

**LOUISIANA STATE BAR ASSOCIATION  
BOARD OF GOVERNORS  
MAY 6, 2005**

**\* M I N U T E S \***

President Michael W. McKay called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 2:10 p.m., Friday, May 6, 2005, in Baton Rouge, Louisiana. Business was conducted in accordance with the agenda below.

**Agenda Item 1.      Roll Call.**

Present were:

President, Michael W. McKay  
President-Elect, Frank X. Neuner, Jr.  
Treasurer, Kim M. Boyle  
Immediate Past President, Wayne J. Lee  
Chair, Young Lawyers Section, D.W. "Beau" Sylvester, Jr.  
First Board District Representative, Darryl J. Foster  
First Board District Representative, Patricia A. Krebs  
Second Board District Representative, S. Guy deLaup  
Third Board District Representative, Shannon Seiler Dartez  
Fifth Board District Representative, Celia R. Cangelosi  
Sixth Board District Representative, William M. Ford  
At-Large Member, Paula Hartley Clayton  
From the Faculty of Loyola University School of Law, Kathryn V. Lorio  
From the Faculty of Southern University Law Center, Donald W. North  
From the Louisiana State Law Institute, James A. Gray II  
House of Delegates Committee on Liaison Chair, Michael J. Poirrier  
House of Delegates Committee on Liaison Member, Mary E. Heck Barrios  
House of Delegates Committee on Liaison Member, J. Christopher Peters

Also present were:

Executive Director, Loretta Larsen  
Communications Director, Judy Boudreaux  
Member Services Director, Germaine Mitchell  
Practice Assistance Counsel, Cheri Cotogno Grodsky  
Executive Assistant, Ramona K. Meyers  
President-Elect Designee, Marta-Ann Schnabel  
Secretary Designee, E. Wade Shows  
Public Access and Consumer Protection Committee Member, John Edward McAuliffe, Jr.  
ABA Members Retirement Program/State Street Representative, Michael Moniz  
ABA Members Retirement Program/State Street Representative, Greg Long

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Absent were:

Secretary, James R. McClelland  
Fourth Board District Representative, James R. Nieset  
Seventh Board District Representative, Richard L. Fewell, Jr.  
Eighth Board District Representative, Edwin L. Blewer, Jr.  
At-Large Member, Sheral C. Kellar  
At-Large Member, Pamela W. Carter

**Agenda Item 2. Consent Calendar.**

The following items were included on the Consent Calendar and moved for approval without discussion and/or debate and unanimously approved.

a. Approval of Minutes.

The minutes of the January 22, 2005 meeting held in Baton Rouge were approved as prepared.

b. House of Delegates Appointments.

The Board unanimously ratified the following appointments to fill vacancies in the House of Delegates:

2004-05 House of Delegates

Thirty-Second Judicial District      Gordon J. Hamner

2005-06 House of Delegates

Sixteenth Judicial District      Michael Aloise, Jr.  
Seventeenth Judicial District      Leslie J. Clement, Jr.

2005-2007 House of Delegates

Twenty-Third Judicial District      Tonya B. Clark  
Orleans Parish      Dana M. Douglas

c. 2005 Pro Bono Award Recipients.

The Board considered the recommendations of the Access to Justice Committee regarding Pro Bono award recipients, said awards to be presented at the 2005 Annual Meeting. The Board unanimously approved the following individuals for the various 2005 Pro Bono Awards:

David A. Hamilton Lifetime Achievement Award

E. Wade Shows      Baton Rouge

Career Public Interest Award

Brian D. Lenard      Hammond

Pro Bono Publico Award

T. Darlene Bewley	Baton Rouge
The Dyess Law Firm	Natchitoches
E. Phelps Gay	New Orleans
Krebs, Farley & Pelleteri, LLC	New Orleans
Thomas C. McBride	Alexandria
Garth J. Ridge	Baton Rouge

Friend of Pro Bono Award

Joseph Douglas "Doug" Welborn	Baton Rouge
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d. Committee Liaison Reports.

Unanimously accepted the written reports of Board of Governors liaisons to committees.

**Agenda Item 3. Consideration of Any Item(s) Removed from Consent Calendar.**

No items were removed from the Consent Calendar for further discussion/debate.

**Agenda Item 4. Staff Pension Plan.**

- a. Report and Presentation from ABA Members Retirement Program/State Street.  
Messrs. Moniz and Long presented a report on the program and answered questions posed by Board members.
- b. Consideration of Amendments to Investment Fund Monitoring Statement and Procedures and Program Monitoring Statement.  
The Board reviewed the proposed amendments to the Investment Fund Monitoring Statement and Procedures and Program Monitoring Statement and unanimously approved the language as presented.

**Agenda Item 5. Section Administrative Cost Sharing.**

Mr. McClelland briefly reported on the meeting of the ad hoc Committee to Review Section Cost Sharing and moved that the Board of Governors approve an increase in the Section Cost Sharing from \$2.50 per section member to \$5.00 per section member, applicable to the 26 voluntary sections, effective beginning in FY 2005/2006. The motion was unanimously approved.

