



Serving the Public. Serving the Profession.

HOUSE OF DELEGATES
9 a.m. ■ Saturday, January 16, 2016
JW Marriott New Orleans

MINUTES

President Mark A. Cunningham called to order the meeting of the House of Delegates of the Louisiana State Bar Association at 9:05 a.m., Saturday, January 16, 2016, at the JW Marriott in New Orleans, Louisiana.

I. Certification of Quorum by the Secretary

Ms. Mire confirmed that a quorum was present. A copy of the attendance roster is attached as an addendum to these Minutes.

II. Recognition of Deceased Members of the House of Delegates

Mr. Cunningham reported that there were no deceased members to recognize.

General Session

III. Reports of Standing Committees of the House

Mr. Cunningham reported that there were no reports of Standing Committees of the House.

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

1. Mark A. Cunningham, President

Mr. Cunningham reported on a number of issues including SOLACE, JLAP and the LSBA's financial commitment to same, the online Tech Center, criminal justice resources on LSBA.org, efforts to address the flat fee rule in a manner which balances the need to assist lawyers and protect the public interest, and the upcoming legislative session, including the Governor's assurances that he would not be proposing a sales tax on legal services.

2. Darrel J. Papillion, President-Elect

Mr. Papillion encouraged House members to attend the June 2016 Annual Meeting and Summer School for Lawyers and Judges at Sandestin Golf & Beach Resort.

3. Robert A. Kutcher, Treasurer

Mr. Kutcher waived his report.

4. Alainna R. Mire, Secretary

Ms. Mire waived her report.

There were no additional oral reports. Any written reports were distributed to House members via email in advance of the meeting.

V. Reports of Special Committees of the Louisiana State Bar Association

There were no oral reports. Any written reports were distributed to House members via email in advance of the meeting.

VI. Other Reports

There were no other reports.

Activities of the House of Delegates

VII. Old Business

There was no old business to come before the House.

VIII. Approval of Minutes

Consideration of approval of the Minutes of the June 1, 2015 Meeting of the House of Delegates, held in Destin, Florida.

House members Andrew R. Lee and Francis J. Barry, Jr., both of Orleans Parish, advised that they were in attendance at the June 2015 meeting and asked that the minutes be amended to reflect these corrections. Upon motion and second the minutes were unanimously approved as amended.

IX. Elections

1. Election of one member to serve a three-year term on the House of Delegates Liaison Committee, to commence at the conclusion of the 2016 Annual Meeting and end at the conclusion of the 2019 Annual Meeting. This member shall be elected from House of Delegates members representing the 20th through 42nd Judicial Districts.

Richard K. Leefe of the 24th Judicial District nominated Sandra K. Cosby, also of the 24th. Mary E. Heck Barrios of the 21st Judicial District nominated Ivy L. Graham, also of the 21st. The nominated were closed and an election was held by a show of hands. Sandra K. Cosby was elected.

2. Election, from the three Liaison Committee members, of a Chair of the House of Delegates Liaison Committee for 2016-2017, whose term will commence at the conclusion of the 2016 Annual Meeting. The Chair of the Liaison Committee is a voting member of the Board of Governors.

Richard K. Leefe of the 24th Judicial District nominated Sandra K. Cosby, also of the 24th. Dominick Scandurro, Jr. of the 25th Judicial District nominated S. Jacob Braud, also of the 25th. Steven G. “Buzz” Durio of the 15th Judicial District nominated Julie Baxter Payer of the 19th Judicial District. An election was held by a show of hands and Julie Baxter Payer was elected.

3. Election of a member of the House of Delegates to serve the remaining year of Dona Renegar’s term on the Budget Committee (July 1, 2016 through June 30, 2017), due to Ms. Renegar’s election as President-Elect for 2016-2017.

Nicholas J. Zeringue of the 17th Judicial District nominated Daniel A. Cavell, also of the 17th. There being no further nominations, Mr. Cavell was elected by acclamation.

X. Resolutions

Louisiana Board of Legal Specialization Resolutions

1. Resolution to amend the Standards for Appellate Practice.

Upon motion and second, the House approved the resolution.

2. Resolution to amend the Standards for Estate Planning and Administration.

Upon motion and second, the House approved the resolution.

3. Resolution to amend the Standards for Tax Law.

Upon motion and second, the House approved the resolution.

Committee Resolutions

4. Resolution from the Bar Governance Committee to amend Article X, Section 1 of the Louisiana State Bar Association Bylaws to add Bar Governance as a standing committee.

Upon motion and second, the House unanimously approved the resolution.

5. Resolution from the Bar Governance Committee to amend Article X, Section 1 of the Louisiana State Bar Association Bylaws to add Outreach as a standing committee.

Upon motion and second, the House unanimously approved the resolution.

6. Resolution from the Bar Governance Committee to amend Article X, Section 1 (5) of the Louisiana State Bar Association Bylaws regarding Legislation Committee composition to remove the language limiting the number of House of Delegates representatives from any single judicial district.

After amending to retain and modify the language in question (as shown below), the House approved the resolution.

The House of Delegates shall elect its committee members at its June meeting for terms that commence on July 1 immediately following the election. To ensure geographically diverse representation, there shall be no more than ~~three~~ ~~(3)~~ four (4) House of Delegates representatives from a judicial district at any given time.

Member Resolution

7. Resolution from 32nd Judicial District Delegates Charles C. Bourque, Jr. directing LSBA to develop and implement a public information and media strategy that would permit the organization to respond to unwarranted attacks on the profession and the judiciary.

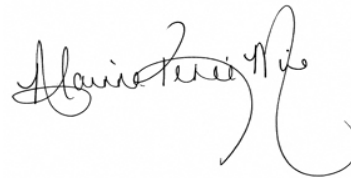
The House defeated this resolution by a vote of 82 to 70.

XI. Other Business

Consideration of any other business to come before the House of Delegates.

There was no further business to come before the House. Upon motion and second, the meeting was adjourned at 10:10 a.m.

Respectfully Submitted:



Alainna Renee Mire,
Secretary

APPROVED BY HOUSE OF DELEGATES
JUNE 9, 2016
DESTIN, FL

ADDENDUM
2015-2016 HOUSE OF DELEGATES
ATTENDANCE · 2016 MIDYEAR MEETING

FIRST JUDICIAL DISTRICT (14 seats) Parish of Caddo

PRESENT Katherine S. Baker BY PROXY TO Tara Jones
PRESENT Kila L. Bobier
PRESENT Claude W. Bookter, Jr.
PRESENT James L. Fortson, Jr.
PRESENT Stephen Christopher Fortson
PRESENT John R. Herzog BY PROXY TO Scott R. Wolf
W. James Hill III
PRESENT Richard M. John
PRESENT Ree Casey-Jones BY PROXY TO Richard Lamb
Kevin R. Molloy
Marshall R. Pearce
PRESENT Nyle A. Politz
PRESENT Kenneth Craig Smith, Jr.
PRESENT Paul L. Wood

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

Tammy G. Jump
Yumeaka Robinson Washington

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

PRESENT Albert Carter Mills IV
PRESENT Tyler G. Storms

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

Jan Peter Christiansen
PRESENT Martin Shane Craighead
Daniel J. Hunter
Marcus L. Hunter
PRESENT Paul L. Hurd
PRESENT Mark Neal
Robert S. Noel II
PRESENT Ramsey L. Ogg
Arthur L. Stewart
PRESENT William Michael Street
PRESENT Thomas G. Zentner, Jr.

