



Serving the Public. Serving the Profession.

HOUSE OF DELEGATES MEETING
9 a.m. ■ Saturday, January 23, 2021
Via Zoom

MINUTES

President Alainna R. Mire called the meeting of the House of Delegates of the Louisiana State Bar Association to order at 9:10 a.m., Saturday, January 23, 2021. She reminded everyone that they would need to use Meeting Pulse to check in for the meeting and cast their votes. She also reminded participants of the following special rules:

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

She also announced that all attendees would be muted by the meeting administrator to avoid feedback and extraneous noise. She asked attendees to unmute themselves when called upon to speak.

Business was conducted in accordance with the agenda below.

A G E N D A

I. Certification of Quorum by the Secretary

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

II. Recognition of Deceased Members of the House of Delegates

Ms. Mire asked for a moment of silence for the following deceased members of the HOD:

- *William T. Allison, 1st Judicial District*
- *Daniel E. Becnel, Jr., 40th Judicial District*
- *John Zachary Blanchard, Jr., 26th Judicial District*
- *Fred R. DeFrancesch, 40th Judicial District*
- *S. David Holladay, 19th Judicial District*
- *John L. Olivier, 27th Judicial District*
- *Hon. John B. Slattery, Jr., 26th Judicial District*

III. Reports of Standing Committees of the House

Ms. Mire announced that any reports had been emailed to House members.

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

1. Alainna R. Mire, President
2. H. Minor Pipes III, President-Elect
3. John E. McAuliffe, Jr., Treasurer
4. Patrick A. Talley, Jr., Secretary

After announcing that reports of the President-Elect, Secretary and Treasurer were distributed via email Ms. Mire gave a brief report noting:

- *Appreciation to House members for participating in the Zoom meeting necessitate by the COVID-19 pandemic;*
- *Chief Justice Bernette Joshua Johnson had retired on December 31, 2020 and while COVID prevented the LSBA from hosting an event in her honor, Ms. Mire noted Chief Justice Johnson's support of and assistance to the LSBA and thanked the former Chief for her years of service to the Court, the Bar and the citizens of Louisiana;*
- *Chief Justice John L. Weimer was sworn in on January 7, 2021. She thanked him for his support and advised she and the LSBA looked forward to working with him.*

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

Ms. Mire announced that committee reports were distributed via email in advance of the meeting.

VI. Other Reports*

There were no other reports.

Activities of the House of Delegates

VII. Old Business

There was no old business to come before the House.

VIII. Approval of Minutes

Consideration of approval of the Minutes of the January 18, 2020 meeting of the House of Delegates, held in Baton Rouge.

Upon motion by Valerie Briggs Bargas of the 19th Judicial District and second by Maggie T. Simar of the 16th Judicial District, the House unanimously approved the minutes as presented.

IX. Elections

1. Election of one member to serve a three-year term on the House of Delegates Liaison Committee, to commence at the conclusion of the 2021 Annual Meeting and end at the conclusion of the 2024 Annual Meeting. This member shall be elected from House of Delegates members representing the 1st through 19th Judicial Districts.

Ms. Mire announced that the following nominations were received in advance and no additional nominations could be made from the floor:

- *Douglas L. Bryan, 12th Judicial District*
- *Keenan K. Kelly, 10th Judicial District*

She announced that voting was open, and members should vote for one candidate using Meeting Pulse.

After a reminder that 10 seconds remained, Ms. Mire announced that voting was closed, and that Mr. Kelly had been elected.

2. Election, from the three Liaison Committee members, of a Chair of the House of Delegates Liaison Committee for 2021-2022, whose term will commence at the conclusion of the 2021 Annual Meeting. The Chair of the Liaison Committee is a voting member of the Board of Governors.

Ms. Mire announced that there would be an election for the Committee Chair, who serves as a voting member of the Board. She further advised that the following members were eligible to run:

- *Keenan K. Kelly, 10th Judicial District*
- *D. Skylar Rosenbloom, 41st Judicial District*
- *Ann S. Siddall, 7th Judicial District*

She asked that nominations and seconds be submitted via the chat feature of Zoom. The following individuals were nominated, and the nominations were duly seconded:

- *Keenan K. Kelly, 10th Judicial District*
- *D. Skylar Rosenbloom, 41st Judicial District*
- *Ann S. Siddall, 7th Judicial District*

Ms. Mire announced that voting was open, and members should vote for one candidate using Meeting Pulse.

After a reminder that 10 seconds remained, Ms. Mire announced that voting was closed, and Ms. Siddall had been elected.

3. Election of five (5) members of the House of Delegates to serve three-year terms on the Legislation Committee. To ensure geographically diverse representation, there shall be no more than four (4) House of Delegates representatives from a judicial district at any given time. Terms commence immediately and end on June 30, 2023.

Ms. Mire announced that nominations from the following seven individuals were received in advance and no additional nominations could be made from the floor:

- *B. Scott Andrews, 19th Judicial District*
- *Evan James Bergeron, 41st Judicial District*
- *J. Christopher Erny, 32nd Judicial District*
- *Steven James Farber, 21st Judicial District*
- *Christy Michele Howley, 24th Judicial District*
- *Chadwick James Mollere, 41st Judicial District*

- *Joseph P. Ramage, Jr., 21st Judicial District*

She then announced that members would have roughly two minutes to complete their ballots. She added that they should vote for up to five (5) candidates using Meeting Pulse and that they must press the green “submit” button in order for their votes to be counted.

After reminders at several intervals, Ms. Mire announced that voting was closed, and the following individuals has been elected:

- *B. Scott Andrews, 19th Judicial District*
- *Evan James Bergeron, 41st Judicial District*
- *J. Christopher Erny, 32nd Judicial District*
- *Christy Michele Howley, 24th Judicial District*
- *Chadwick James Mollere, 41st Judicial District*

X. Resolutions

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

Louisiana Board of Legal Specialization Resolutions

Ms. Mire called upon Mr. Kutcher who reported that the committee had no issues with either resolution 1 and 2 and recommended support.

1. Resolution from the Louisiana Board of Legal Specialization to amend Health Law Standards and Topics.

Ms. Mire called upon LBLs Chair Robert E. Rowe to present the resolution. After Mr. Rowe’s introduction, Kevin R. Molloy of the 1st Judicial District moved adoption, which motion was duly seconded.

Ms. Mire then called upon Health Law Section Chair Lynn Smith Savoie who had submitted a salmon slip to speak in favor of the resolution.

Ms. Mire announced that there were no additional salmon slips and offered Mr. Molloy the opportunity to close, which he declined.

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

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

2. Resolution from the Louisiana Board of Legal Specialization to amend Family Law Standards.

Ms. Mire called upon LBLs Chair Robert E. Rowe to present the resolution. After Mr. Rowe's introduction, Kevin R. Molloy of the 1st Judicial District moved adoption, which motion was duly seconded.

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

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

Member Resolutions

Ms. Mire called upon Mr. Kutcher who reported that the Bar Governance Committee had voted to oppose adoption of the next four resolutions because they were premature. He added that the House had already suspended implementation and the LBLs was planning to submit its report and final proposals to the House in June 2021.

3. Resolution from Francis J. Barry and Glenn B. Adams, both of the 41st Judicial District, urging the House of Delegates to:
 - Rescind its January 2017 resolution approving the Louisiana Board of Legal Specialization Employment Law Standards; and
 - Request that the Louisiana Board of Legal Specialization, prior to submitting any revised Employment Law Standards, establish a fully transparent process to discern the relative support and opposition to the Employment Law Standards.

Mr. Barry introduced the resolution and then waived the remainder of his time to Charles F. Seeman, by proxy from Glenn B. Adams of the 41st Judicial District, who provided additional information and moved adoption. Mr. Barry seconded the motion.

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

- *Rachael Jeanfreau, Labor Relations & Employment Law Section Chair*
Ms. Jeanfreau advised that she was not speaking for or against the resolution but wanted to share the results of the poll the section recently administered to gauge interest in specialization in these areas. She noted the following:
 - *Poll was sent to 222 section members and 70 responded;*
 - *84% of the respondents were from defense firms; 12.9% of the respondents were from plaintiff firms; and 5.7% of the respondents were government employees; and*
 - *69% of respondents were against specialization in the areas of labor and employment law.*
- *Robert E. Rowe, LBLs Chair* *AGAINST*
- *Barry H. Grodsky, 41st Judicial District* *AGAINST*
(by proxy from Jack C. Benjamin, Jr.)

- Kevin R. Molloy, 1st Judicial District AGAINST
- Robert A. Kutcher, 24th Judicial District AGAINST
(by proxy from Shayna Beevers Morvant)

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

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

<i>Approve</i>	<i>51</i>
<i>Reject</i>	<i>80</i>
<i>Abstain</i>	<i>10</i>

4. Resolution from Francis J. Barry and Glenn B. Adams, both of the 41st Judicial District, urging the House of Delegates to:
 - Request that the Louisiana Board of Legal Specialization make the public comments that it collected in April 2019 available to the public; and
 - Request that the Louisiana Board of Legal Specialization take no further action to develop or implement the Employment Law Standards without first establishing and implementing a publicly disclosed, fully transparent process for obtaining an accurate assessment of the relative support for, and opposition to, the Employment Law Standards among affected practitioners.

Ms. Mire called upon Mr. Seeman, who moved to withdraw the resolution from consideration. The motion was duly seconded, and the House voted as follows to WITHDRAW the resolution:

<i>Approve</i>	<i>112</i>
<i>Reject</i>	<i>26</i>

5. Resolution from Francis J. Barry and Glenn B. Adams, both of the 41st Judicial District, urging the House of Delegates to:
 - Rescind its January 2017 resolution approving the Labor Law Standards; and
 - Request that the Louisiana Board of Legal Specialization, prior to submitting any revised Labor Law Standards, establish a fully transparent process to discern the relative support and opposition to the Labor Law Standards.
6. Resolution from Francis J. Barry and Glenn B. Adams, both of the 41st Judicial District, urging the House of Delegates to:
 - Request that the Louisiana Board of Legal Specialization make the public comments that it collected in April 2019 available to the public; and
 - Request that Louisiana Board of Legal Specialization take no further action to develop or implement the Labor Law Standards without first establishing and implementing a publicly disclosed, fully transparent process for obtaining an accurate assessment of the relative support for, and opposition to, the Labor Law Standards among affected practitioners.

Mr. Seeman asked that resolutions 5 and 6 be considered together. Mr. Barry introduced the resolutions and moved their adoption, which motion was duly seconded.

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

- *Francis J. Barry, 41st Judicial District* *FOR*
Mr. Barry waived his time to Mr. Seeman
- *Robert E. Rowe, LBLs Chair* *AGAINST*
- *Barry H. Grodsky, 41st Judicial District* *AGAINST*
(by proxy from Jack C. Benjamin, Jr.)
- *Kevin R. Molloy, 1st Judicial District* *AGAINST*
- *Robert A. Kutcher, 24th Judicial District* *WAIVED*
(by proxy from Shayna Beevers Morvant)

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

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

<i>Approve</i>	<i>56</i>
<i>Reject</i>	<i>79</i>
<i>Abstain</i>	<i>11</i>

Section Resolution

7. Resolution from Labor Relations and Employment Law Section proposing amendment to the Bylaws regarding Annual Meetings of the Section.

Ms. Mire called upon Labor Relations and Employment Law Section Chair Rachael A. Jeanfreau, who introduced the resolution and moved its adoption, which motion was duly seconded.

Ms. Mire called upon Mr. Kutcher who reported that the Bar Governance Committee supported this resolution.

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

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

<i>Approve</i>	<i>129</i>
<i>Reject</i>	<i>7</i>
<i>Abstain</i>	<i>4</i>

Committee Resolutions

8. Resolution from the Diversity Committee to honor, recognize and thank Chief Justice Bernette Joshua Johnson for her dedication to the people of Louisiana, her dedication to improving the lives of those in her community, and for her years of distinguished service on the bench and as an active member of the bar and her community.

Ms. Mire called upon Diversity Committee member Demarcus Gordon who presented the resolution and moved its adoption, which motion was duly seconded.

Ms. Mire called upon Mr. Kutcher who reported that the Bar Governance Committee supported this resolution.

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

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

<i>Approve</i>	<i>133</i>
<i>Reject</i>	<i>4</i>
<i>Abstain</i>	<i>5</i>

9. Resolution from the Criminal Justice Committee proposing that the LSBA recommend:
- examining other states that fund criminal justice system through a state appropriation;
 - creating sufficient auditing measures for Uniform Financial reporting by the courts, prosecutors, and public defenders to determine the collection and allocation of criminal fines and fees funding the criminal justice system; and
 - collecting data and information to determine the amount needed to adequately fund the criminal justice system and reduce the reliance on self-generated revenue.

Ms. Mire announced that this resolution addressed House policy and would therefore require a 75 percent vote for approval. She called upon Criminal Justice Committee Co-Chair Jean M. Faria, 19th Judicial District, who introduced the amended resolution which was emailed to House members on January 20. Ms. Faria moved adoption of the amended resolution, which motion was duly seconded.

Ms. Mire called upon Mr. Kutcher who reported that the Bar Governance Committee supported the amended resolution.

After being recognized by Ms. Mire as the only individual who had submitted a salmon slip for resolution 9, Ann S. Siddall of the 7th Judicial District spoke in favor of the resolution.

There being no further salmon slips, Ms. Faria made brief closing comments after which Ms. Mire advised the vote would be taken. She announced that members should vote for

or against the resolution using Meeting Pulse and that voting will be open for roughly 60 seconds.

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

<i>Approve</i>	<i>128</i>
<i>Reject</i>	<i>9</i>
<i>Abstain</i>	<i>6</i>

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

She called upon Bar Governance Committee Chair Robert Kutcher who gave a brief history of the genesis of the special committee and its charge and advised that the Bar Governance Committee supported all of the resolutions. He noted that they served to eliminate outdated policies and streamline House processes.

10. Resolution from the Special Committee to Review House of Delegates Policies to request that the House of Delegates take the following action on its Administration of Justice policies:

- Sunset and repeal its policies on Administration of Justice based on the 1997 Citizens Summit; and
- Reaffirm its policy on Administration of Justice opposing any proposal to tax legal services in Louisiana.

Ms. Mire called upon committee chair Keenan K. Kelly, 10th Judicial District, who introduced the resolution and moved its adoption, which motion was duly seconded.

Mr. Mire recognized Mr. Kutcher who had submitted a salmon slip to speak in favor of the resolution. Mr. Kutcher waived his right to speak.

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

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

<i>Approve</i>	<i>137</i>
<i>Reject</i>	<i>7</i>
<i>Abstain</i>	<i>2</i>

11. Resolution from the Special Committee to Review House of Delegates Policies to request that the House of Delegates take the following action on its Courts policies:

- Sunset and repeal its policies on Courts adopted June 12, 2003, January 22, 2005, January 22, 2011, June 6, 2013 and June 11, 2015, and January 24, 2014; and
- Reaffirm its policy on Courts dated January 21, 2012 in support of adequate compensation for members of the state judiciary and authorize communication of

this support to the Judicial Compensation Commission and the Louisiana Legislature.

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

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

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

<i>Approve</i>	<i>136</i>
<i>Reject</i>	<i>4</i>
<i>Abstain</i>	<i>0</i>

12. Resolution from the Special Committee to Review House of Delegates Policies to request that the House of Delegates take the following action on its Family Law policies:

- Sunset and repeal its policy on Family Law based on the 1997 Citizens Summit;
- Sunset and repeal its policy on Family Law adopted June 7, 2001;
- Sunset and repeal its policy on Family Law adopted June 27, 2002;
- Sunset and repeal its policy on Family Law adopted January 25, 2003;
- Reaffirm its policy on Family Law adopted June 8, 2000 in support of the concept of unified family courts in those jurisdictions where it is demographically justified.

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

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

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

<i>Approve</i>	<i>133</i>
<i>Reject</i>	<i>10</i>
<i>Abstain</i>	<i>2</i>

13. Resolution from the Special Committee to Review House of Delegates Policies to request that the House of Delegates sunset and repeal its Criminal Law policy adopted June 9, 2016 which urges the Louisiana Legislature to require unanimous jury verdicts.

