



Serving the Public. Serving the Profession.

HOUSE OF DELEGATES
9 a.m. ■ Saturday, January 17, 2015
Hotel InterContinental New Orleans

MINUTES

President Joseph L. Shea, Jr. called to order the meeting of the House of Delegates of the Louisiana State Bar Association at 9:05 a.m., Saturday, January 17, 2015, at the Hotel InterContinental in New Orleans, Louisiana.

I. Certification of Quorum by the Secretary

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

II. Recognition of Deceased Members of the House of Delegates

There were no deceased members of the House since the June 2014 meeting.

General Session

III. Reports of Standing Committees of the House

There were no oral or written reports from Standing Committees of the House.

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

1. Joseph L. "Larry" Shea, Jr., President

Mr. Shea reported on the Lawyers in Libraries Day of Service, the Bar Leaders Conference, and the Citizen Lawyer Awards.

2. Mark A. Cunningham, President-Elect

Mr. Cunningham waived his report.

3. Barry H. Grodsky, Secretary

Mr. Grodsky waived his report.

4. Robert A. Kutcher, Treasurer

Mr. Kutcher waived his report.

5. Hon. Roland L. Belsome, Jr., Co-Chair, Committee on Diversity

Judge Belsome encouraged all to attend the Eighth Annual Conclave on Diversity in the Legal Profession, scheduled for Friday, March 6 in New Orleans.

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6. **Barry H. Grodsky, Chair, Committee on the Profession**

Mr. Grodsky gave an update on the Transition Into Practice (mentoring) program which began on January 1, 2015.

All other reports of Standing Committees were distributed to House members via email in advance of the meeting.

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

There were no oral reports from Special Committees. Written reports were distributed via email in advance of the House meeting.

VI. **Other Reports**

Immediate Past President Richard K. Leefe reported briefly on the Louisiana Supreme Court Attorney Intern Program and advised that he was working on raising the roughly \$6 million needed to launch the program. There were no additional Other Reports, either written or oral.

Activities of the House of Delegates

VII. **Approval of Minutes**

Consideration of approval of the Minutes of the June 5, 2014 Meeting of the House of Delegates, held in Destin, Florida.

Upon motion and second, the House unanimously approved the minutes as presented.

VIII. **Old Business**

There was no old business to come before the House.

IX. **Elections**

1. Election of one member to serve a three-year term on the House of Delegates Liaison Committee, to commence at the conclusion of the 2015 Annual Meeting and end at the conclusion of the 2018 Annual Meeting. This member shall be elected from House of Delegates members representing the 1st through 19th Judicial Districts.

Michael W. McKay of the 19th Judicial District nominated Julie J. Baxter, also of the 19th. Michael D. Skinner of the 15th Judicial District nominated Jeffrey A. Riggs, also of the 15th. The nominations were closed and an elected was held by a show of hands. Julie J. Baxter was elected.

2. Election, from the three Liaison Committee members, of a Chair of the House of Delegates Liaison Committee for 2015-2016, whose term will commence at the conclusion of the 2015 Annual Meeting. The Chair of the Liaison Committee is a voting member of the Board of Governors.

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Alainna R. Mire of the 9th Judicial District nominated S. Jacob Braud of the 25th Judicial District. There being no further nominations, Mr. Braud was elected by acclamation.

3. Election of a member of the House of Delegates to serve on the Budget Committee for the term beginning July 1, 2015 and ending June 30, 2017.

Jeffrey A. Riggs of the 15th Judicial District nominated Dona K. Renegar, also of the 15th. Glen R. Petersen of the 19th Judicial District nominated Jack K. Whitehead, Jr., also of the 19th. The nominations were closed and an election was held by a show of hands. Ms. Renegar was elected.

X. Resolutions

Louisiana Board of Legal Specialization Resolutions

President Shea called upon LBLs Chair Ronald J. Scalise, Jr. to present the resolutions. Mr. Scalise gave an overview of the resolutions and then introduced each one individually.

1. Resolution to amend the Plan of Legal Specialization.

Upon motion and second, the House unanimously approved the resolution.

2. Resolution to amend the Rules and Regulations of the Louisiana Board of Legal Specialization.

Upon motion and second, the House unanimously approved the resolution.

3. Resolution to amend the standards for Bankruptcy Law, Family Law, Tax Law, and Estate Planning and Administration.

Upon motion and second, the House unanimously approved the resolution.

Section Resolution

President Shea called upon Immigration Law Section Chair Ashley Foret Dees to present the resolution.

4. Resolution from Immigration Law Section to amend its Bylaws.

Upon motion and second, the House unanimously approved the resolution.

Committee Resolutions

5. Resolution from the Bar Governance Committee to amend Article X, Section 1 of the Louisiana State Bar Association to remove the limit on the number of members of the

Committee on Diversity, and to clarify existing language and practices with regard to the committee.

President Shea called upon Bar Governance Committee Chair John H. Musser IV to introduce the resolution. Diversity Committee Co-Chair Judge Roland L. Belsome, Jr. spoke in favor of the resolution. Upon motion and second, the House unanimously approved the resolution.

6. Resolution from the Bar Governance Committee to amend the Articles of Incorporation and Bylaws of the Louisiana State Bar Association to eliminate all references to law student membership, thereby eliminating this membership category.

John H. Musser IV introduced the resolution on behalf of the Committee. Adoption was moved and seconded. Alainna R. Mire of the 9th Judicial District and Philip A. Wittmann of Orleans spoke in favor of the resolution. Elizabeth A. Alston of the 22nd Judicial District spoke against the resolution. Executive Director Loretta Larsen addressed the House and explained the efforts that had been made to recruit law student members, as well as the administrative efforts which would be necessary to maintain a membership category for a group which had demonstrated its lack of interest. The question was called and the House unanimously approved the resolution.

7. Resolution from the Unauthorized Practice of Law Committee asking the House of Delegates to support and endorse legislation which would provide certain parties with standing to enjoin the unauthorized practice of law or pursue a civil action for damages in connection with the unauthorized practice of law.

President Shea called upon Unauthorized Practice of Law Committee Chair John E. McAuliffe, Jr. to introduce the resolution. Mr. McAuliffe gave a brief background on the committee, its charge and the resolution. Adoption was moved and seconded. Secretary Mark A. Cunningham spoke in favor of the resolution. After a brief discussion, the question called and the House unanimously approved the resolution.

8. Resolution from the Criminal Justice Committee asking the House of Delegates to support the study of a statewide general fund for criminal justice in an effort to ensure the most effective and efficient administration of justice in the State of Louisiana, and to ask the State Legislature to authorize and direct a Legislative Task Force comprised of various stakeholders to develop recommendations to be used by the as the basis for legislative and administrative action in 2016.

President Shea called upon Criminal Justice Committee member Derwyn D. Bunton to introduce the resolution. Adoption was moved and seconded. Thomas L. Lorenzi of the 14th and C. Frank Holthaus of the 19th spoke in favor of the resolution. The question was called and the House approved the resolution.

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9. Resolution from the Criminal Justice Committee asking the House of Delegates to support the study of Louisiana's marijuana laws and related Habitual Offender laws, and to ask the State Legislature to authorize and direct the Louisiana State Law Institute to study the laws regarding marijuana through a working group comprised of various stakeholders, with recommendations of this group to be used as the basis for legislative and administrative action in 2016.

Mr. Bunton introduced the resolution on behalf of the Committee. After Mr. Bunton's introduction and upon motion and second, Thomas L. Lorenzi of the 14th, John E DiGiulio of the 19th, and C. Frank Holthaus of the 19th spoke in favor of the resolution. Ronald J. Scalise, Jr. of the Board of Governors spoke against the resolution, not on its substance but procedurally with regard to referring the matter to the Louisiana State Law Institute for study. The question was called and the House approved the resolution.

Member Resolution

10. Resolution from 15th Judicial District House of Delegates member Steven G. "Buzz" Durio proposing that the House recommend to the Louisiana Supreme Court adoption of South Carolina Rules of Professional Conduct Rule 1.19 as Louisiana RPC Rule 1.19, to address succession plans for lawyers in the event of death or disability.

Mr. Durio withdrew the resolution.

XI. Other Business

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

There being no further business to come before the House, the meeting was adjourned at 10:35 a.m.

Respectfully Submitted:



Barry H. Grodsky
Secretary

APPROVED BY HOUSE OF DELEGATES
JUNE 11, 2015
DESTIN, FL

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

FIRST JUDICIAL DISTRICT (14 seats) Parish of Caddo

PRESENT Kila Bobier
Claude W. Bookter, Jr.
PRESENT Ree Casey-Jones
PRESENT James L. Fortson, Jr.
PRESENT Stephen Christopher Fortson
PRESENT John R. Herzog BY PROXY TO Scott R. Wolf
PRESENT W. James Hill III BY PROXY TO Allison C. Foster
Richard M. John
PRESENT Kevin R. Molloy
PRESENT Marshall R. Pearce BY PROXY TO Katherine Baker
PRESENT Nyle A. Politz
PRESENT Kenneth Craig Smith, Jr.
PRESENT Paul L. Wood

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

PRESENT Tammy G. Jump
Robert A. Moore
PRESENT Yumeaka Robinson Washington

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

LaKeisha Gray
PRESENT Albert Carter Mills IV
PRESENT Tyler G. Storms

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

Jan Peter Christiansen
PRESENT Martin Shane Craighead
Daniel J. Hunter
Marcus L. Hunter
Paul L. Hurd
Mark Neal
Robert S. Noel
PRESENT Ramsey L. Ogg
PRESENT Arthur L. Stewart
PRESENT William Michael Street

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PRESENT Thomas G. Zentner, Jr.

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

PRESENT John Clay Hamilton
John Hoychick, Jr.
Ann B. McIntyre

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

PRESENT George F. Fox, Jr.

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

John C. Reeves
PRESENT Ann S. Siddall

EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Winn

PRESENT Kimberly Anastasia Wiley

NINTH JUDICIAL DISTRICT (7 seats) Parish of Rapides

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

TENTH JUDICIAL DISTRICT (2 seats) Parish of Natchitoches

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

ELEVENTH JUDICIAL DISTRICT (1 seat) Parish of Sabine

TWELFTH JUDICIAL DISTRICT (2 seats) Parish of Avoyelles

Douglas L. Bryan
PRESENT Dan B. McKay, Jr.

THIRTEENTH JUDICIAL DISTRICT (2 seats) Parish of Evangeline

PRESENT Timmy J. Fontenot
PRESENT Abby Bergeron Landreneau

FOURTEENTH JUDICIAL DISTRICT (9 seats) Parish of Calcasieu

PRESENT Theresa A. Barnatt
PRESENT Brian Lee Coody
PRESENT L. Paul Foreman
Matthew P. Keating

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PRESENT Thomas L. Lorenzi
PRESENT Robert C. McCorquodale
PRESENT David Daniel Palay, Jr.
PRESENT Larry E. Pichon BY PROXY TO Adam Johnson
PRESENT Betty A. Raglin

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

PRESENT Homer Ed Barousse, Jr.
PRESENT Dean A. Cole
PRESENT Steven G. Durio
Kyle L. Gideon
PRESENT Matthew J. Hill, Jr.
PRESENT Andrew B. Mims
PRESENT Joseph R. Oelkers III BY PROXY TO Ariel Campos
PRESENT Donovan J. O’Pry II BY PROXY TO Travis Broussard
PRESENT Dona Renegar
PRESENT Jeffrey A. Riggs
PRESENT Michael D. Skinner
PRESENT Dwazendra Smith
PRESENT Juliette B. Wade

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

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

SEVENTEENTH JUDICIAL DISTRICT (5 seats) Parish of Lafourche

PRESENT David G. Arceneaux
PRESENT Daniel A. Cavell
Marla Mitchell
PRESENT Robert M. Pugh
PRESENT Nicholas J. Zeringue

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

PRESENT J. Lane Ewing, Jr.
PRESENT Stephen Philibert Jewell
Thomas McCormick
PRESENT Deidre Deculus Robert

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

PRESENT B. Scott Andrews BY PROXY TO C. Kevin Hayes
PRESENT Kelly E. Balfour BY PROXY TO Scott Levy
PRESENT Jesse H. Bankston, Jr.
PRESENT Valerie B. Bargas
PRESENT Julie J. Baxter
PRESENT James E. Boren BY PROXY TO John DiGiulio
PRESENT Dana B. Brown
PRESENT Donald J. Cazayoux, Jr.
PRESENT Juan M. "John" Delgado BY PROXY TO Brook Thibodeaux
PRESENT Michael D. Ferachi
PRESENT Frank A. Fertitta BY PROXY TO Adras Paul LaBorde, III
PRESENT S. David Holladay
PRESENT C. Frank Holthaus
PRESENT Jay M. Jalenak, Jr.
PRESENT Michael W. McKay
PRESENT Adrian G. Nadeau
PRESENT Glen R. Petersen
PRESENT Valerie T. Schexnayder
PRESENT Amanda S. Stout BY PROXY TO Lynette Roberson
David Abboud Thomas
PRESENT Jack K. Whitehead, Jr.

