



Louisiana Public Defender Board
Report of the Interim State Public Defender

To: The Board
From: Julie H. Ferris, Interim State Public Defender
Date: July 26, 2013

BUDGET DIVISION

Since the last Board Meeting on May 21, 2013, LPDB staff was able to make a second and final scrub of our budget. In accordance with the Budget Committee recommendation, we made a final FY 13 distribution of \$273,075 in DAF funds.

LPDB received the official Letter of Appropriation from the State's Office of Planning and Budget for FY 14 on July 2, 2013. Our total budget for FY 14 is \$33,612,948. This compares to the FY 13 final budget of \$33,632,596 as of June 30, 2013. The budget was loaded into the State's financial system on July 8, 2013. DAF and CINC vouchers were presented to the Division of Administration's Office of Finance and Support Services on the same date. We were advised by Office of Finance and Support that funds were sent on July 16, 2013 to the Districts for the initial FY14 DAF distribution. We have distributed one-half of the annual budget for DAF and CINC with the exception of District 41, which received one-twelfth of its annual projected distribution.

Our grant-funded auditor, Mrs. Corlis Green, has completed field reviews and reports of Districts 18 and 22 and is currently finalizing a report of District 21. She has scheduled reviews at two additional districts, and is on target to complete ten district reviews by December 31, 2013. In between reviews, she will be preparing a Financial Management Handbook for use by the district offices. Also, she will review and evaluate monthly financial reports from the 42 District Public Defender offices.

We received the approved Court Improvement Program grant between the LPDB and the Louisiana Supreme Court in the amount of \$10,000 and have included it in our FY 2014 Budget.

All formal FY 14 budgets, due June 15, 2013 from the Districts, have been received, reviewed and recorded into our data base.

Ms. Angel Williams terminated her employment as LPDB's Budget Officer on June 12, 2013. Ms. Marianne Buchanan has returned as a temporary employee in the interim until a new Budget Officer can be hired.

CAPITAL DIVISION

The Capital Division has spent the majority of its time on the expert witness fund. The requests for payment for services have been compared to the invoices paid. The Capital Case Coordinator went to LCAC and reviewed the set up of the database and collateral programs. The entries with missing data or what seem to be anomalous entries were hand pulled and researched by LPDB staff. When complete, the database being constructed will result in a paperless process with multiple search features. Using this new database, the Capital Division was able to pull CY 2012 requests for expert approval in a timely fashion for the Legislative Auditors. Until the database is finalized and the analysis of the data is complete, and there has been ample opportunity to evaluate and analyze the results, designing the best method for delivery of mitigation services is premature.

Since the May 21, 2013 Board meeting where the Board voted to amend the LAP contract to allow for a disbursement of \$250,000 to clear the backlog of invoices, we have received an additional \$142,538 in invoices for services already rendered. Over the same time period, funding requests for approval to begin services total \$128,210. These totals change daily and will be out of date by the time of the Board meeting. Payments are being scheduled for December. Expert Witness funding for FY 14 will be exhausted by the month of February, 2014.

The Capital Division has been providing information to the Legislative auditors for several weeks. They are interested the capital certification application and approval process; the expert witness fund procedures and process; supervision of the capital programs and the process by which the programs are evaluated as well the factors by which their performance is measured. In keeping with LPDB's supervisory responsibilities, the Capital Trial Case Review Form was redistributed to the District Defenders and Program Directors and shared with the auditors. The auditors were also provided with the finalized Capital Case Direct Appeal Review Form. Copies of these documents are attached.

The capital certification appeals packets were compiled and sent to the appellants and the appeals panel. The appeal hearings are scheduled for August 14, 2013 in New Orleans. Of the three appellants, one has decided not to pursue his appeal. The remaining two appellants are scheduled to be heard before Board members Robert Burns, Majeeda Snead and Pamela Metzger.

The Louisiana Capital Defense Guidelines were published pursuant to the terms of the LCLE grant. We have begun distributing the bound documents. They will be given to the District Defenders with capital cases in their districts to be distributed to all members of each capital team (the lawyers, investigators and mitigation specialists). Board members and chief district judges with active capital cases in their jurisdictions will receive copies as well as the contract programs.

John Holdridge, Irene Joe, Julie Gregory and Jean Faria have had several teleconferences regarding the October Capital Defense Training in New Orleans. Most of the faculty has been contacted and have committed. The training is scheduled for October 23-25, 2013.

The Capital Case Coordinator has made site visits to Capital Defense Project of Southeast Louisiana, Baton Rouge Capital Conflicts Office and the Louisiana Capital Assistance Center.

