President Alainna R. Mire called the meeting of the House of Delegates of the Louisiana State Bar Association to order at 10:43 a.m., Thursday, June 10, 2021. She reminded everyone that they would need to use Meeting Pulse to cast their votes. She also reminded participants of the following special rules:

- Candidates for positions on the Legislation and the one position on the House of Delegates Liaison Committee had to have qualified in advance of the meeting; and
- Salmon slips to speak for or against any resolution had to have been submitted in advance.

Business was conducted in accordance with the agenda below.

**AGENDA**

I. Certification of Quorum by the Secretary

   Secretary Patrick A. Talley, Jr. announced that there was a quorum. An attendance roster is attached as an addendum to these minutes.

II. Recognition of Deceased Members of the House of Delegates

   Ms. Mire asked for a moment of silence for the following deceased members of the HOD:
   - Homer Ed Barousse, Jr., 15th Judicial District
   - Paul S. West, 19th Judicial District

III. Reports of Standing Committees of the House

   Ms. Mire announced that there were no reports.

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

   1. Alainna R. Mire, President
   2. H. Minor Pipes III, President-Elect
   3. Patrick A. Talley, Jr., Secretary
   4. John E. McAuliffe, Jr., Treasurer
Ms. Mire announced that all officer reports had been given at the General Assembly and all other reports were distributed via email in advance of the meeting.

V. **Reports of Special Committees of the Louisiana State Bar Association**
Ms. Mire announced that committee reports were distributed 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 January 23, 2021 Meeting of the House of Delegates, held virtually.
*Upon motion by Mr. Kutcher of the 24th Judicial District and second by Ms. Siddall of the 7th Judicial District, the House unanimously approved the minutes as presented.*

IX. **Elections**

**Legislation Committee**

1. Election of five (5) members of the House of Delegates to serve three-year terms on the Legislation Committee. To ensure geographically diverse representation, there shall be no more than four (4) House of Delegates representatives from a judicial district at any given time. Terms commence July 1 immediately following the election and end on June 30, 2024.

*Ms. Mire announced that nominations from the following seven individuals were received in advance and no additional nominations could be made from the floor:* 
- Paula Adams Ates, 29th Judicial District
- Thomas C. Cerullo, 24th Judicial District
- Robert A. Kutcher, 24th Judicial District
- Matthew Lee Mann, 19th Judicial District
- Alicia Reitzell, 4th Judicial District
- D. Skylar Rosenbloom, 41st Judicial District
- Jay Christopher Zainey, Jr., 41st Judicial District

*She then announced that members would have roughly two minutes to complete their ballots. She added that they should vote for up to five (5) candidates using Meeting Pulse and that they must press the green “submit” button in order for their votes to be counted.*
After reminders at several intervals, Ms. Mire announced that voting was closed, and the following individuals had been elected:

- Paula Adams Ates, 29th Judicial District
- Robert A. Kutcher, 24th Judicial District
- Alicia Reitzell, 4th Judicial District
- D. Skylar Rosenbloom, 41st Judicial District
- Jay Christopher Zainey, Jr., 41st Judicial District

X. Resolutions

Ms. Mire reminded House members that only those who completed salmon slips in advance would be allowed to speak on resolutions. She also announced that she would be calling upon Bar Governance Committee Chair Robert A. Kutcher to give the Committee’s recommendation on each resolution.

Young Lawyers Division Resolution

1. Resolution from the Young Lawyers Division to adopt a policy that would encourage all courts located in Louisiana to support and assist in the establishment and maintenance of lactation areas in courthouses.

Ms. Mire called upon Valerie Briggs Bargas of the 19th Judicial District who introduced the resolution and moved its adoption, which motion was duly seconded.

Ms. Mire called upon Mr. Kutcher who reported that the Committee had no issues with resolution 1 as amended and recommended support.

Ms. Mire recognized the following individuals, who had submitted salmon slips:

- Elizabeth A. Goree, 40th Judicial District FOR
- Danielle L. Borel, 19th Judicial District (proxy) FOR
- Loren F. Shanklin, 19th Judicial District (proxy) FOR
- Carrie L. Jones, 19th Judicial District (proxy) FOR

Ms. Mire announced that there were no additional salmon slips and offered Ms. Bargas the opportunity to close.

Ms. Mire announced that voting was open, and members would have roughly 60 seconds to vote for or against the resolution using Meeting Pulse.

After a reminder that 10 seconds remained, Ms. Mire announced that voting was closed, and that the resolution was APPROVED by the following vote:

- Approve 93%
- Reject 5%
- Abstain 2%

Committee Resolutions
2. Resolution from the Bar Governance Committee seeking to amend the Association’s Articles of Incorporation.

Ms. Mire called upon Bar Governance Committee Chair Robert Kutcher who introduced the resolution and moved its adoption, which motion was duly seconded.

Ms. Mire announced that there were no salmon slips. She then announced that voting was open, and members would have roughly 60 seconds to vote for or against the resolution using Meeting Pulse.

After a reminder that 10 seconds remained, Ms. Mire announced that voting was closed, and that the resolution was APPROVED by the following vote:

- Approve 91
- Reject 4
- Abstain 1

3. Resolution from the Bar Governance Committee seeking to amend the Association’s Bylaws.

Ms. Mire called upon Bar Governance Committee Chair Robert Kutcher who introduced the resolution and moved its adoption, which motion was duly seconded.

Ms. Mire announced that there were no salmon slips. She then announced that voting was open, and members would have roughly 60 seconds to vote for or against the resolution using Meeting Pulse.

After a reminder that 10 seconds remained, Ms. Mire announced that voting was closed, and that the resolution was APPROVED by the following vote:

- Approve 91
- Reject 4
- Abstain 2

Ms. Mire announced that the next resolution addressed House policy and would require a 75 percent vote for approval.

**Member Resolutions**

4. Resolution from Keenan K. Kelly, 10th Judicial District, to adopt a policy that would oppose any legislation that would increase court costs, penalties or fines.

Ms. Mire called upon Mr. Kelly, who introduced the resolution and moved its adoption, which motion was duly seconded.

Ms. Mire called upon Mr. Kutcher who reported that the Bar Governance Committee had voted to oppose the adoption of resolution 4 due to the blanket opposition of any legislation and because it does not provide the Legislation Committee with the flexibility it needs to deal with matters that come up in the legislation.
There being no salmon slips, Mr. Kelly made closing comments and moved to amend his resolution to read “NOW, THEREFORE BE IT RESOLVED that the House of Delegates instructs the leadership of LSBA and the LSBA Legislation Committee to oppose any legislation that would increase court cost, penalties or fines unless good cause is shown” which was duly seconded. She announced that members should vote for or against the resolution as amended using Meeting Pulse and that voting will be open for roughly 60 seconds.

After a reminder that 10 seconds remained, Ms. Mire announced that voting was closed and that the resolution FAILED by the following vote:

| Approve | 74% |
| Reject  | 25% |
| Abstain | 1%  |

5. Resolution from Rachel Thyre Vogeltanz, 22nd Judicial District, to create a special LSBA committee to investigate group health insurance options for members.

Ms. Mire called upon Rachel Thyre Vogeltanz who introduced the resolution and moved its adoption, which motion was duly seconded.

Ms. Mire called upon Mr. Kutcher who reported that the Bar Governance Committee had voted to oppose resolution 5 as there is an existing Insurance Committee and a special committee to explore health care would be unnecessary.

Ms. Mire recognized the following individuals, who had submitted salmon slips:

- Dan Rees, 16th Judicial District INFORMATION
- Leonor Elita Prieto, Solo & Small Firm Section FOR
- Robert A. Kutcher, 24th Judicial District AGAINST

There being no further salmon slips, Ms. Vogeltanz made closing comments after which Ms. Mire advised the vote would be taken. She announced that members should vote for or against the resolution using Meeting Pulse and that voting will be open for roughly 60 seconds.

After a reminder that 10 seconds remained, Ms. Mire announced that voting was closed, and that the resolution was APPROVED by the following vote:

| Approve | 67 |
| Reject  | 26 |
| Abstain | 4 |

Ms. Mire announced that the next two resolutions addressed House policy and would require a 75 percent vote for approval.

6. Resolution from Evan J. Bergeron, 41st Judicial District, to adopt policies in support of a uniform electronic filing platform for all Louisiana state courts, while recognizing the need to cater to the diverse needs of Louisiana’s courts, and that the LSBA support the
establishment of a task force or other working group to study and make recommendations for the full implementation of same.

Ms. Mire called upon Evan J. Bergeron who introduced the resolution and moved its adoption, which motion was duly seconded.

Ms. Mire called upon Mr. Kutcher who reported that the committee had voted to oppose resolution 6 as it was viewed as being an overbroad policy determination.

There being no salmon slips, Mr. Bergeron made closing comments after which Ms. Mire advised the vote would be taken. She announced that members should vote for or against the resolution using Meeting Pulse and that voting will be open for roughly 60 seconds.

After a reminder that 10 seconds remained, Ms. Mire announced that voting was closed, and that the resolution FAILED by the following vote:

- Approve 67%
- Reject 31%
- Abstain 2%

7. Resolution from Evan J. Bergeron, 41st Judicial District, to adopt policies:
   a. To support the adoption of laws, rules and procedures that would modernize the practice of law and use technology for the effective and efficient delivery of justice in Louisiana; and
   b. to recognize that all attorneys and judges are not proficient in the use of technology in the practice of law, and therefore oppose the complete elimination of any law, rule or procedure, unless through modernization such law, rule or procedure is obsolete.

And to further direct the LSBA and its staff to modernize its policies and procedures to provide for the electronic submission of documents and removing requirements to submit hard copies except when absolutely necessary.

Ms. Mire called upon Evan J. Bergeron who introduced the resolution and moved its adoption, which motion was duly seconded.

Ms. Mire called upon Mr. Kutcher who reported that the committee voted to oppose resolution 7 stating section two speaks of requiring an email account which the Supreme Court recently made a requirement, and the LSBA is already fully electronic with all required submissions.

After being recognized by Ms. Mire as the only individual who had submitted a salmon slip for resolution 7, Joshua Paul Clayton of the 22nd Judicial District provided information on the resolution.

There being no further salmon slips, Mr. Bergeron made closing comments moving to amend and strike section two of his resolution which was duly seconded. Ms. Mire advised the vote would be taken using Meeting Pulse and that voting will be open for roughly 60 seconds.
After a reminder that 10 seconds remained, Ms. Mire announced that voting was closed, and that the resolution FAILED by the following vote:

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<tr>
<td>Approve</td>
<td>55%</td>
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<tr>
<td>Reject</td>
<td>40%</td>
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<td>Abstain</td>
<td>5%</td>
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**Louisiana Board of Legal Specialization Resolutions**

Ms. Mire called upon Mr. Kutcher who reported that the committee had no issues with resolutions 8, 9, and 10 and recommended support.

8. Resolution from the Louisiana Board of Legal Specialization to amend the Health Law Standards by incorporating Health Law Topics into same.

Ms. Mire called upon LBLS Chair Robert E. Rowe by proxy from Desiree Williams-Auzenne of the 15th Judicial District, who presented the resolution and moved its adoption, which motion was duly seconded.

Ms. Mire recognized the following individuals, who had submitted salmon slips:

- Robert A. Kutcher, 24th Judicial District
- Shawn D. Vance, Committee Chair
- Richard K. Leefe, 24th Judicial District

Ms. Mire announced that there were no additional salmon slips and offered Mr. Rowe the opportunity to close, which he declined. She then announced that voting was open, and members would have roughly 60 seconds to vote for or against the resolution using Meeting Pulse.

After a reminder that 10 seconds remained, Ms. Mire announced that voting was closed, and that the resolution was APPROVED by the following vote:

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<tr>
<td>Approve</td>
<td>70</td>
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<tr>
<td>Reject</td>
<td>6</td>
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<tr>
<td>Abstain</td>
<td>5</td>
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</tbody>
</table>

9. Resolution from the Louisiana Board of Legal Specialization to approve revised Employment Law Standards and Employment Law Exam Topics.

Ms. Mire called upon LBLS Chair Robert E. Rowe, by proxy from Desiree Williams-Auzenne of the 15th Judicial District, who presented the resolution and moved its adoption, which motion was duly seconded.

Ms. Mire recognized the following individuals, who had submitted salmon slips:

- Robert A. Kutcher, 24th Judicial District
- Shawn D. Vance, Committee Chair
- Barry H. Grodsky, 41st Judicial District
- Richard K. Leefe, 24th Judicial District
Ms. Mire announced that there were no additional salmon slips and offered Mr. Rowe the opportunity to close. She then announced that voting was open, and members would have roughly 60 seconds to vote for or against the resolution using Meeting Pulse.

After a reminder that 10 seconds remained, Ms. Mire announced that voting was closed, and that the resolution was APPROVED by the following vote:

- **Approve**: 66
- **Reject**: 19
- **Abstain**: 3

10. Resolution from the Louisiana Board of Legal Specialization to approve revised Labor Law Standards and Labor Law Exam Topics.
Ms. Mire called upon LBLS Chair Robert E. Rowe, by proxy from Desiree Williams-Auzenne of the 15th Judicial District, who presented the resolution and moved its adoption, which motion was duly seconded.

