AGENDA

1. Call to Order and Remarks of the Chairman

2. Call for Public Comment

3. Adoption of the Agenda* pg. 1 - 2

4. Review of the November 13, 2014 Meeting Minutes* Tab 1, pgs. 3-8

5. Budget and Fiscal Issues Tab 2
   a. Financial Report*
   b. FY 2016 Contracts Amount Approvals*
      i. Professional Services Resolutions*
   c. Expert Witness Fund Increase - Resolution*
   d. ROS Prevention Funding-Resolution*
   e. ROS Prevention Funding*
   f. District Defender Salary Range Analysis
   g. Budget Committee Structure*
   h. Budget Cuts and Table of Organization Status

5. Policy Committee Reports and Recommendations Tab 3
   a. DAF Distribution*
   b. 501C3 – Annual Contract Change*
   c. DOC Inmate Representation - POLICY*

6. Capital Certification Appeals Panel – Volunteers*

*Requires Board Action
8. District Defender Status/Interim District Defender Appointment(s)  
   a. District 16 – Ratification of Interim Appointment – Champagne*  pg. 25  
   b. District 17 – Ratification of Interim Appointment – Bradley*  pg. 26  
   c. District 33 - Ratification of Interim Appointment – Chapman*  pg. 27  
   d. District 3 – Resignation of District Defender Jones

9. CAPOLA - Executive Summary*  Tab 5, pgs. 28-29

10. Executive Session¹

11. SCR 99  Hand out

12. Board Vacancies - Update

13. CAP Amicus – Update

14. FY 15 Outreach - Update

15. SPD Report  Tab 6, pgs. 30-35

16. Other Business

17. Next Meeting - Tuesday, March 24, 2015

18. Adjournment*

¹Requires Board Action

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¹ The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including strategy sessions with respect to litigation and prospective litigation after formal demand. In accordance with La. R.S. 42:19(A)(b)(iii), the Board may discuss the following: State v. Barthelemy, 11th JDC, Dockets: 13-CR-072667, 668 and 669; State v. Kenneth Willis, Docket No.: 304,806, Division 3, Caddo Parish; State v. Tarika Wilson, Docket No.: 315,973, Division 1, Caddo Parish; State v. Stacey Blount-Juneau; State v. Finister, et al, 19th JDC, Docket: 04-14-0380, 2014-KW-1440
Louisiana Public Defender Board

BOARD MEETING
Tuesday, January 13, 2015
LSU Law Center, 2nd Floor, Tyson Room
Baton Rouge LA 70806
2:00 p.m.

MINUTES

1. Call to Order and Remarks of the Chairman. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman on Tuesday, January 13, 2015, at 2:10 p.m. at the LSU Law Center, Tyson Room, in Baton Rouge, Louisiana.

The following Board members were present:

Robert Burns    Hampton Carver    Addison Goff
Leo Hamilton    Frank Holthaus    Robert Lancaster
Herbert Larson   Hector Linares   Tom Lorenzi
Jacqueline Nash  Herschel Richard Stephen Singer
Gina Womack

The following Board members were absent:

Rebecca Hudsmith, Ex Officio

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

Jay Dixon, State Public Defender
Barbara Baier, General Counsel
Natasha Carter, Acting Budget Officer
Anne Gwin, Executive Assistant
Richard Pittman, Dep. State Public Defender, Dir. Juvenile Defender Services
Tiffany Simpson, Juv. Justice Compliance Officer/Director of Legis. Affairs
Erik Stilling, Program Development and Resource Management Officer

The following member of the Board’s staff was absent:

Jean Faria, Capital Case Coordinator
2. **Call for Public Comment.** No one presented for public comment.

3. **Adoption of the Agenda.** Mr. Hamilton moved to adopt the agenda. Mr. Richard seconded the motion, which passed unopposed.

4. **Review of the November 13, 2014, Meeting Minutes.** Mr. Hamilton moved to accept the Minutes of the November 13, 2014 meeting as presented. Mr. Lorenzi seconded the motion which passed unopposed.

5. **Budget and Fiscal Issues**
   a. **Financial Report.** Acting Budget Officer Natasha Carter reported $23,692,111 expended or encumbered to date from the FY 2015 budget with a balance of $10,214,095 remaining and approximately $105,406 available for reallocation. Mr. Larson reported the financial report was approved by and is recommended for approval by the Budget Committee. Mr. Hamilton seconded the recommendation and the financial report was adopted, unopposed.

   b. **FY 2016 Contracts Amount Approvals.** Mr. Dixon reported the funding amounts to the Contract Programs for FY 16 will remain the same as the previous year with the exception of an additional $100,000 each to BRCCO, CDPSLA and LCAC for legal services be performed in those capital cases removed from CAPOLA, $200,000 to CDPSLA for legal services to be performed in capital cases in District 22 (St. Tammany/Tangipahoa), and $3,379 to LAP for the annual increases in Lexis-Nexis fees. Mr. Dixon clarified that the funding will come from unexpended CAPOLA monies with the any balance of those unexpended monies to be held to pay private attorneys assigned to other CAPOLA cases. The Budget Committee is recommending adoption of the 501c3 contracts and contract amounts, as presented. Mr. Hamilton seconded the recommendation which passed unopposed.

Mr. Dixon presented the Professional and Consulting Services contracts and contract amounts reporting that the Budget Committee is recommending approval of the amounts as presented. Mr. Holthaus seconded the recommendation which passed unopposed.

   i. **Professional Services Resolutions.** Pursuant to La. R.S. 42:262 requiring written Board approval of legal services contracts, staff presented two Resolutions for approval:

      • John Holdridge: contracting to provide assistance in the implementation of the 2014 recommendations of the legislative auditor. Mr. Richard moved to approve the contract and Mr. Hamilton seconded the motion which passed unopposed.

      • Stone-Pigman: to represent the Board in response to rulings filed in *State v. Kenneth Willis*, Docket Number 304-806, Section 3, 1st Judicial District Court, Parish of Caddo and *State v. Tarika Wilson*, Docket 315-973, Section 1, 1st Judicial District Court, Parish of Caddo. Mr. Hamilton moved to approve the contract and Lorenzi seconded the motion which passed unopposed.

c. **Expert Witness Fund Increase – Resolution.** Mr. Dixon explained that the expert witness fund is in need of additional funds that will reduce the period of time between services rendered and payment to experts. Mr. Dixon reported that staff is recommending an additional $200,000 for fiscal year 2015 and that the Budget
. Committee is recommending adoption. Mr. Richard seconded the recommendation which passed unopposed.

d. **ROS Prevention Funding-Resolution.** Mr. Dixon reported that Restriction of Services has already started. The proposed Resolution gives staff the authority to disburse available funds in order to alleviate or prevent service restriction in those districts which are in compliance with the agency’s Restriction of Services policy and protocols. The Budget Committee is recommending approval of Resolution. Mr. Hamilton seconded the recommendation which passed unopposed.

e. **ROS Prevention Funding.** Mr. Dixon reported that there is approximately $85,000 available for reallocation. The Budget Committee is recommending the dispersal of available funds up to $85,000 to those districts compliant with ROS policy and protocols in order to prevent or alleviate service restriction. Mr. Hamilton seconded the recommendation which passed unopposed.

f. **District Defender Salary Range Analysis.** For the Board’s information, Program Development and Resource Management Officer Dr. Erik Stilling provided a brief synopsis of the district defender salary range analysis that was requested by the Budget Committee.

g. **Budget Committee Structure.** Mr. Dixon reported that at previous Committee and Board meetings the discussion of increasing the Budget Committee membership to five has been had, specifically to increase membership to five in order to increase the probability of obtaining quorum. After further discussion, the Committee has agreed to decrease its membership to three, with Ms. Womack stepping down as a Committee Member leaving Mr. Larson (Chairman), Mr. Carver, and Mr. Singer as active members. Mr. Holthaus moved to adopt the membership restructure of the Budget Committee from four to three members. Ms. Womack seconded the motion which passed unopposed.

h. **Budget Cuts and Table of Organization Status.** Mr. Dixon reported that since the last Board meeting, the agency has lost one position to budget cuts and that the State Office of Planning and Budget (OPB) has a 17% statewide reduction goal which would result in a $5.4 million dollars loss to LPDB, if implemented. Mr. Dixon reported OPB has indicated that they would try protect LPDB’s budget given LPDB’s willingness work with them. Mr. Dixon indicated that he will be meeting with OPB in the near future.

6. **Policy Committee Reports and Recommendations**

   a. **DAF Distribution.** Mr. Dixon reported that in consideration of the Office of Planning and Budget’s 17% statewide reduction goal, staff is asking for the authority to distribute the full DAF amount at the start of the fiscal year (July 1, 2015) as opposed to the past protocol of semi-annual disbursements. The Policy Committee is recommending that staff draft and follow a revised DAF policy allowing for the dissemination of district assistance funds (DAF) at the beginning of the fiscal year as opposed to incrementally. Ms. Womack seconded the recommendation and the motion passed unanimously.

   b. **501C3 – Annual Contract Change.** Staff is asking to the Board to convert to a twelve month contract term with the 501c3 programs as opposed to two, six-month contracts. Mr. Dixon reported that the Policy Committee is recommending the requested change. Mr. Holthaus seconded recommendation which passed with no objection.

   c. **DOC Inmate Representation – POLICY.** Mr. Dixon reported that this issue was tabled by the Policy Committee until further research can be done. There was no discussion by the Board on this matter.
7. **Capital Certification Appeals Panel – Volunteers.** Chairman Burns reported that the Capital Certification Appeals Panel is in need of volunteers, and he has agreed to serve. He indicated at least a three-person panel is recommended. Mr. Holthaus, Prof. Singer and Mr. Hamilton also agreed to serve. General Counsel was instructed to determine and report back to the Board whether this volunteer panel made up of Board members is subject to the Public Meeting laws. Mr. Lorenzi moved to accept the four volunteers and Mr. Goff seconded the motion which passed unopposed.

8. **District Defender Status/Interim District Defender Appointment(s).** Mr. Dixon reported that the following interim district defenders have been appointed in the follow districts and the appointments require ratification by the Board. The interim positions will remain in place until further action of the Board.

   a. **District 16 – Ratification of Interim Appointment – Champagne.** Mr. Holthaus moved to ratify the appointment of Mr. Tony Champagne as interim district defender in the 16th judicial district. Prof. Larson seconded the motion and the motion passed unopposed.

   b. **District 17 – Ratification of Interim Appointment – Bradley.** Mr. Holthaus moved to ratify the appointment of Mr. Vic Bradley as interim district defender in the 17th judicial district. Prof. Larson seconded the motion and the motion passed unopposed.

   c. **District 33 - Ratification of Interim Appointment – Chapman.** Mr. Holthaus moved to ratify the appointment of Mr. Alex Chapman as interim district defender in the 33rd judicial district. Mr. Richard seconded the motion and the motion passed unopposed.

   d. **District 3 – Resignation of District Defender – Jones.** Mr. Dixon informed the Board that Mr. Lewis Jones, district defender for District 3 (Lincoln-Union Parish) has submitted his resignation. Mr. Goff called for the recognition of Mr. Jones for the decades of public defense service. The Board commended Mr. Jones.