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

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

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

<i>Approve</i>	<i>132</i>
<i>Reject</i>	<i>9</i>
<i>Abstain</i>	<i>6</i>

14. Resolution from the Special Committee to Review House of Delegates Policies to request that the House of Delegates take the following action on its Civil Legal Services to the Indigent policies:

- Sunset and repeal its policy on Civil Legal Services to the Indigent based on the 1997 Citizens Summit;
- Reaffirm its policy on Civil Legal Services to the Indigent adopted January 24, 2004 to support the work of the Access to Justice program in its efforts to secure funding from the United States Congress and the State of Louisiana for civil legal services to the poor;
- Sunset and repeal its policy on Civil Legal Services to the Indigent adopted January 23, 2010 [previously listed incorrectly as adopted 01/23/2015];
- Sunset and repeal its policy on Civil Legal Services to the Indigent adopted January 21, 2017; and
- Reaffirm its policy on Civil Legal Services to the Indigent adopted January 12, 2008 [previously listed incorrectly as adopted 12/2008]:
 - Recognizing that the courts have an affirmative obligation to ensure that all litigants have meaningful access to the courts, regardless of representation status;
 - Urging Louisiana judges and courts to take a leadership role in their respective jurisdictions to encourage the expansion of successful *pro bono* assistance programs, to identify and develop programs to address unmet needs, and to coordinate the delivery of program services effectively and efficiently; and
 - Supporting the establishment of court rules and policies that encourage the participation of judges, court staff, legal services agencies, state and local bar associations, and community organizations in the implementation and operation of assistance programs for self-represented litigants.

Ms. Mire called upon committee member Tina L. Suggs who introduced the resolution. Mr. Kutcher moved adoption, which motion was duly seconded.

Ms. Mire recognized Mr. Kelly and Mr. Kutcher who had submitted salmon slips in favor of the resolution. Both waived.

There being no further debate, Ms. Mire announced that voting was open, and members would have roughly 60 seconds to vote for or against the resolution using Meeting Pulse.

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

<i>Approve</i>	<i>135</i>
<i>Reject</i>	<i>7</i>
<i>Abstain</i>	<i>2</i>

15. Resolution from the Special Committee to Review House of Delegates Policies to request that the House of Delegates take the following action on its Regulation of the Practice of Law policies:

- Sunset and repeal its policies on Regulation of the Practice of Law adopted January 19, 2002;
- Sunset and repeal its policies on Regulation of the Practice of Law adopted January 22, 2005;
- Sunset and repeal its policy on Regulation of the Practice of Law adopted January 22, 2011;
- Sunset and repeal its policy on Regulation of the Practice of Law adopted January 15, 2015;
- Reaffirm its policy on Regulation of the Practice of Law adopted January 20, 2007 opposing policies, practices and procedures of governmental bodies that have the effect of eroding the attorney/client privilege and work product doctrine and favoring policies, practices and procedures that recognize the value of those protections; and opposing the routine practice by government officials seeking to obtain a waiver of the attorney/client privilege or work product doctrine through the granting or denial of any benefit or advantage; and
- Reaffirm its policy on Regulation of the Practice of Law adopted June 9, 2016 opposing any legislation and government rules or regulations which would permit non-lawyers to engage in the practice of law; and promoting and supporting legislation to provide remedies and access to the Louisiana forum for Louisiana consumers who are harmed by nonlawyers who sell, license or market legal services and products, including software, online solutions and legal forms.

Ms. Mire called upon committee member H. Minor Pipes III, 41st Judicial District by proxy from Justin M. Chopin, who introduced the resolution and moved its adoption, which motion was duly seconded.

Ms. Mire recognized Mr. Kutcher who had submitted a salmon slip to speak in favor of the resolution. Mr. Kutcher waived his right to speak.

There being no further debate, Ms. Mire announced that voting was open, and members would have roughly 60 seconds to vote for or against the resolution using Meeting Pulse.

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

<i>Approve</i>	<i>136</i>
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Reject 5
Abstain 3

16. Resolution from the Special Committee to Review House of Delegates Policies to request that the House of Delegates reaffirm its January 23, 2010 and June 7, 2018 policies on Civil Law, but for the sake of clarity and simplicity, consolidates them into just one, comprehensive policy which states in its entirety: “The LSBA opposes the granting of civil immunities and opposes the creation of special rules favoring subclasses of parties in certain types of cases in contravention of the Civil Code and Code of Civil Procedure, unless a clear case is made for such rules under extraordinary circumstances.”

Ms. Mire called upon committee member Darrel J. Papillion, 19th Judicial District, who presented the resolution and moved its adoption, which motion was duly seconded.

Ms. Mire recognized Mr. Kelly and Mr. Kutcher who had submitted salmon slips in favor of the resolution. Both waived their right to speak.

There being no further debate, Ms. Mire announced that voting was open, and members would have roughly 60 seconds to vote for or against the resolution using Meeting Pulse.

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

Approve 125
Reject 15
Abstain 5

XI. Other Business

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


There was no further business to come before the House.

Ms. Mire thanked House members for their participation and reminded Board members that they would reconvene to ratify the action of the HOD.

There being no further business, the meeting was adjourned at 11:25 a.m.

APPROVED BY HOUSE OF DELEGATES
JUNE 10, 2021
DESTIN, FL

Respectfully submitted:



Patrick A. Talley, Jr.
Secretary

ADDENDUM
2020-2021 HOUSE OF DELEGATES
ATTENDANCE · 2021 MIDYEAR MEETING

FIRST JUDICIAL DISTRICT (14 seats) Parish of Caddo

Claude W. Bookter, Jr.
PRESENT Valerie A. DeLatte
PRESENT James L. Fortson, Jr.
PRESENT Stephen Christopher Fortson
Daryl Gold
PRESENT W. James Hill III
Richard M. John
PRESENT Curtis R. Joseph, Jr.
PRESENT Kevin R. Molloy
PRESENT Amy Michelle Perkins
Nyle A. Politz
PRESENT Joseph L. Shea, Jr.
PRESENT Scott R. Wolf
PRESENT Paul L. Wood

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

PRESENT Gary D. Nunn
Jeffery D. Sampson

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

Paul Heath Hattaway
PRESENT Albert Carter Mills IV
PRESENT Tyler G. Storms

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

PRESENT Daniel C. Cummins
Ana L. Gregory
Katie Bell Meek
Robert S. Noel II
PRESENT Ramsey L. Ogg
PRESENT Alicia Reitzell
PRESENT William Michael Street
PRESENT Peggy J. Sullivan
PRESENT Grant M. Tolbird
PRESENT Keith Whiddon
PRESENT Thomas G. Zentner, Jr. BY PROXY TO C.A. “Hap” Martin III

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

PRESENT John Clay Hamilton

SIXTH JUDICIAL DISTRICT (2 seats) Parishes of East Carroll, Madison & Tensas

PRESENT Kenneth A. Brister

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

PRESENT Alexandra E. LeTard

PRESENT Ann S. Siddall

EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Winn

Justin Keith Gates

NINTH JUDICIAL DISTRICT (7 seats) Parish of Rapides

Ronald G. Beard

Joshua J. Dara, Jr.

PRESENT Charles D. Elliott

PRESENT Robert G. Levy

Monique Y. Metoyer

Harold A. Murry

David M. Williams

TENTH JUDICIAL DISTRICT (2 seats) Parish of Natchitoches

Cloyd Benjamin, Jr.

PRESENT Keenan K. Kelly

ELEVENTH JUDICIAL DISTRICT (1 seat) Parish of Sabine

PRESENT Rebecca Riall

TWELFTH JUDICIAL DISTRICT (2 seats) Parish of Avoyelles

PRESENT Douglas L. Bryan

PRESENT Dan B. McKay, Jr.

THIRTEENTH JUDICIAL DISTRICT (2 seats) Parish of Evangeline

Jacob B. Fusilier

Christopher Ludeau

FOURTEENTH JUDICIAL DISTRICT (9 seats) Parish of Calcasieu

Somer G. Brown

PRESENT Cade R. Cole

L. Paul Foreman

Adam P. Johnson

PRESENT Thomas L. Lorenzi

Alexander L. Reed

PRESENT Shayna L. Sonnier

PRESENT Chantell Marie Smith

PRESENT Cody J. Vidrine

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

PRESENT Elizabeth B. Bloch
PRESENT Shannon Seiler Dartez
PRESENT George D. Ernest
PRESENT Katherine L. Hurst
PRESENT James L. Klock
PRESENT Andrew B. Mims
PRESENT Jared E. Nelson
Donovan J. O’Pry II
PRESENT Joseph R. Oelkers III
PRESENT Jeffrey A. Riggs
Michael D. Skinner
PRESENT Juliette B. Wade
PRESENT Desiree Williams-Auzenne

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

PRESENT Adolph B. Curet III
PRESENT Eric P. Duplantis
Roger P. Hamilton
PRESENT Pamela A. Lemoins
PRESENT Marsha McNulty
Andrew Reed
PRESENT Maggie T. Simar
Dennis R. Stevens

SEVENTEENTH JUDICIAL DISTRICT (5 seats) Parish of Lafourche

William N. Abel
PRESENT Daniel A. Cavell
PRESENT Eugene G. Gouaux, Jr.
PRESENT Lisa R. Pinho
Nicholas J. Zeringue

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

PRESENT John Lane Ewing, Jr.
PRESENT Stephen P. Jewell
David A. LaCerte
PRESENT Deidre Deculus Robert

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

PRESENT Creighton B. Abadie
PRESENT Michael R. D. Adams
PRESENT B. Scott Andrews
PRESENT Jesse H. Bankston, Jr.
PRESENT Valerie B. Bargas
PRESENT Jim E. Boren

PRESENT Franz N. Borghardt
PRESENT Dana B. Brown
PRESENT Robert J. Burns
Donald J. Cazayoux
PRESENT Douglas J. Cochran
PRESENT Renee C. Crasto
PRESENT Jean M. Faria
Frank A. Fertitta
PRESENT Christopher B. Hebert
Justin A. Jack
PRESENT Rusty M. Messer
PRESENT Darrel J. Papillion
PRESENT Julie Baxter Payer
PRESENT Mary E. Roper
Michael B. Victorian

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

PRESENT Samuel Christopher D'Aquila
PRESENT Stewart B. Hughes

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

PRESENT Mary E. Heck Barrios
PRESENT Erik L. Burns
PRESENT Anthony Todd Caruso
Steven J. Farber
PRESENT Colt Justin Fore
PRESENT Ivy Landry Graham
D. Blayne Honeycutt
PRESENT Robert W. Morgan
PRESENT Joseph Paul Ramage, Jr.

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

PRESENT Clayton J. Borne IV
PRESENT Ben E. Clayton
PRESENT Joshua P. Clayton
Carole G. Gillio
PRESENT Debra Kay Henkels
PRESENT Richard G. Higgins, Jr.
PRESENT Andrew B. Joyner
PRESENT Robert C. Lehman
PRESENT R. Bradley Lewis
PRESENT Todd C. Taranto
Amy C. Yenari

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

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

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

PRESENT Jason D. Asbill
PRESENT Simone M. Bacchus
PRESENT Thomas C. Cerullo
PRESENT Sandra K. Cosby
PRESENT S. Guy deLaup
PRESENT Stephen I. Dwyer
PRESENT Edwin R. Fleischmann, Jr.
PRESENT Paul C. Fleming, Jr.
PRESENT Christy M. Howley
PRESENT Adrian F. LaPeyronnie III
PRESENT Richard K. Leefe
PRESENT Robert L. Marrero
PRESENT Betty Ann Maury
PRESENT Shayna Beevers Morvant BY PROXY TO Robert A. Kutcher
PRESENT John R. Poole, Jr.
PRESENT Roy A. Raspanti
PRESENT Nicole S. Tygier
PRESENT Colby F. Wenck
PRESENT Tiffany Scot Wilken

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

PRESENT S. Jacob Braud
PRESENT Dominick Scandurro, Jr.

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

PRESENT Amanda J. Hulett
PRESENT Ingrid J. James
PRESENT Lance G. Mosley II
PRESENT Ross E. Shacklette
PRESENT Aaron R. Wilson

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

PRESENT H. Kent Aguiard
PRESENT Scherri N. Guidry
PRESENT Francis A. Olivier III
PRESENT Randy Wagley

TWENTY-EIGHTH JUDICIAL DISTRICT (1 seat) Parish of LaSalle
Christi C. Wood

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

THIRTIETH JUDICIAL DISTRICT (3 seats) Parish of Vernon
D. Wayne Bush

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

THIRTY-SECOND JUDICIAL DISTRICT (5 seats) Parish of Terrebonne
James Christopher Erny
Kassie Liner Hargis
PRESENT Teresa D. King
Patricia P. Reeves-Floyd
Gary Williams, Jr.

THIRTY-THIRD JUDICIAL DISTRICT (2 seats) Parish of Allen
PRESENT Mary Hebert Holmes
PRESENT Michael B. Holmes

THIRTY-FOURTH JUDICIAL DISTRICT (5 seats) Parish of St. Bernard
PRESENT Elizabeth Borne
PRESENT Roberta L. Burns
PRESENT Gregory J. Noto
PRESENT Gregory W. Rome
PRESENT Paul A. Tabary III

THIRTY-FIFTH JUDICIAL DISTRICT (1 seat) Parish of Grant
PRESENT Jared G. Price

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

THIRTY-SEVENTH JUDICIAL DISTRICT (1 seat) Parish of Caldwell
Brian E. Frazier

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

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

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

Vercell F. Fiffie
William D. O'Regan III
PRESENT Richard B. Stricks

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

PRESENT Glenn B. Adams BY PROXY TO Charles F. Seeman III
PRESENT Francis J. Barry, Jr.
PRESENT Ashley L. Belleau
PRESENT Alicia M. Bendana
PRESENT Jack C. Benjamin, Jr. BY PROXY TO Barry H. Grodsky
PRESENT Evan J. Bergeron
PRESENT Terrel J. Broussard
PRESENT Thomas A. Casey, Jr.
PRESENT Justin M. Chopin BY PROXY TO H. Minor Pipes III
Anthony M. DiLeo
PRESENT Thomas M. Flanagan
Valerie E. Fontenot
PRESENT William R. Forrester
PRESENT Judith A. Gainsburgh
PRESENT James C. Gulotta, Jr.
Philip K. Jones, Jr.
PRESENT Mark D. Latham
PRESENT Kevin A. Marks
PRESENT Chadwick J. Mollere
Ebony S. Morris
Anne Neeb
Christopher K. Ralston
PRESENT D. Skylar Rosenbloom
PRESENT Louis Gravois Schott
PRESENT Timothy H. Scott
PRESENT Karen B. Sher
PRESENT Ronald J. Sholes
PRESENT Bradley J. Tate
PRESENT Irving J. Warshauer
PRESENT Edward D. Wegmann
Phillip A. Wittmann
PRESENT Jay C. Zainey, Jr.

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

PRESENT Dick D. Knadler
PRESENT Adrienne Danielle White

SECTION CHAIRS

Alyson V. Antoon, Animal Law
Richard J. Arsenaault, Insurance, Tort, Worker's Compensation

PRESENT Jacqueline M. Brettner, Alternative Dispute Resolution
Susan J. Burkenstock, Trust Estate Probate & Immovable Property
Ashley F. Dees, Immigration Law
Val P. Exnicios, Class Action Mass Tort
PRESENT Steven J. Farber, Government & Public Law
PRESENT Jean M. Faria, Criminal Law
Melissa K. Frey, Public Utility Section
Edgar D. Gankendorff, Art, Entertainment & Sports Law
Lauren E. Godshall, Environmental Law
PRESENT Demarcus J. Gordon, Minority Involvement
PRESENT Edward T. Hayes, International Law
Leland G. Horton, Mineral Law
PRESENT Rachael Jeanfreau, Labor Relation & Employment Law
PRESENT Benjamin W. Kadden, Bankruptcy
PRESENT Michael D. Landry, Corporate & Business Law
PRESENT Lynn Luker, Civil Law & Litigation
Mathew A. Mantle, Tax Section
Alexander M. McIntyre, Antitrust & Trade Regulation Law
Warren A. Perrin, Francophone
John W. Redmann, Bench Bar
PRESENT Lyn S. Savoie, Health Law Section
H. Bruce Shreves, Fidelity Surety & Construction Law
Richard C. Stanley, Appellate
PRESENT Gregory S. Stein, Intellectual Property Law
David A. Szwak, Consumer Protection Law
Jennifer J. Thomas, Administrative Law
PRESENT Rachel T. Vogeltanz, Solo Small Firm
PRESENT Zara L. Zeringue, Family Law



**RESOLUTION OF THE
LOUISIANA BOARD OF LEGAL SPECIALIZATION
TO AMEND HEALTH LAW STANDARDS
AND HEALTH LAW TOPICS**

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

WHEREAS, a determination was made by the Louisiana Board of Legal Specialization Health Law Advisory Commission that amendments to the Health Law Standards are in order to revise Section II (A)(2), (3) and (7); Section III (A)(3) and (B)(1); and Section VI(B) of the Health Law Standards to make them consistent with the Louisiana State Bar Association Plan of Legal Specialization, and Supreme Court of Louisiana Rules for Continuing Legal Education, Rule XXX (1) amended on November 27, 2018, and are of a “housekeeping” nature; the Health Law Standards presently read:

Section II. BASIC REQUIREMENTS

A. Application

...