**Agenda Item 6. Public Access and Consumer Protection Committee Report.**

Mr. McAuliffe, committee member, presented a report from the committee regarding public

adjusters and the unauthorized practice of law in Louisiana. It was the recommendation of the committee that it be given the authority to institute civil litigation on behalf of the Association against Mr. Carr and/or Carr and Associates. The committee further recommended that prior to instituting litigation the assistance of the appropriate District Attorney(s) and/or the Attorney General be solicited. The Board discussed the recommendation at length and Ms. Boyle moved that the Board of Governors approve contacting the Attorney General and appropriate District Attorney to solicit their assistance while the committee develops a detailed litigation budget that includes a proposed hourly rate. The committee will then present the response of the Attorney General and District Attorney and the detailed litigation budget to the Board at its June. The motion was seconded and approved.

**Agenda Item 7.      Overdraft Notification Legislation.**

Mr. Neuner briefly reviewed the overdraft notification legislation submitted by Rep. Lambert on behalf of the Louisiana State Bar Association.

**Agenda Item 8.      Legislation Committee.**

President McKay reviewed the recommendations developed by the committee which will be considered by the House of Delegates during its May 7 legislative session. President McKay stated that some consideration needed to be given as to whether the LSBA should be active with the House of Delegates meeting, etc., during fiscal only legislative sessions.

**Agenda Item 9.      Fiscal Issues.**

a.      Budget Assumptions.

The Board reviewed the budget assumptions prepared by LaPorte, Sehrt, Romig and Hand, LSBA auditors. The report concluded that the Association has reached the point where its current dues structure and other revenue sources are not sufficient to cover the costs assumed necessary to operate the programs offered to its members. Consequently, it is incumbent upon the Association to find areas where either revenue sources can be increased and/or added, and to thoroughly analyze forecasted expenditures for savings opportunities without diminishing the services offered to members.

b.      FY 2005/2006 Budget.

The Board reviewed the draft FY 2005/2006 budget as approved by the Budget Committee. Ms. Boyle noted that the budget would be presented to the 2005-2006 Board of Governors for approval at its June meeting.

c. Budget Committee.

Ms. Boyle reported the Budget Committee had met on May 6 and approved FY 2004-2005 budget amendments. The Board unanimously approved the budget amendments as follows:

- g increase dues income from \$1,766,000 to \$1,772,000;
- g decrease Penalties income from \$20,000 to \$17,000;
- g increase CLE Sponsorships income from \$25,500 to \$35,000;
- g decrease Sale of Membership Labels income from \$35,000 to \$30,000;
- g increase Bar Briefs income from \$35,000 to \$38,000;
- g increase Web Site (Ads, Marketplace, Hotlink) income from \$13,500 to \$17,000;
- g increase Section Administrative Assessments income from \$17,500 to \$17,800;
- g decrease Royalties income from \$70,000 to \$61,500;
- g increase Interest income from \$83,500 to \$105,500;
- g increase Statewide LRIS income from \$3,000 to \$3,600;
- g increase Access to Justice Program income from \$96,000 to \$102,000;
- g increase Law School Professionalism Orientation Sponsorships income from \$15,000 to \$15,500;
- g decrease Professional Responsibility Law Book income from \$25,000 to \$18,000;
- g increase Uniform Title Standards Book income from \$3,500 to \$3,800;
- g decrease Public Information Committee Brochures income from \$2,500 to \$1,000;
- g decrease Leadership LSBA Committee expenses from \$3,000 to \$1,000;
- g decrease Web Site expenses from \$10,000 to \$7,000;
- g decrease Midyear Meeting expenses from \$25,000 to \$12,500;
- g decrease Law School for Non-Lawyers expenses from \$1,700 to \$-0-;
- g decrease Statewide LRIS expenses from \$30,000 to \$25,000;
- g decrease Memorial Exercises expenses from \$1,000 to \$500;
- g decrease Crystal Gavel Awards expenses from \$1,000 to \$500;
- g decrease Young Lawyers Section expenses from \$55,000 to \$53,000;
- g increase Retreat - Professionalism & Quality of Life Committee expenses from \$2,000 to \$5,150;
- g increase Executive Director - Expenses from \$15,000 to \$16,500;
- g decrease Communications Director - Expenses from \$4,000 to \$2,500;
- g decrease Staff Insurance expenses from \$70,000 to \$65,000;
- g decrease Computer Supplies & Service expenses from \$50,000 to \$40,000;
- g increase Furniture & Equipment expenses from \$15,000 to \$17,000;

- g** increase Building Maintenance expenses from \$10,000 to \$26,500;
- g** decrease Property Management expenses from \$210,000 to \$190,000;
- g** decrease Office Supplies from \$32,000 to \$26,000;
- g** decrease Telephone & Fax expenses from \$44,000 to \$40,000;
- g** decrease Equipment Rentals & Supplies expenses from \$27,000 to \$24,000.