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

PRESENT John Clay Hamilton
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

PRESENT John C. Reeves BY PROXY TO Joseph A. Boothe
PRESENT Ann S. Siddall

EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Winn

Kimberly Anastasia Wiley

NINTH JUDICIAL DISTRICT (7 seats) Parish of Rapides

PRESENT Marcus Augustine
PRESENT Robert L. Bussey
PRESENT Bradley L. Drell
PRESENT Aaron L. Green
PRESENT Mark F. Vilar
PRESENT Stephen Wheelis
PRESENT Zebulon M. Winstead

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

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
PRESENT Abby Bergeron Landreneau

FOURTEENTH JUDICIAL DISTRICT (9 seats) Parish of Calcasieu

PRESENT Theresa A. Barnatt
PRESENT Brian Lee Coody BY PROXY TO John Simpson
PRESENT L. Paul Foreman
Matthew P. Keating

PRESENT Thomas L. Lorenzi
PRESENT Robert C. McCorquodale
PRESENT David Daniel Palay, Jr. BY PROXY TO Winfield Little
Larry E. Pichon
PRESENT Betty A. Raglin BY PROXY TO Cade Cole

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

PRESENT Homer Ed Barousse, Jr.
Dean A. Cole
PRESENT Steven G. Durio
PRESENT Kyle L. Gideon BY PROXY TO Katherine Hurst
PRESENT Matthew J. Hill, Jr.
Andrew B. Mims
PRESENT Joseph R. Oelkers III BY PROXY TO Franchesca Hamilton-Ackers
PRESENT Donovan J. O’Pry II
PRESENT Dona Renegar
Jeffrey A. Riggs
PRESENT Michael D. Skinner
PRESENT Dwazendra Smith BY PROXY TO Mandi Borne
PRESENT Juliette B. Wade

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

PRESENT Adolph B. Curet III
PRESENT Eric P. Duplantis
PRESENT Paul T. Landry
PRESENT Marsha McNulty
PRESENT Andrew Reed
Maggie T. Simar
PRESENT Anne G. Stevens
PRESENT Dennis R. Stevens

SEVENTEENTH JUDICIAL DISTRICT (5 seats) Parish of Lafourche

David G. Arceneaux
PRESENT Daniel A. Cavell
PRESENT Marla Mitchell
Robert M. Pugh
PRESENT Nicholas J. Zeringue

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

PRESENT J. Lane Ewing, Jr.
PRESENT Stephen Philibert Jewell
Thomas McCormick
PRESENT Deidre Deculus Robert

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

PRESENT B. Scott Andrews BY PROXY TO Kevin Curry

PRESENT Kelly E. Balfour
 PRESENT Jesse H. Bankston, Jr.
 PRESENT Valerie B. Bargas BY PROXY TO Lisha Landry
 PRESENT James E. Boren
 PRESENT Dana B. Brown
 PRESENT Donald J. Cazayoux, Jr.
 Juan M. "John" Delgado
 PRESENT Michael D. Ferachi BY PROXY TO Lynette Roberson
 PRESENT Frank A. Fertitta BY PROXY TO Andrew Reynolds
 PRESENT S. David Holladay
 C. Frank Holthaus
 PRESENT Jay M. Jalenak, Jr. BY PROXY TO John Jakuback
 PRESENT Michael W. McKay
 PRESENT Adrian G. Nadeau
 PRESENT Julie Baxter Payer BY PROXY TO Darrel Papillion
 PRESENT Glen R. Petersen BY PROXY TO Larry Murray
 PRESENT Valerie T. Schexnayder
 Amanda S. Stout
 David Abboud Thomas
 PRESENT Jack K. Whitehead, Jr. BY PROXY TO John DiGuilio

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

Samuel Christopher D'Aquilla
 PRESENT Michael L. Hughes

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

PRESENT Mary E. Heck Barrios
 Douglas Brown
 PRESENT Erik L. Burns
 PRESENT Anthony Todd Caruso BY PROXY TO Amanda LaGroue
 PRESENT Steven J. Farber
 PRESENT Colt Justin Fore
 PRESENT Ivy Landry Graham
 PRESENT D. Blayne Honeycutt
 PRESENT Robert W. Morgan

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

Elizabeth A. Alston
 PRESENT Clayton J. Borne IV
 Eric K. Buerger
 PRESENT William Harvell Burris
 PRESENT Gordon Timothy Herrin
 PRESENT Waldon M. Hingle BY PROXY TO Waldon M. Hingle III
 Willard O. Lape, III

PRESENT Robert C. Lehman
J. Kevin McNary
Patrice W. Oppenheim
PRESENT Todd C. Taranto
Diana E. Velez

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

PRESENT Christopher J. Bridges
PRESENT Lana O. Chaney
PRESENT Rusty M. Messer
PRESENT Michael J. Poirrier
PRESENT Timothy E. Pujol

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

PRESENT Shayna Beevers
PRESENT Allen I. Boudreaux, Jr.
Paul M. Brannon
PRESENT Robert J. Caluda
PRESENT Thomas Christopher Cerullo
PRESENT Sandra K. Cosby
PRESENT S. Guy deLaup
PRESENT Michael R. Delesdernier
PRESENT Paul C. Fleming, Jr.
PRESENT Christy M. Howley BY PROXY TO Mickey deLaup
PRESENT Adrian F. LaPeyronnie III
John J. Lee, Jr.
PRESENT Richard K. Leefe
Scott W. McQuaig
PRESENT Bryan A. Pfleeger
PRESENT Roy A. Raspanti
PRESENT George B. Recile
Mettery I. Sherry, Jr.
PRESENT Tina Louise Suggs

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

PRESENT S. Jacob Braud
PRESENT Dominick Scandurro, Jr.

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

PRESENT John Zachary Blanchard, Jr.
PRESENT Anna Brown
Amanda J. Hulett
PRESENT Patrick R. Jackson
PRESENT Ingrid James
PRESENT Ross E. Shacklette

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

PRESENT Francis A. Olivier III

PRESENT Jacque B. Pucheu, Jr.

PRESENT Randy Wagley

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

PRESENT Steven Paul Kendrick

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

Steven F. Griffith, Sr.

Don Paul Landry

PRESENT Robert L. Raymond

THIRTIETH JUDICIAL DISTRICT (3 seats) Parish of Vernon

D. Wayne Bush

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

PRESENT Richard M. Arceneaux BY PROXY TO Elliott C. Cassidy

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

PRESENT Charles C. Bourque Jr.

Sye Joseph Broussard

Heather Chapin McAllister

PRESENT Patricia Reeves Floyd

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

Mary Hebert Holmes

Michael B. Holmes

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

PRESENT Roberta L. Burns

PRESENT Tracy Helen Duplantier

PRESENT Gregory J. Noto

PRESENT Gregory W. Rome

PRESENT Paul A. Tabary III

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

PRESENT Scott M. Prudhomme

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

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

PRESENT Brian E. Frazier

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

PRESENT Robert James Sheffield, Jr.

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

John Q. Davis

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

Vercell F. Fiffie

Nghana L. Gauff

PRESENT William D. O'Regan III

FORTY-FIRST JUDICIAL DISTRICT (32 seats) Parish of Orleans

PRESENT Donald R. Abaunza

PRESENT Glenn B. Adams

PRESENT Francis J. Barry, Jr.

PRESENT Ashley L. Belleau

PRESENT Jack C. Benjamin, Jr.

Joseph M. Bruno

PRESENT Thomas A. Casey, Jr.

Lawrence J. Centola, III

PRESENT Justin M. Chopin

Richard B. Eason, II

PRESENT William R. Forrester, Jr.

PRESENT Darryl J. Foster

PRESENT Judith A. Gainsburgh

PRESENT James C. Gulotta, Jr.

PRESENT Philip K. Jones, Jr. BY PROXY TO Lacey Rochester

PRESENT Mark D. Latham

PRESENT Andrew R. Lee

PRESENT Ryan M. McCabe

André J. Mouldoux

PRESENT John H. Musser V

PRESENT H. Minor Pipes, III

PRESENT Brian P. Quirk

PRESENT Christopher K. Ralston

PRESENT Louis Gravois Schott

PRESENT Karen B. Sher

PRESENT Ronald J. Sholes BY PROXY TO Micah Fincher

PRESENT John A. Stassi II

Deborah M. Sulzer

PRESENT Irving J. Warshauer

Edward Dirk Wegmann

PRESENT Phillip A. Wittmann

PRESENT Jay C. Zainey, Jr. BY PROXY TO Hon. Jay C. Zainey, Sr.