9. **CAPOLA - Executive Summary.** Staff was tasked with providing an Executive Summary of the CAPOLA issue which is presented. Mr. Hamilton moved to adopt the Executive Summary as presented and Mr. Holthaus seconded the motion which passed unopposed.

10. **Executive Session.** Ms. Womack moved to go into Executive Session. Mr. Hamilton seconded the motion. Ms. Womack moved to leave Executive Session, seconded by Mr. Holthaus.

11. **SCR 99.** Director of Legislative Affairs Dr. Tiffany Simpson presented the Board’s response to Senate Concurrent Resolution 99 which has been submitted to the Legislature in advance of the January 15, 2015 deadline.

12. **Board Vacancies.** Mr. Dixon reported that several Board seats still have not received formal appointment from the Governor and that staff continues to monitor progress.

13. **CAP Amicus.** Mr. Dixon reported that this issue was resolved without LPDB’s involvement.
14. **FY 15 Outreach.** Mr. Dixon reported that he and staff continue with Legislative and community outreach to spread information about the pending public defense crisis and subsequent restriction of services.

15. **SPD Report.** Mr. Dixon reported that staff’s activities since the last Board meeting are available for review in the SPD report provided in the Board’s meeting materials.

16. **Other Business.** Mr. Richard Bourke (Louisiana Capital Assistance Center – LCAC) and Mr. Kerry Cuccia (Capital Defense Project of Southeast Louisiana – CPDSL) addressed the Board regarding its recent changes to the Expert Witness Funding Protocol. Specifically, they are requesting that the change allowing mitigation experts to start work immediately upon approval of the service but to defer billing and payment until funding is available be the policy for all expert requests. After a brief discussion period, Professor Larson moved that for the next two months, or pending the next scheduled Board meeting, that State Public Defender Jay Dixon be vested with the authority to apply to other experts the same policy as if provided to mitigation experts which allows for approved experts to begin work with payment deferred until funding is available thus not incurring deficit spending, giving staff time to work directly with the contract programs directors to formulate a uniform expert witness funding policy. Professor Linares seconded the motion which passed unopposed.

Professor Linares then asked the Board to recognize Deputy Public Defender/Director of Juvenile Services Richard Pittman for his recent work with the Children’s Code Committee of the Louisiana Law Institute regarding proposed amendments to Louisiana’s Mandatory Reporting laws, La. Ch. Code §§ 603, 609. The proposed amendment would exempt social workers and other behavioral health specialists working as part of a legal defense team from the requirements of the mandatory reporter act when they learn of otherwise reportable incidents in the course of representation.

Mr. Holthaus requested that staff formulate a communications protocol to judges regarding restriction of services so that the information regarding service restriction comes from the state office and the district defenders to the judge thereby providing advance education and information.

17. **Next Meeting** – The next meeting is Tuesday, March 24, 2015, at the LSU Law Center in the Tyson Room at 2:00 p.m.

18. **Adjournment.** Mr. Hamilton moved to adjourn which was seconded by Mr. Lorenzi.

**GUESTS:**

Reggie McIntyre  
Tony Tillman  
John Burkhardt  
Jim Looney  
Kimya M. Holmes  
Kerry Cuccia  
Richard Thompson  
Vic Bradley  
Matt Robnett  
Chris Aberle  
David Price  
Lewis Jones  
Tony Champagne  
Sarah Ottinger  
Cecelia Bonin  
G. Paul Marx  
Richard Bourke  
Forrest L. Moegle
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 13th day of January, 2015, as approved by the Board on the 24th day of March, 2015, at Baton Rouge, Louisiana.

[Signature]

Robert J. Burns, Jr., Chairman
AGENDA

1. Call to Order and Remarks of the Chairman
   a. Appointment of Stephen Singer
   b. Appointment of Herbert Larson
   c. Appointment of Franz Borghardt

2. Call for Public Comment

3. Adoption of the Agenda* pg. 36 - 37

4. Review of the January 13, 2015 Meeting Minutes* Tab 1, pgs. 38-43


6. Executive Session¹, ²*

7. Changes to DAF – FY16*

8. Budget and Fiscal Issues and Committee Recommendations Tab 2
   a. Financial Report*
   b. Executive Budget Recommendation, FY 16 pgs. 44 - 48
      i. Proposed Resolution – Position Cuts* pgs. 49 - 52
   c. FY15 – Year End DAF Update pgs. 53 - 54
   d. DAF – FY 2016*
   e. Capital Program Contracts – Amendments* pgs. 55 - 56

¹ The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including character and professional competence of a person; provided, however, such person(s) may require that such discussion be held at an open meeting pursuant to La. R.S. 42:17(A)(1). No final or binding action will be taken during executive session. The Board may or may not discuss the applicants for the District Defender position in District 17 (Lafourche Parish), District 16 (Iberia, St. Martin, St. Mary Parishes), and the status of the searches in District 33 (Allen Parish), District 2 (Claiborne, Iberville, Jackson Parishes) and District 3 (Lincoln, Union Parishes), and public records request in District 22nd.

9. District Defender Appointment(s)
   a. District 16
      i. Ratification of Appointment of Interim and Salary*  
      ii. Appointment and Salary of District Defender*
   b. District 17
      i. Ratification of Appointment and Salary of Interim*  
      ii. Appointment and Salary of District Defender*
   c. District 33 – District Defender Selection Status*
   d. District 2 – Ratification of Appointment of Interim and District Defender Selection Discussion*
   e. District 3 – Ratification of Appointment of Interim* and District Defender Selection Discussion

10. Policy Committee Reports and Recommendations
    a. Revised Expert Witness Funding Request Protocol*
    b. POLICY: DAF Annual Distribution*
    c. RESOLUTION: Proposed Board Support*
    d. POLICY: Juvenile ROS*

11. Juvenile Strategic Plan Development*
    a. Proposed Resolution*

12. Restriction of Services - Update
    a. Districts in Restriction
    b. Crisis Intervention/Strike Force
    c. Website

13. Public Records Request


15. Open Meeting Law – Capital Certification Appeals Panel

16. Legislative Session, 2015

17. Ethics Reporting – Due annually May 15

18. SPD Report

19. Other Business

20. Next Meeting(s)

21. Adjournment*  

*Requires Board Action
1. Call to Order and Remarks of the Chairman. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman on Tuesday, March 24, 2015, at 2:10 p.m. at the LSU Law Center, Tyson Room, in Baton Rouge, Louisiana.

The following Board members were present:

Robert Burns  
Addison Goff  
Herbert Larson  
Herschel Richard  
Franz Borghardt  
Leo Hamilton  
Hector Linares  
Stephen Singer  
Hampton Carver  
Robert Lancaster  
Tom Lorenzi

The following Board members were absent:

Frank Holthaus  
Jacqueline Nash  
Gina Womack  
Rebecca Hudsmith, Ex Officio

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

Jay Dixon, State Public Defender  
Barbara Baier, General Counsel  
Natashia Carter, Accountant  
Jean Farin, Capital Case Coordinator  
Anne Gwin, Executive Assistant  
Richard Pittman, Dep. State Public Defender, Dir. Juvenile Defender Services  
Tiffany Simpson, Juv. Justice Compliance Officer/Director of Legis. Affairs  
Erik Stillling, Program Development and Resource Management Officer
Judge Burns announced the formal appointment to the Board of Mr. Steven Singer, appointed by the Governor, representing Loyola University School of Law, Mr. Herbert Larson, appointed by the Governor, representing Tulane University School of Law and Mr. Franz Borghardt, one of two Governor at-large appointments. All three were welcomed.

2. **Call for Public Comment.** Judge Burns called for public comments. East Baton Rouge Parish Family Court Judges Pamela Baker, Charlene Day and Lisa Woodruff-White addressed the Board. Specifically, they voiced their concerns regarding the potential removal of Public Defenders in their courts as a result of restriction of services. The judges reported that a new system for the review of the payment of fees to the public defender’s office has recently been implemented and is being monitored for results. District Defender Mike Mitchell (19th District/EBR Parish) reported that he has implemented his Restriction of Service Plan but that his office may not remain solvent through the month of June, 2015.

Mr. Lorenzi moved that staff monitor the Family Court fee payment review system and provide the Board with a 60-day report with input from the Family Court judges and Mr. Mitchell. Mr. Hamilton seconded the motion which passed unopposed.

3. **Adoption of the Agenda.** Mr. Hamilton moved to adopt the agenda. Mr. Lorenzi seconded the motion, which passed unopposed.

4. **Review of the January 13, 2015, Meeting Minutes.** Mr. Richard moved to accept the Minutes of the meeting as presented. Mr. Hamilton seconded the motion which passed unopposed.

5. **Ratification of Board Issues: February 10, 2014 – January 13, 2015*.** Because of the lengthy delay in the appointment of both Steve Singer and Herbert Larson, Mr. Dixon requested that the Board ratify all votes of the Board between the dates of February 10, 2014 and January 13, 2015. Mr. Lorenzi moved to ratify all votes of the Board between the dates of February 10, 2014 and January 13, 2015. Mr. Hamilton seconded the motion which passed unopposed.

6. **Executive Session**, *(2)*. Mr. Lorenzi moved to go into Executive Session. Mr. Hamilton seconded the motion which passed by unanimous vote. Mr. Alan Golden, District Defender for the 1st Judicial District (Caddo Parish) informed the Board that he is waiving executive session and requested public forum. Mr. Borghardt moved to leave executive session. Mr. Lorenzi seconded the motion which passed by unanimous vote.

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*The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including character and professional competence of a person; provided, however, such person(s) may require that such discussion be held at an open meeting pursuant to La. R.S. 42:17(A)(1). No final or binding action will be taken during executive session. The Board may or may not discuss the applicants for the District Defender position in District 17 (Lafourche Parish), District 16 (Iberia, St. Martin, St. Mary Parishes), and the status of the searches in District 33 (Allen Parish), District 2 (Clarke, Iberville, Jackson Parishes) and District 3 (Lincoln, Union Parishes), records request in the 22nd and the DAF in Caddo.

7. **Changes to DAF – FY16*. Mr. Dixon reported staff is requesting a reduction in the DAF for FY16 to the 1st Judicial District PDO as a result of the discovery of an issue regarding the misdemeanor case count in that district. Caseloads are a key factor in the formula which derives at each district’s funding amount. Staff completed several site visits to the Caddo district office, the courts and the jail in an effort to examine the situation, and determined that, based on a variety of reasons, that the number of misdemeanor cases being reported by the district is erroneous. Mr. Dixon reported that Mr. Golden, District Defender for the 1st Judicial District was made aware of staff’s concerns in writing in order to respond to the Board.