Ms. Mire recognized the following individuals, who had submitted salmon slips:
- Robert A. Kutcher, 24th Judicial District - **FOR**
- Shawn D. Vance, Committee Chair - **WAIVED**
- Barry H. Grodsky, 41st Judicial District - **WAIVED**
- Richard K. Leefe, 24th Judicial District - **WAIVED**

Ms. Mire announced that there were no additional salmon slips and offered Mr. Rowe the opportunity to close, which he declined. She then announced that voting was open, and members would have roughly 60 seconds to vote for or against the resolution using Meeting Pulse.

After a reminder that 10 seconds remained, Ms. Mire announced that voting was closed, and that the resolution was APPROVED by the following vote:

- **Approve**: 65
- **Reject**: 17
- **Abstain**: 5

XI. **Other Business**
As there was no further business to come before the House, Ms. Mire thanked House members for their participation and reminded members that they would reconvene for the Installation Luncheon. The meeting was adjourned at 12:20 p.m.

Respectfully submitted:

[Signature]

Patrick A. Talley, Jr.
Secretary
ADDENDUM
2021-2022 HOUSE OF DELEGATES
ATTENDANCE • 2021 ANNUAL MEETING

FIRST JUDICIAL DISTRICT (14 seats) Parish of Caddo
Claude W. Bookter, Jr.
Valerie A. DeLatte
PRESENT James L. Fortson, Jr.
PRESENT Stephen Christopher Fortson
Daryl Gold
W. James Hill III
Richard M. John
PRESENT Curtis R. Joseph, Jr.
Kevin R. Molloy
PRESENT Amy Michelle Perkins BY PROXY TO Brittany Arvie
Nyle A. Politz
PRESENT Joseph L. Shea, Jr.
Scott R. Wolf
Paul L. Wood

SECOND JUDICIAL DISTRICT (3 seats) Parishes of Bienville, Claiborne & Jackson
Gary D. Nunn
Jeffery D. Sampson

THIRD JUDICIAL DISTRICT (3 seats) Parishes of Lincoln & Union
Paul Heath Hattaway
Albert Carter Mills IV
Tyler G. Storms

FOURTH JUDICIAL DISTRICT (11 seats) Parishes of Morehouse & Ouachita
Daniel C. Cummins
Ana L. Gregory
Katie Bell Meek
Robert S. Noel II
Ramsey L. Ogg
PRESENT Alicia Reitzell
PRESENT William Michael Street
Peggy J. Sullivan
Grant M. Tolbird
Keith Whidden
Thomas G. Zentner, Jr.

FIFTH JUDICIAL DISTRICT (3 seats) Parishes of Franklin, Richland, & West Carroll
John Clay Hamilton
SIXTH JUDICIAL DISTRICT (2 seats) Parishes of East Carroll, Madison & Tensas
PRESENT Kenneth A. Brister

SEVENTH JUDICIAL DISTRICT (2 seats) Parishes of Catahoula & Concordia
PRESENT Alexandra E. LeTard
PRESENT Ann S. Siddall

EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Winn
PRESENT Justin Keith Gates

NINTH JUDICIAL DISTRICT (7 seats) Parish of Rapides
Ronald G. Beard
Joshua J. Dara, Jr.
PRESENT Charles D. Elliott
PRESENT Robert G. Levy BY PROXY TO Edward Tarpley, Jr.
Monique Y. Metoyer
Harold A. Murry
David M. Williams

TENTH JUDICIAL DISTRICT (2 seats) Parish of Natchitoches
Cloyd Benjamin, Jr.
PRESENT Keenan K. Kelly

ELEVENTH JUDICIAL DISTRICT (1 seat) Parish of Sabine
Rebecca Riall

TWELFTH JUDICIAL DISTRICT (2 seats) Parish of Avoyelles
Douglas L. Bryan
Dan B. McKay, Jr.

THIRTEENTH JUDICIAL DISTRICT (2 seats) Parish of Evangeline
Jacob B. Fusilier
Christopher Ludeau

FOURTEENTH JUDICIAL DISTRICT (9 seats) Parish of Calcasieu
Somer G. Brown
Andrew M. Casanave
PRESENT Cade R. Cole
PRESENT L. Paul Foreman
PRESENT Adam P. Johnson
Thomas L. Lorenzi
PRESENT Michael H. Schwartzberg BY PROXY TO Todd Clemons
Chantell Marie Smith
PRESENT Shayna L. Sonnier
Cody J. Vidrine
FIFTEENTH JUDICIAL DISTRICT (13 seats) Parishes of Acadia, Lafayette & Vermillion
PRESENT  Elizabeth B. Bloch
PRESENT  Shannon Seiler Darter
PRESENT  George D. Ernest  BY PROXY TO Franchesca Hamilton-Acker
PRESENT  Katherine L. Hurst  BY PROXY TO Tricia Pierre
        James L. Klock
        Andrew B. Mims
PRESENT  Jared E. Nelson
PRESENT  Joseph R. Oelkers III
        Donovan J. O’Pry II
        Jeffrey A. Riggs
        Michael D. Skinner
PRESENT  Juliette B. Wade  BY PROXY TO Dona Renegar
PRESENT  Desiree Williams-Auzenne  BY PROXY TO Rob Rowe

SIXTEENTH JUDICIAL DISTRICT (8 seats) Parishes of Iberia, St. Martin & St. Mary
Adolph B. Curet III
Eric P. Duplantis
Pamela A. Lemoins
Marsha McNulty
Andrew Reed
PRESENT  Daniel A. Rees
PRESENT  Maggie T. Simar
        Dennis R. Stevens

SEVENTEENTH JUDICIAL DISTRICT (5 seats) Parish of Lafourche
PRESENT  William N. Abel
        Daniel A. Cavell
        Eugene G. Gouaux, Jr.
PRESENT  Lisa R. Pinho
PRESENT  Nicholas J. Zeringue

EIGHTEENTH JUDICIAL DISTRICT (4 seats) Parishes of Iberville, Pointe Coupee & West Baton Rouge
John Lane Ewing, Jr.
Stephen P. Jewell
PRESENT  Deidre Deculus Robert

NINTEENTH JUDICIAL DISTRICT (21 seats) Parish of East Baton Rouge
PRESENT  Creighton B. Abadie  BY PROXY TO Loren Shanklin
PRESENT  Michael R. D. Adams  BY PROXY TO Mike McKay
PRESENT  B. Scott Andrews  BY PROXY TO Carrie L. Jones
PRESENT  Jesse H. Bankston, Jr.
PRESENT  Valerie B. Bargas
PRESENT  James E. Boren  BY PROXY TO David Abboud Thomas
PRESENT  Franz N. Borghardt  BY PROXY TO Jennifer Moroux
PRESENT Dana B. Brown  
Robert J. Burns  
Donald J. Cazayoux  
PRESENT Douglas J. Cochran  
PRESENT Renee C. Crasto  
Jean M. Faria  
PRESENT Frank A. Fertitta BY PROXY TO Danielle Borel  
PRESENT Christopher B. Hebert  
PRESENT Justin A. Jack BY PROXY TO Shawn Vance  
Rusty M. Messer  
PRESENT Darrel J. Papillion  
PRESENT Julie Baxter Payer  
Mary E. Roper  
PRESENT Michael B. Victorian BY PROXY TO ReAzalia Allen

TWENTIETH JUDICIAL DISTRICT (2 seats) Parishes of East Feliciana & West Feliciana  
Samuel Christopher D’Aquilla  
Stewart B. Hughes

TWENTY-FIRST JUDICIAL DISTRICT (9 seats) Parishes of Livingston, St. Helena & Tangipahoa  
Mary E. Heck Barrios  
Erik L. Burns  
Anthony Todd Caruso  
Douglas T. Curet  
Colt Justin Fore  
Ivy Landry Graham  
D. Blayne Honeycutt  
Robert W. Morgan  
PRESENT Joseph Paul Rumage, Jr.

TWENTY-SECOND JUDICIAL DISTRICT (12 seats) Parishes of St. Tammany & Washington  
Clayton J. Borne IV  
Ben E. Clayton  
PRESENT Joshua P. Clayton  
Debra Kay Henkels  
Michael E. Holoway  
PRESENT Andrew B. Joyner  
Robert C. Lehman  
PRESENT R. Bradley Lewis  
Ana E. Lopez  
Sean Michael Morrison  
Todd C. Taranto  
PRESENT Rachel Thyre Vogeltanz
TWENTY-THIRD JUDICIAL DISTRICT (5 seats) Parishes of Ascension, Assumption & St. James

- Christopher J. Bridges
- Lana O. Chaney
- Timothy E. Pujol
- Lesia H. Warren

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

PRESENT Jason D. Asbill BY PROXY TO Hon. Jay C. Zainey
PRESENT Thomas C. Cerullo
PRESENT Sandra K. Cosby
PRESENT S. Guy deLaup
PRESENt Michael R. Delesdernier
PRESENT Edwin R. Fleischmann, Jr. BY PROXY TO Mickey deLaup
PRESENT Paul C. Fleming, Jr.
PRESENT Christy M. Howley BY PROXY TO John E. McAuliffe, Jr.
PRESENT Robert A. Kutcher
PRESENt Adrian F. Lapeyronnie III
PRESENT Richard K. Leefe
PRESENT Sowmya Mandava
PRESENT Robert L. Marrero
PRESENT Betty Ann Maury BY PROXY TO Stephen I. Dwyer
PRESENT Roy A. Raspanti
PRESENT Estefania Lee Reichard BY PROXY TO Tina Suggs
PRESENT Nicole S. Tygier
PRESENT Colby F. Wenck
PRESENT Tiffany Scot Wilken

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

PRESENT S. Jacob Braud
PRESENT Dominick Scandurro, Jr. BY PROXY TO Stephen C. Braud

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

M. F. Rick Fayard, Jr.
Amanda J. Hulett
Ingrid J. James
Melissa Joy Kilgo Reger
Ross E. Shacklette
Aaron R. Wilson

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

PRESENT Scherri N. Guidry
PRESENT Francis A. Olivier III
PRESENT Kathleen Elaine Ryan
PRESENT Randy Wagley
TWENTY-EIGHTH JUDICIAL DISTRICT (1 seat) Parish of LaSalle

TWENTY-NINTH JUDICIAL DISTRICT (3 seats) Parish of St. Charles
PRESENT Paula Adams Ates
PRESENT Don Paul Landry
PRESENT Joseph B. Rochelle BY PROXY TO Monte Mollere

THIRTIETH JUDICIAL DISTRICT (3 seats) Parish of Vernon

THIRTY-FIRST JUDICIAL DISTRICT (1 seat) Parish of Jefferson Davis
Richard M. Arceneaux

THIRTY-SECOND JUDICIAL DISTRICT (5 seats) Parish of Terrebonne
PRESENT Teresa D. King

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
Elizabeth Borne
Roberta L. Burns
Tracy Helen Duplantier
Gregory J. Noto
Paul A. Tabary III

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

THIRTY-SIXTH JUDICIAL DISTRICT (2 seats) Parish of Beauregard
F. Steve Landreneau

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

THIRTY-EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Cameron
PRESENT Robert James Sheffield, Jr.

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

FORTIETH JUDICIAL DISTRICT (3 seats) Parish of St. John the Baptist
PRESENT Toni Sutton Becnel BY PROXY TO Iriane B. Lee
PRESENT Elizabeth A. Goree
PRESENT William D. O'Regan III

FORTY-FIRST JUDICIAL DISTRICT (32 seats) Parish of Orleans
PRESENT Glenn B. Adams
PRESENT  Francis J. Barry, Jr.
          Ashley L. Belleau
PRESENT  Jack C. Benjamin, Jr. BY PROXY TO Richard Lemmler
PRESENT  Evan J. Bergeron
PRESENT  Thomas A. Casey, Jr. BY PROXY TO Mary Ann Wegmann
PRESENT  Justin M. Chopin
PRESENT  Louis A. DiRosa, Jr. BY PROXY TO Jennifer Lampton
PRESENT  Michael Joseph Ecuyer
PRESENT  Micah John Fincher
PRESENT  Thomas M. Flanagan BY PROXY TO Stephen Miles
PRESENT  William R. Forrester
PRESENT  Barry H. Grodsky
PRESENT  James C. Gulotta, Jr.
PRESENT  Philip K. Jones, Jr. BY PROXY TO Megan Peterson
PRESENT  John M. Landis
PRESENT  Mark D. Latham
PRESENT  Kevin A. Marks
PRESENT  Jonique Martin Hall BY PROXY TO Lawrence Centola
PRESENT  Chadwick J. Mollere BY PROXY TO William King
PRESENT  John Reed Poole, Jr. BY PROXY TO Eric Barefield
PRESENT  Christopher K. Ralston
PRESENT  D. Skylar Rosenbloom BY PROXY TO H. Minor Pipes III
PRESENT  Louis Gravois Schott
PRESENT  Timothy H. Scott
PRESENT  Karen B. Sher BY PROXY TO Scott Sternberg
PRESENT  Ronald J. Sholes, Jr.
PRESENT  Patrick A. Talley, Jr.
PRESENT  Bradley J. Tate
          Edward D. Wegmann
PRESENT  Phillip A. Wittmann
PRESENT  Jay C. Zainey, Jr.