2. Each applicant shall have a minimum of five (5) years of continuous actual practice of law on a full time basis preceding the date of application.
3. Each applicant shall certify under oath that during four (4) out of five (5) years immediately preceding the year of application, such applicant has been as an attorney practicing in the State of Louisiana and that he or she devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of health law, as defined in Section I.C.

...

7. Each applicant is required to obtain by December 31 of the year of application a minimum of 15 hours of continuing legal education (CLE) in the field of health law. All CLE credits of an applicant must be approved by the 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 15 hour requirement within the year of application. An applicant will not qualify for the specialization CLE exemption in the year of application.

...

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION (CLE) PROGRAMS

A. Program Development and Presentation

...

3. Program content should be current and 50% or more of the program must be related to health law subjects. No specialization continuing legal education credit will be awarded for attending a program which does not satisfy the 50% requirement.

...

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 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 health law.

...

Section VI. COMPLIANCE

...

B. Notification

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

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

WHEREAS, a determination was made by the Louisiana Board of Legal Specialization Health Law Advisory Commission that the Health Law Standards should be amended and be consistent with the Louisiana State Bar Association Plan of Legal Specialization, and Supreme Court of Louisiana Rules for Continuing Legal Education, Rule XXX (1) amended on November 27, 2018, and are of a “housekeeping” nature; and that Section II (A)(2), (3) and (7); Section III (A)(3) and (B)(1); and Section VI(B) of the Health Law Standards should be amended as follows:

Section II. BASIC REQUIREMENTS

A. Application

...

2. Each applicant shall have a minimum of five (5) years of actual practice of law on a full time basis preceding the date of application.
3. Each applicant shall certify under oath that during at least 48 of the 60 months immediately preceding the year of application, such applicant has been as an attorney practicing in the State of Louisiana and that he or she devoted a minimum of 35% of a full time work schedule in the practice of law in the field of health law, as defined in Section I.C.
- ...
7. Each applicant is required to obtain by December 31 of the year of application a minimum of 15 hours of continuing legal education ("CLE") in the field of health law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education ("MCLE Committee") and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 15 hour requirement within the year of application. An applicant will not qualify for the specialization CLE exemption in the year of application.

...

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION (CLE) PROGRAMS

A. Program Development and Presentation

...

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

...

B. Programs which Qualify

1. General Rule

Continuing legal education ("CLE") programs must first be approved by the Mandatory Continuing Legal Education Committee ("MCLE Committee") before approval can be granted by the Advisory Commission. Mandatory Continuing Legal Education ("MCLE")

is administered by the Louisiana State Bar Association (hereinafter the “LSBA”). The overriding consideration in determining 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 health law.

...

Section VI. COMPLIANCE

...

B. Notification

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

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

WHEREAS, it is the recommendation of the Louisiana Board of Legal Specialization that it would be appropriate to amend Section II (A)(2), (3) and (7); Section III (A)(3) and (B)(1); and Section VI(B) of the Health Law Standards to make them consistent with the Louisiana State Bar Association Plan of Legal Specialization, and Supreme Court of Louisiana Rules for Continuing Legal Education, Rule XXX (1) amended on November 27, 2018.

FURTHERMORE, a determination was made by the Louisiana Board of Legal Specialization Health Law Advisory Commission that amendments to the Health Law Topics are also in order to revise Section 3 of the Health Law Topics, which presently read:

3. Institutional Operations & Patient Care

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

WHEREAS, a determination was made by the Health Law Advisory Commission to add two additional topics to the Health Law Topics:

- 3.13. HITECH Act; and
- 3.14. Healthcare Quality Improvement Act (HCQIA);

and that Section 3 of the Health Law Topics should be amended as follows:

3. Institutional Operations & Patient Care

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

WHEREAS, it is the recommendation of the Louisiana Board of Legal Specialization that it would be appropriate to amend Section 3 of the Health Law Topics to add two topics: 3.13 HITECH Act and 3.14 Healthcare Quality Improvement Act (HCQIA).

NOW, THEREFORE, BE IT RESOLVED that there should be amendments to the Louisiana Board of Legal Specialization Health Law Standards to make them consistent with the Louisiana State Bar Association Plan of Legal Specialization, and Supreme Court of Louisiana Rules for Continuing Legal Education, Rule XXX (1) amended on November 27, 2018, and are of a “housekeeping” nature; and that Section II (A)(2), (3) and (7); Section III (A)(3) and (B)(1); and Section VI(B) of the Health Law Standards should be amended as follows:

Section II. BASIC REQUIREMENTS

A. Application

...

- 2. Each applicant shall have a minimum of five (5) years of actual practice of law on a full time basis preceding the date of application.
- 3. Each applicant shall certify under oath that during at least 48 of the 60 months immediately preceding the year of application, such applicant has been as an attorney

practicing in the State of Louisiana and that he or she devoted a minimum of 35% of a full time work schedule in the practice of law in the field of health law, as defined in Section I.C.

...

7. Each applicant is required to obtain by December 31 of the year of application a minimum of 15 hours of continuing legal education (“CLE”) in the field of health law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education Committee (“MCLE Committee”) and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 15 hour requirement within the year of application. An applicant will not qualify for the specialization CLE exemption in the year of application.

...

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION (CLE) PROGRAMS

A. Program Development and Presentation

...

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

...

B. Programs which Qualify

1. General Rule

Continuing legal education (“CLE”) programs must first be approved by the Mandatory Continuing Legal Education Committee (“MCLE Committee”) before approval can be granted by the Advisory Commission. Mandatory Continuing Legal Education (“MCLE”) is administered by the Louisiana State Bar Association (hereinafter the “LSBA”). The overriding consideration in determining 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 health law.

...

Section VI. COMPLIANCE

...

B. Notification

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

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

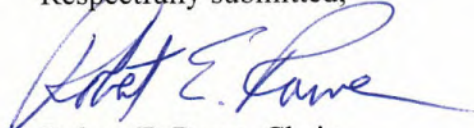
NOW, THEREFORE, BE IT FURTHER RESOLVED that there should be an amendment to Section 3 of the Louisiana Board of Legal Specialization Health Law Topics to add two topics: 3.13 HITECH Act and 3.14 Healthcare Quality Improvement Act (HCQIA), as follows:

3. Institutional Operations & Patient Care

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

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

Respectfully submitted,



Robert E. Rowe, Chair
Louisiana Board of Legal Specialization

December 16, 2020
New Orleans, Louisiana



LOUISIANA BOARD OF LEGAL SPECIALIZATION HEALTH LAW STANDARDS

Pursuant to the authority vested in the Louisiana Board of Legal Specialization (the "Board") by the Supreme Court of Louisiana and on the recommendation of the Health Law Advisory Commission (the "Advisory Commission") the Board promulgates the following standards and requirements for Board certification in health law in accordance with the Plan of Legal Specialization (the "Plan") and the Rules and Regulations of the Louisiana Board of Legal Specialization (the "Rules").

Section I. DEFINITIONS

- A. The practice of law means full-time legal work performed for the purpose of rendering legal advice or legal representation to the general public, private employers or governmental agencies.
- B. Full-time shall be defined as working a minimum of 35 hours per week.
- C. Health Law is the practice of law dealing with federal, state and local law, rules, regulations, and other authorities regarding operational, regulatory, and transactional legal issues between and among health care providers, patients, payors, vendors, governmental regulators and others involved in the delivery and financing of health care services.
- D. Certification as a specialist shall be effective the date the Board authorizes recognition and shall remain effective for five (5) years from January 1 of the year of recognition.

Section II. BASIC REQUIREMENTS

A. Application

1. Each applicant shall be an active member in good standing of the Louisiana State Bar Association.
2. Each applicant shall have a minimum of five (5) years of actual practice of law on a full time basis preceding the year of application.
3. Each applicant shall certify under oath that during at least 48 of the 60 months immediately preceding the year of application, such applicant has been as an attorney practicing in the State of Louisiana and that he or she devoted a minimum of 35% of a full time work schedule in the practice of law in the field of health law, as defined in Section I.C.
4. The Advisory Commission must receive on behalf of an applicant, on a form furnished by the Board, a minimum of five (5) reference statements from practicing attorneys who can attest to the applicant's competence in the specialty field of health law. Of the five (5) references, at least one (1) must be from a Board Certified Health Law Specialist. These submissions shall be subject to the limitations outlined in Section 8.4 of the Rules.
5. Each applicant shall consent to a confidential inquiry by the Board and/or the Advisory Commission, directed to all persons who serve as references for the applicant, and to other persons regarding the applicant's competence and qualifications to be recognized as a Health Law specialist. This inquiry

and review shall consider information furnished by references and other information that the Advisory Commission deems relevant to whether the applicant has sufficient competence and proficiency handling the usual matters of the specialty field. This information may include the applicant's work product, problem analysis, statement of issues and analysis, ethics, reputation, professionalism or such other criteria which the Advisory Commission deems appropriate to take into account prior to making its recommendations.

6. Each applicant must comply with the rules and regulations established by the Board as they relate to release of disciplinary action information.
7. Each applicant is required to obtain by December 31 of the year of application a minimum of 15 hours of continuing legal education ("CLE") in the field of health law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education ("MCLE Committee") and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 15 hour requirement within the year of application. An applicant will not qualify for the specialization CLE exemption in the year of application.
8. Each applicant must maintain professional liability insurance in the minimum amount of \$1,000,000. The policy must be offered by a company reasonably acceptable to the Board. Evidence of insurance shall be provided to the Advisory Commission with the application.
9. Each applicant must take and pass a written examination designed to demonstrate sufficient knowledge, skills, and proficiency in the field of health law to justify the representation of special competence to the legal profession and the public.
10. Pay all fees required by the Rules.

B. Maintenance

Each Board Certified Health Law Specialist must satisfy the following criteria to maintain their specialization certification:

1. Be an active member in good standing of the Louisiana State Bar Association.
2. Certify under oath, on a form provided by the Board that he or she engages in the actual practice of law on a full time basis.
3. Certify under oath, on a form provided by the Board, that he or she is an attorney practicing in the state of Louisiana and that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of health law, as defined in Section I.C herein.
4. During each year of certification, must attend a minimum of 15 hours of approved health law continuing legal education programs which comply with Section III below and the Supreme Court of Louisiana Rules for Continuing Legal Education. Up to eight (8) hours of approved health law specialization CLE earned in excess of the 15 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.
5. Maintain professional liability insurance in the minimum amount of \$1,000,000, unless waived for good cause by the Board. The policy must be offered by a company reasonably acceptable to the Board. Proof of insurance shall be provided annually with payment of the annual dues and upon request.

6. Pay all fees required by the Rules.

C. Recertification

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

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS

A. Program Development and Presentation

1. The program should contribute to the professional competence of a Board Certified Health Law Specialist in the area of health law and should be open for attendance by all such attorneys.
2. Programs should be developed by individual(s) qualified in the subject matter.
3. Program content should be current. Health law specialization CLE credit will be granted for an entire program if 50% or more of the program is devoted to health law subjects. If the program in its entirety does not meet the 50% requirement, individual sessions within the program will qualify for health law specialization CLE credit if 50% or more of the content of the session is devoted to health law.
4. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required), and teaching methods.
5. Instructors or discussion leaders should be qualified with respect to program content and teaching method used.
6. Program sponsors should encourage participation only by individuals with appropriate education and/or experience.
7. The program sponsor must maintain registration and/or attendance records and such other records as may be necessary to substantiate compliance of the program with the above criteria.

B. Programs Which Qualify

1. General Rule

Continuing legal education (“CLE”) programs must be approved by the Mandatory Continuing Legal Education Committee (“MCLE Committee”) before approval can be granted by the Advisory Commission. Mandatory Continuing Legal Education (“MCLE”) is administered by the Louisiana State Bar Association (hereinafter the “LSBA”). The overriding consideration in determining if a specific program qualifies as acceptable continuing legal education is that it be a formal program of learning which contributes directly to the professional competence of an attorney who specializes in the field of health law.

2. Program Approval

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

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

Section IV. OTHER METHODS OF EARNING SPECIALIZATION CLE CREDIT

A. General Rules

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

B. Teaching

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

C. Writing

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

D. Louisiana State Law Institute Committee Meetings

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

E. Pro Bono

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

Section V. CREDIT HOURS GRANTED

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

Section VI. COMPLIANCE

A. General Rule

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

B. Notification

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

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

Section VII. ADMINISTRATION

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



LOUISIANA BOARD OF LEGAL SPECIALIZATION HEALTH LAW TOPICS

The following outline of subject matter knowledge required for certification in the Health Law specialty is as follows:

1. Contracting & Fraud & Abuse

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

2. Provider Regulation

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

3. Institutional Operations & Patient Care

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

4. Integration & Reimbursement

- 4.1 Integration and structure of delivery systems

- 4.2 Healthcare Antitrust**
- 4.3 Managed care entities and contracting**
- 4.4 Reimbursement and payment**
- 4.5 Louisiana Medicaid program**
- 4.6 Medicare program**
- 4.7 Audits and appeals**



RESOLUTION OF THE LOUISIANA BOARD OF LEGAL SPECIALIZATION TO AMEND FAMILY LAW STANDARDS

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

WHEREAS, a determination was made by the Family Law Advisory Commission that amendments to the Family Law Standards are in order to revise Section II (A)(9) and (B)(5) of the Family Law Standards, which presently read:

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:

...

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:

...

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
- d. Child in Need of Care (CINC)
- e. Family in Need of Services (FINS)

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:

...

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. The professional liability insurance policy must be offered by a company reasonably acceptable to the Board. Proof of said insurance shall be provided annually with payment of annual dues and upon request.

WHEREAS, a determination was made by the Family Law Advisory Commission to add one additional topic: f. Covenant Marriage; and that Section II(A)(9) of the Family Law Standards should be amended as follows:

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:

...

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:

...

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
- d. Child in Need of Care (CINC)
- e. Family in Need of Services (FINS)
- f. Covenant Marriage

WHEREAS, a determination was made by the Family Law Advisory Commission to clarify and make a “housekeeping” change to Section II(B)(5); and that Section II(B)(5) of the Family Law Standards should be amended as follows:

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:

...

5. Maintain professional liability insurance coverage in the minimum amount of \$500,000 per claim and \$500,000 in the aggregate, unless waived for good cause by the Louisiana Board of Legal Specialization. The professional liability insurance policy must be offered by a company reasonably acceptable to the Board. Proof of said insurance shall be provided annually with payment of annual dues and upon request.

WHEREAS, it is the recommendation of the Louisiana Board of Legal Specialization that it would be appropriate to amend Section II (A)(9) of the Louisiana Board of Legal Specialization Family Law Standards to add one topic: f. Covenant Marriage; and to amend Section II(B)(5) of the Louisiana Board of Legal Specialization Family Law Standards to clarify and make a “housekeeping” change.

NOW, THEREFORE, BE IT RESOLVED that:

The Louisiana Board of Legal Specialization does hereby resolve that there should be amendments to Section II (A)(9) and (B)(5) of the Louisiana Board of Legal Specialization Family Law Standards, as follows:

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:

...

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:

...

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
- d. Child in Need of Care (CINC)
- e. Family in Need of Services (FINS)
- f. Covenant Marriage

B. Maintenance

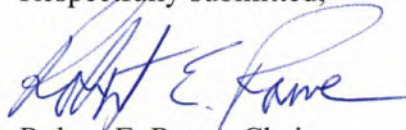
In accordance with the Plan of Legal Specialization and the Rules and Regulations of the Louisiana Board of Legal Specialization, each Board Certified Family Law Specialist must satisfy the following criteria in order to maintain their family law specialization certification:

...

5. Maintain professional liability insurance coverage in the minimum amount of \$500,000 per claim and \$500,000 in the aggregate, unless waived for good cause by the Louisiana Board of Legal Specialization. The professional liability insurance policy must be offered by a company reasonably acceptable to the Board. Proof of said insurance shall be provided annually with payment of annual dues and upon request.

