

LOUISIANA STATE BAR ASSOCIATION HOUSE OF DELEGATES

Thursday, June 5, 2014
Destin, FL

MINUTES

The House of Delegates was convened at 11:30 a.m., Thursday, June, 5, 2014, in the Magnolia Ballroom of the Baytowne Conference Center at Sandestin Golf & Beach Resort in Destin, Florida. President Richard K. Leefe reminded House members that nominations for positions on the Legislation Committee would close in five (5) minutes and encouraged members to submit their nominations to LSBA staff members.

I. Certification of Quorum by the Secretary

Mr. Grodsky certified that a quorum was present. A copy of the attendance roster is attached as an addendum to these Minutes.

II. Recognition of Deceased Members of the House of Delegates

Mr. Leefe reported that there were no deceased members since the last meeting of the House.

General Session

III. Reports of Standing Committees of the House

1. Jeffrey A. Riggs, Liaison Committee Chair (oral report)

Mr. Riggs reported on efforts to foster inter-session communications among House members using Linked In and advised that House members would receive an email on this the week following the meeting.

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

1. Richard K. Leefe, President

Mr. Leefe deferred his report, advising that he would make it at the Installation Dinner on Thursday evening.

2. Joseph L. Shea, Jr., President-Elect

Mr. Shea reported briefly on his plans to appoint an Outreach Committee, which would be chaired by John Frazier of Shreveport. Mr. Shea encouraged House members to let him know if they were interested in participating.

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3. Barry H. Grodsky, Secretary
Mr. Grodsky waived his report, as he had reported at the General Assembly.
4. Steven G. Durio, Treasurer
Mr. Durio waived his report.
5. Legislation Committee –Michael W. McKay, Chair
Mr. McKay reported on the final disposition of bills on which the LSBA took a position during the 2014 Regular Session. A written report is attached as an addendum to this report.
6. Committee on the Profession – Barry H. Grodsky, Chair
Mr. Grodsky waived further report, as he had reported at the General Assembly.
7. Judge Sandra Jenkins, Children’s Law Committee Co-Chair (oral report and short video clip)
Judge Jenkins gave a brief report on the work of the Children’s Law Committee and then played for the House a short clip from the Committee’s new video.

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

There were no additional oral reports. Written reports were distributed to the House via email.

VI. **Other Reports**

There were no additional reports.

Activities of the House of Delegates

VII. **Approval of Minutes**

Consideration of approval of the Minutes of the January 25, 2014 Meeting of the House of Delegates, held in Baton Rouge.

Upon motion by Robert Kutcher (24th JD) and second by Clay Hamilton (5th JD), the House unanimously approved the minutes as presented.

VIII. **Old Business**

There was no old business to come before the House.

IX. **Elections**

1. Election of three (3) members of the House of Delegates to the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association. The

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committee is composed of the president, president-elect, secretary, chair of the Public Information Committee, and the three (3) House of Delegates members.

Upon motion by Jeff Riggs (15th JD), which motion was duly seconded, Dona Renegar (15th JD) was elected by acclamation. Because no further nominations were made, the President will appoint two additional House members to serve on this committee.

2. Election of a member to serve the final year of Robert A. Kutcher's three-year term on the House of Delegates Liaison Committee, to commence at the conclusion of the 2014 Annual Meeting and end at the conclusion of the 2015 Annual Meeting (Mr. Kutcher must resign at the close of the June 5, 2014 House meeting in order to be installed as LSBA Treasurer). This member shall be elected from House of Delegates members representing the 20th through 42nd Judicial Districts.

Mr. Kutcher nominated Sandra Cosby (24th JD) to serve, which nomination was duly seconded. As no further nominations were received, Ms. Cosby was elected by acclamation.

3. Election, from the three Liaison Committee members, of a Chair of the House of Delegates Liaison Committee for 2014-2015, whose term will commence at the conclusion of the 2014 Annual Meeting. The Chair of the Liaison Committee is a voting member of the Board of Governors.

Mr. Riggs nominated Alainna Mire (9th JD) to serve as Chair of the Liaison Committee for 2014/2015, with a second by Mr. Kutcher. As no further nominations were received, Ms. Mire was elected by acclamation.

4. 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 three (3) House of Delegates representatives from a judicial district at any given time. Terms commence on July 1 immediately following the election and end on June 30, 2017. The following HOD members' terms are expiring:

- Donald R. Abaunza (41st Judicial District)
- B. Scott Andrews (19th Judicial District)
- Paula Adams Ates (Section on Civil Law & Litigation)
- Robert A. Kutcher (24th Judicial District)
- Ronald J. Sholes (41st Judicial District)

The following individuals were nominated to serve on the Legislation Committee from July 1, 2014 through June 30, 2017:

- Donald R. Abaunza (41st Judicial District)
- James E. Boren (19th Judicial District)

- *B. Scott Andrews (19th Judicial District)*
- *Ronald J. Sholes (41st Judicial District)*

Because there were fewer nominees than positions, all were declared elected and Mr. Leefe advised that the President would appoint someone from the House to fill the final vacant position on the Legislation Committee.

X. Resolutions

Section Resolutions

1. Resolution from the Civil Law & Litigation Section asking the House to approve a restatement of the Section's Bylaws.

Upon motion by Section Chair Lynn Luker, which motion was duly seconded, the House unanimously approved the restatement of the Section's Bylaws.

2. Resolution from the Ashley Foret Dees and Laura N. Buck asking the House to create an Immigration Law Section and adopt Bylaws for same.

Upon motion by Ms. Dees, which motion was duly seconded, the House unanimously approved the creation of the Immigration Law Section and the adoption of Bylaws for same.

Committee Resolution

3. Resolution from the Committee on Diversity to recognize and offer its appreciation to Kelly McNeil Legier, who served as LSBA Director of Member Outreach and Diversity from January 2008 through March 2014.

Director of Member Outreach and Diversity Tricia Pierre introduced the resolution on behalf of the Committee on Diversity. Upon motion by Mr. Kutcher, which motion was duly seconded, the House unanimously approved the resolution.

Louisiana Board of Legal Specialization Resolutions

4. Resolution from the Louisiana Board of Legal Specialization asking the House to amend the Plan of Legal Specialization to delete Labor and Employment Law as a specialty field of law to be replaced with Labor Law as a separate specialty field of law and Employment Law as a separate specialty field of law.

Louisiana Board of Legal Specialization Chair Monique Clement introduced the resolution. Upon motion and second, the House approved the resolution.

5. Resolution from the Louisiana Board of Legal Specialization asking the House to amend the LBLS standards for Bankruptcy Law, Family Law, Tax Law and Estate Planning and Administration.

Louisiana Board of Legal Specialization Chair Monique Clement introduced the resolution. Upon motion and second, the House unanimously approved the resolution.

Member Resolution

6. Resolution from Robert A. Kutcher and Thomas C. Cerullo, both of the 24th Judicial District, asking the House of Delegates to support legislation reducing crimes involving the classification of simple possession of marijuana and its chemical derivatives from a felony to a misdemeanor with appropriate incremental penalties for habitual offenders.

Mr. Kutcher introduced the resolution and motioned for his adoption, which motion was seconded by Thomas Cerullo (24th JD). Mr. Kutcher deferred to the Hon. Fredericka Homberg Wicker (24th JD proxy) who spoke in favor of the resolution. Others spoke to the resolution as follows:

- *In favor of the resolution:*
 - *Thomas C. Cerullo (24th JD)*
 - *Kila Lynn Bobier (1st JD)*
 - *Frank X. Neuner, Jr. (15th JD proxy and Past President)*
 - *Stephen Hanemann (41st JD/Orleans proxy)*
 - *James E. Boren (19th)*
 - *Lynn Luker (Civil Law & Litigation)*
 - *Phillip A. Wittmann (41st JD/Orleans)*

- *Opposed to the resolution:*
 - *Jesse H. Bankston, Jr. (19th JD)*
 - *William D. O'Regan (40th JD)*
 - *John Clay Hamilton (5th JD)*
 - *Ann S. Siddall (7th JD)*

After a lengthy discussion by the above individuals, Ms. Siddall made a motion to amend the resolution to require referral to a committee to study the issue, which motion was seconded by Daniel A. Cavell (17th JD proxy). The motion failed.

Mr. O'Regan then made a motion to table, which motion was seconded by Ms. Siddall. The motion failed.

The question was called on the original motion and a vote was taken. The motion passed.

Executive Committee Resolution

7. Resolution from the Executive Committee to address two housekeeping issues as related to committees:
 - a) Change name of the Public Access and Consumer Protection Committee to the Unauthorized Practice of Law Committee to more accurately reflect the committee's purpose; and
 - b) Convert Ethics Advisory Service from its current composition as a Subcommittee of the Rules of Professional Conduct Committee to a standing committee of the LSBA

Mr. Shea introduced the resolution. Upon motion by Patrick Talley (41st/Orleans), which motion was duly seconded, the House unanimously approved the resolution.

Young Lawyers Division Resolution

8. Resolution from the Young Lawyers Division proposing a restatement of its Bylaws.

Larry J. Centola (41st JD/Orleans proxy) introduced the resolution and moved for its adoption, which motion was seconded by Mr. Kutcher. The House unanimously approved the resolution.

XI. Other Business

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

There was no additional business to come before the House.

Upon motion by Mr. Kutcher and second by Mr. Cerullo, the meeting was adjourned at 12:55 p.m.

Respectfully Submitted:



Barry H. Grodsky
Secretary

APPROVED BY HOUSE OF DELEGATES
JANUARY 17, 2015
NEW ORLEANS, LA

**ADDENDUM
2014-2015 HOUSE OF DELEGATES
ATTENDANCE - 2014 ANNUAL MEETING**

FIRST JUDICIAL DISTRICT (14 seats) Parish of Caddo

PRESENT Katherine Smith Baker
PRESENT Kila Bobier
PRESENT Claude W. Bookter, Jr. BY PROXY TO Logan Anderson
PRESENT Ree Casey-Jones BY PROXY TO Danielle N. Brown
PRESENT James L. Fortson, Jr. BY PROXY TO Leland G. Horton
PRESENT Stephen Christopher Fortson
John R. Herzog
PRESENT W. James Hill III
PRESENT Richard M. John BY PROXY TO Joseph L. Shea, Jr.
PRESENT Kevin R. Molloy
PRESENT Marshall R. Pearce BY PROXY TO John Frazier
Nyle A. Politz
PRESENT Kenneth Craig Smith, Jr BY PROXY TO John Crawford
PRESENT Paul L. Wood

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

Tammy G. Jump
Robert A. Moore
Yumeaka Robinson Washington

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

LaKeisha Gray
Albert Carter Mills IV
Tyler G. Storms

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

Jan Peter Christiansen
PRESENT Martin Shane Craighead
Daniel J. Hunter
Marcus L. Hunter
Paul L. Hurd
Charles L. Kincade
Mark Neal
Robert S. Noel
PRESENT Ramsey L. Ogg BY PROXY TO Thomas M. Hayes III
PRESENT William Michael Street
Thomas G. Zentner, Jr.

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

PRESENT John Clay Hamilton

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PRESENT John Hoychick, Jr.
Ann B. McIntyre

SIXTH JUDICIAL DISTRICT (2 seats) Parishes of East Carroll, Madison & Tensas
George F. Fox, Jr.

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

PRESENT John C. Reeves
PRESENT Ann S. Siddall

EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Winn
Kimberly Anastasia Wiley

NINTH JUDICIAL DISTRICT (7 seats) Parish of Rapides

Marcus Augustine
PRESENT Robert L. Bussey
PRESENT Charles D. Elliott
PRESENT Alainna Mire
Mark F. Vilar
Stephen Wheelis
Zebulon M. Winstead

TENTH JUDICIAL DISTRICT (2 seats) Parish of Natchitoches

PRESENT Keenan K. Kelly
Charles R. Whitehead, Jr.

ELEVENTH JUDICIAL DISTRICT (1 seat) Parish of Sabine

TWELFTH JUDICIAL DISTRICT (2 seats) Parish of Avoyelles

Douglas L. Bryan
Dan B. McKay, Jr.

THIRTEENTH JUDICIAL DISTRICT (2 seats) Parish of Evangeline

Timmy J. Fontenot
Abby Bergeron Landreneau

FOURTEENTH JUDICIAL DISTRICT (9 seats) Parish of Calcasieu

PRESENT Theresa A. Barnatt
PRESENT Brian Lee Coody BY PROXY TO John J. Simpson
PRESENT L. Paul Foreman
PRESENT Matthew P. Keating
PRESENT Thomas L. Lorenzi
Robert C. McCorquodale
PRESENT David Daniel Palay, Jr.
Larry E. Pichon

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PRESENT Betty A. Raglin BY PROXY TO Adam P. Johnson

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

PRESENT Homer Ed Barousse, Jr. BY PROXY TO Steven G. Durio

PRESENT Dean A. Cole

PRESENT Kyle L. Gideon BY PROXY TO Blake David

Matthew J. Hill, Jr.

Andrew B. Mims

PRESENT Joseph R. Oelkers III

PRESENT Donovan J. O'Pry II

PRESENT Dona Renegar

PRESENT Jeffrey A. Riggs

PRESENT Michael D. Skinner BY PROXY TO Francis Neuner Jr.

PRESENT Dwazendra Smith BY PROXY TO Jeffrey K. Coreil

PRESENT Juliette B. Wade BY PROXY TO Franchesca Hamilton-Acker

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

Adolph B. Curet III

Eric P. Duplantis

Paul T. Landry

Marsha McNulty

Andrew Reed

PRESENT Maggie T. Simar

Anne G. Stevens

Dennis R. Stevens

SEVENTEENTH JUDICIAL DISTRICT (5 seats) Parish of Lafourche

David G. Arceneaux

PRESENT Marla Mitchell

Robert M. Pugh

PRESENT Nicholas J. Zeringue BY PROXY TO Daniel Cavell

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

J. Lane Ewing, Jr.

Stephen Philibert Jewell

Thomas McCormick

PRESENT Deidre Deculus Robert

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

PRESENT B. Scott Andrews

PRESENT Kelly E. Balfour

PRESENT Jesse H. Bankston, Jr.