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

SECTION CHAIRS
           Alyson V. Antoon, Animal Law
           Richard J. Arsenault, Insurance, Tort, Worker's Compensation
           Jacqueline M. Brettnner, Alternative Dispute Resolution
           Susan J. Burkenstock, Trust Estate Probate & Immovable Property
PRESENT  Christopher Caplinger, Bankruptcy
PRESENT  Ashley F. Dees, Immigration Law
PRESENT  Val P. Exnicios, Class Action Mass Tort
PRESENT  Steven J. Farber, Government & Public Law
PRESENT  Jean M. Faria, Criminal Law
PRESENT  Melissa K. Frey, Publicity Utility Section
Edgar D. Gankendorff, Art, Entertainment & Sports Law  
Lauren E. Godshall, Environmental Law  
Demarcus J. Gordon, Minority Involvement  
Edward T. Hayes, International Law  
Leland G. Horton, Mineral Law  
Rachael Jeanfreau, Labor Relation & Employment Law  
Michael D. Landry, Corporate & Business Law  
Lynn Luker, Civil Law & Litigation  
Mathew A. Mantle, Tax Section  
Alexander M. McIntyre, Antitrust & Trade Regulation Law  
Warren A. Perrin, Francophone  
PRESENT  
Leonor E. Prieto, Solo Small Firm  
John W. Redmann, Bench Bar  
Lyn S. Savoie, Health Law Section  
H. Bruce Shreves, Fidelity Surety & Construction Law  
Richard C. Stanley, Appellate  
Gregory S. Stein, Intellectual Property Law  
David A. Szwak, Consumer Protection Law  
Jennifer J. Thomas, Administrative Law  
Zara L. Zeringue, Family Law
RESOLUTION

WHEREAS, the purpose of the Louisiana State Bar Association (“LSBA”) Young Lawyers Division is to foster discussions and interchange of ideas relative to the duties, responsibilities and problems of the younger members of the legal profession in the state of Louisiana and to aid in their advancement;

AND WHEREAS, the biological nature of breastfeeding demands that nursing mothers pump regularly and consistently, with the inability to express milk on a regular schedule or the inability to fully empty milk from the breast causing health issues for a mother;

AND WHEREAS, the absence of clean, accessible and private lactation areas in courthouses for the public—including especially the attorneys that frequent these courtrooms—presents an unnecessary yet entirely avoidable challenge for breastfeeding mother-attorneys in our profession;

AND WHEREAS, La. Rev. Stat. Ann. § 51.2247.1 states that a mother may breastfeed her baby in any place of public accommodation, resort, or amusement, and clarifies that breastfeeding is not a violation of law, including obscenity laws;

AND WHEREAS, La. Stat. Ann. § 49:148.4.1 requires the state to provide suitable areas for breastfeeding and lactation in twenty state buildings, but contains no requirement that the selected building include courthouses;

AND WHEREAS, La. Stat. Ann. § 17.81(w) requires public school boards to adopt a policy to require each school to provide an appropriate, private room, other than a restroom, that may be used by an employee to express breast milk;

AND WHEREAS, there is no law or regulation in place requiring that courthouses provide lactation rooms to the public;

AND WHEREAS, in addition to serving lawyers, dedicated lactation areas in courthouses would also serve to benefit members of the public, jurors, litigants, witnesses, and observers;

AND WHEREAS, providing these areas would eliminate a barrier to women actively and more fully participating in, and accessing our justice system;

AND WHEREAS, it would be in the best interest of the members of the LSBA YLD for Louisiana courthouses to provided accommodations for breastfeeding mothers.
BE IT RESOLVED THAT:

That the House of Delegates, at the request of the LSBA Young Lawyers Division, encourages all Louisiana federal, state, local, territorial, and tribal legislatures and court systems, in conjunction with state and local bar associations, to support and assist with the establishment and maintenance of lactation areas in courthouses. The lactation areas should be available to members of the public, including lawyers, jurors, litigants, witnesses, and observers. The lactation areas should: (1) be shielded from view and free from intrusion from the public; (2) have a door that can be locked; (3) include a place to sit, a table or other flat surface, and an electrical outlet, (4) be readily accessible to and usable by individuals with disabilities; and (5) not be located in a restroom.

May 12, 2021.

Respectfully submitted,

Carrie LeBlanc Jones
As Chair of and on behalf of
The LSBA Young Lawyers Division

Co-Sponsored by:

Graham H. Ryan
Chair-Elect, LSBA Young Lawyers Division

Danielle L. Borel
Secretary, LSBA Young Lawyers Division

Scott L. Sternberg
Past Chair, LSBA Young Lawyers Division

Thomas C. Wicker
ABA YLD Rep., LSBA Young Lawyers Division

Megan S. Peterson
YLD to ABA HOD Rep
LSBA Young Lawyers Division

Collin R. Melancon
District 1 Rep., LSBA Young Lawyers Division

Kristen D. Amond
District 1 Rep., LSBA Young Lawyers Division

Rachal Cox Cassagne
District 2 Rep., LSBA Young Lawyers Division

Megan Elizabeth Reaux
District 3 Rep., LSBA Young Lawyers Division
Elizabeth F. Shea
District 4 Rep., LSBA Young Lawyers Division

Camille Walther
District 5 Rep., LSBA Young Lawyers Division

Loren Diane Shanklin Fleshman
District 5 Rep., LSBA Young Lawyers Division

Joshua Joy Dara, Jr.
District 6 Rep., LSBA Young Lawyers Division

Joshua K. Williams
District 8 Rep., LSBA Young Lawyers Division

Senae Deneal Hall
At-Large Rep., LSBA Young Lawyers Division

APPROVED
HOUSE OF DELEGATES
JUNE 10, 2021
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 11, 2021
DESTIN, FL
WHEREAS, the Bar Governance Committee conducted a comprehensive review of the Association’s governing documents in order to ensure the accuracy of all language and to be certain it adequately reflected current operating practices and procedures; and

WHEREAS, the Bar Governance Committee has identified numerous areas of these documents which need to be updated; and

WHEREAS, as a result of the aforementioned review the Bar Governance Committee has developed the attached proposed revisions to the Articles of Incorporation.

NOW THEREFORE BE IT RESOLVED that the Articles of Incorporation of the Louisiana State Bar Association be amended, as indicated in the attached “Exhibit A,” in order to more accurately reflect current operating practices and remove outdated provisions.

Respectfully submitted:
2020-2021 Bar Governance Committee

Robert A. Kutcher, Chair
Robert L. Bussey
Preston J. Castille, Jr.
Joseph L. Caverly
David L. Colvin
James J. Davidson III
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Stephen I. Dwyer
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Phillip A. Wittmann

APPROVED
HOUSE OF DELEGATES
JUNE 10, 2021
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 11, 2021
DESTIN, FL
EXHIBIT A

ARTICLES OF INCORPORATION
OF THE LOUISIANA STATE BAR ASSOCIATION

ARTICLE VI. OFFICERS

Section 4. Nominating Committee

There shall be a Nominating Committee consisting of fifteen (15) elected members and the President of the Association as ex-officio member and Chairman of the Committee. The Nominating Committee shall be composed of fifteen (15) members elected by and from the districts as set forth herein: District 1A (composed of the Parish of Orleans), four (4) members; District 1B (composed of the Parishes of Plaquemines, St. Bernard and St. Tammany), one (1) member; District 2A (composed of the Parish of East Baton Rouge), two (2) members; District 2B (composed of the Parish of Jefferson), two (2) members; District 2C (composed of the Parishes of Ascension, Assumption, East Feliciana, Iberville, Lafourche, Livingston, Pointe Coupee, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana), one (1) member; District 3A (composed of the Parish of Lafayette), one (1) member; District 3B (composed of the Parishes of Acadia, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Martin, St. Mary and Vermilion), one (1) member; District 3C (composed of the Parishes of Allen, Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry and Vernon), one (1) member; District 3D (composed of the Parishes of Bossier and Caddo), one (1) member; and District 3E (composed of the Parishes of Bienville, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Red River, Richland, Tensas, Union, Webster, West Carroll and Winn), one (1) member. Each member of the Committee shall be an active or faculty member of this Association of the District from which elected. Each member shall be elected for a term to begin with the date of election and terminate at the certification of the member’s successor. The members of this Association of each such election District shall, not less than thirty days before the opening of the annual meeting each year, elect by secret ballot under such procedure as the Board of Governors shall fix, the committee member to which each such election District is entitled under these Articles of Incorporation.

The President of the Association shall not be a voting member of the committee unless, at the time of a vote, there shall be an even number of committee members present his/her vote is necessary to break a tie. If any District fails to elect all committee members to which the District is entitled, or if a committee member resigns during his/her term, or if a vacancy occurs for any reason, the President, with the approval of the Board of Governors, shall appoint a member or members from the election District to fill such vacancy.

Section 6. Nominations by Petition
Upon receipt of the nominations made by the Nominating Committee, it shall be the duty of the Secretary to cause notification of such nominations to be given to the membership of the Association, in writing, accompanied by a statement calling to the attention of the members their right to make additional nominations by petition.

Additional nominations for President-Elect, Secretary, and Treasurer, a member of the Board from the Council of the Louisiana State Law Institute and members from the faculties of the Louisiana law schools accredited as aforesaid, may be by written petition addressed to the Board of Governors, signed by not less than twenty-five (25) active members in good standing, and delivered to the Secretary within a delay to be fixed by the Board of Governors.

Any additional nomination for a member from the faculty of a Louisiana law school shall be a nominee from the faculty of the same law school as the faculty member selected by the Nominating Committee, against whom the additional nominee is to run and shall so specify. Any additional nominee must be a member of the Louisiana State Bar Association.

If, after elapse of a delay to be fixed by the Board of Governors from the posting of the notification to the membership of the Association of the nominations made by the Nominating Committee, it is found that only one (1) person is nominated for any particular office, the Secretary shall call this to the attention of the Board of Governors and the Board of Governors, upon verifying this fact, shall declare such person or persons duly elected to the office to which they have been nominated.

Section 7. Election

In the event more than one (1) person is nominated for any office, an election shall be conducted by either mail ballot or online voting. The Secretary shall, in accordance with procedures adopted by the Board of Governors, cause to be mailed or made available online to each member entitled to vote an official ballot and a return envelope. On the ballot shall be printed the names of the nominees for the particular office where more than one (1) nominee shall be named for such office, and there shall be no reference to nor distinction made in setting forth the nominee selected by the Nominating Committee and the nominee nominated by the petition in writing in accordance with the provisions of the preceding section. All nominees shall be listed on the ballot in alphabetical order. The date for either the return or electronic casting of the ballots shall be fixed by the Board of Governors.

Section 8. Voting

Only active members and faculty members provided for in Article IV, Section 2, in good standing shall have the right to vote. Ballots shall be either returned by mail or cast electronically. Ballots returned by mail must be in the return envelope provided for such purpose in accordance with procedures adopted by the Board of Governors. Such ballots shall be enclosed in the return envelope, which envelope shall be signed by the member in the space provided. Ballots shall not
be valid unless postmarked or cast or received electronically not later than a date fixed by the Board of Governors. Ballots subsequently postmarked, or otherwise delivered, shall not be counted.

Section 9. Counting-Tabulating the Ballots

On the date fixed by the Board of Governors, the ballots shall be either electronically or manually counted. All ballots properly prepared and timely received shall be opened and counted, either electronically or manually, based on the discretion of the Executive Director of the Association, tabulated in accordance with procedures adopted by the Board of Governors.

Upon completion of the count, the Executive Director shall verify to the Secretary and to each candidate the number of votes received by each candidate for each office. In each office where no candidate receives a majority of the votes cast for that office, a second election shall be held on the date fixed by the Board of Governors and under the same terms and conditions provided for the first election.

Section 10. Election Contests

Any nominee desiring to contest an election shall, within ten (10) days after the certification of the officers elected, as provided for under Article IX of these articles, file with the President of the Association a written petition addressed to the Board of Governors, stating the basis of the complaint. Upon receipt of such petition, the President shall call a special meeting of the Board of Governors to hear the complaint, which meeting shall be held within three (3) days from the date the petition is received and at a time and place to be designated by the President. At this hearing, the Board shall consider any evidence offered in support of the complaint. The decision of the Board shall be announced within forty-eight (48) hours after the close of the hearing and such decision shall be final.

All ballots shall be preserved until the expiration of the time allowed for the filing and hearing of a contest. After such period has elapsed, if the election be not contested, the Executive Director shall destroy the ballots may be destroyed.

ARTICLE VII. BOARD OF GOVERNORS

Section 3. Election and Distribution of Ballots

The provisions of Article VI as to mailing distribution and casting of ballots, their return, tabulation of votes and the settlement of disputes shall be applicable to the election of members of the Board.
Section 4. Voting

A member shall vote for the number of candidates as instructed on the ballot for elections to the Board from his/her Board of Governors district. After the ballots have been counted, if any candidate has failed to receive a majority of the votes cast for the office for which he/she was a candidate, a second election shall be held, and the Secretary of the Association, in such event, shall not later than the date fixed by the Board of Governors, cause to be mailed to each active and faculty member of the Board of Governors District where such second election is to be held a ballot composed, distributed, returned, and counted as herein above provided for the first election.

Section 9. Assistant Secretary - and Assistant Treasurer

The Executive Director of the Association shall serve as Assistant Secretary and Assistant Treasurer. In the event of the absence, unavailability, or inability to act of the Secretary or Treasurer, the Assistant Secretary or Assistant Treasurer shall be authorized to perform all of the duties of the Secretary or Treasurer.