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

PRESENT Adrienne Danielle White

SECTION CHAIRS

Michael P. Arata, Arts, Entertainment & Sports Law
Richard J. Arsenault, Insurance, Tort, Worker's Comp & Admiralty Law
Brian M. Begue, Administrative Law
PRESENT Susan J. Burkenstock, Trusts, Estate, Probate & Immovable Property Law
Ashley F. Dees, Immigration Law
Ariel K. DiGiulio, Animal Law
Val P. Exnicios, Class Action, Mass Torts & Complex Litigation
PRESENT Steven J. Farber, Government & Public Law
PRESENT Kathryn S. Friel, Taxation
Randy J. Fuerst, Family Law
Maureen B. Gershanik, Corporate & Business Law
Demarcus J. Gordon, Minority Involvement
PRESENT Leo C. Hamilton, Bill of Rights
Edward T. Hayes, International Law
Leland G. Horton, Mineral Law
Louis C. LaCour, Appellate
Keith M. Landry, Intellectual Property
PRESENT Lynn Luker, Civil Law & Litigation
Tristan E. Manthey, Bankruptcy Law
Richard W. Martinez, Solo & Small Firm
PRESENT Kevin R. Mason, Labor & Employment Law
Alexander M. McIntyre, Antitrust & Trade Regulation
Warren A. Perrin, Francophone
John W. Redmann, Bench & Bar
H. B. Shreves, Fidelity, Surety & Construction Law
Jacob S. Simpson, Health Law
PRESENT Emmett C. Sole, Alternative Dispute Resolution
David A. Szwak, Consumer Protection Law
Corinne J. Van Dalen, Environmental Law
Michael S. Walsh, Criminal Law
PRESENT Jamie H. Watts, Public Utility



RESOLUTION OF THE LOUISIANA BOARD OF LEGAL SPECIALIZATION AMEND APPELLATE PRACTICE STANDARDS

WHEREAS, the Louisiana Board of Legal Specialization (LBLS) is empowered under Section 3.1C of the Plan of Legal Specialization to make recommendations to the House of Delegates of the Louisiana State Bar Association with respect to reasonable and non-discriminatory standards concerning education, experience, proficiency and other relevant matters for granting certificates of special competence to lawyers in defined and designated fields of law;

WHEREAS, an amendment to the Supreme Court of Louisiana Rules for Continuing Legal Education was adopted to permit a member of the bar to earn CLE credit for providing uncompensated pro bono legal representation to an indigent or near-indigent client or clients;

WHEREAS, a review of the LBLS Appellate Practice Standards reflects that an amendment to Section IV of the Standards is in order to permit board certified appellate practice specialists to receive appellate practice specialization CLE credit for providing pro bono legal representation in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education;

WHEREAS, it is the request of the Louisiana Supreme Court that Section II, A5 of the LBLS Appellate Practice Standards be amended to state: “Have presented at least six (6) oral arguments over the course of their professional careers;”

WHEREAS, a public hearing was held on December 2, 2015 for the purpose of providing an opportunity for board certified specialists and members of the bar to comment on the proposed amendments to the Louisiana Board of Legal Specialization Appellate Practice Standards; and

WHEREAS, it is the recommendation of the Louisiana Board of Legal Specialization that it would be appropriate to amend Section II, A5 and Section IV of the Louisiana Board of Legal Specialization Appellate Practice Standards;

NOW, THEREFORE, BE IT RESOLVED that:

The Louisiana Board of Legal Specialization does hereby resolve:

1. That there should be an amendment to Section II, A5 of the LBLS Appellate Practice Standards to state: “Have presented at least six (6) oral arguments over the course of their professional careers;” and
2. That there should be an amendment to Section IV of the LBLS Appellate Practice Standards which will permit board certified appellate practice specialists to receive appellate practice specialization CLE credit for providing pro bono legal representation in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

A copy of the proposed amended standards is attached hereto and made a part hereof.

FURTHER, be it resolved that this Resolution be submitted to the House of Delegates of the Louisiana State Bar Association for approval.

Respectfully submitted,

THOMAS R. WILLSON, Chair
Louisiana Board of Legal Specialization

November 19, 2015
New Orleans, Louisiana

**APPROVED BY HOUSE OF DELEGATES AND BOARD OF GOVERNORS
JANUARY 16, 2016
NEW ORLEANS, LA**



LOUISIANA BOARD OF LEGAL SPECIALIZATION APPELLATE PRACTICE STANDARDS

Pursuant to the authority vested in the Louisiana Board of Legal Specialization (the “Board”) by the Supreme Court of Louisiana, the Board, on the recommendation of the Appellate Practice Advisory Commission (the “Advisory Commission”), prescribes the following standards and requirements for Board certification in Appellate Practice in accordance with the Louisiana State Bar Association Plan of Legal Specialization (the “Plan”) and Rules and Regulations of the Louisiana Board of Legal Specialization (the “Rules”).

Section I. DEFINITIONS

- A. The practice of law means full-time legal work performed for the purpose of rendering legal advice or legal representation to the general public, private employers, or governmental agencies.
- B. Full time shall be defined as working a minimum of 35 hours per week.
- C. Appellate Practice is defined as the practice of law involving matters brought before a Louisiana or federal appellate court;
- D. Certification as a specialist shall be effective the date the Board authorizes recognition and shall remain effective for five (5) years from January 1 of the year of recognition.

Section II. BASIC REQUIREMENTS

A. Application

Applicants must at the time of initial application for certification:

1. Be an active member in good standing of the Louisiana State Bar Association;
2. Have a minimum of five (5) years of continuous actual practice of law on a full time basis preceding the year of application;
3. Certify under oath that during the five (5) years immediately preceding the year of application they have devoted a minimum of 25% of a full-time work schedule in the practice of law annually in the field of appellate practice as defined in Section I, C.
4. Have served as lead counsel, or had substantial responsibility in, 25 or more appellate matters at the time of application. Applicants who have served on the appellate bench for three (3) or more years in the five (5) years immediately preceding the date of application are exempted from this requirement;
5. Have presented at least six (6) oral arguments ~~one of which must have been to the Louisiana Supreme Court~~ over the course of their professional careers;
6. The Advisory Commission must receive on behalf of an applicant, on a form furnished by the Louisiana Board of Legal Specialization, a minimum of five (5) reference statements from

practicing attorneys who can attest to the applicant's competence in the specialty field of appellate practice. Of the five (5) references, at least one (1) must be from a Board Certified Appellate Practice Specialist. These submissions shall be subject to the limitations outlined in Rule 8.4 of the Rules;

7. Consent to a confidential inquiry by the Board and/or the Advisory Commission, directed to any person who serves as a reference for the applicant, and to other persons regarding the applicant's competence and qualifications to be recognized as an Appellate Practice Specialist. This inquiry and review shall consider information furnished by references and other information that the Advisory Commission deems relevant to whether the applicant has sufficient competence and proficiency handling the usual matters of appellate practice. This information may include the applicant's work product, ethics, reputation, professionalism, or such other criteria that the Advisory Commission deems appropriate to consider in reaching its recommendations;
8. Comply with the rules and regulations established by the Board as they relate to release of disciplinary action information;
9. Obtain by December 31 of the year of application a minimum of 18 hours of continuing legal education (CLE) in the field of appellate law. All CLE credits of an applicant must be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 18 hour requirement within the year of application. An applicant will not qualify for the specialization CLE exemption under Rule 7.10 of the Rules in the year of application.
10. Maintain professional liability insurance in the minimum amount of \$1,000,000 and the policy must be offered by a company reasonably acceptable to the Board. Evidence of insurance shall be provided with the application.
11. Take and pass a written examination.
12. Certify under oath to having met these requirements.

