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BOARD OF GOVERNORS

2 p.m. ~ Friday, January 16, 2015

New Orleans, LA

*** A G E N D A ***

1. **Roll Call**

Ms. Larsen called roll and advised that a quorum was present.

2. **Consent Calendar**

Agenda items which the President believes will not be substantially opposed may be included on the consent calendar. Consideration of the consent calendar must be made a special order and all items on it shall be moved for approval without debate. By request of any Board member, any item on the consent calendar shall be removed and made the subject of discussion and/or debate.

a. Approval of Minutes

Consideration of approval of minutes from October 18, 2014 meeting held in Shreveport.

b. Louisiana Center for Law and Civic Education

Periodic report from the LCLCE, as required by the April 2010 cooperative endeavor agreement.

c. House of Delegates Appointments

Confirmation of appointments made by President Joseph L. Shea, Jr. to fill vacancies in the House of Delegates.

d. Group Insurance Committee

Report from Group Insurance Committee.

e. Member Outreach & Diversity Report

Update on departmental activities.

The Board unanimously approved the consent calendar without discussion or debate.

Information/Discussion Items

3. **Day of Service – Joseph L. Shea, Jr. and Monte T. Mollere**

Update regarding October 23, 2014 Day of Service.

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Mr. Shea and Mr. Mollere reported on the Day of Service, noting that 122 attorneys volunteered and that there were events at 72 public libraries, with at least one event in each of the State's 64 parishes. Mr. Mollere asked Board members to mark their calendars for the 2015 Lawyers in Libraries Day of Service, scheduled for Thursday, October 29.

4. **Strategic Plan Update – Joseph L. Shea, Jr.**
Review of proposed additions to strategic plan.
Mr. Shea and Mr. Cunningham referred members to the draft document, as advised that further revisions were being made. They encouraged Board members to send their comments to Ms. Larsen by mid-March so that a final draft could be prepared for the Board's consideration at its April meeting.
5. **LSBA Appointment to Louisiana Attorney Disciplinary Board Administrative Committee – Joseph L. Shea, Jr.**
Report on individual appointed for 2015.
Mr. Shea reported that he had appointed Jeffrey Little of Shreveport.
6. **2014 Legislative Session Preview – and Larry L. Murray**
Preview of issues expected to be considered by Louisiana Legislature during 2015 Regular Session.
Mr. Murray gave a brief overview of what is expected from the upcoming fiscal session, noting that significant budget shortfalls related to the low price of oil will be the focus of much of the session.
7. **Section Council Meeting – Joseph L. Shea, Jr.**
Report on Section Council Meeting held at 11 a.m. on January 16.
Mr. Shea and Mr. Cunningham reported on the Section Council meeting. Mr. Shea noted that he had appointed LSBA Treasurer Robert A. Kutcher as Co-Chair of the Section Council. Mr. Cunningham reported that overall it was a positive meeting, but for the fact that some expressed concern over LSBA vs. section CLE seminars. Mr. Cunningham advised that he promised additional communication moving forward.
8. **Membership Database Maintenance – Loretta Larsen and Tony LaVerde**
Update on Single Billing, and database issues related to new admittees.
Ms. Larsen reported that the LSBA was moving forward with single billing for FY 2015/2016 as directed by the Board at its October 2014 meeting. Mr. LaVerde advised that there had been issues related to timing of receipt of bar roll numbers and inputting that information for new admittees, but that new protocol was being developed and that should address the problems moving forward.

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9. 2015 Annual Meeting/Summer School for Lawyers and Judges – Mark A. Cunningham

Update on plans for meeting, including proposed fee schedule.

Mr. Cunningham announced the theme of LSBA Rising: Lessons in Leadership, Innovation and Balance. He said plans were moving forward for the CLE sessions, as well as for the myriad social events. He reported that a highlight should be Friday's gubernatorial candidates forum.

Mr. Cunningham asked the Board to consider the fee schedule, which had not been changed from 2014. Mr. Leefe reported that at the Senior Lawyers Division lunch, he was asked to bring to the Board a request for reduced fees for members of the SLD, since they are exempt from MCLE on the basis of age. There was also some discussion about the possibility of a reduced registration fee for all members of the Young Lawyers Division, not just those in their first three years of practice. Mr. Cunningham advised that the LSBA would study the requests and their financial impact but that a decision could not be made until it had done so.

After a brief discussion and upon motion by Mr. Kutcher and second by Mr. David, the Board unanimously approved the fee structure as presented.

Action Items

10. Consideration of Any Item(s) Removed from Consent Calendar – Joseph L. Shea, Jr.
Discussion and consideration of item(s) removed from Consent Calendar.
There were no items removed from the Consent Calendar.

11. Lawyers Assistance Program – Mark A. Cunningham

a. Update on efforts regarding LAP.

Mr. Cunningham reviewed the progress regarding LAP, including the adoption of new governing documents. He expressed his appreciation to all who were involved.

b. Appointment of Board of Directors.

