



*Serving the Public. Serving the Profession.*

## **BOARD OF GOVERNORS**

**Saturday, August 25, 2018**

**New Orleans, LA**

### **\* MINUTES \***

President Barry H. Grodsky called the meeting to order at 9:05 a.m. on Saturday, August 25, 2018, in New Orleans, Louisiana. Business was conducted in accordance with the agenda below.

#### **Agenda Item 1. Roll Call**

Ms. Larsen called roll and advised that the following members, who constituted a quorum, were present:

President, Barry H. Grodsky  
President-Elect, Robert A. Kutcher  
Secretary, John E. McAuliffe, Jr.  
Treasurer, Shayna L. Sonnier  
Immediate Past President, Dona K. Renegar  
Chair, Young Lawyers Division, Dylan T. Thriffiley  
First Board District Representative, D. Skylar Rosenbloom  
First Board District Representative, Darryl J. Foster  
Second Board District Representative, Stephen I. Dwyer  
Fourth Board District Representative, J. Lee Hoffoss, Jr.  
Fifth Board District Representative, Edward J. Walters, Jr.  
Fifth Board District Representative, Valerie T. Schexnayder  
Sixth Board District Representative, Edward L. Tarpley, Jr.  
Seventh Board District Representative, Paul L. Hurd  
Eighth Board District Representative, Patrick J. Harrington  
At-Large Member, Monique Y. Metoyer  
At-Large Member, Lynn Luker  
From the Faculty of LSU Law Center, John M. Church  
From the Louisiana State Law Institute, L. Kent Breard, Jr.  
House of Delegates Committee on Liaison Chair, Sandra K. Cosby  
House of Delegates Committee on Liaison Member, Jeffrey A. Riggs  
House of Delegates Committee on Liaison Member, Shayna Beevers Morvant

Also present were:

JLAP President, Joseph L. Shea, Jr. (item 5 only)

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Leadership LSBA Class Members:

Taryn C. Branson  
Valerie E. Fontenot  
Senae D. Hall  
Teresa D. King  
Collin R. Melancon  
Christopher R. Mistich

President-Elect Nominee, Alainna R. Mire  
Executive Director, Loretta Larsen, CAE  
Associate Executive Director, Cheri Cotogno Grodsky  
Access to Justice Director, Monte T. Mollere  
Communications Director, Kelly Wells Ponder  
Information Technology Director, Tony LaVerde  
Director of Member Outreach and Diversity, Tricia R. Pierre  
Executive Assistant, Mindi H. Hunter

Absent were:

Third Board District Representative, Shannon Seiler Dartez  
At-Large Member, Jermaine Guillory  
From the Faculty of Tulane University Law School, Ronald J. Scalise, Jr.

**Agenda Item 2. Introduction of Leadership LSBA 2018/2019 Class**

Mr. Grodsky made some brief remarks about the Leadership Class and asked them to introduce themselves.

**Agenda Item 3. Consent Calendar**

**a. Approval of Minutes**

Consideration of approval of minutes from June 6, 2018 and June 8, 2018 meetings of the Board of Governors, held in Destin, Florida.

**b. Louisiana Center for Law and Civic Education**

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

**c. Louisiana Board of Legal Specialization**

Annual Report from Louisiana Board of Legal Specialization.

Upon motion by Mr. Kutcher and second by Mr. Hoffoss, the Consent Calendar was unanimously approved without discussion or debate.

**Agenda Item 4. Judges and Lawyers Assistance Program – Joseph L. Shea, Jr.**

At the request of Mr. Grodsky, Mr. Shea introduced the JLAP proposal to amend Supreme Court Rule XIX regarding the monitoring of lawyers in JLAP cases which are part of the discipline system. Mr.

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Shea noted that this recommendation was consistent with the 2015 JLAP performance audit, as amended. After a brief discussion and upon motion by Mr. McAuliffe and second by Mr. Kutcher, the Board voted to approve the attached resolution recommending amendments to Supreme Court Rule XIX, Section 24(E)(3), with Ms. Sonnier voting against.