Further, the Board unanimously approved the following line item adjustments within the Young Lawyers Section budget:

- g** decrease Council Meetings expenses from \$17,500 to \$15,500;
- g** decrease YLS Information Service expenses from \$3,500 to \$1,500;
- g** decrease Bar Affiliate Outreach expenses from \$4,000 to \$500;
- g** increase Professional Development Seminar expenses from \$1,000 to \$3,000;
- g** increase High School Mock Trial expenses from \$7,500 to \$9,000;
- g** increase Certificate, Awards, Plaques, Gifts of Appreciation expenses from \$1,000 to \$3,000;
- g** increase Law School Outreach expenses from \$-0- to \$2,000.

**Agenda Item 10. Report of the President.**

a. Community Action Summit.

President McKay informed the Board that the Community Action Committee will hold a summit on Friday, July 29, at the Louisiana Bar Center in New Orleans. The summit is designed to facilitate and assist coordinating, on a statewide basis, the community action efforts of the various local and specialty bar associations.

b. Louisiana Bar Foundation Education Committee Oral History of LSBA.

This issue was not addressed by the Board.

c. 2005 Annual Meeting in Las Vegas.

President McKay provided an update on plans for the 2005 Annual Meeting to be held June 26-28 at Caesars Palace in Las Vegas, Nevada. He stated that a letter would be sent to all members of the House of Delegates stressing the need for a quorum at the House meeting on June 27 and requesting those who cannot attend to appoint a proxy.

**Agenda Item 11. Report of the President-Elect.**

a. 2005/2006 Board of Governors Orientation.

Mr. Neuner reported on the Board of Governors Orientation held April 22-24 in Seagrove, Florida. He stated that a brainstorming session was held with a member of the ABA staff acting as facilitator and the 18 members attending the orientation participated in a team-building exercise.

- b. Client Assistance Fund Committee Rules and Procedure Change.  
Mr. Neuner presented a proposed amendment to the Client Assistance Fund Committee Rules and Procedure and moved adoption of same. The motion was seconded and unanimously approved.
- c. Appointments to Louisiana Client Assistance Foundation.  
Mr. Neuner asked Board members to contact him if they would like to serve on the Board of the Louisiana Client Assistance Foundation.
- d. Other Matters.
  - i. Professionalism Center.  
Mr. Neuner informed the Board that one of the projects he would like to implement during his term as President is a Professionalism Center utilizing staff which has already been approved by the Board and the use of approximately 25% of time from one of the lawyers working within the Professional Assistance and Improvement Program. The Professionalism Center would prepare and present 2 “canned” CLE programs, write an article for each edition of the *Journal*, continue the first year law school orientation program and develop programs for second and third year law students.

**Agenda Item 12. Report of the Secretary.**

In his absence, Mr. McClelland submitted a written report outlining the activities of the Secretary since the last meeting of the Board.

**Agenda Item 13. Report of the Treasurer.**

Ms. Boyle referred the Board to a printed report on the LSBA investments and answered questions posed by Board members.

**Agenda Item 14. Report of the Young Lawyers Section.**

Mr. Sylvester presented a report on the activities of the Young Lawyers Section since the last meeting of the Board, including the High School Mock Trial and High School Essay contests. He indicated that the annual Professional Development Seminar would be held May 27 in Baton Rouge.

**Agenda Item 15. Report of the Executive Director.**

For a full report on the activities of the Executive Director since the last meeting of the Board, Ms. Larsen referred the Board to her written report distributed at the beginning of the meeting.

- a. Renewal of MBNA Credit Card Endorsement.  
Ms. Larsen presented a renewal contract with MBNA for a credit card program for LSBA members. Ms. Larsen indicated that the renewal contract offered better terms for the LSBA and its members. Mr. Lee made a motion to approve the renewal of the MBNA credit card endorsement. The motion was seconded and unanimously approved.
- b. Endorsement of Corel WordPerfect Marketing Arrangement.  
Ms. Larsen presented a proposal from Corel WordPerfect to market their WordPerfect suite. Members could purchase a new license for \$115 or purchase an upgrade for \$150. Either package would be free to LSBA staff. WordPerfect also agreed to place ads in the *Journal* and the LSBA would market the product in our electronic newsletter, LouisianaBarToday. Mr. Gray moved that the LSBA approve the endorsement contract with Corel WordPerfect. The motion was seconded and unanimously approved.

**Agenda Item 17. Other Matters.**

The next meeting of the Board of Governors will be held at 1 p.m., Monday, June 27, at Caesars Palace in Las Vegas, Nevada, in conjunction with the 2005 Annual Meeting.

**Agenda Item 18. Adjournment.**

There being no further business to discuss, the meeting was adjourned at 3:55 p.m.

Respectfully Submitted:

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Loretta Larsen, CAE  
Assistant Secretary

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Date