

LOUISIANA STATE BAR ASSOCIATION
HOUSE OF DELEGATES
10 A.M. THURSDAY, JUNE 7, 2012
DESTIN, FLORIDA

MINUTES

The House of Delegates was convened at 10:05 a.m., Thursday, June 7, 2012 in the Magnolia Ballroom of the Baytowne Conference Center at Sandestin Golf & Beach Resort in Destin, Florida. President James J. Davidson III 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

After conferring with Assistant Secretary Loretta Larsen, Secretary Richard K. Leefe confirmed that a quorum was present. A copy of the attendance roster is attached as an addendum to these Minutes.

II. Recognition of Deceased Members of the House of Delegates

There were no deceased members since the January 2012 meeting of the House.

III. Reports of Standing Committees of the House

No oral reports were given; all reports that were in writing were submitted.

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

All reports were given at the General Assembly, which immediately preceded the House of Delegates meeting.

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

There were no reports either written or oral.

VI. Other Reports

There were no other reports.

VII. Old Business

There was no old business to come before the House.

VIII. Approval of Minutes

Consideration of Approval of the Minutes of the January 21, 2012 Meeting of the House of Delegates.

Upon motion by Robert Kutcher of the 24th Judicial District and second by Val P. Exnicios of Orleans Parish, the House unanimously approved the minutes as presented.

IX. Elections

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

The following motion was made by Steven G. "Buzz" Durio, by proxy of Kyle L. Gideon of the 15th Judicial District:

"BE IT RESOLVED that Val P. Exnicios of the 41st Judicial District be elected to the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association."

The following motion was made by Mickey S. deLaup of the 24th Judicial District:

"BE IT RESOLVED that Thomas C. Cerullo of the 24th Judicial District be elected to the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association."

The following motion was made by Keenan K. Kelly of the 10th Judicial District:

"BE IT RESOLVED that Dan B. McKay, Jr. of the 12th Judicial District be elected to the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association."

There being no further nominations, Mr. Davidson declared the nominations closed and declared Mr. Exnicios, Mr. Cerullo and Mr. McKay elected.

X. 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 June 30, 2015. The following HOD members' terms are expiring:

Paula Adams Ates	C. Frank Holthaus	Jennifer M. Medley
Thomas C. Cerullo	Robert A. Kutcher	

In accordance with the established election procedures, the following were duly nominated and elected by House members via secret ballot:

Sye Joseph Broussard (32nd JDC)
Thomas C. Cerullo (24th JDC)

C. Frank Holthaus (19th JDC)
Robert C. Lehman (22nd JDC)
J. Christopher Zainey, Jr. (41st JDC)

XI. Resolutions

Member Resolutions

1. Resolution from J. Christopher Zainey, Jr. (41st Judicial District) and Peggy Vallejo (22nd Judicial District) urging the House of Delegates' support of the Louisiana Department of Veterans Affairs' efforts to establish Veterans Treatment Courts in the State of Louisiana.

The following motion was made by J. Christopher Zainey, Jr. of the 41st Judicial District:

“BE IT RESOLVED that the House of Delegates support the Louisiana Department of Veterans Affairs' efforts to establish Veterans Treatment Courts in the State of Louisiana.”

Upon second by David LaCerte (by proxy of Felicia F. Davis, 18th JD), and Ms. Vallejo speaking in favor, the House voted unanimously to adopt the resolution.

2. Resolution from Val P. Exnicios (41st Judicial District) asking the House of Delegates to void its June 2011 resolution to recommend to the Louisiana Supreme Court that it amend the Rules of Professional conduct to allow for the sale of a law practice.

Mr. Exnicios made the following motion:

“BE IT RESOLVED that the House of Delegates void its June 2011 resolution to recommend to the Louisiana Supreme Court that it amend the Rules of Professional conduct to allow for the sale of a law practice.”

George Recile (24th JD) seconded the motion and Mr. Durio spoke against it. The motion FAILED by a hand vote of 58 for and 68 against.

3. Resolution from Steven G. Durio (15th Judicial District) asking the House of Delegates to recommend to the Louisiana Supreme Court the adoption of Proposed Rule 1.17 to allow for the sale of a law practice.