PRESENT Valerie B. Bargas

PRESENT Julie J. Baxter

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PRESENT James E. Boren
PRESENT Dana B. Brown
PRESENT Donald J. Cazayoux, Jr. BY PROXY TO Madalyn Moore
PRESENT Juan M. "John" Delgado BY PROXY TO Victor Suane Jr.
PRESENT Michael D. Ferachi BY PROXY TO Carrie LeBlanc Jones
PRESENT Frank A. Fertitta BY PROXY TO Monica Vela-Vick
PRESENT S. David Holladay
PRESENT C. Frank Holthaus BY PROXY TO C. Kevin Hayes
PRESENT Jay M. Jalenak, Jr.
PRESENT Michael W. McKay
PRESENT Adrian G. Nadeau
PRESENT Glen R. Petersen BY PROXY TO James David Caldwell Jr.
PRESENT Valerie T. Schexnayder BY PROXY TO Michael Beckers
PRESENT Amanda S. Stout BY PROXY TO Larry Murray
PRESENT David Abboud Thomas
PRESENT Jack K. Whitehead, Jr. BY PROXY TO Matt Terrell

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

PRESENT Samuel Christopher D'Aquila
Michael L. Hughes

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

PRESENT Mary E. Heck Barrios
Erik L. Burns
Anthony Todd Caruso
Douglas T. Curet
Steven J. Farber
Jay J. Harris
D. Blayne Honeycutt
PRESENT Robert W. Morgan
PRESENT Carolyn F. Ott

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

Clayton J. Borne IV
Eric K. Buerger
Roy K. Burns, Jr.
William Harvell Burris
Olivier Provosty Carriere II
Gordon Timothy Herrin
Veronica Jean Lam
PRESENT Robert C. Lehman
D'Andrea Vel McMooain-Chatman
PRESENT J. Kevin McNary

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Patrice W. Oppenheim

Eugene T. Rhee

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

Christopher J. Bridges

Lana O. Chaney

PRESENT Michael J. Poirrier

Timothy E. Pujol

Jennifer S. Van Metre

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

Allen I. Boudreaux, Jr.

PRESENT Robert J. Caluda BY PROXY TO Michael Mahone Jr.

PRESENT Thomas Christopher Cerullo

PRESENT David L. Colvin BY PROXY TO Stephen Enright Jr.

PRESENT Sandra K. Cosby

PRESENT S. Guy deLaup

Michael R. Delesdernier

Paul C. Fleming, Jr.

PRESENT Geralyn P. Garvey BY PROXY TO Hon. Fredericka Wicker

PRESENT Christy M. Howley BY PROXY TO Mickey deLaup

PRESENT Robert A. Kutcher

PRESENT Adrian F. LaPeyronnie III BY PROXY TO Hon. Barron Burmaster

John J. Lee, Jr.

PRESENT Scott W. McQuaig BY PROXY TO Joseph Barreca Jr.

PRESENT Roy A. Raspanti

George B. Recile

Thomas F. Schexnayder

Mettery I. Sherry, Jr.

PRESENT Tina Louise Suggs

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

PRESENT S. Jacob Braud

Dominick Scandurro, Jr.

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

PRESENT John Zachary Blanchard, Jr.

Ryan E. Gatti

Amanda J. Hulett

Patrick R. Jackson

J. Kyle McCotter

Ross E. Shacklette

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

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Francis A. Olivier III

John L. Olivier

PRESENT Jacque B. Pucheu, Jr. BY PROXY TO Charles Stan Feucht
Randy Wagley

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

Steven Paul Kendrick

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

PRESENT Steven F. Griffith, Sr. BY PROXY TO Timothy Marcel

Gregory A. Miller

Robert L. Raymond

THIRTIETH JUDICIAL DISTRICT (3 seats) Parish of Vernon

D. Wayne Bush

Tony C. Tillman

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

PRESENT Richard M. Arceneaux

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

Charles C. Bourque, Jr.

Sye Joseph Broussard

Kassie L. Hargis

PRESENT Heather Chapin McAllister BY PROXY TO Teresa King

PRESENT Patricia P. Reeves-Floyd

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

Mary Hebert Holmes

Michael Bruce Holmes

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

Roberta L. Burns

Tracy Helen Duplantier

PRESENT Michael A. Gorbaty

PRESENT Gregory J. Noto

PRESENT Paul A. Tabary III

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

Scott M. Prudhomme

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

Elizabeth B. Carr

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

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Brian E. Frazier

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

PRESENT Robert James Sheffield, Jr.

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

John Q. Davis

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

Vercell F. Fiffie

PRESENT William D. O'Regan III

Richard B. Stricks

FORTY-FIRST JUDICIAL DISTRICT (33 seats) Parish of Orleans

PRESENT Donald R. Abaunza

PRESENT Glenn B. Adams

PRESENT Francis J. Barry, Jr.

PRESENT Ashley L. Belleau

PRESENT Jack C. Benjamin, Jr.

Andrew A. Braun

Joseph M. Bruno

PRESENT Derwyn Del Bunton

PRESENT Clifford E. Cardone

PRESENT Thomas A. Casey, Jr. BY PROXY TO Mark A. Cunningham

PRESENT Jeffrey A. Clayman

Paul B. Deal

Richard B. Eason, II

PRESENT William R. Forrester, Jr.

PRESENT Judith A. Gainsburgh BY PROXY TO Lawrence J. Centola

PRESENT James C. Gulotta, Jr.

PRESENT Philip K. Jones, Jr. BY PROXY TO William Blake Bennett

PRESENT Ryan M. McCabe

PRESENT André J. Mouledoux BY PROXY TO Stephen Hanemann

PRESENT John H. Musser V BY PROXY TO John Musser IV

Charles M. Pisano

PRESENT Brian P. Quirk

PRESENT Christopher K. Ralston

PRESENT Louis Gravois Schott

PRESENT Karen Baumgarten Sher BY PROXY TO Brent Barriere

PRESENT Ronald J. Sholes

John A. Stassi II

PRESENT Patrick A. Talley, Jr.

PRESENT Irving J. Warshauer BY PROXY TO Lesli Harris

PRESENT Edward Dirk Wegmann BY PROXY TO Stephen L. Miles

PRESENT Colby F. Wenck

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PRESENT Walter I. Willard
Phillip A. Wittmann

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

Todd Mitchell Johnson
Adrienne D. White

SECTION CHAIRS

Michael P. Arata, Art Entertainment & Sports Law
Richard J. Arsenault, Insurance, Tort, Worker's Comp & Admiralty Law
J. Robert Ates, Civil Law & Litigation
Brian M. Begue, Administrative Law
PRESENT Paul Bell, Labor & Employment Law
Paul W. Breaux, Alternative Dispute Resolution
Susan J. Burkenstock, Trusts, Estate, Probate & Immovable Property Law
PRESENT Ariel K. DiGiulio, Animal Law
Vanessa D'Souza, Intellectual Property
PRESENT Val P. Exnicios, Class Action, Mass Torts & Complex Litigation
Steven J. Farber, Government & Public Law
Gilbert F. Ganuchau, Health Law
PRESENT Demarcus Gordon, Minority Involvement
Keith B Hall, Environmental Law
PRESENT Leo C. Hamilton, Bill of Rights
Larry C. Hebert, Mineral Law
Louis C. LaCour, Appellate
PRESENT Carolyn D. Lafourcade, Taxation
Robert G. Levy, Family Law
PRESENT Lynn Luker, Civil Law & Litigation, Vice-Chair
Tristan E. Manthey, Bankruptcy Law
Richard W. Martinez, Solo & Small Firm
Alexander M. McIntyre, Antitrust & Trade Regulation
J. Marshall Page III, International Law
Warren A. Perrin, Francophone
Leon J. Reymond III, Corporate & Business Law
H. Bruce Shreves, Fidelity, Surety & Construction Law
David A. Szwak, Consumer Protection Law
Joseph P. Tynan, Bench & Bar
Michael S. Walsh, Criminal Law
Jamie H. Watts, Public Utility

LOUISIANA STATE BAR ASSOCIATION
REVISED BY-LAWS OF THE CIVIL LAW & LITIGATION SECTION
OF THE LOUISIANA STATE BAR ASSOCIATION

ARTICLE I.
NAME AND PURPOSE

Section 1. This Section shall be known as the Civil Law & Litigation Section.

Section 2. The purposes of this Section are to promote educational activities, study and service to the Bar, Judiciary, and the public on the law, procedure, practice and techniques of civil law and litigation, to promote professionalism, civility, diversity and inclusion in the practice of civil law and litigation, and to take such related actions as may be desirable and consistent with the Articles of Incorporation and By-Laws of this Association.

ARTICLE II
MEMBERSHIP AND DUES

Section 1. Any member in good standing of the Louisiana State Bar Association shall, upon request to the Secretary of the Louisiana State Bar Association, be enrolled as a member of the Civil Law & Litigation Section. Members so enrolled and whose dues are paid shall constitute the membership of this Section.

Section 2. Dues for membership in this Section shall be \$20.00 per year, payable upon enrollment and thereafter annually on the same fiscal year basis as Louisiana State Bar Association dues.

Section 3. Any member whose annual dues shall be more than three months delinquent shall immediately cease to be a member of this Section. Only Section members in good standing, with dues paid, shall be eligible to vote, hold any Section office, or receive Section publications.

ARTICLE III
OFFICERS

Section 1. The officers of this Section shall be a Chair, a Vice-Chair, and a Secretary-Treasurer. The officers shall serve as members of the Council. The past Chair of the Section shall be designated as Chair Emeritus.

Section 2. Each officer shall hold office for a term of three years, to begin with the adjournment of the annual meeting of the Section at which the member was elected and to end at the close of the third succeeding annual meeting of the Section or until such time as a successor shall have been elected.

ARTICLE IV
DUTIES OF OFFICERS

Section 1. Chair. The Chair, or the Vice-Chair in the absence of the Chair, shall preside at all meetings of the Section and the Council. On consultation with the Council, the Chair shall establish such committees as are deemed necessary and appoint the chair and members thereof who are to hold office during the Chair's term. The Chair shall plan and supervise the programs of the Section and the performance of all activities of the Section. The Chair shall keep the Council informed and carry out its decisions. The Chair shall prepare and present a report of the work of the Section for the year prior to each annual meeting of the Louisiana State Bar Association, and shall perform such other acts as usually accompany the office.

Section 2. Vice-Chair. The Vice-Chair shall assist the Chair, performing such tasks as shall be assigned by the Chair. In the absence of the Chair, or upon the death, resignation or disability of the Chair, the Vice-Chair shall perform the duties of the Chair for the remainder of the term of office; provided that, in the case of disability, the Vice-Chair shall act only during the pendency of the disability.

Section 3. Secretary-Treasurer. The Secretary-Treasurer shall be the custodian of all books, papers, documents and other property of the Section, and shall keep a true record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. With the Chair, the Secretary-Treasurer shall prepare a summary of the activities of the Section for its Annual Report to the Louisiana State Bar Association. The Secretary-Treasurer, in conjunction with the Chair as authorized by the Council, shall attend generally to the business of the Section.

Section 4. The Secretary-Treasurer shall sign any application for and execute any bond as may be requested by any officer of the Section and/or member of the Council pursuant to any resolution duly adopted for any bond for the purpose of protecting the monies of the Section. Any cost or premium for such bond, however, shall not be borne by the officer, but shall be an expense of the Section and paid from the funds of the Section.

ARTICLE V
THE COUNCIL

Section 1. The Council of the Section shall be composed of the officers, three members of the Section selected from Section membership, and the Chair Emeritus.

Section 2. The Council shall have general duties and control as necessary for the administration of the affairs of the Section subject to the provisions of the Constitution and Bylaws of the Louisiana State Bar Association and the Bylaws of this Section.

Section 3. The Council of the Section is authorized to take action in the name of the Section during intervals between meetings of the Section. All binding action of the Council shall be by majority vote of the whole Council.

Section 4. The Council, during the interim between annual meetings of the Section may, with the concurrence of the Chair, fill vacancies in its own membership or in the offices of the Vice-Chair or Secretary-Treasurer and, in the event of vacancies in the offices of both Chair and Vice-Chair, then also in the office of Chair. Members of the Council and officers so elected shall serve until the close of the next annual meeting of the Section.

Section 5. Members of the Council shall vote in person when present at a meeting of the Council. When members contemplate absence, they may communicate their votes on any proposition to the Secretary-Treasurer and have them counted with the same effect as if cast personally at such meeting.

Section 6. The Chair of the Section may submit or cause to be submitted in writing to each of the members of the Council any proposition upon which the Council may be authorized to act, and the members of the Council may vote such propositions as submitted, by communicating their vote thereon, in writing over their respective signatures, including via email, to the Secretary-Treasurer, who shall record upon the minutes each proposition so submitted, when, how and at whose request same was submitted, and the vote of each member of the Council thereon, and keep a file of such written and signed votes. If the votes of a majority of the members of the Council so recorded shall be in favor of such a proposition, or if such majority shall be against such proposition, such majority vote shall constitute the binding action of the Council. The Council of the Section may take action in the name of the Section whenever proposals are brought before the Council for an expression of views and recommendations to the Board of Governors of the Association.

ARTICLE VI

ELECTION OF OFFICERS AND COUNCIL

Section 1. Nominations — Annually, the Chair shall appoint a Nominating Committee of three members of the Section. This Committee shall make and report one nomination for each office and council position which is to be filled in that year, identifying each nominee and including a brief statement of the activities undertaken by the nominee in the Section and in the legal profession. Upon receipt of the committee report, the Chair of the Section shall have it published via email to Section members prior to the Annual Meeting. Added nominations may be made prior to the annual meeting by means of a petition signed by not less than ten members of the Section.

