

LOUISIANA STATE BAR ASSOCIATION
HOUSE OF DELEGATES
9 A.M. SATURDAY, JANUARY 22, 2011
NEW ORLEANS MARRIOTT AT THE CONVENTION CENTER

▪ M I N U T E S ▪

The House of Delegates was convened at 9 a.m., Saturday, January 22, 2011, in the Ballroom the New Orleans Marriott at the Convention Center, 859 Convention Center Boulevard in New Orleans, Louisiana.

I. Certification of Quorum by the Secretary

After concurring with Assistant Secretary Loretta Larsen, Mr. Patterson announced that a quorum had been certified and declared the meeting to be in session. A copy of the attendance roster is attached as an addendum to these Minutes.

II. Recognition of Deceased Members of the House of Delegates.

There were no deceased members of the House of Delegates since June 2010.

III. Reports of Standing Committees of the House

Mr. Patterson advised that reports of standing committees will be emailed to all members of the House on Monday, January 24.

IV. Reports of Officers, Board of Governors, Standing Committees and Sections of the Louisiana State Bar Association

1. Michael A. Patterson, President

Mr. Patterson reminded the members of the House of Delegates of the LSBA Annual Meeting scheduled for June 28-June 30, 2011, at the Wynn Hotel in Las Vegas, Nevada and encouraged the members of the House of Delegates to take advantage of the advanced registration prices through the end of January.

Mr. Patterson advised that the Board of Governors would be developing a new Strategic Plan for the Louisiana State Bar Association. In developing the plan, he indicated that the Board would utilize the results of the membership survey conducted in the fall of 2010, as well as the results of a targeted surveys which will be distributed in the near future to a number of stakeholders including members of the House of Delegates.

Mr. Patterson advised that the Louisiana Supreme Court's Committee on Bar Admissions had proposed significant changes to the Louisiana Bar Exam and that the Committee's proposals are posted on the Supreme Court's website. Mr. Patterson encouraged members of the House of Delegates to go to the Supreme Court website to review and provide comments regarding these proposed changes.

2. James J. Davidson III, President-Elect

Mr. Davidson waived his report.

3. Mark A. Cunningham, Treasurer
Mr. Cunningham provided an overview of the budget for the current fiscal year.

V. Reports of Special Committees of the Louisiana State Bar Association
There were no reports either written or oral.

VI. Old Business
There was no Old Business to be considered.

VII. Approval of Minutes

The following motion was made:

“BE IT RESOLVED, that the minutes of the June 11, 2010 Meeting of the House of Delegates are approved.”

The motion was seconded and unanimously approved.

VIII. Resolutions

Committee Resolutions

1. Resolution from the Legislation Committee proposing that a comprehensive statewide study be conducted to review court costs in Louisiana and their impact on access to justice, and further proposing that the LSBA take no position in the legislature on bills addressing court costs, penalties and fines until completion of said study.

Legislation Committee Chair and 19th Judicial District Representative Michael W. McKay made the following motion:

“BE IT RESOLVED that the resolution from the Legislation Committee proposing that a comprehensive statewide study be conducted to review court costs in Louisiana and their impact on access to justice, and further proposing that the LSBA take no position in the legislature on bills addressing court costs, penalties and fines until completion of said study be adopted.”

The motion was seconded and adopted.

2. Resolution from Bar Governance Committee proposing that the Bylaws be amended to divide the Access to Justice Committee into two committees: one to address policy and the other to address programming.

Bar Governance Committee Chair and 24th Judicial District Representative S. Guy deLaup made the following motion:

“BE IT RESOLVED that the resolution from the Bar Governance Committee proposing that the Bylaws be amended to divide the Access to Justice Committee into two committees be adopted.”

The motion was seconded and LSBA Past President and Access to Justice Committee Chair Marta-Ann Schnabel spoke in favor of the resolution.

The resolution was adopted unanimously.

3. Resolution from the Bar Governance Committee proposing a number of amendments to the House of Delegates Rules of Procedure.

Bar Governance Committee Chair and 24th Judicial District Representative S. Guy deLaup made the following motion:

“BE IT RESOLVED that the resolution from the Bar Governance Committee proposing a number of amendments to the House of Delegates Rules of Procedure be adopted.”

The motion was seconded and adopted unanimously.

4. Resolution from the Bar Governance Committee proposing amendments to both the Articles of Incorporation and House of Delegates Rules of Procedure with regard to handling of vacancies in the House of Delegates.

Bar Governance Committee Chair and 24th Judicial District Representative S. Guy deLaup made the following motion:

“BE IT RESOLVED that the resolution from the Bar Governance Committee proposing amendments to both the Articles of Incorporation and House of Delegates Rules of Procedure with regarding to handling of vacancies in the House of Delegates be adopted.”

The motion was seconded and adopted.

5. Resolution from the Bar Governance Committee proposing amendments to House of Delegates Rules of Procedure to change the terms of the members of the Committee on Liaison, and the manner in which the chair is selected.

Bar Governance Committee Chair and 24th Judicial District Representative S. Guy deLaup made the following motion:

“BE IT RESOLVED that the resolution from the Bar Governance Committee proposing amendments to House of Delegates Rules of Procedure to change the terms of the members of the Committee on Liaison, and the manner in which the chair is selected, be adopted.”

The motion was seconded and adopted unanimously.

6. Resolution from the Client Assistance Fund Committee seeking the support of the House of Delegates for proposed legislation which would require insurance companies to provide direct written notification to claimants of third-party liability settlements.

Client Assistance Fund Committee Chair and Orleans Parish Representative David W. Leefe made the following motion:

“BE IT RESOLVED that the resolution from the Client Assistance Fund Committee seeking the support of the House of Delegates for proposed legislation which would require insurance companies to provide direct written notification to claimants of third-party liability settlements be adopted.”

A number of members spoke for and against the resolution.

The question was called and a hand-count vote taken. The motion was adopted with 113 for and 63 against the resolution.

7. Resolution from the Criminal Justice Committee which proposes that: (1) the LSBA support uniform application of the \$35 fee in criminal convictions as required under La. R.S. §15:168; and (2) that the LSBA support the development and implementation of a statewide court cost fee schedule.

Hon. William A. Morvant made the following motion:

“BE IT RESOLVED that the resolution from the Criminal Justice Committee which proposes that: (1) the LSBA support uniform application of the \$35 fee in criminal convictions as required under La. R.S. §15:168; and (2) that the LSBA support the development and implementation of a statewide court cost fee schedule be adopted.”

Mr. Patterson then called upon James E. Boren to speak in favor of this resolution.

The question was called and a vote taken. The motion was adopted.

Section Resolution

8. Resolution from the Bankruptcy Section proposing that the section's bylaws be amended to increase the section's annual dues from \$10 to \$20.

Bankruptcy Section Chair Tristan E. Manthey made the following motion:

“BE IT RESOLVED that the resolution from the Bankruptcy Section proposing that the section's bylaws be amended to increase the section's annual dues from \$10 to \$20 be adopted.”

The motion was seconded and adopted.

Member Resolutions

9. Resolution from 16th Judicial District Representative Eric P. Duplantis proposing that Article X, Sections 2 and 4 of the Bylaws be amended to impose a number of restrictions on the Association's lobbying activities.

Eric P. Duplantis made the following motion:

“BE IT RESOLVED that the resolution proposing that Article X, Sections 2 and 4 of the Bylaws be amended to impose a number of restrictions on the Association's lobbying activities be adopted.”

A number of members spoke for and against the resolution.

The motion to table the resolution was made. A hand-count vote was taken and the motion to table was approved with 129 for and 29 against.

10. Resolution from Representatives Jack K. Whitehead, Jr. (19th), Jack M. Dampf (19th) and Eric P. Duplantis (16th) proposing that the LSBA recommend to the Louisiana Supreme Court that new identification cards be implemented for LSBA members, with such cards to include photos, hologram, name, address, date of birth and bar roll number.

Jack M. Dampf made the following motion:

“BE IT RESOLVED that the resolution proposing that the LSBA recommend to the Louisiana Supreme Court that new identification cards be implemented for LSBA members, with such cards to include photos, hologram, name, address, date of birth and bar roll number be adopted.”

The question was called and a vote taken. The resolution was adopted.

IX. Elections

1. Election of the 2011/2012 House of Delegates Liaison Committee, including a chair.

Due to the unanimous approval at this House of Delegates meeting of the Resolution from the Bar Governance Committee proposing amendments to House of Delegates Rules of Procedure to change the terms of the members of the Committee on Liaison, and the manner in which the chair is selected, Mr. Patterson opened the floor for nominations for the 2011/2012 House of Delegates Liaison Committee, including a chair.

15th Judicial District Representative Jeffrey A. Riggs made the following motion:

“BE IT RESOLVED that C. Kevin Hayes of the 19th Judicial District be elected to the Liaison Committee of the House as a member from the 1st-19th Judicial Districts for a term beginning at the conclusion of Annual Meeting 2011 and ending at the conclusion of Annual Meeting 2012.”

The motion to close the nominations was made and adopted. Mr. Hayes was declared elected the member of the Liaison Committee of the House of Delegates for a one-year term beginning in 2011 and ending in 2012.

19th Judicial District Representative C. Kevin Hayes made the following motion:

“BE IT RESOLVED that Jeffrey A. Riggs of the 15th Judicial District be elected to the Liaison Committee of the House as a member from the 1st-19th Judicial Districts for a term beginning at the conclusion of Annual Meeting 2011 and ending at the conclusion of Annual Meeting 2014.”

The motion to close the nominations was made and seconded. The motion was adopted and Mr. Riggs was declared elected the member of the Liaison Committee of the House of Delegates for a three-year term beginning in 2011 and ending in 2014.