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

PRESENT Samuel Christopher D'Aquila
PRESENT Michael L. Hughes

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

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

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

PRESENT Clayton J. Borne IV
PRESENT Eric K. Buerger
Roy K. Burns, Jr.
PRESENT William Harvell Burris

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Olivier Provosty Carriere II
PRESENT Gordon Timothy Herrin
PRESENT Veronica Jean Lam
PRESENT Robert C. Lehman
PRESENT D'Andrea Vel McMooain-Chatman
J. Kevin McNary
PRESENT Patrice W. Oppenheim

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
Jennifer S. Van Metre

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

Allen I. Boudreaux, Jr.
PRESENT Robert J. Caluda BY PROXY TO Mickey deLaup
PRESENT Thomas Christopher Cerullo
David L. Colvin
PRESENT Sandra K. Cosby
PRESENT S. Guy deLaup
PRESENT Michael R. Delesdernier
PRESENT Paul C. Fleming, Jr.
Geraldyn P. Garvey
PRESENT Christy M. Howley
Adrian F. LaPeyronnie III
John J. Lee, Jr.
PRESENT Scott W. McQuaig
PRESENT Roy A. Raspanti
George B. Recile
PRESENT Thomas F. Schexnayder
PRESENT Mettery I. Sherry, Jr.
PRESENT Tina Louise Suggs

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 John Zachary Blanchard, Jr.
Ryan E. Gatti
PRESENT Amanda J. Hulett

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PRESENT Patrick R. Jackson
PRESENT J. Kyle McCotter BY PROXY TO Ingrid James
PRESENT Ross E. Shacklette

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

PRESENT Francis A. Olivier III
John L. Olivier
Jacque B. Pucheu, Jr.
PRESENT Randy Wagley

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

PRESENT Steven Paul Kendrick

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

PRESENT Steven F. Griffith, Sr.
Gregory A. Miller
PRESENT Robert L. Raymond

THIRTIETH JUDICIAL DISTRICT (3 seats) Parish of Vernon

D. Wayne Bush
Tony C. Tillman

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

PRESENT Richard M. Arceneaux

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

PRESENT Charles C. Bourque, Jr.
Sye Joseph Broussard
Kassie L. Hargis
Heather Chapin McAllister
Patricia P. Reeves-Floyd

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

Mary Hebert Holmes
Michael Bruce Holmes

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

PRESENT Roberta L. Burns
PRESENT Tracy Helen Duplantier
PRESENT Michael A. Gorbaty
PRESENT Gregory J. Noto
Paul A. Tabary III

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

PRESENT Scott M. Prudhomme

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

Elizabeth B. Carr

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

Brian E. Frazier

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

PRESENT Robert James Sheffield, Jr.

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

John Q. Davis

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

Vercell F. Fiffie

William D. O'Regan III

Richard B. Stricks

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

PRESENT Donald R. Abaunza

PRESENT Glenn B. Adams

PRESENT Francis J. Barry, Jr.

PRESENT Ashley L. Belleau

PRESENT Jack C. Benjamin, Jr.

Andrew A. Braun

PRESENT Joseph M. Bruno

PRESENT Derwyn Del Bunton

Clifford E. Cardone

PRESENT Thomas A. Casey, Jr.

PRESENT Jeffrey A. Clayman BY PROXY TO Andrew Kingsley

Paul B. Deal

PRESENT Richard B. Eason, II

PRESENT William R. Forrester, Jr.

PRESENT Judith A. Gainsburgh

PRESENT James C. Gulotta, Jr.

PRESENT Philip K. Jones, Jr.

PRESENT Ryan M. McCabe

PRESENT André J. Mouldoux

PRESENT John H. Musser V

Charles M. Pisano

PRESENT Brian P. Quirk

PRESENT Christopher K. Ralston

PRESENT Louis Gravois Schott

PRESENT Karen Baumgarten Sher

Ronald J. Sholes

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PRESENT John A. Stassi II
PRESENT Irving J. Warshauer
PRESENT Edward Dirk Wegmann
PRESENT Colby F. Wenck BY PROXY TO Krystal Ferbos
PRESENT Walter I. Willard BY PROXY TO Micah Fincher
PRESENT Phillip A. Wittmann

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

Todd Mitchell Johnson
PRESENT Adrienne D. White

SECTION CHAIRS

Michael P. Arata, Art Entertainment & Sports Law
Richard J. Arsenault, Insurance, Tort, Worker's Comp & Admiralty Law
Brian M. Begue, Administrative Law
PRESENT Susan J. Burkenstock, Trusts, Estate, Probate & Immovable Property Law
PRESENT Ashley Foret Dees, Immigration Law
PRESENT Ariel K. DiGiulio, Animal Law
Vanessa D'Souza, Intellectual Property
PRESENT Val P. Exnicios, Class Action, Mass Torts & Complex Litigation
PRESENT Steven J. Farber, Government & Public Law
Gilbert F. Ganuchau, Health Law
Maureen B. Gershank, Corporate & Business Law
PRESENT Demarcus Gordon, Minority Involvement
PRESENT Leo C. Hamilton, Bill of Rights
Leland G. Horton, Mineral Law
Louis C. LaCour, Appellate
PRESENT Robert G. Levy, Family Law
PRESENT Lynn Luker, Civil Law & Litigation
Tristan E. Manthey, Bankruptcy Law
Richard W. Martinez, Solo & Small Firm
Alexander M. McIntyre, Antitrust & Trade Regulation
Ross M. Molina, Labor & Employment Law
J. Marshall Page III, International Law
Warren A. Perrin, Francophone
Kimberly L. Robinson, Taxation
Thomas Shane Sandefer, Environmental Law
H. Bruce Shreves, Fidelity, Surety & Construction Law
PRESENT Emmett C. Sole, Alternative Dispute Resolution
David A. Szwak, Consumer Protection Law
Michael S. Walsh, Criminal Law
Jamie H. Watts, Public Utility
PRESENT Walter I. Willard, Bench & Bar



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

WHEREAS, a review of the Louisiana State Bar Association Plan of Legal Specialization (“Plan”) reflects that revisions are in order to update, modify and/or clarify the Plan, including but not limited to the addition of a certification designation for Inactive and Senior certifications; and

WHEREAS, at a meeting of the Louisiana Board of Legal Specialization held on December 12, 2014, it was unanimously agreed that the Louisiana State Bar Association Plan of Legal Specialization shall be amended in accordance with the proposed addendum attached hereto and made a part hereof.

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

Respectfully submitted,



RONALD J. SCALISE, JR., Chair
Louisiana Board of Legal Specialization

December 12, 2014
New Orleans, Louisiana

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

LOUISIANA STATE BAR ASSOCIATION PLAN OF LEGAL SPECIALIZATION

SECTION 1. PURPOSE AND OBJECTIVE

- 1.1 The objective of the Louisiana State Bar Association Plan of Legal Specialization (“Plan”) is to promote the availability, accessibility and quality of the services of lawyers in particular fields of the law in order to better serve the public interest and improve public access to appropriate legal services and to advance the standards of the legal profession by encouraging specialized education in various fields of practice.
- 1.2 The purpose of the Louisiana Board of Legal Specialization (“Board”) is to regulate and administer all matters pertaining to specialization in the practice of law and to regulate the certification of lawyers as specialists in accordance with rules and regulations promulgated by the Board and to regulate the certification of lawyers as specialists by certifying agencies.

SECTION 2. ESTABLISHMENT OF THE BOARD

- 2.1 The Louisiana Supreme Court hereby establishes the Board, which shall be the authority having jurisdiction under state law over the subject of specialization of lawyers. The Board shall be composed of nine (9) members appointed by the Supreme Court from nominations submitted by the Board of Governors of the Louisiana State Bar Association. The Board shall be representative of the legal profession in Louisiana and shall consist only of lawyers licensed and currently in good standing to practice law in this state, some of whom specialize and some of whom are in general practice. One (1) of the members shall be a full-time faculty member of a Louisiana law school. All members shall hold office for three (3) years and until their successors are appointed. Members shall be appointed to staggered terms of office, and the initial appointees shall serve as follows: three (3) members shall serve until June 30th next following their appointment; three (3) members shall serve until the second June 30th following their appointment; and three (3) members shall serve until the third June 30th following their appointment. Any vacancies shall be filled in the manner provided for original appointments. All members of the Board shall be eligible for reappointment for no more than one (1) additional term. One (1) of the members of the Board shall be designated as Chairperson of the Board for such term as the Supreme Court shall determine.
- 2.2 Members shall serve without compensation, but shall be paid their regular necessary expenses.
- 2.3 Meetings of the Board shall be held at regular intervals at such times and places and on such notice as the Board may prescribe.

SECTION 3. POWERS AND DUTIES OF THE BOARD

- 3.1 Subject to the continuing jurisdiction of the Board of Governors of the State Bar of Louisiana and the Louisiana Supreme Court, the Board shall have general jurisdiction of all matters pertaining to specialization in the practice of law and shall have the authority and the duty to supervise and regulate all aspects of specialization in the practice of law. The Board has the responsibility for carrying out this Plan and, in that connection, has the following powers and duties:
 - A. Administer the program for the recognition and regulation of specialization in the practice of law.
 - B. To make recommendations to the House of Delegates of the Louisiana State Bar Association, ~~after appropriate petition~~, to define and designate fields of law in which certificates of special competence

may be granted and provide procedures by which such fields of law may be determined, redefined or eliminated. Such recommendations shall be submitted in the form of a resolution to the House of Delegates, which resolution shall require approval by a simple majority of those present and voting at the time the question is called.

- C. To make recommendations to the House of Delegates of the Louisiana State Bar Association, *after appropriate petition*, concerning 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, after public hearings on due notice have been held. Such recommendations shall be submitted in the form of a resolution to the House of Delegates, which shall require approval by a simple majority of those present and voting at the time the question is called.
- D. Provide procedures for the investigation and testing of the qualifications of applicants and certificate holders and to award certificates of special competence in a form approved by the Board.
- E. To make recommendations to the House of Delegates of the Louisiana State Bar Association concerning reasonable and non-discriminatory standards for continuing proficiency or *renewal recertification* of certificates of special competence, after public hearings on due notice *have been held*. Such recommendations shall be submitted in the form of a resolution to the House of Delegates, which shall require approval by a simple majority of those present and voting at the time the question is called.
- F. Encourage law schools, the *State Bar Committee on Continuing Legal Education Louisiana Supreme Court Committee on Mandatory Continuing Legal Education*, local bar associations and other agencies of continuing legal education to develop and maintain a program of legal education and continuing legal education to meet the standards prescribed by the Board.
- G. Cooperate with other agencies of the Louisiana State Bar Association in establishing and enforcing standards of professional conduct necessary for the recognition and regulation of specialization in the law in the manner determined by the Board.
- H. Cooperate with the Standing Committee on Specialization of the American Bar Association and with the agencies in other states engaged in the regulation of legal specialization.
- I. Report as required, but at least annually, to the Board of Governors of the Louisiana State Bar Association and to advise such Board concerning appointment of advisory commissions.
- J. To make recommendations to the House of Delegates of the Louisiana State Bar Association concerning *standards*, rules and regulations to implement this authority, all in accordance with the limitations on the power of the Board and the minimum standards prescribed by the *Board Plan*. Such recommendations shall be submitted in the form of a resolution to the House of Delegates, which shall require approval by a simple majority of those present and voting at the time the question is called.
- K. To make recommendations to the House of Delegates of the Louisiana State Bar Association concerning the approval of appropriate agencies as qualified to certify lawyers as specialists in a particular field of law, and to adopt standards which certifying agencies must meet. Such recommendations shall be submitted in the form of a resolution to the House of Delegates, which shall require approval by a simple majority of those present and voting at the time the question is called.

- L. To deny, suspend, or revoke the approval of a certifying agency upon the Board's determination that the agency has failed to comply with the standards established by the Plan and the rules and regulations of the Board.
- M. To keep appropriate records of those lawyers certified as specialists under this Plan or by certifying agencies, and to report to the Disciplinary Board any lawyers who may violate the provisions of this Plan.

SECTION 4. RETAINED JURISDICTION OF THE SUPREME COURT

- 4.1 The Louisiana Supreme Court retains jurisdiction with respect to the following matters:
 - A. Amending this Plan;
 - B. Hearing appeals taken from action by the Board or the Board of Governors; and
 - C. Establishing or approving fees to be charged in connection with this Plan.

SECTION 5. LIMITATIONS ON POWER OF THE BOARD

- 5.1 The following limitations on the power of the Board are established:
 - A. No standards shall be approved which shall in any way limit the right of a certificate holder to practice law in all fields. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in all fields of law even though he or she is certified in a particular field of law.
 - B. No lawyer shall be required to be certified before he can practice law in any particular field of law. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in all fields of law, even though he or she is not certified as a specialist in any particular field.
 - C. All requirements for and all benefits to be derived from certification are individual and may not be fulfilled by or attributed to a law firm of which the specialist may be a member.
 - D. Participation in the Plan shall be on an entirely voluntary basis.
 - E. The limit on the number of fields of law in which a lawyer may be certified shall be determined by such practical limits as are imposed by the requirement of "substantial involvement" and such other standards as may be established by the Board.
 - F. No rules or standards shall be adopted in contravention of the rules of the Louisiana State Bar Association.