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

Respectfully submitted,



Robert E. Rowe, Chair
Louisiana Board of Legal Specialization

December 16, 2020
New Orleans, Louisiana

APPROVED
HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 23, 2021
VIA ZOOM



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 preceding the date of application.
3. 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 during at least 48 of the 60 months 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. 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 one (1) 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 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 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, credit for 15 hours of continuing legal education (CLE) in the field of family law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education Committee ("MCLE Committee") and the Louisiana Board of Legal Specialization Family Law Advisory Commission. CLE earned in prior years may not be used to satisfy the 15 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 provide evidence of professional liability insurance in the minimum amount of \$500,000 with the application. The professional liability insurance policy must be offered by a company reasonably acceptable to the Board.
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
- d. Child in Need of Care (CINC)
- e. Family in Need of Services (FINS)
- f. Covenant 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, must attend a minimum of 15 hours of approved family law specialization continuing legal education programs which comply with Section III below and the Supreme Court of Louisiana Rules for Continuing Legal Education. Up to eight (8) hours of approved family law specialization CLE earned in excess of the 15 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.
5. Maintain professional liability insurance coverage in the minimum amount of \$500,000 per claim and \$500,000 in the aggregate, unless waived for good cause by the Louisiana Board of Legal Specialization. The professional liability insurance policy must be offered by a company reasonably acceptable to the Board. Proof of 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 be approved by the Mandatory Continuing Legal Education Committee ("MCLE Committee") before approval can be granted by the Family Law Advisory Commission. Mandatory Continuing Legal Education ("MCLE") is administered by the Louisiana State Bar Association (hereinafter the "LSBA"). The overriding consideration in determining if a specific program qualifies as acceptable continuing legal education is that it be a formal program of learning which contributes directly to the professional competence of an attorney who specializes in the field of 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.

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 Law Institute Committee meetings pertinent to the field of family law.

E. Pro Bono

CLE credit may be awarded for providing uncompensated pro bono legal representation related to a family law matter, as defined in Section II A9 herein, to an indigent or near-indigent client or clients. CLE credit shall not be granted until the representation has been assigned, completed and verified by the assigning organization as defined by and in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

SECTION V. CREDIT HOURS GRANTED

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

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

- C. A participant who is not present for an entire program may claim credit only for the actual time he or she attended.
- D. The credit hours assigned to a program by MCLE will be accepted by the 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 <https://www.lsba.org/Specialization/SpecializationTranscriptsV5.aspx>.

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.

**RESOLUTION OF THE LSBA HOUSE OF DELEGATES TO URGE THE
HOUSE OF DELEGATES TO SUSPEND IMPLEMENTATION OF STANDARDS FOR
SPECIALIZATION IN EMPLOYMENT LAW**

WHEREAS, on January 21, 2017, the Louisiana State Bar Association House of Delegates (“House”) was presented with a resolution (“the 2017 Resolution”) regarding the implementation of a specialty certification in Employment Law by the Louisiana Board of Legal Specialization (“LBLS”);

WHEREAS, the 2017 Resolution, as presented by the LBLS, represented that there had been adequate opportunity for members of the bar to comment on the proposed Louisiana Board of Legal Specialization Employment Law Standards;

WHEREAS the 2017 Resolution failed to disclose that at least two (2) prior surveys obtained to assess support for the Standards demonstrated that a majority of participants opposed adoption of such standards;

WHEREAS the 2017 Resolution also remained silent regarding the fact that there remained significant opposition to the proposed specialization standards from affected members of the Louisiana State Bar Association;

WHEREAS House members present at that meeting were prepared to speak against the adoption of the 2017 Resolution;

WHEREAS, the 2017 resolution was passed, without debate, as part of a bundle of other resolutions;

WHEREAS, both before and after the 2017 Resolution, affected practitioners voiced numerous concerns with respect to the Employment Law Standards, such as those noted in a January 20, 2017 letter signed by numerous affected practitioners, a copy of which is attached hereto;

WHEREAS these concerns noted a substantial probability of unintended and undesirable consequences that the Standards would effectuate, including potentially discriminatory effects against women, potential competitive disadvantages for small firms and solo practitioners, and poorly conceived application to practitioners who practice in areas subject to exclusively federal regulation, including the National Labor Relations Act; the Labor-Management Relations Act; the Fair Labor Standards Act and/or the Employee Retirement Income Security Act;

WHEREAS opponents of the Employment Law Standards also noted that these standards were largely duplicative of proposed Labor Law Standards, which were adopted simultaneously, and would therefore force many practitioners to accept the burdens of dual certification, including redundant costs of initial certification, as well as potentially doubling the costs of maintaining dual certification, in the form of Continuing Legal Education requirements for each set of Standards;

WHEREAS, at its January 20, 2018 meeting, the House of Delegates passed a resolution (“the 2018 Resolution”) suspending implementation of the Employment Law Standards and instructing the LBSL to conduct further study, including two concerns explicitly identified in the resolution:

- i) whether a majority of affected practitioners actually support the standards, in light of prior survey data demonstrating greater opposition than support; and (ii) whether concerns over discriminatory effects and unfair competitive advantages can be adequately addressed;

WHEREAS between August 2018 and April 2019, the LBSL conducted four (4) public meetings, purportedly in furtherance of the 2018 Resolution;

WHEREAS LBSL conducted its first public meeting in New Orleans on August 18, 2019; and

WHEREAS, attendees at that meeting requested that the LBSL Chair conduct a poll, in order to assess “whether a majority of affected practitioners actually support the standards,” as explicitly charged in the 2018 Resolution;

WHEREAS, the LBSL Chair declined to conduct such a poll, noting it was “obvious” that a strong majority of attendees opposed implementation of the Standards in any form;

WHEREAS, after noting that the 2018 Resolution included explicit instructions to make such an assessment, attendees requested that the minutes of the August 18, 2019 meeting reflect the “obvious” majority opposition – to use the LBSL Chair’s term – which the Chair again declined to do;

WHEREAS, subsequent public meetings held by LBSL sought only comments on revising the Employment Law Standards, but did not seek to measure opposition of affected practitioners to implementation of Employment Law Standards in any form;

WHEREAS in April 2019, LBSL solicited “public comments” on the Employment Law Standards; and

WHEREAS the “public comments” collected by LBSL have not, in fact, been made available to the public;

NOW, THEREFORE, BE IT RESOLVED that:

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

FURTHER, be it resolved that the House of Delegates of the Louisiana State Bar Association hereby rescinds its January 2017 resolution approving the Employment Law Standards;

FURTHER, be it resolved that the House of Delegates of the Louisiana State Bar Association, requests that the Louisiana Board of Legal Specialization, prior to submitting any revised Employment Law Standards, establish a fully transparent process to discern the relative support and opposition to the Employment Law Standards.

Francis J. Barry, Member
Orleans Parish

Glenn B. Adams, Member
Orleans Parish

December 16, 2020

FAILED
HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 23, 2021
VIA ZOOM

**RESOLUTION OF THE LSBA HOUSE OF DELEGATES TO URGE THE
HOUSE OF DELEGATES TO SUSPEND IMPLEMENTATION OF STANDARDS FOR
SPECIALIZATION IN LABOR LAW**

WHEREAS, on January 21, 2017, the Louisiana State Bar Association House of Delegates (“House”) was presented with a resolution (“the 2017 Resolution”) regarding the implementation of a specialty certification in Labor Law by the Louisiana Board of Legal Specialization (“LBLS”);

WHEREAS, the 2017 Resolution, as presented by the LBLS, represented that there had been adequate opportunity for members of the bar to comment on the proposed Louisiana Board of Legal Specialization Labor Law Standards;

WHEREAS the 2017 Resolution failed to disclose that at least two (2) prior surveys obtained to assess support for the Standards demonstrated that a majority of participants opposed adoption of such standards;

WHEREAS the 2017 Resolution also remained silent regarding the fact that there remained significant opposition to the proposed specialization standards from affected members of the Louisiana State Bar Association;

WHEREAS House members present at that meeting were prepared to speak against the adoption of the 2017 Resolution;

WHEREAS, the 2017 resolution was passed, without debate, as part of a bundle of other resolutions;

WHEREAS, both before and after the 2017 Resolution, affected practitioners voiced numerous concerns with respect to the Labor Law Standards, such as those noted in a January 20, 2017 letter signed by numerous affected practitioners, a copy of which is attached hereto;

WHEREAS these concerns noted a substantial probability of unintended and undesirable consequences that the Standards would effectuate, including potentially discriminatory effects against women, potential competitive disadvantages for small firms and solo practitioners, and poorly conceived application to practitioners who practice in areas subject to exclusively federal regulation, including the National Labor Relations Act; the Labor-Management Relations Act; the Fair Labor Standards Act and/or the Employee Retirement Income Security Act;

WHEREAS opponents of the Labor Law Standards also noted that these standards were largely duplicative of proposed Employment Law Standards, which were adopted simultaneously, and would therefore force many practitioners to accept the burdens of dual certification, including redundant costs of initial certification, as well as potentially doubling the costs of maintaining dual certification, in the form of Continuing Legal Education requirements for each set of Standards;

WHEREAS, at its January 20, 2018 meeting, the House of Delegates passed a resolution (“the 2018 Resolution”) suspending implementation of the Labor Law Standards and instructing the LBLs to conduct further study, including two concerns explicitly identified in the resolution:

- i) whether a majority of affected practitioners actually support the standards, in light of prior survey data demonstrating greater opposition than support; and
- (ii) whether concerns over discriminatory effects and unfair competitive advantages can be adequately addressed;

WHEREAS between August 2018 and April 2019, the LBLs conducted four (4) public meetings, purportedly in furtherance of the 2018 Resolution;

WHEREAS LBLs conducted its first public meeting in New Orleans on August 18, 2019; and

WHEREAS, attendees at that meeting requested that the LBLs Chair conduct a poll, in order to assess “whether a majority of affected practitioners actually support the standards,” as explicitly charged in the 2018 Resolution;

WHEREAS, the LBLs Chair declined to conduct such a poll, noting it was “obvious” that a strong majority of attendees opposed implementation of the Standards in any form;

WHEREAS, after noting that the 2018 Resolution included explicit instructions to make such an assessment, attendees requested that the minutes of the August 18, 2019 meeting reflect the “obvious” majority opposition – to use the LBLs Chair’s term – which the Chair again declined to do;

WHEREAS, subsequent public meetings held by LBLs sought only comments on revising the Labor Law Standards, but did not seek to measure opposition of affected practitioners to implementation of Labor Law Standards in any form;

WHEREAS in April 2019, LBLs solicited “public comments” on the Labor Law Standards; and

WHEREAS the “public comments” collected by LBLs have not, in fact, been made available to the public;

NOW, THEREFORE, BE IT RESOLVED that:

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

FURTHER, be it resolved that the House of Delegates of the Louisiana State Bar Association hereby rescinds its January 2017 resolution approving the Labor Law Standards;

FURTHER, be it resolved that the House of Delegates of the Louisiana State Bar Association, requests that the Louisiana Board of Legal Specialization, prior to submitting any revised Labor Law Standards, establish a fully transparent process to discern the relative support and opposition to the Labor Law Standards.

Francis J. Barry, Member
Orleans Parish

Glenn B. Adams, Member
Orleans Parish

December 16, 2020

FAILED
HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 23, 2021
VIA ZOOM

**RESOLUTION OF THE LSBA HOUSE OF DELEGATES TO URGE THE
HOUSE OF DELEGATES TO SUSPEND IMPLEMENTATION OF STANDARDS FOR
SPECIALIZATION IN LABOR LAW**

WHEREAS, on January 21, 2017, the Louisiana State Bar Association House of Delegates (“House”) was presented with a resolution (“the 2017 Resolution”) regarding the implementation of a specialty certification in Labor Law by the Louisiana Board of Legal Specialization (“LBLS”);

WHEREAS, the 2017 Resolution, as presented by the LBLS, represented that there had been adequate opportunity for members of the bar to comment on the proposed Louisiana Board of Legal Specialization Labor Law Standards;

WHEREAS the 2017 Resolution failed to disclose that at least two (2) prior surveys obtained to assess support for the Standards demonstrated that a majority of participants opposed adoption of such standards;

WHEREAS the 2017 Resolution also remained silent regarding the fact that there remained significant opposition to the proposed specialization standards from affected members of the Louisiana State Bar Association;

WHEREAS House members present at that meeting were prepared to speak against the adoption of the 2017 Resolution;

WHEREAS, the 2017 resolution was passed, without debate, as part of a bundle of other resolutions;

WHEREAS, both before and after the 2017 Resolution, affected practitioners voiced numerous concerns with respect to the Labor Law Standards, such as those noted in a January 20, 2017 letter signed by numerous affected practitioners, a copy of which is attached hereto;

WHEREAS these concerns noted a substantial probability of unintended and undesirable consequences that the Standards would effectuate, including potentially discriminatory effects against women, potential competitive disadvantages for small firms and solo practitioners, and poorly conceived application to practitioners who practice in areas subject to exclusively federal regulation, including the National Labor Relations Act; the Labor-Management Relations Act; the Fair Labor Standards Act and/or the Employee Retirement Income Security Act;

WHEREAS opponents of the Labor Law Standards also noted that these standards were largely duplicative of proposed Employment Law Standards, which were adopted simultaneously, and would therefore force many practitioners to accept the burdens of dual certification, including redundant costs of initial certification, as well as potentially doubling the costs of maintaining dual certification, in the form of Continuing Legal Education requirements for each set of Standards;

WHEREAS, at its January 20, 2018 meeting, the House of Delegates passed a resolution (“the 2018 Resolution”) suspending implementation of the Labor Law Standards and instructing the LBLs to conduct further study, including two concerns explicitly identified in the resolution:

- i) whether a majority of affected practitioners actually support the standards, in light of prior survey data demonstrating greater opposition than support; and (ii) whether concerns over discriminatory effects and unfair competitive advantages can be adequately addressed;

WHEREAS between August 2018 and April 2019, the LBLs conducted four (4) public meetings, purportedly in furtherance of the 2018 Resolution;

WHEREAS LBLs conducted its first public meeting in New Orleans on August 18, 2019; and

WHEREAS, attendees at that meeting requested that the LBLs Chair conduct a poll, in order to assess “whether a majority of affected practitioners actually support the standards,” as explicitly charged in the 2018 Resolution;

WHEREAS, the LBLs Chair declined to conduct such a poll, noting it was “obvious” that a strong majority of attendees opposed implementation of the Standards in any form;

WHEREAS, after noting that the 2018 Resolution included explicit instructions to make such an assessment, attendees requested that the minutes of the August 18, 2019 meeting reflect the “obvious” majority opposition – to use the LBLs Chair’s term – which the Chair again declined to do;

WHEREAS, subsequent public meetings held by LBLs sought only comments on revising the Labor Law Standards, but did not seek to measure opposition of affected practitioners to implementation of Labor Law Standards in any form;

WHEREAS in April 2019, LBLs solicited “public comments” on the Labor Law Standards; and

WHEREAS the “public comments” collected by LBLs have not, in fact, been made available to the public;

NOW, THEREFORE, BE IT RESOLVED that:

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

FURTHER, be it resolved that the House of Delegates of the Louisiana State Bar Association, requests that the Louisiana Board of Legal Specialization make the “public comments” that it collected in April 2019 available to the public; and

FURTHER, be it resolved that the House of Delegates of the Louisiana State Bar Association, requests that LBS take no further action to develop or implement the Labor Law Standards without first establishing and implementing a publicly disclosed, fully transparent process for obtaining an accurate assessment of the relative support for, and opposition to, the Labor Law Standards among affected practitioners.

Francis J. Barry, Member
Orleans Parish

Glenn B. Adams, Member
Orleans Parish

December 16, 2020

FAILED
HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 23, 2021
VIA ZOOM

**RESOLUTION OF THE LABOR RELATIONS AND EMPLOYMENT LAW
SECTION
OF THE LOUISIANA STATE BAR ASSOCIATION**

WHEREAS, the Bylaws of the Labor Relations and Employment Law Section have been redrafted to amend the meetings rules of the Section, and the proposed amendments have been approved by the Section members.

WHEREAS, the Section requests that the LSBA House of Delegates approve the amendments to the Bylaws of the Labor Relations and Employment Law Section. This language, set forth on the attached sheet, details the amendments of the Section.

Rachael A. Jeanfreau

Rachael A. Jeanfreau
Chair, Labor Relations and Employment
Law Section
Louisiana State Bar Association

APPROVED
HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 23, 2021
VIA ZOOM

Proposed Amendments to By-Laws of Labor Relations & Employment Law Section

ARTICLE VII.

MEETINGS

1) Current language:

“Section 1. Annual Meetings. The Annual Meeting of the Section shall be held during the Annual Meeting of the Louisiana State Bar Association, with such program and order of business as may be arranged by the Council.”