Mr. Cunningham presented the following individuals who are being proposed for service on the LAP Board of Directors through the current fiscal year:

LSBA Directors:

Darrel J. Papillion

Marta-Ann Schnabel

Mark C. Surprenant

Operations Committee Directors: John C. Blackman, IV

George M. Pierson

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Judge Director: Craig L. Caesar
Hon. Robin M. Giarrusso

Upon motion by Mr. Holoway and second by Mr. Grodsky, the Board unanimously approved the appointment of the above individuals as proposed.

- c. Consideration of allocation funds to establish videoconferencing capabilities at LAP offices.

Mr. Cunningham advised that LAP was seeking up to \$2,500 from the LSBA to install videoconferencing capabilities at the LAP offices in Covington. Upon motion by Mr. Levy and second by Mr. Holoway, the Board unanimously approved the funding as requested.

12. Budget Committee Recommendations – Robert A. Kutcher

Consideration of recommendations from Budget Committee.

Mr. Kutcher reviewed the budget amendments being recommended by the Budget Committee, representing additional expenses of \$24,500. The Board unanimously approved the Committee's recommendation.

13. Legal Malpractice Insurance Committee – Joseph L. Shea, Jr.

Consideration of recommendations from Legal Malpractice Insurance Committee:

- Revocation of Legal Malpractice Insurance Trust; and
- 2.5% increase on premiums for CNA legal malpractice insurance program.

The Board voted unanimously to accept the Committee's report and recommendations.

14. Committee on Bar Admissions – Joseph L. Shea, Jr.

Consideration of recommending to the Louisiana Supreme Court the appointment of Glenn L. Langley as the Examiner for Federal Jurisdiction and Procedure.

Upon motion by Mr. Kutcher and second by Mr. Hayes, the Board voted unanimously to recommend Mr. Langley's appointment to the Louisiana Supreme Court.

15. 2013/2014 Audit – Barry H. Grodsky

- Report on and consideration of 2013/2014 audit.

Mr. Grodsky reviewed the Audit Committee's January 14 meeting with Linda Eberle of Bourgeois Bennett, noting that the LSBA had received a completely clean audit with no exceptions. He reported that Ms. Eberle praised the Director of Administration Denise Tingstrom and the LSBA staff for their excellent work, their cooperation and their accessibility during the audit. He further advised that the staff

was complying with all Board policies. Mr. Grodsky thanked Mr. McAuliffe and Mr. Talley for their service on the Audit Committee.

Upon motion by Mr. Levy and second by Ms. deLaup, the Board voted unanimously to accept and approve the Audit Committee's report.

- Confirmation of review of 2013 IRS Form 990.
Mr. Grodsky advised that the Audit Committee also reviewed the Form 990 with Ms. Eberle. After a brief discussion, the Board unanimously confirmed receipt and review of the 990.

16. **Proposed Reception – Mark A. Cunningham**

Consideration of allocation of \$4,500 to host reception in honor of Jefferson Parish Clerk of Court Jon Gegenheimer for his receipt of the G. Thomas Munsterman Award for Jury Innovation from the National Center for State Courts.

Mr. Cunningham reported that Jefferson Parish Clerk of Court Jon Gegenheimer had received the G. Thomas Munsterman Award for Jury Innovation from the National Center for State Courts. Mr. Cunningham advised that this was a very significant national award, which he thought should be honored with a Bar-sponsored reception.

Upon motion by Ms. deLaup and second by Mr. Kutcher, the Board voted unanimously to allocate up to \$4,500 for sponsorship of this reception.

17. **ABA Litigation Section – Joseph L. Shea, Jr.**

Consideration of sponsorship (Bronze at \$2,500) of ABA Section of Litigation Annual Conference, to be held April 15 to 17, 2015 in New Orleans. LSBA Member Nancy Scott Degan (New Orleans) is the current Chair of the section.

Mr. Shea advised that the ABA Section of Litigation would be holding its 2015 Conference in New Orleans and that Nancy Scott Degan of New Orleans was Chair of the Section. He asked that the LSBA allocate \$2,500 to serve as a Bronze Sponsor of this event, to recognize both Ms. Degan as Chair and her decision to bring the meeting to Louisiana. After a brief discussion and upon motion by Mr. Hayes and second by Mr. David, the Board voted unanimously to sponsor at the Bronze Level.

Officer and Staff Reports

18. **Report of the President – Joseph L. Shea, Jr.**

- a. **Regional Panels** – Reminder for Regional Panels to meet and to identify individuals to recommend to the Board of Governors as recipients of Citizen Lawyer Awards.

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Mr. Shea reminded the chairs to follow up with their members, and advised that the deadline for nominations was February 28.

- b. **Local Bar Leaders Conference** – Announcement about January 30 conference in Lafayette, and invitation to attend.