The following motion was made:

“BE IT RESOLVED that George B. Recile of the 24th Judicial District be elected to the Liaison Committee of the House as a member from the 20th-42nd Judicial Districts for a term beginning at the conclusion of Annual Meeting 2011 and ending at the conclusion of Annual Meeting 2013.”

Charles M. Raymond made the following motion:

“BE IT RESOLVED that Walter I. Willard of Orleans Parish be elected to the Liaison Committee of the House as a member from the 20th-42nd Judicial Districts for a term beginning at the conclusion of Annual Meeting 2011 and ending at the conclusion of Annual Meeting 2013.”

The motion to close the nominations was made and seconded. The motion was adopted and a hand-count vote was taken. George B. Recile was declared elected the member of the Liaison Committee of the House of Delegates for a two-year term beginning in 2011 and ending in 2013.

The following motion was made:

“BE IT RESOLVED that George B. Recile of the 24th Judicial District be elected to serve as Chair of the House of Delegates Liaison Committee for the term beginning at the conclusion of Annual Meeting 2011 and ending at the conclusion of Annual Meeting 2012.”

C. Kevin Hayes made the following motion:

“BE IT RESOLVED that Jeffrey A. Riggs of the 15th Judicial District be elected to serve as Chair of the House of Delegates Liaison Committee for the term beginning at the conclusion of Annual Meeting 2011 and ending at the conclusion of Annual Meeting 2012.”

The motion to close the nominations was made and adopted. A hand-count vote was taken and Mr. Recile was declared elected to serve as Chair of the Liaison Committee of the House of Delegates for the 2011/2012 term.

2. Election of a member of the House of Delegates to serve on the Budget Committee for the term beginning July 1, 2011 and ending June 30, 2013.

Mr. Patterson opened the floor for nominations for a member of the House of Delegates to serve on the Budget Committee for the term beginning July 1, 2011 and ending June 30, 2013.

17th Judicial District Representative Daniel A. Cavell made the following motion:

“BE IT RESOLVED that House of Delegates member Kathy M. Wright of the 19th Judicial District be elected to serve on the Budget Committee for the two-year term beginning July 1, 2011 and ending June 30, 2013.”

The motion to close the nominations was made and seconded. The motion was adopted and Ms. Wright was declared elected to serve on the Budget Committee.

X. Other Business

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

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Loretta Larsen". The signature is fluid and cursive, with a large initial "L" and "L" for "Larsen".

**Loretta Larsen
Assistant Secretary**

January 31, 2011

**APPROVED BY HOUSE OF DELEGATES
JUNE 29, 2011
LAS VEGAS, NV**

ADDENDUM TO 1/22/2011 HOD MINUTES

2010-11 HOUSE OF DELEGATES ATTENDANCE ▪ 2011 MIDYEAR MEETING

FIRST JUDICIAL DISTRICT (14 seats) Parish of Caddo

Louis R. Avallone
PRESENT Claude W. Bookter, Jr.
PRESENT James L. Fortson, Jr.
PRESENT John R. Herzog
PRESENT W. James Hill III
PRESENT Richard M. John
PRESENT Kevin R. Molloy
PRESENT Marshall R. Pearce
PRESENT Keidra J. Phillips
PRESENT Nyle A. Politz
PRESENT Joseph L. Shea, Jr. BY PROXY TO Stephen C. Fortson
Sheva M. Sims
PRESENT Kenneth Craig Smith, Jr.
PRESENT Steven R. Yancey

SECOND JUDICIAL DISTRICT (3 seats) Parishes of Bienville, Claiborne & Jackson

James E. Beal
Roy M. Lilly

THIRD JUDICIAL DISTRICT (3 seats) Parishes of Lincoln & Union

PRESENT Tyler G. Storms

FOURTH JUDICIAL DISTRICT (11 seats) Parishes of Morehouse & Ouachita

Jeffrey L. DeMent
PRESENT Jeffrey D. Guerriero
PRESENT Paul L. Hurd
PRESENT A. Carter Mills IV
PRESENT Ramsey L. Ogg
PRESENT Alex W. Rankin
PRESENT Arthur L. Stewart
J. Antonio Tramontana
PRESENT Thomas G. Zentner, Jr.

FIFTH JUDICIAL DISTRICT (3 seats) Parishes of Franklin, Richland, & West Carroll

PRESENT John Clay Hamilton
PRESENT John Hoychick, Jr.

SIXTH JUDICIAL DISTRICT (2 seats) Parishes of East Carroll, Madison & Tensas

PRESENT George F. Fox, Jr.

SEVENTH JUDICIAL DISTRICT (2 seats) Parishes of Catahoula & Concordia

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PRESENT John C. Reeves

PRESENT Ann S. Siddall

EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Winn

Kimberly Anastasia Wiley

NINTH JUDICIAL DISTRICT (7 seats) Parish of Rapides

Ronald G. Beard

PRESENT Robert L. Bussey

Gwenda R. Lamb

PRESENT Alainna R. Mire

PRESENT Harold A. Murry

Mark F. Vilar

PRESENT Zebulon M. Winstead BY PROXY TO Camille R. Jackson

TENTH JUDICIAL DISTRICT (2 seats) Parish of Natchitoches

PRESENT Keenan K. Kelly

PRESENT Charles R. Whitehead, Jr.

ELEVENTH JUDICIAL DISTRICT (1 seat) Parish of Sabine

PRESENT Matthew J. Couvillion

TWELFTH JUDICIAL DISTRICT (2 seats) Parish of Avoyelles

PRESENT Douglas L. Bryan

PRESENT Dan B. McKay, Jr.

THIRTEENTH JUDICIAL DISTRICT (2 seats) Parish of Evangeline

PRESENT Timmy J. Fontenot

Allen Bruce Rozas

FOURTEENTH JUDICIAL DISTRICT (9 seats) Parish of Calcasieu

PRESENT Edward K. Alexander, Jr.

PRESENT Theresa A. Barnatt

PRESENT Brian Lee Coody

PRESENT L. Paul Foreman

PRESENT Tara B. Hawkins

PRESENT Thomas L. Lorenzi

PRESENT Larry E. Pichon

M. Kevin Powell

PRESENT Betty A. Raglin

FIFTEENTH JUDICIAL DISTRICT (13 seats) Parishes of Acadia, Lafayette & Vermillion

PRESENT Homer Ed Barousse, Jr.

PRESENT Ariel A. Campos, Sr.

PRESENT Dean A. Cole

PRESENT Tracy P. Curtis BY PROXY TO Rachal Chance

PRESENT Blake R. David

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PRESENT Steven G. "Buzz" Durio
PRESENT Helen Popich Harris
PRESENT Matthew J. Hill, Jr.
PRESENT Joseph R. Oelkers III
Tricia R. Pierre
PRESENT Dona K. Renegar
PRESENT Jeffrey A. Riggs
PRESENT Michael D. Skinner

SIXTEENTH JUDICIAL DISTRICT (8 seats) Parishes of Iberia, St. Martin & St. Mary

PRESENT Adolph B. Curet III
PRESENT Eric P. Duplantis
PRESENT Pamela Ann Lemoins
PRESENT Marsha McNulty
Andrew Reed
PRESENT Maggie T. Simar BY PROXY TO Robert Odinet
PRESENT Anne G. Stevens
PRESENT Dennis R. Stevens

SEVENTEENTH JUDICIAL DISTRICT (5 seats) Parish of Lafourche

PRESENT Matthew Ferdinand Block
PRESENT Daniel A. Cavell
PRESENT Annette M. Fontana
PRESENT Robert M. Pugh
PRESENT Nicholas J. Zeringue

EIGHTEENTH JUDICIAL DISTRICT (4 seats) Parishes of Iberville, Pointe Coupee & West Baton Rouge

PRESENT Felicia F. Davis
PRESENT John Wayne Jewell
Audrey A. McCain
PRESENT Francis A. Smith, Jr.

NINETEENTH JUDICIAL DISTRICT (21 seats) Parish of East Baton Rouge

PRESENT B. Scott Andrews
Michael P. Bienvenu
PRESENT James E. Boren
PRESENT Dana B. Brown
PRESENT Stephen E. Broyles
Celia R. Cangelosi
PRESENT Preston J. Castille, Jr.
PRESENT Jack M. Dampf
PRESENT Kyle A. Ferachi
PRESENT Michael D. Ferachi BY PROXY TO Katherine Eckert
PRESENT Frank A. Fertitta
PRESENT C. Kevin Hayes
PRESENT C. Frank Holthaus

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PRESENT Stephen M. Irving
PRESENT Jay M. Jalenak, Jr.
Robert M. Marionneaux, Jr.
PRESENT Michael W. McKay
PRESENT Glen R. Petersen
David Abboud Thomas
PRESENT Jack K. Whitehead, Jr.
PRESENT Kathy M. Wright

TWENTIETH JUDICIAL DISTRICT (2 seats) Parishes of East Feliciana & West Feliciana

Michael O. Hesse
Michael L. Hughes

TWENTY-FIRST JUDICIAL DISTRICT (9 seats) Parishes of Livingston, St. Helena & Tangipahoa

PRESENT Mary E. Heck Barrios
PRESENT Erik L. Burns
PRESENT J. Donald Cascio BY PROXY TO Benjamin Cascio
PRESENT Douglas T. Curet
Steven J. Farber
PRESENT Jay J. Harris
PRESENT D. Blayne Honeycutt
PRESENT Brian D. Lenard
PRESENT Robert W. Morgan