ARTICLE VIII. HOUSE OF DElegates

Section 1. Powers and Functions

The House of Delegates shall be the policy making body of this Association and as such shall control the affairs of this Association and shall have all powers necessary or incidental thereto, except as otherwise provided in these Articles of Incorporation, provided that between meetings of the House of Delegates, the Board of Governors shall serve as an executive council and may act upon all emergency and other matters not theretofore determined by the House of Delegates. Except as provided in Section 1 of Article XIII hereof, the House of Delegates shall not have control of the fiscal affairs of this Association, nor shall it have any of the powers or functions now vested in the Committee on Bar Admissions and/or Louisiana Attorney Disciplinary Board. Any recommendations which may be made by the Board of Governors to the House of Delegates shall be considered at the next meeting of the House of Delegates after due notice thereof has been given to the members of the House of Delegates in accordance with its by-laws or rules of procedure.

Section 2. Composition - Terms

The House of Delegates shall be composed of one Delegate from each Judicial District (the words "Judicial District" in this section include the Parish of Orleans as a judicial district) of the State, who shall be an active member of the Bar of such district; provided, that in every judicial district where there is more than one district judge (the words "District Judge" in this section
include civil district judges, criminal district judges, juvenile judges and family court judges) such judicial district shall be entitled to one additional delegate for each such additional judge.

All Delegates from the First through the Nineteenth Judicial Districts shall be elected in even years and all other Delegates shall be elected in odd years for a term of two years, to begin with the commencement of the annual meeting following their election and terminating with the commencement of the third annual meeting following their election or until the election and certification of their successors.

Section 3. Election

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

Section 4. Attendance

Delegate participation in meetings of the House is essential to the effective governance of the Association. To this end, each member of the House is expected to attend, either in person or electronically depending upon how the meeting is held, a minimum of 50 percent of all meetings no matter where held or 50 percent of the meetings held in the State of Louisiana, whichever is less, during his/her term, which attendance shall be in person. The delegate shall be eligible to appoint a proxy to attend the remainder of the meetings.

In any situation where a delegate does not meet the attendance requirements as set forth above, he/she shall be ineligible to run for reelection in the next cycle.

Section 5. Meetings

The House of Delegates shall meet not less than two times during the term of its members, once during the Annual Meeting of the Association, and again approximately six months later and at such other times and places as it may determine. Additional meetings of the House of Delegates may be called by the President of the Association or shall be called by the Secretary of the Association on the written request or consent of twenty-five (25) members of the House of Delegates. The President of the Association, or in his/her absence, the President-Elect, shall preside at the meeting of the House of Delegates. In the absence of both the President and the President-Elect, the House shall elect one of its members to preside. The House of Delegates may adopt such rules and procedures for the transaction of its business as it deems suitable, and shall be the judge of the selection and qualification of its members.
Section 6. Voting

Each member of the House of Delegates shall have one vote. Voting by proxy shall not be permitted except as hereinafter provided. The House of Delegates may adopt such rules as it deems proper for representation of an absent delegate by a member of the Association in good standing from the same judicial district as the absent delegate; provided, however, no person may be designated an alternate for more than one elected delegate and no elected delegate may serve as an alternate.

Each resolution presented to the House for passage shall be adopted by the House if it shall pass by a vote of a majority of those present and voting, provided, however, that any resolution of the House of Delegates having to do with the position of the Association shall require a vote in excess of three-fourths of the required numerical quorum of the House of Delegates those present and voting.

Section 7. Compensation

All delegates shall serve without compensation.

Section 8. Resolutions

Each resolution which shall have been adopted by the House of Delegates shall be presented to the Board of Governors. If the Board of Governors shall approve such resolution, it shall adopt it; if the Board of Governors shall disapprove such resolution, it shall, within ten days therefrom, submit the same by secret ballot for adoption or rejection by a majority vote, to the voting members of this Association who actually vote. Members shall have 10 days in which to vote, all such ballots shall be returned within ten days from the time they are sent. The Board of Governors shall meet ten calendar days after any resolution shall have been presented to it within which to approve or disapprove it; any resolution approved or not disapproved within said period shall be the action of the Association notwithstanding the term of the House of Delegates has expired. The date and hour when the resolution is delivered to the Board of Governors shall be endorsed thereon. The provisions of this Section shall not apply with respect to any recommendation of a position on pending or proposed legislation that is presented by the Legislation Committee of the House of Delegates to the Board of Governors and, by way of illustration and not limitation, the Board of Governors is not required to submit to the members of this Association any such recommendation that is disapproved by the requisite vote of the Board of Governors.

ARTICLE XI. COMMITTEES, DIVISONS AND SECTIONS

Section 3. Other Sections and Committees
The House of Delegates shall likewise create such additional sections of the Association and authorize the appointment of such standing and special committees of the Association as it may deem proper. The appointment of the members of such committees and sections shall be made by the President of the Association with the consent of the Board of Governors; provided that the Board of Governors may create such special committees of the Association as it deems proper. Any member of this Association may become a member of any section by advising the Secretary of such section and by complying with the by-laws of the section.

ARTICLE XII. MEETINGS OF THE ASSOCIATION

Section 2. Voting

No member may vote on any question brought before any meeting unless he is present on the floor at the time the vote is called.

ARTICLE XIII. FISCAL

Section 3. Checks

No checks shall be valid unless signed by the Treasurer or Assistant Treasurer and countersigned by such other person as the Board may designate. No check shall be issued except to pay for some item of expense authorized in the annual budget or amendment thereto, and no check shall be issued, if its payment shall overdraw the budget. Each check shall specify thereon what item it is to pay.

ARTICLE XIV. ADMISSIONS TO THE BAR

Article XIV has been superseded, in part, by Louisiana Supreme Court Rule XVII, effective August 1, 1999; however, that portion of Article XIV dealing with the licensing of consultants in foreign law has not been superseded.

Section 11. Licensing of Legal Consultants in Foreign Law

1. General Requirements.

   a. At its discretion, the Supreme Court of Louisiana may license to practice as a consultant in foreign law, without examination, an applicant who:
(i) is a member in good standing as an attorney or counselor at law of a recognized legal profession in a foreign country;

(ii) (aa) for the five (5) years immediately preceding the application has been admitted to practice and has been continuously in good standing as an attorney or counselor at law in the foreign country for whose legal system the applicant wishes to become licensed as a legal consultant and while so admitted has actually practiced the law of such country, or

(bb) has been a full-time professor or instructor of one or more aspects of the law of the foreign country for whose legal system the applicant wishes to become licensed as a legal consultant at an accredited university or college for at least five (5) years immediately preceding the application;

(iii) possesses the good moral character and general fitness requisite for a member of the bar of this state; and,

(iv) is over 25 years old.

2. Application for License; Denial of Application.

a. An applicant shall file with the Committee on Bar Admissions:

(i) an application on a form provided by the Committee on Bar Admissions, accompanied by a fee in an amount to be determined by the Committee on Bar Admissions and approved by the Supreme Court;

(ii) a duly authenticated certificate from the licensing authority of the legal profession in the foreign country, certifying as to the applicant's admission to practice and the date thereof, and as to the applicant's good standing as an attorney or counselor at law or the equivalent, with a duly authenticated English translation of the certificate if it is not in English;

(iii) a letter of recommendation from one of the members of the executive body of such authority, from one of the judges of the highest court or court of original jurisdiction, or from the dean of the school from which the applicant was graduated or at which the applicant teaches, with a duly authenticated translation of the letter if it is not in English; and

(iv) other evidence as to the applicant's educational and professional qualifications, good moral character, and compliance with such other requirements as the Committee may require.

b. Upon a showing that strict compliance with the provisions of A(2) and/or A(3) of this subsection would cause the applicant undue hardship, the Committee may, in its discretion, permit the applicant to furnish other evidence in lieu thereof.

c. Upon notice from the Committee on Bar Admissions that the applicant has failed to fulfill one or more of the requirements of paragraph A of this subsection, the applicant
may appeal by petition directly to the Supreme Court, following the procedures set forth in Article XIV, (9) of these Articles of Incorporation.

3. License.

a. The Committee on Bar Admissions shall report in writing to the Supreme Court the names of all applicants the Committee finds eligible and qualified to practice as a legal consultant in this state. Such qualified applicant, upon being properly introduced to the Supreme Court, shall be sworn in by the Court as a legal consultant in the State of Louisiana, and the Court shall grant to such applicant a limited license to act as a legal consultant in this State.

b. Prior to the receipt of a license, applicants shall provide to the Clerk of the Supreme Court of Louisiana, in such form and manner as the Clerk may prescribe, all documents and information required by subsections 5A(2) and (3), and such fee as prescribed therefore must be paid.

4. Scope of Practice.

a. A person licensed as a legal consultant may render professional opinions in this State on the law of the foreign jurisdiction or jurisdictions authorized by the Supreme Court; however, such person shall not:

(i) appear as an advocate for a person other than himself or herself in any court, or before any magistrate or other judicial officer, in this State (other than upon admission pro hac vice pursuant to R.S. 37:214);
(ii) render professional legal advice on the law of this State or any State of the United States, or of the United States;
(iii) in any way hold himself or herself out as a member of the bar of this State; or
(iv) utilize in connection with such consultancy, any name, title or designation other than one or more of the following:
   (aa) his or her own name;
   (bb) the name of the foreign and/or domestic law firm with which he or she is affiliated;
   (cc) authorized title in the foreign country of admission to practice, which may be used in conjunction with the name of such country;
   (dd) A Licensed Consultant on the Law of (name of the foreign country or countries for whose legal systems he or she has been licensed by the Supreme Court to act as a legal consultant).

b. A person by virtue of being licensed as a legal consultant is not entitled to appointment as a notary public in the State of Louisiana.

a. Every person licensed as a legal consultant in this State shall be subject to professional discipline in the same manner and to the same extent as members of the bar of this State and to this end:

(i) shall be subject to the control of the Supreme Court, and to censure, suspension, removal or revocation of his or her license to practice by the Supreme Court; and,

(ii) shall execute and file with the Clerk of the Supreme Court of this State, in such form and manner as the Clerk may prescribe:

(aa) his or her commitment to observe the Rules of Professional Conduct;

(bb) a duly acknowledged instrument in writing setting forth his or her address in this State and designating a Louisiana resident as his or her agent for service of process whenever personal service cannot be made upon the legal consultant at his or her address of record: and,

(cc) a written commitment to promptly notify the Clerk of the resignation from practice in the foreign country of admission, or of any censure, suspension, or revocation of the right to practice in any such foreign country;

(iii) shall provide evidence of malpractice or professional liability insurance in an amount determined by the Supreme Court of this State, to assure his or her proper professional conduct and responsibility.

b. (i) For the purposes of service of process on the Louisiana resident pursuant to the designation filed as required by subparagraph A(2)(b) above, the Louisiana resident appointed as agent for service of process shall be the designated agent for service of process only in proceedings or actions brought against the legal consultant arising out of or based upon any legal services rendered or offered to be rendered by the consultant within or to residents of this State and only after diligent attempts have been made without success to serve such legal consultant at his or her last address of record.

(ii) Service on the Louisiana resident appointed as agent for service of process shall be made pursuant to the provisions of the Code of Civil Procedure or other applicable law. The Agent shall promptly send a copy to the legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to the legal consultant at the address given to the Clerk by the legal consultant as required by this subsection, or to the last address known to the Agent.

c. In imposing any sanction authorized by subparagraph A(1) of this subsection, the Court may act sua sponte, on the recommendation of the Disciplinary Board of the Bar Association or on complaint of any person. To the extent feasible, the Court shall proceed in a manner consistent with its Rules for Lawyer Disciplinary Enforcement.

a. A person licensed as a legal consultant shall file annually, at a time to be determined by the Clerk, a report and a fee.
   (i) The annual report shall include:
      (aa) a certificate from the licensing authority of legal professional discipline in the foreign country of admission, certifying that the legal consultant is in good standing as an attorney or counselor at law, with a duly authenticated English translation of the certificate if it is not in English, or other proof of good standing as the Clerk may permit;
      (bb) the current address at which the legal consultant is practicing; and,
      (cc) proof of malpractice or professional liability insurance.
   (ii) Failure to timely file the annual report or pay the annual fee will result in the suspension of the right to act as a legal consultant until such time as the report is filed and/or the fee is paid.

b. Such annual fee shall include annual dues as determined in accordance with Article V of the Articles of Incorporation of the Louisiana State Bar Association and the disciplinary assessment fee as determined in accordance with Supreme Court Rule XIX.

7. Affiliation with the Louisiana State Bar Association; Business Associations.

a. Subject to the limitations set forth in subsection 4, every person licensed to practice as a legal consultant shall be entitled and subject to:
   (i) the rights and obligations set forth in the Rules of Professional Conduct or arising from the other conditions and requirements that apply to a regular member of the bar of this state under the Rules of the Supreme Court of Louisiana; and,
   (ii) the rights and obligations of a regular member of the bar of this state with respect to:
      (aa) affiliation in the same law firm with one or more members of the bar of this state, including by:
         1. employing one or more members of the bar of this state;
         2. being employed by one or more members of the bar of this state or by any partnership or professional law corporation which includes members of the bar of this state or which maintains an office in this state; and
         3. being a partner in any partnership, shareholder in any professional law corporation, or member of a limited liability company which includes members of the bar of this state or which maintains an office in this state; and
      (bb) attorney-client privilege, work product privilege and similar professional privileges.

b. Notwithstanding paragraph A(1) of this subsection, a person licensed as a legal consultant is not required to comply with the minimum requirements of continuing legal education as mandated by Rule 1.1(b) of Article XVI of these Articles of Incorporation.
8. Revocation of License.