**Agenda Item 5. Budget Committee – Barry H. Grodsky**

After Mr. Grodsky opened the floor for nominations, Ms. Metoyer nominated Valerie Schexnayder to serve as the Board's representative on the Budget Committee for a two-year term beginning immediately and ending June 30, 2020, which nomination was seconded by Mr. Kutcher. The Board elected Ms. Schexnayder by acclamation.

**Agenda Item 6. Louisiana Board of Legal Specialization Appointments – Barry H. Grodsky**

Upon motion by Mr. McAuliffe and second by Ms. Renegar, the Board unanimously ratified the appointments it had approved by email in June 2018.

**Agenda Item 7. Strategic Planning Retreat – Barry H. Grodsky**

Mr. Grodsky briefly reviewed the plans for the strategic planning retreat and encouraged all Board members to attend. He noted that Mr. Kutcher would take the lead on implementation once the plan was adopted.

**Agenda Item 8. FY 2016/2017 Audit – John E. McAuliffe, Jr.**

Mr. McAuliffe referred Board members to the FY 2016/2017 audit, noting that it was a clean audit. There was no discussion, as this matter was reported and discussed at the Board's June 2018 meeting.

**Agenda Item 9. Louisiana Civil Justice Center – Barry H. Grodsky**

After Mr. Grodsky announced that the Louisiana Civil Justice Center had suspended operations on July 31, 2018, Mr. Kutcher, who serves as a member of the LCJC Board of Directors, noted the following:

- The MOU between the LBF and LCJC expired on June 30, 2018, and the LBF notified LCJC in mid-July that it would not be renewed;
- The LCJC Board met in an emergency meeting on July 25 and determined that it would suspend operations and layoff all employees effective July 31 due to lack of funding;
- It appears that LCJC will have sufficient funds to meet all outstanding financial obligations, most of which are to the LSBA for payroll and related personnel costs;
- LCJC Board has taken steps to protect all assets;
- LCJC has vacated third floor offices in the Louisiana Bar Center, which space was provided by LSBA at no charge; and
- LCJC Board is looking at how it might redefine and reactivate the organization with a more limited scope.

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Ms. Thriffiley noted that this would impact the YLD because LCJC was an integral part of the state disaster plan. She and Mr. Mollere noted they are working to revise the disaster plan to proceed without the assistance of LCJC.

**Agenda Item 10. Nominating Committee – Barry H. Grodsky**

Mr. Grodsky announced that the committee nominated the following:

- Alainna R. Mire of Alexandria as President-Elect for 2019-2020, which position will automatically succeed to the presidency in 2020-2021;
- Patrick A. Talley of New Orleans as Secretary for 2019-2021;
- Monica Hof Wallace as the Loyola University College of Law representative for 2019-2021;
- Donald E. North as the Southern University Law Center representative for 2019-2021; and
- Zelda W. Tucker of Shreveport as the Louisiana State Law Institute representative for 2019-2021.

Mr. Grodsky congratulated all nominees and the Board acknowledged Ms. Mire who was present at the meeting.

**Agenda Item 11. 2018 Combined Annual Meeting/Summer School for Lawyers & Judges – Loretta Larsen and Cheri Cotogno Grodsky**

Ms. Larsen referred members to the written materials on both attendance and finances. She and Ms. Grodsky offered to answer questions. Mr. Kutcher encouraged Board members to attend the 2019 meeting and to urge others to attend.

**Agenda Item 12. Single Billing 2018/2019 Recap – Loretta Larsen**

After a brief overview of single billing for the benefit of new Board members, Ms. Larsen reviewed the 2018-2019 statistics, noting that LSBA staff would continue to send reminders to those members who had not yet complied. She added that those not in compliance by September 17 would be certified ineligible to practice law.