Section 2. Elections — If only one person be nominated for any office, and the nominations are closed, that person shall be declared elected to that office and there shall be no ballot confirming such. The Section members shall be notified of said election via email. If two or more persons are nominated for any office, the nominee receiving the plurality of votes cast pursuant to an email ballot shall be elected to that office. The ballot shall contain the names of all nominees and shall be accompanied by a brief biography of each nominee. The ballot shall include a deadline for returning the ballot by email to the Louisiana State Bar Association to the attention of the Section Coordinator, who will forward the results to the Secretary-Treasurer of the Section. The ballot shall further instruct the Section member to include an electronic signature on the email. Voting shall be under such scheduling as set by the

Officers of the Section; provided that such scheduling shall allow completion of the election no less than ten days prior to the commencement of the Annual Meeting of the Section.

ARTICLE VII **MEETINGS**

Section 1. The annual meeting of the Section shall be held in conjunction with the Louisiana State Bar Association annual meeting or at another time as determined by the Council.

Section 2. Special meetings of the Section may be called by the Chair or upon request of any officer or member of the Council, at such time and place as the Council may determine.

Section 3. The members of the Section present at any meetings shall constitute a quorum for the transaction of business, and the Section shall be bound by a majority vote of the members present at such meeting.

ARTICLE VIII **MISCELLANEOUS PROVISIONS**

Section 1. The fiscal year of the Section shall be the same as that of the Louisiana State Bar Association.

Section 2. All bills incurred by the Section shall, before being paid, be approved by the Chair or Vice-Chair and the Secretary-Treasurer, and checks for all disbursements shall be signed by the Secretary-Treasurer or such other officer as the Chair may authorize, except as to funds appropriated by the Board of Governors which shall be disbursed only by the proper officers of the Louisiana State Bar Association on bills approved by the Council.

Section 3. No salary or compensation shall be paid to any officer, committee, or council.

Section 4. These Bylaws shall become effective immediately upon approval thereof, as required by the Articles and Bylaws of the Louisiana State Bar Association.

Section 5. All printing for the Section or for the Council or any committee of the Section shall be done under the supervision of the Executive Director of the Louisiana State Bar Association.

ARTICLE IX **AMENDMENTS**

Section 1. These Bylaws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, provided such proposed amendment shall first have been approved by a majority of the Council, and provided further that no amendment so adopted shall become effective until approved by the Board of Governors of the Louisiana State Bar Association.

Section 2. The Council may propose amendments by majority vote of the Council. Amendments also may be proposed by submission in writing to the Council in the form of a petition signed by at least ten members of the Section in time for it to be considered by the Council at its last regular meeting before the annual meeting of the Section at which it is to be voted upon. The Council shall consider the proposed amendment at said regular meeting and shall prepare recommendations thereon. The recommendations, together with a complete and accurate text of said proposed amendment, shall be disseminated to the members of the Section by the Secretary-Treasurer prior to the annual meeting of the Section at which they will be voted upon.

I, the undersigned Chair of the Civil Law & Litigation Section of the Louisiana State Bar Association, confirm that a majority of the Section's officers voted in favor of these Revised By-Laws.

DATED: April 25, 2014

Respectfully submitted:



J. Robert Ates

APPROVED
HOUSE OF DELEGATES
JUNE 5, 2014
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 6, 2014
DESTIN, FL

Ashley Foret Dees

Attorney at Law
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Laura N. Buck

Young & Cotter, LLC
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Lafayette, Louisiana 70503
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May 1, 2014

House of Delegates
Louisiana State Bar Association
601 St. Charles Avenue
New Orleans, LA 70130-3404

RE: Request to Form Immigration Law Section

Dear Delegates:

We respectfully request that you vote in favor of establishing a section dedicated to immigration law at your next meeting of the Board of Governors. The creation of an Immigration Law Section of the Louisiana State Bar Association would undoubtedly contribute to the organization's commitment to assist and serve its members in the practice of law and increase public understanding of and respect for the law. Increasingly, courts throughout the United States, legal scholars, members of the media, and other individuals are recognizing that our legal system needs to better address immigration. The President of the United States has recently spoken on the importance of passing a comprehensive set of reforms to remedy our nation's broken immigration system. Louisiana State Bar Association members would greatly benefit from having a forum to consider and discuss the legal issues involved in immigration as our country is on the verge of a possible immigration reform.

In furtherance of advancing this area of law, several state bar associations (Arkansas, Maryland, New Mexico, Illinois, Minnesota, Alaska, Texas, Tennessee, Georgia, Massachusetts, Nebraska, New Jersey, Colorado, Kentucky, Arizona, and others) have created immigration law sections. In addition, there are numerous regional immigration law bar sections and committees. The Federal Bar Association and American Bar Association both have immigration law sections as well.

There are also numerous immigration law courses taught at law schools in the United States, including Tulane, Loyola, LSU, and Southern. Both LSU Law School and Loyola Law School have Immigration Law Clinics. Law students are becoming increasingly proactive in starting immigration law student organizations as well. The Louisiana State Bar Association could also be a leader in this important area of law by creating its own Immigration Law Section.

While immigration law is a unique and specialized area of law, it also intersects in important ways with other well established areas of law, such as criminal law, family law, constitutional law, labor and employment law, and international law. For example, last October, the Louisiana Supreme Court addressed federal immigration law in its decision to overturn a

Louisiana criminal statute that prohibited operation of vehicles without lawful presence. *See State v. Sarrabea*, 126 So. 3d 453 (La. 10/15/13). Immigration-related stories are increasingly the headlining news story, each article bringing to light new and complex legal issues, and practitioners in other areas of law would benefit tremendously from the education and resources which an Immigration Law Section could provide when their cases touch upon immigration issues.

I. Goals

The goals with which the Immigration Law Section would commit to accomplishing include:

- Educating members of the State Bar and the public about immigration law;
- Promoting legislation to advance the development of immigration law;
- Creating and maintaining an Immigration Law Handbook, which compiles immigration-related laws and regulations, including local ordinances pertaining to aliens;
- Creating and maintaining a resources and brief bank for use by attorney members of the Immigration Law Section;
- Creating and maintaining a referral service for and among attorneys practicing in the area of immigration law;
- Creating and maintaining a referral service for the public which refers people with problems or concerns to attorneys within the Immigration Law Section who will handle such cases;
- Publishing an Immigration Law Section newsletter;
- Creating a website for the Immigration Law Section with a listserv;
- Actively recruiting a diverse group of knowledgeable, cutting edge speakers for CLE programs on immigration law; and
- Publicly recognizing the attorneys, judges, and other individuals who make outstanding contributions to the advancement of immigration law in general.

II. Resolution

Attached is a Resolution for the formation of an Immigration Law Section of the Louisiana State Bar Association (three copies).

III. Bylaws

Also attached is a primary set of proposed Immigration Law Section Bylaws.

IV. Petition

Also attached is a Petition to Establish an Immigration Law Section, signed by over fifty (50) members of the Louisiana State Bar Association.

V. Conclusion

Based on all of the foregoing, we respectfully request that this Board approve the creation of an Immigration Law Section of the Louisiana State Bar Association. Please feel free to contact us if you have any questions or concerns or require further documentation.

Sincerely,



Ashley Foret Dees, #31727
Attorney at Law
313 Broad Street
Lake Charles, Louisiana 70601
Phone: 337-214-0354



Laura N. Buck, #34667
Young & Cotter, LLC
315 S. College Road, Suite 163
Lafayette, LA 70503
Phone: 337-261-8800

LOUISIANA STATE BAR ASSOCIATION

**RESOLUTION TO ADD IMMIGRATION LAW SECTION
OF THE LOUISIANA STATE BAR ASSOCIATION**

WHEREAS, the House of Delegates of the Louisiana State Bar Association hereby recommends that the Immigration Law Section of the Louisiana State Bar Association be and is hereby created;

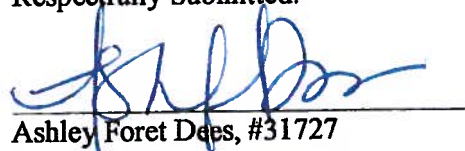
WHEREAS, the House of Delegates of the Louisiana State Bar Association hereby adopts the proposed Bylaws of the Immigration Law Section of the Louisiana State Bar Association as submitted by Ashley Foret Dees, Louisiana State Bar No. 31727 and Laura N. Buck, Louisiana State Bar No. 34667;

WHEREAS, the purpose of the Immigration Law Section of the Louisiana State Bar Association is to:

- (1) promote and assist members of the profession in the study and understanding of the laws, regulations, and court decisions dealing with legal issues involving immigration; and
- (2) provide a forum for members of the profession to consider and discuss the legal issues involved in immigration.

THEREFORE, BE IT RESOLVED, that the Louisiana State Bar Association create the Immigration Law Section of the Louisiana State Bar Association to be governed by the Bylaws as submitted with this Resolution.

Respectfully Submitted:



Ashley Foret Dees, #31727
Attorney at Law
313 Broad Street
Lake Charles, Louisiana 70601
Phone: 337-214-0354



Laura N. Buck, #34667
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APPROVED
HOUSE OF DELEGATES
JUNE 5, 2014
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 6, 2014
DESTIN, FL

ATTACHED: Bylaws

LOUISIANA STATE BAR ASSOCIATION
BYLAWS OF THE IMMIGRATION LAW SECTION

ARTICLE I

NAME AND PURPOSE

Section 1. This section shall be known as the Immigration Law Section ("Section") of the Louisiana State Bar Association.

Section 2. The purpose of this Section is to:

(1) promote and assist members of the profession in the study and understanding of the laws, regulations, and court decisions dealing with legal issues involving immigration; and

(2) provide a forum for members of the profession to consider and discuss the legal issues involved in immigration.

ARTICLE II

MEMBERSHIP

Section 1. Any member in good standing of the Louisiana State Bar Association shall, upon request to the Secretary of the Section, be enrolled as a member of the Section. Members so enrolled whose dues are paid shall constitute the membership of the Section.

Section 2. Each member of the Section must pay to the Treasurer of the Section annual dues of \$5.00. Dues are payable upon enrollment and thereafter annually on the same fiscal year basis as Louisiana State Bar Association dues. Members of the judiciary shall not be required to pay dues.

Section 3. Any member of this Section whose annual dues are more than six months past due ceases to be a member of this Section. Enrolled members whose dues have been paid constitute the membership of this Section.

ARTICLE III

OFFICERS

Section 1. The officers of this Section are as follows: Chair; Vice-Chair; Secretary; and Treasurer.

Section 2. Each officer shall hold office for a term of one year, to begin with the adjournment of the annual meeting of the Section at which the member was elected and to end at the close of the second succeeding annual meeting of the Section; or until such time as a successor shall have been elected.

Section 3. Upon ratification of the Section Bylaws and adoption of the Resolution creating a Section of Immigration Law by the membership of the Association, the first Chair, Vice-Chair, Secretary and Treasurer shall be appointed by the President of the Louisiana State Bar Association to serve for two years. Thereafter, the officers shall be elected by the Section membership in the manner hereinafter set forth.

ARTICLE IV

NOMINATION AND ELECTION OF OFFICERS

Section 1. Nominations. Before the first session of each annual meeting of the Section, the Chair shall appoint a nominating Committee of three members of the Section. This Committee shall make and report one nomination for each office which is to be filled by election in that year, identifying each nominee and including a brief statement of activities undertaken by the nominee in the Section and in the law profession. Upon receipt of the Committee report, the Chair of the Section shall have it published to Section members prior to the Annual Meeting. Added nominations may be made prior to the meeting by means of a petition signed by not less than ten members of the Section.

Section 2. Elections. All elections must be by written ballot unless otherwise ordered by resolution duly adopted by the Section at the annual meeting at which the election is held.

ARTICLE V

DUTIES OF OFFICERS

Section 1. Chair. The Chair shall:

- (1) preside at all meetings of the Section and of the Council;
- (2) formulate and present at each annual meeting of the Louisiana State Bar Association a report of the work of the Section for the past year; and
- (3) perform other duties customary for the Chair.

Section 2. Vice-Chair. Upon the death, resignation, or during the disability of the Chair, or upon the Chair's refusal to act, the Vice-Chair shall perform the duties of the Chair for the remainder of the Chair's term except in case of the Chair's disability, and then only so long as the disability continues.

Section 3. Secretary. The Secretary is the custodian of all books, papers, documents, and other property of the Section. The Secretary shall keep a true record of the proceedings of all meetings of the Section and the Council, whether assembled or acting under submission. The Chair, Vice-Chair, and Secretary shall prepare a summary or digest of the proceedings of the Section at its annual meeting. In conjunction with the Chair and the Vice-Chair, the Secretary as authorized by the Council, shall attend generally to the business of the Section.

Section 4. Treasurer. The Treasurer is the custodian of all financial books, papers, documents, and funds of the Section. The Treasurer shall deposit the funds of the Section in a separate account in any bank to be selected by the Council, generally in the city where the Treasurer resides, and shall make disbursements from funds as directed and authorized by the Council on checks signed by the Treasurer or either the Chair or Vice-Chair. The Treasurer shall keep an accurate record of all funds appropriated to and expended for the use of the Section. The Treasurer shall submit to the State Bar accounting department on a monthly basis all bank statements, along with all canceled checks and deposit slips and the check register.

ARTICLE VI

DUTIES AND POWERS OF THE COUNCIL

Section 1. There shall be a Council which shall consist of the Chair, Vice-Chair, Secretary, and Treasurer, three members of the Section elected by Section membership, and the retiring Chair, who shall be a non-voting member for two years following retirement.

Section 2. The Council shall have general supervision and control of the affairs of the Section subject to the rules governing the Louisiana State Bar Association and the Bylaws of this Section. The Council shall authorize all commitments or contracts which require the payment of money, and shall authorize the expenditure of all funds.

Section 3. The Council may authorize the Chair, with the Vice-Chair, to appoint committees from Section members to perform duties and exercise the powers as the Council may direct, subject to the limitations of these bylaws and rules governing the Louisiana State Bar Association.

Section 4. The Council, during the interim between annual meetings of the Section, may fill vacancies in its own membership or in the offices of Secretary and Treasurer; or, in the event of a vacancy in both the office of Chair and Vice-Chair, then in the office of Chair. Members of the Council, and officers, so selected serve until the close of the next annual meeting of the Section or until their successors have been elected and qualified.

