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BOARD OF GOVERNORS

9 a.m. ⌘ Saturday, October 18, 2014
Shreveport, LA

*** A C T I O N S ***

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 August 23, 2014 meeting held in New Orleans.

b. Louisiana Center for Law and Civic Education

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

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, wherein the LSBA will partner with the Louisiana Library Association to highlight the Legal Education and Assistance Program (LEAP), and to have attorneys in libraries across the state to answer questions and provide information on issues of interest to citizens.

Mr. Shea and Mr. Mollere gave brief reports on the Day of Service and Mr. Mollere advised that the LSBA would likely have a presence at the libraries in each of the state's 64 parishes.

4. Louisiana Supreme Court Attorney Intern Program – Richard K. Leefe

Discussion about program approved by the Court on September 10, 2014.

Mr. Leefe reviewed the Supreme Court Order and reported that the gist of the program was

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to hire unemployed newly admitted attorneys as “fellows” who would work in public interest positions through the program administered by the LSBA through a Board appointed by the Supreme Court and the LSBA. He further reported that the projected rollout was October 2015, with the current focus being to secure funding for the program.

5. Strategic Plan Update – Joseph L. Shea, Jr., Mark Cunningham and Loretta Larsen

Review of proposed updates to strategic plan.

Mr. Shea and Mr. Cunningham reviewed the draft goals which were being recommended to the Board by the Executive Committee. Mr. Cunningham advised that staff would assist the Board to develop initiatives which would be utilized to achieve the goals.

Upon motion by Mr. Kutcher and second by Mr. Frazier, the Board unanimously approved the goals as recommended by the Executive Committee.

6. Single Billing 2014-2015 – Loretta Larsen

Preliminary report on first year of electronic billing/payment.

Ms. Larsen reviewed the written report. Mr. Shea advised that the Executive Committee voted unanimously to recommend to the Board that the LSBA recommend to the Supreme Court that the procedures be modified for 2015/2016 so as to provide a downloadable form and the option of paying by check (although online payment via credit card or ACH would be presented as the “preferred” method).

After some discussion and upon motion and second, the Board voted to approve the recommendation of the Executive Committee.

Action Items

7. 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.

8. LSBA Appointment to Louisiana Attorney Disciplinary Board Administrative Committee – Joseph L. Shea, Jr.

Consideration of LSBA appointment to the Louisiana Attorney Disciplinary Board Administrative Committee for term beginning January 1, 2015 and ending December 31, 2015. LSBA representative Frank Fertitta’s third one-year term is ending December 31 and he is not eligible for reappointment.

Mr. Shea advised that he had not been able to get in touch with the individuals he was considering for appointment and asked the Board to grant him the authority to make this appointment.

Upon motion by Mr. Leefe and second by Mr. Tally, the Board voted unanimously to grant Mr. Shea the authority to make the LSBA's appointment to the LADB Administrative Committee.

9. LSBA Appointments to Mandatory Continuing Legal Education Committee – Joseph L. Shea, Jr.

Consideration of two LSBA appointments to the Mandatory Continuing Legal Education Committee for terms beginning January 1, 2015 and ending December 31, 2017. LSBA Representatives Daniel A. Cavell and Carmelite M. Bertaut are completing their second three-year terms and are not eligible for reappointment. This Supreme Court committee is comprised of nine members, five of whom are appointed by the Court and four of whom are appointed by the LSBA.

Mr. Shea advised that he was recommending the appointment of Robert G. Levy of Alexandria and Edward J. Walters, Jr. of Baton Rouge as the LSBA's representatives on the MCLE Committee.

Upon motion by Mr. Kutcher and second by Ms. Mire, the Board unanimously approved the appointments, with Mr. Levy abstaining.

10. Lawyers Assistance Program – Mark A. Cunningham

Update on efforts regarding LAP and consideration of additional funding.

Mr. Cunningham gave the Board an update on the Lawyers Assistance Program, including noting that LAP had adopted revisions to its Articles of Incorporation and Bylaws, and was also working toward more detailed financial reporting as well as the adoption of financial policies and safeguards similar to those of the LSBA. Mr. Cunningham also noted that LAP had hired one additional clinician and that there was consensus that another clinician and another administrative employee were needed.

After some discussion and upon motion by Mr. Cunningham and second by Mr. Kutcher, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that the LSBA:

- 1. Authorize the disbursement to LAP of the \$100,000 in additional funding which was previously set aside by the Board for 2014-2015;*
- 2. Direct its staff to budget up to a total of \$378,000 per annum in funding for LAP beginning with the 2015-2016 bar year; and*
- 3. Make continuing funding of LAP at these increased levels contingent on the following:*
 - LAP will utilize its reserves to fund any deficit for 2014-2015 and in future bar years;*

- *LAP will expand its services and programs with respect to mental health, including depression, stress management and professional burn-out;*
- *LAP will expand preventive services and programs designed to assist members who are not involved in any disciplinary proceedings;*
- *In order to assist members seeking help outside of LAP, LAP will expand its communication platforms, including its webpage on LSBA.org, to provide additional information and education to members about treatment options and suitable treatment facilities with professionals in crisis programs;*
- *LAP will provide progress reports and financial statements to the LSBA Board on a quarterly basis;*
- *Beginning in 2015-2016, LSBA funds to LAP will be disbursed on a quarterly basis; and*
- *LAP will pursue increased funding from all partners in the legal community and other potential funding sources.*

11. **Ontario Bar Event Sponsorship – Joseph L. Shea, Jr.**

Consideration of sponsorship of event in connection with Ontario Bar meeting in Louisiana in June 2015.