**Agenda Item 13. Mandatory Continuing Legal Education – Loretta Larsen**

Ms. Larsen updated the Board on the MCLE transition to the LSBA, noting that MCLE employees would move to the Bar Center by the end of September and would occupy the space previously occupied by LCJC. She also announced that there would be a positive budget amendment later in the meeting, as the Judiciary Commission Office of Special Counsel would not have to move to accommodate MCLE.

**Agenda Item 14. Access to Justice – Monte T. Mollere**

**a. Criminal Justice Committee Bail Report**

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Criminal Justice Committee Chair Graham Bosworth reported that the committee conducted an extensive review of pretrial practices in bail setting as directed by the Executive Committee in October 2017. He gave an overview of the study and conclusions. Mr. Hurd shared that he served on the committee and that its members should be commended for the significant efforts related to this important issue.

After a lengthy discussion, Mr. Kutcher made the following motion, which was seconded by Mr. Tarpley and unanimously approved by the Board of Governors:

BE IT RESOLVED that this report be considered by the Board of Governors as an action item at its November 2018 meeting, and be it further resolved that any additional materials related to this issue be shared with the Board of Governors as soon as is feasible.

**b. Lawyers in Libraries Statewide Events**

Mr. Mollere announced that Lawyers in Libraries events would take place October 22 through 27 during National Pro Bono Week and encouraged all Board members to participate.

**c. Modest Means Online Legal Directory**

Mr. Mollere reported that this project was underway and that the LSBA was still seeking attorneys to offer reduced fee legal services to people falling at or below 400% of the federal poverty line.

**d. Access to Justice Commission**

Mr. Mollere updated Board members on the Commission's activities and referred them to his written report for additional information. He announced that they were seeking a Baton Rouge law firm to sponsor a student for the Developing Leadership Intern Program and asked Board members for assistance in this regard.

**Agenda Item 15. Labor and Employment Law Public Hearing – Barry H. Grodsky**

Mr. Grodsky announced that he attended the August 16, 2018 New Orleans public hearing which was held as a result of resolutions adopted by the House of Delegates in January 2018. The resolutions suspended implementation of labor and employment specialization law standards approved by the House of Delegates in January 2017 and directed the Louisiana Board of Legal Specialization to conduct further study of the standards.

He noted that there was little discussion about the standards, but instead the opponents – primarily representatives of large law firms – stated they were opposed to specialization in these areas. The Board engaged in some discussion on this issue.

Mr. Grodsky announced that there would be another public hearing in Baton Rouge and said that staff would circulate the date and location to Board members.

**Agenda Item 16. Report of the President – Barry H. Grodsky**

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- a. **Law School Professionalism Programs**  
Mr. Grodsky announced that the programs were again well received and that there were a large number of volunteers who assisted.
- b. **ABA Annual Meeting – Report on the August 2018 meeting held in Chicago.**  
Mr. Grodsky reported that he, Mr. Kutcher and Ms. Larsen had attended the meetings and that their sense was that the Louisiana State Bar Association was in better shape than most of its counterparts across the country.
- c. **Outreach Initiatives**  
Mr. Grodsky encouraged Board members to assist with outreach initiatives and announced that staff could provide a PowerPoint which highlighted the myriad programs and services of the Louisiana State Bar Association.
- d. **Board of Governors Duties**  
Mr. Grodsky reviewed the duties which he had previously discussed with Board members, and which he had addressed in detail in a June 2018 letter to the Board.
- e. **Fall Meeting**  
Mr. Grodsky encouraged all Board members to plan to attend the November 10 Board of Governors meeting in New Orleans and noted that information would be forwarded to Board members no later than early October.
- f. **Other Matters**  
Mr. Grodsky thanked everyone for their participation in the meetings over the past several days. He also acknowledged Ms. Metoyer, who was celebrating her birthday.