TWENTY-SECOND JUDICIAL DISTRICT (12 seats) Parishes of St. Tammany & Washington

PRESENT Elizabeth A. Alston
PRESENT Eric K. Buerger
PRESENT Keith M. Couture
PRESENT C. Ellen McCain Creel
PRESENT Carole G. Gillio
PRESENT Paul A. Lea, Jr.
PRESENT Robert C. Lehman
PRESENT J. Kevin McNary
Laurie Martin Pennison
Tracey T. Powell
Georgia G. Turgeau
Peggy G. Vallejo

TWENTY-THIRD JUDICIAL DISTRICT (5 seats) Parishes of Ascension, Assumption & St. James

PRESENT Lana O. Chaney
PRESENT Tonya B. Clark
PRESENT Jessie M. LeBlanc
PRESENT Michael J. Poirrier
PRESENT Timothy E. Pujol

TWENTY-FOURTH JUDICIAL DISTRICT (19 seats) Parish of Jefferson

PRESENT Conrad A. Buchler
PRESENT Robert J. Caluda
PRESENT Thomas Christopher Cerullo
David L. Colvin
Bruce C. Dean
PRESENT Mickey S. deLaup
PRESENT S. Guy deLaup
PRESENT Michael R. Delesdernier
Kurt C. Garcia
PRESENT Geralyn P. Garvey
PRESENT John J. Lee, Jr.
PRESENT Robert A. McMahon, Jr.
Steve J. Mortillaro
C. Joseph Murray
PRESENT George B. Recile
PRESENT Thomas F. Schexnayder
PRESENT Mettery I. Sherry, Jr.
PRESENT Gerald P. Webre

TWENTY-FIFTH JUDICIAL DISTRICT (2 seats) Parish of Plaquemine

Stephen C. Braud
PRESENT Dominick Scandurro, Jr.

TWENTY-SIXTH JUDICIAL DISTRICT (6 seats) Parishes of Bossier & Webster

PRESENT John Zachary Blanchard, Jr.
PRESENT Patrick R. Jackson
PRESENT Jacqueline A. Scott BY PROXY TO Summer Bluford
PRESENT Ross E. Shacklette
PRESENT John B. Slattery, Jr.
David A. Szwak

TWENTY-SEVENTH JUDICIAL DISTRICT (4 seats) Parish of St. Landry

PRESENT Francis A. Olivier III
PRESENT John L. Olivier
PRESENT Jacque B. Pucheu, Jr.

TWENTY-EIGHTH JUDICIAL DISTRICT (1 seat) Parish of LaSalle

PRESENT Steven P. Kendrick

TWENTY-NINTH JUDICIAL DISTRICT (3 seats) Parish of St. Charles

PRESENT Steven F. Griffith, Sr.
Gregory A. Miller
Robert L. Raymond

THIRTIETH JUDICIAL DISTRICT (3 seats) Parish of Vernon

John K. "Mike" Anderson

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PRESENT Daniel Wayne Bush
Simeon Christie Smith IV

THIRTY-FIRST JUDICIAL DISTRICT (1 seat) Parish of Jefferson Davis

PRESENT Richard M. Arceneaux

THIRTY-SECOND JUDICIAL DISTRICT (5 seats) Parish of Terrebonne

Michael James Billiot
PRESENT Charles C. Bourque, Jr.
Jessica L. Duet
PRESENT Patricia P. Reeves-Floyd
Conrad "Duke" Williams

THIRTY-THIRD JUDICIAL DISTRICT (2 seats) Parish of Allen

Douglas L. Hebert, Jr.
Michael Bruce Holmes

THIRTY-FOURTH JUDICIAL DISTRICT (5 seats) Parish of St. Bernard

PRESENT Roberta L. Burns
William H. Egan
PRESENT Gregory J. Noto
PRESENT Paul A. Tabary III

THIRTY-FIFTH JUDICIAL DISTRICT (1 seat) Parish of Grant

Joseph P. Beck III

THIRTY-SIXTH JUDICIAL DISTRICT (2 seats) Parish of Beauregard

Erika F. Anderson
Lloyd K. Milam

THIRTY-SEVENTH JUDICIAL DISTRICT (1 seat) Parish of Caldwell

PRESENT James E. Mixon BY PROXY TO Brian Frazier

THIRTY-EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Cameron

PRESENT Glenn W. Alexander

THIRTY-NINTH JUDICIAL DISTRICT (1 seat) Parish of Red River

John Q. Davis

FORTIETH JUDICIAL DISTRICT (3 seats) Parish of St. John the Baptist

Tomy J. Acosta
PRESENT William D. O'Regan III
PRESENT Richard B. Stricks
PARISH OF ORLEANS (33 seats)
PRESENT Donald R. Abaunza
PRESENT Glenn B. Adams
PRESENT Francis J. Barry, Jr.

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PRESENT Ashley L. Belleau
PRESENT Jack C. Benjamin, Jr.
PRESENT Andrew A. Braun
PRESENT Patrick D. Breeden
PRESENT P. Michael D. Breeden III
Frank S. Bruno
Frank M. Buck, Jr.
PRESENT Thomas A. Casey, Jr.
PRESENT Paul B. Deal
PRESENT Val P. Exnicios
Bruce L. Feingerts
PRESENT William R. Forrester, Jr.
PRESENT Darryl J. Foster
PRESENT Judith A. Gainsburgh
PRESENT James C. Gulotta, Jr.
PRESENT Andrew L. Kramer
PRESENT David W. Leefe
Jennifer M. Medley
PRESENT André J. Mouledoux
PRESENT H. Minor Pipes III
PRESENT Brian P. Quirk
PRESENT Charles M. Raymond
PRESENT Louis Gravois Schott
PRESENT Karen Baumgarten Sher
PRESENT John A. Stassi II
PRESENT Patrick A. Talley, Jr.
PRESENT Irving J. Warshauer
PRESENT Edward Dirk Wegmann
PRESENT Walter I. Willard
PRESENT Phillip A. Wittmann

BY PROXY TO Crystal Domreis

FORTY-SECOND JUDICIAL DISTRICT (2 seats) Parish of DeSoto

Britney A. Green
Robert E. Plummer

RESOLUTION

PROPOSED BY

LOUISIANA STATE BAR ASSOCIATION

LEGISLATION COMMITTEE

Court Funding

WHEREAS, the Louisiana Constitution guarantees every person access to our courts and an adequate remedy by due process of law;

WHEREAS, an accessible justice system benefits all citizens and is a cornerstone of the democratic process;

WHEREAS, our system of justice has historically been funded through a mix of general appropriations, court costs, fines and penalties, but such funding has not always been adequate and has at times been so insufficient as to appear to negatively impact access to justice for our citizens;

NOW, THEREFORE, BE IT RESOLVED that the Louisiana State Bar Association proposes that a comprehensive statewide study be conducted at the earliest opportunity to review the funding structure of the justice system in our state and its impact upon access to justice.

BE IT FURTHER RESOLVED that the Louisiana State Bar Association will take no position in the legislature upon bills dealing with court costs, penalties and fines until the completion of said study.

Respectfully submitted,

LSBA Legislation Committee



Michael W. McKay, Chair

**APPROVED BY HOUSE OF DELEGATES
JANUARY 22, 2011
NEW ORLEANS, LA**

**APPROVED BY BOARD OF GOVERNORS
JANUARY 22, 2011
NEW ORLEANS, LA**

**LOUISIANA STATE BAR ASSOCIATION
BAR GOVERNANCE COMMITTEE RESOLUTION**

ACCESS TO JUSTICE

WHEREAS, the Louisiana State Bar Association Access to Justice Committee has been a standing committee since 1999; and

WHEREAS, since its inception this committee has had the dual responsibility of handling both Access to Justice programming and Access to Justice policy; and

WHEREAS, during FY 2009/2010 LSBA President Kim Boyle created an ad hoc committee to focus solely on Access to Justice policy issues; and

WHEREAS, this effort clarified the need for a permanent standing committee on Access to Justice policy issues.

NOW THEREFORE BE IT RESOLVED, that the House of Delegates approve the proposed amendments to Article IX, Section 1 of the Bylaws of the Louisiana State Bar Association to change the mission of the Access to Justice Committee *and* create an Access to Justice Policy Committee, as set forth in the attached Appendix A; and

BE IT FURTHER RESOLVED, that all subsequent committees listed in Article IX, Section 1 be renumbered to accommodate the above changes.

Respectfully Submitted by:
S. Guy deLaup, Chair



On Behalf of LSBA BAR GOVERNANCE COMMITTEE:

Beth E. Abramson

Richard L. Becker

Robert L. Bussey

Joseph L. Caverly

Paula Hartley Clayton

Val P. Exnicios

Trent A. Garrett, Sr.

Edmund J. Giering IV

Barry H. Grodsky

Franchesca Hamilton-Acker

C. Kevin Hayes

Jay M. Jalenak

W. Jay Luneau

Yolanda Denise Montgomery

John H. Musser IV

Charles M. Raymond

Jeffrey A. Riggs

Valerie T. Schexnayder

Patrick A. Talley, Jr.

Sharonda R. Williams

Phillip A. Wittmann

**APPROVED BY HOUSE OF DELEGATES
JANUARY 22, 2011
NEW ORLEANS, LA**

**APPROVED BY BOARD OF GOVERNORS
JANUARY 22, 2011
NEW ORLEANS, LA**

ARTICLE IX. STANDING COMMITTEES

Section 1. Creation

The following are the standing committees. The number of members of such committees, except as provided for hereinafter, shall be set by the President, subject to approval of the Board of Governors.