Mr. Golden addressed the Board and expressed his concerns for the manner in which the situation was being handled and presented documentation in his defense. He also presented and questioned two witnesses, Mr. Alex Rubenstein, the staff attorney handling the district’s misdemeanor cases and Ms. Debra Jacobs, secretary to Mr. Rubenstein.

After a lengthy discussion, Mr. Larson moved that action be deferred until the next meeting and that a joint report from Mr. Dixon and Mr. Golden be provided on the discrepancy in the case numbers. Mr. Franz Borghardt amended the motion to include that Mr. Golden provide information concerning the number of motions filed in the misdemeanor cases at question, the number of misdemeanor trials held and the number of cases plead. Mr. Larson accepted the amendment to his original motion. Mr. Linares seconded the motion as amended which passed unopposed.

Mr. Goff moved to amend the agenda which Mr. Singer seconded and which passed unopposed. Mr. Goff moved to address item number 9, District Defender Appointments, before item 8. Mr. Singer seconded the motion which passed unopposed.

9. **District Defender Appointment(s).** Mr. Dixon reported that staff has concluded all interviews of applicants submitted by the Selection Committees in Districts 16 and 17.
   a. **District 16.**
      i. **Ratification of Appointment of Interim and Salary*.** Mr. Dixon requested ratification of the appointment of Ms. Cecelia Bonin as Interim District Defender for District 16, and her interim salary of $7,500 per month. Mr. Richard moved to ratify Ms. Bonin’s interim appointment and her salary of $7,500 a month. Mr. Larson seconded the motion which passed unopposed.
      ii. **Appointment and Salary of District Defender*.** Mr. Borghart moved to appoint Ms. Bonin as the District Defender for District 16 at an annual salary of $97,500 pursuant to staff’s recommendation. Mr. Larson seconded the motion which passed unopposed.
   b. **District 17.**
      i. **Ratification of Appointment and Salary of Interim*.** Mr. Dixon requested ratification of the appointment of Mr. Mark Plaisance as Interim District Defender for District 17 and his salary of $6,333 per month. Mr. Richard moved to ratify Mr. Plaisance’s interim appointment and his salary of $6,333 per month. Mr. Borhardt seconded the motion which passed unopposed.
      ii. **Appointment and Salary of District Defender.** Mr. Borghart moved to appoint Mr. Plaisance as the District Defender for District 17 at an annual salary of $76,000 pursuant to staff’s recommendation. Mr. Richard seconded the motion which passed unopposed.
e. District 33 – District Defender Selection Status*. Mr. Dixon reported that Mr. Alex Chapman, District Defender for District 13 is acting as Interim District Defender pending the selection process. After a brief discussion, Mr. Borghardt moved that Mr. Chapman be offered the position permanently, in addition to maintaining his District Defender position in District 13, at a combined annual salary of $90,000. Mr. Goff seconded the motion which passed unopposed.

d. District 2 – Ratification of Appointment of Interim and District Defender Selection Discussion*. Mr. Dixon requested ratification of the appointment of Mr. Herman Castete as Interim District Defender for District 2 at a monthly salary of $2,500 pending the appointment of a permanent District Defender. Mr. Richard moved to ratify Mr. Castete's interim appointment and salary. Mr. Goff seconded the motion which passed unopposed. Mr. Dixon reported the selection committee process will start immediately.

e. District 3 – Ratification of Appointment of Interim and District Defender Selection Discussion. Mr. Dixon requested ratification of the appointment of Mr. Herman Castete as Interim District Defender for District 3 at a monthly salary of $2,500 pending the appointment of a permanent District Defender. Mr. Richard moved to ratify Mr. Castete's interim appointment and salary. Mr. Goff seconded the motion which passed unopposed. Mr. Dixon reported the selection committee process will start immediately.

8. Budget and Fiscal Issues and Committee Recommendations

a. Financial Report*. Acting Budget Officer Natasha Carter reported $30,858,230 expended or encumbered this fiscal year to date, $2,913,845 projected to be expended or encumbered through the end of the fiscal year, and approximately $80,298 available for reallocation. Ms. Carter advised that staff is requesting $30,000 to be set aside to cover the pending office relocation. Ms. Faria indicated that another approximately $6,000 could also be needed to cover a proposed training in District 22. After a brief discussion on the training issue, Mr. Larson moved that $7,500 be set-aside from the $50,000 for training in District 22. Mr. Singer seconded the motion which passed unopposed. Mr. Larson then moved to adopt the financial report as presented. Mr. Lorenzi seconded the motion which passed unopposed.

b. Executive Budget Recommendation, FY 16.
   i. Proposed Resolution – Position Cuts*. Mr. Singer moved to defer items 8(b) and 8(b)(i) to the next scheduled Board meeting. Mr. Linares seconded the motion which passed unopposed.

c. FY15 – Year End DAF Update. Mr. Singer moved to defer item 8(c) to the next scheduled Board meeting. Mr. Carver seconded the motion which passed unopposed.

d. DAF – FY 2016*. This item, in direct relationship to Item 7 – Changes to the DAF-FY16 -- is deferred to the next scheduled Board meeting, as a result of the deferral of Item 7.

e. Capital Program Contracts – Amendments*. Capital Case Coordinator Jean Faria reported that the Budget Committee is recommending the allocation of the remaining $355,000 in FY15 capital funds for CAPOLA to the three capital trial programs handling the capital cases removed from CAPOLA. Three hundred thousand dollars is to be split equally between the three capital trial programs (BRCCO, LCAC and CDPSELA) with the remaining $55,000 to be applied to the Expert Witness Fund and
used to defer expert expenses incurred in those cases. Mr. Lorenzi seconded the
recommendation which passed unopposed.

Further, Ms. Faria reported the Budget Committee is recommending an additional
$51,603 for FY16 from the Capital Budget to be allocated to the Expert Witness Fund for
specific use by the capital contract trial programs on experts for the CAPOLA cases in
which they are providing representation. Mr. Lorenzi seconded the recommendation
which passed unopposed.

f. **ABA Proposal – Work Load Study Funding***. Ms. Faria reported that the
Budget Committee is recommending an additional $32,500 toward the completion of the
Work Load Study for a total amount of $76,000. Mr. Lorenzi seconded the
recommendation that passed unopposed.

g. **Ratification – JLCB Report**. Mr. Larson moved to defer this issue to the next
scheduled Board meeting. Mr. Lorenzi seconded the motion which passed unopposed.

10. **Policy Committee Reports and Recommendations.**
   a. **Revised Expert Witness Funding Request Protocol***. Ms. Faria reported that
   the Policy Committee is recommending a revised protocol which changes the monthly
   installment limits currently in place to one total annually encumbered amount and makes
   the fund accessible to all experts rather than only to core team members. Ms. Faria
   reported that General Counsel has established that, with the application and payment
   protocols and safeguards in place, that deficit spending will not occur. Further, Ms. Faria
   explained that all fund applicants will be advised of payment policies at the time of the
   approval of the application. Mr. Singer seconded the recommendation which passed
   unopposed.

   b. **POLICY: DAF Annual Distribution***. Mr. Lorenzi moved to defer action until
   the next scheduled Board meeting. Mr. Larson seconded the motion which passed
   unopposed.

   c. **RESOLUTION: Proposed Board Support***. Mr. Dixon reported that the
   Policy Committee is recommending that the Board declare its full support -- in the form
   the proposed Resolution -- to any district in or facing restriction of services, discouraging
   and condemning any action that sanctions a line defender, supervisor, district defender, or
   member of staff for any action taken by a District or any employee of the District as part
   of an approved Restriction of Services plan. Mr. Richard seconded the recommendation
to adopt the resolution as presented. The recommendations passed unopposed.

   d. **POLICY: Juvenile ROS***. Deputy Public Defender/Director of Juvenile
   Services Richard Pittman reported that the Policy Committee is recommending a Juvenile
   Restriction of Services policy that, in the event that public defenders must implement a
   service restriction plan would ensure that youth in Louisiana’s juvenile justice system are
   protected, in accordance with their uniquely vulnerable status. Mr. Lorenzi seconded the
   recommendation that passed unopposed.

11. **Juvenile Strategic Plan Development***
   a. **Proposed Resolution***. Mr. Dixon submitted for Board approval a Resolution
   instructing staff to engage stakeholders from around the juvenile defense and public
defense community to engage in strategic planning for the future of juvenile defense. Mr.
   Lorenzi moved that the Board adopt the Resolution as presented. Mr. Larson seconded
   the motion which passed unopposed.
12. **Restriction of Services – Update.** Mr. Dixon thanked Jee Park (Deputy District Defender – District 41), Harold Murray (Public Defender, District 9) and Brett Brunson (District 10 District Defender and current LACDL president) for their support and assistance in these early days of ROS. Mr. Dixon informed the Board that staff is working on a Board member secure section of the website in which to place all of the approved ROS plans for their review.

13. **Public Records Request.** General Counsel Barbara Baier reported that staff is in receipt of three Public Records Act requests for which they are currently compiling information. Both the Juvenile Justice Project of Louisiana and the Southern Poverty Law Center are juvenile defense in focus. The third, from The Advocate’s Covington, Louisiana office, pertains to issues in the District 22 PDO.

14. **Capital Punishment Fiscal Impact Commission – Update.** Ms. Faria reported that this newly formed Commission has met several times. The Commission will have to be renewed in the upcoming session. There are no upcoming meeting dates at this time.

15. **Open Meeting Law – Capital Certification Appeals Panel.** Ms. Baier reported that the panel formed to hear certification appeals is required to follow the state’s open meeting laws.

16. **Legislative Session, 2015.** Mr. Dixon reported that staff has begun monitoring 2015 filed bills and will keep the Board updated.

17. **Ethics Reporting – Due annually May 15.** Executive Assistant Anne Gwin reminded all Board members of the mandatory Personal Financial Disclosure Statement requirements. All members were provided with a blank form and the link to online filing.

18. **SPD Report.** Mr. Dixon reported that Staff activities since the last meeting are available in the SPD report.

19. **Other Business.** Mr. Lorenzi requested that the Board commend attorney Marty Stroud for his recent statement regarding the history and current plight of indigent defense. Mr. Lorenzi moved that staff draft a commendation for the next Board meeting. Mr. Linares seconded the motion which passed unopposed.

20. **Next Meeting.** The Board set the next two meetings in Baton Rouge, as follows: Tuesday, May 12, 2015 and Tuesday, June 16, 2015. The location will be announced once it is confirmed.

21. **Adjournment.** Mr. Linares moved to adjourn which was seconded by Mr. Borghardt.

**GUESTS:**

Reggie McIntyre  
Sarah Ottinger  
Cecelia Bonin  
David Price  
Herman Castete  

Richard Tompson  
John Burkhardt  
Jim Looney  
Richard Bourke  
Mike Courteau  

Tony Champagne  
Matt Robnett  
G. Paul Marx  
Kerry Cuccia  
Brett Brunson
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 24th day of March, 2015, as approved by the Board on the 12th day of May, 2015, at Baton Rouge, Louisiana.