B. Maintenance

Those bar members certified in the Appellate Practice specialty must satisfy the following requirements to maintain their certifications:

1. Be an active member in good standing of the Louisiana State Bar Association;
2. Certify under oath, on a form provided by the Board, that they engage in the actual practice of law on a full time basis;
3. Certify under oath, on a form provided by the Board, that they have devoted a minimum of 25% of a full time work schedule in the practice of law annually in the field of appellate practice, as defined in Section I, C herein.
4. During each year of certification, must attend a minimum of 18 hours of approved appellate law continuing legal education programs that comply with Section III below and the Supreme Court of Louisiana Rules for Continuing Legal Education. Up to eight (8) hours of approved appellate law specialization CLE earned in excess of the 18 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.

5. Maintain professional liability insurance in the minimum amount of \$1,000,000, unless waived for good cause by the Board. The policy must be offered by a company reasonably acceptable to the Board. Proof of insurance shall be provided annually with payment of the annual dues upon request.
6. Pay all fees required by the Rules.

C. Recertification

1. Recertification as a Board Certified Appellate Practice Specialist shall be required every five (5) years from the date of certification or recertification, as the case may be.
2. Each Board Certified Appellate Practice Specialist shall present an application every five (5) years, on a form furnished by the Board, certifying that he or she has met the requirements of Section II B above.

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS

A. Program Development and Presentation

1. The program should contribute to the professional competence of a Board Certified Appellate Practice Specialist and should be open for attendance by all such attorneys;
2. Programs should be developed by individual(s) qualified in the subject matter;
3. Program content should be current, and 70% or more of the program must be related to appellate practice subjects. No specialization continuing legal education credit will be awarded for attending a program that does not satisfy the 70% requirement.
4. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required), and teaching methods to be used;
5. Instructors or discussion leaders should be qualified with respect to program content and teaching method used;
6. Program sponsors should encourage participation only by individuals with appropriate education and/or experience;
7. The program sponsor must maintain registration and/or attendance records and such other records as may be necessary to substantiate compliance of the program with the above criteria.

B. Program Qualification

1. General Rule

Continuing legal education programs must be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE) before approval can be granted by the Advisory Commission. The overriding consideration in determining if a specific program qualifies as acceptable continuing legal education is that it be a formal program of learning

which contributes directly to the professional competence of an attorney who specializes in the field of Appellate Practice.

2. Program Approval

Programs shall be approved on a case-by-case basis by the Advisory Commission provided the program meets the general standards set forth in Section III, A and B1.

No credit shall be awarded for firm meetings or “in house” CLE programs.

Section IV. OTHER METHODS OF EARNING SPECIALIZATION CLE CREDIT

A. General Rules

1. Any other method of earning specialization CLE credit must be approved by MCLE before approval can be granted by the Advisory Commission, who shall then consider each request on a case-by-case basis.
2. All credit earned shall be calculated by MCLE in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.
3. All requests for CLE credit shall be submitted to MCLE and the Advisory Commission within a reasonable period of time but no later than January 31 of the calendar year following the activity for which CLE credit is being sought.

B. Teaching

1. CLE credit may be awarded for teaching an approved CLE program pertinent to the specialization subject matter. If an individual teaches at a program and attends the balance of the program, then he or she shall receive credit for that portion of the program he or she did not teach in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education. No credit will be given for repetitious presentations of a program.
2. Teaching of academic courses in appellate practice in a law school or other graduate level program presented by a recognized professional educational association may earn CLE credit.
3. CLE credit may be awarded for teaching an appellate practice course at any seminar, provided the presentation meets all criteria contained in Section III, A and B, other than Section III, A,3.

C. Writing

CLE credit may be awarded for writing articles and other publications directed primarily to attorneys specializing in the field of appellate practice and published in professional periodicals and publications. Credit will not be awarded for authorship of articles and other publications until the writing has been published.

D. Louisiana State Law Institute Committee meetings

CLE credit may be awarded for attendance at Louisiana State Law Institute Committee meetings pertinent to the field of appellate practice.

E. Pro Bono

CLE credit may be awarded for providing uncompensated pro bono legal representation related to an appellate law matter, as defined in Section I C herein, to an indigent or near-indigent client or clients. CLE credit shall not be granted until the representation has been assigned, completed and verified by the assigning organization as defined by and in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

Section V. CREDIT HOURS GRANTED

- A. Only credit hours or the equivalent (and not hours dedicated to preparation) will be counted.
- B. One (1) hour of continuing legal education credit will be awarded for each 60 minutes of instruction. Where the program is several periods of instruction with intervening breaks, the number of minutes of instruction is summed for the entire program for which the credit is claimed and then the total number of minutes is divided by 60.
- C. A participant who is not present for an entire program may claim credit only for the portion he or she attended.
- D. The credit hours assigned to a program by MCLE will be accepted by the Advisory Commission unless the hours are clearly inaccurate under the standards for computing credit in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

Section VI. COMPLIANCE

A. General Rule

Specialization CLE credit hours will be computed on a calendar year basis and all attendance information for CLE credits earned shall be delivered to MCLE by January 31 of the following year.

B. Notification

The Board will notify each non-compliant Board Certified Appellate Practice Specialist of the credit hours he or she has earned during the preceding calendar year. The specialist shall have 30 days from the date of notification to appeal the award of credit hours.

A specialization transcript may be obtained from the Board website located at <http://www.lascmcle.org/specialization>

Section VII. ADMINISTRATION

The Advisory Commission may delegate its responsibility to rule on all matters pertaining to appellate practice CLE requirements to a committee consisting of at least three (3) Advisory Commission members. Any such committee shall report to the Advisory Commission, and the Advisory Commission shall, at all times, retain the right to review, modify, or supersede the decisions of any such committee.



**RESOLUTION OF THE
LOUISIANA BOARD OF LEGAL SPECIALIZATION
AMEND ESTATE PLANNING AND ADMINISTRATION
STANDARDS**

WHEREAS, the Louisiana Board of Legal Specialization is empowered under Section 3.1C of the Plan of Legal Specialization to make recommendations to the House of Delegates of the Louisiana State Bar Association with respect to reasonable and non-discriminatory standards concerning education, experience, proficiency and other relevant matters for granting certificates of special competence to lawyers in defined and designated fields of law;

WHEREAS, an amendment to the Supreme Court of Louisiana Rules for Continuing Legal Education was adopted to permit a member of the bar to earn CLE credit for providing uncompensated pro bono legal representation to an indigent or near-indigent client or clients;

WHEREAS, a review of the Louisiana Board of Legal Specialization Estate Planning and Administration Standards reflects that an amendment to Section IV of the Standards is in order to permit board certified estate planning and administration specialists to receive estate planning and administration specialization CLE credit for providing pro bono legal representation in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education;

WHEREAS, a public hearing was held on December 2, 2015 for the purpose of providing an opportunity for board certified specialists and members of the bar to comment on the proposed amendment to the Louisiana Board of Legal Specialization Estate Planning and Administration Standards; and

WHEREAS, it is the recommendation of the Louisiana Board of Legal Specialization that it would be appropriate to amend Section IV of the Louisiana Board of Legal Specialization Estate Planning and Administration Standards to permit board certified estate planning and administration specialists to receive estate planning and administration specialization CLE credit for providing pro bono legal representation in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education;

NOW, THEREFORE, BE IT RESOLVED that:

The Louisiana Board of Legal Specialization does hereby resolve that there should be an amendment to Section IV of the Louisiana Board of Legal Specialization Estate Planning and Administration Standards which will permit board certified estate planning and administration specialists to receive estate planning and administration specialization CLE credit for providing pro bono legal representation in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education. A copy of the amended standards is attached hereto and made a part hereof.