SECTION 6. PRIVILEGES CONFERRED

- 6.1 Any lawyer recognized as a specialist under this Plan shall be entitled to advertise that he or she is a "Board Certified Specialist" in his or her specialty to the extent permitted by the Rules of Professional Conduct of this State.

- 6.2 A lawyer who is certified as a specialist by a certifying agency approved by the Board may communicate the fact that he or she is certified as a specialist in the area of law involved. If the certifying agency has not been approved by the Board, the lawyer must so state in any advertising materials used by the specialist.

SECTION 7. ADVISORY COMMISSIONS

- 7.1 Advisory commissions to the Board shall be established for each field of law in which certificates of special competence are to be issued. These commissions shall advise and assist the Board in carrying out its objectives and in the conduct and development of the program for the recognition and regulation of specialization in the practice of law. Standards for the issuance of certificates of special competence shall be established by the Board, but it will be advised in this and other relevant matters by the advisory commission for each field of practice. The advisory commission for each field of practice shall be charged with actively administering the program in its particular field in cooperation with and under the general policy guidance of the Board.
- 7.2 Members of the advisory commission shall be appointed by the Board in such number and for such terms as the Board shall direct.

SECTION 8. MINIMUM STANDARDS FOR CERTIFICATION

- 8.1 The minimum standards for certification under this program are prescribed below. Each advisory commission may recommend, and the Board may establish, additional or higher standards.
- 8.2 A lawyer (1) who is an active member in good standing of the Louisiana State Bar Association and (2) who meets the requirements prescribed by the Board, shall be granted a certificate in a form approved by the Board which shall certify, under the name of the Board, the lawyer's special competence in a particular field of law designated by the Board as a field of law in which certificates of special competence may be granted.
- 8.3 Requirements for qualifying for *initial* certification are:
- A. A minimum of five (5) years of actual practice of law on a full-time basis.
 - B. A satisfactory showing, as determined by the Board after advice from the appropriate advisory commission, of a substantial involvement in the particular field of law for which certification is sought for such reasonable period of time immediately preceding certification, ~~as may be determined by the Board after advice from the appropriate advisory commission.~~
 - C. A satisfactory showing, as determined by the Board after advice from the appropriate advisory commission, of such education experience in the particular field of law for which certification is sought. ~~as the Board deems advisable.~~
 - D. Passing a written examination applied uniformly to all applicants before certification to demonstrate sufficient knowledge, proficiency and experience in the field of law for which certification is sought and in the various fields of law relating to such field as is necessary to justify the representation of special competence to the legal profession and to the public.
 - E. Passing an oral examination, if determined to be advisable by the Board, with the advice of the appropriate advisory commission.

- F. Payment of any fee required by the Board.
- G. A satisfactory showing of professional liability insurance *from a company reasonably acceptable to the Board and* in such amount as may be required by the Board, *after advice from the appropriate advisory commission*, for the particular field of law for which certification is sought.
- H. *A lawyer who is an active member in good standing of the Louisiana State Bar Association.*

8.4 *Requirements for maintaining certification are:*

- A. *A lawyer who is an active member in good standing of the Louisiana State Bar Association.*
- B. *Continuous actual practice of law on a full-time basis.*
- C. *A satisfactory showing, as determined by the Board, after advice from the appropriate advisory commission, of a substantial involvement in the particular field of law for which certification is sought for such reasonable period of time immediately preceding certification.*
- D. *A satisfactory showing, as determined by the Board after advice from the appropriate advisory commission, of such education experience in the particular field of law for which certification is sought.*
- E. *A satisfactory showing of professional liability insurance from a company reasonably acceptable to the Board and in such amount as may be required by the Board, after advice from the appropriate advisory commission, for the particular field of law for which certification is sought.*
- F. *Payment of any fee required by the Board.*

8.5 “Substantial involvement”, as used in these standards, shall be defined by the Board as to each particular field of law from a consideration of its complexity and distinction from other fields, and from consideration of the time and extent of involvement required in the particular field of practice.

8.6 A certificate of special competence shall be issued for a period not exceeding five (5) years, and the term shall be stated on its face.

SECTION 9. STANDARDS FOR RECERTIFICATION

- 9.1 No certificate of special competence shall be renewed for a period longer than five (5) years, and the term of any certificate shall be stated on its face.
- 9.2 Each advisory commission may recommend, and the Board may establish additional requirements and safeguards to insure the continued proficiency of any holder of a certificate of special competence, but recertification shall be required at least every five (5) years under the following minimum standards:
 - A. *A lawyer who is an active member in good standing of the Louisiana State Bar Association.*
 - B. *Maintains a continuous actual practice of law on a full time basis.*

- C. A satisfactory showing, as determined by the Board with the advice of the appropriate advisory commission, of a substantial involvement in the particular field of law for which certification was granted, during the period of certification; ~~and~~
- D. A satisfactory showing, as determined by the Board after advice from the appropriate advisory commission, of such continuing educational experience in the field of law for which certification was granted, during the period of certification ~~as the Board deems advisable; and~~
- E. The payment of any fee prescribed by the Board; ~~and~~
- F. *A satisfactory showing of professional liability insurance from a company reasonably acceptable to the Board and in such amount as may be required by the Board, after advice from the appropriate advisory commission, for the particular field of law for which certification was granted, during the period of certification.*
- G. ~~In the event a lawyer's previous certificate is not effective at the time application is made for recertification or he fails to meet the requirements for recertification, he shall be entitled to seek certification by examination as provided in Section 8 above.~~

SECTION 10. SPECIALIST CERTIFICATION DESIGNATION

- 10.1 *“Active” designation is a Louisiana Board of Legal Specialization certified specialist who has met and maintains the requirements for board certification as defined in the Louisiana State Bar Association Plan of Legal Specialization, the Rules and Regulations of the Louisiana Board of Legal Specialization and the relevant Louisiana Board of Legal Specialization Specialty Standards.*
- 10.2 *“Inactive” designation is a Louisiana Board of Legal Specialization certified specialist who, on approval from the Board, is granted limited relief from the requirements for maintaining his or her specialization certification. A specialist who is granted the Inactive designation by the Board shall be exempt from the requirements of 8.4 A and B of the Plan during the Inactive designation period.*
- 10.3 *“Senior” designation is a Louisiana Board of Legal Specialization certified specialist who, on approval from the Board, no longer practices law on a full time basis, wishes to maintain his or her specialization certification and has met the requirements for such designation as set forth in the Rules and Regulations of the Louisiana Board of Legal Specialization. A specialist who is granted the Senior designation by the Board shall be exempt from the requirement of 8.4 A of the Plan.*

SECTION 11. REVOCATION OF CERTIFICATION

- 11.1 A certificate of special competence may be revoked by the Board if the program for certification in that field is terminated or if it is determined after hearing on appropriate notice that:
 - A. The certificate was issued contrary to the rules and regulations of the Board; or
 - B. The certificate was issued to a lawyer who was not eligible or became ineligible to receive a certificate or who made any false representation or misstatement of material fact to the Board; or

- C. The certificate holder has failed to abide by all rules and regulations covering the program promulgated by the Board as amended from time to time including any requirement or safeguard for continued proficiency; or
- D. The certificate holder has failed to pay any fees established by the Board; or
- E. The certificate holder no longer meets the qualifications established by the Board.
- F. Upon revocation of the certificate, the certificate holder shall immediately return the certificate to the office of the Executive Director of the Board.

SECTION 12. RIGHT OF APPEAL

- 12.1 A lawyer who is refused certification, recertification or whose certificate is revoked by the Board, or any person who is aggrieved by a ruling or determination of the Board, shall have the right to appeal the ruling of the Board to the Board of Governors of the Louisiana State Bar Association under such rules and regulations as ~~the~~ *the Board of Governors* may prescribe. The exhaustion of this right of appeal shall be a condition precedent to judicial review by the Supreme Court of Louisiana.
- 12.2 After consideration by the Board of Governors of the Louisiana State Bar Association, a lawyer who is aggrieved by the actions of the Board of Governors shall have the right to appeal the ruling made thereon by the Board of Governors to the Louisiana Supreme Court, under such rules and regulations as the Supreme Court may prescribe.

SECTION 13. RESPONSIBILITIES OF CERTIFIED LAWYERS

- 13.1 When a client is referred to a lawyer who is certified under this Plan on a matter within the lawyer's specialty field, the lawyer so certified shall not take advantage of his position to enlarge the scope of the representation, and shall encourage a referred client to return to the referring lawyer for the handling of future legal needs.
- 13.2 Each participant in the Plan, as a part of the application for participation in the Plan, shall agree to abide by all rules and regulations promulgated by the Board covering the Plan, as amended from time to time. During the operation of the Plan, no individual lawyer or group of lawyers shall have any vested rights there under.
- 13.3 During the operation of this Plan, any lawyer holding a current certificate of special competence, or who is certified as a specialist by an approved certifying agency, shall be entitled to:
 - A. State that the lawyer is certified by the Board or by an approved certifying agency in a particular field in the following words:

“Board Certified Specialist (e.g., Labor Law) – Louisiana Board of Legal Specialization” or “Certified by [name of agency] as a [Labor Law] Specialist.”

In all other respects any advertisement of such certification shall be in accordance with the Rules of Professional Conduct of this State and shall contain the disclaimer required by Section 6.2 of the Plan, if applicable.

B. Display in the lawyer's office the certificate issued by the Board or approved agency.

SECTION 14. EXECUTIVE DIRECTOR

- 14.1 The Board shall appoint an Executive Director to hold office at the pleasure of the Board and at such *salary compensation* as shall be fixed by the Board. The Executive Director shall be responsible for the execution of the policies and directives of the Board with reference to all activities.
- 14.2 The Executive Director shall also serve as Secretary to the Board, performing all duties required of a Secretary and such other duties as may be assigned from time to time by the Board. *The Executive Director shall not be deemed to be a member of the Board and shall have no voting privileges.*
- 14.3 The Executive Director, with the approval of the Board, may employ such administrative and clerical assistance as the work of the office may require, with *salaries compensation* to be fixed by the Executive Director with the approval of the Board.

SECTION 15. FINANCING OF THE PROGRAM *AND PENALTY ASSESSMENTS*

- 15.1 A fee, as established by the Board, shall be charged for filing an application for *initial* certification or recertification.
- 15.2 An additional fee may be established by the Board for the granting of the certificate, payable in annual installments or in such other manner determined by the Board.
- 15.3 *Penalty fee(s), as established by the Board, may be assessed as determined by the Board.*
- 15.4 Said fees shall be reasonable and in an amount as may be necessary to defray the expense of administering the program, and may be adjusted from time to time.

SECTION 16. RETAINED JURISDICTION OF SUPREME COURT

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

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

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



**RESOLUTION TO AMEND THE
RULES and REGULATIONS OF THE
LOUISIANA BOARD OF LEGAL SPECIALIZATION**

WHEREAS, a review of the Rules and Regulations of the Louisiana Board of Legal Specialization (“Rules”) reflects that revisions are in order to update, modify, clarify and conform these Rules to be in compliance with the LSBA Plan of Legal Specialization and to add a certification designation for Inactive and Senior certifications; and

WHEREAS, at a meeting of the Louisiana Board of Legal Specialization held on December 12, 2014, it was unanimously agreed that the Rules and Regulations of the Louisiana Board of Legal Specialization shall be amended in accordance with the proposed addendum attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that the Rules and Regulations of the Louisiana Board of Legal Specialization be amended as proposed.

Respectfully submitted,

RONALD J. SCALISE, JR., Chair
Louisiana Board of Legal Specialization

December 12, 2014
New Orleans, Louisiana

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



RULES AND REGULATIONS

LOUISIANA BOARD OF LEGAL SPECIALIZATION

1. PREFACE

These rules and regulations are adopted pursuant to Section 1.2 and Section 3.1J of the Louisiana State Bar Association Plan of Legal Specialization ("the Plan") in furtherance of and in order to implement the Plan as established by the Louisiana Supreme Court. [effective August 6, 1993].

2. DEFINITIONS

As used in these rules and regulations:

2.1 "Advisory Commission" means those committees established by the Board for each recognized specialty, the composition and duties of which are set forth in Section 7 of the Plan.

2.2 "Approved Certifying Agency" means a third party approved by the Board for administration of a program of certification which meets the minimum standards for certification under the Plan.

2.3 "Board" means the Louisiana Board of Legal Specialization established in Section 2 of the Louisiana State Bar Association Plan of Legal Specialization, which Board is the authority having jurisdiction over the subject of specialization of lawyers and is empowered to and performs the duties set forth in Section 3 of the Plan.

2.4 "Court" means the Louisiana Supreme Court.