Section 5. Members of the Council when personally present at a meeting of the Council shall vote in person, but when absent may communicate their vote, in writing, regarding any proposition, to the Secretary and have the vote counted with the same effect as if cast personally at the meeting.

Section 6. The Chair of the Section may, and upon the request of any member of the Council shall, submit or cause to be submitted, in writing, to each of the members of the Council, any proposition upon which the Council may be authorized to act, and the members of the Council may vote regarding that proposition by communicating their vote, in writing over their respective signatures, to the Secretary. The Secretary shall record the vote of each member of the Council, and keep on file the written and signed votes. A vote conducted under this Section of these Bylaws constitutes the vote of the Council the same as if the vote was conducted under Article VI, Section 5 of these Bylaws.

Section 7. The President of the Louisiana State Bar Association shall appoint three members of the Section to serve on the first Council. Such members shall be elected by the President from a slate of six names furnished to the President by the officers of the Section. Each member shall serve for one year. At the expiration of each initial term, members of the Council shall be elected in the same manner set forth for officers to serve a term of one year. Each term will begin with the adjournment of the annual meeting at which the member was elected and will end at the close of the second succeeding annual meeting of the Section.

ARTICLE VII

MEETINGS

Section 1. The annual meeting of the Section must be held during the annual meeting of the Louisiana State Bar Association, in the same city as the annual meeting of the Louisiana State Bar Association, with the program and order of business as may be arranged by the Council; provided that to the extent permitted by rules governing sections of the Louisiana State Bar Association, or by variance granted by the Louisiana State Bar Association, the annual meeting of the Section may be held at any place in the State of Louisiana at a time that is within sixty (60) days prior to the time of the Louisiana State Bar Association meeting.

Section 2. Special meetings of the Section may be called by the Chair upon approval of the Council, at a time and place the Council determines.

Section 3. The members of the Section present at any meeting constitute a quorum for the transaction of business.

Section 4. A binding action of the Section requires a majority vote of the members present.

Section 5. Any recommendation or declaration of the Section regarding existing or proposed legislation, or regarding proposed governmental regulations or administration, in order to constitute the action of the Section, must first be approved by two-thirds of the members of the Council and then must be approved by a majority of the members of the Section; provided that the action must also be submitted for approval to the Board of Directors of the Louisiana State Bar Association.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

Section 1. The fiscal year of the Section is the same as that of the Louisiana State Bar Association.

Section 2. No salary or compensation may be paid to any officer or member of this Section except that actual expenses of the Section's officers may be reimbursed if approved by the Council.

Section 3. These Bylaws shall become effective immediately upon approval thereof, as required by the Articles and Bylaws of the Louisiana State Bar Association.

ARTICLE IX

AMENDMENTS

These Bylaws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, provided each proposed amendment must have been approved by two-thirds of the members of the Council. No amendment may become effective until approved by the Board of Governors of the Louisiana State Bar Association.

**LOUISIANA STATE BAR ASSOCIATION
PETITION TO ESTABLISH
IMMIGRATION PRACTICE SECTION**

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LOUISIANA STATE BAR ASSOCIATION
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**LOUISIANA STATE BAR ASSOCIATION
PETITION TO ESTABLISH
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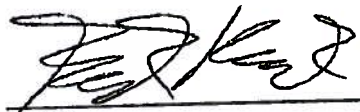
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**LOUISIANA STATE BAR ASSOCIATION
PETITION TO ESTABLISH
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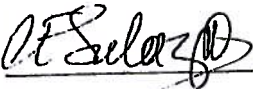
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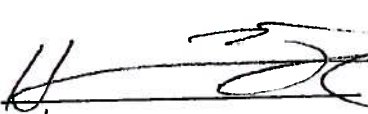
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**LOUISIANA STATE BAR ASSOCIATION
PETITION TO ESTABLISH
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LOUISIANA STATE BAR ASSOCIATION
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**LOUISIANA STATE BAR ASSOCIATION
PETITION TO ESTABLISH
IMMIGRATION PRACTICE SECTION**

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**LOUISIANA STATE BAR ASSOCIATION
PETITION TO ESTABLISH
IMMIGRATION PRACTICE SECTION**

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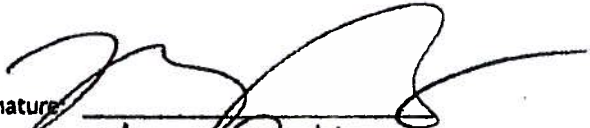
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**LOUISIANA STATE BAR ASSOCIATION
PETITION TO ESTABLISH
IMMIGRATION PRACTICE SECTION**

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LOUISIANA STATE BAR ASSOCIATION
PETITION TO ESTABLISH
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Signature: Maria J. O'Brien Stephens
Print name: MARIA J. O'BRIEN STEPHENS

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Print name: KATHLEEN LAMBERT

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LOUISIANA STATE BAR ASSOCIATION
PETITION TO ESTABLISH
IMMIGRATION PRACTICE SECTION

Signature: Michael D. Skinner
Print name: Michael D. Skinner #12118

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Print name: ELENA A PECORARO, # 26787

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**LOUISIANA STATE BAR ASSOCIATION
PETITION TO ESTABLISH
IMMIGRATION PRACTICE SECTION**

Signature: Vandana Chaturvedi
Print name: VANDANA CHATURVEDI
LSBA # 26816

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LOUISIANA STATE BAR ASSOCIATION

PETITION TO ESTABLISH

IMMIGRATION PRACTICE SECTION

Douglas Yang

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**LOUISIANA STATE BAR ASSOCIATION
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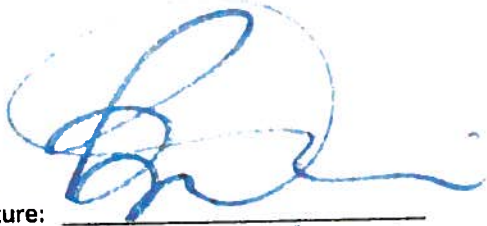
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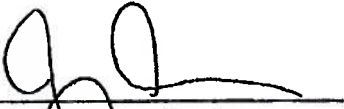
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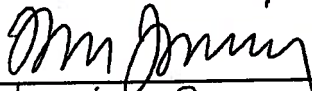
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PETITION TO ESTABLISH
IMMIGRATION PRACTICE SECTION**

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Print name: KATHLEEN GASPARIAN

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Print name: Leah Spivey

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Print name: DAVID WARE

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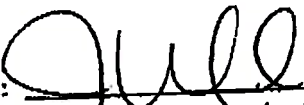
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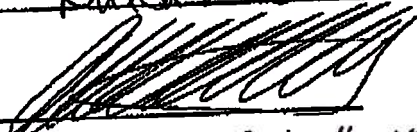
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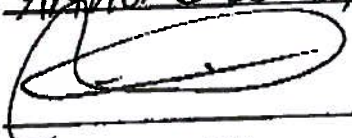
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**LOUISIANA STATE BAR ASSOCIATION
PETITION TO ESTABLISH
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Print name: Arthur O. Schott, III

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Print name: Riquel Silva

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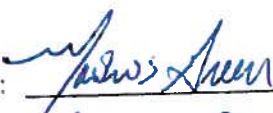
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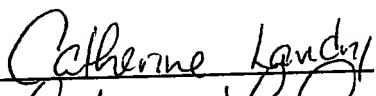
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LOUISIANA STATE BAR ASSOCIATION
PETITION TO ESTABLISH
IMMIGRATION PRACTICE SECTION

Signature:  # 32148
Print name: MATTHEW GREEN

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Print name: J.A.S. Neenan

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Print name: Catherine Landry

Signature:  29400
Print name: John L Robert

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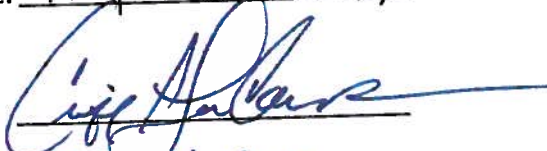
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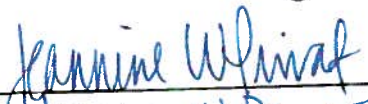
LOUISIANA STATE BAR ASSOCIATION
PETITION TO ESTABLISH
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Print name: Philip H. Boudreau, Jr.

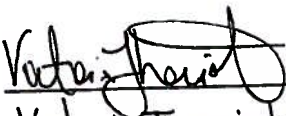
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Print name: Cliff A. Lalanc

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Print name: JACLYN C. BRIDGES

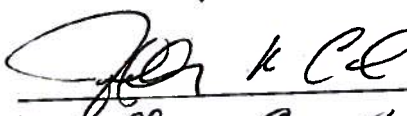
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RESOLUTION PROPOSED BY THE LSBA COMMITTEE ON DIVERSITY

WHEREAS, the Committee on Diversity of the Louisiana State Bar Association and on behalf of the subcommittee members of the Committee on Diversity, express our profound appreciation to Kelly McNeil Legier, for her service to the Committee on Diversity.

WHEREAS, Kelly McNeil Legier has made a significant contribution through her work with the Committee on Diversity through her position with the Louisiana State Bar Association as the Director of Member Outreach and Diversity.

WHEREAS, Kelly McNeil Legier has purposely used her position as Director of Member Outreach and Diversity to affect the lives of persons that have experienced “a less inclusive environment” in the legal profession.

WHEREAS, Kelly McNeil Leger, in an effort to create an inclusive environment, developed programming that embodies the Committee on Diversity’s motto: “Diversity, Inclusion, and Professionalism.”

WHEREAS, as acclamation of our appreciation, we therefore recognize and celebrate the great work of Kelly McNeil Legier.

THEREFORE IT IS RESOLVED that this resolution shall be approved by the Louisiana State Bar Association House of Delegates and immediately transmitted to Kelly McNeil Legier with full gratitude.

Respectfully submitted,
LSBA Committee on Diversity



Luis A. Leitzelar, Co-chair, Committee on Diversity



Chauntis T. Jenkins, Co-chair, Committee on Diversity

APPROVED
HOUSE OF DELEGATES
JUNE 5, 2014
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 6, 2014
DESTIN, FL



RESOLUTION TO AMEND THE LOUISIANA STATE BAR ASSOCIATION PLAN OF LEGAL SPECIALIZATION

WHEREAS, the Louisiana State Bar Association Plan of Legal Specialization provides for the offering of a specialty certification in the field of Labor and Employment Law; and

WHEREAS, a review of the Louisiana State Bar Association Plan of Legal Specialization reflects that a revision is in order to redefine the specialty field of Labor and Employment Law to avoid potential problems in the certification process; and

WHEREAS, the Louisiana Board of Legal Specialization is desirous of amending Section 15 of the Louisiana State Bar Association Plan of Legal Specialization in order to separate the Labor and Employment Law specialty certification into two (2) distinct specialty certifications, to wit: Labor Law and Employment Law; and

WHEREAS, at a meeting of the Louisiana Board of Legal Specialization held on March 7, 2014, it was unanimously agreed that Section 15 of the Louisiana State Bar Association Plan of Legal Specialization should be amended to delete Labor and Employment Law as a specialty field of law to be replaced with Labor Law as a separate specialty field of law and Employment Law as a separate specialty field of law so that criteria may be drafted and specialization certifications awarded in each respective field of law. The amended section would read as follows:

15.1 The jurisdiction of the Board shall be limited to the following fields of law:

Tax Law
Family Law
Consumer Bankruptcy Law
Business Bankruptcy Law
Labor Law
Employment Law
Estate Planning and Administration
Environmental Law

The Board shall continue to be responsible for the development and operation of the program for the recognition and regulation of specialization in other fields of practice and the number and type of specialty certifications included in the program and the jurisdiction of the Board may be enlarged, altered or terminated from time to time by the Supreme Court of Louisiana.

NOW, THEREFORE, BE IT RESOLVED that the Louisiana State Bar Association Plan of Legal Specialization be amended as set forth above.

Respectfully submitted,

MONIQUE CLEMENT, Chair
Louisiana Board of Legal Specialization

May 1, 2014
New Orleans, Louisiana

APPROVED
HOUSE OF DELEGATES
JUNE 5, 2014
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 6, 2014
DESTIN, FL



**RESOLUTION TO AMEND THE
LOUISIANA BOARD OF LEGAL SPECIALIZATION
STANDARDS FOR BANKRUPTCY LAW, FAMILY LAW,
TAX LAW and ESTATE PLANNING AND ADMINISTRATION**

WHEREAS, a review of the Louisiana Board of Legal Specialization Standards for Bankruptcy Law, Family Law, Tax Law and Estate Planning and Administration reflects that revisions are in order to update, modify, clarify and conform these Standards to be in compliance with the LSBA Plan of Legal Specialization and the Rules and Regulations of the Louisiana Board of Legal Specialization; and

WHEREAS, a public hearing was held on February 12, 2014 for the purpose of providing an opportunity for board certified specialists and members of the bar to comment on the proposed revisions to the Bankruptcy Law, Family Law, Tax Law and Estate Planning and Administration Standards; and

WHEREAS, at a meeting of the Louisiana Board of Legal Specialization held on March 7, 2014, it was unanimously agreed that the Standards for Bankruptcy Law, Family Law, Tax Law and Estate Planning and Administration shall be amended in accordance with the following proposed addenda attached hereto and made a part hereof:

Bankruptcy Law - Addendum A
Family Law – Addendum B
Tax Law – Addendum C
Estate Planning and Administration – Addendum D

NOW, THEREFORE, BE IT RESOLVED that the Louisiana Board of Legal Specialization Standards for Bankruptcy Law, Family Law, Tax Law and Estate Planning and Administration be amended as proposed.

Respectfully submitted,

MONIQUE CLEMENT, Chair
Louisiana Board of Legal Specialization

May 1, 2014
New Orleans, Louisiana

APPROVED
HOUSE OF DELEGATES
JUNE 5, 2014
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 6, 2014
DESTIN, FL



~~THE BANKRUPTCY LAW ADVISORY COMMISSION'S
STANDARDS FOR BUSINESS BANKRUPTCY LAW CERTIFICATION
AND CONSUMER BANKRUPTCY LAW CERTIFICATION~~

**LOUISIANA BOARD OF LEGAL SPECIALIZATION
BANKRUPTCY LAW STANDARDS**

SECTION I. DEFINITIONS

The following definitions apply to the standards for Business Bankruptcy Law certification and Consumer Bankruptcy Law certification, as adopted by the Bankruptcy Law Advisory Commission and approved by the Louisiana Board of Legal Specialization.