(6) Access to Justice Policy - The mission of this committee shall be to assure continuity of policy, purpose and programming in the collaboration between the private bar and the civil justice community so as to further the goal of assuring that Louisianans, regardless of their economic circumstance, have access to equal justice under the law. The committee shall be comprised of a maximum of twenty (20) members including: one (1) officer of the Louisiana State Bar Association; two (2) representatives of the state's Legal Services programs (such representatives may either be program directors or board members); the LSBA Access to Justice Committee chair; one (1) representative from one of the state's ABA accredited law schools ; one (1) representative from one of the state's pro bono programs; one (1) representative from the Louisiana judiciary; and the Louisiana Bar Foundation representative on the Access to Justice Committee.

(Amended January 22, 2011)

(67) Access to Justice - The mission of this committee shall be to support, strengthen and integrate the delivery of legal services to the poor in Louisiana by making others aware of their unmet legal needs and by working toward solutions that can be achieved through adequate legal services funding and increased participation by the legal community, which will implement policy as determined by the Access to Justice Policy Committee and approved by the Board of Governors, shall be to support, strengthen and integrate the delivery of legal services to the poor in Louisiana by making others aware of their unmet legal needs and by working toward solutions that can be achieved through adequate legal services funding and increased participation by the legal community. The committee shall be comprised of a maximum of thirty-five (35) members and will have Funding and Gap Assessment subcommittees, along with other such subcommittees as may be determined by the Access to Justice Policy Committee. The chairs of the Funding and Gap Assessment subcommittees shall be members of the Access to Justice Policy Committee, and at least four members of the ATJ Policy Committee shall be members of other ATJ subcommittees.

(Amended June 6, 1999); (Amended January 22, 2011)

**LOUISIANA STATE BAR ASSOCIATION
BAR GOVERNANCE COMMITTEE RESOLUTION**

HOUSE OF DELEGATES RULES OF PROCEDURE

WHEREAS, the Louisiana State Bar Association House of Delegates, in keeping with authority granted to it by the Articles of Incorporation, has adopted Rules of Procedure; and

WHEREAS, these Rules should be periodically revisited to ensure that they adequately and fully address the operation and administration of the House of Delegates; and

WHEREAS, the Bar Governance Committee has reviewed the Rules of Procedure and identified a number of components which it believes should be amended; and

WHEREAS, the proposed revisions address the following areas:

- Method by which materials are distributed to members of the House;
- Floor privileges;
- Availability of roster of House;
- Calculation of a quorum;
- Time limits on speaking; and
- Requesting roll call votes.

NOW THEREFORE BE IT RESOLVED, that the House of Delegates approve the attached amendments to its Rules of Procedure (Appendix A), which address the topics listed above.

Respectfully Submitted by:
S. Guy deLaup, Chair



On Behalf of LSBA BAR GOVERNANCE COMMITTEE:

Beth E. Abramson

Richard L. Becker

Robert L. Bussey

Joseph L. Caverly

Paula Hartley Clayton

Val P. Exnicios

Trent A. Garrett, Sr.

Edmund J. Giering IV

Barry H. Grodsky

Franchesca Hamilton-Acker

C. Kevin Hayes

Jay M. Jalenak

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**APPROVED BY HOUSE OF DELEGATES
JANUARY 22, 2011
NEW ORLEANS, LA**

**APPROVED BY BOARD OF GOVERNORS
JANUARY 22, 2011
NEW ORLEANS, LA**

APPENDIX A

HOUSE OF DELEGATES RULES OF PROCEDURE

Rule I MEETINGS OF THE HOUSE

1. The times and places selected for sessions of the House of Delegates of the Louisiana State Bar Association (hereinafter called "House"), during or in connection with the annual and midyear meetings of the Association, shall be set by the Board of Governors, pursuant to Article VIII, Section 5 of the Articles of Incorporation. Notification thereof shall be sent by the Secretary, not later than 30 days before the time fixed for the first session, to each member of the House and to each chair of a section and standing or special committee of the Association. Times and places for additional sessions may be fixed by the House.

2. Also in accordance with Article VIII, Section 5 of the Articles of Incorporation, additional meetings may be called by the President or shall be called by the Secretary of the Association on the written request or with the written consent of 25 members of the House of Delegates. When such a meeting is called the purposes of the meeting shall be included by the Secretary in the notice of such call; but the business transacted at such meeting shall not be limited by such statement.

3. Notice of any meeting of the House shall be deemed to be sufficiently given if written notice of the time and place thereof is forwarded by the Secretary to each member of the House according to the roster of its members maintained by the Secretary and to the chairperson of each section and standing and special committee at the primary-email address maintained for such member in the Association's database.

4. The Secretary shall include with the notice of any meeting an agenda of the business of the meeting. If the agenda is not available when the notice is sent, the Secretary shall send the agenda to the members of the House as soon as it is available, but not less than 10 days in advance of the meeting.

5. Meetings of the House shall be open to attendance by members of the Association, subject to the right of the House, by vote, to go into closed sessions at any time or to determine that particular sessions shall be closed sessions. In fixing and announcing any annual or special meeting of the House, the Board of Governors or the President may announce one or more sessions as closed sessions of the House; and such sessions shall be closed, unless the House shall vote otherwise.

6. The following persons shall have the privilege of the floor without the right to vote: chairs of committees and task forces; past presidents of the Association; members of the Board of Governors; the Association's Executive Director; the Chief Disciplinary Counsel of the Louisiana Attorney Disciplinary Board; and the Association's lobbyist.

7. The chairpersons of the sections of the Louisiana State Bar Association, except the Young Lawyers' Section, shall be ex-officio members of the House of Delegates and, as such, shall have all of the privileges as members of the House including, but not limited to, the right to vote, the right to the floor, and the right to designate a proxy.

Rule II PRESIDING OFFICER

1. The President of the Association shall preside at meetings of the House. In the absence of the President of the Association, the President-Elect shall preside. In the absence of both the President and the President-Elect, the House shall choose a chairperson protempore. Pending such selection, the Secretary shall assume the chair.

2. The presiding officer shall preserve order and shall have the power to designate members of the House to assist in preserving order. The presiding officer, or aforementioned designee(s), shall require observance of the Rules of the House and shall decide questions of order and procedure. On an appeal by a member from a ruling by the presiding officer, no member shall speak more than once except by unanimous consent.

3. The presiding officer of the House shall sign every resolution, attest every report adopted by the House and sign the minutes as approved by the House.

4. The presiding officer shall, at the opening of each meeting of the House, make a brief statement of the principal business to be considered by the House.

Rule III MEMBERSHIP

1. Members of the House of Delegates shall be elected in accordance with Article VIII of the Association's Articles of Incorporation. The Secretary shall maintain a roster of the membership of the House. Such roster shall be open to examination by any member of the House Association.

2. Any member designating an alternate to vote for an elected member at any meeting shall file with the Secretary, prior to the commencement of the meeting, a written proxy in such form as may be prescribed.

Rule IV HOUSE RECORD

The proceedings of the House shall be stated in its record kept by the Secretary of the Association, who shall be ex-officio Secretary of the House. Prior to the adjournment of a meeting, minutes of the previous meeting shall be sent by the Secretary to each member of the House. Any changes to the minutes shall be made at the time the House considers such minutes for approval.

Delegates shall coordinate their efforts to ensure all constituents receive reports of the substance of proceedings at each meeting.

Rule V THE ORDER OF BUSINESS

1. The order of business of the House each day shall include the following:
 - (a) the certification of a quorum, or lack thereof, by the Secretary;
 - (b) reading and approval of the record;
 - (c) unfinished business from the preceding day;
 - (d) the special order of business for the day;
 - (e) the next item on the published agenda for that meeting of the House;
and
 - (f) new business.

2. The agenda for each meeting of the House shall include:
 - (a) Presentation of any matters which the Board of Governors or local bar association, or any affiliated organization of the legal profession wishes to bring before the House;
 - (b) Presentation of any matters which any Section or Standing or Special Committee of the Association wishes to bring before the House; and
 - (c) Any resolution or matter proposed by a member of the House or a member of this Association, provided a copy of the resolution or a complete notice covering its subject matter, shall have been filed with the Secretary of this Association at least fifteen (15) days prior to the date of the meeting of the House.

3. Any subject may by a vote of two-thirds of the members of the House present, be made a special order and considered by the House as though proper notice had been given.

4. Questions relating to the priority of business shall be decided by the presiding officer, subject to appeal to the House. Any such appeals shall be decided by majority vote of the members present.

Rule VI QUORUM

1. The presence of a majority of the duly elected members of the House of Delegates, either personally or through duly appointed and certified alternates, shall constitute a quorum for the official conduct of all matters pertaining to the business of the House of Delegates.

2. Prior to the commencement of any scheduled meeting of the House of Delegates the delegates shall check in for the meeting via such procedures as established by the presiding officer. Each delegate's presence or absence shall be noted in the minutes of the meeting.

3. If it is ascertained that a quorum is not present, no debate, business or motion, except to recess or to adjourn, shall be in order.

4. If it is ascertained that a quorum is present, the stated business of any scheduled meeting of the House of Delegates may be conducted in full and to completion, irrespective of the continued presence of said quorum, until such time as a majority of the members present and voting shall, by resolution, adjourn for the day.

Rule VII DEBATE

1. When a member of the House desires to speak, the member shall rise and address the presiding officer. Upon being recognized, such member shall state his/her name and respective capacity. No member shall speak more than once at the same session upon any one question, unless with the unanimous consent of the House. The member who made the motion under discussion shall have the right to close the debate upon it.

2. No member of the House or chairperson of a standing or special committee of the Association shall speak more than ~~10~~ five (5) minutes at one time without ~~unanimous majority~~ consent of the House, unless the member be then engaged in making the report of a Section of the Association or of a committee of the Association or of the House. A chairperson of a standing or special committee of the Association may have the privileges of the floor, without vote, and may speak or make a motion, only concerning any report of the committee or any matter within the jurisdiction of the Committee. When a minority report has been filed in connection with a committee report, one representative of the minority, selected by the minority for that purpose, shall have the privilege of the floor, without vote, to speak once upon the question, not to exceed ~~10~~ five (5) minutes.