2.5 "Disciplinary Board" means the committee of the Court created to enforce rules governing lawyer discipline.

2.6 "Notice" means a written communication sent by ~~certified mail, return receipt requested, postage prepaid,~~ *regular mail or electronic means unless otherwise specified herein.*

2.7 "Rules" means these rules and regulations ~~and the rules and regulations of the individual Advisory Commissions.~~

2.8 "Specialty" means any area of legal practice designated and recognized as such by the Louisiana Supreme Court.

2.9 "Specialty Standards" means the requirements recommended by an Advisory Commission and approved by the Board for certification in a specialty.

2.10 "the Plan" means the Louisiana State Bar Association Plan of Legal Specialization adopted by the Louisiana Supreme Court.

2.11 "*Specialist*" means an attorney who is certified by the Board in accordance with the Plan and relevant Specialty Standards in a particular field of law.

2.12 "*Inactive*" is a certification designation given to a Board certified specialist who, upon approval from the Board, is granted limited relief from the requirements for maintaining his or her specialization certification, as defined in the Plan, the Rules and the Specialty Standards.

2.13 "*Senior*" is an internal designation given to a Board certified specialist who, upon approval from the Board, is a Specialist who no longer practices law on a full time basis but wishes to maintain his or her specialization certification.

2.14 "*CLE*" means continuing legal education.

2.15 "*MCLE*" means the Supreme Court Committee on Mandatory Continuing Legal Education.

3. **THE BOARD**

3.1 **Meetings.** Meetings of the Board should be held at such times and places as may be fixed by the chair or the Board, but in no event less than four (4) times a year.

3.2 **Notice of meetings.** Reasonable notice of the time and place of a meeting shall be given to all members.

3.3 **Quorum and voting.** All Board members shall have one vote. A quorum of the Board consists of a majority of its members. *When necessary, the Board may elect to vote on an issue outside of a meeting via email.*

3.4 **Meetings via electronic means.** The Board may permit any and all members to participate in a meeting by or conduct the meeting through the use of any means of communication by which all members participating may simultaneously hear each other during the meeting.

4. **ADVISORY COMMISSIONS**

4.1 **Members.** Each Advisory Commission shall consist of no less than five (5) people appointed by the Board.

4.2 **Term.** Each member of each Advisory Commission shall serve for the term of appointment by the Board. The initial members shall be appointed to serve staggered terms as follows: Two (2) members to serve for three (3) years; two (2) members for two (2) years; one (1)

member for one (1) year. All appointments thereafter will be for a term of three (3) years. No member shall serve more than two (2) consecutive terms.

4.3 Meetings. Meetings of each Advisory Commission shall be held at such times and places as may be fixed by the Chair, but in no event less than once a year.

4.4 Notice of Meetings. Reasonable notice of the time and place of a meeting shall be given to all members.

4.5 Quorum and Voting. All Advisory Commission members shall have one (1) vote. A quorum of the Advisory Commission consists of a majority of its members. *When necessary, the Advisory Commission may elect to vote on an issue outside of a meeting via email.*

4.6 Meetings via Electronic Means. An Advisory Commission may permit any and all members to participate in a meeting by or conduct the meeting through the use of any means of communication by which all members participating may simultaneously hear each other during the meeting.

4.7 Duties of Advisory Commission. Each Advisory Commission shall recommend for Board approval criteria for:

- a. Specialty practice requirements;
- b. Qualification for certification as set forth in Section 8.3 of the Plan;
- c. *Qualification for recertification as set forth in Section 9 of the Plan;*
- d. Certifying agencies;
- e. Establishment and enforcement of rules for mandatory continuing legal education for that specialty;
- f. Any and all other necessary procedures or criteria for implementation of the Plan for that specialty.

5. APPLICATIONS FOR INITIAL RECOGNITION AND RENEWAL RECERTIFICATION

5.1 Completion of requirements. Prior to filing an application for *initial* recognition as a specialist *or for recertification as a specialist*, an applicant shall complete all requirements set forth in the Specialty Standards adopted by the Advisory Commission and approved by the Board and shall together with the application submit all information required by the particular Advisory Commission.

5.2 Form and content. Applications shall be typewritten or printed on the application forms furnished by the Board. Application forms shall be designed to determine whether

requirements set forth in the Specialty Standards have been met. The applicant shall declare under penalty of perjury that:

- a. Documents which are submitted and intended by the applicant to fulfill a requirement for *initial* recognition *or recertification* shall be the principal work product of the applicant; and,
- b. The information submitted in the application is true and correct.
- c. *The application shall be notarized.*

5.3 Supplementary information. The Board or Advisory Commission may require an applicant to submit information relevant to the applicant's *initial* recognition *or recertification* as a specialist in addition to that called for on the application form.

5.4 Processing of application. The applicant shall be notified of an application incomplete or insufficient on its face. The provision of any supplemental information pursuant to ~~sub-section Rule 5.3~~ shall be considered part of the application process. Failure to properly complete the application form including submission of requested information or the failure to supply supplemental information after a request for such shall cause an application to be incomplete. No action may be taken by an Advisory Commission or the Board on an application unless the application is complete.

5.5 Withdrawal of an application. An applicant may withdraw an application at any time by written notice to the Board. If an application remains incomplete *at the time of independent inquiry in accordance with Rule 8 or* for a period of ~~90~~ 30 days after a request to complete the application has been made by or on behalf of the Advisory Commission or the Board, *whichever comes first*, the application is automatically denied. An applicant may submit a new application.

5.6 Confidentiality. The filing of the application shall remain confidential until publication pursuant to ~~Section Rule 8.7 of these rules and regulations~~ Rules. The contents of the application form, and all documents, records, communications, other papers and statements of reference shall be the property of the Board and shall be held in confidence and not released to any party, including the applicant, except upon prior order of the Court.

5.7 Effective date of *initial* recognition and ~~renewal~~ *recertification*.

- a. The effective date of *initial* recognition shall be the date the Board authorizes recognition.
- b. The effective date of ~~renewal~~ *recertification* shall be five (5) years from the first of January following the effective date of *initial* recognition.
- c. ~~A recognized or certified specialist whose recognition period is interrupted by judicial service and who complies with d. below during the term of judicial service may, on approval by the Board, be permitted to apply for renewal even though more than five (5) years have elapsed since the previous recognition.~~

~~d.—A recognized or certified specialist whose practice is interrupted, on approval by the Board, remain certified if the specialist complies with the specialty continuing legal education requirements and pays annual dues and further notifies the Board through the Advisory Commission of the request for inactive status.~~

5.8 Applicant's consent to confidential inquiry. The applicant by his or her application consents to confidential inquiry by either the Board or appropriate Advisory Commission or the Disciplinary Board, to all persons who served as references and to other persons regarding the applicant's competence and qualification to be recognized as a specialist.

By filing the application the applicant waives the right to discover the replies to or the requests for information from the Board or Advisory Commission and such information and references shall remain confidential unless such references waive confidentiality expressly or by appearing at a hearing conducted under the provisions of ~~Section 9 Rule 10 of these rules and regulations Rules.~~

5.9 Applicant authorizes release of disciplinary action. By filing an application the applicant agrees to reveal as to all jurisdictions:

- a. Any pending disciplinary actions;
- b. All prior discipline;
- c. ~~All malpractice claims; and~~
- d. ~~All judgments or settlements arising from a malpractice claim or its counterpart in any other jurisdiction.~~

In addition, the applicant authorizes the Disciplinary Board to advise the Board of the imposition of any discipline, public or private, which has been imposed on the applicant.

6. FEES

6.1 The Board from time to time shall set the amount and time for payment of all fees which it determines are appropriate to charge. Payment of application or ~~renewal recertification~~ fees shall be required as a condition for processing any initial or ~~renewal recertification~~ application.

6.2 The Board may charge certifying agencies fees as a condition to filing an application for recognition as a certifying agency.

6.3 The Board may charge course sponsors fees for recognition credit for an educational course.

6.4 The **initial** fees to be charged for individuals seeking **initial** specialty recognition **will shall** be as follows:

- a. \$300 for initial application. This fee will be non-refundable.
- b. \$100 examination fee. This fee will be non-refundable.
- c. \$150 upon issuance of certification of specialization or upon completion of a program administered by an Approved Certifying Agency.

6.5 *The fees that shall be charged to a Specialist for maintaining and/or recertification of a specialization certificate shall be as follows:*

- a. \$175 annual dues for each calendar year after the first year of certification.
- b. \$100 upon application for ~~renewal of certification~~ *recertification*.

6.6 *The fees that may be imposed upon a Specialist for penalty assessments shall be as follows:*

- a. \$300 penalty assessment for *specialization* CLE ~~makeup~~ *non-compliance*.
- b. \$25 penalty assessment for ~~annual dues fee(s)~~ 45 to 59 days delinquent.
- c. ~~\$150~~ *75* penalty assessment for ~~annual dues fee(s)~~ 60 or more days delinquent.

6.7 The Board will have control of all funds generated through application, certification and annual fees, and penalty assessments.

7. TASK REQUIREMENTS AND SPECIAL EDUCATIONAL EXPERIENCE

7.1 **Task requirements.** Minimum task requirements for Specialists are set forth in the applicable Specialty Standards developed by the appropriate Advisory Commissions and approved by the Board, and may include written tests, oral examinations, successful completion of all requirements of an approved certifying agency, or otherwise. Examinations shall be scheduled in sufficient time to permit Board action by the end of the calendar year in which an exam is given.

7.2 **Course approval required.** Continuing legal education programs must be approved by the Board as to quality and relevance in order to satisfy mandatory continuing legal education requirements for each Specialty. All such approval reviews as to the overall quality of the educational program will be conducted by each Advisory Commission. All educational programs approved as to quality by the Advisory Commission will be deemed to be approved by the Board.

7.3 **Relevancy.** The content of an educational program shall be relevant to the Specialty and its related fields.

7.4 Self study. No credit for continuing legal education will be given for self study, except in compliance with Louisiana Supreme Court rules.

7.5 Lecturing. Credit ~~shall~~ *may* be given for lecturing or acting as a panelist in formal approved programs of study geared primarily for practicing lawyers, in or related to the specialty field for which the ~~applicant~~ *Specialist* seeks recognition pursuant to the applicable ~~MCLE Rules~~ *Supreme Court of Louisiana Rules for Continuing Legal Education*.

7.6 Publication. Credit may be awarded for authorship and publication with respect to legal issues in the specialty field for which the ~~applicant~~ *Specialist* seeks recognition. Credit may not be awarded for authorship of articles in the specialty field until the article has been published.

7.7 ~~Verification~~ *Awarding of specialization* educational credit. Credit will only be given for continuing legal education programs if such credit is ~~verified~~ *approved* by the Advisory Commission in accordance with its procedures for such.

7.8 Failure to satisfy ~~continuing legal education~~ *CLE* requirements for a specialty. These Rules shall apply to every certified Specialist except those who have qualified for a specialization CLE exemption ~~from the requirements of these Rules (Refer to Rule 7.10) in accordance with Rule 7.10.~~

- a. If an attorney fails to comply with these ~~regulations~~ *Rules or the CLE requirements for his or her Specialty*, the Board shall send notice of non-compliance within 60 days from the date on which MCLE compliance is available in final form to the Board from ~~the~~ MCLE ~~Department~~ *Committee*, to the attorney's address currently maintained on the Court's attorney registration records. The notice of non-compliance shall advise the attorney that within 30 days after receipt of the notice, the attorney must either:
 - i. Correct the non-compliance; ~~submit a specific plan to the Advisory Commission to make up the deficiency;~~
 - ii. ~~Advise the Board of his or her intention to remedy the CLE deficiency; or~~ *must*
 - iii. Request a hearing before the Board. If a hearing is requested, the Board may hold a hearing or, in its discretion, may refer the matter to the appropriate Advisory Commission for a hearing.
- b. ~~Any specific plan to make up the deficiency must be completed within one hundred and twenty (120) days after the date the specific plan is due.—The one hundred and twenty (120) day period may be extended for an additional period not to exceed sixty (60) days by the Chair of the Board upon written request of the attorney for good cause. When filed, the plan shall be accompanied by a make-up plan filing fee determined by the Board.—The plan shall be specific and include the names and locations of accredited activities, the number and types of credit that will be earned, the dates on which such credits will be earned, and the specialty to which the credits are to be applied.—The number and types of credit to be earned must be sufficient to make up the deficiency.~~

Replace with: *The specialization CLE deficiency must be remedied by December 31 of the year following the deficiency year.*

- c. ~~The makeup plan shall be deemed accepted by the Advisory Commission unless within thirty (30) days after receipt the Advisory Commission notifies the attorney to the contrary. When the attorney completes his or her makeup plan, he or she shall report to the Advisory Commission no later than fifteen (15) days following such one hundred and twenty (120) day period.~~

Replace with: *When the attorney remedies the CLE deficiency of the previous year, he or she shall immediately advise the Advisory Commission, in care of the Board's Executive Director, so the compliance may be confirmed and the specialization CLE records for the deficient year may be updated to reflect the CLE compliance.*