- A. Business Bankruptcy Law means the practice of law in Chapters 7, 9, 11, 12 or 13 cases where the debtor has been engaged in business prior to filing a petition in bankruptcy.
- B. Consumer Bankruptcy Law means practice of law in cases involving individual Chapters 7, 12 or 13 debtors.
- C. The "ABC" means the American Board of Certification, jointly sponsored by the American Bankruptcy Institute and the Commercial Law League of America.
- D. The "Advisory Commission" means the Bankruptcy Law Advisory Commission of the Louisiana Board of Legal Specialization.
- E. The "Plan" shall refer to the Louisiana State Bar Association Plan of Legal Specialization.
- F. With regard to private practitioners who provide references for applicants, a "Bankruptcy Practitioner" must qualify to serve as a reference under both the Plan and the Rules and Regulations of the Louisiana Board of Legal Specialization, and his or her private practice, over the last three (3) years, is at least thirty-five percent (35%) in ~~either or both Business Bankruptcy Law or Consumer~~ Bankruptcy Law.
- G. *Certification as a specialist shall be effective the date the Louisiana Board of Legal Specialization authorizes recognition and shall remain effective for five (5) years from January 1 of the year of recognition.*

SECTION II. STANDARDS FOR ~~SPECIALIZATION~~ CERTIFICATION

Each of the following standards must be met to qualify for certification in the fields of Business Bankruptcy Law and/or Consumer Bankruptcy Law:

- A. Requirements of the Approved Certifying Agency
 - 1. Each applicant seeking to obtain certification from the Louisiana Board of Legal Specialization in the area of Business Bankruptcy Law must successfully apply for and obtain certification as a specialist in the area of Business Bankruptcy Law from the ABC.

2. Each applicant seeking to obtain certification from the Louisiana Board of Legal Specialization in the area of Consumer Bankruptcy Law must successfully apply for and obtain certification as a specialist in the area of Consumer Bankruptcy Law from the ABC.
3. Certification from the ABC will require, among other things, that the applicant pass the ABC's written examination for the specialty or specialties in which the applicant seeks certification.

B. Continuing Legal Education (CLE)

1. Each applicant for certification by the Louisiana Board of Legal Specialization in Business and/or Consumer Bankruptcy Law must have met all of the continuing legal education (CLE) requirements of the ABC.
2. ~~Additionally, All CLE programs that the applicant relies upon to obtain certification from the ABC must be approved by the Mandatory Continuing Legal Education Department of the Louisiana State Bar Association Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE).~~

C. References

- ~~1. Each applicant for certification by the Louisiana Board of Legal Specialization must have met the reference requirements of the ABC.~~
- ~~2. Additionally, each applicant must submit five favorable references to the Advisory Commission. The persons who provide references to the Advisory Commission may be the same persons who have provided references to the ABC. At least three of the persons submitting references to the Advisory Commission, however, must be a Bankruptcy Practitioner who is a member of the Louisiana State Bar Association.~~

D. Professional Liability Insurance

1. Each applicant for certification in Business Bankruptcy Law must provide the Advisory Commission with evidence of professional liability insurance of not less than One Million (\$1,000,000) Dollars and with policy provisions acceptable to the Advisory Commission.
2. Each applicant for certification in Consumer Bankruptcy Law must provide the Advisory Commission with evidence of professional liability insurance of not less than Five Hundred Thousand (\$500,000) Dollars and with policy provisions acceptable to the Advisory Commission.

SECTION III. MAINTENANCE OF CERTIFICATION

In order to maintain certification by the Louisiana Board of Legal Specialization, each certificate holder must maintain certification from the ABC.

SECTION IV. RECERTIFICATION

Each applicant for recertification must comply with the Plan *and the Rules and Regulations of the Louisiana Board of Legal Specialization* in order to be recertified. Additionally, in order to qualify for recertification, the applicant for recertification first must obtain recertification from the ABC.

SECTION V. REVOCAION OF CERTIFICATION

The Louisiana Board of Legal Specialization may revoke a certificate for any of the reasons set forth in the Plan. Additionally, the Louisiana Board of Legal Specialization may revoke the certificate if the ABC has revoked that certificate.

SECTION VI. ADMINISTRATION

- A. In order to qualify for certification and recertification, each applicant must ~~fully~~ pay all ~~applicable-application~~ fees required ~~of~~ by the Louisiana Board of Legal Specialization ~~if any~~.
- B. ~~Additionally~~, The Louisiana Board of Legal Specialization shall retain, at all times, the right to review, modify or supersede these standards.



LOUISIANA BOARD OF LEGAL SPECIALIZATION FAMILY LAW STANDARDS

Section I. **DEFINITIONS**

- A. *The practice of law means full-time legal work performed for the purposes of rendering legal advice or legal representation to the general public, private employers or governmental agencies.*
- B. *Full-time shall be defined as working a minimum of 35 hours per week.*
- C. *Family law is defined as the actual practice of law dealing with all matters arising from or related to the areas of family law as defined in Section II, A9 herein.*
- D. *Certification as a specialist shall be effective the date the Louisiana Board of Legal Specialization authorizes recognition and shall remain effective for five (5) years from January 1 of the year of recognition.*

Section II. **BASIC REQUIREMENTS**

A. Application

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

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 immediately preceding the ~~year~~ date of ~~certification~~ application.*
3. ~~A minimum of 35% of the total time devoted to the practice of law annually in each of the 5 years preceding application and in each year of certification shall be in the field of family law. Additionally, the attorney must demonstrate actual experience in the representation of clients, contested hearings and trials, negotiation and settlement of family law matters, and knowledge of appellate procedures. Each applicant must certify under oath that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in each of the five (5) years immediately preceding the date of application in the field of family law and that he or she has actual experience in the representation of clients, contested hearings and trials, negotiation and settlement of family law matters, and knowledge of appellate procedures.~~
4. ~~Each applicant shall submit to the Family Law Advisory Commission, the names and addresses of at least five (5) persons who are lawyers, at least two (2) of which are Board-Certified Family Law Specialists, who can attest to the applicant's competence in the~~

~~specialty field of family law.~~ *The Family Law Advisory Commission must receive on behalf of the applicant, on a form furnished by the Louisiana Board of Legal Specialization, a minimum of five (5) satisfactory reference statements in support of their application for certification from practicing attorneys who can attest to the applicant's competence in the specialty field of family law. Of the five (5) satisfactory reference statements, at least two (2) must be from a Board Certified Family Law Specialist. These submissions shall be subject to the limitations as outlined in section 8.4 of the Rules and Regulations of the Louisiana Board of Legal Specialization.*

5. Each applicant ~~will~~ *shall* consent to a confidential inquiry, by the Louisiana Board of Legal Specialization *and/or* the Family Law Advisory Commission, directed to all persons who serve as references for the applicant, and to other persons regarding the applicant's competence and qualifications to be recognized as a Family Law Specialist. This inquiry and review shall consider information furnished by references and other information that the Advisory Commission deems relevant to demonstrate whether the applicant has ~~achieved recognition as having a level of competence indicating proficient performance and sufficient competence and proficiency~~ *handling the usual matters of the specialty field. Such* This information may include the applicant's work product, problem analysis, statement of issues and analysis, ethics, reputation, professionalism or such other criteria which the Advisory Commission deems appropriate to take into account prior to making its recommendations.
6. Each applicant must comply with the rules and regulations established by the Louisiana Board of Legal Specialization as they relate to release of disciplinary action information.
7. ~~In the year of application, and in each year of certification, the~~ *Each* applicant ~~must is required to~~ obtain by December 31 of the year of application, credit for 18 hours of continuing legal education (CLE) ~~pursuant to the Supreme Court of Louisiana Rules for Continuing Legal Education in the field of family law. All 18 hours must be in the field of family law. All continuing legal education CLE credits of an applicant or certificate holder must be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE) and the Louisiana Board of Legal Specialization and the family law credits must be approved by the~~ Family Law Advisory Commission. CLE earned in prior years may not be used to satisfy the 18 hours required within the year of application. *An applicant will not qualify for specialization CLE exemption in the year of application.*
8. Each applicant must ~~carry malpractice~~ *provide evidence of professional liability* insurance in the minimum amount of \$500,000, ~~unless waived for good cause by the Louisiana Board of Legal Specialization with the application.~~
9. *Each* applicant must pass a written examination applied uniformly to all applicants demonstrating sufficient knowledge, proficiency and experience in the following areas of family law as is necessary to justify the representation of special competence to the legal profession and to the public:
 - a. The procedure in Civil Code Articles 102 and 103 Divorces
 - b. Domicile, Venue and Jurisdiction
 - c. Child Support
 - d. Child Custody
 - e. Alimony/Spousal Support and Alimony/Spousal Support Pendente Lite

- f. Use and Occupancy of the Family Home and Community Movables and Immovables, and Rental Value for Use and Occupancy
- g. Temporary Restraining Orders and Injunctive Relief
- h. Appointment of Attorneys to Represent Children in Child Custody and Visitation Proceedings
- i. Matrimonial Regimes, including Partition of Community Property and Settlement of Claims Arising from Matrimonial Regimes
- j. Co-ownership of Former Community Property
- k. Qualified Domestic Relations Orders
- l. Uniform Child Custody Jurisdiction Act
- m. Parental Kidnapping Prevention Act
- n. Matrimonial Agreements
- o. The Domestic Abuse Assistance Act
- p. Ethics and Professional Conflicts
- q. Income Tax Consequences upon Divorce and Partition of Community Property
- r. Qualified Medical Child Support Orders

The written examination may also include the following subjects, which are of lesser importance than the areas of family law listed above:

- a. Appeals and Writs
- b. Ex-parte Orders
- c. Illegitimates, Acknowledgment, Legitimation, Filiations, Disavowal, and Paternity Testing
- d. Divorce When the Defendant is a Non-resident, and Other Curator Issues
- e. Claims for Contributions to Education or Training
- f. Affidavits of Non-Military Service
- g. Visitation Rights of Non-Parents
- h. Major Pension Partition Cases
- i. Court Ordered Mediation
- j. Emancipation
- k. Evidence, but limited to evidentiary rules that are peculiar to family law or particularly important to family law

The following subjects, which are considered of lesser importance than the areas and subjects listed above, may be tested to a limited extent on the written examination:

- a. Name Confirmations
- b. Conflict of Laws
- c. Putative Marriages

The following topics are of limited importance, but the written examination may contain questions concerning them:

- a. Adoptions
- b. The Hague Convention
- c. Nullity of Marriage

B. Maintenance

In accordance with the Plan of Legal Specialization and the Rules and Regulations of the Louisiana Board of Legal Specialization, each Board Certified Family Law Specialist must satisfy the following criteria in order to maintain their family law specialization certification:

1. *Be an active member in good standing of the Louisiana State Bar Association.*
2. *Certify under oath, on a form provided by the Louisiana Board of Legal Specialization, that he or she engages in the actual practice of law on a full time basis as defined in Section I herein.*
3. *Certify under oath, on a form provided by the Louisiana Board of Legal Specialization, that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of family law.*
4. *During each calendar year of certification, a Board Certified Family Law Specialist must attend a minimum of 18 hours of approved family law specialization continuing legal education programs which comply with Section III below and pursuant to the Supreme Court of Louisiana Rules for Continuing Legal Education. ~~Following certification, A-CLE carry forward of up to eight (8) hours of approved family law specialization-CLE earned in excess of the 18 hour minimum required per year will be permitted, but may not be carried forward from the application year.~~ Up to eight (8) hours of approved family law specialization CLE earned in excess of the 18 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.*
5. *Maintain professional liability insurance coverage in the minimum amount of \$500,000, unless waived for good cause by the Louisiana Board of Legal Specialization. Proof of said insurance shall be provided annually with payment of annual dues and upon request.*
6. *Pay all fees required by the Rules and Regulations of the Louisiana Board of Legal Specialization.*

C. Recertification

1. *Recertification as a Board Certified Family 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 Family Law Specialist shall present an application every five (5) years, on a form furnished by the Louisiana Board of Legal Specialization, certifying that he or she has met all of the requirements listed in Section II B above.*

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION (CLE) PROGRAMS**A. Program Development and Presentation**

1. *The program should contribute to the professional competence of a Board Certified Family Law Specialist in the area of family law and should be open for attendance by all such attorneys.*

2. *Programs should be developed by individuals(s) qualified in the subject matter.*
3. *Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required) and teaching methods.*
4. *Instructors or discussion leaders should be qualified with respect to program content and teaching method used.*
5. *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 first be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE) before approval can be granted by the Family Law Advisory Commission. The overriding consideration in determining whether a specific program qualifies as acceptable continuing legal education is that it be a formal program of learning which contributes directly to the professional competence of an attorney who specializes in the field of family law.

2. Program Approval

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

3. Firm Meetings

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

Section IV. OTHER METHODS OF EARNING SPECIALIZATION CLE CREDIT

A. General Rules

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

B. Teaching

1. *CLE credit may be awarded for teaching an approved CLE program pertinent to the specialization subject matter. If an individual teaches at a program and attends the balance of the program, then he or she shall receive credit for that portion of the program he or she did not teach 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 family 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 family law course at any seminar, provided the presentation meets all criteria contained in Section III, A and B.*

C. Writing

CLE credit may be awarded for writing of articles and other publications directed primarily to attorneys specializing in family 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 Institute Committee meetings pertinent to the field of family law.

Section V. CREDIT HOURS GRANTED

- A. *Only credit hours or the equivalent (and not hours devoted to preparation) will be counted.*
- B. *One (1) hour of continuing legal education credit will be awarded for each 60 minutes of instruction. Where the program is several periods of instructions with intervening breaks, the number of minutes of instructions are summed for the entire program for which credit is claimed and then such total number of minutes is divided by 60.*
- C. *A participant who is not present for an entire program may claim credit only for the actual time he or she attended.*
- D. *The credit hours assigned to a program by MCLE will be accepted by the Family Law 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 earned shall be delivered to MCLE by January 31 of the following year.