In the event the Supreme Court determines that a person licensed as a legal consultant no longer meets the requirements for licensure, it shall revoke the license granted to such person.

Section 11. Appendix. Malpractice Insurance for Consultant in Foreign Law.

An applicant who wishes to become licensed as a consultant in foreign law, and who wishes to remain so licensed, shall be required to submit proof of malpractice insurance with a minimum coverage of $500,000 per claim, or other guarantee of financial responsibility in like amount and in a form acceptable to the Clerk of this Court.

ARTICLE XV. DISCIPLINE AND DISBARMENT OF MEMBERS

[Vacated and repealed effective April 1, 1990. Replaced with Supreme Court Rule XIX.]

ARTICLE XIV. RULES OF PROFESSIONAL CONDUCT

[https://www.ladb.org/Material/Publication/ROPC/ROPC.pdf]

ARTICLE XV. AMENDMENTS

Section 1. Amendments

These Articles of Incorporation, except Articles XIV, XV, and XVI, may be amended by a majority vote, by a secret mail-ballot, of the members of this Association who actually vote. Such Amendments must be proposed by a majority vote of the House of Delegates, or by a majority vote of the members of the Association at the Annual Meeting or on a written petition signed by one hundred (100) members and filed with the Secretary-Treasurer. The details for the balloting, including the time for voting and the contents of the ballot, shall be provided by the Board of Governors.

Articles XIV, XV, and XVI can be amended only by a majority vote of the House of Delegates, approved by the Supreme Court of Louisiana.
LOUISIANA STATE BAR ASSOCIATION
BAR GOVERNANCE COMMITTEE
RESOLUTION

PROPOSING AMENDMENTS TO THE BY-LAWS

WHEREAS, the Bar Governance Committee conducted a comprehensive review of the Association’s governing documents in order to ensure the accuracy of all language and to be certain it adequately reflected current operating practices and procedures; and

WHEREAS, the Bar Governance Committee has identified numerous areas of these documents which need to be updated; and

WHEREAS, as a result of the aforementioned review the Bar Governance Committee has developed the attached proposed revisions to the By-Laws.

NOW THEREFORE BE IT RESOLVED that the By-Laws of the Louisiana State Bar Association be amended, as indicated in the attached “Exhibit A,” in order to more accurately reflect current operating practices and remove outdated provisions.

Respectfully submitted:
2020-2021 Bar Governance Committee

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Sharonda R. Williams
Phillip A. Wittmann

APPROVED
HOUSE OF DELEGATES
JUNE 10, 2021
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 11, 2021
DESTIN, FL
EXHIBIT A

BY-LAWS OF THE LOUISIANA STATE
BAR ASSOCIATION

ARTICLE IV. RULES AND PROCEDURES; AUTHORITY OF BOARD

Section 1. Rules and Procedures

The Board of Governors may adopt such rules and procedures for the transaction of its business as it deems suitable.

Section 2. Action by Telephonic Communication/Virtual Meetings

Members of the Board of Governors, or any Board or Association committee, may participate in meetings of the Board of Governors or such committees virtually and/or by electronic means, of conference telephone, or similar communication equipment, with all persons participating in the meeting can hear each other at the same time. Participating in meetings pursuant to this provision shall constitute presence in person at such meetings.

Section 3. Authority of Board

As specified in Article VIII, Section 1 of the Articles of Incorporation, the Board of Governors shall have control of the fiscal affairs of the Association. This authority shall include the power to administer the daily affairs of the Association and to obligate the Association in any way necessary to carry out its objects and purposes. The fiscal power of the Board shall also include, but is not limited to, the power and authority: to enter into contracts; to adopt written policies for the investment and reinvestment of Association funds; to invest and reinvest funds belonging to the Association in accordance with the written investment policies of the Association; to institute suit and to respond to suit on behalf of the Association; to acquire, hold, use and dispose of property; to incur liability; to establish pension or other benefits plans for its employees; to procure and provide indemnity and/or insurance for its members, officers, agents, and/or employees; to make donations to public charities; to make loans in the name of the Association; to borrow, or to guarantee loans to the Louisiana Bar Foundation in furtherance of the Association's purposes; to buy and sell assets of the Association or to hypothecate or mortgage assets of the Association; and generally to conduct all administrative and fiscal matters of the Association as may be reasonable and appropriate in accordance with and in furtherance of the policies of the Association.

(Added June 13, 1996)

Also as specified in Article VIII, Section 1 of the Articles of Incorporation, between meetings of the House of Delegates the Board of Governors shall serve as an executive council and may act upon all emergency and other matters not theretofore determined by the House. Under this authority, the Board of Governors may vote to file amicus briefs on behalf of the Association.
if the timing prohibits bringing such matters before the House of Delegates and in accordance with the guidelines outlined below.

1) In determining whether to approve the drafting and filing of an amicus brief, the Board will be governed by the following limitations and conditions; Any proposed brief shall not be in conflict with any of the rules, regulations, policies and procedures of the LSBA. Moreover, the proposed brief must be related to and relevant to the administration of justice. Specifically, amicus briefs may be authorized only when such briefs involve legal questions relating to the regulation of the profession, improving the administration of justice, or the quality of legal services, but may not be authorized for matters that are ideological or political in nature.

2) If the Board votes to approve the filing of an amicus brief pursuant to these provisions, the President may appoint a committee to review the proposed amicus brief before it is filed, to confirm that it complies with these limitations and such other restrictions that may be imposed by the Board.

ARTICLE V. OFFICIAL PUBLICATION

Section 1. Louisiana Bar Journal as Official Publication

The official publication of the Louisiana State Bar Association shall be the Louisiana Bar Journal which shall be published under the direction of the Board of Governors pursuant to recommendations of the Louisiana Bar Journal Editorial Board. It shall carry all official notices which are not required to be forwarded sooner to members of the Association. The Secretary shall serve as editor of the Louisiana Bar Journal.

The Journal shall be distributed to all active, emeritus and faculty, and law student members of the Association. Law student members shall receive the Journal via electronic distribution only. The members’ subscription fees shall be included in the annual membership dues.

ARTICLE IX. SECTIONS

Section 7. Finances and Financial Responsibility

Individual sections shall be responsible for payment of all expenses incurred in connection with their activities. Sections that have not adopted expense reimbursement policies shall be subject to the Louisiana State Bar Association’s expense reimbursement policies.

Section dues shall be set forth in each section’s bylaws and shall be collected at a time and in a manner determined by the Association.
Sections shall remit to the Association on an annual basis an administrative fee to cover the costs of section staffing, administration and overhead. This fee shall be set by the Association’s Board of Governors and shall be reviewed every three years.

The Executive Director of the Association shall serve as ex-officio treasurer of each section and shall receive and account for dues and other funds received on behalf of each section. The ex-officio treasurer shall retain custody of all section funds in an account or accounts of the Association, and shall act as disbursing agent for each section, subject to approval by an officer of that section.

ARTICLE X. STANDING COMMITTEES

Section 2. Terms

All Committees shall be appointed within 30 days after the annual meeting of the Association. Terms of members of the "Committee on Law Reform", however, expire on December 31 of the particular year in which their particular staggered term would expire, and their successors shall be appointed within thirty days thereafter. Members of all committees shall serve until their respective successors are appointed. The President shall designate a chair or co-chairs of each Committee, to serve for the ensuing year, who shall also serve as Reporter of the Committee.
RESOLUTION TO THE LOUISIANA BAR ASSOCIATION
HOUSE OF DELEGATES

WHEREAS, prior to January 22, 2011, the House of Delegates determined that the interest of justice were served to oppose increases in court cost, penalties, and fines.

WHEREAS, the House of Delegates on January 22, 2011, approved a resolution directing the LSBA to take no position on legislation dealing with court cost, penalties and fines until the completion of a comprehensive statewide study that reviews the funding structure of the justice system in our state and impact upon access to justice.

WHEREAS, the author of this resolution is not aware of any such study having been performed, undertaken or sanctioned since January 22, 2011, nor is the author aware of any effort to sanction such a study in the future.

WHEREAS, the ever increasing court cost, penalties and fines have a direct impact on access to justice and the practice of law, the LSBA in the interest of justice should oppose any legislation that would increase court cost, penalties or fines.

NOW, THEREFORE BE IT RESOLVED that the House of Delegates instructs the leadership of LSBA and the LSBA Legislation Committee to oppose any legislation that would increase court cost, penalties or fines.

Respectfully Submitted,

05/10/2021
Date

KEENAN K. KELLY
10TH JUDICIAL DISTRICT

FAILED
HOUSE OF DELEGATES
JUNE 10, 2021
DESTIN, FL

FAILED
BOARD OF GOVERNORS
JUNE 11, 2021
DESTIN, FL
RESOLUTION TO CREATE SPECIAL COMMITTEE TO INVESTIGATE AND DEVELOP HEALTH INSURANCE OPTIONS FOR THE LOUISIANA STATE BAR ASSOCIATION

WHEREAS, the mission of the Louisiana State Bar Association (hereinafter “LSBA”) is to assist and serve its members in the practice of law, ensure access to and aid in the administration of justice, assist the Supreme Court in the regulation of the practice of law, uphold the honor of the courts and the profession, promote the professional competence of attorneys, increase public understanding of and respect for the law, and encourage collegiality among its members;1

WHEREAS, goals two, three, five, and six of the Louisiana State Bar Association are as follows:

• Goal 2: The LSBA cultivates professionalism, collegiality and quality of life among its members to improve the quality of practice and respect for the profession;
• Goal 3: The LSBA helps foster inclusion and participation by the diversity of its members and works to satisfy the unique needs of all members;
• Goal 5: The LSBA improves public trust and confidence in the legal system and its participating judges and lawyers;
• Goal 6: The LSBA has the financial, governance and organizational capacity to serve its vision;

WHEREAS, the mission and goals of the LSBA can be best served when its members are physically, emotionally, and mentally healthy;

WHEREAS, the large majority of the members of the LSBA are employed by firms which are too small to provide affordable group health insurance options;

WHEREAS, based on a 2019 survey of 49 solo and small firm Louisiana attorneys, approximately 12% of respondents indicated that they have no insurance coverage at all; over 40% of respondents indicated they pay $500.00 or more in monthly health insurance premiums; over 42% of respondents indicated their yearly deductible is more than $3,000.00; and over 91% indicated that they would be interested in coverage under an LSBA-sponsored plan if available;

WHEREAS, the laws of health insurance provide a way for a professional group, such as the LSBA, to provide members affordable health insurance options;

WHEREAS, other state bar associations, including the Virginia, Nebraska, and North Carolina State Bar Associations, have already created models that could be investigated and adapted to LSBA members’ needs;

WHEREAS, the best way to cultivate quality of life of the members of the LSBA is to ensure that members have access to adequate and affordable health care;

WHEREAS, the best way to help the members of the LSBA to have access to adequate and affordable health care is to provide affordable group options from which all of its members could benefit;

WHEREAS, it is possible for the LSBA to provide adequate and affordable health insurance options to its members like other state bar associations;

NOW THEREFORE BE IT RESOLVED, that the LSBA recommends:

• Creating a special committee to investigate group health insurance options that the LSBA could provide to its members;
• Commissioning said committee to examine other state bar associations that provide group health insurance options to its members;

1 * See Mission Statement at https://www.lsba.org/BarGovernance/LSBAMission.aspx#:--text=The%20mission%20of%20the%20Louisiana%20State%20Bar%20Association%20is%20to%20promote%20the%20professional
• Commissioning said committee to consult with health insurance providers and other health insurance industry professionals to develop possible group health insurance options that the LSBA could provide to its members;
• Commissioning said committee to make recommendations about how the LSBA could implement group health insurance policies for its members.

Respectfully Submitted,

Rachel Thyre Vogeltanz
Member, Saint Tammany Parish
May 12, 2021

APPROVED
HOUSE OF DELEGATES
JUNE 10, 2021
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 11, 2021
DESTIN, FL
RESOLUTION NO. __________

BY DELEGATE BERGERON (41st)

A RESOLUTION

To express the support of the Louisiana State Bar Association for the adoption of a uniform electronic filing system for all state courts of Louisiana.

WHEREAS, the House recognizes that the Louisiana state court system contains over 100 distinct and independent courts, including one district court in each of Louisiana’s 43 judicial districts (with some districts containing multiple parishes), five courts of appeal, five family/juvenile courts, 48 city courts, three parish courts, and one supreme court; and

WHEREAS, Louisiana’s over 100 distinct and independent courts operate in a largely autonomous manner with procedures, filing fees, and electronic filing availability dictated almost exclusively by parish clerks of court or the clerks and judges of the individual courts throughout the state; and

WHEREAS, the House recognizes that the technological advancement of any of these 100+ distinct and independent courts can and often do vary widely from court to court and from parish to parish, with some courts offering a robust system of electronic filing and others offering no electronic filing at all; and

WHEREAS, this inconsistent availability and functionality of electronic filing is a barrier to the attorneys of this state providing efficient services to their clients and can even impede those clients’ access to justice when courts refuse to provide economical electronic filing options; and

WHEREAS, unifying and standardizing state court electronic filing platforms and availability would greatly expand Louisiana attorneys’ ability to provide cost-effective, competent, and thorough legal services to clients by removing cumbersome, unnecessary, and often widely disparate barriers to those services; and

WHEREAS, a unified and standardized state court electronic filing system in Louisiana could be tailored to cure other serious issues affecting attorneys practicing in multiple state courts, like the current requirement that attorneys send change-of-address notifications to each individual court in which the attorney has appeared when the attorney changes their address or employer/affiliation; and finally
WHEREAS, the House and the Association are prepared to work with stakeholders and policymakers to craft a sound, efficient, and equitable system to achieve the aims described in this Resolution;

BE IT RESOLVED BY THE HOUSE OF DELEGATES OF THE LOUISIANA STATE BAR ASSOCIATION:

Section 1. That the House and the Association fully support the establishment of a uniform electronic filing platform for all Louisiana state courts that will, at minimum, allow for the paperless, electronic filing and service of all pleadings, motions, or other documents and electronic access to filed pleadings, motions, orders, judgments, other documents, and court minutes.

