

2017 Regular Session

HOUSE BILL NO. 82

BY REPRESENTATIVE MACK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INDIGENT DEFENSE: Provides relative to the powers, duties, and responsibilities of the Louisiana Public Defender Board

1 AN ACT

2 To enact R.S. 15:147(B)(17) through (19), relative to the Louisiana Public Defender Board;
3 to provide relative to the powers, duties, and responsibilities of the board; to provide
4 relative to the supervision of staff; to provide relative to the adoption of procedures
5 necessary for the review and preservation of materials; to provide relative to the
6 decisionmaking process of the board; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:147(B)(17) through (19) are hereby enacted to read as follows:

9 §147. Powers, duties, responsibilities

10 * * *

11 B. In addition to the powers and duties provided for in Subsection A of this
12 Section, the board shall:

13 * * *

14 (17) Supervise the activities of staff and apply reasonable controls for the
15 supervision of spending, accounting, and discretionary grants. The board shall seek
16 the assistance of the legislative auditor or a private company to ensure that staff
17 discretion is subject to supervision consistent with the Louisiana Local Government
18 Budget Act, R.S. 39:1301 et seq. The board's supervision shall include reviewing
19 details regarding expert witness funds or other case-specific grants, including the
20 confidential work product of attorneys in litigation, compensation, and records

1 supporting fees of experts and others, and analysis of the efficiency and effectiveness
2 of programs. The attorney-client privilege that applies to counsel in cases shall
3 apply to all board members for the review of case details.

4 (18) Adopt reasonable procedures in compliance with the Louisiana Rules
5 of Professional Conduct for the review and preservation of confidentiality of
6 privileged materials during and after litigation, including impressions of counsel,
7 strategy of litigation, and results of expert work and opinion.

8 (19) Adopt procedures necessary to protect strategic choices and confidential
9 work product of the board when the board considers important matters of spending.
10 However, the amounts and general purposes shall remain public record of the board's
11 decisionmaking process.

12 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 82 Original

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Mack

Abstract: Adds to the powers, duties, and responsibilities of the La. Public Defender Board.

Present law provides that except for the inherent regulatory authority of the La. Supreme Court provided for in La. Const. Art. V, §5 regarding the regulation of the practice of law, the La. Public Defender Board shall have all regulatory authority, control, supervision, and jurisdiction, including auditing and enforcement, and all power incidental or necessary to such regulatory control, supervision, and jurisdiction over all aspects of the delivery of public defender services throughout the courts of the state.

Present law further provides for the powers, duties, and responsibilities of the board.

Proposed law retains present law and adds the following powers, duties, and responsibilities of the board:

- (1) Supervise the activities of staff and apply reasonable controls for the supervision of spending, accounting, and discretionary grants. Authorizes the board to seek the assistance of the legislative auditor or a private company to ensure staff's discretion is subject to supervision consistent with the La. Local Government Budget Act.
- (2) Adopt reasonable procedures in compliance with the La. Rules of Professional Conduct for reviewing and preserving the confidentiality of privileged materials during and after litigation.

- (3) Adopt necessary procedures to protect the strategic choices and confidential work product of the board when considering important matters of spending.

(Adds R.S. 15:147(B)(17)-(19))