B. Notification

The Louisiana Board of Legal Specialization will notify each non-compliant Board Certified Family Law Specialist of the credit hours he or she has earned during the preceding calendar year. The specialist shall have 30 days from notification to appeal any award of credit hours. A specialization transcript may be obtained from the Louisiana Board of Legal Specialization website located at <http://www.lascmcle.org/specialization>

Section VII. ADMINISTRATION

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



LOUISIANA BOARD OF LEGAL SPECIALIZATION TAX LAW STANDARDS

Section I. DEFINITIONS

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

Section II. BASIC REQUIREMENTS

A. Application

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

1. *Each applicant shall be an active member in good standing of the Louisiana State Bar Association.*
2. *Each applicant must have a minimum of five (5) years of actual practice of law on a full time basis ~~prior to the year of certification~~ preceding the year of application.*
3. *Each applicant must certify under oath that during four (4) of the five (5) years *immediately preceding the year of application*, he or she has devoted a minimum of 35% of a full time work schedule in the practice of law *annually* in the field of tax law.*
4. ~~*Pursuant to the Plan of Legal Specialization and the Rules and Regulations of the Louisiana Board of Legal Specialization, Each applicant must have*~~ *The Tax Law Advisory Commission must receive on behalf of an applicant, on a form furnished by the Louisiana Board of Legal Specialization, a minimum of five (5) satisfactory reference statements ~~from at least five (5) attorneys, law professors or other professionals in taxation (certified public accountants, enrolled actuaries and trust officers [only trust officers who have been admitted to law practice or are certified public accountants may sign the statement] may also be included).~~ in support of his or her application for certification from practicing attorneys who can attest to the applicant's competence in the specialty field of tax law. Of the five (5) satisfactory reference statements, at least one (1) must be from a Board Certified Tax Law Specialist. These*

submissions shall be subject to the limitations as outlined in section 8.4 of the Rules and Regulations of the Louisiana Board of Legal Specialization.

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

B. Maintenance

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

1. *Be an active member in good standing of the Louisiana State Bar Association.*
2. *Certify under oath, on a form provided by the Louisiana Board of Legal Specialization, that he or she engages in the actual practice of law on a full time basis.*
3. *Certify under oath, on a form provided by the Louisiana Board of Legal Specialization, that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of tax law.*
4. *During each calendar year of certification, a Board Certified Tax Specialist must attend a minimum of 20 hours of approved tax law specialization continuing legal education programs which comply with Section III below and pursuant to the Supreme Court of Louisiana Rules for Continuing Legal Education. CLE carry forward of Up to eight (8) hours of approved tax law specialization CLE earned in excess of the 20 hour minimum required per year will be*

permitted to carry forward to the subsequent year, but may not be carried forward from the application year.

5. ~~Each Board Certified Tax Law Specialist engaged in the public practice of law shall~~ Maintain ~~legal malpractice professional liability~~ insurance coverage ~~with a~~ in the minimum ~~coverage~~ amount of \$1,000,000 ~~at all times~~, unless waived for good cause by the Louisiana Board of Legal Specialization. *Proof of insurance shall be provided annually with payment of annual dues and upon request.*
6. *Pay all fees required by the Rules and Regulations of the Louisiana Board of Legal Specialization.*
7. ~~If an applicant has been certified as a specialist in tax law and has left the private practice of law to become a teacher or public official and such teaching or other position involves specialized experience in taxation, then the requirements of Section II, B.3, hereof shall be waived.~~ *If a Board Certified Tax Law Specialist is a government employee or in-house counsel, he or she may request an exemption from Section II, B5 above, upon submission and approval of a certification to the Louisiana Board of Legal Specialization, on a form furnished by the Louisiana Board of Legal Specialization, indicating that 100% of his or her practice is as a full time government employee or in-house counsel; that he or she does not have any private clients and that he or she does not engage in the public practice of law.*

C. Recertification

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

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS

A. Program Development and Presentation

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

6. ~~Program sponsors should encourage participation only by individuals with appropriate education and/or experience.~~ 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.
7. ~~The number of participants and physical facilities should be consistent with the teaching method(s) specified.~~

B. Programs Which Qualify

1. General Rule

Continuing Legal Education (CLE) programs must ~~first~~ be approved by the ~~Mandatory Continuing Legal Education Department of the Louisiana State Bar Association Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE)~~ before approval can be granted ~~in the tax specialty area~~ by the Tax Law Advisory Commission. The overriding consideration in determining whether a specific program qualifies as acceptable continuing legal education is that it be a formal program of learning which contributes directly to the professional competence of an attorney who specializes in the field of tax law. ~~If a continuing legal education program is not first approved by the Mandatory Continuing Legal Education Department of the Louisiana State Bar Association such program cannot be approved by the Tax Law Advisory Commission for CLE credit in the tax specialty area.~~

2. Presumptively Approved Programs

- (a) ~~———— The Tax Law Advisory Commission has determined that programs sponsored by the following entities shall be presumptively approved for CLE credit in tax law provided the Mandatory Continuing Legal Education Department has granted course approval.~~

~~ABA approved law schools (i.e., Tulane Tax Institute, N.Y. Workshop and Institute)~~

~~ABA Probate and Trust Division of the Real Property, Probate and Trust Section~~

~~ABA Section of Taxation~~

~~AICPA & Other State Bars~~

~~American College of Probate Counsel~~

~~American College of Trust & Estate Counsel~~

~~American Institute of Federal Taxation~~

~~American Law Institute – American Bar Association (ALI-ABA)~~

~~Lorman Business Center, Inc.~~

~~Louisiana Society of Certified Public Accountants (does not include local chapters).~~

~~(Note: The LCPA Society annually publishes a brochure listing the CPE courses sponsored by the Society; these programs contained in the categorical listing of taxation will qualify for CLE Credit.)~~

~~Louisiana State Bar Association (including, specifically, technical meetings of the Section of Taxation~~

~~LSU Estate Planning Seminars~~

~~National Business Institute~~

~~National Institute of Tax Professionals~~

~~New York Workshop and Institute~~

~~Planning for the Future, L.L.C.~~

~~Practising Law Institute (PLI)~~

~~Probate and Trust Division of the Real Property, Probate and Trust Section of the American Bar Association
 Section of Taxation of the American Bar Association
 Southern California Tax & Estate Planning Annual Forum
 Southern Federal Tax Institute
 Southwest Legal Foundation
 Tulane Estate Planning Seminars
 Tulane Tax Institute
 University of Miami~~

~~Note: All other CLE providers must first receive approval of the MCLE Department and the Tax Law Advisory Commission before credit will be given.~~

~~Program Approval~~

~~Programs not presumptively approved under Section III, B 2, hereof shall be approved on a case-by-case basis by the Tax Law Advisory Commission CLE Committee provided the program meets the general standards set forth in Section III, A and B1 above.~~

3. ~~Dinner Meetings and Firm Meetings~~

~~Credit will not be awarded for attendance at a lunch and/or dinner meeting unless it is sponsored by the LSBA Section of Taxation after satisfying the criteria for CLE credit. Also, No credit will be awarded for firm meetings or "in house" CLE programs.~~

4. ~~Other Methods of Earning Credit~~

- ~~(a) CLE credit will be awarded for teaching of an approved CLE program at the rate of six (6) hours credit for every hour of teaching. If an individual teaches a program and attends the balance of the program, then he or she shall receive credit for that portion of the program he or she did not teach on an hour-for-hour basis.~~
- ~~(b) CLE credit may be awarded for writing of articles directed primarily to attorneys specializing in tax law and published in professional periodicals and publications not to exceed six (6) hours of credit per article. Applications for credit shall be submitted to the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education and ruled upon by the Tax Law Advisory Commission CLE Committee within a reasonable time after publication.~~
- ~~(c) Teaching of law courses in tax law in a law school or other graduate level program presented by a recognized professional educational association shall earn credit as determined by the Tax Law Advisory Commission CLE Committee on a case-by-case basis. As a general rule, one (1) hour of credit will be awarded for each hour of class presentation, up to the maximum allowed under MCLE rules.~~
- ~~(d) Effective June 27, 1997, credit will be allowed for teaching a tax law course at any seminar as long as the presentation meets all criteria contained in Section III, A and B, other than Section III, A 3.~~

Section IV. OTHER METHODS OF EARNING SPECIALIZATION CLE CREDIT

A. General Rules

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

B. Teaching

1. CLE credit ~~will~~ *may* be awarded for teaching ~~of~~ *an* approved CLE program *pertinent to the specialization subject matter at the rate of six (6) hours credit for every hour of teaching.* If an individual teaches at a program and attends the balance of the program, then he or she shall receive credit for that portion of the program he or she did not teach on an hour-for-hour basis. *No credit will be given for repetitious presentations of a program.*
2. Teaching of ~~law~~ *academic* courses in tax law in a law school or other graduate level program presented by a recognized professional educational association ~~shall may~~ *earn CLE credit. as determined by the Advisory Commission on a case-by-case basis. As a general rule, one (1) hour of credit shall be awarded for each hour of class presentation, up to the maximum allowed under MCLE rules.*
3. ~~Effective June 27, 1997,~~ *CLE credit will may be allowed awarded* for teaching a tax law course at any seminar, ~~as long as~~ *provided* the presentation meets all criteria contained in Section III, A and B, other than Section III, A3.

C. Writing

CLE credit may be awarded for writing of articles *and other publications* directed primarily to attorneys specializing in tax law and published in professional periodicals and publications. ~~not to exceed six (6) hours of credit per article or publication. Applications for credit shall be submitted to the MCLE Department and ruled upon by the Advisory Commission within a reasonable time after publication. 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 Institute Committee meetings pertinent to the field of tax law.

Section V. CREDIT HOURS GRANTED

- A. Only credit hours or the equivalent (and not hours devoted to preparation) will be counted.
- B. One (1) hour of continuing legal education credit will be awarded for each 60 minutes of instruction. Where the program is several periods of instructions with intervening breaks, the number of minutes of

instructions are summed for the entire program for which credit is claimed and then such total number of minutes is divided by 60.

- C. A participant who is not present for an entire program may claim credit only for the actual time he or she attended.
- D. The credit hours assigned to a program by ~~its sponsor~~ MCLE will generally be accepted by the Tax Law Advisory Commission unless the hours are clearly inaccurate under the standards for computing credit under the rules of the ~~Mandatory Continuing Legal Education Department Louisiana Supreme Court Committee on Mandatory Continuing Legal Education~~.

Section VI. COMPLIANCE

A. General Rule

Specialization CLE credit hours will be computed on a calendar year basis and all attendance information for CLE credit earned shall be delivered to ~~the Louisiana State Bar Association Mandatory Continuing Legal Education Department MCLE~~ by ~~deadline for filing annual CLE is~~ January 31 of the following year. ~~Failure to timely report specialization CLE hours shall result in a \$150.00 penalty assessment.~~

B. Notification

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

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

Section VI. ADMINISTRATION

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



LOUISIANA BOARD OF LEGAL SPECIALIZATION ESTATE PLANNING AND ADMINISTRATION STANDARDS

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

Section I. DEFINITIONS

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

Section II. BASIC REQUIREMENTS

A. Application

1. Each applicant ~~must, shall at the time of application for certification,~~ be an active member in good standing of the Louisiana State Bar Association, ~~who has practiced law in the field of estate planning and administration for a continuous period of at least five (5) years immediately preceding the year of certification, at least three (3) of which years shall have been as an attorney practicing in the state of Louisiana, and who regularly devotes at least 35% of his or her practice to estate planning and administration, including substantial involvement in a significant portion of the tax and non-tax-related activities enumerated in Section I., B.~~ Each applicant must certify under oath to having met these requirements.
2. *Each applicant shall have a minimum of five (5) years of continuous actual practice of law on a full time basis immediately preceding the year of application.*
3. *Each applicant shall certify under oath that during at least four (4) of the five (5) years immediately preceding the year of application has been as an attorney practicing in the state of Louisiana and that he or she devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of estate planning and administration law, as defined in Section I, C.*
4. ~~Pursuant to the Plan of Legal Specialization and In accordance with the Rules and Regulations of the Louisiana Board of Legal Specialization, each applicant must have five favorable reference statements from at least five attorneys or law professors, at least one of whom is a Board Certified Estate Planning and Administration Specialist, none of whom are:~~
 - a. ~~Related by blood or marriage to the applicant;~~
 - b. ~~A partner, associate or co-worker of applicant within one year immediately preceding the filing of the application, or otherwise affiliated with the applicant;~~
 - e. ~~An attorney who is presently serving on the Louisiana Board of Legal Specialization or the Estate Planning and Administration Advisory Commission.~~

The Advisory Commission must receive on behalf of an applicant, on a form furnished by the Louisiana Board of Legal Specialization, a minimum of five (5) reference statements from practicing attorneys who can attest to the applicant's competence in the specialty field of estate planning and administration. Of the five (5) references, at least one (1) must be from a Board Certified Estate Planning and Administration Specialist. These submissions shall be subject to the limitations as outlined in Section 8.4 of the Rules.