Section 2. That the House and the Association recognize that the various levels and functions of the state courts of Louisiana are diverse and therefore support efforts to develop a uniform statewide electronic filing system that can cater to these needs while standardizing electronic filing procedures across courts of the same level, function, and jurisdiction.

Section 3. That the House and the Association support the establishment of a task force or other working group to study and make recommendations for the full implementation of the aims described in this Resolution and authorizes the Association to participate in developing these policies.

Respectfully submitted,

Del. Evan J. Bergeron
41st Judicial District

FAILED
HOUSE OF DELEGATES
JUNE 10, 2021
DESTIN, FL

FAILED
BOARD OF GOVERNORS
JUNE 11, 2021
DESTIN, FL
THE HOUSE OF DELEGATES
of the
LOUISIANA STATE BAR ASSOCIATION

Annual Meeting
June 2021

RESOLUTION NO. __________

BY DELEGATE BERGERON (41st)

A RESOLUTION

To express the support of the Louisiana State Bar Association for the adoption of laws, court rules, and other procedures to modernize the practice of law.

WHEREAS, the COVID-19 global pandemic magnified the ways in which the courts of justice and the legal profession of Louisiana were ill-prepared to cope with extended closures of public accommodations and government buildings, prohibitions on public gatherings, and limited human interaction; and

WHEREAS, during this great global upheaval, even the most routine tasks common to the practice of law were either prohibited by government order or were too dangerous to undertake for fear of contracting a life-threatening disease; and

WHEREAS, most of the laws, rules, and procedures governing lawyers and the practice of law were developed and enacted well before the advent and ubiquity of computers and the internet and were therefore largely insufficient and often prohibitive of the kinds of adjustments required of lawyers, judges, and other legal professionals to function during this pandemic; and

WHEREAS, in 2021, nearly all lawyers use computers, the internet, email, videoconferencing, and other technological advancements of the past 20 years to practice law and effectively deliver legal services to clients; and

WHEREAS, the Association itself still employs some policies, procedures, and requirements incompatible with the modern practice of law, like the lack of available options to submit some documents to the Association electronically; and finally

WHEREAS, the Association must embrace these technological developments and encourage the legislature, courts, and attorneys to modernize the practice of law and to employ technology to better deliver justice to the people of Louisiana;

THEREFORE, BE IT RESOLVED BY THE HOUSE OF DELEGATES OF THE LOUISIANA STATE BAR ASSOCIATION:
Section 1. That the House and the Association fully support the adoption of laws, rules, and procedures that would modernize the practice of law and use technology for the effective and efficient delivery of justice in Louisiana.

Section 2. That the House and the Association specifically support technology and modernization initiatives including, but not limited to, a requirement that all attorneys establish and maintain an email account, universal electronic filing, electronic delivery of court notices and orders, virtual hearings and conferences, electronic service of documents, orders, and notices between attorneys, electronic signatures, electronic notarization of documents, synchronization of court databases, synchronization of attorney contact databases between the Association and the courts of this state, and other matters consistent with this Resolution.

Section 3. That the House directs the Association and its staff to modernize its policies and procedures consistent with this Resolution including, without limitation, providing for electronic submission of documents to the Association and removing requirements to send hard copies of documents to the Association except when absolutely necessary.

Section 4. That the House and the Association recognize that not all attorneys and judges in this state are proficient in the use of technology in the practice of law. Therefore, the House and the Association oppose completely eliminating any current law, rule, or procedure through modernization unless such law, rule, or procedure is obsolete. Rather, the House and the Association support modernizing laws, rules, and procedures as additional options available to attorneys, judges, and other legal professionals.

Respectfully submitted,

Del. Evan J. Bergeron
41st Judicial District

FAILED
HOUSE OF DELEGATES
JUNE 10, 2021
DESTIN, FL

FAILED
BOARD OF GOVERNORS
JUNE 11, 2021
DESTIN, FL
RESOLUTION OF THE
LOUISIANA BOARD OF LEGAL SPECIALIZATION
TO AMEND HEALTH LAW STANDARDS

WHEREAS, the Louisiana Board of Legal Specialization is empowered under Section 3.1C of the Louisiana State Bar Association Plan of Legal Specialization to make recommendations to the House of Delegates of the Louisiana State Bar Association ("LSBA") 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, a determination was made by the Louisiana Board of Legal Specialization Health Law Advisory Commission that amendments to the Health Law Standards are in order to revise Section II (A)(9) and (10) of the Health Law Standards to incorporate the Health Law Topics and create one document; and are of a "housekeeping" nature; and that Section II (A)(9) and (10) of the Health Law Standards should be amended to include the Health Law Topics as follows:

Section II. BASIC REQUIREMENTS

A. Application

... 

9. Each applicant must pay all fees required by the Rules.

10. Each applicant must take and pass a written examination applied uniformly to all applicants and designed to demonstrate sufficient knowledge, skills, and proficiency in the following areas of health law to justify the representation of special competence to the legal profession and the public:

1. Contracting & Fraud & Abuse

1.1 General health care contract issues
1.2 Louisiana and Federal anti-kickback prohibitions
1.3 Federal and Louisiana restrictions on physicians' referrals to health care entities
1.4 Federal and Louisiana ownership disclosure requirements
1.5 Acquisition and sale of health care providers and physician practices
1.6 Tax issues/tax exemptions
1.7 Civil, administrative and criminal sanctions
1.8 Compliance programs
1.9 Exclusion and disbarment
1.10 False Claims Act (Federal & State)
2. Provider Regulation

2.1 Facility Need Review Approval
2.2 Licensure
2.3 Medicare and Medicaid Certification
2.4 Accreditation
2.5 Administrative law and procedure

3. Institutional Operations & Patient Care

3.1 Informed consent
3.2 Privacy and confidential information
3.3 Medical Records
3.4 Advance Directives
3.5 Patient Rights
3.6 Disciplinary actions and reporting requirements
3.7 Risk management
3.8 Credentialing and professional peer review
3.9 Emergency hospital services requirements/ Anti-dumping prohibitions
3.10 Medical Staff governance and bylaws
3.11 Health information technology
3.12 HIPAA
3.13 HITECH Act
3.14 Healthcare Quality Improvement Act (HCQIA)

4. Integration & Reimbursement

4.1 Integration and structure of delivery systems
4.2 Healthcare Antitrust
4.3 Managed care entities and contracting
4.4 Reimbursement and payment
4.5 Louisiana Medicaid program
4.6 Medicare program
4.7 Audits and appeals

WHEREAS, it is the recommendation of the Louisiana Board of Legal Specialization that it would be appropriate to amend Section II (A)(9) and (10) of the Health Law Standards to incorporate the Health Law Topics and create one document; and are of a “housekeeping” nature, a copy of which is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that:

This Resolution shall be presented to the House of Delegates of the Louisiana State Bar Association; and

FURTHER, be it resolved that the Louisiana Board of Legal Specialization recommends to the House of Delegates of the Louisiana State Bar Association that the revised Health Law Standards that
incorporate the Health Law Topics and create one document and are of a housekeeping nature, be adopted and approved.

Respectfully submitted,

[Signature]
Robert E. Rowe, Chair
Louisiana Board of Legal Specialization

May 12, 2021
Lafayette, Louisiana

APPROVED
HOUSE OF DELEGATES
JUNE 10, 2021
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 11, 2021
DESTIN, FL
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 Health Law Advisory Commission (the “Advisory Commission”) the Board promulgates the following standards and requirements for Board certification in health law in accordance with the 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. Health Law is the practice of law dealing with federal, state and local law, rules, regulations, and other authorities regarding operational, regulatory, and transactional legal issues between and among health care providers, patients, payors, vendors, governmental regulators and others involved in the delivery and financing of health care services.

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 actual practice of law on a full time basis preceding the year of application.

3. Each applicant shall certify under oath that during at least 48 of the 60 months immediately preceding the year of application, such applicant 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 in the field of health law, as defined in Section I.C.

4. The Advisory Commission must receive on behalf of an applicant, on a form furnished by the Board, a minimum of five (5) reference statements from practicing attorneys who can attest to the applicant’s competence in the specialty field of health law. Of the five (5) references, at least one (1) must be from a Board Certified Health Law Specialist. These submissions shall be subject to the limitations 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 the
applicant’s competence and qualifications to be recognized as a Health Law 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 15 hours of continuing legal education (“CLE”) in the field of health law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education (“MCLE Committee”) and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 15 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. The policy must be offered by a company reasonably acceptable to the Board. Evidence of insurance shall be provided to the Advisory Commission with the application.

9. Each applicant must pay all fees required by the Rules.

10. Each applicant must take and pass a written examination applied uniformly to all applicants designed to demonstrate sufficient knowledge, skills, and proficiency in the following areas of health law to justify the representation of special competence to the legal profession and the public:

1. Contracting & Fraud & Abuse
   1.1 General health care contract issues
   1.2 Louisiana and Federal anti-kickback prohibitions
   1.3 Federal and Louisiana restrictions on physicians’ referrals to health care entities
   1.4 Federal and Louisiana ownership disclosure requirements
   1.5 Acquisition and sale of health care providers and physician practices
   1.6 Tax issues/tax exemptions
   1.7 Civil, administrative and criminal sanctions
   1.8 Compliance programs
   1.9 Exclusion and disbarment
   1.10 False Claims Act (Federal & State)

2. Provider Regulation
   2.1 Facility Need Review Approval
   2.2 Licensure
   2.3 Medicare and Medicaid Certification
   2.4 Accreditation
   2.5 Administrative law and procedure

3. Institutional Operations & Patient Care
   3.1 Informed consent
3.2 Privacy and confidential information
3.3 Medical Records
3.4 Advance Directives
3.5 Patient Rights
3.6 Disciplinary actions and reporting requirements
3.7 Risk management
3.8 Credentialing and professional peer review
3.9 Emergency hospital services requirements/ Anti-dumping prohibitions
3.10 Medical Staff governance and bylaws
3.11 Health information technology
3.12 HIPAA
3.13 HITECH Act
3.14 Healthcare Quality Improvement Act (HCQIA)

4. Integration & Reimbursement

4.1 Integration and structure of delivery systems
4.2 Healthcare Antitrust
4.3 Managed care entities and contracting
4.4 Reimbursement and payment
4.5 Louisiana Medicaid program
4.6 Medicare program
4.7 Audits and appeals

B. Maintenance

Each Board Certified Health Law Specialist must satisfy the following criteria to maintain their 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 health law, as defined in Section I.C herein.

4. During each year of certification, must attend a minimum of 15 hours of approved health law 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 health law specialization CLE earned in excess of the 15 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 Health 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 Health Law 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 Health Law Specialist in the area of health 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. Health law specialization CLE credit will be granted for an entire program if 50% or more of the program is devoted to health law subjects. If the program in its entirety does not meet the 50% requirement, individual sessions within the program will qualify for health law specialization CLE credit if 50% or more of the content of the session is devoted to health law.

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 Mandatory Continuing Legal Education Committee (“MCLE Committee”) before approval can be granted by the Advisory Commission. Mandatory Continuing Legal Education (“MCLE”) is administered by the Louisiana State Bar Association (hereinafter the “LSBA”). 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 health 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 health 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 health law session 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 health law 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 health law.

E. Pro Bono

CLE credit may be awarded for providing uncompensated pro bono legal representation related to a health 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 Health Law 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 Louisiana Board of Legal Specialization website located at: [https://www.lsba.org/Specialization/](https://www.lsba.org/Specialization/).