**Agenda Item 17. Report of the President-Elect – Robert A. Kutcher**  
Mr. Kutcher waived his report.

**Agenda Item 18. Report of the Secretary – John E. McAuliffe, Jr.**  
Mr. McAuliffe waived his report.

**Agenda Item 19. Report of the Treasurer – Shayna L. Sonnier**  
Ms. Sonnier thanked Board members who attended the Budget Committee meeting.

- a. **Preliminary report on FY 2017/2018 Income and Expenses**  
Ms. Sonnier reviewed the preliminary year-end income and expense report, noting that the LSBA basically broke even, with income slightly higher than expenses. This was better than the projected \$44,000 deficit.
- b. **Amendments to FY 2018/2019 budget**  
Ms. Sonnier reviewed the proposed amendments as recommended by the Budget Committee, noting that many were simply realigning expenses to better track actual expenses in FY 2017/2018. The most significant changes were:
  - \$38,493 increase in Bar Center rental income since the Judicial Administrator would not have to move to accommodate MCLE;

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- \$7,000 reduction in Legislation Committee expenses due to meetings being held in Baton Rouge instead of New Orleans; and
- \$9,800 reduction in Videoconferencing expense due to renegotiation of agreement with vendor.

She noted that the overall changes would have a \$57,593 positive impact on the budget.

After a brief discussion and upon motion by Mr. Kutcher and second by Ms. Schexnayder, the Board unanimously approved the amendments as proposed by the Budget Committee.

**c. Other Matters**

Ms. Sonnier reported that the Budget Committee was recommending that the Board of Governors allocate up to \$30,000 from Bar Center Reserves to replace the carpet on the third floor of the Bar Center, along with the carpet on the main stairwell between the third and fourth floors.

After a brief discussion and upon motion by Mr. Kutcher and second by Mr. Rosenbloom, the Board unanimously approved the expenditure.

Ms. Sonnier also reported that the Budget Committee was recommending to the Board that it get an assessment of the condition of the Bar Center to ensure the current level of reserves was sufficient.

After a brief discussion and upon motion by Mr. McAuliffe and second by Mr. Kutcher, the Board unanimously authorized staff to seek prices on such an assessment and report back to the Board at its November meeting.

**Agenda Item 20. Report of the Immediate Past President – Dona K. Renegar**

Ms. Renegar waived her report.

**Agenda Item 21. Report of the Young Lawyers Division Chair – Dylan T. Thriffiley**

Ms. Thriffiley reported on the activities of the Young Lawyers Division, announcing that:

- At its meeting on August 24, the Council nominated Graham H. Ryan of New Orleans to serve as Secretary for 2019-2020, which position would automatically succeed to Chair-Elect in 2020-2021;
- The YLD and SLD will cosponsor a luncheon CLE on February 15 at Juban's in Baton Rouge, which programming will focus on technology issues; and
- The Louisiana64 event at the 2019 Midyear Meeting will incorporate CLE previously included in the professional development seminar, along with a luncheon and awards. The YLD will be seeking BOG input regarding possible nominees from their areas.

**Agenda Item 22. Report of the Executive Director – Loretta Larsen**

Ms. Larsen waived her report, noting that all items had been covered elsewhere on the agenda.

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

**Agenda Item 24. Other Matters**

Mr. Grodsky recognized Mr. Tarpley, who spoke to the Board about the bill passed during the 2018 Regular Session which would require unanimous jury verdicts for felony convictions. He noted that this was consistent with the resolution passed by the LSBA House of Delegates in June 2017. Mr. Tarpley reminded Board members that this issue would appear on voters' ballots on November 6 as Constitutional Amendment #2 and asked Board members to assist getting the word out in their local areas.

**Adjourn**

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

Respectfully Submitted:



John E. McAuliffe, Jr.  
Secretary

APPROVED BY BOARD OF GOVERNORS  
NOVEMBER 10, 2018  
NEW ORLEANS, LA