Mr. Shea reminded Board members about the conference and urged them to encourage bar leaders in their respective areas to attend.

- c. **House of Delegates** – Review of January 17, 2015 Agenda.

Mr. Shea briefly reviewed the agenda and reminded Board members that the Board would reconvene immediately following the House meeting to consider ratification of the action of the House.

- d. **Access to Justice Community Summit** – Review of program scheduled for March 27 in Baton Rouge.

Mr. Shea reviewed the program and invited all Board members to participate.

- e. **Spring 2015 Meeting** – The next Board of Governors meeting will be held Friday, April 24 and Saturday, April 25, in conjunction with the Legislation Committee meeting in Baton Rouge.

Mr. Shea reminded Board members about the April meeting, and noted that the Board would meet on Friday afternoon, the Legislation Committee would meet beginning Saturday morning and the Board would reconvene immediately following the Legislation Committee meeting to consider the Committee's recommendation. Mr. Shea urged members to plan to attend the Board meetings and Legislation Committee meeting.

- f. **Other Matters**

Mr. Shea advised that Ms. Larsen had requested that the Board create a new staff position, Assistant Director of Administration, at an annual cost not to exceed \$80,000, with the positive to be filled as soon as feasible. Ms. Larsen discussed the workload and the need for this position.

Upon motion by Mr. Kutcher and second by Mr. McAuliffe, the Board unanimously approved the positive and funding for same.

19. **Report of the President-Elect – Mark A. Cunningham**

Mr. Cunningham reported on his recent trip to Cuba with a delegation from the New Orleans Bar Association, as well as the Louisiana Client Assistance Foundation meeting held on January 16. He advised that there was some discussion at the LCAF meeting regarding whether the Fund should be paying claims for deceased lawyers. Because the Rules of Professional Conduct currently allow, in some circumstances, for funds to be deposited into a lawyer's operating account before the funds are earned, this matter will be referred to the Rules of Professional Conduct Committee.

Mr. Cunningham advised that he was considering two candidates for the at-large appointment and asked the Board for authorization to appoint either candidate to the At-Large position on the Board for the 2015-2018 term. Upon motion by Mr. Kutcher and second by Ms. Sonnier, the Board unanimously approved this request.

Mr. Mollere and Leadership Class members Micah Fincher and Graham Ryan presented the "Hackcess to Justice" hackathon event to the Board. The program will take place in March 2015 to bring together legal aid providers and the tech community to create and showcase technological solutions to legal service challenges in the hopes of increasing access to justice for poor and underrepresented communities in Louisiana.

20. **Report of the Secretary – Barry H. Grodsky**

Mr. Grodsky reported that the Editorial Board had met earlier in the day and that everything was progressing on schedule. He advised that he had added Ms. deLaup to the Editorial Board and that Ms. Mire was on track to take over as Secretary in June. Mr. Grodsky thanked the staff for their significant efforts, especially Managing Editor Darlene LaBranche.

21. **Report of the Treasurer – Robert A. Kutcher**

Mr. Kutcher reported that the LSBA was on the right track financially and that all other matters had been covered in other agenda items.

22. **Report of the Immediate Past President – Richard K. Leefe**

Mr. Leefe reported that the LaSCAIP Board had been appointed and that in addition to himself as Chair, the members were Leo C. Hamilton, C. Wendell Manning, Donald W. North and Joseph L. "Larry" Shea, Jr. Mr. Leefe further advised that he was continuing to seek funding for this program.

23. **Report of the Young Lawyers Division Chair – J. Lee Hoffoss, Jr.**

Mr. Hoffoss reported that nearly 100 participants attended the YLD Professional Development Seminar earlier in the day. He also reported that the YLD would cohost a seminar with the diversity Committee on February 19 in Baton Rouge.

24. **Report of the Executive Director – Loretta Larsen**

Ms. Larsen thanked the Board for creating the new Assistant Director of Administration position, noting that we have not added staff in this area despite countless new programs and significant expansion of LSBA initiatives and budget over the past eight to 10 years. She further reported that the voting would continue through February 2, with only one runoff.

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She said there were originally two runoffs but that the second candidate had withdrawn from the race for the ABA House of Delegates and that Mr. Leefe had been certified elected. Finally, she reminded the Board about the remaining Midyear Meeting events and encouraged their attendance.

25. Report of the Associate Executive Director – Cheri Cotogno Grodsky

Ms. Grodsky reported that the TIP program was progressing with the training of mentors and sign-up of mentees.

26. Other Matters

Ms. Pierre reminded everyone about the March 6 Conclave on the Legal Profession at the New Orleans Marriott on Canal and encouraged their attendance.

Mr. Hayes reported that he had been advised by a member who complained about the number of emails he receives from the LSBA. Ms. Larsen advised that staff was developing new internal protocols which would significantly limit the number of emails to members.

Adjourn

There being no further business, the meeting was adjourned at 3:40 p.m.