Proposed Amendment:

“Section 1. Annual Meetings. The Annual Meeting of the Section shall be held on or before the date of the Annual Meeting of the Louisiana State Bar Association, or at a later date for good cause and upon approval of a majority of the Council. The Annual Meeting may be held in-person or through video teleconference or other virtual means as appropriate, with such program and order of business as may be arranged by the Council.”

2) Current language:

“Section 2. Special Meetings. Special meetings of the Section may be called by the Chairman, upon approval of the Council. Special Meetings of the Section shall also be called by the Chairman, or in his default by any officer, upon the written request of five members of the Section. All special meetings will be conducted on a Saturday morning, in New Orleans, Baton Rouge, or Lafayette; at least ten days’ written notice must be given of any special meeting.”

Proposed Amendment:

“Section 2. Special Meetings. Special meetings of the Section may be called by the Chairman, upon approval of the Council. Special meetings of the Section shall also be called by the Chairman, or in his default by any officer, upon the written request of five members of the Section. Special meetings may be conducted on any day at any time during normal business hours in New Orleans, Baton Rouge, or Lafayette. At least ten days’ written notice of any special meeting shall be given to members of the Section.”

[END]

RESOLUTION PROPOSED BY THE LSBA COMMITTEE ON DIVERSITY

WHEREAS, the Committee on Diversity of the Louisiana State Bar Association and the subcommittee members of the Committee on Diversity, express our profound appreciation to Chief Justice Bernette Joshua Johnson, for her service to the State Bar of Louisiana; and

WHEREAS, Chief Justice Bernette Joshua Johnson has purposely used her numerous positions as lawyer, judge, and citizen to affect the lives of persons that have experienced “a less inclusive environment” in the legal profession; and

WHEREAS, Chief Justice Bernette Joshua Johnson is deserving of the utmost respect and admiration for her lifetime of achievements, for her dedication to the bench, the bar and her community, and for her unwavering adherence to the highest principles of ethics and professionalism; and

WHEREAS, Chief Justice Bernette Joshua Johnson has dedicated her career to service of the people of Louisiana, previously serving ten (10) years as a judge on the Civil District Court of New Orleans and twenty-six (26) years as a justice of the Louisiana Supreme Court, including serving as Chief Justice since 2013; and

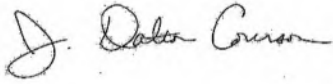
WHEREAS, Chief Justice Bernette Joshua Johnson has made significant contributions to the Louisiana State Bar throughout her career, including being the first woman elected to serve on the Civil District Court of New Orleans, first African American woman Associate Justice on the Supreme Court of Louisiana, and the first African American Chief Justice of the Louisiana Supreme Court; and

WHEREAS, throughout her legal career, Chief Justice Bernette Joshua Johnson has served the legal profession with the utmost dedication as an active member of numerous bar associations, including the Louisiana State Bar Association, Louis A. Martinet Legal Society, and the National Bar Association; and

WHEREAS, Chief Justice Bernette Joshua Johnson has received numerous honors for her work both in the legal profession and in her community from respected civic and legal organizations, including the Louisiana Bar Foundation, American Bar Association, National Urban League, National Association for the Advancement of Colored People, and the National Association of Women Judges.

NOW THEREFORE, BE IT IS RESOLVED by the Louisiana State Bar Association House of Delegates that Chief Justice Bernette Joshua Johnson is hereby honored, recognized, thanked and admired for her dedication to the people of the State of Louisiana, her heartfelt dedication to improving the lives of those in her community, and for her years of distinguished service on the bench and as an active member of the bar and her community.

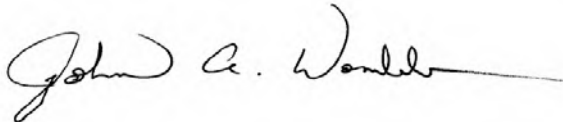
Respectfully submitted,
LSBA Committee on Diversity



J. Dalton Courson, Co-chair



Denia S. Aiyegbusi, Co-chair



John A. Womble, Co-chair

APPROVED
HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 23, 2021
VIA ZOOM

**RESOLUTION TO SUPPORT ALTERNATIVE STABLE FUNDING FOR THE
CRIMINAL JUSTICE SYSTEM
PROPOSED BY
THE CRIMINAL JUSTICE COMMITTEE OF THE LOUISIANA STATE BAR
ASSOCIATION**

WHEREAS, the mission of the Louisiana State Bar Association’s Criminal Justice Committee is “to recognize and address issues affecting the Louisiana criminal justice system . . . and to work with stakeholders to develop programs and solutions for fair and effective administration of justice;” and

WHEREAS, integral to a properly functioning criminal justice system is adequate financial resources for the work of all components of the criminal justice system, including the courts, law enforcement, prosecution, public defense counsel, and corrections; and

WHEREAS, the Louisiana State Legislature passed [House Concurrent Resolution No. 87](#) (HCR 87) during the 2019 Regular Session and [House Concurrent Resolution No. 3](#) (HCR 3) during the 2020 Regular Session of the Legislature creating and continuing, respectively, the Louisiana Commission on Justice System Funding (Funding Commission), tasked with studying and determining optimal methods of supporting and funding the Louisiana court system to ensure that criminal justice financial obligations do not become a significant barrier to successful reentry as enacted under Act No. 260 of the 2017 Regular Session; and

WHEREAS, the Funding Commission may request and collect relevant and necessary data and information to accomplish its purposes as well as develop recommendations on the following:

- developing definitions for the various types of legal financial obligations, the court system, and core or essential court functions;
- determining the amount needed from state and local general revenue funds that would enable courts to substantially reduce reliance on self-generated revenue;
- identifying fees and costs that can be eliminated including but not limited to self-generated funds assessed by the courts;
- creating a system for collecting, disbursing, and tracking collected amounts including partial payments;
- proposing statutory safeguards that ensure adequate court funding and limit the use of self-generated revenue to fund essential court functions; and

WHEREAS, the Louisiana state legislature passed [Senate Resolution No. 20](#) during the 2020 First Extraordinary Session creating a group to study and make recommendations for establishing an optimal funding mechanism for the Louisiana Public Defender Board; and

WHEREAS, the Louisiana State Bar Association (LSBA) House of Delegates has taken positions on several issues related to adequately funding the criminal justice system, specifically:

- on January 20, 2007, the LSBA House of Delegates adopted a Resolution urging the State of Louisiana to **accord Public Defender offices with reasonable resources**; and

- on June 6, 2013 the LSBA House of Delegates adopted a Resolution to **support the study of the criminal justice funding in effort to identify alternative funding structures and innovative funding strategies** that will lead to a more effective and efficient criminal justice system for the State of Louisiana; and
- on June 11, 2015, the LSBA House of Delegates adopted a Resolution urging the Louisiana Legislature to **authorize sufficient funding to meet the State’s constitutional obligation to provide effective assistance of counsel for indigent defendants** in state criminal proceedings; and
- on January 21, 2017, the LSBA House of Delegates adopted a Resolution to support policies that will **reinvest savings from reductions in incarceration into the criminal justice system to adequately fund indigent defense**, create access to quality mental health and addiction services, assure validated risk needs assessment, improve community supervision, provide for job placement services, develop prison alternative programs that better protect the public, and reduce collateral consequences to incarceration; and

WHEREAS, these positions reinforce a history of support by the LSBA for adequate funding of the criminal justice system and thereby support the work of the Funding Commission.

NOW THEREFORE BE IT RESOLVED, that the LSBA recommends:

- examining other states that fund the criminal justice system through a state appropriation;
- creating sufficient auditing measures for uniform financial reporting by the courts, prosecutors, and public defenders to determine the collection and allocation of criminal fines and fees funding the criminal justice system; and
- collecting data and information to determine the amount needed to adequately fund the criminal justice system and reduce the reliance on self-generated revenue.

Respectfully submitted,
LSBA Criminal Justice Committee
January 19, 2021



Jean M. Faria, Esq.
Criminal Justice Committee Co-Chair

APPROVED
HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 23, 2021
VIA ZOOM

RESOLUTION
BY THE LSBA SPECIAL COMMITTEE TO REVIEW
HOUSE OF DELEGATES' POLICIES
OF THE LOUISIANA STATE BAR ASSOCIATION—
RE: ADMINISTRATION OF JUSTICE

WHEREAS, the Louisiana State Bar Association recognizes the need to revisit House of Delegates' policies from time to time to provide clarity and avoid confusion.

WHEREAS, the President of the Louisiana State Bar Association appointed a Special Committee to Review House of Delegates' Policies ("the Committee").

WHEREAS, the Committee has been charged, as part of its mission: to review the policy positions adopted by the Louisiana State Bar Association House of Delegates currently in place (some dating back to 1997), assess their appropriateness for a mandatory bar association in keeping with the guidelines set forth in *Keller v. State Bar of California* and to make recommendations regarding same.

WHEREAS, the Committee is comprised of Louisiana State Bar Association members from varied practice groups and diverse geographic areas of the State.

WHEREAS, the Committee reviewed House of Delegates' policies on Administration of Justice and identified policies that are either outdated or have already been acted upon. The current policies on **Administration of Justice** are attached hereto as "EXHIBIT 1".

WHEREAS, the House of Delegates' policies on Administration of Justice that were **adopted based on the 1997 Citizens Summit's recommendations** on civil jury reforms included the following:

1. Permitting jurors to take notes;
2. Permitting jurors to take written instructions into the jury room;
3. Permitting jurors to ask questions screened through the judge;
4. Providing instructions on applicable law at the beginning of trial; and
5. Adopt uniform standards/methods for jury venire selection standards statewide.

WHEREAS, the Louisiana State Bar Association has attempted and been successful in accomplishing several of the five recommendations. Specifically, Code of Civil Procedure Article 1794 allows jurors in civil cases to take notes and Code of Criminal Procedure Article 793 allows jurors to take notes in criminal cases upon agreement of the state and defendant. Code of Civil Procedure Article 1792 permits jurors to take written instructions into the jury room. Jurors are now permitted to ask questions screened through the judge.

WHEREAS, another House of Delegates' policy on Administration of Justice **adopted based on the 1997 Citizens Summit** was to "require mediation after filing, upon motion of either party or by

court order, with mediation in domestic cases only by court order”.

WHEREAS, during the 1997 Regular Session of the Louisiana Legislature, House Bill 2347 was filed and introduced, providing “...that any civil case may be mediated pursuant to this Act, except: (1) actions brought pursuant to the Post Separation Family Violence Relief Act or the Domestic Abuse Assistance Act; (2) actions for child custody or visitation, which are subject to mediation pursuant to another provision of law; and (3) actions governed by the Code of Criminal Procedure or the Children’s Code”. House Bill 2347 was ultimately signed by the Governor on July 15, 1997, becoming Act 1451, effective August 15, 1997, as LA R.S. 9:4103. Subsequently, during the 1999 Regular Session of the Louisiana Legislature, House Bill 402 was filed and introduced, seeking to amend LA R.S. 9:4103 to read “...on motion of any party, a court may order the referral of a civil case for mediation. Upon filing of an objection to mediation by any party within fifteen days after receiving notice of the order, the mediation order shall be rescinded”. House Bill 402 was ultimately signed by the Governor on July 9, 1999, becoming Act 952, effective August 15, 1999.

WHEREAS, given the changes effected since the original adoption of the House of Delegates’ policies based on the 1997 Citizens Summit, the Committee now recommends that the House of Delegates’ policies on Administration of Justice based on the 1997 Citizens Summit are no longer needed in that form and, as a result, should now be “sunset(ted)” and repealed.

WHEREAS, the Committee now recommends that the House of Delegates’ policy on Administration of Justice **adopted June 6, 2013**, to “oppose any proposal to tax legal services in Louisiana”, **remain the policy of the Louisiana State Bar Association**.

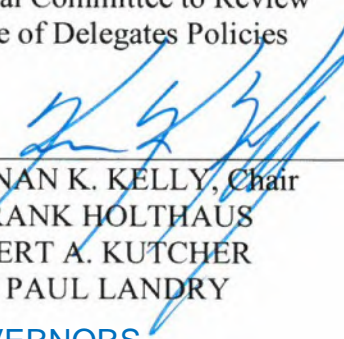
NOW, THEREFORE BE IT RESOLVED that:

1. The House of Delegates hereby “sunssets” and repeals the House of Delegates’ policies on Administration of Justice based on the 1997 Citizens Summit; and
2. The House of Delegates hereby reaffirms the Louisiana State Bar Association’s policy on Administration of Justice “opposing any proposal to tax legal services in Louisiana”.

This 15th day of December, 2020.

Submitted by unanimous vote of all committee members.

Respectfully Submitted,
Louisiana State Bar Association
Special Committee to Review
House of Delegates Policies



KEENAN K. KELLY, Chair
C. FRANK HOLTHAUS
ROBERT A. KUTCHER
DON PAUL LANDRY

APPROVED
HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 23, 2021
VIA ZOOM

DARREL J. PAPILLION
H. MINOR PIPES
ANN S. SIDDALL
TINA L. SUGGS

EXHIBIT "1"



LSBA HOD Policy Positions (through June 2019) – ADMINISTRATION OF JUSTICE

ADMINISTRATION OF JUSTICE

1997 Citizens Summit

Approved institution of civil jury reforms including:

1. Permitting jurors to take notes;
2. Permitting jurors to take written instructions into the jury room;
3. Permitting jurors to ask questions screened through the judge;
4. Providing instructions on applicable law at beginning of trial; and,
5. Adopt uniform standards/methods for jury venire selection standards statewide.

1997 Citizens Summit

Require mediation after filing, upon motion of either party or by court order, with mediation in domestic cases only by court order.

6/6/2013 Approved resolution to oppose any proposal to tax legal services in Louisiana.

RESOLUTION
BY THE LSBA SPECIAL COMMITTEE TO REVIEW
HOUSE OF DELEGATES' POLICIES
OF THE LOUISIANA STATE BAR ASSOCIATION—
RE: COURTS

WHEREAS, the Louisiana State Bar Association recognizes the need to revisit House of Delegates' policies from time to time to provide clarity and avoid confusion.

WHEREAS, the President of the Louisiana State Bar Association appointed a Special Committee to Review House of Delegates' Policies ("the Committee").

WHEREAS, the Committee has been charged, as part of its mission: to review the policy positions adopted by the Louisiana State Bar Association House of Delegates currently in place (some dating back to 1997), assess their appropriateness for a mandatory bar association in keeping with the guidelines set forth in *Keller v. State Bar of California* and to make recommendations regarding same.

WHEREAS, the Committee is comprised of Louisiana State Bar Association members from varied practice groups and diverse geographic areas of the State.

WHEREAS, the Committee reviewed House of Delegates' policies regarding Courts and identified policies that are either outdated or have already been acted upon. The current policies regarding Courts are attached hereto as "EXHIBIT 1".

WHEREAS, the House of Delegates' policy on Courts adopted June 12, 2003 sought to "...request that the Louisiana Supreme Court and five State courts of appeal make available all of their opinions and orders on their respective websites".

WHEREAS, during the 2006 Regular Session of the Louisiana Legislature, Senate Bill 49 was filed and introduced, seeking to require, in part, that "...the unpublished opinions of the Louisiana Supreme Court and the courts of appeal shall be posted by such courts on the Internet websites of such courts". Senate Bill 49 was ultimately signed by the Governor on June 29, 2006, becoming Act 644, effective August 15, 2006, as Louisiana Code of Civil Procedure Article 2168.

WHEREAS, given the efforts made and changes effected since the June 12, 2003 adoption of the foregoing House of Delegates' policy on Courts, the Committee now recommends that the House of Delegates' policy on Courts adopted June 12, 2003 is no longer needed in that form and, as a result, should now be "sunset(ted)" and repealed.

WHEREAS, the House of Delegates' policy on Courts adopted June 22, 2005 directed "...the LSBA to recommend to the Louisiana Supreme Court that the Rules of the Louisiana Supreme Court be amended to provide that any decision of any Louisiana state court may be cited in any and all briefs, memoranda and other legal documents".

WHEREAS, following the adoption of the foregoing policy and as directed, the recommendation was made to the Louisiana Supreme Court that the Rules of the Louisiana Supreme

Court be amended to provide that any decision of any Louisiana state court may be cited in any and all briefs, memoranda and other legal documents. Additionally, Louisiana Code of Civil Procedure Article 2168, which became effective August 15, 2006, provides that "...the unpublished opinions of the supreme court and the courts of appeal shall be posted by such courts on the Internet websites of such courts..." and "...opinions posted as required in this Article may be cited as authority and, if cited, shall be cited by use of the case name and number assigned by the posting court".

