ultimately, we believe that diversity in the legal profession is good for the profession, good for business, good for our communities and critical for enhancing the public's confidence in the judicial system.

We recognize that achieving diversity within our organizations and creating inclusive environments are evolutionary processes that require a continued effort and commitment on our part. We pledge to promote and participate in appropriate diversity awareness training programs. We further agree to participate in programs to measure our progress in the pursuit of these stated principles.

Signed this 24th day of September, 2012

Louisiana Public Defender Board

Name of Firm or Entity Committing to Statement of Diversity Principles

By: 

Signature of Party Authorized to Commit the Above Named Firm or Entity

PRINT NAME & TITLE Frank X. Neuner, Jr. -- Chairman

FIRM ADDRESS 500 Laurel Street, 3rd Floor, Baton Rouge, LA 70801

PHONE NUMBER 225-219-9305

EMAIL ADDRESS _____

Please send the executed form to:

Kelly McNeil Legier
601 St. Charles Avenue
New Orleans, LA 70130

Email: Kelly.Legier@lsba.org or Fax: (504)566-0930

A list of those executing this commitment statement will be available on line at www.lsba.org/diversity.



LOUISIANA PUBLIC DEFENDER BOARD

Effective: September 11, 2012

Policy and Procedures Anti-Discrimination Statement Concerning Clients

The Rules of Professional Conduct (Rule 1.2(b) and Rule 8.4(d),(f)) and the vision, mission and core values of the Louisiana Public Defender Board prohibit any defender or defender staff member from discriminating against clients on the basis of actual or perceived race, national origin, alienage or citizenship status, ethnicity, class, public benefit, political view, military status, religious affiliation, sex, sexual orientation, gender identity and expression¹, family structure, prior record of arrest or conviction, genetic predisposition or carrier status, age, disability, or experience as a victim.

Violation of this anti-discrimination statement is considered a breach of the professional and ethical responsibilities of legal representation, a threat to clients' constitutional right to effective assistance of counsel, and will result in appropriate disciplinary action. District Defenders and Executive Directors, per their contract with the Louisiana Public Defender Board, are obligated to create and maintain a practice culture that complies with this directive so that their office is a place of hope and justice for all of the clients it serves.

Retaliation against an individual who files a complaint of harassment or participates in an investigation of such a complaint is strictly prohibited. The Louisiana Public Defender Board will ensure that all District Defenders and Executive Directors receive notice of this policy and will encourage all office leadership to develop and adopt anti-discrimination statements/policies for their district or program offices.

¹ Actual or perceived gender identity and expression refers to a person's actual or perceived gender, and includes self-image, appearance, and behavior, whether or not different from that traditionally associated with the legal sex assigned to the person at birth.



LOUISIANA PUBLIC DEFENDER BOARD

*Effective: September 1, 2012
Last Updated: August 27, 2012*

Policy and Procedures For Notifying Limited Affected Third Parties of Placement on Meeting Agendas

1. Policy

1.1 The Louisiana Public Defender Board (“LPDB”) requires staff to notify District Defenders, Executive Directors of program offices or any district public office and/or program office personnel when a matter of their interest is expected to be addressed at any meeting of the Louisiana Public Defender Board and/or any of its Committees.

2. Purpose

2.1 LPDB is committed to demonstrating accountability and transparency in its supervision, regulation and improvement of the state public defender program. Effective communication is a critical component of this commitment. This policy seeks to ensure that any third party is made aware, reasonably in advance of any scheduled meeting of the Louisiana Public Defender Board and/or any of its Committees, that a matter of their interest is expected to be addressed.

2.2 Further, this policy seeks to ensure that the affected party is aware of the staff position on the matter and their recommendation to the Board. This will allow District Defenders, Executive Directors of program offices and/or any district public office or program office personnel sufficient notice to determine their participation at the meeting of the Louisiana Public Defender Board and/or any of its committees.

3. Notice

3.1 The law relating to the public posting of government meetings requires that the Louisiana Public Defender Board post the agenda of any meeting of the Louisiana Public Defender Board and/or its Committees no later than 24 hours before the meeting’s commencement.

- 3.2 Pursuant to this policy, the Louisiana Public Defender Board requires that staff post meeting announcements of the Louisiana Public Defender Board and/or its Committees on the agency website as soon as they are available, and no later than 24 hours days in advance of any meeting of the Louisiana Public Defender Board and/or any of its Committees.
- 3.3 Pursuant to this policy, LPDB staff also post Board meeting notices, with links to posted meeting materials, on www.la.gov, the website for all state government agencies and on the Louisiana Boards and Commissions website.
- 3.4 It is the obligation of any concerned citizen to access the meeting notice, agenda or materials through available means.
- 3.5 If any meeting of the Louisiana Public Defender Board and/or its Committees includes an Executive Session to discuss an individual employee, acting either individually or in a leadership capacity of a district public defender office, contract program, or at the state public defender agency, that person will be provided written notice and extended an invitation to attend the Executive Session of the meeting.
- 3.6 Pursuant to this policy, the Louisiana Public Defender Board requires that staff will provide written notice to any District Defender, Executive Directors of program offices and/or any district public office or program office personnel who is directly and singly affected by a Board or Committee meeting agenda item that is scheduled for Board vote. Included in this notice, LPDB staff will provide the third party with its recommendation to the Board, whenever possible.
- 3.7 Pursuant to this policy, the State Public Defender or the Executive Assistant to the State Public Defender will circulate the Board and/or Committee agenda, or link to the Board and/or Committee agenda, to all District Defenders, Program Directors of contract programs and LPDB staff when it is publicly available.
- 3.8 Approved minutes from meetings of the Louisiana Public Defender Board and/or its Committees are compiled and posted on both the LPDB website and on the Louisiana Boards and Commissions website within 10 business days of their ratification.

4. Timing and Content of Notice

- 4.1 The State Public Defender or the Executive Assistant to the State Public Defender will provide the affected District Defender, Executive Directors of program offices and/or any district public office or program office personnel with notice and the staff recommendation to the Board in writing. E-mail correspondence is appropriate, provided that staff retains and archives documentation of the communication. Notice is to be provided to the affected party as soon as possible, but in no event any later than 24 hours prior to the scheduled meeting.

4.2 If any affected party is not present at a meeting of the Louisiana Public Defender Board and/or any of its Committees, LPDB staff will provide the affected party with notice of any action taken by the Board or Committee, such notice to be provided within three (3) working days of said meeting.

5. **Exceptions**

Discussions that arise during meetings of the Louisiana Public Defender Board and/or its Committees that cover matters which are not formal agenda items do not require notice per this policy.