Mr. Durio made the following motion:

“BE IT RESOLVED that the House of Delegates approve the resolution to recommend to the Louisiana Supreme Court that it adopt Proposed Rule 1.17 to allow for the sale of a law practice.”

Mr. Kutcher seconded the motion and Mr. Exnicios spoke against the resolution and offered an amendment to require affirmative client consent to the sale in the form of a signed contract by adding the following:

- (i) Notwithstanding any other provision to the contrary, the transfer of any and all contingency fee matters shall not be effective unless and until the client executes a new contingency fee contract with the transferee lawyer or law firm.

Mr. Durio seconded the motion to amend and Dan McKay (12th JD) spoke against it. A voice vote was taken and the House approved the amendment.

A voice vote was then taken on the motion as amended, which the House approved.

Committee Resolutions

4. Resolution from the Rules of Professional Conduct Committee asking the House of Delegates to recommend to the Louisiana Supreme Court proposed revision to Rule 3.8 of the Rules of Professional Conduct to include former prosecutors.

Mr. Leefe made the following motion on behalf of Rules of Professional Conduct Committee Chair Richard C. Stanley:

“BE IT RESOLVED that the House of Delegates recommend to the Louisiana Supreme Court proposed revision to Rule 3.8 of the Rules of Professional Conduct to include former prosecutors.”

The motion was seconded and adopted.

5. Joint Resolution from the Bar Governance Committee and Ad Hoc Legislative Policy Committee to amend the Bylaws as related to the Legislation Committee (Article IX) and Legislative Positions (Article X).

Legislation Committee Chair Michael W. McKay gave a report on the activities of the Legislation Committee, including some of the challenges faced by the committee. At the conclusion of Mr. McKay’s report, the following motion was made by S. Guy deLaup of the 24th Judicial District, who chairs the Bar Governance Committee:

“BE IT RESOLVED that the House of Delegates support the Joint Resolution from the Bar Governance Committee and Ad Hoc Legislative Policy Committee to amend the

Bylaws as related to the Legislation Committee (Article IX) and Legislative Positions (Article X).”

The motion was seconded and adopted unanimously.

6. Resolution from the Committee on the Profession asking the House of Delegates to approve the concept of mandatory mentoring for new admittees.

Committee on the Profession Chair Barry H. Grodsky introduced the resolution and made the following motion:

“BE IT RESOLVED that the House of Delegates approve the concept of mandatory mentoring for new admittees.”

Mr. McKay seconded the motion and the House adopted it unanimously.

XII. Other Business

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

There being no further business, the meeting was adjourned at 11:30 a.m.

Respectfully submitted:



Richard K. Leefe
Secretary

APPROVED BY HOUSE OF DELEGATES
JANUARY 19, 2013
NEW ORLEANS, LA

ADDENDUM
To June 7, 2012 House of Delegates Minutes

ATTENDANCE

FIRST JUDICIAL DISTRICT (14 seats) Parish of Caddo

Louis R. Avallone
Claude W. Bookter, Jr.
PRESENT James L. Fortson, Jr. BY PROXY TO John Bokenfour
PRESENT Stephen Christopher Fortson
John M. Frazier
PRESENT John R. Herzog BY PROXY TO Paul Strickland
W. James Hill III
Richard M. John
Kevin R. Molloy
Jason Michael Nash
Marshall R. Pearce
Nyle A. Politz
PRESENT Joseph L. Shea, Jr.
Kenneth Craig Smith, Jr.
PRESENT Paul L. Wood

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

Cary T. Brown
Tyler G. Storms

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

PRESENT Brandon B. Brown
Elizabeth J. Guerriero
PRESENT Jeffrey D. Guerriero
PRESENT Paul L. Hurd BY PROXY TO Jennifer Johnson
Charles L. Kincade
PRESENT Ramsey L. Ogg
PRESENT Alex W. Rankin
PRESENT Arthur L. Stewart
David J. Summersgill
PRESENT Thomas G. Zentner

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

John Clay Hamilton

John Hoychick, Jr.
Ann B. McIntyre

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

SEVENTH JUDICIAL DISTRICT (2 seats) Parishes of Catahoula & Concordia
PRESENT John C. Reeves
PRESENT Ann S. Siddall