3. No non-member of the House (except those set forth in Rule I, Section 6 of these Rules, or persons presenting minority reports of committees or sections) shall be heard by the House, unless upon motion of a member and the unanimous vote of the House.

4. At the request of the presiding officer or any member, any resolution or motion shall be reduced to writing. Such a resolution or motion shall be read before it may be debated. The House or the presiding officer may require that copies of any resolution shall be made available to members of the House before a vote is taken thereon.

5. Any resolution or matter, notice of which is filed by a member of the House or a member of this Association with the Secretary 15 days or more prior to any meeting of the House of

Delegates shall be sent as soon as possible to each member of the House prior to the scheduled meeting of the House. Wherever practical, copies of each report by a committee of the Association or of the House shall be made available to each member of the House, before or at the time of the presentation of such report. Unless otherwise ordered by vote of the House or directed by the presiding officer, reports of sections and committees of the Association and reports of committees of the House, of which copies are available, shall not be read orally at the meeting, but shall be stated to the House in substance only. When the reading of a report is called for and objected to, the reading shall be determined by a vote of the House, without debate.

**Rule VIII
COMMUNICATIONS, ETC.,
FROM THE BOARD OF GOVERNORS
AND THE GENERAL ASSEMBLY**

1. The presiding officer may place before the House, or a member may move to place before the House, any resolution, report, message, or information of action from the Board of Governors or the General Assembly of the Association at any time except while the House is voting, or while the record is being read, or while a question of order is pending. Any motion to lay such a resolution, report, message, or other information before the House shall be determined without debate and, if carried, shall become a special order of business.

**Rule IX
VOTING**

1. Except where a written ballot is ordered, voting shall be by voice, unless the presiding officer is in doubt of the result or a division is requested. Thereupon, the House shall divide those on the affirmative of the question first rising and then those on the negative rising. Upon request of ~~five~~ ten (10) members of the House, a roll call shall be had on any matter.

2. When a question has been decided by the House, any member voting with the prevailing side may, on the same day, move a reconsideration. If the House shall refuse to reconsider or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

3. Except as otherwise provided herein, Roberts Rules of Order latest edition shall be followed in the conduct of all business meetings.

**Rule X
COMMITTEE ON LIAISON**

1. The House shall have a Committee on Liaison, which shall consist of three members of the House of Delegates elected by the House at its meeting held during the Midyear Meeting of the Louisiana State Bar Association. Committee members shall serve terms beginning at the commencement of the Annual Meeting immediately following their election and ending at the commencement of the second Annual Meeting following their election. The chairperson of said

Committee shall be known as the House of Delegates Liaison and shall serve as an ex-officio member of the Board of Governors, and shall have the same rights and privileges of all other members of the Board, including the right to vote, as defined in Article VII, Section 1 of the Association's Articles of Incorporation.

- a) Beginning at the Midyear Meeting in January 2001, Members of the Committee on Liaison shall be elected from House of Delegates members representing the First through the Nineteenth Judicial Districts. These members shall serve terms beginning at the conclusion of the 2001 Annual Meeting and expiring at the conclusion of the 2002 Annual Meeting. At the Midyear Meeting in January 2002, Members of the Committee on Liaison shall be elected from House of Delegates members representing the Twentieth through Fortieth Judicial Districts, plus Orleans Parish. Members so elected shall serve terms beginning at the conclusion of the 2002 Annual Meeting and expiring at the conclusion of the 2003 Annual Meeting. Thereafter, elections for these positions shall be held at the Midyear Meeting and a rotation shall exist as follows:
 - (i) in odd-numbered years, Members of the Committee on Liaison shall be elected from House of Delegates members representing the First through the Nineteenth Judicial Districts, and shall serve terms beginning at the conclusion of the Annual Meeting immediately following their election and expiring at the conclusion of the next Annual Meeting;
 - (ii) in even-numbered years, Members of the Committee on Liaison shall be elected from House of Delegates members representing the Twentieth through the Fortieth Judicial Districts, plus Orleans Parish, and shall serve terms beginning at the conclusion of the Annual Meeting immediately following their election and expiring at the conclusion of the next Annual Meeting.

2. The House may, from time to time, create and have such other committees of the House as it may deem desirable for the furtherance of its business.

3. For the purpose of furthering the consideration of a subject at any meeting of the House, the President of the Association may appoint a special committee of not more than five members to consider such subject and report its findings to the House. Unless otherwise voted by the House, any committee so appointed shall not continue beyond the adjournment of the next meeting of the House.

4. The President of the Association shall be an ex-officio member of all committees of the House.

Rule XI

PERSONS IN ATTENDANCE AT SESSIONS OF THE HOUSE

1. Non-members of the House, if members of the Association, may attend sessions of the House, except at times when the House is in closed session; provided that non-members of the House shall not at any time enter that portion of the hall reserved for the delegates and that all persons in attendance, except members of the House, may, by vote of the House, be required to withdraw from the hall in which the House is meeting.

2. Employees of the Association shall be admitted to sessions of the House without special authorization.

3. Representatives of the press may attend those sessions of the House which are not closed.

4. The House may, by unanimous vote, extend to any person the privilege of attendance at any session.

Rule XII AMENDMENT AND SUSPENSION OF RULES

1. No motion to amend any rule or any part thereof shall be in order unless notice of such motion shall have been filed with the Secretary in writing, specifying the rule or part thereof proposed to be amended and the purpose of the amendment, and unless 10 days notice of such motion shall have been given by the Secretary to each member of the House. A vote of two-thirds of those members present at any session and not less than a majority of those who have responded to any roll call at the meeting of the House for which notice of the amendment was given shall be required to amend the Rules.

2. By a two-thirds vote of the members voting at a session of the House, Rules V or VII, or any part thereof, may be suspended during such session of the House.

Rule XIII ALTERNATE DELEGATES

1. Any member of the House may designate a member of the Association in good standing from his/her judicial district to serve as his/her alternate at any specific meeting of the House; provided, however, no person may be designated an alternate for more than one absent elected delegate and no elected delegate may serve as an alternate.

2. A duly certified alternate shall have all the privileges of a member of the House at the specific meeting for which he/she has been designated as alternate.

**LOUISIANA STATE BAR ASSOCIATION
BAR GOVERNANCE COMMITTEE RESOLUTION**

VACANCIES IN HOUSE OF DELEGATES

WHEREAS, the Louisiana State Bar Association Articles of Incorporation memorialize the creation of the House of Delegates and dictate that the number of delegates shall be equal to the number of district judges in each judicial district; and

WHEREAS, in each election cycle there are generally more than thirty (30) House of Delegates positions for which no one qualifies; and

WHEREAS, the Articles also provide that the President, with the approval of the Board of Governors, "shall" fill such vacancies by appointment; and

WHEREAS, despite the best efforts of the leadership and staff, it is extremely challenging and often impossible to fill all such vacancies; and

WHEREAS, the Bar Governance Committee has drafted proposed amendments to the Articles of Incorporation and the House of Delegates Rules of Procedure which address this issue and ensure that such vacancies are not counted in the calculation of a quorum in the House of Delegates.

NOW THEREFORE BE IT RESOLVED, that the House of Delegates approve the proposed amendments to Article VIII, Section 3 of the Articles of Incorporation (Appendix A) and to Rule VI of its Rules of Procedure (Appendix B), in order to address the problem as set forth above.

Respectfully Submitted by:
S. Guy deLaup, Chair



On Behalf of LSBA BAR GOVERNANCE COMMITTEE:

Beth E. Abramson	Jay M. Jalenak
Richard L. Becker	W. Jay Luneau
Robert L. Bussey	Yolanda Denise Montgomery
Joseph L. Caverly	John H. Musser IV
Paula Hartley Clayton	Charles M. Raymond
Val P. Exnicios	Jeffrey A. Riggs
Trent A. Garrett, Sr.	Valerie T. Schexnayder
Edmund J. Giering IV	Patrick A. Talley, Jr.
Barry H. Grodsky	Sharonda R. Williams
Franchesca Hamilton-Acker	Phillip A. Wittmann
C. Kevin Hayes	

APPROVED BY HOUSE OF DELEGATES
JANUARY 22, 2011
NEW ORLEANS, LA

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JANUARY 22, 2011
NEW ORLEANS, LA

APPENDIX A

ARTICLES OF INCORPORATION

ARTICLE VIII. HOUSE OF DELEGATES

Section 3. Election

The resident members of the Bar of each judicial district (the words "Judicial District" in this section include the Parish of Orleans as a judicial district) shall, not less than thirty days before the opening of the annual meeting in each year elect, by secret ballot under such procedure as the Board of Governors may fix, the delegate or delegates to which such judicial district is entitled under these Articles. If a delegate is not elected from any judicial district or a delegate resigns during his/her term or a vacancy occurs for any reason, the President, with the approval of the Board of Governors, shall use reasonable effort to fill such vacancy by appointment.

APPENDIX B

HOUSE OF DELEGATES RULES OF PROCEDURE

Rule VI QUORUM

1. The presence of a majority of the duly elected members of the House of Delegates, either personally or through duly appointed and certified alternates, shall constitute a quorum for the official conduct of all matters pertaining to the business of the House of Delegates. Vacant seats in the House of Delegates shall not be counted when calculating a quorum.