- d. If a hearing is requested, the Board or, if referred to an appropriate Advisory Commission, the Commission shall promptly set the matter for hearing. Notice of the time and place of the hearing shall be given to the attorney at least 15 days prior to the hearing by mailing a notice of hearing by *regular and* certified mail, *return receipt requested, postage prepaid* to the attorney's address currently maintained by the Court's attorney registration records.
- e. At the conclusion of the hearing, members of the Board or the Advisory Commission, if the Board has referred the matter to an Advisory Commission, shall make findings of fact and shall make a determination of whether the attorney involved had complied with the requirements of these ~~regulations~~ *Rules and the applicable Specialty Standards. If the matter was heard by an Advisory Commission, the Advisory Commission shall forward its recommendation in writing to the attorney and to the Board within 15 days of conclusion of the hearing. and,*
- i. If it is determined that there was non-compliance, ~~whether~~ *but* there was reasonable cause for non-compliance, a copy of such findings of fact and determination shall be sent to the attorney involved by *regular and* certified mail, return receipt requested, postage prepaid, at the address currently maintained by the Court's attorney registration records.
 - ii. If it is determined that compliance has occurred, the matter shall be dismissed, and the attorney shall be so advised in writing. The Board's ~~and the Advisory Commission's~~ records and *specialization transcript* shall be made to reflect such compliance.
 - iii. ~~If it is determined that the compliance has not occurred and the Board has~~
~~heard the case, the Board may impose such sanctions as it deems~~
~~appropriate, including but not limited to, revocation of recognition. If it~~

~~— is determined that compliance has not occurred and an Advisory Commission has heard the case, the Advisory Commission shall make a recommendation to the Board as the Advisory Commission deems appropriate including, but not limited to, revocation of recognition. The Advisory Commission shall forward its recommendation in writing to the attorney and to the Board within 15 days of conclusion of the hearing. The Board shall then proceed pursuant to the Rules for review of denial or revocation of specialty recognition prescribed in Rule 10.2.~~

Replace with: *If it is determined that compliance has not occurred, then the attorney will have until December 31st of the year following the deficiency year to make up the CLE deficit. If the deficiency is not satisfied within the prescribed time frame, the Board may impose such sanctions as it deems appropriate, including but not limited to, revocation of certification.*

- f. The Chair of the Board has the authority to act on behalf of the Board in providing notices considered consistent with Rule 7.8 or any other notification.
- g. CLE non-compliance makeup will be permitted only one (1) time during the five (5) year certification period, and will not be permitted for failure to comply with the year of application requirement.
- h. *The penalty assessment fee for CLE non-compliance, as prescribed in Rule 6, shall be due and payable upon notice to the specialist of CLE non-compliance.*

7.9 Correspondence with MCLE rules. Except as explicitly modified herein or by the Advisory Commission for a particular specialty and approved by this Board, all provisions of the Rules for Continuing Legal Education in the State of Louisiana applicable to *the awarding of credits* for continuing legal education *programs* shall be applicable to ~~education~~ CLE credits *awarded* for specialization. Should the Rules for Continuing Legal Education be amended as to applicable credit, the Board's rules for specialty education credit are deemed amended.

7.10 Specialization CLE Exemption. A ~~member~~ *Specialist* who demonstrates to the Board ~~of Legal Specialization~~ that meeting the specialization CLE requirements would work an undue hardship upon him or her due to illness, disability or other mitigating circumstance may, upon approval of the Board, qualify for a specialization CLE exemption. *Requests for Specialization CLE Exemption will be evaluated by the Board on a case by case basis.*

- a. *A Specialist may request the exemption by submitting a written request, on a form furnished by the Board, no later than January 31 of the year following the year for which the exemption is being requested. The submission shall set forth the reasons and/or circumstances relevant to support the request.*
- b. *An exemption may only be granted for a term of up to one (1) year. If a Specialist requires an exemption for more than one (1) year, then he or she would be required to reapply annually.*

- c. *An exemption may not be permitted in the year of initial application for Board certification.*

7.11 Contact Information. *A specialist shall be required to maintain current and accurate contact information with the Court including but not limited to mailing address, telephone number and email address.*

8. INDEPENDENT INQUIRY

8.1 Timing. After the applicant has satisfied ~~all other~~ *the* requirements established for *initial* recognition *as a specialist, (Rule 5)*, but prior to ~~recognition~~ *taking the exam*, the Advisory Commission shall conduct an independent inquiry and review of the applicant. ~~An applicant for renewal recertification must submit a completed and notarized Application for Renewal Certification in the form specified by the Board.~~ The Advisory Commission may make an independent inquiry and review of a *renewal recertification* applicant as it deems appropriate.

8.2 Criteria. The independent inquiry and review shall consider information furnished by references and other information which the Advisory Commission deems relevant to demonstrate whether the applicant has achieved recognition as having a level of competence indicating proficient performance and handling the usual matters of the specialty field. Such information may include the applicant's work product, problem analysis, statement of issues and analysis or such other criteria which the Advisory Commission deems appropriate to take into account prior to making its recommendation.

8.3 References. *The Board must receive on behalf of an applicant for initial recognition as a specialist shall submit to the Board, reference statements from the names and addresses of* at least five (5) persons who are *practicing* lawyers who can attest to the applicant's competence in the specialty field in which recognition is sought.

- a. References must be fairly representative of various facets of the practice in the specialty field involved.
- b. The Board and the Advisory Commission reserve the right to request further references.

8.4 Limitations. An applicant *for recognition as a specialist* shall not submit as a reference the name of any lawyer who fits in the following categories:

- a. A reference who is related by blood or marriage to the applicant;
- b. More than one (1) reference who is, or, within the year immediately preceding the filing of the application for *initial* recognition was a partner, associate of, or co-worker with the applicant; or

- c. A reference who is serving or has served within the three (3) years immediately preceding the filing of the application for *initial* recognition, on the Board or the Advisory Commission for the specialty field in which recognition is sought.

8.5 Forms. All individuals ~~listed~~ *proffered* as references by the applicant *for initial recognition as a specialist* shall be furnished with forms, *specified by the Board*, for statements of reference *by on behalf of* the applicant. All such forms shall be sent directly by the reference to the Executive Director of the Louisiana Board of Legal Specialization ~~at to~~ the address ~~provided by the applicant~~ *indicated on the form*. *Completed* reference statements are not to be sent to the applicant and will not be accepted if sent to the Board by the applicant.

8.6 Reservation of further review. The Board and the Advisory Commission reserve the right to engage in an independent inquiry as to the applicant's overall competence and competence in the specialty field in which *initial* recognition or *renewal recertification* is sought. In the event any information is received which indicates the applicant may not have achieved an acceptable standard of competence in the field in which recognition is sought, then in such event, the Board or the Advisory Commission shall engage in an independent inquiry as to the issues reflecting adversely on the applicant's competence.

8.7 Publication of applications. The names of those seeking to qualify shall be released for publication and shall be published in the Louisiana Bar Journal. Within 30 days after such publication, any person may comment upon the applicant's qualifications. Such comments shall be considered as part of the independent inquiry and review process. Publication shall take place only after all requirements, other than independent inquiry and review have been met.

8.8 Evaluation. An application shall not be acted upon until the minimum number of references required by the individual *Specialty* Standards have been received ~~and the comment period following publication has expired~~. In the event that two (2) references indicate that the *attorney applicant* has not demonstrated proficiency in the specialty field, or if a serious question in the exclusive discretion of the Board or Advisory Commission is raised concerning the applicant's demonstrated proficiency in the specialty field, the Board or Advisory Commission shall seek further information. Negative responses shall be investigated to assure they are related to competence and not to personality conflicts or other factors irrelevant to competence.

8.9 Oral interview. If the Board or Advisory Commission desires further information, it may request that applicant appear for an oral interview.

8.10 Review and recommendation. At the next meeting of the Advisory Commission after receipt of the minimum number of references ~~or after the comment date following publication expires, whichever occurs later~~, the Advisory Commission shall review the application. In the event of a recommendation for denial of specialty recognition, the Advisory Commission's recommendations shall not be forwarded to the Board until the Advisory Commission has complied with the provisions of *Section Rule 10 of these rules and regulations*. In the event that the review is delayed, each applicant so affected shall be notified of the delay.

9. **BOARD ACTION ON FINAL RECOMMENDATION OF THE ADVISORY COMMISSION**

9.1 **Board action.** At the next meeting of the Board after the final recommendation of the Advisory Commission has been forwarded to the Board, the Board or the Board Chair shall approve or deny the application. The applicant shall be notified of the action of the Board; and, if the application has been denied, the notice shall state the basis of the denial.

9.2 **Finality of action.** The decision of the Board shall become final unless a timely appeal ~~therefrom~~ is ~~taken to the Court~~ requested as prescribed in Rule 12.

10. **RULES FOR REVIEW OF DENIAL OR REVOCATION OF SPECIALTY RECOGNITION**

10.1 **Proceedings before the Advisory Commission.**

- a. If the Advisory Commission determines an ~~applicant~~ *attorney* has failed to meet the requirements for *initial* recognition or ~~renewal~~ *recertification as a specialist*, or if the Advisory Commission recommends revocation of recognition *of a specialist*, other than for CLE non-compliance which shall be governed solely by Rule 7, *supra*, it shall notify the ~~applicant~~ *attorney* in writing ~~without violation of the confidentiality provisions of sub-section 5.6 of Section 5 of these rules and regulations~~ as to the specific reasons why the Advisory Commission recommends ~~rejection of the application~~ *denial or revocation, as the case may be, of specialty recognition*. ~~All written notices shall be by certified mail.~~
- b. Within ~~30~~ *15* days of receiving notice from the Advisory Commission of a proposed recommendation of ~~rejection or revocation, denial or revocation, as the case may be, of specialty recognition~~, except for a revocation recommendation made to the Board for CLE non-compliance under Rule 7, the ~~applicant~~ *attorney* may petition the Advisory Commission for reconsideration. The petition must adequately identify the basis for the determination for which reconsideration is requested, the date on which notice of the proposed recommendation was received and the reasons why the ~~applicant~~ *attorney* believes the recommendation should be altered. If a recommendation of revocation is made by an *Advisory* Commission for CLE non-compliance under Rule 7, the attorney may request a Board hearing as provided in Rule 10.2 below.
- c. Within ~~45~~ *30* days of receipt of a petition for reconsideration, the Advisory Commission shall review the petition and notify the ~~applicant~~ *petitioner* either that the petition has been granted or that the petition will be denied unless the ~~applicant~~ *petitioner* notifies the Advisory Commission in writing within 20 days that a hearing is desired. In the absence of such request for a hearing, the recommendation of the Advisory Commission shall stand and shall be transmitted to the Board.

- d. Upon receipt of a request for hearing, the Advisory Commission Chair shall refer the matter to a hearing panel composed of at least three (3) members of the Advisory Commission designated by the Chair, with one (1) member designated as Chair of the panel. The members of the panel shall be guided by the same rules regarding conflicts of interest and recusal as are applicable to Louisiana state court district judges. The *applicant petitioner* may exercise the right to challenge a panel member within 15 days of receiving notice of the composition of the panel. The Advisory Commission Chair may replace panel members as may be necessary. Two (2) members of the panel shall constitute a quorum for the transaction of business.
- e. The panel shall serve upon the *applicant petitioner*, as soon as possible, a notice containing the names and addresses of the members of the panel, and the time and place of hearing. The notice shall be given to the *applicant petitioner via regular and certified mail* at least 30 days prior to the time fixed for the hearing.
- f. The Advisory Commission may, but is not required to, appoint an examiner who is not a member of the Advisory Commission or Board to investigate, gather and prepare evidence and present the same to the panel to aid in conducting hearings.
- g. At the hearing, the *applicant petitioner* and the examiner may present sworn testimony and documentary evidence and shall have the right to cross-examine adverse witnesses. The panel shall not be bound by a strict application of the rules of evidence, other than those related to privileges, in considering information that it deems reliable and relevant. The parties shall give notice to each other of any evidence to be relied upon at the hearing. The *applicant petitioner* shall bear the burden of supplying information in support of his or her qualifications for specialty recognition. The hearing shall be recorded by means of a tape *or digital* recording which shall be kept as the official record of the hearing.
- h. Within 30 days after the completion of the panel hearing, the panel shall send to the Advisory Commission Chair and the *applicant petitioner* its written report which shall separately state the panel's findings, conclusions and recommended decision.
- i. Within 30 days of receipt of the panel's findings, conclusions and recommended decision(s), the Advisory Commission shall adopt or reject the panel's determinations and serve written notice upon the *applicant petitioner via regular and certified mail* of its proposed recommendation to the Board.

10.2 Proceedings before the Board.

- a. Within 30 days of receipt of the final notice from the Advisory Commission of recommended denial or revocation of specialty recognition, an *applicant attorney*

who seeks review of the Advisory Commission's recommendation shall file with the Board and serve upon the Chair of the Advisory Commission a request for review.