Section VII. **ADMINISTRATION**

The Advisory Commission may delegate its responsibility to rule on all matters pertaining to health law 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
TO APPROVE REVISED EMPLOYMENT LAW STANDARDS
AND EMPLOYMENT LAW EXAM TOPICS

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; and

WHEREAS, the Supreme Court of Louisiana established the Louisiana Board of Legal Specialization (“LBLS”) in 1993 to assist consumers in finding a lawyer who has demonstrated ability and experience in specialized fields of law; and

WHEREAS, the Supreme Court of Louisiana included the specialty of Employment and Labor Law in the original Louisiana State Bar Association Plan of Legal Specialization; and

WHEREAS, on September 12, 2014, the Supreme Court of Louisiana approved the separation of Employment Law and Labor Law into two specializations after the House of Delegates and Board of Governors approved the two separate specializations at their meetings on June 5 and 6, 2014 without any opposition; and

WHEREAS, a public hearing was held on April 13, 2016 in New Orleans for the purpose of providing an opportunity for board certified specialists and interested members of the bar to comment on the proposed Louisiana Board of Legal Specialization Employment Law Standards; and

WHEREAS, at a meeting of the Louisiana Board of Legal Specialization held on December 12, 2016, it was unanimously agreed that a recommendation be made to the House of Delegates of the Louisiana State Bar Association to adopt the standards for Employment Law; and

WHEREAS, the House of Delegates approved the Louisiana Board of Legal Specialization Employment Law Standards at their meeting on January 21, 2017, without debate; and

WHEREAS, the Employment Law Standards were suspended by the House of Delegates at their meeting on January 20, 2018, and the Louisiana Board of Legal Specialization was requested to conduct further study on the Employment Law Standards; and

WHEREAS, four public hearings were held on August 16, 2018, in New Orleans; October 3, 2018, in Baton Rouge; February 12, 2019, in Lafayette; and April 2, 2019 in Shreveport for the purpose of providing an opportunity for board certified specialists and interested members of the bar to comment on the proposed Louisiana Board of Legal Specialization Employment Law Standards; and

WHEREAS, interested members of the bar submitted written comments on the proposed Louisiana Board of Legal Specialization Employment Law Standards in 2018 and through April 24, 2019; and
WHEREAS, the Louisiana Board of Legal Specialization Employment Law Advisory Commission considered the comments made at the public hearings and the written comments and made revisions to the Employment Law Standards and created Employment Law Exam Topics; and

WHEREAS, four Resolutions were filed with the House of Delegates to suspend implementation of Labor Law Standards and Employment Law Standards, and after opposition from the Louisiana Board of Legal Specialization and other interested parties, the House of Delegates voted against two Resolutions to suspend implementation of Labor Law Standards and voted against one Resolution to suspend implementation of Employment Law Standards, and a fourth Resolution to suspend implementation of Employment Law Standards was withdrawn, at the House of Delegates virtual meeting on January 23, 2021;

WHEREAS, the Louisiana Board of Legal Specialization continued with its review and revision of the Employment Law Standards and the Employment Law Exam Topics and set a period from April 1 until April 26, 2021 during which board certified specialists and interested members of the bar could comment on the revised Employment Law Standards and Exam Topics; and

WHEREAS, the Employment Law Advisory Commission considered the comments received and made additional revisions to the Employment Law Standards; and

WHEREAS, a determination was made by the Louisiana Board of Legal Specialization Employment Law Advisory Commission that the following amendments to the Employment Law Standards are in order to revise Section I (C); Section II (A)(2), (3), (4) and (7); Section III (A)(3) and (B)(1); and Section VI (B) of the Employment Law Standards, considering the comments made at the public hearings and the written comments received, as follows:

Section I. DEFINITIONS

C. Employment Law is defined as the handling of all matters arising from the relationships between employers and employees or independent contractors, excluding workers’ compensation matters other than retaliatory discharge issues. The practice encompasses all forms of advice, guidance, and counseling as well as litigation, negotiation, arbitration, mediation and other forms of alternative dispute resolution before state and federal tribunals involving public or private employment-related statutes, employment-related torts, employment-related contracts, and/or discrimination matters, including but not limited to:

- Employment-related torts, including trade secret and unfair trade practice matters, negligent hiring or supervision, and Computer Fraud and Abuse Act;
- Employment-related privacy issues, including drug testing, polygraph testing, Electronic Communications Privacy Act, and Stored Communications Act;

Section II. BASIC REQUIREMENTS

A. Application
Applicants must at the time of initial application for certification:

2. Have a minimum of five (5) years of actual practice of law on a full time basis preceding the year of application;

3. Certify under oath that during 60 of the 84 months immediately preceding the year of application they have devoted a minimum of 25% of a full-time work schedule in the practice of law in the field of Employment 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 Employment Law. Of the five (5) references, at least one (1) must be from a Board Certified Employment Law Specialist.¹ These submissions shall be subject to the limitations outlined in Rule 8.4 of the Rules;

¹ The requirement that one (1) of the five (5) references be from a Board Certified Employment Law Specialist may be waived by the LBLS Board until there are a sufficient number of Board Certified Employment Law Specialists.

7. Obtain by December 31 of the year of application a minimum of 15 hours of continuing legal education (CLE) in the field of Employment Law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education Committee (“MCLE Committee”) and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 15 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.

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS

A. Program Development and Presentation

3. Program content should be current and related to employment law subjects. Employment law specialization CLE credit will be granted for an entire program if 50% or more of the program is devoted to employment law subjects. If the program in its entirety does not meet the 50% requirement, individual sessions within the program will qualify for employment law specialization credit if 50% or more of the content of the session is devoted to employment law.
Continuing legal education programs must be approved by the Mandatory Continuing Legal Education Committee (“MCLE Committee”) before approval can be granted by the Advisory Commission. Mandatory Continuing Legal Education (“MCLE”) is administered by the Louisiana State Bar Association (hereinafter the “LSBA”). 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 Employment Law.

... 

Section VI. **COMPLIANCE**

...

A specialization transcript may be obtained from the Louisiana Board of Legal Specialization website located at [https://www.lsba.org/Specialization/](https://www.lsba.org/Specialization/).

... 

**WHEREAS**, the Louisiana Board of Legal Specialization has unanimously agreed that a recommendation be made to the House of Delegates of the Louisiana State Bar Association to adopt the revised Employment Law Standards and the Employment Law Exam Topics, copies of which are attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED** that:

This Resolution shall be presented to the House of Delegates of the Louisiana State Bar Association; and

**FURTHER**, be it resolved that the Louisiana Board of Legal Specialization recommends to the House of Delegates of the Louisiana State Bar Association that the revised Employment Law Standards and the Employment Law Exam Topics be adopted and approved.

Respectfully submitted,

Robert E. Rowe, Chair  
Louisiana Board of Legal Specialization

May 12, 2021  
Lafayette, Louisiana

APPROVED
HOUSE OF DElegates  
JUNE 10, 2021  
DESTIN, FL

APPROVED
BOARD OF GOVERNORS  
JUNE 11, 2021  
DESTIN, FL
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 Employment Law Advisory Commission (the “Advisory Commission”), prescribes the following standards and requirements for board certification in Employment Law in accordance with the 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. Employment Law is defined as the handling of all matters arising from the relationships between employers and employees or independent contractors, excluding workers’ compensation matters other than retaliatory discharge issues. The practice encompasses all forms of advice, guidance, and counseling as well as litigation, negotiation, arbitration, mediation and other forms of alternative dispute resolution before state and federal tribunals involving public or private employment-related statutes, employment-related torts, employment-related contracts, and/or discrimination matters, including but not limited to:

- Equal Employment Opportunity, including Title VII, LEDL, ADAAA, PDA and ADEA;
- Wage and Hour and leave matters including FLSA, FMLA, Louisiana’s maternity leave law, USERRA, Louisiana’s MSRA, WARN Act, Equal Pay Act, Louisiana’s wage law, OFCCP, employment status, and unemployment compensation matters;
- Employment-related torts, including trade secret and unfair trade practice matters, negligent hiring or supervision, and Computer Fraud and Abuse Act;
- Employment-related privacy issues, including drug testing, polygraph testing, Electronic Communications Privacy Act, and Stored Communications Act;
- Employment contracts, including non-competition and non-solicitation provisions;
- Employment matters and employment practices, policies and procedures;
- Employment-related civil rights claims;
- Whistleblower and non-EEO retaliation claims;
- Occupational Safety and Health (except worker’s compensation and/or LHWCA claims or proceedings).

The practice of law dealing with ERISA (such as employee benefits and group benefits), COBRA, social security law, immigration, bankruptcy and administrative proceedings may, under proper circumstances, constitute the practice of Employment Law within the meaning of this section.
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 actual practice of law on a full time basis preceding the year of application;

3. Certify under oath that during 60 of the 84 months immediately preceding the year of application they have devoted a minimum of 25% of a full-time work schedule in the practice of law in the field of Employment 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 Employment Law. Of the five (5) references, at least one (1) must be from a Board Certified Employment Law Specialist. These submissions shall be subject to the limitations outlined in Rule 8.4 of the Rules;

5. 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 Employment Law 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 Employment Law. 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;

6. Comply with the rules and regulations established by the Board as they relate to release of disciplinary action information;

7. Obtain by December 31 of the year of application a minimum of 15 hours of continuing legal education (CLE) in the field of Employment Law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education Committee (“MCLE Committee”) and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 15 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.

8. Maintain professional liability insurance in the minimum amount of $500,000. The policy must be offered by a company reasonably acceptable to the Board. Evidence of insurance shall be provided with the application.

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1 The requirement that one (1) of the five (5) references be from a Board Certified Employment Law Specialist may be waived by the LBLS Board until there are a sufficient number of Board Certified Employment Law Specialists.
9. Take and pass a written examination.

10. Certify under oath to having met these requirements.

B. Maintenance

Those bar members certified in the Employment Law 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 Employment Law, as defined in Section I, C herein.

4. During each year of certification, must attend a minimum of 15 hours of approved Employment 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 Employment Law specialization CLE earned in excess of the 15 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 $500,000, 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 Employment 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 Employment Law 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 Employment Law 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 related to employment law subjects. Employment law specialization CLE credit will be granted for an entire program if 50% or more of the program is devoted to employment law subjects. If the program in its entirety does not meet the 50% requirement, individual sessions within the program will qualify for employment law specialization credit if 50% or more of the content of the session is devoted to employment law.

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 Mandatory Continuing Legal Education Committee (“MCLE Committee”) before approval can be granted by the Advisory Commission. Mandatory Continuing Legal Education (“MCLE”) is administered by the Louisiana State Bar Association (hereinafter the “LSBA”). 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 Employment 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 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 Employment 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 Employment 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 articles and other publications directed primarily to attorneys specializing in the field of Employment 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 Employment Law.

E. Pro Bono

CLE credit may be awarded for providing uncompensated pro bono legal representation related to an Employment 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.
E. 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 Employment Law 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 Louisiana Board of Legal Specialization website located at https://www.lsba.org/Specialization/.

Section VII. ADMINISTRATION

The Advisory Commission may delegate its responsibility to rule on all matters pertaining to Employment Law 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.
LOUISIANA BOARD OF LEGAL SPECIALIZATION
EMPLOYMENT LAW EXAM TOPICS

NOTE: NOT ALL TOPICS LISTED BELOW WILL BE COVERED ON ANY GIVEN EXAM. APPLICANTS WILL BE TESTED ON RULES AND LAWS IN EFFECT AT THE TIME OF THE EXAM, UNLESS OTHERWISE SPECIFIED.

1. Employer-Employee Relations
   a. Discrimination in Employment
      (1) Age Discrimination in Employment Act of 1967
      (2) Americans with Disabilities Act of 1990, as amended by the ADAAA of 2008
      (3) Civil Rights Act of 1991
      (4) Lilly Ledbetter Fair Pay Act of 2009
      (5) Older Workers Benefit Protection Act
      (6) Pregnancy Discrimination Act
      (7) Section 1981 of the Civil Rights Act of 1866
      (8) Louisiana Employment Discrimination Law
      (9) Title VII of the Civil Rights Act of 1964

   b. Employee Privacy Rights
      (1) Drug testing
      (2) Polygraph Protection Act
      (3) Electronic Communications Privacy Act/Stored Communications
      (4) Invasion of privacy

   c. Employment-Related Torts
      (1) Negligent hiring
      (2) Negligent supervision
      (3) Defamation

   d. Employment Relations
      (1) Arbitration agreements
      (2) Employment at will
      (3) Fair Credit Reporting Act and retaliation claims

2. Various Statutory Duties Imposed on Employers
   a. Federal Laws
      (1) Defend Trade Secrets Act of 2016
(2) Equal Pay Act of 1963
(3) Office of Federal Contracts Compliance Programs regulations
(4) Fair Labor Standards Act of 1938
(5) Family and Medical Leave Act of 1993
(6) Federal Arbitration Act
(7) Occupational Safety and Health Act of 1970
(8) Rehabilitation Act of 1973
(9) USERRA
(10) Vietnam Veterans Readjustment Assistance Act
(11) Whistleblower and Anti-Retaliation Provisions Under the Sarbanes Oxley Act, Dodd-Frank Wall Street Reform and Consumer Protection Act, and the Affordable Care Act
(12) Worker Adjustment and Retraining Notification Act

b. Louisiana State Laws
(1) Louisiana Employment Discrimination law
(2) Timely Wage Payment provisions
(3) Non-compete statute
(4) Military Service Relief Act
(5) Uniform Trade Secrets Act
(6) Whistleblower and Anti-Retaliation statutes
(7) Unfair Trade Practices Act
(8) Pregnancy Leave laws
(9) Employee Drug Testing laws
(10) Louisiana Unemployment Compensation laws
RESOLUTION OF THE
LOUISIANA BOARD OF LEGAL SPECIALIZATION
TO APPROVE REVISED LABOR LAW STANDARDS
AND LABOR LAW EXAM TOPICS

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; and

WHEREAS, the Supreme Court of Louisiana established the Louisiana Board of Legal Specialization (“LBLS”) in 1993 to assist consumers in finding a lawyer who has demonstrated ability and experience in specialized fields of law; and

WHEREAS, the Supreme Court of Louisiana included the specialty of Employment and Labor Law in the original Louisiana State Bar Association Plan of Legal Specialization; and