INFORMATION TECHNOLOGY & MANAGEMENT DIVISION

Information Management

Staff has conducted District Defender salary increase analyses, helped develop district performance assessment protocols and has begun working on a salary scale for Assistant Public Defenders. Staff also, in collaboration with the Executive team, helped produce budget scrub figures to disburse year end DAF funds to districts in need. The IT Division is producing a presentation for the DDAC regarding possible alterations to the DAF formula, in order to solicit the assistance of the DDAC and other District Defenders.

Staff has generated numerous ad hoc and workload reports on various topics such as caseloads and finances. Since the last board meeting, the ITM Officer participated in weekly staff meetings, Strategic Planning meeting, DDAC meeting, a Budget Committee meeting, and the Sentencing Commission Research & Technology meeting (wherein a statewide cross-agency uniform charge code table is under development and nearing completion by LASC I.T. staff).

Technology Management

The ITM Division continues the process of improving the database through a number of CMS modifications including the Supreme Court-initiated uniform charge code table (mentioned above), capital and juvenile data collection and reporting changes, financial, and others. ITM staff attended an LLA performance audit interview where CMS capacity was demonstrated, and provided information on resource manuals, dashboard reports, financial reporting guides and related documents.

The ITM Division has compiled district responses to a Lexis/Westlaw survey, as well as developing a laptop survey for those districts who received computer hardware/software through the Byrne JAG technology grant in 2012. These surveys/forms were posted on the LPDB data collection website www.LPDB.org. ITM staff has finalized the development of the Continuity of Operations Plan (COOP) website which can be accessed from any device with web-access from any location, worldwide. It is automated such that LPDB staff – if incapacitated – are not necessary for the open communication or real-time updates. The link to the new COOP System is: <http://coop.lpdb.org/>. The COOP site can also be accessed through the main LPDB.LA.GOV website, through the district data collection tool website at LPDB.org and through the district dashboard main page at <https://www.lpdbdata.org/lpdbdata/login.aspx>.

JUVENILE DIVISION

On May 28, 2013, the Juvenile Division added Richard M. Pittman as the Deputy State Public Defender/Director of Juvenile Defender Services.

DPD-DJDS Pittman has focused on making the juvenile defense listserv a more dynamic resource for defenders to communicate with other defenders to share strategy and information, as

well as a tool for defenders to communicate with LPDB. Between May 28, 2013, and July 24, 2013, there have been 95 messages posted on the listserv.

On June 20, 2013, DPD-DJDS Pittman attended the Ascension Parish Council meeting and spoke with respect to issues surrounding Ascension Parish's plan to raise money to build a new juvenile detention facility in the parish. He spoke of the potential that such a facility will not be needed, and possible better uses of the money that would be dedicated to it.

On July 10-11, 2013, DPD-DJDS Richard M. Pittman attended, along with a delegation of line defenders, the ABA Parent Attorney Conference in order to prepare to develop a curriculum for attorneys representing parents in CINC cases statewide. The curriculum plan is being drafted. This conference also launches LPDB's collaboration with the Court Improvement Project Director Mark Harris to start a pilot program to implement a new CINC representation model designed to promote faster family reunification.

On July 18, 2013, DPD-DJDS Pittman conducted a site visit and observed juvenile court at Natchitoches City Court in the 10th District. He is committed to observing juvenile court proceedings in districts throughout the state and is actively scheduling those visits.

DPD-DJDS Pittman was recently named as LPDB's representative on the new Domestic Violence Study Group, created in response to House Resolution 76 and Senate Resolution 95. This Study Group will include representatives from various state organizations, including the Louisiana District Attorneys Association, Louisiana Supreme Court, the District Judges Association, the Louisiana Council of Juvenile and Family Court Judges, the Louisiana Chapter of the National Association of Social Workers, and other relevant organizations, plus domestic violence survivors. The purpose of the group is to study and develop a comprehensive statewide plan for domestic violence services.

Staff and various board members interviewed applicants for the Juvenile Justice Compliance Officer and the staff has hired Dr. Tiffany Simpson for the position on a provisional basis. Dr. Simpson starts on August 5, 2013.

Special Projects Advisor Heather Hall has continued to participate in meetings of the Southern Juvenile Defender Center Advisory Committee, which have changed from monthly to quarterly, monitoring LPDB's stated deliverables per its posted 5-year Strategic Plan, and developing funding concepts/requests for future applications. DPD-DJDS Pittman will assume responsibility for this project in the future.

Staff previously described the dissemination of a survey on CINC to the district defenders. Staff has analyzed the results and determined that the three biggest challenges facing defenders representing parents in CINC cases are 1) high caseloads, 2) lack of parental support, 3) lack of services, and 4) insufficient notice of hearings and/or family team conferences. The Juvenile Division is actively seeking ways to overcome these challenges and support the defenders in reuniting children with their parents.