- b. Within 15 days of receipt of the request for review, the Advisory Commission shall submit to the Board its entire record regarding the application.

11. HEARINGS BEFORE THE BOARD ~~APPEALS~~ REFORMATTED

11.1 Upon receipt of a request for hearing in any matter where the *applicant petitioner* is entitled to a hearing, the Board Chair shall refer the matter to the Board en banc or to a hearing panel composed of at least three (3) members of the Board with one (1) member designated as Chair of the panel. The members *of the panel* shall be guided by the same rules regarding conflicts of interest and recusal as are applicable to Louisiana state court district judges. The *applicant petitioner* may exercise the right to excuse a panel or Board member within 15 days of receiving notice of the composition of the panel. The Board Chair may replace panel members as may be necessary. Two (2) members of the panel shall constitute a quorum for the transaction of business.

11.2 In matters where an Advisory Commission has made a recommendation to the Board, within 20 days after the filing of the request for review, the *applicant petitioner* may submit a memorandum brief setting forth his or her arguments why the Advisory Commission's recommendation should be rejected. A copy of the brief shall be served by the *applicant petitioner* upon the Chair of the Advisory Commission. Within 20 days of receipt of the *applicant's petitioner's* brief, such representative as may be designated by the Advisory Commission Chair may file a responsive brief. On written request of either the *applicant petitioner* or the representative of the Advisory Commission, the Chair of the Board or hearing panel may set the matter for oral argument. Requests for oral argument shall be filed within 15 days after service of the last brief.

11.3 The Board shall consider only matters in the record of the Advisory Commission or proffered to the Advisory Commission by the *applicant petitioner* prior to decision by the Advisory Commission. No additional evidence will be admitted at the hearing before the Board.

11.4 The amount of time and procedure for oral argument may be determined by the Board or hearing panel.

11.5 The Board or panel shall render a written decision *within 60 days of the hearing date*. A written copy of the decision shall be served ~~forthwith~~ by *regular and* certified mail on the *applicant petitioner* and the representative of the Advisory Commission.

12. RIGHT OF APPEAL NEW SECTION

12.1 *Adverse decision of the Board*. If the decision of the Board is adverse to the

Applicant petitioner, the *applicant petitioner* may appeal to the *Louisiana State Bar Association* Board of Governors within 30 days of the decision. The appeal must be based on one (1) or more of the following issues:

- a. The decision of the Board is in conflict with a decision of the Court;
- b. A significant question of law is involved;
- c. The decision was arbitrary or capricious;
- d. The appeal involves an issue of substantial public interest that should be determined by the Court; or
- e. The *applicant petitioner* was prejudiced by violation of these rules or other requirements of law.

12.2 ~~Appeals from decisions of the Board of Governors shall be governed by the Rules of the Board. If an applicant fails to perfect or prevail in the appeal, the decision of the Board shall be final.~~ *After consideration by the Board of Governors of the Louisiana State Bar Association, a petitioner who is aggrieved by the actions of the Board of Governors shall have the right to appeal the ruling made thereon by the Board of Governors to the Louisiana Supreme Court, under such rules and regulations as the Supreme Court may prescribe.*

12.3 An *applicant attorney* who has been previously recognized, but whose recognition is the subject of revocation proceedings, may represent himself as a specialist during the pendency of the proceedings. After an adverse decision of the Board or Court becomes final, the *applicant attorney* must take all appropriate steps to ensure that he or she is not misrepresented as a specialist.

13. **"INACTIVE" SPECIALIZATION CERTIFICATION DESIGNATION**

13.1 *Who may qualify.* *A Specialist who demonstrates to the Board that meeting the specialization requirements, as defined in the Plan, the Rules and the Specialty Standards, would create an undue hardship upon him or her due to illness, disability or other mitigating circumstances or a Specialist whose practice is interrupted due to judicial service, employment as a hearing officer or an academic professor.*

13.2 *Application.* *A Specialist shall submit in writing, on a form furnished by the Board, a request for an inactive certification designation. The submission shall set forth the reasons and/or circumstances relevant to support the request. Each request will be evaluated by the Board on a case by case basis.*

13.3 *Term.* *The inactive certification designation, if granted by the Board, shall be for a term not to exceed one (1) year from the effective date established by the Board. Specialists requiring an inactive certification designation for a period longer than one (1) year would be required to reapply annually for this designation. The maximum number of times a Specialist may be granted an inactive certification designation by the Board is three (3) consecutive years. Thereafter, the Specialist would be required to surrender his or her certification. The attorney would be permitted to reapply for recognition as a specialist at a later date if he or she chose to do so.*

- a. *During the inactive certification designation period the Specialist's designation on the Board rolls will be changed from active to inactive until such time as the certification is reinstated to active status or revoked for good cause.*
- b. *A Specialist with an inactive certification designation would not be required to re-take the exam upon reinstatement of his or her certification to an active designation unless he or she remained inactive for more than three (3) consecutive years from the effective date of the first inactive status designation.*
- c. *A Specialist who leaves the private practice of law to become a judge, hearing officer or an academic professor and applies for an inactive certification designation may be granted an extension to the three (3) consecutive year term limit provided his or her employment during the designated inactive period is in his or her specific field of specialty certification. This consideration would be at the discretion of the Board and determined on a case by case basis. In the event an extension to the three (3) consecutive year term limit is granted by the Board, the Specialist would not be required to reapply for board certification and/or re-take the specialization certification exam upon reinstatement of his or her certification to active status.*

13.4 Effective date. The effective date of the inactive certification designation shall be determined by the Board.

13.5 Requirements.

- a. *During the inactive certification designation period, the Specialist shall be granted a waiver from the following requirements for maintaining specialization certification:*
 - 1. *Requirement to maintain a full time work schedule in the practice of law.*
 - 2. *Requirement to maintain a minimum percentage of practice of law in the specific specialty area for which the Specialist is certified.*
- b. *During the inactive certification designation period, the Specialist shall be subject to the following requirements:*
 - 1. *May not represent themselves as a Board certified specialist and must remove all such designation from any professional and/or advertisement materials he or she may distribute or display including but not limited to, letterhead, business cards, signs and brochures.*
 - 2. *Shall continue to comply with the Specialty Standards continuing legal education requirements, unless a Specialization CLE Exemption has been granted pursuant to Rule 7.10.*

3. *Pay annual dues and any fee required by the Board.*
4. *Remain a member in good standing with the Louisiana State Bar Association.*

13.6 Reinstatement of certification to active status. A Specialist with an inactive certification designation shall give notice to the Board of his or her desire to return their certification to active status as a Specialist. Said notice shall be provided no less than 30 days prior to the expiration of the inactive certification designation and must include proof of compliance with certification requirements in accordance with the Plan, Rules and the Specialty Standards. The Board will consider the proof submitted in rendering its decision for reinstatement of a certification to active status. A Specialist's request to have his or her certification reinstated to active status is subject to Board approval and will be evaluated on a case by case basis. The effective date of reinstatement to active status will be determined by the Board.

The certification of a Specialist whose inactive certification designation has expired and has not given appropriate notice of his or her desire to return their certification to active status as a specialist and/or provided sufficient proof of compliance with the certification requirements of the Plan, the Rules and the Specialty Standards shall be subject to revocation.

13.7 Application for Recertification. A Specialist with an inactive certification designation whose certificate comes due for recertification may apply for recertification during the inactive designation period. If said application is approved by the Board, the certification of the specialist shall be renewed for an additional five (5) years but shall continue the designation as inactive until reinstatement of his or her certification to active designation by the Board.

14. "SENIOR" SPECIALIZATION CERTIFICATION DESIGNATION

14.1 Who may qualify. A Specialist, who is no longer practicing law on a full time basis, is at least 60 years of age and has been a Board certified specialist in a single specialty for a minimum of 15 consecutive years. A Specialist may receive the senior certification designation in more than one (1) field of specialty if he or she meets the requirements in each respective specialty field.

14.2 Application. A Specialist shall submit in writing, on a form furnished by the Board, a request for a senior certification designation. Each request will be evaluated by the Board on a case by case basis.

14.3 Term. The senior certification designation, if granted by the Board, shall expire upon retirement of the Specialist or revocation of his or her certification.

14.4 Effective date. The effective date of the senior certification designation shall be determined by the Board.

14.5 Requirements. A Specialist who is granted a senior certification designation

shall be subject to the following requirements for maintaining specialization certification:

- a. Waiver of the requirement to maintain a full time work schedule in the practice of law.*
- b. CLE requirements:*
 - 1. A Specialist under the age of 65 who is practicing law shall be required to obtain specialization CLE annually in accordance with the Specialty Standards of his or her certification(s).*
 - 2. A Specialist who is 65 years of age or older who is practicing law shall be required to obtain ten (10) hours of specialization CLE annually in his or her specialty field of certification.*
- c. Maintain professional liability insurance in accordance with the Specialty Standards of his or her certification(s).*
- d. Pay annual dues and any fee required by the Board.*
- e. Remain a member in good standing with the Louisiana State Bar Association.*

14.6 Application for Recertification. A Specialist with a senior certification designation may apply for renewal of his or her certification in accordance with the requirements set forth in the Plan, the Rules and the Specialty Standards. If said application is approved by the Board, the certification of the Specialist shall be renewed for an additional five (5) year period with the senior certification designation.

14.7 Notice of Retirement. A Specialist with a senior certification designation shall give notice, in writing, to the Board of his or her desire to retire from the practice of law. Upon such notice, the Specialist's designation on the Board rolls will be changed from active/senior to retired.

14.8 Disclosure. The senior certification designation is an internal designation the Board utilizes when categorizing certifications and should not be used by a Specialist on any professional and/or advertisement materials he or she may distribute or display including but not limited to, letterhead, business cards, signs and brochures. A Specialist who has been granted a senior certification designation shall continue to use the description of a Board certified specialist as defined in Section 13.3 of the Plan.



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

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

WHEREAS, a public hearing will be held on January 7, 2015 for the purpose of providing an opportunity for board certified specialists and members of the bar to comment on the proposed revisions to the Bankruptcy Law, Family Law, Tax Law and Estate Planning and Administration Standards; and

WHEREAS, at a meeting of the Louisiana Board of Legal Specialization held on December 12, 2014, it was unanimously agreed that the Standards for Bankruptcy Law, Family Law, Tax Law and Estate Planning and Administration shall be amended in accordance with the following proposed addenda attached hereto and made a part hereof:

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

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

Respectfully submitted,

RONALD J. SCALISE, JR., Chair
Louisiana Board of Legal Specialization

December 12, 2014
New Orleans, Louisiana

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



LOUISIANA BOARD OF LEGAL SPECIALIZATION BANKRUPTCY LAW STANDARDS

SECTION I. DEFINITIONS

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

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

SECTION II. STANDARDS FOR CERTIFICATION

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

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

3. Certification from the ABC will require, among other things, that the applicant pass the ABC's written examination for the specialty or specialties in which the applicant seeks certification.

B. Continuing Legal Education (CLE)

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

C. References

Each applicant for certification by the Louisiana Board of Legal Specialization must have met the reference requirements of the ABC.

D. Professional Liability Insurance

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

SECTION III. MAINTENANCE OF CERTIFICATION

In order to maintain certification by the Louisiana Board of Legal Specialization, each certificate holder must *satisfy the following criteria:*

- A. Be an active member in good standing of the Louisiana State Bar Association.*
- B. 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.*
- C. Certify under oath, on a form provided by the Board, 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 bankruptcy law, as defined in Section I, A for Business Bankruptcy Law and Section I, B for Consumer Bankruptcy Law.*
- D. Maintain professional liability insurance in the minimum amount of \$1,000,000 with policy provisions acceptable to the Board, unless waived for good cause by the Board. Proof of insurance shall be provided annually with payment of annual dues and upon request.*

- E. Pay all fees required by the Rules and Regulations of the Louisiana Board of Legal Specialization.*
- C. Maintain certification from the ABC.

SECTION IV. RECERTIFICATION

- A. Each applicant for recertification must comply with the Plan and the Rules and Regulations of the Louisiana Board of Legal Specialization in order to be recertified.
- B. Recertification as a Board Certified Business or Consumer Bankruptcy Law Specialists shall be required every five (5) years from the date of certification or recertification, as the case may be.*
- C. Each applicant 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 III above.*
- D. **Additionally,** In order to qualify for recertification, the applicant for recertification first must obtain recertification from the ABC.