[Signature]
Robert Burns (Ret.), Chairman
**AGENDA**

1. Call to Order and Remarks of the Chairman  
   a. Commendation – Marty Stroud, III  
   
2. Call for Public Comment  

3. Adoption of the Agenda*  
   
4. Review of the March 24, 2015 Meeting Minutes*  
   
5. Policy Committee Reports and Recommendations  
   a. Changes to the DAF – FY 16*  
   b. Voluntary Local Funds Management  
      i. Proposed Policy*  
      ii. La. R.S. 15:161  

6. Budget and Fiscal Issues and Committee Recommendations  
   a. Financial Report*  
   b. Executive Budget Recommendation, FY 16  
      i. Proposed Resolution – Position Cuts*  
      ii. Office Move Update  
   c. FY 15 - Year End DAF - Status  
   d. 2014 JLCB Report – Ratification*  

7. District Defender Issues  
   a. District 33 – District Defender Selection Status  
      i. Authority to Appoint Interim District Defender*  
   b. District 2 – District Defender Selection Status  
      i. Authority to Appoint Interim District Defender*  
   c. District 3 – District Defender Selection Status  
      i. Authority to Appoint Interim District Defender*  

*Requires Board Action
8. Executive Session

9. FY16 DAF and CINC Distribution

10. Restriction of Services - Update
   a. 19th JDC Family Court Fees – Update
   b. ROS – Districts 8 (Winn), 12 (Natchitoches), 34 (St. Bernard), 39 (Red River)

11. 2015 Legislative Session
   a. Act 605
   b. Act 605 – Fiscal Note

12. Juvenile Strategic Planning Report

13. SPD Report

14. Reminder: Ethics Reporting – Due annually May 15

15. Other Business

16. Next Meeting: June 16, 2015 – LSU/Tucker Room

17. Adjournment

*Requires Board Action

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1 The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including character and professional competence of a person; provided, however, such person(s) may require that such discussion be held at an open meeting pursuant to La. R.S. 42:17(A)(1). No final or binding action will be taken during executive session. The Board may discuss issues pertinent to the operation of the 1st Judicial District PDO.

LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING
Tuesday, May 12, 2015
LSU Law Center, 2nd Floor, Tucker Room, 2:00 pm
Baton Rouge LA 70806

MINUTES

1. Call to Order and Remarks of the Chairman. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman on Tuesday, May 12, 2015, at 2:05 p.m. at the LSU Law Center, Tucker Room, in Baton Rouge, Louisiana.

The following Board members were present:

Robert Burns  
Frank Holthaus  
Herbert Larson  
Jacqueline Nash  
Franz Borghardt  
Leo Hamilton  
Hector Linares  
Herschel Richard  
Hampton Carver  
Robert Lancaster  
Tom Lorenzi  
Stephen Singer

The following Board members were absent:

Add Goff  
Gina Womack  
Rebecca Hudsmith, Ex Officio

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

Jay Dixon, State Public Defender  
Barbara Baier, General Counsel  
Natasha Carter, Acting Budget Officer  
Jean Faria, Capital Case Coordinator  
Anne Gwin, Executive Assistant  
Richard Pittman, Dep. State Public Defender, Dir. Juvenile Defender Services  
Tiffany Simpson, Juv. Justice Compliance Officer/Director of Legis. Affairs  
Erik Stilling, Program Development and Resource Management Officer

Judge Burns announced that SPD Dixon has spoken to Mr. Marty Stroud and informed him of LPDB’s commendation resolution. Mr. Stroud could not attend the meeting due to a prior commitment.
Judge Burns welcomed Mr. Flozell Daniels, Jr. who is being appointed to the Board by Chief Justice Bernette Johnson and replaces Lucia LeDoux.

2. Call for Public Comment. No one presented for public comment.

3. Adoption of the Agenda*. Mr. Hamilton moved to adopt the agenda as presented which was seconded by Mr. Lorenzi and passed unopposed.

4. Review of the March 24, 2015 Meeting Minutes*. Mr. Hamilton moved to adopt the minutes of the March 24, 2015 meeting which was seconded by Mr. Lorenzi and passed unopposed.

5. Policy Committee Reports and Recommendations.
   a. Changes to the DAF – FY 16*. Mr. Hamilton moved to defer discussion of this issue in conjunction with item 9 on the agenda. Mr. Holthaus seconded the motion which passed unopposed.
   b. Voluntary Local Funds Management.
      i. Proposed Policy*. Mr. Lorenzi seconded the Policy Committee’s recommendation to accept the proposed policy as amended which passed unopposed.

6. Budget and Fiscal Issues and Committee Recommendations
   a. Financial Report*. Mr. Borghart moved to adopt the financial report as presented which was seconded by Mr. Larson and passed unopposed.
   b. Executive Budget Recommendation, FY 16.
      i. Proposed Resolution – Position Cuts*. After discussions, Mr. Holthaus moved to defer this issue to the June 16, 2015 meeting. Mr. Borghart seconded the motion which passed unopposed.
      ii. Office Move Update. Mr. Dixon informed the Board that its administrative offices would be relocating in June, 2015.
   c. FY 15 - Year End DAF – Status. Mr. Dixon reported $160,715 available to reallocate to the districts. Mr. Holthaus moved to authorize SPD Dixon to apply the FY15 year-end DAF allocation as he sees fit. Mr. Larson seconded the motion which passed unopposed.
   d. 2014 JLCB Report – Ratification*. Upon review of the report, staff agreed to amend the pie chart as presented in the final report to provide clarifying individual itemization percentages and to submit the amended document to the JLCB.

7. District Defender Issues.
   a. District 33. Mr. Dixon reported that the selection process for a district defender in the 33rd Judicial District has been re-opened and interviews are being scheduled. Mr. Singer moved to give the SPD authority to appoint an interim district defender pending a permanent appointment. Mr. Holthaus seconded the motion which passed unopposed.
   b. District 2. Mr. Dixon reported that the committee in District 2 is awaiting committee appointment by the LSBA President. Mr. Holthaus moved to give the SPD authority to appoint an interim district defender pending a permanent appointment. Prof. Nash seconded the motion which passed unopposed.
   c. District 3. Mr. Dixon reported that the Selection Committee in District 3 is in place and the process started. Prof. Nash moved to give the SPD authority to appoint an
interim district defender pending a permanent appointment. Mr. Holthaus seconded the motion which passed unopposed.

8. Executive Session*. Mr. Holthaus moved to amend the agenda to move Executive Session to after item #13, SPD Report. Mr. Hamilton seconded the motion which passed unopposed.

9. FY16 DAF and CINC Distribution*. Mr. Dixon informed the Board, that upon their direction at the last meeting, he and Mr. Alan Golden, District Defender for the 1st Judicial District, have resolved the issue in dispute and as a result staff is recommending final FY16 DAF and CINC distribution amounts as presented. Mr. Hamilton moved to accept staffs’ recommendation which was seconded by Mr. Holthaus and passed unopposed.

10. Restriction of Services – Update.
   a. 19th JDC Family Court Fees – Update. District Defender Michael A. Mitchell reported that the East Baton Rouge Family Court fee collection for appointments in non-support cases has increased to approximately $3600 a month allowing the district to assign and pay one part-time attorney in that court. Mr. Mitchell further reported that even with the increase his district will face shortfall in June of 2015 and he will have to cancel contract and conflict counsel until the new fiscal year.

   Mr. Robert Tucker, Sr., conflict counsel in the 19th Judicial District, addressed the Board and explained the dire consequences of non-representation by conflict counsel in the 19th due to inadequate funds.

   b. ROS – Districts 8 (Winn), 12 (Avoyelles), 34 (St. Bernard), 39 (Red River). SPD Dixon reported that all approved ROS plans will be made available on the website to all Board members. Mr. Bunton addressed the Board and said that he expected the 41st to go into ROS in the next fiscal year.

11. 2015 Legislative Session. SPD Dixon gave a synopsis of Act 605 of the 2015 legislative session and what it will mean to the structure and functions of LPDB if passed. Mr. Dixon informed everyone that the hearing on 605 is scheduled for Thursday, May 14, 2015.

12. Juvenile Strategic Planning Report. Deputy State Public Defender/Director of Juvenile Defender Services Richard Pittman reported that as directed by the Board at the March 2015 meetings, he has undertaken the organization of statewide juvenile strategic planning meetings and has held two meetings in Baton Rouge and Alexandria to date with several to follow in other parts of the state.

13. SPD Report. SPD Dixon reported the SPD account of staff activity since the last meeting is available in the Board materials.

Executive Session. Mr. Holthaus moved to go into Executive Session which was seconded by Mr. Hamilton and passed unanimously. Mr. Hamilton moved to leave Executive Session which was seconded by Mr. Holthaus and passed unanimously.

Upon return from Executive Session, Mr. Holthaus moved that the next meeting agenda on June 16, 2015, include an item for the institution of formal disciplinary proceedings and performance review of the District Defender in District 1 (Caddo Parish/Alan Golden), that District Defender
Golden be provided with timely notification of the action, and that the State Public Defender provide a recommendation that has been communicated to Mr. Golden. Mr. Larson seconded the motion, which passed unopposed.

14. Reminder. Board members were reminded to file their mandatory personal financial disclosure statements no later than May 15, 2015.

15. Other Business. There was no further business brought for discussion.


17. Adjournment*. Mr. Singer moved to adjourn which was seconded by Hector Linares and passed unopposed.

Guests:

Matthew Robnett
Tony Champagne
Mark Plaisance
Robert W. Tucker, Sr.
John Di Giulio
Vic Bradley
Josh Perry
Robert Tucker

Derwyn Bunton
G. Paul Marx
Kerry Cuccia
Bruce Unangst
Richard Tompion
Reggie McIntyre
Cecelia “Beanie” Bonin

John W. Lindner
Brett Brunson
Jim Looney
Michael A. Mitchell
George Steimmel
John Burkhardt
Flozell Daniels, Jr.

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 12th day of May, 2015, as approved by the Board on the 16th day of June, 2015, at Baton Rouge, Louisiana.