Mr. Shea reported that the Francophone Section was very active and was working to bring this meeting to Louisiana. He further reported that Chief Justice Bernette Joshua Johnson is interested in the having the group visit the Supreme Court and holding a reception there.

After a brief discussion and upon motion by Mr. Levy and second by Ms. Mire, the Board voted unanimously to allocate up to \$4,000 to host such a reception at the Court.

12. **Budget Committee Recommendations – Robert A. Kutcher**

Consideration of recommendations from Budget Committee:

a. Amendments to FY 2014-2015 Budget

Mr. Kutcher reviewed the budget amendments which were being recommended by the Budget Committee. After a brief discussion and upon motion by Mr. Cunningham and second by Mr. McAuliffe, the Board voted unanimously to approve the amendments.

b. Capital Purchases & Capitalization Threshold Policy

Mr. Kutcher reviewed the policy which had been drafted at the recommendation of the LSBA's auditors and which was being recommended by the Budget Committee. After a brief discussion and upon motion by Mr. Hayes and second by Mr. Hoffoss, the Board unanimously approved adoption of the policy.

13. **Personnel Policies – Loretta Larsen**

Consideration of amendments to personnel policies related to retirement plan, to include language about employee contributions and clarify existing language.

Ms. Larsen reviewed the proposed amendments, noting that they were simply a

clarification of the current policy. After a brief discussion and upon motion by Mr. Kutcher and second by Mr. Leefe, the Board unanimously approved the amendments.

14. **Approval of Employee Retirement Contribution – Joseph L. Shea, Jr.**

Consideration of the annual employee retirement contribution equal to 10 percent of gross wages, for employees meeting eligibility requirements. Funds for this contribution were approved in the 2014/2015 budget adopted by the Board on June 6, 2014.

Mr. Shea noted that the funds had been approved with the adoption of the budget on June 6, but that the auditors had requested that the approval of the contribution be handled as a separate matter and that it be included in the Board minutes.

Upon motion by Mr. McAuliffe and second by Mr. Hoffoss, the Board unanimously approved the employee retirement contribution, with Mr. Grodsky abstaining.

15. **Legal Malpractice Insurance Trust – Joseph L. Shea, Jr.**

Consideration of dissolution of trust and moving funds to temporarily restricted checking and brokerage accounts established for the sole purpose of holding those funds.

Mr. Shea provided some historical perspective on the creation of the trust and referred to Ms. Larsen's memorandum and the original trust document which were included in the Board materials. He further advised that the Executive Committee had considered this issue and voted unanimously to recommend to the Board that it vote to revoke the trust checking account and a brokerage account to facilitate this change.

After some discussion and upon motion by Mr. Kutcher and second by Mr. Leefe, the Board voted unanimously to approve the Executive Committee's recommendation.

Officer and Staff Reports

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

Mr. Shea reported on the myriad projects of the Committee on the Profession, including mentor training and the character and fitness programs in the law schools. He thanked Mr. Grodsky for his considerable efforts in making these programs successful, and also thanked the Supreme Court and Lauren McHugh Rocha for their assistance.

Mr. Shea also reported on the following:

- *The Committee on Legal Education and Licensure would be meeting on October 22, at the Bar Center.*
- *The LSBA Bar Leaders Institute will be held Thursday, January 29 and Friday, January 30, in Lafayette, in an effort to assist local bar leaders.*

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- *The Midyear Meeting will be held Thursday, January 15 through Saturday, January 17 at the Hotel InterContinental New Orleans, and that deadline for House of Delegates resolutions is Wednesday, December 17.*
- *He had written a letter to the editor of the Times-Picayune/NOLA.com in response to the negative articles and editorial they had published.*

17. Report of the President-Elect – Mark A. Cunningham

Mr. Cunningham reported that he was working on plans for his year, where he planned to focus on the changing face of the legal profession. In keeping with the goals adopted by the Board of Governors, he would like to see enhancements in LSBA programming to supporting lawyers in the business of practicing law, as well as with career satisfaction. Further, he plans to continue working with LAP to expand its services to members.

18. Report of the Secretary – Barry H. Grodsky

Mr. Grodsky reported that he, the Editorial Board and LSBA staff were continuing to work on the Journal, and that they were producing several themed issues in 2014-2015.

19. Report of the Treasurer – Robert A. Kutcher

Mr. Kutcher reported that as of the end of FY 2013-2014, the LSBA had increased its reserves by roughly \$600,000, due in part to the success of the Combined Annual Meeting/Summer School for Lawyers and Judges, and the LSBA's CLE programming.

20. Report of the Immediate Past President – Richard K. Leefe

Mr. Leefe thanked members of the 2013-2014 Board and the staff for their efforts toward the LSBA's financial success experienced during his term as president.

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

Mr. Hoffoss reported that the Division was focusing on:

- *Its 532 members who passed the July 2014 bar exam.*
- *Expanding its Wills for Heroes programs, having just completed a very successful program in Shreveport and with events planned for Lake Charles and Baton Rouge.*
- *Bridging the Gap, scheduled for October 28 & 29 in New Orleans. He thanked Board members who are scheduled to speak at that program.*

22. Report of the Executive Director – Loretta Larsen

Ms. Larsen reported on:

- *Election qualifying, which ends on Monday, October 20. She advised that there were still a number of positions for which no one qualified.*
- *The FY 2013-2014 audit, which is in progress and should be completed in advance of the January 2015 Board of Governors meeting.*

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- *Videoconferencing, which is online in Shreveport and Lafayette, and should be available soon in Baton Rouge.*

23. Report of the Associate Executive Director – Cheri Cotogno Grodsky
Ms. Grodsky referred Board members to her written report.

Adjourn

There being no further business, the meeting was adjourned at 11:15 a.m.