FURTHER, be it resolved that this Resolution be submitted to the House of Delegates of the Louisiana State Bar Association for approval.

Respectfully submitted,

THOMAS R. WILLSON, Chair
Louisiana Board of Legal Specialization

November 19, 2015
New Orleans, Louisiana



LOUISIANA BOARD OF LEGAL SPECIALIZATION ESTATE PLANNING AND ADMINISTRATION STANDARDS

Pursuant to the authority vested in the Louisiana Board of Legal Specialization (the "Board") by the Supreme Court of Louisiana and on the recommendation of the Estate Planning and Administration Advisory Commission (the "Advisory Commission") the Board promulgates the following standards and requirements for Board certification in estate planning and administration in accordance with the Louisiana State Bar Association Plan of Legal Specialization (the "Plan") and the Rules and Regulations of the Louisiana Board of Legal Specialization (the "Rules").

Section I. DEFINITIONS

- A. The practice of law means full-time legal work performed for the purpose of rendering legal advice or legal representation to the general public, private employers or governmental agencies.
- B. Full-time shall be defined as working a minimum of 35 hours per week.
- C. Estate planning and administration is the practice of law dealing with the creation, protection and disposition of a client's assets, during life, upon, and after death, in accordance with the law and the client's desires after considering the tax and family relationship consequences of the client's acts and wishes. It includes providing advice about donations, wills, trusts, life insurance, business arrangements and agreements, income and transfer taxes, the estate planning aspects of qualified and nonqualified plans and deferred compensation agreements, and other estate planning matters. It includes the preparation of simple and complex wills (which may include provisions for testamentary trusts, marital deductions and elections), donations, revocable and irrevocable inter vivos trusts (including trusts for minors and charitable trusts), business planning agreements (including buy-sell and other shareholder agreements), powers of attorney, advance directives, and other estate planning instruments. Estate planning and administration also includes advising clients and handling matters related to the administration of estates, trusts, interdictions and tutorships, the probate of wills, determination of heirship, will contest and interpretation suits, and other proceedings related to the disposition of assets of a decedent, interdict or minor. It also includes the preparation and review of United States estate tax and generation skipping transfer tax returns, Louisiana estate transfer tax returns, federal gift tax returns, and legal representation before the Internal Revenue Service, the Louisiana Department of Revenue and Taxation, and the Court in connection with tax returns and related controversies. It also includes issues affecting the elderly and disabled such as Social Security, Medicare, Medicaid, Veterans benefits, Special Needs Trusts, housing and other government benefits.
- D. Certification as a specialist shall be effective the date the Board authorizes recognition and shall remain effective for five (5) years from January 1 of the year of recognition.

Section II. BASIC REQUIREMENTS

A. Application

1. Each applicant, shall be an active member in good standing of the Louisiana State Bar Association.
2. Each applicant shall have a minimum of five (5) years of continuous actual practice of law on a full time basis immediately preceding the year of application.
3. Each applicant shall certify under oath that during at least four (4) of the five (5) years immediately preceding the year of application has been as an attorney practicing in the state of Louisiana and that he or she devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of estate planning and administration law, as defined in Section I, C.
4. The Advisory Commission must receive on behalf of an applicant, on a form furnished by the Louisiana Board of Legal Specialization, a minimum of five (5) reference statements from practicing attorneys who can attest to the applicant's competence in the specialty field of estate planning and administration. Of the five (5) references, at least one (1) must be from a Board Certified Estate Planning and Administration Specialist. These submissions shall be subject to the limitations as outlined in Section 8.4 of the Rules.
5. Each applicant shall consent to a confidential inquiry by the Board and/or the Advisory Commission, directed to all persons who serve as references for the applicant, and to other persons regarding about the applicant's competence and qualifications to be recognized as an Estate Planning and Administration Specialist. This inquiry and review shall consider information furnished by references and other information that the Advisory Commission deems relevant to whether the applicant has sufficient competence and proficiency handling the usual matters of the specialty field. This information may include the applicant's work product, problem analysis, statement of issues and analysis, ethics, reputation, professionalism or such other criteria which the Advisory Commission deems appropriate to take into account prior to making its recommendations.
6. Each applicant must comply with the rules and regulations established by the Board as they relate to release of disciplinary action information.
7. Each applicant is required to obtain by December 31 of the year of application a minimum of 18 hours of continuing legal education (CLE) in the field of estate planning and administration. All CLE credits of an applicant must be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education ("MCLE") and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 18 hour requirement within the year of application. An applicant will not qualify for the specialization CLE exemption in the year of application.
8. Each applicant must maintain professional liability insurance in the minimum amount of \$1,000,000 and the policy must be offered by a company reasonably acceptable to the Board. Evidence of insurance shall be provided to the Advisory Commission by December 1 of the year of application.
9. Each applicant must take and pass a written examination.

B. Maintenance

Each Board Certified Estate Planning and Administration Specialist must satisfy the following criteria to maintain their estate planning and administration specialization certification:

1. Be an active member in good standing of the Louisiana State Bar Association.

2. Certify under oath, on a form provided by the Board, that he or she engages in the actual practice of law on a full time basis.
3. Certify under oath, on a form provided by the Board, that he or she is an attorney practicing in the state of Louisiana and that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of estate planning and administration law, as defined in Section I, C herein.
4. During each year of certification, must attend a minimum of 18 hours of approved estate planning and administration continuing legal education programs which comply with Section III below and the Supreme Court of Louisiana Rules for Continuing Legal Education. Up to eight (8) hours of approved estate planning and administration specialization CLE earned in excess of the 18 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.
5. Maintain professional liability insurance in the minimum amount of \$1,000,000, unless waived for good cause by the Board. The policy must be offered by a company reasonably acceptable to the Board. Proof of insurance shall be provided annually with payment of the annual dues and upon request.
6. Pay all fees required by the Rules.

C. Recertification

1. Recertification as a Board Certified Estate Planning and Administration Specialist shall be required every five (5) years from the date of certification or recertification, as the case may be.
2. Each Board Certified Estate Planning and Administration Specialist shall present an application every five (5) years, on a form furnished by the Board, certifying that he or she has met the requirements of Section II B above.

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS

A. Program Development and Presentation

1. The program should contribute to the professional competence of a Board Certified Estate Planning and Administration Specialist in the area of estate planning and administration law and should be open for attendance by all such attorneys.
2. Programs should be developed by individual(s) qualified in the subject matter.
3. Program content should be current and 70% or more of the program must be related to estate planning and administration law subjects. No specialization continuing legal education credit will be awarded for attending a program which does not satisfy the 70% requirement.
4. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required), and teaching methods.
5. Instructors or discussion leaders should be qualified with respect to program content and teaching method used.
6. Program sponsors should encourage participation only by individuals with appropriate education and/or experience.

7. The program sponsor must maintain registration and/or attendance records and such other records as may be necessary to substantiate compliance of the program with the above criteria.

B. Programs Which Qualify

1. General Rule

Continuing legal education ("CLE") programs must be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE) before approval can be granted by the Advisory Commission. The overriding consideration in determining if a specific program qualifies as acceptable continuing legal education is that it be a formal program of learning which contributes directly to the professional competence of an attorney who specializes in the field of estate planning and administration law.

2. Program Approval

Programs shall be approved on a case-by-case basis by the Advisory Commission provided the program meets the general standards set forth in Section III, A and B 1.

No credit shall be awarded for firm meetings or "in house" CLE programs.

Section IV. OTHER METHODS OF EARNING SPECIALIZATION CLE CREDIT

A. General Rules

1. Any other method of earning specialization CLE credit must be approved by MCLE before approval can be granted by the Advisory Commission, who shall then approve each request on a case-by-case basis.
2. All credit earned shall be calculated by MCLE in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.
3. All requests for CLE credit shall be submitted to MCLE and the Advisory Commission within a reasonable period of time but no later than January 31 of the calendar year following the activity for which CLE credit is being sought.