[Signature]
Robert J. Burns (Ret.), Chairman
AGENDA

1. Call to Order and Remarks of the Chairman
   a. Addison Goff Resignation, effective June 11, 2015

2. Call for Public Comment

3. Adoption of the Agenda*  
   pgs. 171-172

4. Review of the May 12, 2015 Meeting Minutes*  
   Tab 1, pgs. 173-176

5. Financial Report*  
   Tab 2, pgs. 177-181

6. FY 15 - Year End DAF Status  
   a. Year End Distribution*  
   Tab 3, pg. 182

7. Byrne-Jag Grant Recommendations*

8. Policy Committee Reports and Recommendations  
   a. Proposed Resolution – Vacant Positions*  
   Tab 4  
   pgs. 183-184

9. FY 16 – Contract Resolutions*  
   Tab 5, pgs. 185-192

10. District Defender Selection Status – Districts 2, 3, and 33

11. Restriction of Services - Update  
    a. 19th JDC Family Court Fees – Update  
    b. District ROS List

12. Juvenile Strategic Planning Update

13. 2015 Amended JLCB Report*  
    Tab 6, pgs. 193-198

*Requires Board Action
14. 2015 Legislative Session Report  
Tab 7, pgs. 199-216

15. Office Move Update  
Tab 8, pgs. 217-218

16. SPD Report  
Tab 9, pgs. 219-222

17. Other Business

18. District Defender Issues 
   a. District 1 – Caddo Parish - Resignation  
Tab 10, pgs. 223

19. Executive Session1, 2*  

20. Next Meeting(s)*

20. Adjournment*

*Requires Board Action

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1 The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including character and professional competence of a person; provided, however, such person(s) may require that such discussion be held at an open meeting pursuant to La. R.S. 42:17(A)(1). No final or binding action will be taken during executive session. The Board may discuss issues pertinent to the operation of the 1st Judicial District PDO.

MINUTES

1. Call to Order and Remarks of the Chairman. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman on Tuesday, June 16, 2015, at 2:05 p.m. at the LSU Law Center, Tucker Room, in Baton Rouge, Louisiana.

The following Board members were present:

Hon. Robert Burns  
Leo Hamilton  
Robert Lancaster  
Gina Womack

Franz Borghardt  
Frank Holthaus  
Tom Lorenzi

Hampton Carver  
Rebecca Hudsmith  
Herschel Richard

The following Board members were absent:

Flozell Daniels, Jr.  
Jacqueline Nash

Herbert Larson  
Steven Singer

Hector Linares

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

Jay Dixon, State Public Defender  
Barbara Baier, General Counsel  
Natasha Carter, Acting Budget Officer  
Anne Gwin, Executive Assistant  
Richard Pittman, Dep. State Public Defender, Dir. Juvenile Defender Services  
Tiffany Simpson, Juv. Justice Compliance Officer/Director of Legis. Affairs

The following members of the Board’s staff were absent:

Jean Faria, Capital Case Coordinator  
Eric Stilling, Program Development-Resource Management Officer

Judge Burns announced that Board member Addison Goff has submitted his letter of resignation from the Board effective June 11, 2015. Mr. Hamilton moved to commend Mr. Goff for his many years of service to the state and to the Board. Mr. Lorenzi seconded the motion which passed unopposed.
Chairman Burns commended State Public Defender Dixon and the LPDB staff for their efforts in the 2015 Legislative Session.

2. Call for Public Comment. No one presented for public comment.

3. Adoption of the Agenda. Mr. Hamilton moved to adopt the agenda as presented. Mr. Lorenzi seconded the motion which passed unopposed.

4. Review of the May 12, 2015 Meeting Minutes. Mr. Lorenzi moved to adopt the Minutes of the May 12, 2015 meeting as presented. Mr. Hamilton seconded the motion which passed unopposed.

5. Financial Report. Acting Budget Officer Natasha Carter reported 98.7% of the FY15 budget allocation expended or encumbered as of May 31, 2015, $475,496 in projected expenditures through the end of the fiscal year and approximately $790,000 to be reallocated to the districts. Mr. Dixon commended staff on their efforts to conserve funds in these difficult times. Mr. Dixon further reported that staff will continue its efforts to unencumber funds to add to the reallocation amount currently available to the districts in fiscal year 2015. Mr. Borghardt moved that staff prepare a detailed report to the Board explaining the derivation of the available reallocation funds and justifying how those funds are to be distributed. Ms. Hudsmith offered a friendly amendment that the report should include an explanation of the need to contract with attorneys and the unpredictability of litigation with which they are faced. Mr. Hamilton seconded the motion, as amended, which passed unopposed. Mr. Hamilton moved adoption of financial report and reallocations as presented and Mr. Richard seconded the motion which passed unopposed.

6. FY 15 - Year End DAF Status. Mr. Dixon explained the upcoming distribution of year-end DAF which will go to districts currently in Restriction of Services and to those which experienced a decrease in DAF from FY15 to FY16 in excess of thirty-three percent as a result of the decision not to utilize the adjustment formula. The year-end distribution will bring those districts back up to the amounts at which they were funded in FY15 and additionally will help the other districts forecast as facing ROS. Mr. Hamilton moved to adopt the recommended year-end disbursement as presented. Mr. Richard seconded the motion which passed unopposed.

7. Byrne-Jag Grant Recommendations. Mr. Dixon reported that a grant emphasizing public defense systems is open for application but that there is a June 30th deadline. Staff is requesting that the Board approve application to the grant with funds, if awarded, to be used to compile a "toolkit" to assist offices that are in or may go into service restriction. After a brief discussion, Mr. Hamilton moved to defer this item to later in the agenda to give staff time to obtain a copy of the grant application for Board review. Ms. Womack seconded the motion which passed unopposed.

8. Policy Committee Reports and Recommendations. Mr. Dixon presented an amended resolution addressing the loss of two statutory positions. After a brief discussion, staff was instructed to further amend the resolution to include specific information. Mr. Holthaus moved to defer this item to the next scheduled meeting. Mr. Richard seconded the motion which passed unopposed.
9. FY 16 – Contract Resolutions. Act 796 of 2014 requires that any contract for legal services be supplemented, when submitted to the Office of Contractual Review for approval, with a Board resolution approving the contract. Four resolutions approving contracts for legal services in FY16 were presented for Board approval.

Mr. Lorenzi moved to adopt the resolution approving Anthony Florence’s contract for legal services in the State v. Willis case. Mr. Richard seconded the motion, which received a unanimous vote of 9-0, with one (ex officio) Board member not voting, and five members absent.

Mr. Lorenzi moved to adopt the resolution approving Robert Noel’s contract for legal services in the State v. Willis case. Mr. Holthaus moved to amend the resolution to include an explanation for multiple representation requirements in capital cases and the Board’s cognizance of the need for continuity of counsel. Mr. Richard seconded the motion to amend which passed unopposed. Mr. Hamilton then moved to adopt the resolution, as amended, which was seconded by Mr. Lorenzi and which received a unanimous vote of 9-0, with one (ex-officio) Board member not voting, and five members absent.

Mr. Richard moved to adopt the resolution, with amendments as moved and adopted as to Robert Noel’s contract, approving Ross Owen’s contract in the State v. Wilson case. Mr. Lorenzi seconded the motion, which received a unanimous vote of 9-0, with one (ex-officio) Board member not voting, and five members absent.

Mr. Borghardt moved to adopt the resolution, with amendments as moved and adopted as to Robert Noel’s contract, approving Michael Thiel’s contract in the State v. Wilson case. Mr. Lorenzi seconded the motion, which received a unanimous vote of 9-0, with one (ex-officio) Board member not voting, and five members absent.

Mr. Hamilton moved to reconsider the resolution previously adopted approving Anthony Florence’s contract. Mr. Lorenzi seconded the motion which passed unopposed. Mr. Hamilton moved to adopt the resolution, with amendments as moved and adopted as to Robert Noel’s contract, approving Anthony Florence’s contract in State v. Willis which was seconded by Mr. Richard and received a unanimous vote of 9-0, with one (ex-officio) Board member not voting and five members absent.

10. District Defender Selection Status – Districts 2, 3, and 33. Mr. Dixon gave a brief update on the three pending selection committees. None of the committees have submitted their recommendations to date.

11. Restriction of Services - Update  
a. 19th JDC Family Court Fees – Update. Mr. Michael A. Mitchell, District Defender for the 19th Judicial District, reported that the Family Court fees have increased substantially allowing his office to continue to provide representation in those courts.

b. District ROS List. Mr. Dixon reported that in addition to the previously reported districts in ROS (1st, 19th, 20th, 26th, 28th, and 30th) five more districts have submitted plans for approval – the 5th (Franklin/Richland/West Carroll), 8th (Winn), 12th (Avoyelles), 34th (St. Bernard) and 39th (Red River).
12. Juvenile Strategic Planning Update. Deputy Public Defender/Director of Juvenile Service Richard M. Pittman reported that five of the six regional meetings scheduled statewide have been completed with the final meeting to be held June 30th in New Orleans. Mr. Pittman indicated that once all meetings are held, the Board’s Juvenile Working Group would meet to work on the next steps in the plan.

13. 2015 Amended JLCB Report*. General Counsel Barbara Baier reported that, as directed by the Board at the last meeting, staff has amended the pie chart presented in the original report to the Joint Legislative Committee on the Budget to clarify capital funding. Ms. Baier stated that upon Board approval, the amended report would be submitted. Mr. Hamilton moved to adopt the amended JLCB report as presented. Mr. Borghardt seconded the motion which passed unopposed.

14. 2015 Legislative Session Report. Director of Legislative Affairs, Tiffany Simpson, synopsized the final results of the 2015 session affecting LPDB and reported that staff has begun preparation for 2016.

15. Office Move Update. Mr. Dixon reported that the LPDB administrative offices are relocating to the 7th Floor of the Capital One Bank Building located at 301 Main Street in Baton Rouge. The move will take place June 26-28, 2015.

16. SPD Report. Mr. Dixon reported that the activities of the staff since the last meeting are available in the State Public Defender’s report.

Mr. Dixon returned to the discussion of the Byrne- Jag Grant. After given appropriate time to review the grant information and after a brief discussion, Mr. Hamilton moved to approve application submittal for the grant. Mr. Richard seconded the motion which passed unopposed.

17. Other Business. No one presented other business for discussion.

18. District Defender Issues
   a. District 1 – Caddo Parish – Resignation. Mr. Dixon reported that District Defender, Alan Golden, has submitted his letter of resignation effective September 30, 2015, which Mr. Dixon has accepted. Mr. Dixon reported that a selection committee would be formed soon.

19. Executive Session¹, ²*. Mr. Borghardt moved to go into Executive Session which was seconded by Mr. Hamiton. Mr. Hamilton moved to leave Executive Session which was seconded by Ms. Womack.

¹ The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including character and professional competence of a person; provided, however, such person(s) may require that such discussion be held at an open meeting pursuant to La. R.S. 42:17(A)(1). No final or binding action will be taken during executive session. The Board may discuss issues pertinent to the operation of the 1st Judicial District PDO.

² The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including strategy sessions with respect to litigation and prospective litigation after formal demand. In accordance with La. R.S. 42:19(A)(b)(iii), the Board may discuss the following: State v. Barthelemy, 11th JDC, Dockets: 13-CR-072667, 686 and 669; State v. Kenneth Willis, Docket No.: 304.806, Division 3; Caddo Parish; State v. Tarika Wilson, Docket No.: 315.973, Division 1; Caddo Parish; State v. Stacey Blount-Juneau; State v. Finister, et al, 19th JDC, Docket: 04-14-0380, 2014-KW-1440; State v. 4 – Board_Jun 16 2015_Minutes
20. Next Meeting(s)*. The Board set its next meeting for Tuesday, September 15, 2015, in Baton Rouge, Louisiana. The location will be announced when it is finalized.