5. *Each applicant shall consent to a confidential inquiry by the Board and/or the Advisory Commission, directed to all persons who serve as references for the applicant, and to other persons regarding about the applicant's competence and qualifications to be recognized as an Estate Planning and Administration Specialist. This inquiry and review shall consider information furnished by references and other information that the Advisory Commission deems relevant to whether the applicant has sufficient competence and proficiency handling the usual matters of the specialty field. This information may include the applicant's work product, problem analysis, statement of issues and analysis, ethics, reputation, professionalism or such other criteria which the Advisory Commission deems appropriate to take into account prior to making its recommendations.*
6. *Each applicant must comply with the rules and regulations established by the Board as they relate to release of disciplinary action information.*

7. Each applicant is required to obtain by December 31 of the year of application a minimum of ~~eighteen~~ 18 hours of ~~estate planning~~ continuing legal education (CLE) in the field of estate planning and administration, ~~pursuant to the Rules and Regulations of the Louisiana Board of Legal Specialization.~~ All CLE credits of an applicant must be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education ("MCLE") and the Advisory Commission. CLE earned in prior years may not be used to satisfy the ~~eighteen~~ 18 hour requirement within the year of application. An applicant will not qualify for the specialization CLE exemption in the year of application.
8. Each applicant must ~~carry malpractice~~ maintain professional liability insurance in the minimum amount of \$1,000,000, ~~unless waived for good cause by the Board.~~ Evidence of ~~said~~ insurance shall be provided to the Advisory Commission by December 1 of the year of application.
9. ~~A written examination will be administered to all applicants.~~ Each applicant must take and pass a written examination.

B. Maintenance

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

1. *Be an active member, in good standing, of the Louisiana State Bar Association.*
2. *Certify under oath, on a form provided by the Board, that he or she engages in the actual practice of law on a full time basis.*
3. *Certify under oath, on a form provided by the Board, that he or she is an attorney practicing in the state of Louisiana and that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of estate planning and administration law, as defined in Section I, C herein.*
4. *During each year of certification, must attend a minimum of ~~eighteen~~ 18 hours of approved estate planning and administration continuing legal education programs ~~in compliance with which comply with~~ Section III below and ~~pursuant to~~ the Supreme Court of Louisiana Rules for Continuing Legal Education. ~~CLE carry forward of~~ Up to eight (8) hours of approved estate planning and administration specialization CLE earned in excess of the 18 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.*
5. *Maintain professional liability insurance in the minimum amount of \$1,000,000, unless waived for good cause by the Board. Proof of insurance shall be provided annually with payment of the annual dues.*
6. *Pay all fees required by the Rules.*
7. ~~If an applicant has been certified as a specialist in estate planning and administration law and has left the practice of law to become a teacher or public official, and such teaching or other position involves specialized experience in estate planning and administration law, then the requirements of Section II, B, 2 and 3), hereof, shall be waived.~~

~~involves specialized experience in estate planning and administration law, then the requirements of Section II, B, 2 and 3), hereof, shall be waived.~~

C. Recertification

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

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS

A. Program Development and Presentation

1. The program should contribute to the professional competence of a Board Certified Estate Planning and Administration Specialist in the area of estate planning and administration law and should be open for attendance by all such attorneys.
2. Programs should be developed by individual(s) qualified in the subject matter.
3. Program content should be current and ~~seventy~~ 70% percent or more of the program ~~or that portion of the program for which credit is claimed (which portion is hereinafter referred to as the "program")~~ must be related to estate planning and administration law subjects. *No specialization continuing legal education credit will be awarded for attending a program which does not satisfy the 70% requirement.*
4. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required), and teaching methods.
5. Instructors or discussion leaders should be qualified with respect to program content and teaching method used.
6. Program sponsors should encourage participation only by individuals with appropriate education and/or experience.
7. ~~The number of participants and physical facilities should be consistent with the teaching method(s) specified.~~ 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 ~~first~~ be approved by the ~~Mandatory Continuing Legal Education ("MCLE") Department of the Louisiana State Bar Association~~ *Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE)* before approval can be granted ~~in the EP&A specialization area~~ by the Advisory Commission. The overriding consideration in determining

if a specific program qualifies as acceptable continuing legal education is that it be a formal program of learning which contributes directly to the professional competence of an attorney who specializes in the field of estate planning and administration law.

2. Presumptively Approved Programs

~~The advisory commission has determined that programs sponsored by the following entities shall be presumptively approved for CLE credit in EP&A law provided seventy (70) per cent or more of the program is related to EP&A law and the MCLE Department has granted course approval:~~

~~ABA approved law schools, including but not limited to:
 Tulane, Loyola and LSU Estate Planning Seminars and the
 University of Miami Philip E. Heckerling
 Institute on Estate Planning
 American College of Trust & Estate Counsel
 American Institute of Federal Taxation
 American Law Institute American Bar Assn. (ALI-ABA)
 Corbel, Inc.
 ERISA
 Georgetown University Law Center Advanced Estate Planning Institute
 Lorman Business Center, Inc.
 Louisiana State Bar Association
 National Business Institute
 Pension Publications of Denver (subsidiary of Corbel, Inc.)
 Planning for the Future, L.L.C.
 Practising Law Institute (PLI)
 Probate and Trust Division of the Real Property,
 Probate and Trust Section of the American Bar
 Association
 Section of Taxation of the American Bar Association
 Southern Federal Tax Institute
 Southwest Legal Foundation~~

~~Note: All other CLE providers must first receive approval of the MCLE Department and the Estate Planning and Administration Advisory Commission before credit will be given.~~

Program Approval

~~Programs not presumptively approved under Section III, B, 2 hereof 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.~~

3. Dinner Meetings and Firm Meetings

~~Generally, credit will not be awarded for attendance at a lunch and/or dinner meeting although exceptions may be permitted in the discretion of the Advisory Commission on a case-by-case basis, unless it is sponsored by one of the entities listed in Section III, B, 2, after satisfying the criteria for CLE credit. Also, 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 ~~will~~ *may* be awarded for teaching ~~of~~ an approved CLE program pertinent to the specialization subject matter ~~at the rate of six (6) hours credit for every hour of teaching.~~ If an individual teaches at a program and attends the balance of the program, then he or she shall receive credit for that portion of the program he or she did not teach ~~on an hour-for-hour basis 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 ~~law~~ academic courses in estate planning and administration law in a law school or other graduate level program presented by a recognized professional educational association ~~shall~~ *may* earn CLE credit ~~as determined by the Advisory Commission on a case-by-case basis. As a general rule, one (1) hour of credit shall be awarded for each hour of class presentation, up to the maximum allowed under MCLE rules.~~
3. CLE credit ~~will~~ *may* be ~~allowed~~ *awarded* for teaching an estate planning and administration course at any seminar, provided the presentation meets all criteria contained in Section III, A and B, other than Section III, A.3.

C. Writing

CLE credit may be awarded for writing of articles and other publications directed primarily to attorneys specializing in the estate planning and administration field of law and published in professional periodicals and publications ~~not to exceed six (6) hours of credit per article or publication. Applications for credit shall be submitted to the MCLE Department and ruled upon by the Advisory Commission within a reasonable time after publication.~~ *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 Institute Committee meetings pertinent to the field of estate planning and administration.

Section V. CREDIT HOURS GRANTED

- A. Only credit hours or the equivalent (and not hours dedicated to preparation) will be counted.

- B. One (1) hour of continuing legal education credit will be awarded for each 60 minutes of instruction. Where the program is several periods of instruction with intervening breaks, the number of minutes of instruction are summed for the entire program for which the credit is claimed and then ~~such~~ 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 ~~its sponsor~~ MCLE will ~~generally~~ be accepted by the Advisory Commission unless the hours are clearly inaccurate under the standards for computing credit ~~under in accordance with the rules of the Mandatory Continuing Legal Education Department~~ *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 ~~the Louisiana State Bar Association Mandatory Continuing Legal Education Department.~~ MCLE by ~~The deadline for filing annual specialization CLE is~~ January 31 of the following year. ~~Failure to timely report specialization CLE credit hours may result in a \$150.00 penalty assessment.~~

B. Notification

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

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

~~SECTION VI. RECERTIFICATION~~

- ~~A. Each applicant for recertification shall present an affidavit meeting the requirements of Section II hereof.~~
- ~~B. Each applicant shall meet the CLE requirements of the Rules and Regulations of the Louisiana Board of Legal Specialization.~~
- ~~C. If an applicant has been certified as a specialist in EP&A law and has left the practice of law to become a teacher or public official, and such teaching or other position involves specialized experience in EP&A law, then the requirements of Section II, A, hereof, shall be waived.~~

Section VII. ADMINISTRATION

The Advisory Commission may delegate its responsibility to rule on all matters pertaining to ~~the estate planning and administration~~ CLE requirements ~~of the Rules and Regulations of the Louisiana Board of~~

~~*Legal Specialization*~~ to a committee consisting of at least three (3) ~~members of the~~ 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.*

HOUSE OF DELEGATES RESOLUTION

WHEREAS, the costs of prosecution and incarceration for simple possession of marijuana and its chemical derivatives, a schedule one drug, is extremely expensive and a financial drain on the State's resources; and

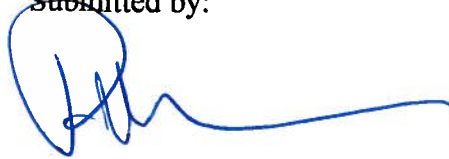
WHEREAS, those costs and expenses can be better devoted to the criminal prosecution of more serious offenses; and

WHEREAS, there is a potential for disparity in incarceration rates among the citizens of the State; and

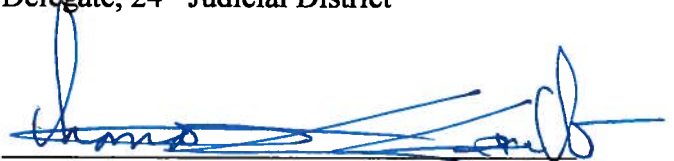
WHEREAS, Louisiana has the highest incarceration rates in the country;

BE IT THEREFORE RESOLVED that the Louisiana State Bar Association House of Delegates supports legislation reducing crimes involving the classification of simple possession of marijuana and its chemical derivatives from a felony to a misdemeanor with appropriate incremental penalties for habitual offenders.

Submitted by:



Robert A. Kutcher
Delegate, 24th Judicial District



Thomas C. Cerullo
Delegate, 24th Judicial District

May 5, 2014

APPROVED
HOUSE OF DELEGATES
JUNE 5, 2014
DSETIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 6, 2014
DESTIN, FL

**RESOLUTION PROPOSED BY THE
LOUISIANA STATE BAR ASSOCIATION EXECUTIVE COMMITTEE**

WHEREAS, the Executive Committee is recommending two housekeeping measures to amend that the portion of the LSBA Bylaws dealing with committees;

WHEREAS, the Executive Committee recommends amending the Bylaws to change the name of the Public Access and Consumer Protection Committee to the Unauthorized Practice of Law Committee to more accurately describe the committee's purpose; and

WHEREAS, the Executive Committee also recommends amending the Bylaws to convert the Ethics Advisory Service from its current composition as a Subcommittee of the Rules of Professional Conduct Committee to a standing committee of the LSBA.

NOW THEREFORE BE IT RESOLVED THAT the LSBA House of Delegates approve amendments to the LSBA Bylaws to facilitate the changes as set forth above, and

BE IT FURTHER RESOLVED THAT the LSBA Bylaws be amended as set forth in Exhibit A of this Resolution.

Respectfully submitted,
LSBA Executive Committee



Richard K. Leefe, President
Joseph L. Shea, Jr., President-Elect
Steven G. Durio, Treasurer
Barry H. Grodsky, Secretary
John H. Musser, IV, Immediate Past President

This 6th day of May, 2014.

APPROVED
HOUSE OF DELEGATES
JUNE 5, 2014
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 6, 2014
DESTIN, FL

EXHIBIT A

ARTICLE X. STANDING COMMITTEES

(9) ~~Public Access and Consumer Protection- Unauthorized Practice of Law~~ Committee -

The mission of this committee shall be to protect the public from incompetent or fraudulent activities by those who are unauthorized to practice law or who are otherwise misleading those in need of legal services. The Committee shall seek the cooperation of the appropriate state and local law enforcement agencies in pursuit of its objectives.

(13) *Rules of Professional Conduct Committee* - The mission of this committee shall be to ensure coordination and continuity of all LSBA efforts, commentary and recommendations pertaining to the Rules of Professional Conduct. The committee will operate as a clearinghouse for issues and ideas pertaining to ethics; will have the duty to act as liaison to the Supreme Court of Louisiana on matters concerning the Rules of Professional Conduct; will have the duty to review proposed changes to the rules, periodically reviewing the rules and making recommendations about rule changes to the House of Delegates. The committee shall be comprised of 12-14 members. ~~to include all subcommittee chairs.~~

(16) *Ethics Advisory Service Committee* – The mission of this committee shall be to encourage ethical lawyer conduct by supporting the LSBA’s Ethics Counsel in his/her provision of informal non-binding ethics opinions to members of the Bar.

**RESOLUTION TO THE LOUISIANA STATE BAR ASSOCIATION
HOUSE OF DELEGATES
SUBMITTED BY THE YOUNG LAWYERS DIVISION COUNCIL**

WHEREAS, the Young Lawyers Division Council (“YLD Council”) of the Louisiana State Bar Association has revised its Bylaws to incorporate several resolutions passed by the YLD Council; and

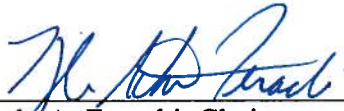
WHEREAS, the YLD Council has revised certain of the provisions already contained in its Bylaws in order to clarify the Bylaws, and

WHEREAS, it is in the best interest of the YLD Council to consolidate into a single restated Bylaws all revisions made to the Bylaws since restatement of the YLD Council Bylaws on June 12, 2008.

NOW THEREFORE, BE IT RESOLVED, that the House of Delegates, as the policy-making body of the Louisiana State Bar Association, approve the request of the YLD Council to adopt the attached Young Lawyers Division Bylaws.

Respectfully submitted by:

Young Lawyers Division Council



Kyle A. Ferachi, Chair
April 29, 2014

APPROVED
HOUSE OF DELEGATES
JUNE 5, 2014
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 6, 2014
DESTIN, FL

BYLAWS
OF
THE LOUISIANA STATE BAR ASSOCIATION
YOUNG LAWYERS DIVISION

Including Amendments through June 2011¹

ARTICLE I
GENERAL PROVISIONS

SECTION 1 - Qualifications of Members

Every member of the Louisiana State Bar Association (the “Association”) who has not reached the age of thirty-nine (39) years by the end of the Association’s fiscal year or who has been admitted to the practice of law for fewer than five (5) years as of the end of the Division Association’s fiscal year, whichever is later, is by virtue thereof a member (“Member”) of the Young Lawyers Division.