B. Teaching

1. CLE credit may be awarded for teaching an approved CLE program pertinent to the specialization subject matter. If an individual teaches at a program and attends the balance of the program, then he or she shall receive credit for that portion of the program he or she did not teach in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education. No credit will be given for repetitious presentations of a program.
2. Teaching of academic courses in estate planning and administration law in a law school or other graduate level program presented by a recognized professional educational association may earn CLE credit.
3. CLE credit may be awarded for teaching an estate planning and administration course at any seminar, provided the presentation meets all criteria contained in Section III, A and B, other than Section III, A.3.

C. Writing

CLE credit may be awarded for writing of articles and other publications directed primarily to attorneys specializing in the estate planning and administration field of law and published in professional periodicals and publications. Credit will not be awarded for authorship of articles and other publications until the writing has been published.

D. Louisiana State Law Institute Committee Meetings

CLE credit may be awarded for attendance at Louisiana State Law Institute Committee meetings pertinent to the field of estate planning and administration.

E. Pro Bono

CLE credit may be awarded for providing uncompensated pro bono legal representation related to an estate planning and administration matter, as defined in Section IC herein, to an indigent or near-indigent client or clients. CLE credit shall not be granted until the representation has been assigned, completed and verified by the assigning organization as defined by and in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

Section V. CREDIT HOURS GRANTED

- A. Only credit hours or the equivalent (and not hours dedicated to preparation) will be counted.
- B. One (1) hour of continuing legal education credit will be awarded for each 60 minutes of instruction. Where the program is several periods of instruction with intervening breaks, the number of minutes of instruction are summed for the entire program for which the credit is claimed and then the total number of minutes is divided by 60.
- C. A participant who is not present for an entire program may claim credit only for the portion he or she attended.
- D. The credit hours assigned to a program by MCLE will be accepted by the Advisory Commission unless the hours are clearly inaccurate under the standards for computing credit in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

Section VI. COMPLIANCE

A. General Rule

Specialization CLE credit hours will be computed on a calendar year basis and all attendance information for CLE credits earned shall be delivered to MCLE by January 31 of the following year.

B. Notification

The Board will notify each non-compliant Board Certified Estate Planning and Administration Specialist of the credit hours he or she has earned during the preceding calendar year. The specialist shall have 30 days from the date of notification to appeal the award of credit hours.

A specialization transcript may be obtained from the Board website located at:

<http://www.lascmcle.org/specialization>

Section VII. ADMINISTRATION

The Advisory Commission may delegate its responsibility to rule on all matters pertaining to estate planning and administration CLE requirements to a committee consisting of at least three (3) Advisory Commission members. Any such committee shall report to the Advisory Commission, and the Advisory Commission shall, at all times, retain the right to review, modify, or supersede the decisions of any such committee.



**RESOLUTION OF THE
LOUISIANA BOARD OF LEGAL SPECIALIZATION
AMEND TAX LAW STANDARDS**

WHEREAS, the Louisiana Board of Legal Specialization is empowered under Section 3.1C of the Plan of Legal Specialization to make recommendations to the House of Delegates of the Louisiana State Bar Association with respect to reasonable and non-discriminatory standards concerning education, experience, proficiency and other relevant matters for granting certificates of special competence to lawyers in defined and designated fields of law;

WHEREAS, an amendment to the Supreme Court of Louisiana Rules for Continuing Legal Education was adopted to permit a member of the bar to earn CLE credit for providing uncompensated pro bono legal representation to an indigent or near-indigent client or clients;

WHEREAS, a review of the Louisiana Board of Legal Specialization Tax Law Standards reflects that an amendment to Section IV of the Standards is in order to permit board certified tax law specialists to receive tax law specialization CLE credit for providing pro bono legal representation in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education;

WHEREAS, a public hearing was held on December 2, 2015 for the purpose of providing an opportunity for board certified specialists and members of the bar to comment on the proposed amendment to the Louisiana Board of Legal Specialization Tax Law Standards; and

WHEREAS, it is the recommendation of the Louisiana Board of Legal Specialization that it would be appropriate to amend Section IV of the Louisiana Board of Legal Specialization Tax Law Standards to permit board certified tax law specialists to receive tax law specialization CLE credit for providing pro bono legal representation in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education;

NOW, THEREFORE, BE IT RESOLVED that:

The Louisiana Board of Legal Specialization does hereby resolve that there should be an amendment to Section IV of the Louisiana Board of Legal Specialization Tax Law Standards which will permit board certified tax law specialists to receive tax law specialization CLE credit for providing pro bono legal representation in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education. A copy of the amended standards is attached hereto and made a part hereof.

FURTHER, be it resolved that this Resolution be submitted to the House of Delegates of the Louisiana State Bar Association for approval.

Respectfully submitted,

THOMAS R. WILLSON, Chair
Louisiana Board of Legal Specialization

November 19, 2015
New Orleans, Louisiana



LOUISIANA BOARD OF LEGAL SPECIALIZATION TAX LAW STANDARDS

Section I. DEFINITIONS

- A. The practice of law means full-time legal work performed for the purposes of rendering legal advice or legal representation to the general public, private employers or governmental agencies.
- B. Full time shall be defined as working a minimum of 35 hours per week.
- C. Tax law is defined as the actual practice of law dealing with all matters arising under the Internal Revenue Code, Employee Retirement Income Security Act (ERISA), state and local taxes, and foreign taxes, including counseling with respect thereto, and practice before Federal and State courts and Governmental Agencies dealing with tax matters.
- D. Certification as a specialist shall be effective the date the Louisiana Board of Legal Specialization authorizes recognition and shall remain effective for five (5) years from January 1 of the year of recognition.

Section II. BASIC REQUIREMENTS

A. Application

In accordance with the Plan of Legal Specialization and the Rules and Regulations of the Louisiana Board of Legal Specialization, each applicant must satisfy the following criteria for recognition as a tax law specialist:

1. Each applicant shall be an active member in good standing of the Louisiana State Bar Association.
2. Each applicant must have a minimum of five (5) years of actual practice of law on a full time basis preceding the year of application.
3. Each applicant must certify under oath that during four (4) of the five (5) years immediately preceding the year of application, he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of tax law.
4. The Tax Law Advisory Commission must receive on behalf of an applicant, on a form furnished by the Louisiana Board of Legal Specialization, a minimum of five (5) satisfactory reference statements in support of his or her application for certification from practicing attorneys who can attest to the applicant's competence in the specialty field of tax law. Of the

five (5) satisfactory reference statements, at least one (1) must be from a Board Certified Tax Law Specialist. These submissions shall be subject to the limitations as outlined in section 8.4 of the Rules and Regulations of the Louisiana Board of Legal Specialization.

5. Each applicant shall consent to a confidential inquiry by the Louisiana Board of Legal Specialization and/or the Tax Law Advisory Commission, directed to all persons who serve as references for the applicant, and to other persons regarding the applicant's competence and qualifications to be recognized as a Tax Law Specialist. This inquiry and review shall consider information furnished by references and other information that the Tax Law Advisory Commission deems relevant to demonstrate whether the applicant has sufficient competence and proficiency handling the usual matters of the specialty field. This information may include the applicant's work product, problem analysis, statement of issues and analysis, ethics, reputation, professionalism or such other criteria which the Advisory Commission deems appropriate to take into account prior to making its recommendations.
6. Each applicant must comply with the rules and regulations established by the Louisiana Board of Legal Specialization as they relate to release of disciplinary action information.
7. Each applicant is required to obtain by December 31 of the year of application at least 20 hours of continuing legal education (CLE) in the field of tax law. All CLE credits of an applicant must be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE) and the Louisiana Board of Legal Specialization Tax Law Advisory Commission. CLE earned in prior years may not be used to satisfy the 20 hour requirement within the year of application. An applicant will not qualify for specialization CLE exemption in the year of application.
8. Each applicant must provide evidence of professional liability insurance in the minimum amount of \$1,000,000 with the application and the policy must be offered by a company reasonably acceptable to the Board.
9. Each applicant must take and pass a written examination.