WHEREAS, given the efforts made and changes effected since the June 22, 2005 adoption of the foregoing House of Delegates' policy on Courts, the Committee now recommends that the House of Delegates' policy on Courts adopted June 22, 2005 is no longer needed in that form and, as a result, should now be "sunset(ted)" and repealed.

WHEREAS, the House of Delegates' policy on Courts adopted January 22, 2011 directed that "...the LSBA take no position in the legislature on bills dealing with court costs, penalties and fines until the completion of a comprehensive statewide study that reviews the funding structure of the justice system in our state and impact upon access to justice".

WHEREAS, in nearly ten years since the adoption of the foregoing policy, there has been no comprehensive statewide study that reviews the funding structure of the justice system in our state and the impact upon access to justice.

WHEREAS, given the significant lapse of time without any comprehensive study since the January 22, 2011 adoption of the foregoing House of Delegates' policy on Courts, the Committee now recommends that the House of Delegates' policy regarding Courts adopted January 22, 2011 is no longer needed in that form and, as a result, should now be "sunset(ted)" and repealed.

WHEREAS, the House of Delegates' policy on Courts adopted June 6, 2013 approved a "...resolution in support a stand-alone courthouse on the Duncan Plaza site in New Orleans for the Orleans Parish Civil District Court".

WHEREAS, the House of Delegates' policy on Courts adopted June 11, 2015 approved a "...resolution to amend previous resolution adopted on 6/6/2013 to delete the words 'on the Duncan Plaza site' and to acknowledge that with this change the LSBA supports a new Orleans Parish Civil District Court stand-alone courthouse on a site to be determined".

WHEREAS, in nearly eight/six years, respectively, since the adoption of the foregoing policies, no site for a new Orleans Parish Civil District Court stand-alone courthouse has ever been determined.

WHEREAS, given the significant lapse of time without a courthouse site determination since the June 6, 2013 and June 11, 2015 adoption, respectively, of the foregoing House of Delegates' policies on Courts, the Committee now recommends that the House of Delegates' policies on Courts adopted June 6, 2013 and June 11, 2015, respectively, are no longer needed in that form and, as a result, should now be "sunset(ted)" and repealed.

WHEREAS, the House of Delegates' policy on Courts adopted January 24, 2014 supported "...a dedicated fee of .50 on all civil filings (excluding domestic and juvenile), which would be used to

provide the needed supplemental funding for the Louisiana Judicial College for judicial education initiatives”.

WHEREAS, during the 2014 Regular Session of the Louisiana Legislature, House Bill 154 was filed and introduced, seeking to require “...fifty cents for the initial filing in all civil cases. This fee shall not include any writs or appeals filed in juvenile and family cases...All fees collected pursuant to Subsection A of this Section shall be deposited into a special account and transmitted monthly to the Louisiana Supreme Court to defray the costs associated with the Judicial College's general growth and program improvement strategies”. House Bill 154 was ultimately signed by the Governor on June 4, 2014, becoming Act 405, effective August 1, 2014, as Louisiana R.S. 13:126.1, 13:352.1, 13:841.4, 13:1213.3, 13:1912, 13:2157.1, 13:2500.5, 13:2520, and 13:2565. Subsequently, during the 2016 Regular Session of the Louisiana Legislature, House Bill 224 was filed and introduced, seeking to repeal Louisiana R.S. 13:126.1, 13:352.1, 13:841.4, 13:1213.3, 13:1912, 13:2157.1, 13:2500.5, 13:2520, and 13:2565—and replacing all of those sections with Louisiana R.S. 13:86. House Bill 224 was ultimately signed by the Governor on May 15, 2016, becoming Act 131, effective August 1, 2016, as Louisiana R.S. 13:86.

WHEREAS, given the efforts made and changes effected since the January 24, 2014 adoption of the foregoing House of Delegates’ policy on Courts, the Committee now recommends that the House of Delegates’ policy on Courts adopted January 24, 2014 is no longer needed in that form and, as a result, should now be “sunset(ted)” and repealed.

WHEREAS, the Committee now recommends that the House of Delegates’ policy on Courts **adopted January 21, 2012**, “...in support of adequate compensation for members of the state judiciary, and authorized communication of this support to the Judicial Compensation Commission and the Louisiana Legislature”, **remain the policy of the Louisiana State Bar Association**.

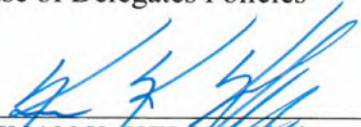
NOW, THEREFORE BE IT RESOLVED that:

1. The House of Delegates hereby “sunsets” and repeals the House of Delegates’ policy on Courts adopted June 12, 2003;
2. The House of Delegates hereby “sunsets” and repeals the House of Delegates’ policy on Courts adopted January 22, 2005;
3. The House of Delegates hereby “sunsets” and repeals the House of Delegates’ policy on Courts adopted January 22, 2011;
4. The House of Delegates hereby “sunsets” and repeals the House of Delegates’ policies on Courts adopted June 6, 2013 and June 11, 2015;
5. The House of Delegates hereby “sunsets” and repeals the House of Delegates’ policy on Courts adopted January 24, 2014;
6. The House of Delegates hereby reaffirms the Louisiana State Bar Association’s policy on Courts adopted January 21, 2012, “...in support of adequate compensation for members of the state judiciary, and authorizing communication of this support to the Judicial Compensation Commission and the Louisiana Legislature”.

This 15th day of December, 2020.

Submitted by unanimous vote of all committee members.

Respectfully Submitted,
Louisiana State Bar Association
Special Committee to Review
House of Delegates Policies



KEENAN K. KELLY, Chair
C. FRANK HOLTHAUS
ROBERT A. KUTCHER
DON PAUL LANDRY
DARREL J. PAPILLION
H. MINOR PIPES
ANN S. SIDDALL
TINA L. SUGGS

APPROVED
HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 23, 2021
VIA ZOOM

EXHIBIT “1”



LSBA HOD Policy Positions (through June 2019) – COURTS

COURTS

6/12/2003 Approved resolution to request that the Louisiana Supreme Court and five State courts of appeal make available all of their opinions and orders on their respective web sites.

1/22/2005 Approved resolution directing the LSBA to recommend to the Louisiana Supreme Court that the Rules of the Louisiana Supreme Court be amended to provide that any decision of any Louisiana state court may be cited in any and all briefs, memoranda and other legal documents.

1/22/2011 Approved resolution directing the LSBA take no position in the legislature on bills dealing with courts costs, penalties and fines until the completion of a comprehensive statewide study that reviews the funding structure of the justice system in our state and impact upon access to justice.

1/21/2012 Approved resolution in support of adequate compensation for members of the state judiciary, and authorized communication of this support to the Judicial Compensation Commission and the Louisiana Legislature.

6/6/2013 Approved resolution in support a stand-alone courthouse on the Duncan Plaza site in New Orleans for the Orleans Parish Civil District Court (see amended resolution on 6/11/2015).

1/24/2014 Approved resolution supporting a dedicated fee of .50 on all civil filings (excluding domestic and juvenile), which would be used to provide the needed supplemental funding for the Louisiana Judicial college for judicial education initiatives.

6/11/2015 Approved resolution to amend previous resolution adopted on 6/6/2013 to delete the words “on the Duncan Plaza site” and to acknowledge that with this change, the LSBA supports a new Orleans Parish Civil District Court stand-alone courthouse on a site to be determined.

RESOLUTION
BY THE LSBA SPECIAL COMMITTEE TO REVIEW
HOUSE OF DELEGATES' POLICIES
OF THE LOUISIANA STATE BAR ASSOCIATION—
RE: FAMILY LAW

WHEREAS, the Louisiana State Bar Association recognizes the need to revisit House of Delegates' policies from time to time to provide clarity and avoid confusion.

WHEREAS, the President of the Louisiana State Bar Association appointed a Special Committee to Review House of Delegates' Policies ("the Committee").

WHEREAS, the Committee has been charged, as part of its mission: to review the policy positions adopted by the Louisiana State Bar Association House of Delegates currently in place (some dating back to 1997), assess their appropriateness for a mandatory bar association in keeping with the guidelines set forth in *Keller v. State Bar of California* and to make recommendations regarding same.

WHEREAS, the Committee is comprised of Louisiana State Bar Association members from varied practice groups and diverse geographic areas of the State.

WHEREAS, the Committee reviewed House of Delegates' policies on Family Law and identified policies that are either outdated or have already been acted upon. The current policies on **Family Law** are attached hereto as "EXHIBIT 1".

WHEREAS, the House of Delegates' policy on Family Law **adopted based on the 1997 Citizens Summit** sought to "Establish family courts in jurisdictional areas of sufficient population to support the court and use specially trained judges for these courts".

WHEREAS, family courts have, in fact, since been established in jurisdictional areas where warranted by sufficient population.

WHEREAS, given the efforts made and changes effected since the adoption of the foregoing House of Delegates' policy on Family Law based on the 1997 Citizens Summit, the Committee now recommends that the House of Delegates' policy adopted on Family Law based on the 1997 Citizens Summit is no longer needed in that form and, as a result, should now be "sunset(ted)" and repealed.

WHEREAS, the House of Delegates' policy on Family Law **adopted June 7, 2001** set "...forth [a] model of unified family court to be implemented in jurisdictions where feasible and demographically justified".

WHEREAS, unified family courts have, in fact, since been established in jurisdictional areas where feasible and demographically justified.

WHEREAS, given the efforts made and changes effected since the June 7, 2001 adoption of the foregoing House of Delegates' policy on Family Law, the Committee now recommends that the House of Delegates' policy on Family Law adopted June 7, 2001 is no longer needed in that form and, as a result, should now be "sunset(ted)" and repealed.

WHEREAS, the House of Delegates' policy on Family Law **adopted June 27, 2002** endorsed "...Guidelines for Child Custody Evaluation" drafted by the LSBA Family Courts Committee.

WHEREAS, the LSBA Family Courts Committee indicated at that time that, once approved, it would circulate those guidelines to all Louisiana courts with jurisdiction over family law matters, it is presumed that the LSBA Family Courts Committee did, in fact, circulate the guidelines as endorsed by the House of Delegates.

WHEREAS, given the efforts made and changes effected since the June 27, 2002 adoption of the foregoing House of Delegates' policy on Family Law, the Committee now recommends that the House of Delegates' policy on Family Law adopted June 27, 2002 is no longer needed in that form and, as a result, should now be "sunset(ted)" and repealed.

WHEREAS, the House of Delegates' policy on Family Law **adopted January 25, 2003** approved a "...resolution [by the LSBA Family Courts Committee] endorsing [the] Preliminary/Public Hearings Draft of Juvenile Justice Commission for the State of Louisiana with the clarification that the creation of any regional family and juvenile court system not alter any current judicial districts but that programs to support courts could be regionalized".

WHEREAS, no further action by the House of Delegates has been called for since the January 25, 2003 adoption of the foregoing House of Delegates' policy on Family Law, the Committee now recommends that the House of Delegates' policy on Family Law adopted January 25, 2003 is no longer needed in that form and, as a result, should now be "sunset(ted)" and repealed.

WHEREAS, the Committee now recommends that the House of Delegates' policy on Family Law **adopted June 8, 2000**, "...in support of [the] concept of unified family courts in those jurisdictions where it is demographically justified", **remain the policy of the Louisiana State Bar Association**.

NOW, THEREFORE BE IT RESOLVED that:

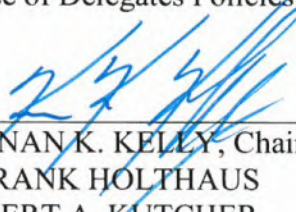
1. The House of Delegates hereby "sunset(s)" and repeals the House of Delegates' policy on Family Law adopted based on the 1997 Citizens Summit;
2. The House of Delegates hereby "sunset(s)" and repeals the House of Delegates' policy on Family Law adopted June 7, 2001;
3. The House of Delegates hereby "sunset(s)" and repeals the House of Delegates' policy on Family Law adopted June 27, 2002;

4. The House of Delegates hereby “sunsets” and repeals the House of Delegates’ policy on Family Law adopted January 25, 2003;
5. The House of Delegates hereby reaffirms the Louisiana State Bar Association’s policy on Family Law adopted June 8, 2000, “...in support of the concept of unified family courts in those jurisdictions where it is demographically justified”.

This 15th day of December, 2020.

Submitted by unanimous vote of all committee members.

Respectfully Submitted,
Louisiana State Bar Association
Special Committee to Review
House of Delegates Policies



KEENAN K. KELLY, Chair
C. FRANK HOLTHAUS
ROBERT A. KUTCHER
DON PAUL LANDRY
DARREL J. PAPILLION
H. MINOR PIPES
ANN S. SIDDALL
TINA L. SUGGS

APPROVED
HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 23, 2021
VIA ZOOM

EXHIBIT “1”



Louisiana[®]
State Bar
Association

Serving the Public. Serving the Profession.

LSBA HOD Policy Positions (through June 2019) – FAMILY LAW

FAMILY LAW

1997 Citizens Summit

Establish family courts in jurisdictional areas of sufficient population to support the court, and use specially trained judges for these courts.

6/8/2000 Approved resolution in support of concept of unified family courts in those jurisdictions where it is demographically justified.

6/7/2001 Approved resolution setting forth model of unified family court to be implemented in jurisdictions where feasible and demographically justified.

6/27/2002 Approved resolution endorsing Guidelines for Child Custody Evaluation.

1/25/2003 Approved resolution endorsing Preliminary/Public Hearings Draft of Juvenile Justice Commission for the State of Louisiana with the clarification that the creation of any regional family and juvenile court system not alter any current judicial districts but that programs to support courts could be regionalized.

RESOLUTION
BY THE LSBA SPECIAL COMMITTEE TO REVIEW
HOUSE OF DELEGATES' POLICIES
OF THE LOUISIANA STATE BAR ASSOCIATION—
RE: CRIMINAL LAW

WHEREAS, the Louisiana State Bar Association recognizes the need to revisit House of Delegates' policies from time to time to provide clarity and avoid confusion.

WHEREAS, the President of the Louisiana State Bar Association appointed a Special Committee to Review House of Delegates' Policies ("the Committee").

WHEREAS, the Committee has been charged, as part of its mission: to review the policy positions adopted by the Louisiana State Bar Association House of Delegates currently in place (some dating back to 1997), assess their appropriateness for a mandatory bar association in keeping with the guidelines set forth in *Keller v. State Bar of California* and to make recommendations regarding same.

WHEREAS, the Committee is comprised of Louisiana State Bar Association members from varied practice groups and diverse geographic areas of the State.

WHEREAS, the Committee reviewed House of Delegates' policies on Criminal Law and identified policies that are either outdated or have already been acted upon. The current policies on **Criminal Law** are attached hereto as "EXHIBIT 1".

WHEREAS, the House of Delegates' policy on Criminal Law was **adopted June 9, 2016** "...urging the Louisiana Legislature to require unanimous jury verdicts".

WHEREAS, on November 6, 2018, the citizens of the State of Louisiana voted to pass an amendment to Article I, §17(A) of the Louisiana Constitution of 1974, enacting Act 722 of the 2018 Regular Session of Louisiana State Legislature, effective December 18, 2018, to require a unanimous jury verdict in all non-capital felony cases for offenses that are committed on or after January 1, 2019.

WHEREAS, on April 20, 2020, the United States Supreme Court decided the case of **Ramos v. Louisiana**, holding that the U.S. Constitution requires unanimous jury verdicts in state criminal trials.

WHEREAS, given the efforts made and changes effected since the June 9, 2016 adoption of the foregoing House of Delegates' policy on Criminal Law, the Committee now recommends that the House of Delegates' policy on Criminal Law adopted June 9, 2016 is no longer needed in that form and, as a result, should now be "sunset(ted)" and repealed.

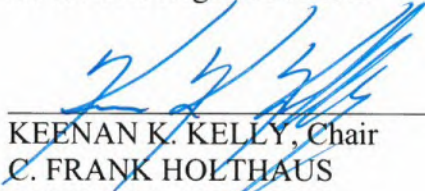
NOW, THEREFORE BE IT RESOLVED that:

1. The House of Delegates hereby “sunsets” and repeals the House of Delegates’ policy on Criminal Law adopted June 9, 2016 “...urging the Louisiana Legislature to require unanimous jury verdicts”.

This 15th day of December, 2020.

Submitted by unanimous vote of all committee members.

Respectfully Submitted,
Louisiana State Bar Association
Special Committee to Review
House of Delegates Policies



KEENAN K. KELLY, Chair
C. FRANK HOLTHAUS
ROBERT A. KUTCHER
DON PAUL LANDRY
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APPROVED
HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 23, 2021
VIA ZOOM

EXHIBIT "1"



LSBA HOD Policy Positions (through June 2019) – CRIMINAL LAW

CRIMINAL LAW

1/22/2000 Approved resolution urging moratorium on executions in Louisiana until state implements procedures providing for representation by counsel of all persons facing execution sufficient to ensure that no person is put to death without having their legal claims properly presented to the courts.