SECTION V. REVOCATION OF CERTIFICATION

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

SECTION VI. ADMINISTRATION

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



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

Section I. DEFINITIONS

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

Section II. BASIC REQUIREMENTS

A. Application

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

1. Each applicant shall be an active member in good standing of the Louisiana State Bar Association.
2. Each applicant shall have a minimum of five (5) years of actual practice of law on a full time basis immediately preceding the 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 annually in each of the five (5) years immediately preceding the date of application in the field of family law and that he or she has actual experience in the representation of clients, contested hearings and trials, negotiation and settlement of family law matters, and knowledge of appellate procedures.
4. The Family Law Advisory Commission must receive on behalf of the applicant, on a form furnished by the Louisiana Board of Legal Specialization, a minimum of five (5) satisfactory reference statements in support of their application for certification from practicing attorneys who can attest to the applicant's competence in the specialty field of family law. Of the five (5) satisfactory reference statements, at least two (2) must be from a Board Certified Family Law Specialist. These submissions shall be subject to the limitations as outlined in section 8.4 of the Rules and Regulations of the Louisiana Board of Legal Specialization.
5. Each applicant 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 18 hours of continuing legal education (CLE) in the field of family law. All CLE credits of an applicant must be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE) and the Louisiana Board of Legal Specialization Family Law Advisory Commission. CLE earned in prior years may not be used to satisfy the 18 hours required within the year of application. An applicant will not qualify for specialization CLE exemption in the year of application.
8. Each applicant must 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

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 18 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 18 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.

5. Maintain professional liability insurance coverage in the minimum amount of \$500,000, unless waived for good cause by the Louisiana Board of Legal Specialization. *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 first be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE) before approval can be granted by the Family Law Advisory Commission. The overriding consideration in determining whether a specific program qualifies as acceptable continuing legal education is that it be a formal program of learning which contributes directly to the professional competence of an attorney who specializes in the field of family law.

2. Program Approval

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

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.

Section V. CREDIT HOURS GRANTED

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

- D. The credit hours assigned to a program by MCLE will be accepted by the Family Law Advisory Commission unless the hours are clearly inaccurate under the standards for computing credit in accordance with the Supreme Court of Louisiana Rules for continuing Legal Education.

Section VI. COMPLIANCE

A. General Rule

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

B. Notification

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

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

Section VII. ADMINISTRATION

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



LOUISIANA BOARD OF LEGAL SPECIALIZATION TAX LAW STANDARDS

Section I. DEFINITIONS

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

Section II. BASIC REQUIREMENTS

A. Application

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

1. Each applicant shall be an active member in good standing of the Louisiana State Bar Association.
2. Each applicant must have a minimum of five (5) years of actual practice of law on a full time basis preceding the year of application.
3. Each applicant must certify under oath that during four (4) of the five (5) years immediately preceding the year of application, he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of tax law.
4. The Tax Law Advisory Commission must receive on behalf of an applicant, on a form furnished by the Louisiana Board of Legal Specialization, a minimum of five (5) satisfactory reference statements in support of his or her application for certification from practicing attorneys who can attest to the applicant's competence in the specialty field of tax law. Of the five (5) satisfactory reference statements, at least one (1) must be from a Board Certified Tax Law Specialist. These submissions shall be subject to the limitations as outlined in section 8.4 of the Rules and Regulations of the Louisiana Board of Legal Specialization.
5. Each applicant shall consent to a confidential inquiry by the Louisiana Board of Legal Specialization and/or the Tax Law Advisory Commission, directed to all persons who serve as references for the applicant, and to other persons regarding the applicant's competence and

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

6. Each applicant must comply with the rules and regulations established by the Louisiana Board of Legal Specialization as they relate to release of disciplinary action information.
7. Each applicant is required to obtain by December 31 of the year of application at least 20 hours of continuing legal education (CLE) in the field of tax law. All CLE credits of an applicant must be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE) and the Louisiana Board of Legal Specialization Tax Law Advisory Commission. CLE earned in prior years may not be used to satisfy the 20 hour requirement within the year of application. An applicant will not qualify for specialization CLE exemption in the year of application.
8. Each applicant must provide evidence of professional liability insurance in the minimum amount of \$1,000,000 with the application *and the policy must be offered by a company reasonably acceptable to the Board.*
9. Each applicant must take and pass a written examination.

B. Maintenance

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

1. Be an active member in good standing of the Louisiana State Bar Association.
2. Certify under oath, on a form provided by the Louisiana Board of Legal Specialization, that he or she engages in the actual practice of law on a full time basis.
3. Certify under oath, on a form provided by the Louisiana Board of Legal Specialization, that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of tax law.
4. During each calendar year of certification, must attend a minimum of 20 hours of approved tax 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 tax law specialization CLE earned in excess of the 20 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.
5. Maintain professional liability insurance coverage in the minimum amount of \$1,000,000 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 insurance shall be provided annually with payment of annual dues and upon request.

6. Pay all fees required by the Rules and Regulations of the Louisiana Board of Legal Specialization.
7. If a Board Certified Tax Law Specialist is a government employee or in-house counsel, he or she may request an exemption from Section II, B5 above, upon submission and approval of a certification to the Louisiana Board of Legal Specialization, on a form furnished by the Louisiana Board of Legal Specialization, indicating that 100% of his or her practice is as a full time government employee or in-house counsel; that he or she does not have any private clients and that he or she does not engage in the public practice of law.

C. Recertification

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

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS

A. Program Development and Presentation

1. The program should contribute to the professional competence of a Board Certified Tax Specialist in the area of tax law and should be open for attendance by all such attorneys.
2. Programs should be developed by individual(s) qualified in the subject matter.
3. Program content should be current and 70% or more of the program must be devoted to tax law subjects. No specialization CLE credit will be awarded for attending a program which does not satisfy the 70% requirement contained herein.
4. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required), and teaching methods.
5. Instructors or discussion leaders should be qualified with respect to program content and teaching method used.
6. 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 Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE) before approval can be granted by the Tax Law Advisory Commission. The overriding consideration in determining whether a specific program qualifies as acceptable continuing legal education is that it be a

formal program of learning which contributes directly to the professional competence of an attorney who specializes in the field of tax law.

2. Program Approval

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

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

B. Teaching

1. CLE credit 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 on an hour-for-hour basis. No credit will be given for repetitious presentations of a program.
2. Teaching of academic courses in tax 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 tax law course at any seminar, provided the presentation meets all criteria contained in Section III, A and B, other than Section III, A3.

C. Writing

CLE credit may be awarded for writing of articles and other publications directed primarily to attorneys specializing in tax 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 tax law.

Section V. CREDIT HOURS GRANTED

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

Section VI. COMPLIANCE**A. General Rule**

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

B. Notification

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

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

Section VII. ADMINISTRATION

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



**LOUISIANA BOARD OF LEGAL SPECIALIZATION
ESTATE PLANNING AND ADMINISTRATION STANDARDS**

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

Section I. DEFINITIONS

- A. The practice of law means full-time legal work performed for the purpose of rendering legal advice or legal representation to the general public, private employers or governmental agencies.
- B. Full-time shall be defined as working a minimum of 35 hours per week.
- C. Estate planning and administration is the practice of law dealing with the creation, protection and disposition of a client's assets, during life, upon, and after death, in accordance with the law and the client's desires after considering the tax and family relationship consequences of the client's acts and wishes. It includes providing advice about donations, wills, trusts, life insurance, business arrangements and agreements, income and transfer taxes, the estate planning aspects of qualified and nonqualified plans and deferred compensation agreements, and other estate planning matters. It includes the preparation of simple and complex wills (which may include provisions for testamentary trusts, marital deductions and elections), donations, revocable and irrevocable inter vivos trusts (including trusts for minors and charitable trusts), business planning agreements (including buy-sell and other shareholder agreements), powers of attorney, advance directives, and other estate planning instruments. Estate planning and administration also includes advising clients and handling matters related to the administration of estates, trusts, interdictions and tutorships, the probate of wills, determination of heirship, will contest and interpretation suits, and other proceedings related to the disposition of assets of a decedent, interdict or minor. It also includes the preparation and review of United States estate tax and generation skipping transfer tax returns, Louisiana estate transfer tax returns, federal gift tax returns, and legal representation before the Internal Revenue Service, the Louisiana Department of Revenue and Taxation, and the Court in connection with tax returns and related controversies. It also includes issues affecting the elderly and disabled such as Social Security, Medicare, Medicaid, Veterans benefits, Special Needs Trusts, housing and other government benefits.
- D. Certification as a specialist shall be effective the date the 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 continuous actual practice of law on a full time basis immediately preceding the year of application.
3. Each applicant shall certify under oath that during at least four (4) of the five (5) years immediately preceding the year of application has been as an attorney practicing in the state of Louisiana and that he or she devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of estate planning and administration law, as defined in Section I, C.
4. The Advisory Commission must receive on behalf of an applicant, on a form furnished by the Louisiana Board of Legal Specialization, a minimum of five (5) reference statements from practicing attorneys who can attest to the applicant's competence in the specialty field of estate planning and administration. Of the five (5) references, at least one (1) must be from a Board Certified Estate Planning and Administration Specialist. These submissions shall be subject to the limitations as outlined in Section 8.4 of the Rules.
5. Each applicant shall consent to a confidential inquiry by the Board and/or the Advisory Commission, directed to all persons who serve as references for the applicant, and to other persons regarding about the applicant's competence and qualifications to be recognized as an Estate Planning and Administration Specialist. This inquiry and review shall consider information furnished by references and other information that the Advisory Commission deems relevant to whether the applicant has sufficient competence and proficiency handling the usual matters of the specialty field. This information may include the applicant's work product, problem analysis, statement of issues and analysis, ethics, reputation, professionalism or such other criteria which the Advisory Commission deems appropriate to take into account prior to making its recommendations.
6. Each applicant must comply with the rules and regulations established by the Board as they relate to release of disciplinary action information.
7. Each applicant is required to obtain by December 31 of the year of application a minimum of 18 hours of continuing legal education (CLE) in the field of estate planning and administration. 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 18 hour requirement within the year of application. An applicant will not qualify for the specialization CLE exemption in the year of application.
8. Each applicant must maintain professional liability insurance in the minimum amount of \$1,000,000 *and the policy must be offered by a company reasonably acceptable to the Board*. Evidence of insurance shall be provided to the Advisory Commission by December 1 of the year of application.
9. Each applicant must take and pass a written examination.

B. Maintenance

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

1. Be an active member in good standing of the Louisiana State Bar Association.
2. Certify under oath, on a form provided by the Board, that he or she engages in the actual practice of law on a full time basis.

3. Certify under oath, on a form provided by the Board, that he or she is an attorney practicing in the state of Louisiana and that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of estate planning and administration law, as defined in Section I, C herein.
4. During each year of certification, must attend a minimum of 18 hours of approved estate planning and administration 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 estate planning and administration specialization CLE earned in excess of the 18 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.
5. Maintain professional liability insurance in the minimum amount of \$1,000,000, unless waived for good cause by the Board. *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 Estate Planning and Administration Specialist shall be required every five (5) years from the date of certification or recertification, as the case may be.
2. Each Board Certified Estate Planning and Administration Specialist shall present an application every five (5) years, on a form furnished by the Board, certifying that he or she has met the requirements of Section II B above.

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS

A. Program Development and Presentation

1. The program should contribute to the professional competence of a Board Certified Estate Planning and Administration Specialist in the area of estate planning and administration law and should be open for attendance by all such attorneys.
2. Programs should be developed by individual(s) qualified in the subject matter.
3. Program content should be current and 70% or more of the program must be related to estate planning and administration law subjects. No specialization continuing legal education credit will be awarded for attending a program which does not satisfy the 70% requirement.
4. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required), and teaching methods.
5. Instructors or discussion leaders should be qualified with respect to program content and teaching method used.
6. Program sponsors should encourage participation only by individuals with appropriate education and/or experience.

7. The 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 Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE) before approval can be granted by the Advisory Commission. The overriding consideration in determining if a specific program qualifies as acceptable continuing legal education is that it be a formal program of learning which contributes directly to the professional competence of an attorney who specializes in the field of estate planning and administration law.

2. 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 estate planning and administration law in a law school or other graduate level program presented by a recognized professional educational association may earn CLE credit.
3. CLE credit may be awarded for teaching an estate planning and administration course at any seminar, provided the presentation meets all criteria contained in Section III, A and B, other than Section III, A.3.

C. Writing

CLE credit may be awarded for writing of articles and other publications directed primarily to attorneys specializing in the estate planning and administration field of law and published in professional periodicals and publications. 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 estate planning and administration.

Section V. CREDIT HOURS GRANTED

- A. Only credit hours or the equivalent (and not hours dedicated to preparation) will be counted.
- B. One (1) hour of continuing legal education credit will be awarded for each 60 minutes of instruction. Where the program is several periods of instruction with intervening breaks, the number of minutes of instruction are summed for the entire program for which the credit is claimed and then 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 Estate Planning and Administration 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 Board website located at:
<http://www.lascmcle.org/specialization>

Section VII. ADMINISTRATION

The Advisory Commission may delegate its responsibility to rule on all matters pertaining to estate planning and administration 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.

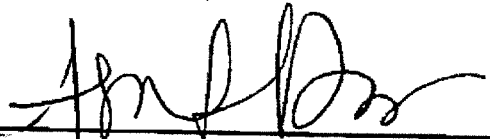
**Louisiana State Bar Association
Immigration Law Section**

WHEREAS, the annual dues for participation in the Immigration Law Section is set at \$5;

WHEREAS, the duties of the Treasurer of the section in Article III, Section 4 is not in compliance with the Article IX, Section 7.