NINTH JUDICIAL DISTRICT (7 seats) Parish of Rapides
Robert L. Bussey
Charles D. Elliott
Howard B. Gist III
Mark F. Vilar
PRESENT Zebulon M. Winstead BY PROXY TO Danny Ellender
PRESENT Christie C. Wood

TENTH JUDICIAL DISTRICT (2 seats) Parish of Natchitoches
PRESENT Keenan K. Kelly
PRESENT Charles R. Whitehead, Jr., BY PROXY TO Cloyd Benjamin

ELEVENTH JUDICIAL DISTRICT (1 seat) Parish of Sabine
William Daniel Dyess

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

THIRTEENTH JUDICIAL DISTRICT (2 seats) Parish of Evangeline
Timmy J. Fontenot

FOURTEENTH JUDICIAL DISTRICT (9 seats) Parish of Calcasieu
PRESENT Theresa A. Barnatt
PRESENT Brian Lee Coody BY PROXY TO Todd Ammons
PRESENT L. Paul Foreman
PRESENT Thomas L. Lorenzi
PRESENT Robert C. McCorquodale
PRESENT David Daniel Palay, Jr.

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PRESENT Larry E. Pichon BY PROXY TO Kent Savoie
PRESENT Betty A. Raglin BY PROXY TO Pete Pohorelsky
PRESENT John F. Robichaux BY PROXY TO Winfield E. Little, Jr.

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

Homer Ed Barousse, Jr.
PRESENT Ariel A. Campos, Sr.
PRESENT Dean A. Cole
PRESENT Kyle L. Gideon BY PROXY TO Steven G. "Buzz" Durio
PRESENT Matthew J. Hill, Jr. BY PROXY TO Carolyn Cole
Andrew B. Mims
PRESENT Joseph R. Oelkers III BY PROXY TO Franchesca L. Hamilton-Acker
PRESENT Barbara A. Olinde BY PROXY TO Christopher Piasecki
PRESENT Donovan J. O'Pry II BY PROXY TO Sara Rodrigue
PRESENT Tricia R. Pierre
Jeffrey A. Riggs
PRESENT Michael D. Skinner BY PROXY TO Bianca L. Chretien
Juliette B. Wade

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

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

SEVENTEENTH JUDICIAL DISTRICT (5 seats) Parish of Lafourche

David G. Arceneaux,
Matthew Ferdinand Block
PRESENT Annette Marie Fontana BY PROXY TO Daniel A. Cavell
Robert M. Pugh
Nicholas J. Zeringue

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

PRESENT Felicia F. Davis BY PROXY TO David LaCerte
PRESENT Stephen Philibert Jewell BY PROXY TO John Wayne Jewell
PRESENT Francis A. Smith, Jr.

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

PRESENT B. Scott Andrews BY PROXY TO Mary Ann White
PRESENT Kelly E. Balfour

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PRESENT Jesse H. Bankston, Jr.
Paul W. Breaux BY PROXY TO Robert Burns
Dana B. Brown,
PRESENT James D. "David" Caldwell, Jr.
Jack M. Dampf
PRESENT Juan M. "John" Delgado
PRESENT Michael D. Ferachi BY PROXY TO Bradley J. Tate
PRESENT Frank A. Fertitta BY PROXY TO Stephanie Possa
C. Kevin Hayes
PRESENT C. Frank Holthaus BY PROXY TO Regina James
Stephen M. Irving
Jay M. Jalenak, Jr.
PRESENT Michael W. McKay
PRESENT Adrian G. Nadeau
Alejandro R. "Al" Perkins
Glen R. Petersen
PRESENT Valerie T. Schexnayder
PRESENT Amanda S. Stout
PRESENT David Abboud Thomas BY PROXY TO Darrell J. Papillion
PRESENT Jack K. Whitehead, Jr. BY PROXY TO Steve LeBlanc

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

PRESENT Samuel Christopher D'Aquila BY PROXY TO Michael Hesse
PRESENT Michael L. Hughes

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

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

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

Elizabeth A. Alston
Eric K. Buerger
William Harvell Burris
Olivier Provosty Carriere II
Christina L. Carroll
PRESENT Keith M. Couture
PRESENT Gino Ronald Forte BY PROXY TO Hank Miltenberger

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Gordon Timothy Herrin
Michael E. Holoway
PRESENT Robert C. Lehman
John W. Lindner, II
J. Kevin McNary
PRESENT Peggy G. Vallejo