**LOUISIANA STATE BAR ASSOCIATION
BAR GOVERNANCE COMMITTEE RESOLUTION**

HOUSE OF DELEGATES COMMITTEE ON LIAISON

WHEREAS, the Louisiana State Bar Association House of Delegates each January elects the Chair and two members to its Committee on Liaison; and

WHEREAS, the chairperson of the Committee on Liaison is known as the House of Delegates Liaison and serves as an ex-officio member of the Board of Governors, with the same rights and privileges of all other members of the Board, including the right to vote, as defined in Article VII, Section 1 of the Association's Articles of Incorporation; and

WHEREAS, the District and At-Large Representative on the Board of Governors serve three-year terms, while the Law School and Law Institute Representatives serve two-year terms; and

WHEREAS, the Bar Governance Committee believes that the one-year terms of Liaison Committee members do not allow sufficient time for these individuals to become sufficiently acclimated to the Board and its processes; and

WHEREAS, the Bar Governance Committee has drafted proposed amendments to the House of Delegates Rules of Procedure which create three-year terms for Liaison Committee members and provide for the House to annually elect a committee chair from the elected members of the committee, which chair shall serve as the House of Delegates Liaison.

NOW THEREFORE BE IT RESOLVED, that the House of Delegates approve the proposed amendments to Rule X of its Rules of Procedure (Appendix A), in order to increase the length of the terms of members of the Liaison Committee.

Respectfully Submitted by:
S. Guy deLaup, Chair



On Behalf of LSBA BAR GOVERNANCE COMMITTEE:

Beth E. Abramson

Richard L. Becker

Robert L. Bussey

Joseph L. Caverly

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JANUARY 22, 2011
NEW ORLEANS, LA

Rule X COMMITTEE ON LIAISON

1. The House shall have a Committee on Liaison, which shall consist of three members ~~of the House of Delegates~~ elected by and from the House. Election of such members shall be held at the Midyear Meeting at its meeting held during the Midyear Meeting of the Louisiana State Bar Association. Committee members shall serve three-year terms beginning at the ~~commencement conclusion~~ of the Annual Meeting immediately following their election and ending at the ~~commencement conclusion~~ of the ~~second~~ fourth Annual Meeting following their election.

Immediately following the election at each Midyear Meeting, the House shall elect one member from the Liaison Committee as constituted for the coming year to serve as the Chair for the term beginning at the conclusion of the Annual Meeting immediately following his/her election and ending at the conclusion of the second Annual Meeting following his/her election. The chairperson of said Committee shall be known as the House of Delegates Liaison and shall serve as an ex-officio member of the Board of Governors, ~~and shall have with~~ the same rights and privileges of all other members of the Board, including the right to vote, as defined in Article VII, Section 1 of the Association's Articles of Incorporation.

- a) ~~Beginning at the Midyear Meeting in January 2001, Members of the Committee on Liaison shall be elected from House of Delegates members representing the First through the Nineteenth Judicial Districts. These members shall serve terms beginning at the conclusion of the 2001 Annual Meeting and expiring at the conclusion of the 2002 Annual Meeting. At the Midyear Meeting in January 2002, Members of the Committee on Liaison shall be elected from House of Delegates members representing the Twentieth through Fortieth Judicial Districts, plus Orleans Parish. Members so elected shall serve terms beginning at the conclusion of the 2002 Annual Meeting and expiring at the conclusion of the 2003 Annual Meeting. For the purpose of establishing three-year terms and a rotation of committee members, at the Midyear Meeting in 2011, three members of the Committee on Liaison shall be elected by and from the House of Delegates: one member from the 1st through 19th judicial districts for a one-year term; one member from the 20th through 42nd judicial districts for a two-year term; and one member from the 1st through 19th judicial districts for a three-year term. These members shall serve terms beginning at the conclusion of the 2011 Annual Meeting. Thereafter, elections for these positions shall be held at the Midyear Meeting and a rotation shall exist as follows: Thereafter at each Midyear Meeting the House shall fill the vacancy on the Liaison Committee by electing a Liaison Committee member from the group of judicial districts (1st through 19th or 20th through 42nd) different from the group represented by the member whose term is expiring. Liaison Committee members may not be elected to serve consecutive terms.~~
- b) Only members of the House of Delegates are eligible to serve as members of the Liaison Committee. If a member of the Liaison Committee ceases to be a member of the House of Delegates at any time during his/her term on the Liaison Committee, the President shall appoint a member of the House to serve the remainder of such term on the Liaison Committee.
- (i) ~~in odd numbered years, Members of the Committee on Liaison shall be elected from~~

~~House of Delegates members representing the First through the Nineteenth Judicial Districts, and shall serve terms beginning at the conclusion of the Annual Meeting immediately following their election and expiring at the conclusion of the next Annual Meeting;~~

~~(ii) in even-numbered years, Members of the Committee on Liaison shall be elected — from House of Delegates members representing the Twentieth through the Fortieth — Judicial Districts, plus Orleans Parish, and shall serve terms beginning at the — conclusion of the Annual Meeting immediately following their election and expiring — at the conclusion of the next Annual Meeting.~~

2. The House may, from time to time, create and have such other committees of the House as it may deem desirable for the furtherance of its business.

3. For the purpose of furthering the consideration of a subject at any meeting of the House, the President of the Association may appoint a special committee of not more than five members to consider such subject and report its findings to the House. Unless otherwise voted by the House, any committee so appointed shall not continue beyond the adjournment of the next meeting of the House.

4. The President of the Association shall be an ex-officio member of all committees of the House.

**CLIENT ASSISTANCE FUND COMMITTEE RESOLUTION
REGARDING WRITTEN NOTICE BY INSURERS TO CLAIMANTS
UPON PAYMENT OF SETTLEMENTS**

WHEREAS, the mission of the LSBA Client Assistance Fund Committee is to protect the public and to maintain the integrity of the legal profession by reimbursing, to the extent deemed appropriate and subject to a per claim limit of \$25,000, losses caused by the dishonest conduct of any licensed Louisiana lawyer practicing in this state; and

WHEREAS, the number and dollar amount of claims paid by Client Assistance Fund have been on the rise in recent years: 32 claims totaling \$187,346.00 in 2009, and 102 claims totaling \$443,957.81 in 2010; and

WHEREAS, a significant portion of recent payments by the Client Assistance Fund were related to misappropriation of settlement proceeds by lawyers whose clients were unaware the settlement funds were paid; and

WHEREAS, in many cases, the \$25,000 available to the client from the Client Assistance Fund is insufficient to cover the client's loss; and

WHEREAS, recovery of the loss from the dishonest lawyer or others is generally not available to the client or to the Client Assistance Fund (through subrogation) as a practical and/or legal matter, and

WHEREAS, in an effort to curtail lawyer misappropriation of settlement funds, fifteen states have implemented laws or guidelines, patterned after the ABA Model Rule (attached as Appendix "A"), calling for insurers to provide direct written notification to claimants of third-party liability settlements (California, Connecticut, Delaware, Georgia, Hawaii, Kansas, Maryland, Massachusetts, Nebraska, Nevada, New Jersey, New York, Pennsylvania, Rhode Island, and Texas), and other states are currently working towards initiation of such requirements; and

WHEREAS, those jurisdictions that have adopted settlement payee notification laws have generally reported a decline in the number of client protection fund claims based on settlement misappropriation; and

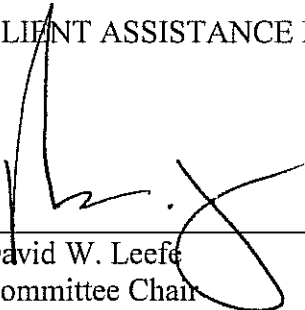
WHEREAS, Louisiana currently has no requirement that an insurance company provide written notice to a claimant when a settlement check is issued and sent to the claimant's lawyer or representative;

WHEREAS, the implementation of settlement payee notification for insurers will not impose an additional burden on lawyers; and

NOW THEREFORE BE IT RESOLVED that the House of Delegates authorize the LSBA to move forward with the identification of a legislator to file proposed legislation, patterned after the ABA Model Rule, that would require insurance companies to provide claimants with written notice whenever a settlement check is issued to the claimant's lawyer.

Respectfully submitted,

CLIENT ASSISTANCE FUND COMMITTEE



David W. Leefe
Committee Chair

December 8, 2010

**APPROVED BY HOUSE OF DELEGATES
JANUARY 22, 2011
NEW ORLEANS, LA**

**APPROVED BY BOARD OF GOVERNORS
JANUARY 22, 2011
NEW ORLEANS, LA**

APPENDIX “A”

ABA MODEL RULE FOR PAYEE NOTIFICATION

PREFACE

The Model Rule for Payee Notification is based upon Regulation 64 of the Department of Insurance of the State of New York, promulgated in 1988 (11 NYCRR 216.9 (A) & (B)), which requires notice to the payee in all insurance settlements in excess of \$5,000. The regulation does not apply to no-fault payments from a claimant's own insurer. As implemented in various jurisdictions the provision for payee notification has been triggered by a dollar amount which ranges from \$1,000 to \$5,000.

In payment of liability claims, it is the customary practice of insurance carriers to deliver the settlement proceeds to the lawyer of record for the claimant, usually by check made payable jointly to the claimant and the claimant's lawyer. As the Supreme Court of New Jersey observed in *Matter of Conroy*, 56 N.J. 279, 266 A.2d 279 (1970), the underlying purpose for the practice is to "protect and preserve the interests of all three parties to the transaction" the insured, the successful claimant and the claimant's lawyer. In the payment process, the insurance carrier does not typically notify the claimant when it makes payment to the claimant's lawyer or other representative. This gap in the process permits dishonest practices to interfere with the settlement and payment of insurance claims.

If the dishonest conduct involves the claimant's lawyer instances of lawyer misconduct can include the unauthorized settlement of the client's claim with the defendant's insurer, forgery of the claimant's signature on a stipulation of settlement or other legal document that may be required to complete the settlement, forgery of the claimant's endorsement on the settlement draft itself, or misappropriation of the claimant's share of the proceeds.