6/12/2003 Approved resolution:

1. Authorizing LSBA to join in or file amicus briefs supporting work and appropriate funding of those organizations providing legal representation and investigative assistance to indigent prisoners with provable claims of actual innocence in non-capital cases; and
2. Authorizing LSBA Board of Governors to support legislative to adequately fund Louisiana's indigent defense system, including the efforts to amend post conviction legislation to allocate funds for payment for post-conviction counsel in innocence cases, such as applications for DNA testing.

6/27/2005 Approved resolution supporting and endorsing the constitutional rights of individuals to have adequate access to defense services, including for juveniles, and further endorses the *Ten Core Principles for Providing Quality Delinquency Representation through Indigent Defense Delivery Systems*, as guiding principles for improving indigent services for juveniles in Louisiana.

1/20/2007 Approved resolution to urge the State of Louisiana to recognize public defenders as an essential part of the Criminal Justice System, and further, according the reasonable resources, professionalism and mutual respect of the government and leadership of Louisiana, including the Bar, the Government and the Public.

1/23/2010 Approved resolution opposing the imposition and requirement of mandatory minimum sentences for non-violent offenses and supports allowing our elected judges and district attorneys to exercise their judgment in sentencing under the law.

1/23/2010 Approved resolution in support of:

1. Reclassification of selected non-violent misdemeanor and municipal ordinances that do not impact public safety into petty offenses, carrying fine only sentences to which the right to counsel does not attach; and

2. The continued funding of all components of the criminal justice system and oppose any reduction in revenue to these stakeholders as a result of the reclassification of offenses.

6/13/2013 Approved resolution to support adequate funding of Federal Defender Organizations.

6/5/2014 Approved resolution 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.

1/15/2015 Approved resolution:

1. To support a Legislative Task Force of representatives of the judiciary, prosecution, public defenders, law enforcement, clerks of court, corrections, the private bar and other essential stakeholders to study the implementation of a state general fund from criminal justice and develop recommendations to ensure that all components of the criminal justice system receive adequate funding and other resources necessary to protect public safety, hold offender accountable and effectively administer justice in our state; and

2. To ask the state legislature to use the recommendations developed by the Legislative Task Force as the basis for legislative and administrative action in 2016.

1/15/2015 Approved resolution:

1. To support the study of Louisiana's marijuana laws and related Habitual Offender laws in an effort to identify reforms that will ensure the most effective and efficient administration of justice in the State of Louisiana;

2. To ask the state legislature to authorize and direct the Louisiana State Law Institute to study the laws regarding marijuana through a working group that includes the judiciary, district attorneys, public defenders, sheriffs, clerks, corrections and other essential stakeholders, and to develop recommendations that will protect public safety, hold offenders accountable, and control costs to the criminal justice system; and

3. To ask the state legislature to use the recommendation developed by the Louisiana State Law Institute as the basis for legislative and administrative action in 2016.

6/12/2015 Approved resolution:

1. Stating the LSBA's objection to compelling attorneys to provide uncompensated professional services for the benefit of the State;
2. Endorsing and encouraging private litigation that would challenge the constitutionality and lawfulness of appointing attorneys to represent indigent defendants without compensation; and,
3. Urging the Louisiana Legislature to authorize sufficient funding to meet the State's constitutional obligation to provide effective assistance of counsel for indigent defendants in state criminal proceedings.

6/9/2016 Approved resolution urging Louisiana Legislature to require unanimous jury verdicts.

01/21/2017 Approved resolution supporting:

State efforts to adopt sentencing and correction policies that reflect evidence-based and data-driven solutions to reducing incarceration rates; and

Policies that will reinvest savings from reductions in incarceration into the criminal justice system to adequately fund indigent defense, create access to quality mental health and addiction services, assure validated risk needs assessment, improve community supervision, provide for job placement services, develop prison alternative programs that better protect the public, and reduce collateral consequences to incarceration.

Urging the judiciary, district attorneys, public defenders, sheriffs, and all stakeholders in the criminal justice system to support the implementation of policy recommendations of the Justice Reinvestment Task Force, in accordance with the above recommendations.

RESOLUTION
BY THE LSBA SPECIAL COMMITTEE TO REVIEW
HOUSE OF DELEGATES' POLICIES
OF THE LOUISIANA STATE BAR ASSOCIATION—
RE: CIVIL LEGAL SERVICES TO THE INDIGENT

WHEREAS, the Louisiana State Bar Association recognizes the need to revisit House of Delegates' policies from time to time to provide clarity and avoid confusion.

WHEREAS, the President of the Louisiana State Bar Association appointed a Special Committee to Review House of Delegates' Policies ("the Committee").

WHEREAS, the Committee has been charged, as part of its mission: to review the policy positions adopted by the Louisiana State Bar Association House of Delegates currently in place (some dating back to 1997), assess their appropriateness for a mandatory bar association in keeping with the guidelines set forth in *Keller v. State Bar of California* and to make recommendations regarding same.

WHEREAS, the Committee is comprised of Louisiana State Bar Association members from varied practice groups and diverse geographic areas of the State.

WHEREAS, the Committee reviewed House of Delegates' policies on Civil Legal Services to the Indigent and identified policies that are either outdated or have already been acted upon. The current policies on **Civil Legal Services to the Indigent** are attached hereto as "EXHIBIT 1".

WHEREAS, the House of Delegates' policy on Civil Legal Services to the Indigent **adopted based on the 1997 Citizens Summit** sought to "...secure state funding for Legal Services Corporation programs".

WHEREAS, since the adoption of the foregoing policy, a subsequent—and better-stated—policy on Civil Legal Services to the Indigent was **adopted January 24, 2004** "...to support work of Access to Justice program in its efforts to secure funding from the United States Congress and the State of Louisiana for civil legal services to the poor".

WHEREAS, the Committee now recommends that the House of Delegates' policy on Civil Legal Services to the Indigent **adopted January 24, 2004**, "...to support work of Access to Justice program in its efforts to secure funding from the United States Congress and the State of Louisiana for civil legal services to the poor", **remain the policy of the Louisiana State Bar Association.**

WHEREAS, given the efforts made and changes effected since the adoption of the House of Delegates' policy on Civil Legal Services to the Indigent based on the 1997 Citizens Summit, the Committee now recommends that the House of Delegates' policy on Civil Legal Services to the Indigent adopted based on the 1997 Citizens Summit is no longer needed in that form and, as a result, should now be "sunset(ted)" and repealed.

WHEREAS, the House of Delegates' policy on Civil Legal Services to the Indigent **adopted January 23, 2010** [previously listed incorrectly as adopted "01/23/2015"] supported "...the adoption of Language Access Guidelines for Louisiana Courts".

WHEREAS, in May 2019, the Louisiana Supreme Court and the United States Department of Justice (“DOJ”) signed a Memorandum of Agreement memorializing the Supreme Court’s commitment to work with lower courts in the Louisiana Judiciary to phase-in a language access program that will provide language assistance services at no cost to limited-English proficient individuals in all state court proceedings and operations. The Supreme Court agreed to develop a Language Access Plan containing a “phased-in approach” with extensive input from the Supreme Court’s Language Access Stakeholder Committee, the Supreme Court’s Language Access Coordinator and Judicial Administrator, as well as the DOJ. The Louisiana Supreme Court approved a “Language Access Plan in Louisiana Courts” on September 1, 2020.

WHEREAS, given the efforts made and changes effected since the January 23, 2010 adoption of the foregoing House of Delegates’ policy on Civil Legal Services to the Indigent, the Committee now recommends that the House of Delegates’ policy on Civil Legal Services to the Indigent adopted January 23, 2010 is no longer needed in that form and, as a result, should now be “sunset(ted)” and repealed.

WHEREAS, the House of Delegates’ policy on Civil Legal Services to the Indigent **adopted January 21, 2017** approved “...a resolution from the Access to Justice Commission proposing to secure funding for the state’s Legal Services Corporations through an increase in the annual notarial license renewal fees required of non-attorney notaries, and authorization to seek necessary legislative action to obtain such funding”.

WHEREAS, during the 2017 Regular Session of the Louisiana Legislature, House Bill 453 was filed and introduced, seeking to increase the \$25.00 fee for the filing of notary annual reports to \$50.00 and requiring \$25.00 of the fee to be distributed to the Louisiana Bar Foundation to be used for the provision of civil legal services within the state’s civil justice system. House Bill 453 was assigned to but did not make it out of the House Committee on Civil Law and Procedure.

WHEREAS, given the efforts made since the January 21, 2017 adoption of the foregoing House of Delegates’ policy on Civil Legal Services to the Indigent, the Committee now recommends that the House of Delegates’ policy on Civil Legal Services to the Indigent adopted January 21, 2017 is no longer needed in that form and, as a result, should now be “sunset(ted)” and repealed.

WHEREAS, the Committee now recommends that the House of Delegates’ policies on Civil Legal Services to the Indigent **adopted January 12, 2008** [previously listed incorrectly as adopted “12/2008”], “...1. Recognizing that the courts have an affirmative obligation to ensure that all litigants have meaningful access to the courts, regardless of representation status; 2. Urging Louisiana judges and courts to take a leadership role in their respective jurisdictions to encourage the expansion of successful *pro bono* assistance programs, to identify and develop programs to address unmet needs, and to coordinate the delivery of program services effectively and efficiently; and 3. Supporting the establishment of court rules and policies that encourage the participation of judges, court staff, legal services agencies, state and local bar associations, and community organizations in the implementation and operation of assistance programs for self-represented litigants”, **remain the policy of the Louisiana State Bar Association.**

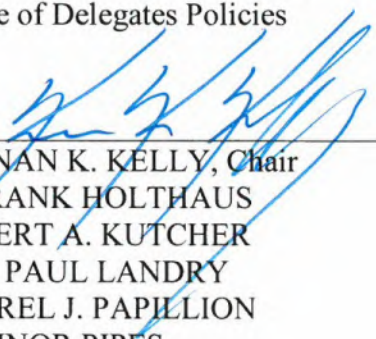
NOW, THEREFORE BE IT RESOLVED that:

1. The House of Delegates hereby “sunssets” and repeals the House of Delegates’ policy on Civil Legal Services to the Indigent adopted based on the 1997 Citizens Summit;
2. The House of Delegates hereby reaffirms the Louisiana State Bar Association’s policy on Civil Legal Services to the Indigent adopted January 24, 2004, “...to support the work of the Access to Justice program in its efforts to secure funding from the United States Congress and the State of Louisiana for civil legal services to the poor”;
3. The House of Delegates hereby “sunssets” and repeals the House of Delegates’ policy on Civil Legal Services to the Indigent adopted January 23, 2010 [previously listed incorrectly as adopted “01/23/2015”];
4. The House of Delegates hereby “sunssets” and repeals the House of Delegates’ policy on Civil Legal Services to the Indigent adopted January 21, 2017; and
5. The House of Delegates hereby reaffirms the Louisiana State Bar Association’s policy on Civil Legal Services to the Indigent adopted January 12, 2008 [previously listed incorrectly as adopted “12/2008”], “...1. Recognizing that the courts have an affirmative obligation to ensure that all litigants have meaningful access to the courts, regardless of representation status; 2. Urging Louisiana judges and courts to take a leadership role in their respective jurisdictions to encourage the expansion of successful *pro bono* assistance programs, to identify and develop programs to address unmet needs, and to coordinate the delivery of program services effectively and efficiently; and 3. Supporting the establishment of court rules and policies that encourage the participation of judges, court staff, legal services agencies, state and local bar associations, and community organizations in the implementation and operation of assistance programs for self-represented litigants”.

This 15th day of December, 2020.

Submitted by unanimous vote of all committee members.

Respectfully Submitted,
Louisiana State Bar Association
Special Committee to Review
House of Delegates Policies



KEENAN K. KELLY, Chair
C. FRANK HOLTHAUS
ROBERT A. KUTCHER
DON PAUL LANDRY
DARREL J. PAPIILLION
H. MINOR PIPES
ANN S. SIDDALL
TINA L. SUGGS

APPROVED
HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 23, 2021
VIA ZOOM

EXHIBIT “1”



LSBA HOD Policy Positions (through June 2019) – CIVIL LEGAL SERVICES TO THE INDIGENT

CIVIL LEGAL SERVICES TO THE INDIGENT

1997 Citizens Summit

Secure state funding for Legal Services Corporation programs.

1/24/2004 Approved resolution to support work of Access to Justice program in its efforts to secure funding from the United States Congress and the State of Louisiana for civil legal services to the poor.

12/2008 Approved resolution:

1. Recognizing that the courts have an affirmative obligation to ensure that all litigants have meaningful access to the courts, regardless of representation status;
2. Urging Louisiana judges and courts to take a leadership role in their respective jurisdictions to encourage the expansion of successful *pro se* assistance programs, to identify and develop programs to address unmet needs, and to coordinate the delivery of program services effectively and efficiently; and
3. Supporting the establishment of court rules and policies that encourage the participation of judges, court staff, legal services agencies, state and local bar associations, and community organizations in the implementation and operation of assistance programs for self-represented litigants.

1/23/2015 Approved resolution supporting the adoption of Language Access Guidelines for Louisiana Courts.

01/21/2017 Approved Resolution from the Access to Justice Commission proposing to secure funding for the state's Legal Services Corporations through an increase in the annual notarial license renewal fees required of non-attorney notaries, and authorization to seek necessary legislative action to obtain such funding.

RESOLUTION
BY THE LSBA SPECIAL COMMITTEE TO REVIEW
HOUSE OF DELEGATES' POLICIES
OF THE LOUISIANA STATE BAR ASSOCIATION—
RE: REGULATION OF THE PRACTICE OF LAW

WHEREAS, the Louisiana State Bar Association recognizes the need to revisit House of Delegates' policies from time to time to provide clarity and avoid confusion.

WHEREAS, the President of the Louisiana State Bar Association appointed a Special Committee to Review House of Delegates' Policies ("the Committee").

WHEREAS, the Committee has been charged, as part of its mission: to review the policy positions adopted by the Louisiana State Bar Association House of Delegates currently in place (some dating back to 1997), assess their appropriateness for a mandatory bar association in keeping with the guidelines set forth in *Keller v. State Bar of California* and to make recommendations regarding same.

WHEREAS, the Committee is comprised of Louisiana State Bar Association members from varied practice groups and diverse geographic areas of the State.

WHEREAS, the Committee reviewed House of Delegates' policies on Regulation of the Practice of Law and identified policies that are either outdated or have already been acted upon. The current policies on **Regulation of the Practice of Law** are attached hereto as "EXHIBIT 1".

WHEREAS, the House of Delegates' policies on Regulation of the Practice of Law **adopted January 19, 2002** sought "1...Supreme Court approval of procedural changes in disciplinary cases involving misappropriation of clients funds"; and "2...legislative changes in area of lawyer misappropriation of client funds" to:

1. "Provide for notice of Office of Disciplinary Counsel in event of lawyer trust account overdraft;"
2. "Provide for payee notification upon payment of settlement funds;"
3. "Make restitution a requirement for readmission and/or termination of disciplinary sanctions in cases involving misappropriation of client funds;" and
4. "Establish *pro bono* panel to prosecute such cases should Court and legislative changes be adopted."

WHEREAS, the Louisiana State Bar Association has since sought and obtained Supreme Court approval of procedural changes in disciplinary cases involving misappropriation of client funds. Louisiana Supreme Court Rule XIX, §24(E)(11) now provides, as part of the criteria for reinstatement and readmission: "...*The lawyer shall obtain a certification from the Client Assistance Fund that no payments have been made by the Fund to any of the lawyer's clients. To the extent that Client Assistance Funds have been paid to qualifying clients, the lawyer shall obtain a certification from the Fund that the Fund has been reimbursed in its entirety, or alternatively, that a payment plan is in effect*

which will result in reimbursement to the Fund. In the event the lawyer has executed a payment plan with the Fund for these costs, the lawyer must be current on all payments in order to qualify to petition for reinstatement or readmission...

WHEREAS, the Louisiana State Bar Association has since sought but has been unsuccessful in obtaining legislative changes regarding lawyer misappropriation of client funds. Specifically, during the 2003 Regular Session of the Louisiana Legislature, House Bill 1784 was introduced but opposed by the insurance lobby, so it did not make it out of the House Committee on Insurance.