21. Adjournment*. Mr. Hamilton moved to adjourn which was seconded by Mr. Holthaus.

Guests:

G. Paul Marx          Reggie McIntyre          Richie Tompson
Mike Courteau         Tony Champagne          Jim Looney
Derwyn Bunton         Harold Murray            Zach Brevis
Steve Thomas          John Burkhart            Jessica Gingold
Caroline Roberts

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 16th day of June, 2015, as approved by the Board on the 15th day of September, 2015, at Baton Rouge, Louisiana.

[Signature]

Robert J. Burns (Ret.), Chairman
AGENDA

1. Call to Order

2. Executive Session¹*

3. Contract Attorney, State v. Bartholemy*

4. Adjournment*  

*Requires Board Action

EMERGENCY BOARD MEETING
Thursday, July 30, 2015
LSU Law Center, 2nd Floor, Tucker Room, 2:00 pm
Baton Rouge LA 70806

Minutes

1. Call to Order. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman on Thursday, July 30, 2015 at 2:15 p.m. at the LSU Law Center, Tucker Room, in Baton Rouge, Louisiana.

The following Board members were present:

Robert Burns, Chairman  Franz Borghardt  Flozell Daniels, Jr.
Frank Holthaus  Rebecca Hudsmith  Robert Lancaster
Herb Larson  Hector Linares  Tom Lorenzi
Herschel Richard

The following Board members were absent:

Hampton Carver  Jacqueline Nash Grant  Leo Hamilton
Steven Singer  Gina Womack

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

Jay Dixon, State Public Defender
Barbara Baier, General Counsel
Natasha Carter, Acting Budget Officer
Jean Faria, Capital Case Coordinator
Anne Gwin, Executive Assistant
Richard Pittman, Dep. Public Defender, Dir. Juvenile Defender Services
Tiffany Simpson, Juv. Justice Compliance Officer/Director of Legis. Affairs

Chairman Burns thanked the Board members for attending on such short notice and asked Mr. Dixon to give a brief summary of the issues to be discussed.

Mr. Dixon reported that Capital Case Coordinator Jean Faria and he have been subpoenaed to reappear on August 26, 2015, in Sabine Parish (11th Judicial District Court) before Judge Beasley in the matter State v. Robert J. Barthelemy to resolve the representation and funding issues in that capital case. Mr. Dixon stated that staff was seeking approval and direction by the board
regarding contracting with counsel, which contract would include payment of legal and other fees.

2. Executive Session*. Mr. Borghardt moved to go into executive session, which was seconded by Hector Linares and passed unanimously.

Mr. Borghardt moved to leave executive session, seconded by Herschel Richard and passed unanimously.

3. Contract Attorney, State v. Barthelemy*. Upon return to regular session, the Board discussed the pending issues in the Barthelemy case. Mr. Dixon reported that he and Ms. Faria have been ordered to submit the LPDB’s recommendation for contracting with Mr. Richard Goorley to remain as counsel or record through the trial and to provide funding to cover legal expenses. Mr. Goorley has submitted proposed budget in the amount of $308,923.35 which staff has reviewed. Mr. Larson proposed a six part motion for incorporation into a resolution for board discussion and adoption.

Upon the reading of the proposed motion, the Board asked for further clarification regarding funding policy, protocol and precedent. After a brief discussion the Board resolved that in the best interest of the client, Robert J. Barthelemy, the LPDB would contract with Mr. Richard Goorley as lead counsel at an hourly rate not to exceed $110 per hour and would provide funding for a mitigator, paralegal, and investigator capped at $45,000 (pursuant to approved invoices submitted pursuant to LPDB guidelines and protocols) with travel time to be reimbursed at one-half the hourly rates; but, would not include any funds for Mr. Daryl Gold or any other not-certified attorney, or an office administrator.

Mr. Borghardt moved to adopt the six part proposed motion presented by Mr. Larson. The following friendly amendments were made: removal of cites to be replaced by “state laws,” that the proposed motion is to indicate unanimity of the Board, and that the unanimous six part motion be presented to the Court by LPDB attorneys of record, John Landis and/or Maggie Broussard. Mr. Larson accepted the friendly amendments and seconded the motion as follows, for adoption and inclusion in a resolution:

(1) That the Louisiana Public Defender Board cannot acquiesce in, and does not agree to the appointment of Mr. Daryl Gold as counsel for Robert J. Barthelemy in State v. Barthelemy, Docket Nos: 2013-CR-072667, 072668, and 27669, in the 11th Judicial District Court;

That such an appointment is contrary to law; this being Louisiana Supreme Court Rule XXXI and La. R.S. 15:169;

Moreover, the LPDB will not fund or pay for any work performed by Mr. Gold as capital counsel due to lack of certification;

(2) That the Court appoint properly certified counsel as second chair in State v. Barthelemy;

(3) That any funding of Robert J. Barthelemy’s defense is pursuant to the Court’s express Order; and that as a consequence is not to be construed as a waiver of any rights
of the LPDB in its litigation with Richard Goorley or CAPOLA or both. All such rights are expressly reserved;

(4) That the funding of the capital defense of Robert J. Barthelemy will be done in accordance with the standards of this Board and state law;

(5) That payment will be made in accordance with those same standards and regulations, upon receipt of contractually required documentation; and,

(6) Payments will be made in accordance with established LPDB capital procedures and the State of Louisiana Division of Administration.

The motion passed unanimously.

Mr. Larson moved that minutes should reflect that State Public Defender and Capital Case Coordinator Jean Faria have recommended to the Board and the Board has accepted the recommendation that contracting with Mr. Goorley and funding in State v. Barthelemy be provided in a manner that is consistent with law. Mr. Borghardt seconded the motion which passed unopposed.

Judge Burns instructed staff to draft a resolution pursuant to the Board’s action.

4. Adjournment*. Mr. Richard moved to adjourn, seconded by Mr. Larson and passed unopposed.

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 30th day of July, 2015, as approved by the Board on the 15th day of September, 2015, at Baton Rouge, Louisiana.

Robert J. Burns (Ret.), Chairman

*Requires Board Action
AGENDA

1. Call to Order and Remarks of the Chairman
   a. Commendation – District Defenders, Districts 2, 3, 5, and 33

2. Call for Public Comment

3. Adoption of the Agenda*

4. Review of the Minutes
   a. June 16, 2015 Meeting*
   b. July 30, 2015, Emergency Meeting*

5. FY16 Outreach and Legislative Report
   a. Board Training Report
      i. Ethical Caseload Working Group*
      ii. Communications Working Group*
   b. Business Community Outreach

6. Budget and Fiscal Issues
   a. Financial Report*
   b. FY 15, Year End Distribution Report
   c. FY17 Budget Request*

7. Contracts
   a. Attorney General Resolutions*
      i. J. Antonio Florence
      ii. Kevin Christensen
   b. Case Weighting Study*

*Requires Board Action
8. Policy Committee Reports and Recommendations
   a. Proposed Resolution – Vacant Positions*  
      pgs. 248 - 255  
   b. Capital Case Trial Reports – Public Record*  
      pg. 256 - 257

9. Executive Session  
   Tab 4

10. District Defender Selection Status and Recommendations*  
    Tab 5, pgs. 258  
    a. District 3 – Appointment and Salary Recommendation*  
       pgs. 259- 264  
    b. District 5 – Ratification of Interim Appointment and Salary*  
    c. District 33 – Appointment and Salary Recommendation*  
       pgs. 265 - 272  
    d. Request for Authority to Appointment Interim*  

11. Restriction of Services – Update

12. Juvenile Strategic Planning Update

13. SPD Report  
    Tab 6, pgs. 273-280

14. Other Business

15. Next Meeting(s)*

16. Adjournment*

*Requires Board Action

1 The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including character and professional competence of a person; provided, however, such person(s) may require that such discussion be held at an open meeting pursuant to La. R.S. 42:17(A)(1). No final or binding action will be taken during executive session. The Board may discuss issues pertinent to the selection of a new district defender to districts 1, 2, 3, 5, and 33.

BOARD MEETING
Tuesday, September 15, 2015
2:00 p.m.
Baton Rouge, LA 70806

MINUTES

1. Call to Order and Remarks of the Chairman. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman on Tuesday, September 15, 2015, at 2:15 p.m. at the LSU Law Center, Tyson Room, in Baton Rouge, Louisiana.

The following Board members were present:

    Robert Burns                        Franz Borghardt
    Jacqueline Nash Grant               Leo Hamilton
    Hector Linares                      Tom Lorenzi
    Steven Singer                       Hampton Carver
                                        Hercbert Larson
                                        Herschel Richard

The following Board members were absent:

    Flozell Daniels, Jr.               Frank Holthaus
    Robert Lancaster                   Gina Womack
                                        Rebecca Hudsmith

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

    Jay Dixon, State Public Defender
    Barbara Baier, General Counsel
    Natasha Carter, Acting Budget Officer
    Jean Faria, Capital Case Coordinator
    Anne Gwin, Executive Assistant
    Richard Pittman, Dep. State Public Defender, Dir. Juvenile Defender Services
    Tiffany Simpson, Juv. Justice Compliance Officer/Director of Legis. Affairs
    Erik Stilling, ITM Director

Judge Burns read from the most recent LSBA Law Journal quoting current President Mark Cunningham’s article. He complimented those present – district and public defenders, program directors, volunteer board members, and staff, for their commitment to the public good.

Judge Burns commended District Defenders from Districts 2, 3, 5, and 33 for their years of commitment to public defense. Messrs. Clay Carroll (District 2), Lewis Jones (District 3), James
Miller (District 5) and David Deshotel (District 33) have either recently resigned their positions or retired.

2. Call for Public Comment. District Defender Reginald McIntyre (District 21) announced that long-time public defender and member of the predecessor board, Duncan Kemp, passed away.

3. Adoption of the Agenda. Mr. Hamilton moved to amend the agenda, seconded by Mr. Borghardt. Mr. Hamilton moved to transfer items 5ai and 5aii to item #8C and to make item 8C an action item. Mr. Borghardt seconded the motion which passed unopposed.

4. Review of the Minutes. Mr. Lorenzi moved adoption of June 16, 2015 meeting Minutes, seconded by Mr. Hamilton and passed unopposed. Mr. Hamilton moved adoption of July 30, 2015, Emergency meeting Minutes, seconded by Mr. Lorenzi and passed unopposed.