It is not uncommon for a dishonest lawyer to successfully conceal the unauthorized settlement and misappropriation for several years and to be unable to restore the claimant's funds when the loss is finally discovered. As few client protection funds are able to provide full reimbursement for all eligible losses it is important that the legal profession devise and support methods of reducing losses resulting from dishonest conduct in the practice of law, including the misappropriation of personal injury settlements.

Experience in New York and other states demonstrates that the payee notification rule has had a salutary effect on lawyer misconduct, has demonstrated an effective protection device for clients and has benefitted the state lawyers' fund for client protection. A similar statute or regulation should have the same beneficial effect in other jurisdictions.

MODEL RULE

Written Notice to Claimants of Payment of Claims in Third Party Settlements.

1. Upon the payment of [insert desired dollar amount] or more in settlement of any third-party liability claim, the insurer shall provide written notice to the claimant where: (1) the claimant is a natural person, and (2) the payment is delivered to the claimant's lawyer or other representative by draft, check or otherwise. Such notice shall be required when payment is made to a claimant by the insurer or its representative, including the insurer's lawyer.
2. This rule shall not create any cause of action for any person against the insurer, other than a government agency, based upon the insurer's failure to provide notice to a claimant as required by this rule; nor shall this rule create a defense for any party to any cause of action based upon the insurer's failure to provide such notice.

COMMENT

This rule is intended to serve as a deterrent to the dishonest conduct of a claimant's lawyer with respect to the receipt of third-party liability claims. The intended salutary effects of including the payee in the claim payment process should obtain whether the rule is enacted as a statute or a regulation.

The written notice requirement of Paragraph A of this rule is reasonable and appropriate to advise the claimant of settlement of its liability claim by payment to its lawyer or other representative. Written notice provides the claimant with an independent and verifiable source of information concerning the facts of the settlement. It also provides the adverse party and insurer with certainty that the settlement has been concluded in a lawful manner.

The provisions of Paragraph B are intended to make clear that an insurance carrier's failure to comply with this rule does not create a new cause of action or defense for a party. The insurer, however, may be subject to appropriate action by a state regulatory or licensing agency.

POL COLUMNS • INSURERS CAN BREATHE EASIER OVER KATRINA LAWSUITS | END OPEN-ENDED LITIGATION •

CATEGORIES:

September 29, 2006

Time for Payee Notification

BY PETER MORIN AND WALTER OLSON

Here are stories of three Massachusetts clients victimized by bad lawyers:

- Ann, as we'll call her, fell and was seriously hurt in early 2002 on premises owned by a non-profit association. Three months later the association's insurance company settled her claim by cutting a check for \$112,000 – which never reached Ann. Her lawyer pocketed it instead, while signing her name to a release for the insurer. Two years later, the lawyer indicated the claim had been settled for \$20,000 and sent Ann a check for the sum supposedly owed her after fees and expenses – amounting to \$12,834.82.
- Brianna, after an auto accident, signed up with one lawyer to pursue an injury claim and later switched to a second lawyer. The second lawyer settled her case for \$3,900 and spent the money without informing either Brianna or her first lawyer, who was legally entitled to a portion of the proceeds.
- Christine, 64 at the time, was crossing a street in Woburn when a car struck her, inflicting multiple fractures. She was hospitalized and later transferred to a nursing home. An insurer wrote a check for \$20,000 payable jointly to Christine, her lawyer, and the Department of Public Welfare. The lawyer deposited the check but did not disburse the proceeds to either his client or the welfare department, spending it instead.

In one sense all three of these episodes ended with some measure of justice being done: they resulted in disbarment or other removal of a lawyer from practice, according to the reports published by the Commonwealth's Office of Bar Counsel. In the mean time, however, a client's life had been disrupted, perhaps gravely and irreparably. While episodes like these are fortunately not an everyday occurrence in Massachusetts, they are not exactly rare either. In its latest annual report, the state's Client Security Board, which has the mission of compensating clients victimized by lawyer misconduct, reported that it made good on 55 claims against 24 lawyers in 2005. Just three lawyers were responsible for more than two-thirds (\$1.59 million) of the total payout of \$2.2 million; in the previous year, one of those lawyers had been responsible for defrauding 43 other clients out of \$1.1 million.

The sorts of defalcations cited at the outset of this piece—and dozens of others like them that could have been listed—conspire to damage the reputation of the whole legal profession. And most of them were entirely and easily preventable.

The simple fix is a rule that goes by the name "payee notification". It would require insurance companies to notify a claimant when they forward a settlement check to claimant's counsel. At a single stroke, the client is made aware of the timing and size of the settlement, taking away most of the leeway a dishonest lawyer has to withhold the client's funds.

Several other states, including California, New York, and Connecticut, have already instituted payee-notification rules, and they have worked well. The Client Protection Board of the Massachusetts Supreme Judicial Court recently announced its support for such a rule. An ABA Model Rule for Payee Notification dates back to 1991. So who would oppose it?

Interesting that you should ask. According to an article in the Massachusetts Lawyers Weekly, the proposal is running into resistance from some quarters of the Massachusetts bar, principally on the ground that it would "interfere with the attorney-client relationship." In fact, the MLW itself proceeded to publish an editorial opposing the rule change. It said the proposed rule (a) was "overbroad" because it imposes on all lawyers in order to hinder theft by a few, (b) would interject the insurance company into the attorney-client relationship, and (c) would be "burdensome" to insurance companies.

Let's examine each of these objections in turn.

- 1) It's wrong to inconvenience the honest majority of lawyers just to thwart a dishonest minority.

You'd think this point would long since have been settled. Earlier client-protection measures, today viewed as uncontroversial, impose much more serious inconveniences on ordinary lawyers. For example, there's the requirement that lawyers establish separate client trust accounts, with serious penalties if they convert the moneys therein to their own use. Even more to the point, all fifty states have established some version

of client guarantee funds, which help compensate victimized clients. These funds are supported by mandatory cash assessments levied against innocent lawyers, a far greater imposition on them than is at issue here. Moreover, the fact is that payee notification imposes an obligation not on the lawyer but on the insurer.

Most personal injury attorneys in fact appear to recognize this, Edward McIntyre, vice president of the Massachusetts Bar Association and a personal injury lawyer himself, is a former hearing officer and board member of the Massachusetts Client Security Board who has been involved in the payee notification issue for more than three years. He regards the proposed rule as an unobtrusive and prudent means of reducing the temptation available to a few weak lawyers. McIntyre has spoken with representatives from other states' client security boards about their successful experience with payee notification rules, and he has spoken with many members of the plaintiff bar, reporting that the vast majority of them express no opposition or are actively in favor of such a rule.

2) The rule "interjects the insurance company into the attorney-client relationship."

It is difficult to make sense of this objection. The insurance company, which makes this communication only as it departs the stage after a settlement, is merely providing the client with a record of information that the attorney has an obligation to disclose in the first place. (A lawyer has an ethical obligation to "keep a client reasonably informed about the status of a matter"). And the ABA, which is not shy about protecting the lawyer-client relationship from outside meddling in other contexts, expresses in the comments to its Model Rule no disquiet about any danger that notifications would somehow disrupt the relationship.

3) The rule is overly burdensome to insurers.

As implemented in other states (and likely to be implemented here), the rule would be promulgated by the state commissioner of insurance as one more of the myriad of administrative and record-keeping requirements imposed on insurers licensed to do business in the state. As part of the rulemaking process, if insurers have objections to the proposed rule, they have a forum in which to make those objections. Checks with several state commissioners who have imposed the rule indicate that the industry as a whole was more supportive than not in each instance.

In practice, McIntyre notes, the sending of notice becomes swiftly embedded into the insurer's ordinary day-to-day business practice. He likens it to that of banks that send confirmation of electronic deposits to customers, sometimes in the form of "dummy checks," so that the depositor has a paper record of the date and amount of deposit and the identity of the payor. In this instance, the claimant might receive a copy of the transmittal letter from insurer to counsel, or a "dummy" check. So while perhaps the insurance industry might appreciate the Lawyers Weekly editors' apparent solicitousness for their administrative concerns, payee notification appears not to have inflicted a great burden elsewhere.

One has to wonder what is taking a progressive state such as Massachusetts so long to adopt a measure implemented successfully elsewhere. If nothing else, collective self-interest on the part of the state's lawyers should be a factor promoting change: attorneys' registration fees are what support the Client Security Fund, so it can be fairly said that every lawyer already pays a price for the misconduct of the few who offend. The legal profession does not benefit from a single additional instance in which a preventable crime is committed by one of its own.

Peter Morin is a real estate, zoning and land use attorney with McDermott Quilty & Miller LLP in Boston. He also writes the WaveMaker blog. Walter Olson, the author of several books on the American litigation system, is senior fellow at the Manhattan Institute and edits Point of Law and Overlawyered.

TRACKBACK (0)

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**RESOLUTION PROPOSED BY THE
THE CRIMINAL JUSTICE COMMITTEE
OF THE LOUISIANA STATE BAR ASSOCIATION**

**RESOLUTION RE: ASSESSMENT OF MANDATORY FEES IN CRIMINAL CONVICTIONS
PURSUANT TO LA. R.S. §15:168 AND IMPLEMENTATION OF UNIFORM FEE SCHEDULE**

WHEREAS, an important component of the mission of the Louisiana State Bar Association is to ensure access to and aid in the administration of justice; and essential to the administration of justice is the existence of a fair, efficient and equitable criminal justice system.