Staff continues to work with contractors to develop the improvements of the Case Management System's functionality for juvenile defenders. LPDB is collaborating with contractors and defenders in the field to shape the improvements into a larger concept that will have a greater statewide impact.

SPECIAL PROJECTS

Since the last meeting of the Board of Directors for LPDB, Special Projects Advisor Heather Hall has continued to work on the following projects: writing, editing and facilitating the dissemination of the LPDB e-newsletter to 900+ subscribers; updating the website with relevant announcements, employment opportunities, events and information; and, participating in staff meetings and other discussions/projects as a member of the executive team.

Ms. Hall has been working with staff on a comprehensive reconsideration of issues relating to the DAF formula, salary ranges and standards-based budgeting; continuing to support the Juvenile division on CINC issues, the CIP Cornerstone Project and curatorship projects; overseeing the distribution of the *Capital Defense Guidelines*, supervising the LCLE grant deliverables and completing all grant reporting; developing proposals (for staff feedback) for the CY 2014 LCLE appropriation; supporting the LLA Performance Audit; continuing to contribute to CMS improvements relating to juvenile and comprehensive representation (with the ITM division); pursuing a District Defender (password protected) section of the website; and, supporting me in developing the process and parameters by which to comply with SCR 99. Completed projects include: developed a Westlaw/Lexis Nexis survey from the districts; supported the ITM division's implementation of the COOP; the finalized, posted and disseminated LPDB's FY 14-19 strategic plan and associated performance indicators and the development of internal protocols for performance indicator documentation.

TRAINING DIVISION

The annual Investigator Workshop was held July 15 – 16, 2013 in Baton Rouge. The objective for this year's public defender investigator training was to provide strategies for investigating cases involving military veterans. Over 50 public defender investigators participated in the two-day interactive workshop.

Because of the unavailability of staff in the Training Division, LPDB is rescheduling the Defender Training Institute, usually held each September. The DTI is being moved to January 2014 and will resume its normal schedule in September 2014. Updated training calendars for 2013 and 2014 are attached.

INTERIM STATE PUBLIC DEFENDER

Since the last Board meeting, I have been working closely with staff to develop salary ranges for public defender attorneys as required by La. R.S. 15:148(B)(15) and to update the District Defender salary ranges and District Assistance Fund formula. We have scheduled to meet with all District Defenders in Baton Rouge on Monday, August 19, 2013 to walk through the DAF formula and discuss staff's suggestions for updates.

Additionally, I met with Sen. A.G. Crowe to discuss Senate Concurrent Resolution 99, requesting a study of the feasibility, desirability, and practicality of delivering a statewide public defender system through an exclusively contract system, or through an exclusively full time staff system. The Resolution passed and LPDB's report is due January 15, 2015. I have also been in contact with potential contractors to assist LPDB with the study and anticipate receiving proposals for Budget Committee and Board review soon.

On May 31, 2013 DPD Richard Pittman and I conducted a site visit in the 30th Public Defender Office (Vernon Parish) in conjunction with a salary raise request from the District Defender. I have worked closely with our contract auditor, Corlis Green, who as conducted financial audits in Districts 18, 21, and 22 as part of her work under LPDB's CY2013 grant from the Louisiana Commission on Law Enforcement. With staff, we also conducted an initial round of interviews of all eligible applicants for the District Defender position in the 9th Public Defender Office.

This past month I have finalized the process for the board's evaluation of all executive staff and the 2013 evaluations are scheduled for July 30 and 31, 2013. On July 1st, we submitted LPDB's five-year (FY14-19) strategic plan and corresponding performance indicators as required by La. R.S. 39:31. All Executive Staff are scheduled to participate in a two-day strategic planning session with outside consultants on August 5 – 6 to launch the implementation of our strategic plan.

We continue to support the Louisiana Legislative Auditor's Performance Audit of our agency. The auditors are currently in the field work part of the audit and they are working from LPDB's conference room during this phase. Once their field work is completed, they will prepare a written report.

On June 7th, I participated as a panelist in presenting at the LSBA's Annual Meeting. Additionally, I am entering my second year of a 3-year at-large appointment to the LSBA's Board of Governors where I also chair the Indigent Defense Committee.

Since our last board meeting, we have experienced resignations from several staff members, including Angel Williams, Budget Officer; Irene Joe, Assistant Training Director; and Roger Harris, General Counsel. We thank everyone for their many contributions to LPDB and wish them all the best as they embark on the next chapters of their careers. All open staff positions are currently being advertised and applications are being received weekly.

We are very excited to have been joined by Richard Pittman, Deputy Public Defender – Director of Juvenile Defender Services, who became a member of the LPDB team on May 28, 2013. Additionally, Tiffany Simpson, Ph.D., will join us as the Interim Juvenile Justice Compliance Officer on August 5th and we are looking forward to her working with us.