WHEREAS, on September 12, 2014, the Supreme Court of Louisiana approved the separation of Employment Law and Labor Law into two specializations after the House of Delegates and Board of Governors approved the two separate specializations at their meetings on June 5 and 6, 2014 without any opposition; and

WHEREAS, a public hearing was held on April 13, 2016 in New Orleans for the purpose of providing an opportunity for board certified specialists and interested members of the bar to comment on the proposed Louisiana Board of Legal Specialization Labor Law Standards; and

WHEREAS, at a meeting of the Louisiana Board of Legal Specialization held on December 12, 2016, it was unanimously agreed that a recommendation be made to the House of Delegates of the Louisiana State Bar Association to adopt the standards for Labor Law; and

WHEREAS, the House of Delegates approved the Louisiana Board of Legal Specialization Labor Law Standards at their meeting on January 21, 2017, without debate; and

WHEREAS the Labor Law Standards were suspended by the House of Delegates at their meeting on January 20, 2018, and the Louisiana Board of Legal Specialization was requested to conduct further study on the Labor Law Standards; and

WHEREAS, four public hearings were held on August 16, 2018, in New Orleans; October 3, 2018, in Baton Rouge; February 12, 2019, in Lafayette; and April 2, 2019 in Shreveport for the purpose of providing an opportunity for board certified specialists and interested members of the bar to comment on the proposed Louisiana Board of Legal Specialization Labor Law Standards; and

WHEREAS, interested members of the bar submitted written comments on the proposed Louisiana Board of Legal Specialization Labor Law Standards in 2018 and through April 24, 2019; and
WHEREAS, the Louisiana Board of Legal Specialization Labor Law Advisory Commission considered the comments made at the public hearings and the written comments and made revisions to the Labor Law Standards and created Labor Law Exam Topics; and

WHEREAS, four Resolutions were filed with the House of Delegates to suspend implementation of Labor Law Standards and Employment Law Standards, and after opposition from the Louisiana Board of Legal Specialization and other interested parties, the House of Delegates voted against two Resolutions to suspend implementation of Labor Law Standards and voted against one Resolution to suspend implementation of Employment Law Standards, and a fourth Resolution to suspend implementation of Employment Law Standards was withdrawn, at the House of Delegates virtual meeting on January 23, 2021;

WHEREAS, the Louisiana Board of Legal Specialization continued with its review and revision of the Labor Law Standards and the Labor Law Exam Topics and set a period from April 1 until April 26, 2021 during which board certified specialists and interested members of the bar could comment on the revised Labor Law Standards and Exam Topics; and

WHEREAS, the Labor Law Advisory Commission considered the comments received and made additional revisions to the Labor Law Standards; and

WHEREAS, a determination was made by the Louisiana Board of Legal Specialization Labor Law Advisory Commission that the following amendments to the Labor Law Standards are in order to revise Section I (C)(1) and (2); Section II (A)(2), (3), (5) and (8); Section III (A)(3) and (B)(1); and Section VI (B) of the Labor Law Standards, considering the comments made at the public hearings and the written comments received, as follows:

Section I. DEFINITIONS

C. Labor law is defined as the handling of matters arising from the relationships between employers and employees, their labor organizations, and independent contractors, excluding workers’ compensation matters (other than retaliatory discharge issues). The specialty practice encompasses all forms of advice, guidance, and counseling as well as litigation, negotiation, arbitration, mediation and other forms of alternative dispute resolution before state and federal tribunals in both the unionized and non-union workforces involving:

1. Federal Law
   a. The National Labor Relations Act
   b. The Labor-Management Relations Act
   c. The Railway Labor Act
   d. The Norris–La Guardia Act
   e. Federal Labor Relations Authority
   f. The WARN Act
   g. The Davis Bacon Act
   h. The Service Contract Act
   i. Employment versus Independent Contractor Status
   j. Arbitration of Labor Claims
k. Federal Arbitration Act and arbitration involving labor claims
l. ERISA with a particular focus on multi-employer benefit plans
m. Occupational Safety and Health Act (except worker's compensation and/or LHWCA
   claims or proceedings)
n. Wage and Hour and Leave Matters including FLSA, FMLA and Equal Pay Act
o. USERRA
p. Vietnam Veterans Readjustment Assistance Act
q. Office of Federal Contracts Compliance Programs regulations
r. Federal Service Labor-Management Relations Statute
s. Federal Labor Relations Authority regulations and statutes

2. State Law

   a. Louisiana law on public sector organizing
   b. Louisiana Civil Service Rules
   c. Louisiana Unemployment Compensation Act
   d. Louisiana's maternity leave law
   e. Louisiana's Wage Payment Act
   f. Louisiana Right to Work Act
   g. Louisiana Binding Arbitration Law
   h. Preemption issues
   i. Louisiana Military Service Relief Act

   ...

Section II. BASIC REQUIREMENTS

A. Application

Applicants must at the time of initial application for certification:

   ...

2. Have a minimum of five (5) years of actual practice of law on a full time basis
   preceding the year of application;

3. Certify under oath that during 60 of the 84 months immediately preceding the year of
   application they have devoted a minimum of 25% of a full-time work schedule in the
   practice of law in the field of labor law as defined in Section I, C.

   ...

5. 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 labor law. Of the five (5) references, at least one
   (1) must be from a Board Certified Labor Law Specialist. These submissions shall
   be subject to the limitations outlined in Rule 8.4 of the Rules;

Page 3 of 5
The requirement that one (1) of the five (5) references be from a Board Certified Labor Law Specialist may be waived by the LBLS Board until there are a sufficient number of Board Certified Labor Law Specialists.

8. Obtain by December 31 of the year of application a minimum of 15 hours of continuing legal education (CLE) in the field of labor law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education Committee ("MCLE Committee") and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 15 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.

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS

A. Program Development and Presentation

3. Program content should be current and related to labor law subjects. Labor law specialization CLE credit will be granted for an entire program if 50% or more of the program is devoted to labor law subjects. If the program in its entirety does not meet the 50% requirement, individual sessions within the program will qualify for labor law specialization credit if 50% or more of the content of the session is devoted to labor law.

B. Program Qualification

1. General Rule

Continuing legal education ("CLE") programs must be approved by the Mandatory Continuing Legal Education Committee ("MCLE Committee") before approval can be granted by the Advisory Commission. Mandatory Continuing Legal Education ("MCLE") is administered by the Louisiana State Bar Association (hereinafter the "LSBA"). 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 labor law.

Section VI. COMPLIANCE

A specialization transcript may be obtained from the Louisiana Board of Legal Specialization website located at https://www.lsba.org/Specialization/.
WHEREAS, the Louisiana Board of Legal Specialization has unanimously agreed that a recommendation be made to the House of Delegates of the Louisiana State Bar Association to adopt the revised Labor Law Standards and the Labor Law Exam Topics, copies of which are attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that:

This Resolution shall be presented to the House of Delegates of the Louisiana State Bar Association; and

FURTHER, be it resolved that the Louisiana Board of Legal Specialization recommends to the House of Delegates of the Louisiana State Bar Association that the revised Labor Law Standards and the Labor Law Exam Topics be adopted and approved.

Respectfully submitted,

May 12, 2021
Lafayette, Louisiana

Robert E. Rowe, Chair
Louisiana Board of Legal Specialization

APPROVED
HOUSE OF DELEGATES
JUNE 10, 2021
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 11, 2021
DESTIN, FL
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 Labor Law Advisory Commission (the “Advisory Commission”), prescribes the following standards and requirements for Board certification in Labor Law in accordance with the 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. Labor law is defined as the handling of matters arising from the relationships between employers and employees, their labor organizations, and independent contractors, excluding workers’ compensation matters (other than retaliatory discharge issues). The specialty practice encompasses all forms of advice, guidance, and counseling as well as litigation, negotiation, arbitration, mediation and other forms of alternative dispute resolution before state and federal tribunals in both the unionized and non-union workforces involving:

1. Federal Law
   a. The National Labor Relations Act
   b. The Labor-Management Relations Act
   c. The Railway Labor Act
   d. The Norris–La Guardia Act
   e. Federal Labor Relations Authority
   f. The WARN Act
   g. The Davis Bacon Act
   h. The Service Contract Act
   i. Employment versus Independent Contractor Status
   j. Arbitration of Labor Claims
   k. Federal Arbitration Act and arbitration involving labor claims
   l. ERISA with a particular focus on multi-employer benefit plans
   m. Occupational Safety and Health Act (except worker’s compensation and/or LHWCA claims or proceedings)
   n. Wage and Hour and Leave Matters including FLSA, FMLA and Equal Pay Act
   o. USERRA
   p. Vietnam Veterans Readjustment Assistance Act
   q. Office of Federal Contracts Compliance Programs regulations
   r. Federal Service Labor-Management Relations Statute
   s. Federal Labor Relations Authority regulations and statutes
2. **State Law**

   a. Louisiana law on public sector organizing  
   b. Louisiana Civil Service Rules  
   c. Louisiana Unemployment Compensation Act  
   d. Louisiana’s maternity leave law  
   e. Louisiana’s Wage Payment Act  
   f. Louisiana Right to Work Act  
   g. Louisiana Binding Arbitration Law  
   h. Preemption issues  
   i. Louisiana Military Service Relief Act  

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 actual practice of law on a full time basis preceding the year of application;  
   3. Certify under oath that during sixty (60) of the eighty-four (84) months immediately preceding the year of application they have devoted a minimum of 25% of a full-time work schedule in the practice of law in the field of labor law as defined in Section I, C.  
   4. Have served as lead counsel, or had substantial responsibility in, 25 or more labor matters as defined in Section I, C at the time of application;  
   5. 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 labor law. Of the five (5) references, at least one (1) must be from a Board Certified Labor Law Specialist. These submissions shall be subject to the limitations outlined in Rule 8.4 of the Rules;  
   6. 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 a Labor Law 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 labor law. 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;  

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1 The requirement that one (1) of the five (5) references be from a Board Certified Labor Law Specialist may be waived by the LBLS Board until there are a sufficient number of Board Certified Labor Law Specialists.
7. Comply with the rules and regulations established by the Board as they relate to release of disciplinary action information;

8. Obtain by December 31 of the year of application a minimum of 15 hours of continuing legal education (CLE) in the field of labor law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education Committee (“MCLE Committee”) and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 15 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.

9. Maintain professional liability insurance in the minimum amount of $1,000,000. The policy must be offered by a company reasonably acceptable to the Board. Evidence of insurance shall be provided with the application.

10. Take and pass a written examination.

11. Certify under oath to having met these requirements.

B. Maintenance

Those bar members certified in the Labor Law 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 labor law, as defined in Section I, C herein.

4. During each year of certification, must attend a minimum of 15 hours of approved labor 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 labor law specialization CLE earned in excess of the 15 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 Labor 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 Labor Law 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 Labor Law 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 related to labor law subjects. Labor law specialization CLE credit will be granted for an entire program if 50% or more of the program is devoted to labor law subjects. If the program in its entirety does not meet the 50% requirement, individual sessions within the program will qualify for labor law specialization CLE credit if 50% or more of the content of the session is devoted to labor law.

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 (“CLE”) programs must be approved by the Mandatory Continuing Legal Education Committee (“MCLE Committee”) before approval can be granted by the Advisory Commission. Mandatory Continuing Legal Education (“MCLE”) is administered by the Louisiana State Bar Association (hereinafter the “LSBA”). 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 labor 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 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 labor 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 labor 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 articles and other publications directed primarily to attorneys specializing in the field of labor 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 labor law.

E. Pro Bono

CLE credit may be awarded for providing uncompensated pro bono legal representation
related to a labor 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 Labor Law 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 Louisiana Board of Legal Specialization website located at https://www.lsba.org/Specialization/

Section VII. ADMINISTRATION

The Advisory Commission may delegate its responsibility to rule on all matters pertaining to labor law 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.
NOTE: NOT ALL TOPICS LISTED BELOW WILL BE COVERED ON ANY GIVEN EXAM. APPLICANTS WILL BE TESTED ON RULES AND LAWS IN EFFECT AT THE TIME OF THE EXAM, UNLESS OTHERWISE SPECIFIED.

A. Federal Law

1. The National Labor Relations Act
2. The Labor-Management Relations Act
3. The Railway Labor Act
4. The Norris–La Guardia Act
5. Federal Labor Relations Authority
6. The WARN Act
7. The Davis Bacon Act
8. The Service Contract Act
9. Employment versus Independent Contractor Status
10. Arbitration of Labor Claims
11. Federal Arbitration Act and arbitration involving labor claims
12. ERISA with a particular focus on multi-employer benefit plans
13. Occupational Safety and Health Act (except worker’s compensation and/or LHWCA claims or proceedings)
14. Wage and Hour and Leave Matters including FLSA, FMLA and Equal Pay Act
15. USERRA
16. Vietnam Veterans Readjustment Assistance Act
17. Office of Federal Contracts Compliance Programs regulations
18. Federal Service Labor-Management Relations Statute
19. Federal Labor Relations Authority regulations and statutes

B. State Law

1. Louisiana law on public sector organizing
2. Louisiana Civil Service Rules
3. Louisiana Unemployment Compensation Act
4. Louisiana’s maternity leave law,
5. Louisiana’s Wage Payment Act
6. Louisiana Right to Work Act
7. Louisiana Binding Arbitration Law
8. Preemption issues
9. Louisiana Military Service Relief Act