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

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

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

Raylyn Reine Beevers
PRESENT Conrad A. Buchler
Robert J. Caluda
PRESENT Thomas Christopher Cerullo
Christy M. Howley Connois
PRESENT Sandra K. Cosby
PRESENT Mickey S. deLaup
PRESENT S. Guy deLaup
PRESENT Geralyn P. Garvey BY PROXY TO Stephen I. Dwyer
PRESENT Robert A. Kutcher
PRESENT John J. Lee, Jr.
PRESENT Robert A. McMahon, Jr.
Scott W. McQuaig
PRESENT Bryan A. Pfleeger
PRESENT Roy A. Raspanti
PRESENT George B. Recile
Thomas F. Schexnayder
Mettery I. Sherry, Jr.
PRESENT Tina Louise Suggs

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

Dominick Scandurro, Jr.
PRESENT Michele Magill Smith

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

PRESENT John Zachary Blanchard, Jr.
Amanda J. Hulett
PRESENT Patrick R. Jackson
PRESENT Jason W. Poe
PRESENT Ross E. Shacklette BY PROXY TO Michael E. Daniel
David M. Touchstone

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

PRESENT Francis A. Olivier III
PRESENT John L. Olivier
PRESENT Jacque B. Pucheu, Jr. BY PROXY TO Berryl Gordon-Thompson
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.
PRESENT Gregory A. Miller
Robert L. Raymond

THIRTIETH JUDICIAL DISTRICT (3 seats) Parish of Vernon

Elizabeth Brummet Carr
David James Klann
Lisa Kay Nelson

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

PRESENT Richard M. Arceneaux

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

PRESENT Charles C. Bourque, Jr.
PRESENT Sye Joseph Broussard
William Seth Dodd
Kassie L. Hargis
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

Alan G. Bouterie, Jr.
Roberta L. Burns
Tracy Helen Duplantier
PRESENT Gregory J. Noto
PRESENT Paul A. Tabary III

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

Joseph P. Beck III

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

THIRTY-SEVENTH JUDICIAL DISTRICT (1 seat) Parish of Caldwell
James E. Mixon

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

THIRTY-NINTH JUDICIAL DISTRICT (1 seat) Parish of Red River
John Q. Davis

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

PRESENT Daniel E. Becnel, Jr.
PRESENT William D. O'Regan III BY PROXY TO Tom Daley
Richard B. Stricks

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

PRESENT Donald R. Abaunza
PRESENT Glenn B. Adams
Brent B. Barriere
PRESENT Francis J. Barry, Jr.
PRESENT Ashley L. Belleau
PRESENT Jack C. Benjamin, Jr. BY PROXY TO Chris Ralston
PRESENT Andrew A. Braun BY PROXY TO Joseph Barecca
Patrick D. Breeden
PRESENT Joseph M. Bruno BY PROXY TO Marta-Ann Schnabel
PRESENT Thomas A. Casey, Jr. BY PROXY TO Mark A. Cunningham
PRESENT Paul B. Deal BY PROXY TO Larry Centola III
PRESENT Richard B. Eason, II BY PROXY TO Rachel Wisdom
PRESENT Val P. Exnicios
PRESENT William R. Forrester, Jr.
PRESENT Darryl J. Foster
PRESENT Judith A. Gainsburgh
PRESENT James C. Gulotta, Jr.
PRESENT Philip K. Jones, Jr.
PRESENT David W. Leefe
PRESENT Ryan M. McCabe
PRESENT André J. Mouledoux
PRESENT Brian P. Quirk
PRESENT Louis Gravois Schott
PRESENT Karen Baumgartner Sher BY PROXY TO Alvin C. Meister
PRESENT Ronald J. Sholes
John A. Stassi II
Patrick A. Talley, Jr.
PRESENT Irving J. Warshauer BY PROXY TO William Bennett

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PRESENT	Edward Dirk Wegmann BY PROXY TO Jay C. Zainey
PRESENT	Walter I. Willard BY PROXY TO Clarence Koby
PRESENT	Phillip A. Wittmann
PRESENT	Sharonda R. Williams BY PROXY TO Larry Demmons
PRESENT	Jay C. Zainey, Jr.