5. FY16 Outreach and Legislative Report.
   a. Board Training Report. Mr. Dixon reported that the recent Board training was held to prepare the Board for the upcoming FY16 legislative session.
   b. Business Community Outreach. Mr. Dixon requested Board members with any potential outreach to any groups to let staff know. Staff has begun scheduling statewide outreach between now and start of the 2016 legislative session.

   a. Financial Report. Acting Budget Officer Natasha Carter reported that LPDB’s final FY16 budget is $33,676,682. Since the start of the fiscal year, $19,153,761 has been expended, $11,496,952 encumbered and $3,025,969 projected to be expended by the end of the fiscal year. There are currently no funds available for re-allocations to the districts. Mr. Hamilton moved approval of the financial report as presented. Mr. Lorenzi seconded the motion which passed unopposed.
   b. FY15 Year End Distribution Report. Legislative Director Tiffany Simpson presented the document produced by staff as directed by the board which explains the year end budget distribution process.
   c. FY17 Budget Request. Staff requested approval by the Board to submit a $74,069,520 budget request for FY17, which is due by October 15, 2015. Mr. Hamilton moved approval which was seconded by Mr. Richard. Mr. Singer proposed amending the approval, removing any references to the capital expert witness fund, seconded by Mr. Larsen. Upon vote, Mr. Singer’s amendment failed by seven votes to two with one abstention. Mr. Larson proposed that the budget request should reflect the actual documented amount needed to fund an indigent defense system statewide, seconded by Mr. Linares. Upon vote, Mr. Larson’s amendment to submit a budget for funding a statewide indigent defense system based on documented need failed 6 votes to 3 with one abstention. Upon call for a vote, the original motion to approve a FY17 budget request of $74,069,520 received 9 favorable votes with one abstention.

7. Contracts.
   a. Attorney General Resolutions.
      i. J. Antonio Florence. Mr. Hamilton moved to adopt the resolution hiring Mr. Florence to provide legal services in State v. Tarika Wilson. Mr. Lorenzi seconded the motion. After a brief discussion, Mr. Singer moved to defer approval of the contracts with Antonio Florence and Kevin Christensen until later in the meeting. Mr. Richard seconded the motion which passed unopposed.
      ii. Kevin Christensen. This matter was deferred to later in the agenda.
b. Case Weighting Study. Capital Case Coordinator Jean Faria requested that the Board approve $76,000 for a case weighting study to be managed by consultants Steve Hanlon, Norm Lefstein and Peter Sterling. The funds would cover accounting, analysis, consultant, and travel fees. Ms. Faria reported that a request for funding this study in the amount of $110,000 has been submitted to the Arnold Foundation. She further reported that if the request is granted, the Board approved funding would not be needed. Mr. Singer moved to approve funds in the amount of $76,000 for the case weighting study. Mr. Linares seconded the motion which passed unopposed.

8. Policy Committee Reports and Recommendations
   a. Proposed Resolution – Vacant Positions. Mr. Hamilton reported that the Policy Committee is recommending adoption of a resolution in recognition of LPDB’s failure to receive sufficient funding rendering it incapable of filling the needs of its constituency and meeting its statutory mandates. Mr. Singer seconded the recommendation which passed unopposed.
   b. Capital Case Trial Reports – Public Record. Mr. Hamilton moved that staff respond to Judge O’Callaghan’s request by providing him with one recent month’s Capital Case Trial Reports, redacting any references deemed to be attorney-client privilege. Mr. Richard seconded the motion which passed unopposed.
   c. Mr. Hamilton reported that based on the Board’s recent training, the policy committee is recommending that the Board form a Communications Working Group to address ethical issues that will arise from Restriction of Services. Mr. Richard seconded the motion which passed unopposed. Ms. Faria reported that Rebecca Hudsmith has agreed to participate on the working group. Mr. Hamilton, Kerry Cuccia and Harry Fontenot volunteered to serve on the working group.

9. Executive Session. Mr. Borghardt moved to go into executive session. Mr. Singer seconded the motion which passed unopposed.

Mr. Borghardt moved to leave executive session. Mr. Hamilton seconded the motion which passed unopposed.

Upon returning to regular session, Mr. Singer moved to approve the contract resolution hiring Antonio Florence as counsel in the State v. Wilson matter. Mr. Hamilton seconded the motion which passed unopposed. Mr. Hamilton moved to approve the contract resolution hiring Kevin Christensen as counsel in the State v. Barthelemy matter. Mr. Lorenzi seconded the motion which passed unopposed.

10. District Defender Selection Status and Recommendations.
    a. District 3 – Appointment and Salary Recommendation. Mr. Hamilton moved to appoint the District Defender position provided the recommended candidate, Rick Candler, agrees to serve in a full time capacity. Further, Mr. Hamilton added that should the candidate decline the position under those terms, State Public Defender Jay Dixon is authorized to offer the appointment/salary to the alternate candidate, Forrest Moegle. Mr. Borghardt seconded the motion. Mr. Linares offered an amendment to the motion, that the salary for the full-time district defender position in District 3 shall not exceed $90,000, accepted as a friendly amendment. The motion, as amended, passed unopposed.
    b. District 5 – Ratification of Interim Appointment and Salary. Mr. Dixon reported that pending the selection committee’s candidate submittals that he has appointed District Defender Mike Courteau (District 4) as interim, and that Mr. Courteau has assigned the interim duties to his first assistant, Robert Noel at a monthly salary of $3,000. Mr. Dixon requested ratification of these actions. Mr. Lorenzi moved to ratify Mr. Dixon’s interim
appointment and corresponding salary. Mr. Singer seconded the motion which passed unopposed.
c. District 33 – Appointment and Salary Recommendation. Mr. Lorenzi moved that the District Defender position in District 33 be offered to Greg Guidry at an annual salary of $90,000, provided only if he agrees to full time employment. Mr. Hamilton seconded the motion which passed unopposed.
d. Request for Authority to Appointment Interim. Mr. Lorenzi moved that State Public Defender be authorized to make interim district defender appointments between Board meeting settings, as deemed necessary. Mr. Hamilton seconded the motion which passed unopposed.

11. Restriction of Services – Update. Dr. Simpson provided a brief, but complete report on the districts which are currently in, projected to be, or in disagreement that they will go into Restriction of Services. Staff is carefully and meticulously monitoring all ROS plans for strict adherence to the Rules of Professional Conduct and the maintenance of ethical case load limits.

12. Juvenile Strategic Planning Update. Deputy Public Defender – Director of Juvenile Defender Service Richard Pittman reported that all six of the planned regional juvenile meetings have been had and that the juvenile working group would be drafting action steps and strategic plans for presentation to the Board.

13. SPD Report. Mr. Dixon reported that staffs’ activities since the June Board meeting are outlined in the SPD report located in the Board materials.

14. Other Business. Ms. Faria reported that a contract attorney failed to submit an invoice for expert services by a sub-contractor in a timely manner and requested permission by the Board to pay the invoice of approximately $3,000. The Board declined to approve the payment citing adherence to protocols.

15. Next Meeting(s). The next meeting date is Tuesday, December 1, 2015 at 2:00 p.m. The location is to be determined and announced upon confirmation.

16. Adjournment. Mr. Richard moved to adjourn, seconded by Mr. Borghardt and passed unopposed.

Guests:

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<tr>
<th>Reggie McIntyre</th>
<th>Richie Tompson</th>
<th>Mike Courteau</th>
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<td>Jim Looney</td>
<td>Steve Thomas</td>
<td>John Burkhart</td>
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<td>Kerry Cuccia</td>
<td>Cecelia Bonin</td>
<td>Harry Fontenot</td>
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<td>Ric Oustalet, Jr.</td>
<td>Alan Robert</td>
<td>Kendall Green</td>
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<td>Vic Bradley</td>
<td>John Lindner</td>
<td>Paul Fleming</td>
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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 15th day of September, 2015, as approved by the Board on the 1st day of December, 2015, at Baton Rouge, Louisiana.

[Signature]
Judge Robert J. Burns (Ret.), Chairman
AGENDA

1. Call to Order and Remarks of the Chairman

2. Call for Public Comment

3. Adoption of the Agenda* pgs. 281-282

4. Review of the Minutes, September 15, 2015 Tab 1, pgs. 283-286

5. Executive Session1, 2*

6. Policy Committee Report and Recommendations Tab 2
   a. Resolution: Costs of Prosecution/Investigation* pgs. 287-310
   b. Full Time vs. Part Time Status for District Defenders pg. 311
      District 3 and 5*
   c. Resolution: Districts in ROS–Capital Case Assignment* pg. 312

*Requires Board Action

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1 The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including character and professional competence of a person; provided, however, such person(s) may require that such discussion be held at an open meeting pursuant to La. R.S. 42:17(A)(1). No final or binding action will be taken during executive session. The Board may discuss issues pertinent to the selection of district defenders in districts 1, 2, 3, 5, 9, 26, and 33. Additionally, discussion may be had regarding employee and District Defender issues in District 9 (Rapides).

2 The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including strategy sessions with respect to litigation and prospective litigation after formal demand. In accordance with La. R.S. 42:19(A)(b)(iii), the Board may discuss the following: State v. Barthelemy, 11th JDC, Dockets: 13-CR-072667, 668 and 669; State v. Kenneth Willis, Docket No.: 304,806, Division 3, Caddo Parish; LPDB v. Honorable Katherine Dorroh, et al, Petition for Injunctive Relief, 19th JDC.
7. District Issues
   a. District 9*
   b. District Defender Selection Status and Recommendations*  pg. 311
      i. District Defender Interim Appointments/Salary Ratifications* for Districts 1, 2, 3, 5, and 33
      ii. District Defender Appointments and Salary Recommendations* for Districts 1, 2, 3, 5, and 33
      iii. District Defender Appointment Status – Districts 3, 9, and 26

8. Budget and Fiscal Issues
   a. Financial Report*        Tab 3
      b. Laura and John Arnold Foundation Grant - Update
      pgs. 312-317

9. Restriction of Services
   a. ROS Updates: District 5, 7, 15, 16, 22, 23, 25, 33, 34, 37, 41

10. Legislative Session, 2016

11. Capital Update

12. Juvenile Strategic Planning Update

13. SPD Report
      Tab 4
      pgs. 318-325

14. Other Business

15. Next Meeting(s)- Proposed Dates, 2016:
    January 5 or 12; February 2 or 16; April 5 or 12; May 3 or 10

16. Adjournment*

*Requires Board Action
BOARD MEETING  
Tuesday, December 1, 2015  
LSU Law Center, Tyson Room  
Baton Rouge, LA 70806  
2:00 p.m.

MINUTES (Amended)

1. **Call to Order and Remarks of the Chairman.** A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman on Tuesday, December 1, 2015, at 2:05 p.m. at the LSU Law Center, Tyson Room, in Baton Rouge, Louisiana.

The following Board members were present:

Robert Burns  
Leo Hamilton  
Tom Lorenzi  
Gina Womack

Franz Borghardt  
Robert Lancaster  
Herschel Richard  
Hampton Carver  
Hector Linares  
Steven Singer

The following Board members were absent:

Flozell Daniels, Jr.  
Herbert Larson

Frank Holthaus  
Jacqueline Nash-Grant  
Rebecca Hudsmith

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

Jay Dixon, State Public Defender  
Barbara Baier, General Counsel  
Natasha Carter, Acting Budget Officer  
Jean Faria, Capital Case Coordinator  
Anne Gwin, Executive Assistant  
Richard Pittman, Dep. State Public Defender, Dir. Juvenile Defender Services  
Tiffany Simpson, Juv. Justice Compliance Officer/Director of Legis. Affairs  
Erik Stilling, ITM Director

Chairman Burns reminded everyone that the deadline to complete the annual mandatory ethics course is December 31, 2015.