SECTION 2 - Governing Authority

The governing authority of the Young Lawyers Division shall be known as the Young Lawyers Division Council (the “Council”) and shall consist of a chair, a chair-elect, a secretary, an immediate past chair, and fourteen representatives (the “Representatives”), as follows:

- District 1 (Composed of Orleans Parish) - two Members;
- District 2 (Composed of the Parishes of Jefferson, St. Bernard, Plaquemines, St. Charles, St. John the Baptist, Ascension, Assumption, and St. James) - two Members;
- District 3 (Composed of the Parishes of Lafayette, Iberia, Lafourche, Terrebonne, St. Mary, and St. Martin) - one Member;
- District 4 (Composed of the Parishes of Calcasieu, Cameron, Acadia, Evangeline, Jefferson Davis, St. Landry, and Vermilion) - one Member;
- District 5 (Composed of the Parishes of East Baton Rouge, East and West Feliciana, Livingston, St. Helena, Tangipahoa, Washington, and St. Tammany) - two Members
- District 6 (Composed of the Parishes of Allen, Avoyelles, Beauregard, Grant, Iberville, LaSalle, Natchitoches, Pointe Coupee, Rapides, Sabine, Vernon, Winn, and West Baton Rouge) - one Member;
- District 7 (Composed of the Parishes of Caldwell, Catahoula, Concordia, East and West Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, and Union) - one Member;
- District 8 (Composed of the Parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, and Webster) - one Member;

¹ Adoption of Bylaw Revisions approved by LSBA House of Delegates on June 12, 2008.

- At-Large One ethnic minority Member (in accordance with Article II(B), Section 1, Subsection D).
ABA/YLD One Member (in accordance with Article II(B), Section 1, Subsection E).
ABA/HOD One Member (in accordance with Article III, Section 1, Subsection D).

SECTION 3 - Place of Meeting

The annual meeting of the Young Lawyers Division shall be held during the Louisiana State Bar Association's Annual Meeting at the time and place designated on the official agenda. The Council shall hold at least four (4) other regularly scheduled meetings during each year.

SECTION 4 - Attendance at Meetings

Young Lawyers Division Council Members shall attend all meetings, including the Annual Meeting, the four regularly scheduled meetings, and the Council Orientation (if applicable), in person. Any Council Member who shall miss two (2) consecutive meetings, without cause deemed adequate by the Council, shall be subject to removal by the Council, pursuant to Article II(C), Section 4 of these Bylaws. However, should exigent circumstances so require, the chair may allow a Council Member to attend by telephone at the Member's own expense.

SECTION 5 - Voting

There shall be no vote by proxy allowed at Council meetings.

ARTICLE II
OFFICERS AND REPRESENTATIVES

ARTICLE II(A) - OFFICERS

SECTION 1 - Titles

The officers of the Young Lawyers Division shall be a chair, a chair-elect, a secretary, and an immediate past chair.

SECTION 2 - Chair

The chair shall, when present, preside at all meetings of the Young Lawyers Division and the Young Lawyers Division Council, and shall see that all orders, motions and resolutions of the Young Lawyers Division Council are carried into effect. The chair shall direct the other officers and Council Members in the performance of their duties and shall generally perform all acts incidents to the office of the chair.

SECTION 3 - Chair-elect

The chair-elect shall have such powers and shall perform such duties as shall be assigned to the chair-elect by the chair or by the Council Members. In the absence or disability of the chair, the chair-elect shall perform the duties and exercises the powers of the chair.

SECTION 4 - Secretary

The secretary shall give or cause to be given written notice of all meetings of the Council and shall attach an agenda of the meeting with said notice. The secretary shall record all the proceedings of the meetings

of the Council, and shall further have such other duties as may be delegated by the chair, the chair-elect, or the Council Members.

SECTION 5 - Election of Officers

A. No voting shall be required to select the chair, as the chair-elect shall automatically succeed to this office after having served as chair-elect for a period of one year.

B. No voting shall be required to select the immediate past chair, as the chair shall automatically succeed to this office after having served as chair for a period of one year.

C. ~~No voting shall be required to select the chair-elect, as the secretary shall automatically succeed to this office after having served as secretary for a period of one year.~~

D. In the event the chair-elect is unable to assume the chair, a chair for the coming year shall be elected by the Council. In the event a vacancy occurs in the office of secretary, a secretary shall be elected by the Council.

~~DE.~~ The ~~chair-elect and~~ secretary of the Council shall be elected by a ballot vote of all Members of the Young Lawyers Division.

~~EF.~~ ~~The Young Lawyers Division Council shall act as the nominating committee for the Young Lawyers Division for the office of secretary. The Council shall submit one and only one name to the secretary of the Louisiana State Bar Association as the nominee for the position of secretary. The Young Lawyers Division Council shall act as the nominating committee for the Young Lawyers Division for the offices of chair-elect and secretary. The Council shall submit at least one name per office to the secretary of the Louisiana State Bar Association as the nominee for the positions of chair-elect and secretary. The Council may submit as many other names for each position as it deems appropriate.~~

~~FG.~~ When the name of the nominees are sent to the secretary of the Louisiana State Bar Association, the secretary of the Council shall communicate the names and a brief biographical sketch of each nominee to the Members of the Young Lawyers Division. At the same time, the secretary of the Council shall solicit nominations from the membership of the Young Lawyers Division. The nominations shall close in conjunction with the dates adopted by the Board of Governors of the Louisiana State Bar Association in connection with the Louisiana State Bar Association general elections.

~~GH.~~ Any person who presents a petition for office signed by at least fifteen (15) Members of the Young Lawyers Division shall be included on the ballot.

~~HI.~~ The first election for officers of the Young Lawyers Division will be held in conjunction with the first general election for the Louisiana State Bar Association. The secretary of the Council shall submit to each Member with the ballots a brief biographical sketch of each candidate for the office of chair-elect and secretary. If any candidate receives more than fifty percent of the votes cast, the candidate will be declared elected. If no candidate receives more than fifty percent of the votes cast, a runoff election between the two candidates receiving the greatest percentage of the votes will be held in conjunction with any runoff of the Louisiana State Bar Association.

~~IJ.~~ If the Young Lawyers Division Council submits only one name for any position, and if no other person qualifies for that position by the time the nominations close, the person submitted by the Council shall be declared elected to that position.

ARTICLE II(B) – REPRESENTATIVES

SECTION 1 – Selection of Representatives

A. The Representative of Districts 1 - 8 of the Young Lawyers Division Council shall be elected from each of the districts delineated in Article I, Section 2 by a ballot vote of all Members of the Young Lawyers Division of the respective districts. Nominations shall be solicited by the secretary of the Council from the membership of the Young Lawyers Division in each representative district in which elections are to be held. Nominations shall close in conjunction with the dates adopted by the Board of Governors of the Louisiana State Bar Association in connection with the Louisiana State Bar Association general elections. Any qualified person requesting to be included on the ballot shall be included on the ballot. The election procedure for the Representatives of Districts 1 - 8 shall be as set forth in this Article II(B). If only one person qualifies for any position by the time the nominations close, that person shall be declared elected to that position.

B. Each Representative of Districts 1 - 8 shall maintain his or her preferred mailing address in a parish within the Representative's respective district.

C. If no person qualifies for one of the Representative positions, then the chair assuming office in the year in which the term begins will appoint a Representative from the district's membership.

D. After consultation with the Council, the At-Large Representative shall be appointed from among the ethnic minority Members of the Young Lawyers Division by the chair assuming office in the year in which a vacancy in the office occurs.

E. After consultation with the Council, the ABA/YLD Representative shall be appointed from American Bar Association Members of the Young Lawyers Division by the chair assuming office in the year in which a vacancy in the office occurs, unless the ABA/YLD mandates another method of selection for the ABA/YLD Representative, in which event the ABA/YLD Representative shall be selected according to the method prescribed by the ABA/YLD.

F. Elections for the Representatives from the odd numbered districts, with the exceptions of Districts 1, 2, and 5 shall be held on even years, and elections for the Representatives from even numbered districts shall be held on odd numbered years. One Representative from Districts 1, 2, and 5 shall be elected each year. The appointment of the At-Large Representative shall begin with the Annual Meeting of 1992 and shall continue without expiration, unless such expiration is passed by a two-thirds vote of the Council.

G. The ABA/HOD Representative shall be selected according to the rules promulgated by the Louisiana State Bar Association and shall be a *de facto* Member of the Council.

**ARTICLE II(C) – QUALIFICATIONS FOR OFFICE,
TERMS OF OFFICE, VACANCIES, AND REMOVAL**

SECTION 1 – Qualifications for Office

Subject to the other requirements contained in these Bylaws, any individual who is a Member of the Young Lawyers Division when the term of office begins is eligible for election to the Council. For purposes of qualifying for office under Article II(A) and Article II(B), the preferred mailing address of the Member, as carried in the Association's membership database, shall control.

SECTION 2 – Terms of Office

A. The term of office for the chair, chair-elect, secretary and immediate past chair shall be for a period of one year running from Annual Meeting to Annual Meeting of the Division.

B. ~~Every third year the chair-elect shall maintain his or her preferred mailing address in the parishes of Orleans, Jefferson, St. Bernard, or Plaquemines, and in the other two years the chair-elect shall not maintain~~

~~his or her preferred mailing address in the parishes of Orleans, Jefferson, St. Bernard and Plaquemines. For the year beginning at the Annual Meeting of 1978, the chair elect shall be a resident of or actively practicing law in the parishes of Orleans, Jefferson, St. Bernard, or Plaquemines.~~

~~B. Beginning with the nomination for secretary in 2016-17, the nominee shall maintain his or her preferred mailing address in the parishes of Orleans, Jefferson, St. Bernard, or Plaquemines. The following year 2017-18, the secretary may maintain his or her preferred mailing address anywhere in the state, and in 2018-19, the secretary shall not maintain his or her preferred mailing address in the parishes of Orleans, Jefferson, St. Bernard and Plaquemines. This three year rotation shall continue until amended. As set forth in the rotation, if in any years the area from which a nominee is specified but there is no nominee qualified or willing then the nominee may come from anywhere in the state.~~

~~C. — Every third year the secretary shall be a resident of or actively practicing law in the parishes of Orleans, Jefferson, St. Bernard and Plaquemines, and in the other two years, the secretary shall not be resident of or practicing law in the parishes of Orleans, Jefferson, St. Bernard and Plaquemines.~~

~~DC.~~ With the exception of the ABA/YLD and ABA/HOD Representatives, the term of office for the Representatives shall be for a period of two years running from Annual Meeting to Annual Meeting of the Division. No Representative shall be elected or appointed to any specific Representative position on the Council to serve in excess of two complete consecutive terms. Notwithstanding the foregoing, an appointment made to fill a vacancy in a position on the Council for a period less than a complete term shall not be considered a complete term.

~~ED.~~ The term of office and term limit of the ABA/YLD Representative and the ABA/HOD Representative are governed by the Bylaws of the American Bar Association Young Lawyers Division and the Bylaws of the American Bar Association respectively.

SECTION 3 - Vacancies in Office

Whenever, for any reason, a Council Member's seat is vacated, except as provided in Article II(A), Section 5(C), the chairperson, after consultation with the Council, shall appoint a replacement from the Section's membership for that District.

SECTION 4 – Removal for Cause

Any Council Member may be removed from office for cause, as hereinafter defined, on the two-thirds affirmative vote of a quorum of the Council Members. For the purposes of this Section, the term "cause" shall mean any of the following: (i) the Council Member's physical or mental illness rendering him/her incapable of performing duties to the Young Lawyers Division for a period of more than three consecutive months; (ii) the Council Member's absence at two (2) consecutive meetings, without cause deemed adequate by the Council; (iii) the Council Member's continued neglect or failure, after written demand, to discharge his/her duties or to obey a specific written direction from the Council; (iv) conflicts which render the Council Member incapable of fulfilling his or her duties to the Young Lawyers Division; (v) the Council Member's engaging in misconduct which is injurious to the Association; (vi) the Council Member's conviction of any felony or any crime involving moral turpitude; (vii) conduct which would seriously impair the Council Member's ability to perform his/her duties to the Young Lawyers Division or would impair the reputation of the Young Lawyers Division.

In the event of removal, such position shall be filled pursuant to Article II(C), Section 3 of these Bylaws.

ARTICLE III FUNCTIONS

SECTION 1 - Perennial Functions

A. The “Outstanding Young Lawyer” will be selected from the membership of the ~~Section~~ by a majority vote of the Council Members. Criteria for selection of “Outstanding Young Lawyer” shall be determined by the Council and published at least three (3) months prior to the nomination deadline each year. Present or former Council Members are ineligible.

B. The “Bridging the Gap” Institute shall be conducted for the purpose of aiding the new members of the Association in making the transition from the academic atmosphere of the law school to the actual practicing of law.

C. The chair, after consultation with the Council, shall make annual appointments from the membership of the Young Lawyers Division to the Louisiana Law Institute.

D. One Member of the Young Lawyers Division shall be included in the Louisiana delegation to the House of Delegates of the American Bar Association.

E. The Young Lawyers Division shall sponsor such other programs as may be determined advisable.

SECTION 2 - Miscellaneous Functions

The Council shall engage in all other progressive activity beneficial to all inhabitants of our state in general, and in particular, to the members of the Louisiana State Bar Association.

ARTICLE IV
VOTING BY MEMBERS OF THE YOUNG LAWYERS DIVISION

SECTION 1 – Eligibility To Vote

Each Member of the Young Lawyers Division shall be eligible to vote in any Young Lawyers Division election or other balloted matter. For purposes of voting, the preferred mailing address of the Member, as carried in the Association’s membership database, shall control.

ARTICLE V
MODIFICATION OF BYLAWS

SECTION 1

The Bylaws of the Young Lawyers Division may be amended by a two-thirds vote of the Council Members at any regular or specially called meeting held by the Council.

SECTION 2

The Bylaws of the Young Lawyers Division may also be amended during the annual business meeting by a three-fourths vote of the membership of the Young Lawyers Division attending such meeting.