B. Maintenance

In accordance with the Plan of Legal Specialization and the Rules and Regulations of the Louisiana Board of Legal Specialization, each Board certified Tax Law Specialist must satisfy the following criteria to maintain their tax law specialization certification:

1. Be an active member in good standing of the Louisiana State Bar Association.
2. Certify under oath, on a form provided by the Louisiana Board of Legal Specialization, that he or she engages in the actual practice of law on a full time basis.
3. Certify under oath, on a form provided by the Louisiana Board of Legal Specialization, that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of tax law.
4. During each calendar year of certification, must attend a minimum of 20 hours of approved tax law specialization continuing legal education programs which comply with Section III below and the Supreme Court of Louisiana Rules for Continuing Legal Education. Up to eight (8) hours of approved tax law specialization CLE earned in excess of the 20 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.

5. Maintain professional liability insurance coverage in the minimum amount of \$1,000,000 unless waived for good cause by the Louisiana Board of Legal Specialization. The professional liability insurance policy must be offered by a company reasonably acceptable to the Board. Proof of insurance shall be provided annually with payment of annual dues and upon request.
6. Pay all fees required by the Rules and Regulations of the Louisiana Board of Legal Specialization.
7. If a Board Certified Tax Law Specialist is a government employee or in-house counsel, he or she may request an exemption from Section II, B5 above, upon submission and approval of a certification to the Louisiana Board of Legal Specialization, on a form furnished by the Louisiana Board of Legal Specialization, indicating that 100% of his or her practice is as a full time government employee or in-house counsel; that he or she does not have any private clients and that he or she does not engage in the public practice of law.

C. Recertification

1. Recertification as a Board Certified Tax Law Specialist shall be required every five (5) years from the date of certification or recertification, as the case may be.
2. Each Board Certified Tax *Law* Specialist shall present an application every five (5) years, on a form furnished by the Louisiana Board of Legal Specialization, certifying that he or she has met all the requirements of Section II B above.

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS

A. Program Development and Presentation

1. The program should contribute to the professional competence of a Board Certified Tax Specialist in the area of tax law and should be open for attendance by all such attorneys.
2. Programs should be developed by individual(s) qualified in the subject matter.
3. Program content should be current and 70% or more of the program must be devoted to tax law subjects. No specialization CLE credit will be awarded for attending a program which does not satisfy the 70% requirement contained herein.
4. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required), and teaching methods.
5. Instructors or discussion leaders should be qualified with respect to program content and teaching method used.
6. The program sponsor must maintain registration and/or attendance records and such other records as may be necessary to substantiate compliance of the program with the above criteria.

B. Programs Which Qualify

1. General Rule

Continuing Legal Education (CLE) programs must be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE) before approval can be granted by the Tax Law Advisory Commission. The overriding consideration in determining whether a specific program qualifies as acceptable continuing legal education is that it be a formal program of learning which contributes directly to the professional competence of an attorney who specializes in the field of tax law.

2. Program Approval

Programs shall be approved on a case-by-case basis by the Tax Law Advisory Commission CLE Committee provided the program meets the general standards set forth in Section III, A and B1 above.

No credit will be awarded for firm meetings or "in house" CLE programs.

Section IV. OTHER METHODS OF EARNING SPECIALIZATION CLE CREDIT

A. General Rules

1. Any other method of earning specialization CLE credit must be approved by MCLE before approval can be granted by the Tax Law Advisory Commission, who shall then approve each request on a case-by-case basis.
2. All credit earned shall be calculated by MCLE in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.
3. All requests for CLE credit shall be submitted to MCLE and the Tax Law Advisory Commission within a reasonable period of time but no later than January 31 of the calendar year following the activity for which CLE credit is being sought.

B. Teaching

1. CLE credit may be awarded for teaching an approved CLE program pertinent to the specialization subject matter if an individual teaches at a program and attends the balance of the program, then he or she shall receive credit for that portion of the program he or she did not teach on an hour-for-hour basis. No credit will be given for repetitious presentations of a program.
2. Teaching of academic courses in tax law in a law school or other graduate level program presented by a recognized professional educational association may earn CLE credit.
3. CLE credit may be awarded for teaching a tax law course at any seminar, provided the presentation meets all criteria contained in Section III, A and B, other than Section III, A3.

C. Writing

CLE credit may be awarded for writing of articles and other publications directed primarily to attorneys specializing in tax law and published in professional periodicals and publications. Credit will not be awarded for authorship of articles and other publications until the writing has been published.

D. Louisiana State Law Institute Committee Meetings

CLE credit may be awarded for attendance at Louisiana State Law Institute Committee meetings pertinent to the field of tax law.

E. Pro Bono

CLE credit may be awarded for providing uncompensated pro bono legal representation related to a tax matter, as defined in Section IC herein, to an indigent or near-indigent client or clients. CLE credit shall not be granted until the representation has been assigned, completed and verified by the assigning organization as defined by and in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

Section V. CREDIT HOURS GRANTED

- A. Only credit hours or the equivalent (and not hours devoted to preparation) will be counted.
- B. One (1) hour of continuing legal education credit will be awarded for each 60 minutes of instruction. Where the program is several periods of instructions with intervening breaks, the number of minutes of instructions are summed for the entire program for which credit is claimed and then such total number of minutes is divided by 60.
- C. A participant who is not present for an entire program may claim credit only for the actual time he or she attended.
- D. The credit hours assigned to a program by MCLE will be accepted by the Tax Law Advisory Commission unless the hours are clearly inaccurate under the standards for computing credit under the rules of the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education.

Section VI. COMPLIANCE

A. General Rule

Specialization CLE credit hours will be computed on a calendar year basis and all attendance information for CLE credit earned shall be delivered to MCLE by January 31 of the following year.

B. Notification

The Louisiana Board of Legal Specialization will notify each non-compliant Board Certified Tax Specialist of the credit hours he or she has earned during the preceding calendar year. The specialist shall have 30 days from date of notification to appeal any award of credit hours.

A specialization transcript may be obtained from the Louisiana Board of Legal Specialization website located at <http://www.lascmcle.org/specialization>

Section VII. ADMINISTRATION

The Tax Law Advisory Commission may delegate its responsibility to rule on all matters pertaining to tax law CLE requirements to a committee consisting of at least three (3) Tax Law Advisory Commission members. Any such committee shall report to the Tax Law Advisory Commission, and the Tax Law Advisory Commission shall, at all times, retain the right to review, modify, or supersede decisions of any such committee.

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

BAR GOVERNANCE COMMITTEE AS STANDING COMMITTEE

WHEREAS, the Bar Governance Committee has been an ad hoc committee of the Louisiana State Bar Association for more than twenty (20) years; and


WHEREAS, the work of the committee is integral to the operation of the Association; and

WHEREAS, the Bar Governance Committee is responsible for the ongoing evaluation of the Association's governing documents and for making recommendations to the House of Delegates regarding amendments to those documents; and

WHEREAS, memorializing this committee as a standing committee in the Association's Bylaws would ensure the ongoing existence of this committee and likewise ensure its continued role in the governance of the LSBA.

NOW THEREFORE BE IT RESOLVED, that the House of Delegates approve the proposed amendment to Article X, Section 1 of the Bylaws, to include the Bar Governance Committee as a standing committee.