2. **Call for Public Comment.** No one presented for public comment.

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1 Herbert Larson was inadvertently omitted from the Minutes as presented to the Board for adoption on February 16, 2016. These amended minutes reflect his absence.
3. Adoption of the Agenda*. Mr. Hamilton moved to amend the agenda. Ms. Womack seconded the motion. Mr. Hamilton moved that items 5 and 6, Executive Session and Policy Committee Report and Recommendations, respectively, be switched in order on the agenda for discussion and that the agenda be approved as amended. Ms. Womack seconded the motion which passed unopposed.

4. Review of the Minutes, September 15, 2015*. Mr. Richard moved that the minutes of the September 15, 2015 meeting be adopted as presented. Mr. Hamilton seconded the motion which passed unopposed.

5. Policy Committee Report and Recommendations. Policy Committee Chairman Leo Hamilton reported that the Policy Committee did not meet due to lack of quorum and moved that the following issues be brought to the full Board for discussion and action without Committee recommendations. Mr. Borghardt seconded the motion which passed unopposed.

a. Resolution: Costs of Prosecution/Investigation. State Public Defender Jay Dixon reported that a recent Supreme Court case allows for the costs of prosecution and investigation to be imposed on convicted criminal defendants which could result in the assessment of fees without any determination of a defendant’s ability to pay and without any regard for the hardship that would result from the additional fees. Further, there are concerns that an agreement to pay costs of prosecution and investigation could be required by the state in return for a plea offer to an indigent defendant. LPDB staff is proposing, by Resolution, that all District Defenders are to be vigilant toward court assessment of such fees against their clients, diligent in opposing the practice of requiring the acquiescence of clients to pay such fees in return for a plea offer, vigilant in requiring the state and the court to determine a client’s ability to pay such fees in cases wherein the client has been deemed indigent and is provided the services of the public defender and directs all District Defenders to inform line defenders whose clients may be impacted by this practice of its effect on clients and instruct them consistent with this Resolution. Mr. Hamilton moved for adoption of the proposed Resolution as presented, which was seconded by Mr. Borghardt and passed unopposed.

b. Full Time vs. Part Time Status for District Defenders - District 3 and 5. SPD Dixon reported that, in the search for a District Defender in Districts 3 (Lincoln/Union) and 5 (Franklin, Richland, W. Carroll), the interims who have been put in place have indicated they will not accept the position full-time, which would require relinquishing their private practices. After a brief discussion, Mr. Hamilton moved that, prospectively, the Board hire district defenders strictly on a full time basis. Mr. Richard seconded the motion. Prof. Singer proposed a friendly amendment to include a waiver based on exceptional circumstances which would require approval by the Board. Mr. Hamilton accepted the amendment and the motion passed unopposed, as amended. Also discussed was that that the policy would permit a new hire to keep an existing private practice provided no new case are accepted, and the private practice would be worked down to closure.

c. Resolution: Districts in ROS—Capital Case Assignment. Capital Case Coordinator Jean Faria presented a Resolution which would prohibit a District Defender Office in Restriction of Services (ROS) from accepting new capital cases, ceasing capital expenditures beyond those already required by existing cases and repurposing any money or attorney time budgeted for capital representation that is not being used on existing cases for non-capital representation. After a brief discussion, Mr. Hamilton moved
adoption of the Resolution as presented which was seconded by Mr. Borghardt and passed unanimously.

6. **Executive Session**. Mr. Borghart moved to go into Executive Session which was seconded by Professor Singer and passed unanimously. Prof. Singer moved to leave executive session which was seconded by Franz Borghart and passed unanimously.

7. **District Issues.**

   a. District 9. SPD Dixon reported that District Defender Glenn Cortello (Rapides) has resigned his position effective November 30, 2015, and that the chief judge and State Bar President have been contacted to begin the formation of a selection committee in that district. Pending selection of a new District Defender, SPD Dixon requested the Board’s ratification of the appointment of Tony Tillman as interim at a salary of $30000 a month. Mr. Richard moved for appointment and salary ratification which was seconded by Mr. Lorenzi and passed unanimously.

   b. **District Defender Selection Status and Recommendations**

      i. District Defender Interim Appointments/Salary Ratifications for Districts 1 (Caddo), 2 (Claiborne/Bienville/Jackson), 3 (Lincoln/Union), 5 (Franklin/Richland/W Carroll), and 26 (Bossier/Webster). SPD Dixon requested ratification of the following interim appointments and salaries:

        District 1 – Ms. Pamela Smart/$8,333 per month. Mr. Hamilton moved for ratification which was seconded by Mr. Richard and passed unanimously.

        District 2 – Donald Kneipp/$6250 per month. Mr. Richard moved for ratification which was seconded by Mr. Hamilton and passed unanimously.

        District 3 – Rick Candler/$6,666 per month. Mr. Hamilton moved for ratification which was seconded by Mr. Richard and passed unanimously.

        District 5 – Dawn Mims/$6,666 per month. Mr. Richard moved for ratification which was seconded by Mr. Hamilton and passed unanimously.

        District 26 – Pamela Smart/$3,000 per month. Mr. Hamilton moved for ratification which was seconded by Mr. Richard and passed unanimously.

      ii. District Defender Appointments and Salary Recommendations, for Districts 1, 2, 3, 5, and 33 (Allen). SPD Dixon requested that the Board appoint the following as permanent District Defenders and approve salaries as presented:

        District 1 – Pamela Smart, Full-Time, $100,000 annually. Mr. Hamilton moved for approval which was seconded by Mr. Richard and passed unanimously.

        District 2 – Donald Kneipp, Full-Time, $75,000. Mr. Hamilton moved for approval which was seconded by Ms. Womack and passed unanimously.

        District 3 – Rick Candler, Part-Time, $80,000. The appointment of Mr. Candler failed without a motion being raised.

        District 5 – Dawn Mims, Part Time, $80,000. The appointment of Ms. Mims failed without a motion being raised.

        District 33 – Greg Guidry, Full-Time, $90,000. Mr. Lorenzi moved for approval which was seconded by Mr. Hamilton and passed unanimously.

      iii. District Defender Appointment Status – Districts 3, 9, and 26. SPD Dixon reported that the selection process would re-open in Districts 3 and 5. The LSBA President and chief judge have been contacted to begin the process in District 9, and a selection committee has been formed in District 26.
Mr. Hamilton moved to amend the agenda which was seconded by Mr. Borghart and passed unopposed. Mr. Hamilton moved to add an out-of-state travel policy waiver to the agenda as item 8c, for discussion. Mr. Borghart seconded the motion which passed unopposed.

   a. Financial Report*. Acting Budget Officer Natasha Carter reported that $21,993,841 has currently been expended, $938,7461 encumbered, $2,202,906 projected to be expended or encumbered through Jun 30, 2016, leaving $146,474 available for reallocation. Of the reallocation funds, $85,441 for personal services may not be reallocated, leaving $61,034 currently available for reallocation to the districts. Mr. Hamilton moved to adopt the financial report as presented which was seconded by Herschel Richard and passed unopposed.

   b. Laura and John Arnold Foundation Grant – Update. Ms. Faria reported that the LPDB has an opportunity to receive $119,000 in grant funds for the on-going caseload study; however, LPDB will need to cover the cost of the econometric portion of the study to be provided by the Baton Rouge based CPA firm Postlewaithe and Netterville. Prof. Singer moved to allocate $30,000 to cover these costs in order to receive the full grant funding of $119,000. Budget Officer Carter clarified that the $30,000 would come from the remaining $61,034 previously reported as available for reallocation to the districts. Mr. Hamilton seconded the motion which passed unopposed.

   c. Travel Waiver. Ms. Faria reported that she has been invited to participate as faculty at two out-of-state conferences, which she has accepted. Ms. Faria is requesting a waiver of the Board’s policy freezing out-of-state travel and approval of reimbursement her travel expenses. Prof. Singer moved to waive the current out-of-state travel policy and approval of the submittal of Ms. Faria’s expenses for possible reimbursement. Mr. Hamilton seconded the motion which passed unopposed.

9. Restriction of Services
   a. ROS Updates: District 5, 7, 15, 16, 22, 23, 25, 33, 34, 37, 41. Dr. Tiffany Simpson provided a brief update on the districts currently in or anticipating restriction of services. Dr. Simpson reported there are nine districts currently in ROS. As of January, 1, 2016, there will be two additional districts. Dr. Simpson further reported that one district (5 – Franklin/Richland/WCarroll) has recently exited ROS.

10. Legislative Session, 2016. Dr. Simpson reported that there will be a special legislative session called in early February; however, the focus is not known at this time. Dr. Simpson reminded the Board that the $10 court cost increase will expire in 2016 and urged all Board members and District Defenders to talk to their legislators regarding the increase renewal in 2016. Mr. Lorenzi requested that staff provide the Board with the districts’ local filing data. Dr. Stilling indicated staff could and would provide the data derived from the supreme court filings.

11. Capital Update. Capital Case Coordinator Jean Faria reported that all activities of the capital division can be reviewed in the SPD report.

12. Juvenile Strategic Planning Update. Deputy Public Defender/Director of Juvenile Defender Services Richard Pittman reported that statewide informational meetings have concluded and that additional meetings will be held to form work groups to advance the juvenile strategic plan.
13. **SPD Report.** Mr. Dixon reported that staffs' activities since the September Board meeting are outlined in the SPD report located in the Board materials.

14. **Other Business.** Mr. Hampton Carver reported that he recently attended a Koch Foundation meeting in New Orleans and reported a consensus between the attending liberals and conservatives on the necessity of criminal sentencing reform.

Current LSBA President, Mark Cunningham, gave thanks to everyone for dedicating time and effort to the indigent defense issues. Judge Burns thanked Mr. Cunningham for his leadership.

15. **Next Meeting(s)- Proposed Dates, 2016.** The Board set its next meetings for 2:00 p.m. on the following dates: January 12, 2016; February 16, 2016; April 6, 2016 and May 10, 2016. The location is to be announced.

16. **Adjournment*  

   Guests:  
   
   Reggie McIntyre       Richie Tompson       Jim Looney  
   John Burkhart         Kerry Cuccia        Cecelia Bonin  
   Alan Robert           Vic Bradley          John Lindner  
   Paul Fleming          Tony Champagne       Pamela Smart  
   Andrew Hairston       G. Paul Marx        Derwyn Bunton  
   Matt Robnett          Mark Cunningham      Don Kneipp

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 1st day of December, 2015, as approved by the Board on the 16th day of February, 2016, at Baton Rouge, Louisiana.

[Signature]

Judge Robert J. Burns (Ret.), Chairman