WHEREAS, integral to a properly functioning criminal justice system is adequate financial resources for the work of all components of the criminal justice system, including law enforcement, prosecution, courts, public and private defense counsel, and corrections;

WHEREAS, no component of the criminal justice system can function effectively without reasonable resources;

WHEREAS, the right to counsel is a fundamental procedural safeguard to assure a fair trial where the government and the accused stand equal before the law;

WHEREAS, on January 20, 2007, the Louisiana State Bar Association's House of Delegates adopted a Resolution urging the State of Louisiana to accord Public Defender offices with reasonable resources, professionalism and mutual respect;

WHEREAS, current law provides for funding of the public defender system through the district indigent defender fund in Louisiana Revised Statutes §15:168 by requiring that courts shall assess the sum of Thirty-Five Dollars in cases in which a defendant is convicted, and that this fee shall be in addition to all other fines, costs, or forfeitures imposed;

WHEREAS, inconsistent collection of the mandatory Thirty-Five Dollar fee for criminal convictions set forth in Louisiana Revised Statutes §15:168 has reduced resources for public defenders who serve as an essential component of the criminal justice system;

WHEREAS, the enforcement of the current Louisiana Revised Statutes §15:168, would help to resolve funding inequities among the critical components of the criminal justice system by providing necessary resources for district indigent defender funds;

WHEREAS, the uniform, consistent assessment of fees in accordance with the laws of the State of Louisiana, and in particular, Louisiana Revised Statutes §15:168 can be assisted by the use of a statewide court cost fee schedule;

NOW, THEREFORE, BE IT RESOLVED that the House of Delegates of the Louisiana State Bar Association and its members support the uniform application of the Thirty-Five Dollar fee in criminal convictions as required by Louisiana law under the Louisiana Revised Statutes §15:168.

BE IT FURTHER RESOLVED that the House of Delegates of the Louisiana State Bar Association and its members support the development and implementation of a statewide court cost fee schedule so that court costs will be assessed consistently, fairly, and in accordance with the laws of the State of Louisiana.

Respectfully Submitted,
LSBA Criminal Justice Committee
December 15, 2010


Hon. William Morvant, Chair
Criminal Justice Committee

**APPROVED BY HOUSE OF DELEGATES
JANUARY 22, 2011
NEW ORLEANS, LA**

**APPROVED BY BOARD OF GOVERNORS
JANUARY 22, 2011
NEW ORLEANS, LA**

Proposed Resolution

I, the undersigned chairman of the Bankruptcy Section for the Louisiana State Bar Association (“Bankruptcy Section”), hereby propose that the bylaws of the Bankruptcy Resolution be amended to increase the annual fee of its members from ten dollars (\$10) to twenty (\$20). I hereby confirm that a majority of the board members voted in favor of this amendment to the by-laws.

I have hereunto set my hand on this 15th day of December, 2010.

/s/ Tristan Manthey

Tristan Manthey

Chairman of the Bankruptcy Section

**APPROVED BY HOUSE OF DELEGATES
JANUARY 22, 2011
NEW ORLEANS, LA**

**APPROVED BY BOARD OF GOVERNORS
JANUARY 22, 2011
NEW ORLEANS, LA**

RESOLUTION

WHEREAS, in Courthouses throughout the United States courthouse security has increased to protect the public and the judiciary;

WHEREAS, as part of Courthouse Security, scanners and other devices are in use as a prophylactic security measure;

WHEREAS the members of the Louisiana State Bar Association are issued a identification card with only the symbol of the Louisiana State Bar Association, a member's Bar Roll Number and Name;

WHEREAS the ability of Court House Security personnel to identify members of the bar would be enhanced if the Louisiana State Bar Association issued an identification card to its members that is scannable with photograph, hologram, name address, date of birth and Bar Roll Number;

WHEREAS the Louisiana State Bar Association House of Delegates respects and recognizes the Louisiana Supreme Court's jurisdiction over the practice of law in Louisiana;

WHEREAS the Louisiana State Bar Association House of Delegates as the policy making body of the Louisiana State Bar Association respectfully represents that an appropriate identification card (with member's photography, hologram, name, address, date of birth, and Bar Roll number) would improve Court House security and that the decision rest with the Honorable Supreme Court of Louisiana;

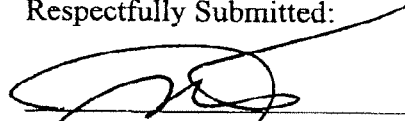
BE IT RESOLVED, that upon ratification of this Resolution by the Louisiana State Bar Association Board of Governors,

The President of the Louisiana State Bar Association forward this resolution to the Chief Justice of the Louisiana Supreme Court

The President of the Louisiana State Bar Association begin a dialogue with the Louisiana Supreme Court of implementation of a new bar identification card; and

That the President of the Louisiana State Bar Association advise to House of Delegates on or before the next House of Delegates Meeting of the views of the Louisiana Supreme Court on the best practices for the members of the Louisiana State Bar Association identification card.

Respectfully Submitted:



Jack K. Whitehead, Jr.
19th Judicial District Delegate

Jack M. Dampf
19th Judicial District Delegate

Eric P. Duplantis
16th Judicial District Delegate

**APPROVED BY HOUSE OF DELEGATES
JANUARY 22, 2011
NEW ORLEANS, LA**

**APPROVED BY BOARD OF GOVERNORS
JANUARY 22, 2011
NEW ORLEANS, LA**

**PROPOSED AMENDMENT TO ARTICLE X, SECTIONS 2 AND 4 OF THE
BY-LAWS OF THE LOUISIANA STATE BAR ASSOCIATION**

WHEREAS the Louisiana State Bar Association is a mandatory bar which membership is required by every Louisiana attorney.

WHEREAS Article X, Section 1 of the By-Laws of the Louisiana State Bar Association delineates the scope and limitations of this Association's activities with respect to recommending consideration or adoption of a legislative position by the Association.

WHEREAS the limitation contained in Article X, Section 1, that the Committee shall not involve itself in legislation which is ideological in nature, unrelated to the practice of law, or which is unnecessarily divisive, obviously requires that an extraordinary majority of the membership of the Louisiana State Bar Association be in agreement before the Association should take such a formal position on any particular legislation.

WHEREAS under the current procedural scheme of Article X, Section 2, recommendations from the Legislation Committee become the official position of the Association on a specific legislative matter if approved by only a simple majority of a quorum of the Legislation Committee unless overturned by a vote of Seventy-Five (75%) percent vote of the Board of Governors.

BE IT RESOLVED that in an effort to protect the integrity of Article X, Section 1, that Article X, Section 2 of the By-Laws of the Louisiana State Bar Association be amended to read as follows:

2. Adoption of Legislative Positions

Recommendations from the Legislation Committee concerning consideration or adoption of a position on pending or proposed legislation shall be presented to the Board of Governors in accordance with the following procedures:

- a. Any recommendation(s) to the Board of Governors must be supported by two-thirds of the entire membership of the Legislation Committee.
- b. Recommendations from the Legislation Committee shall be accompanied by an explanation of the proposed position(s) and the reasons for adoption.
- c. The Committee shall strictly comply with the provisions of Article X, Section 1, which reads as follows: The Committee shall not involve itself in legislation which is ideological in nature, unrelated to the practice of law, or which is unnecessarily divisive.
- d. The Committee shall timely publish notice of its recommendation of any and all legislative positions in at least one of its regular communications vehicles and shall send electronic notice of said recommendation to Association members at least ten (10) days prior to its sending its recommendations to the Board of Governors.

- e. In the event that the Legislation Committee has recommendations for consideration by the Board of Governors, the Board of Governors shall meet electronically, via conference call or in person as called by the President.
- f. Recommendations from the Legislation Committee shall be submitted to the Board of Governors prior to deliberation.
- g. A recommendation of a position on pending or proposed legislation that is presented by the Legislation Committee to the Board of Governors shall not be the position of the Association on that legislation unless the recommendation is approved by a vote of at least two-thirds of the total membership of the Board of Governors.
- h. In the event a member of the Board of Governors desires Board consideration of a bill not presented to the Board by the Legislation Committee, the Board must approve such by a vote of at least seventy-five percent (75%) of the total membership of the Board of Governors.
- i. If such a vote is taken as described in "h." the Board of Governors shall timely publish notice of its intent to take such a position in at least one of its regular communications vehicles and shall send electronic notice of said position to Association members at least ten (10) days prior to the vote by the Board of Governors.
- j. The Louisiana State Bar Association shall timely publish notice of adoption of any and all legislative positions by the Board of Governors either in compliance with subsections "g." or "h." in at least one of its regular communications vehicles and shall send electronic notice of adoption of legislative positions to Association members at least ten (10) days prior to the legislative position becoming the official position of the Louisiana State Bar Association.
- k. In the event that at least 100 members in good standing of the Louisiana Bar Association files with the executive director, either by electronic or written means, objections to a particular position taken by the Legislative Committee and/or the Board of Governors as the legislative position of the Louisiana State Bar Association, within ten (10) days of notification as discussed in subsection "d" and "i", said position shall not be adopted as the legislative position of the Louisiana State Bar Association unless approved by a two-thirds vote of the House of Delegates or a two-thirds vote of the membership of the Louisiana State Bar Association.

BE IT FURTHER RESOLVED that in an effort to protect the integrity of Article X, Section 1, that Article X, Section 4 of the By-Laws of the Louisiana State Bar Association be amended to read as follows:

4. The Louisiana State Bar Association shall timely publish notice of adoption of any and all legislative positions in at least one of its regular communications vehicles and shall send electronic notice of adoption of legislative positions to Association members at least ten (10) days prior to its adoption and becoming the position of the Louisiana State Bar Association.

Respectfully Submitted:



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**TABLED BY HOUSE OF DELEGATES
JANUARY 22, 2011
NEW ORLEANS, LA**