WHEREAS, given the efforts made and changes effected since the January 19, 2002 adoption of the foregoing House of Delegates' policies on Regulation of the Practice of Law, the Committee now recommends that the House of Delegates' policies on Regulation of the Practice of Law adopted January 19, 2002 are no longer needed in that form and, as a result, should now be "sunset(ted)" and repealed.

WHEREAS, the House of Delegates' policies on Regulation of the Practice of Law **adopted January 22, 2005** authorized the "...LSBA to identify a legislator to file a bill which would allow banks to provide attorney trust account overdraft notification to the Office of Disciplinary Counsel and would give banks immunity in the provision of such notice;" and further authorized the "...LSBA to subsequently petition the Louisiana Supreme Court to adopt the ABA Model Rules for Trust Account Overdraft Notification".

WHEREAS, during the 2005 Regular Session of the Louisiana Legislature, House Bill 576 was filed and introduced, seeking overdraft notification to the Office of Disciplinary Counsel. House Bill 576 was ultimately signed by the Governor on June 29, 2005, becoming Act 249, effective August 15, 2005, as LA R.S. 6:332 and 6:333(F)(16).

WHEREAS, given the efforts made and changes effected since the January 22, 2005 adoption of the foregoing House of Delegates' policies on Regulation of the Practice of Law, the Committee now recommends that the House of Delegates' policies on Regulation of the Practice of Law adopted January 22, 2005 are no longer needed in that form and, as a result, should now be "sunset(ted)" and repealed.

WHEREAS, the House of Delegates' policy on Regulation of the Practice of Law **adopted January 22, 2011** authorized "...the LSBA to move forward with the identification of a legislator to file proposed legislation, patterned after the ABA Model Rule, that would require insurance companies to provide claimant with written notice whenever a settlement check is issued to the claimant's lawyer".

WHEREAS, during the 2011 Regular Session of the Louisiana Legislature, House Bill 346 was filed and introduced, "...requir[ing] liability insurers to notify claimants in third-party liability claims when a settlement in an amount exceeding \$5,000 is sent to the claimant's attorney or other representative". HB 346 was assigned to but did not make it out of the House Committee on Insurance.

WHEREAS, given the efforts made since the January 22, 2011 adoption of the foregoing House of Delegates' policy on Regulation of the Practice of Law, the Committee now recommends that the House of Delegates' policy on Regulation of the Practice of Law adopted January 12, 2011 is

no longer needed in that form and, as a result, should now be “sunset(ted)” and repealed.

WHEREAS, the House of Delegates’ policy on Regulation of the Practice of Law **adopted January 15, 2015** supported and endorsed “...legislation similar to the following statute recommended by the [Unauthorized Practice of Law] Committee”. See language of proposed “LA R.S. 37:213.1”, also included within “EXHIBIT 1” attached hereto.

WHEREAS, during the 2016 Regular Session of the Louisiana Legislature, Senate Bill 203 was filed and introduced, seeking adoption of proposed LA R.S. 37:213.1. Senate Bill 203 was ultimately signed by the Governor on May 26, 2016, becoming Act 204, effective August 1, 2016, as LA R.S. 37:213.1.

WHEREAS, given the efforts and changes made since the January 15, 2015 adoption of the foregoing House of Delegates’ policy on Regulation of the Practice of Law, the Committee now recommends that the House of Delegates’ policy on Regulation of the Practice of Law adopted January 15, 2015 is no longer needed in that form and, as a result, should now be “sunset(ted)” and repealed.

WHEREAS, the Committee now recommends that the House of Delegates’ policy on Regulation of the Practice of Law **adopted January 20, 2007**, “...opposing policies, practices and procedures of governmental bodies that have the effect of eroding the attorney/client privilege and work product doctrine and favoring policies, practices and procedures that recognize the value of those protections; and opposing the routine practice by government official seeking to obtain a waiver of the attorney/client privilege or work product doctrine through the granting or denial of any benefit or advantage”, **remain the policy of the Louisiana State Bar Association.**

WHEREAS, the Committee now recommends that the House of Delegates’ policies on Regulation of the Practice of Law **adopted June 9, 2016**, “...1. Opposing any legislation and government rules or regulations which would permit non-lawyers to engage in the practice of law; and 2. Promoting and supporting legislation to provide remedies and access to the Louisiana forum for Louisiana consumers who are harmed by nonlawyers who sell, license or market legal services and products, including software, online solutions and legal forms”, **remain the policy of the Louisiana State Bar Association.**

NOW, THEREFORE BE IT RESOLVED that:

1. The House of Delegates hereby “sunset(s)” and repeals the House of Delegates’ policies on Regulation of the Practice of Law adopted January 19, 2002;
2. The House of Delegates hereby “sunset(s)” and repeals the House of Delegates’ policies on Regulation of the Practice of Law adopted January 22, 2005;
3. The House of Delegates hereby “sunset(s)” and repeals the House of Delegates’ policy on Regulation of the Practice of Law adopted January 22, 2011;
4. The House of Delegates hereby “sunset(s)” and repeals the House of Delegates’ policy on Regulation of the Practice of Law adopted January 15, 2015;
5. The House of Delegates hereby reaffirms the Louisiana State Bar Association’s policy

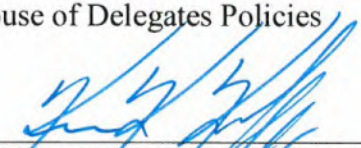
on Regulation of the Practice of Law adopted January 20, 2007 "...opposing policies, practices and procedures of governmental bodies that have the effect of eroding the attorney/client privilege and work product doctrine and favoring policies, practices and procedures that recognize the value of those protections; and opposing the routine practice by government officials seeking to obtain a waiver of the attorney/client privilege or work product doctrine through the granting or denial of any benefit or advantage"; and

6. The House of Delegates hereby reaffirms the Louisiana State Bar Association's policy on Regulation of the Practice of Law adopted June 9, 2016 "...opposing any legislation and government rules or regulations which would permit non-lawyers to engage in the practice of law; and promoting and supporting legislation to provide remedies and access to the Louisiana forum for Louisiana consumers who are harmed by nonlawyers who sell, license or market legal services and products, including software, online solutions and legal forms".

This 15th day of December, 2020.

Submitted by unanimous vote of all committee members.

Respectfully Submitted,
Louisiana State Bar Association
Special Committee to Review
House of Delegates Policies



KEENAN K. KELLY, Chair
C. FRANK HOLTHAUS
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APPROVED
HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 23, 2021
VIA ZOOM

EXHIBIT “1”



LSBA HOD Policy Positions (through June 2019) – REGULATION OF THE PRACTICE OF LAW

REGULATION OF THE PRACTICE OF LAW

1/19/2002 Approved resolution in support of:

1. Seeking Supreme Court approval of procedural changes in disciplinary cases involving misappropriation of client funds;
2. Seeking legislative changes in area of lawyer misappropriation of client funds;
3. Provide for notice of Office of Disciplinary Counsel in event of lawyer trust account overdraft;
4. Provide for payee notification upon payment of settlement funds;
5. Make restitution a requirement for readmission and/or termination of disciplinary sanctions in cases involving misappropriation of client funds; and
6. Establish *pro bono* panel to prosecute such cases should Court and legislative changes be adopted.

1/22/2005 Approved resolution authorizing the LSBA to identify a legislator to file a bill which would allow banks to provide attorney trust account overdraft notification to the Office of Disciplinary Counsel and would give banks immunity in the provision of such notice; and further authorizes LSBA to subsequently petition the Louisiana Supreme Court to adopt the ABA Model Rules for Trust Account Overdraft Notification.

1/20/2007 Approved resolution opposing policies, practices and procedures of governmental bodies that have the effect of eroding the attorney/client privilege and work product doctrine and favoring policies, practices and procedures that recognize the value of those protections; and opposing the routine practice by government official seeking to obtain a waiver of the attorney/client privilege or work product doctrine through the granting or denial of any benefit or advantage.

1/22/2011 Approved resolution to authorize the LSBA to move forward with the identification of a legislator to file proposed legislation, patterned after the ABA Model

Rule, that would require insurance companies to provide claimant with written notice whenever a settlement check is issued to the claimant's lawyer.

1/15/2015 Approved resolution to support and endorse legislation similar to the following statute recommended by the Committee:

R.S. 37:213.1

In addition to any criminal proceedings and criminal penalties set forth in LSA R.S. 37:213, the following shall be applicable to civil proceedings against persons who are engaged in or have engaged in the unauthorized practice of law:

A) The following definitions are to applied herein

1) "Actor" means a natural or juridical person who is engaged in or has engaged in the unauthorized practice of law. "Actor" shall not include a Louisiana attorney licensed to practice law or a Louisiana attorney who is suspended or disbarred from the practice of law. An "Actor" may include a Louisiana attorney who has been permanently disbarred or who has permanently resigned.

2) "Aggrieved party" means a natural or juridical person who has sustained any damage or harm as a result of an Actor engaging in the unauthorized practice of law. "Aggrieved party" shall not include an attorney or a law firm.

3) "Unauthorized Practice of Law" means any of the prohibited activities set forth in LSA R.S. 37:213.

B) The Attorney General of the State of Louisiana, the Louisiana State Bar Association or any District Attorney may file a petition to enjoin an Actor from engaging in the unauthorized practice of law. In the event any such Actor is so enjoined, the court may also award costs and attorney's fees to petitioner.

C) An "Aggrieved Party" may sue an Actor who is engaging in or has engaged in the unauthorized practice of law for general damages, special damages and all other damages suffered by the Aggrieved Party. The court may also award the Aggrieved Party all costs and attorney's fees in connection with such suit.

D) Venue for any action commenced under Subparts B and C shall be in any parish:

- 1) where the Actor is engaging or has engaged in the unauthorized practice of law,
- 2) where the offense has occurred,
- 3) where any damages were sustained, or
- 4) where the Aggrieved Party resides.

E) An action commenced under Subpart C is subject to a liberative prescription of three years.

6/9/2016 Approved resolution:

1. To oppose any legislation and government rules or regulations which would permit non-lawyers to engage in the practice of law; and
2. To promote and support legislation to provide remedies and access to the Louisiana form for Louisiana consumers who are harmed by nonlawyers who sell, license or market legal services and products, including software, online solutions and legal forms.

RESOLUTION
BY THE LSBA SPECIAL COMMITTEE TO REVIEW
HOUSE OF DELEGATES' POLICIES
OF THE LOUISIANA STATE BAR ASSOCIATION—
RE: CIVIL LAW

WHEREAS, the Louisiana State Bar Association recognizes the need to revisit House of Delegates' policies from time to time to provide clarity and avoid confusion.

WHEREAS, the President of the Louisiana State Bar Association appointed a Special Committee to Review House of Delegates' Policies ("the Committee").

WHEREAS, the Committee has been charged, as part of its mission: to review the policy positions adopted by the Louisiana State Bar Association House of Delegates currently in place (some dating back to 1997), assess their appropriateness for a mandatory bar association in keeping with the guidelines set forth in *Keller v. State Bar of California* and to make recommendations regarding same.

WHEREAS, the Committee is comprised of Louisiana State Bar Association members from varied practice groups and diverse geographic areas of the State.

WHEREAS, the Committee reviewed House of Delegates' policies on Civil Law and identified policies that are either outdated or have already been acted upon. The current policies on **Civil Law** are attached hereto as "EXHIBIT 1".

WHEREAS, the Committee now recommends that the House of Delegates' policies on Civil Law:

- 1) **adopted January 23, 2010** "...opposing granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged is directly related to the policy, and the immunity is drawn as narrowly as possible to effect its purpose";
- 2) **adopted January 23, 2010** "...opposing the creation of special rules favoring subclasses of parties in certain types of cases in contravention of the Civil Code and Code of Civil Procedure, unless a clear case is made for these rules to produce a just result which could not be produced under the general codes"; and
- 3) **adopted June 7, 2018** "...opposing the granting of civil immunities and further clarifying as follows...1. The House of Delegates of the Louisiana State Bar Association is opposed to the granting of civil immunities...2. In examining the criteria for not opposing the granting of civil immunity, not every public policy or 'good cause' is sufficiently important so as to be entitled to immunity from Civil Code Article 2315 negligence...3. Inclusion of an exception from immunity for wanton, reckless and/or gross negligence is insufficient to warrant no opposition to the granting of civil immunity...4. The public policy sought to be favored must truly be of an exceptional nature such that, absent the immunity from civil immunity [sic., "liability"], the policy is extremely unlikely to be implemented and/or significantly furthered...5. Opposition to the granting of civil immunity should be asserted except in extraordinary circumstances";

all focus on opposing the granting of civil immunities and opposing the creation of special rules favoring subclasses of parties in certain types of cases in contravention of the Civil Code and Code of Civil Procedure, unless a clear case is made for such rules under extraordinary circumstances.

WHEREAS, the Committee now recommends that the foregoing House of Delegates' policies on Civil Law should **remain the policy of the Louisiana State Bar Association** but, for the sake of clarity and simplicity, be consolidated into just one, comprehensive policy, namely: "The LSBA opposes the granting of civil immunities and opposes the creation of special rules favoring subclasses of parties in certain types of cases in contravention of the Civil Code and Code of Civil Procedure, unless a clear case is made for such rules under extraordinary circumstances".

NOW, THEREFORE BE IT RESOLVED that:

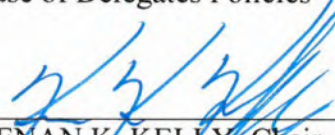
1. The House of Delegates hereby reaffirms the Louisiana State Bar Association's policies on Civil Law:
 - a. adopted January 23, 2010 "...opposing granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged is directly related to the policy, and the immunity is drawn as narrowly as possible to effect its purpose";
 - b. adopted January 23, 2010 "...opposing the creation of special rules favoring subclasses of parties in certain types of cases in contravention of the Civil Code and Code of Civil Procedure, unless a clear case is made for these rules to produce a just result which could not be produced under the general codes"; and
 - c. adopted June 7, 2018 "...opposing the granting of civil immunities and further clarifying as follows...1. The House of Delegates of the Louisiana State Bar Association is opposed to the granting of civil immunities...2. In examining the criteria for not opposing the granting of civil immunity, not every public policy or 'good cause' is sufficiently important so as to be entitled to immunity from Civil Code Article 2315 negligence...3. Inclusion of an exception from immunity for wanton, reckless and/or gross negligence is insufficient to warrant no opposition to the granting of civil immunity...4. The public policy sought to be favored must truly be of an exceptional nature such that, absent the immunity from civil immunity [sic., "liability"], the policy is extremely unlikely to be implemented and/or significantly furthered...5. Opposition to the granting of civil immunity should be asserted except in extraordinary circumstances";

but, for the sake of clarity and simplicity, consolidates them into just one, comprehensive policy, namely: "The LSBA opposes the granting of civil immunities and opposes the creation of special rules favoring subclasses of parties in certain types of cases in contravention of the Civil Code and Code of Civil Procedure, unless a clear case is made for such rules under extraordinary circumstances".

This 15th day of December, 2020.

Submitted by unanimous vote of committee members voting, with one abstention.

Respectfully Submitted,
Louisiana State Bar Association
Special Committee to Review
House of Delegates Policies



KEENAN K. KELLY, Chair
C. FRANK HOLTHAUS
ROBERT A. KUTCHER
DON PAUL LANDRY
DARREL J. PAPILLION
H. MINOR PIPES
ANN S. SIDDALL
TINA L. SUGGS

APPROVED
HOUSE OF DELEGATES & BOARD OF GOVERNORS
JANUARY 23, 2021
VIA ZOOM

EXHIBIT "1"



LSBA HOD Policy Positions (through June 2019) – CIVIL LAW

CIVIL LAW

1/23/2010 Approved resolution opposing:

1. The granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged is directly related to the policy, and the immunity is drawn as narrowly as possible to effect its purpose; and
2. The creation of special rules favoring subclasses of parties in certain types of cases in contravention of our Civil Code and Code of Civil Procedure, unless a clear case is made of the need for these rules.

06/07/2018 Approved resolution:

1. The House of Delegates of the Louisiana State Bar Association is opposed to the granting of civil immunities.
2. In examining the criteria for not opposing the granting of civil immunity, not every public policy or "good cause" is sufficiently important so as to be entitled to immunity from CCA 2315 negligence.
3. Inclusion of an exception from immunity for wanton, reckless and/or gross negligence is, in itself, insufficient to warrant no opposition to the granting of civil immunity.
4. The public policy sought to be favored must truly be of an exceptional nature such that, absent the immunity from civil immunity, the policy is extremely unlikely to be implemented and/or significantly furthered.
5. Opposition to the granting of civil immunity should be asserted except in extraordinary circumstances.