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DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
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OPINION 24-0116

Mr. Rémy Starns
State Public Defender
Office of the State Public Defender
301 Main Street, Suite 700
Baton Rouge, La 70825

90-A-1 Public Funds and Contracts

La. RS 15:142
La. RS 15:146

The contract approval requirement found in La. R.S. 15:146(B)(1) applies solely to contracts entered into by the Office of the State Public Defender. It does not extend to contracts executed by District Public Defenders.

Dear Mr. Starns:

You requested an opinion from this office regarding whether the Louisiana Public Defender Oversight Board's authority and obligation to approve of contracts exceeding \$250,000 as set forth in La. R.S. 15:146(B)(1) applies exclusively to contracts entered into by the Office of the State Public Defender or whether it also applies to contracts executed by District Public Defenders.

Question: Does the requirement in La. R.S. 15:146(B) (1) that the Louisiana Public Defender Oversight Board approve contracts over \$250,000 apply solely to contracts entered into by the Office of the State Public Defender or also to those entered into by a District Public Defender?

Answer: The contract approval requirement found in La. R.S. 15:146(B) (1) applies solely to contracts entered into by the Office of the State Public Defender. It does not extend to contracts executed by District Public Defenders.

The Office of the State Public Defender (OSPD), formerly the Louisiana Public Defender Board, is a state agency created within the Office of the Governor.¹ Prior to the enactment of Act 22 of the 2024 Second Extraordinary Session, the now defunct Louisiana Public Defender Board exercised supervisory authority over the delivery of public defender services statewide. Act 22 restructured the governance framework, transferring this supervisory role to the OSPD, eliminated the eleven-member Louisiana Public Defender Board, and created the nine-member Louisiana Public Defender Oversight Board (LPDOB).²

La. R.S. 15:146(B)(1) tasks the LPDOB with supervision and oversight of the OSPD and specifically requires that LPDOB review and approve of "[a]ny contract for legal

¹ See Act 22 of the 2024 Second Extraordinary Session, which amended the Louisiana Public Defender Act and went into effect on March 20, 2024.

² La. RS 15:142(C).

representation services entered into by the state public defender in an amount greater than two hundred fifty thousand dollars annually.” In contrast, the statute is silent with respect to any requirement for LPDOB approval of contracts entered into by District Public Defenders.

The absence of any language explicitly requiring LPDOB approval for contracts executed by district public defender offices strongly suggests that the LPDOB’s review and approval authority applies exclusively to contracts executed by the Office of the State Public Defender.

Moreover, La. R.S. 15:161(E)(8), governing the powers and duties of District Public Defenders, provides that a district defender “shall contract for services in accordance with the standards and guidelines adopted by rule by the board” and thus further indicates that, while district defenders are bound by the policies and standards promulgated by the LPDOB, they maintain independent authority to contract for services provided they comply with applicable rules.

Therefore, it is the opinion of this office that the LPDOB’s statutory obligation and authority to approve contracts over \$250,000 is limited to those entered into by the OSPD. District Public Defender contracts that do not involve OSPD as a party to the contract are not subject to this approval requirement.

We trust this adequately responds to your request. However, if our office can be of further assistance, please do not hesitate to contact us.

With best regards,

LIZ MURRILL
ATTORNEY GENERAL

BY:



TERREL T. KENT
ASSISTANT ATTORNEY GENERAL

LM: TK