Respectfully Submitted by:
Richard K. Leefe, Chair



On Behalf of LSBA BAR GOVERNANCE COMMITTEE:

Joseph L. Shea, Jr., Vice Chair	Kevin R. Molloy
Richard L. Becker	John H. Musser IV
Robert L. Bussey	Charles M. Raymond
Joseph L. Caverly	Jeffrey A. Riggs
David L. Colvin	Valerie T. Schexnayder
S. Guy deLaup	Christopher J. Sellers, Jr.
Stephen I. Dwyer	Ronald J. Sholes
Val P. Exnicios	Lawrence P. Simon, Jr.
Micah J. Fincher	Patrick A. Talley
Darryl J. Foster	Bradley J. Tate
Edmund J. Giering IV	Dylan Tuggle Thriffiley
Barry H. Grodsky	Tavares A. Walker
C. Kevin Hayes	Angela White-Bazile
Philip G. Hunter	Sharonda R. Williams
Chauntis T. Jenkins	Zebulon M. Winstead
Monique M. LaFontaine	Phillip A. Wittmann

**BY-LAWS OF THE
LOUISIANA STATE BAR ASSOCIATION**

ARTICLE X. STANDING COMMITTEES

Section 1. Creation

(17) *Bar Governance Committee* – The mission of the Bar Governance Committee shall be to ensure effective and equitable governance of the Association by conducting ongoing evaluation of relevant procedures and making recommendations to the House of Delegates regarding warranted amendments to the Association's Articles of Incorporation and/or Bylaws.

**APPROVED BY HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 16, 2016
NEW ORLEANS, LA**

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

OUTREACH COMMITTEE AS STANDING COMMITTEE

WHEREAS, one of the priorities of the Louisiana State Bar Association is outreach to its members across the state; and

WHEREAS, the Outreach Committee has operated on an ad hoc basis to achieve this important goal; and

WHEREAS, because this priority is at the core of the Association's mission, it is important to memorialize the Outreach Committee as a standing committee of the Association; and

WHEREAS, memorializing this committee as a standing committee in the Association's Bylaws would ensure the ongoing existence of this committee and likewise ensure the continued focus on outreach to all members of the Association.

NOW THEREFORE BE IT RESOLVED, that the House of Delegates approve the proposed amendment to Article X, Section 1 of the Bylaws, to include the Outreach Committee as a standing committee.

Respectfully Submitted by:
Richard K. Leefe, Chair



On Behalf of LSBA BAR GOVERNANCE COMMITTEE:

Joseph L. Shea, Jr., Vice Chair	Kevin R. Molloy
Richard L. Becker	John H. Musser IV
Robert L. Bussey	Charles M. Raymond
Joseph L. Caverly	Jeffrey A. Riggs
David L. Colvin	Valerie T. Schexnayder
S. Guy deLaup	Christopher J. Sellers, Jr.
Stephen I. Dwyer	Ronald J. Sholes
Val P. Exnicios	Lawrence P. Simon, Jr.
Micah J. Fincher	Patrick A. Talley
Darryl J. Foster	Bradley J. Tate
Edmund J. Giering IV	Dylan Tuggle Thriffiley
Barry H. Grodsky	Tavares A. Walker
C. Kevin Hayes	Angela White-Bazile
Philip G. Hunter	Sharonda R. Williams
Chauntis T. Jenkins	Zebulon M. Winstead
Monique M. LaFontaine	Phillip A. Wittmann

**BY-LAWS OF THE
LOUISIANA STATE BAR ASSOCIATION**

ARTICLE X. STANDING COMMITTEES

Section 1. Creation

(18) *Outreach Committee* – The mission of the Outreach Committee is to develop and implement sustained outreach to local and specialty bars throughout the state and to increase awareness of the member services and benefits provided by the LSBA. The committee shall encourage member participation in all aspects of the LSBA, and shall facilitate such participation through the use of technology and any other feasible alternatives.

**APPROVED BY HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 16, 2016
NEW ORLEANS, LA**

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

LEGISLATION COMMITTEE COMPOSITION

WHEREAS, the composition of the Legislation Committee is set forth in Article X, Section 5 of the Bylaws of the Louisiana State Bar Association; and

WHEREAS, the Legislation Committee is comprised of fifteen (15) members elected by and from the House of Delegates and ten (10) members appointed by the President; and

WHEREAS, the Bylaws currently limit of Legislation Committee members elected by and from the House of Delegates to no more than three (3) members from any judicial district; and

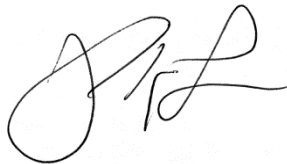
WHEREAS, this limitation could restrict the House of Delegates from electing those members it believes are most suited for service on the Legislation Committee; and

WHEREAS, service on the Legislation Committee requires a significant time commitment and the current limitation could prohibit service by those members willing to devote the necessary time for service on the Legislation Committee; and

WHEREAS, the presidential appointments are based on Nominating Committee districts and therefore already ensure geographic diversity on the Legislation Committee.

NOW THEREFORE BE IT RESOLVED, that the House of Delegates approve the proposed amendment to Article X, Section 1 (5) of the Bylaws, to remove the language limiting the number of representatives from any single judicial district.

Respectfully Submitted by:
Richard K. Leefe, Chair



On Behalf of LSBA BAR GOVERNANCE COMMITTEE:

Joseph L. Shea, Jr., Vice Chair	Kevin R. Molloy
Richard L. Becker	John H. Musser IV
Robert L. Bussey	Charles M. Raymond
Joseph L. Caverly	Jeffrey A. Riggs
David L. Colvin	Valerie T. Schexnayder
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BY-LAWS OF THE LOUISIANA STATE BAR ASSOCIATION

ARTICLE X. STANDING COMMITTEES

Section 1. Creation

(5) *Legislation* - Consisting of twenty-five (25) members in good standing of this Association: fifteen (15) elected by and from the House of Delegates and ten (10) members appointed by the President. All members shall serve three-year terms and terms shall be staggered to ensure experience and continuity. The President shall appoint a chair from the membership of the committee, which chair shall serve a one-year term.

Each President shall appoint one (1) member from Nominating Committee District 1; one (1) member from Nominating Committee District 2; and one (1) member from Nominating Committee District 3. Every third president shall also appoint one (1) member from the state at-large.

The House of Delegates shall elect its committee members at its June meeting for terms that commence on July 1 immediately following the election. To ensure geographically diverse representation, there shall be no more than ~~three (3)~~ four (4) House of Delegates representatives from a judicial district at any given time.

**APPROVED AS AMENDED BY HOUSE OF DELEGATES AND BOARD OF
GOVERNORS
JANUARY 16, 2016
NEW ORLEANS, LA**

**RESOLUTION OF THE LSBA HOUSE OF DELEGATES
TO DEVELOP AND IMPLEMENT A
PUBLIC INFORMATION AND MEDIA STRATEGY**

WHEREAS, a media report recently attacked judges unjustly for attending the Louisiana State Bar Association and Louisiana Judicial College Summer School Program in Destin, Florida;

WHEREAS, unwarranted attacks on the legal profession and judiciary in the media undermine public confidence in the administration of justice and the rule of law;

WHEREAS, a core mission of the Louisiana State Bar Association is to preserve the self-regulation of the profession and defend the judiciary by vigorously and quickly responding to such unwarranted attacks;

NOW, THEREFORE, BE IT RESOLVED that the Louisiana State Bar Association should develop and implement a public information and media strategy that would permit the LSBA to respond to unwarranted attacks on the legal profession and judiciary in the media in a timely, effective, and responsible manner.

Respectfully submitted,

LOUISIANA STATE BAR ASSOCIATION
HOUSE OF DELEGATES



CHARLES C. BOURQUE, JR., MEMBER
THIRTY-SECOND JUDICIAL DISTRICT

December 9, 2015

DEFEATED BY THE HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 16, 2016
NEW ORLEANS, LA