NOW, THEREFORE, BE IT RESOLVED, that the annual dues for participation in the Immigration Law Section be increased from \$5 to \$15.00 per year effective July 1, 2015 and the Duties of the Treasurer are changed to be in compliance with the Article IX, Section 7 of the LSBA By-laws.

Respectfully submitted,



Ashley Foret Dees, Chair
Immigration Law Section

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

LOUISIANA STATE BAR ASSOCIATION
BYLAWS OF THE IMMIGRATION LAW SECTION

ARTICLE I

NAME AND PURPOSE

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

Section 2. The purpose of this Section is to:

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

ARTICLE II

MEMBERSHIP

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

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

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

ARTICLE III

OFFICERS

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

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

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

ARTICLE IV

NOMINATION AND ELECTION OF OFFICERS

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

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

ARTICLE V

DUTIES OF OFFICERS

Section 1. Chair. The Chair shall:

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

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

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

Section 4. Treasurer. The Louisiana State Bar Association shall serve as custodian of financial records in accordance with Article IX, Section 7 of the Louisiana State Bar Association's Bylaws. The Treasurer is the custodian of all financial books, papers, documents, and funds of the Section. The Treasurer shall keep an accurate record of all funds of the Section and of funds expended for the use of the Section, and shall sign such checks as the Section may require for its activities and/or operations as directed by the Officers of the Section.

ARTICLE VI

DUTIES AND POWERS OF THE COUNCIL

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

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

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

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

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

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

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

ARTICLE VII

MEETINGS

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

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

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

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

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

ARTICLE VIII

MISCELLANEOUS PROVISIONS

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

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

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

ARTICLE IX

AMENDMENTS

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

**LOUISIANA STATE BAR ASSOCIATION
BAR GOVERNANCE COMMITTEE RESOLUTION**

SIZE OF DIVERSITY COMMITTEE

WHEREAS, the House of Delegates in 2005 created the standing Committee on Diversity; and

WHEREAS, the work of the committee has expanded considerably since its inception, requiring additional volunteers; and

WHEREAS, the Bylaws current limit the size of the committee to the chair and 20 additional members, plus a number of ex-officio members; and

WHEREAS, the Bylaws do not limit the size of most committees; and

WHEREAS, the Association would be better served by providing the President with the discretion to determine the appropriate size when he/she is making committee appointments.

NOW THEREFORE BE IT RESOLVED, that the House of Delegates approve the proposed amendments to Article X, Section 1 (14) of the Bylaws, to eliminate the reference to the number of presidential appointments; and

BE IT FURTHER RESOLVED, that the House of Delegates approve additional amendments to that same section to clarify existing language and practices.

Respectfully Submitted by:
John H. Musser IV, Chair



On Behalf of LSBA BAR GOVERNANCE COMMITTEE:

Richard K. Leefe, Vice Chair	Chauntis T. Jenkins
Richard L. Becker	Monique M. LaFontaine
Robert L. Bussey	Kevin R. Molloy
Joseph L. Caverly	Charles M. Raymond
David L. Colvin	Jeffrey A. Riggs
S. Guy deLaup	Valerie T. Schexnayder
Stephen I. Dwyer	Ronald J. Sholes
Val P. Exnicios	Lawrence P. Simon, Jr.
Darryl J. Foster	Dylan Tuggle Thriffiley
Edmund J. Giering IV	Angela White-Bazile
Barry H. Grodsky	Sharonda R. Williams
C. Kevin Hayes	Zebulon M. Winstead
Philip G. Hunter	Phillip A. Wittmann

**BY-LAWS OF THE
LOUISIANA STATE BAR ASSOCIATION**

ARTICLE X. STANDING COMMITTEES

Section 1. Creation

(14) *Committee on Diversity* - The mission of this committee is to assess the level of racial, ethnic, national origin, religion, gender, age, sexual orientation and disability diversity within all components of the legal profession in Louisiana; to identify barriers to the attainment of full and meaningful representation and participation in the legal profession by persons of diverse backgrounds; and to propose programs and methods by which the LSBA can most effectively work to remove those barriers and achieve greater diversity. ~~The committee shall be comprised of a~~ In addition to the chairperson and ~~20 additional~~ members appointed by the President. ~~In addition,~~ the following persons shall serve as *ex-officio* members of the Committee: the deans of all four Louisiana law schools or their designees; the Attorney General of the State of Louisiana or his/her designee; a ~~member-designee~~ of the Louisiana Supreme Court, which individual shall either be a member of the Court or a lawyer member of the Court's staff; and one member each from the federal and state judiciary. To ensure the knowledge and understanding required for the success of this committee while also providing for sufficient turnover of committee members, a minimum of one-third and a maximum of two-thirds of the committee shall be reappointed each year.

(Added June 27, 2005; amended January 23, 2010)

**LOUISIANA STATE BAR ASSOCIATION
BAR GOVERNANCE COMMITTEE RESOLUTION**

LAW STUDENT MEMBERS

WHEREAS, the House of Delegates and members of the Louisiana State Bar Association voted in 2010 to create a law student member category in the Association by amending the Articles of Incorporation and Bylaws; and


WHEREAS, at that time annual law student member dues were set at \$40 per year; and

WHEREAS, there was little response to the Association's efforts to recruit law student members so in 2013 the House of Delegates voted to decrease law student dues to a one-time payment of \$40, which would cover the student for the entire period he/she was in law school; and

WHEREAS, despite this change and considerable effort by the Young Lawyers Division, very few law students have elected to become law student members of the Association.

NOW THEREFORE BE IT RESOLVED, that the House of Delegates approve the proposed amendments to delete both Article IV, Section 5 of the Articles of Incorporation and Article I, Section 6 of the Bylaws, thereby eliminating law student membership in the Louisiana State Bar Association.

Respectfully Submitted by:
John H. Musser IV, Chair



On Behalf of LSBA BAR GOVERNANCE COMMITTEE:

Richard K. Leefe, Vice Chair	Chauntis T. Jenkins
Richard L. Becker	Monique M. LaFontaine
Robert L. Bussey	Kevin R. Molloy
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ARTICLES OF INCORPORATION OF THE LOUISIANA STATE BAR ASSOCIATION

ARTICLE IV. MEMBERSHIP

~~Section 5. Law Student Members~~

~~Any law student in good standing in a law school accredited by the American Bar Association may voluntarily pay the prescribed dues and thereby become entitled to exercise all the rights of membership in this Association, except the right to practice law and to hold office.~~

BY-LAWS OF THE LOUISIANA STATE BAR ASSOCIATION

ARTICLE I. REGISTRATION AND DUES

~~Section 6. Law Student Dues~~

~~— The one time membership dues for law students shall be Forty and No/100 Dollars (\$40.00). Such dues may be paid at any time during the year and shall entitle the student to law student membership from the date of payment through the June 30 which immediately follows the student's commencement. There shall be no proration of dues.~~

~~(Added February 11, 2010; Amended January 19, 2013)~~

**RESOLUTION PROPOSED BY THE
UNAUTHORIZED PRACTICE OF LAW COMMITTEE
OF THE LOUISIANA STATE BAR ASSOCIATION**

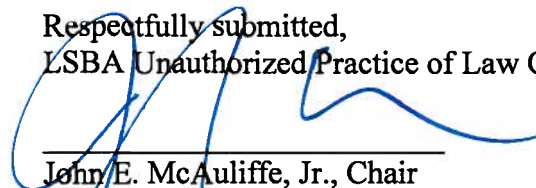
WHEREAS, the LSBA Unauthorized Practice of Law Committee (“Committee”) is charged as part of its mission, to protect the public from incompetent or fraudulent activities by those who are unauthorized to practice law or who are otherwise misleading those in need of legal services.; and

WHEREAS, the Committee is comprised of LSBA members from all geographic areas of the state and practice groups;

WHEREAS, the Committee has determined that certain parties should have standing to seek to enjoin the unauthorized practice of law or pursue a civil action for damages in connection with the unauthorized practice of law;

NOW THEREFORE BE IT RESOLVED THAT the LSBA House of Delegates support and endorse legislation similar to the attached proposed statute recommended by the Committee.

Respectfully submitted,
LSBA Unauthorized Practice of Law Committee



John E. McAuliffe, Jr., Chair
Amber L. Amore
Katherine M. Determan
Steven G. “Buzz” Durio
Pauline G. Feist
Ashley Spencer Gulden
James W. Hailey, III
Franchesca L. Hamilton-Acker
Kassie L. Hargis
Blaise L. Hill
Valerie A. Judice
Stuart G. Richeson
Deidre D. Robert
John F. Robichaux
Isabel B. Wingerter
Blake R. David, Board Liaison

This 16th day of December, 2014.

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

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 be 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.

**RESOLUTION TO STUDY A STATE GENERAL FUND
FOR CRIMINAL JUSTICE IN LOUISIANA
PROPOSED BY
THE CRIMINAL JUSTICE COMMITTEE
OF THE LOUISIANA STATE BAR ASSOCIATION**

WHEREAS, an important component of the mission of the Louisiana State Bar Association is to ensure access to and aid in the administration of justice; and essential to the administration of justice is the existence of a fair, efficient and equitable criminal justice system; 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, no component of the criminal justice system can function effectively without reasonable resources; and

WHEREAS, the membership of the Louisiana State Bar Association has previously adopted Resolutions aimed at adequately funding our entire criminal justice system, including on January 20, 2007, where the Louisiana State Bar Association's House of Delegates adopted a Resolution urging the State of Louisiana to accord Public Defender offices with reasonable resources; and

WHEREAS, on January 23, 2010, the Louisiana State Bar Association's House of Delegates adopted a Resolution in support of the reclassification of certain nonviolent offenses and the continued funding of all components of the criminal justice system; and

WHEREAS, on January 22, 2011, the Louisiana State Bar Association's House of Delegates adopted a Resolution calling for the uniform application of the fee in criminal convictions as required under Louisiana law and that the LSBA support the development and implementation of a statewide court cost fee schedule; and

WHEREAS, on June 6, 2013, the Louisiana State Bar Association's House of Delegates adopted a Resolution to support the study of 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

WHEREAS, the LSBA Criminal Justice Committee convenes an annual statewide Summit to identify issues of shared concern for the entire criminal justice system and build consensus around actionable solutions to those issues; and

WHEREAS, criminal justice leaders from across the state organized the 2014 Criminal Justice Summit in order to explore the issue of strategic funding reform for Louisiana's criminal justice system; and

WHEREAS, participants in the Summit have identified that current methods of funding many components of the criminal justice system result in unpredictable revenue streams, underfunded budgets and severe restrictions of essential services; and

WHEREAS, participants in the Summit have recommended that in order to resolve unpredictability, inadequacy and inefficiency of funding for essential components for the criminal justice system, the Louisiana State Legislature institute a statewide general fund for criminal justice agencies; and

WHEREAS, it is incumbent upon our state and Bar leaders to develop and implement the changes necessary to optimize public safety resources and make strategic investments across our public safety system; and

WHEREAS, holding public safety paramount and considering the issues that impact diverse stakeholders of the criminal justice system, we are dedicated to making a comprehensive set of reforms that yield a more fair and effective criminal justice system; and

WHEREAS, the Legislature of Louisiana has the power to authorize and direct the study of and make recommendations for the revision of laws impacting our criminal justice agencies.

NOW, THEREFORE BE IT RESOLVED, that the House of Delegates of the Louisiana State Bar Association and its members support the study of a statewide general fund

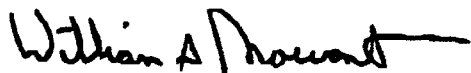
for criminal justice in an effort to ensure the most effective and efficient administration of justice in the State of Louisiana; and

BE IT FURTHER RESOLVED, that the House of Delegates of the Louisiana State Bar Association and its members ask our state legislature to authorize and direct a Legislative Task Force that includes 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 offenders accountable and effectively administer justice in our state; and

BE IT FURTHER RESOLVED, that the House of Delegates of the Louisiana State Bar Association and its members ask our state legislature to use the recommendations developed by this Legislative Task Force as the basis for legislative and administrative action in 2016.

Respectfully Submitted,

December 12, 2014



Hon. William Morvant, Chair

LSBA Criminal Justice Committee

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

**RESOLUTION TO STUDY MARIJUANA LEGISLATION
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 develop programs and methods which most effectively allow the Bar to work with the courts, other branches of government, and the public toward the fair and effective administration of justice in our state; and

WHEREAS, the LSBA Criminal Justice Committee convenes an annual statewide Summit to identify issues of shared concern for the entire criminal justice system and build consensus around actionable solutions to those issues; and

WHEREAS, the LSBA Criminal Justice Committee members agree that the volume of marijuana offenses are placing a burden on lower courts, forcing state and local governments to spend tax dollars to prosecute and defend lesser offenses, creating a financial burden on these communities; and

WHEREAS, the LSBA Criminal Justice Committee members agree that the increase of marijuana arrests, convictions and related sentencing has placed a burden on local jails and state prisons, and contributes significantly to Louisiana's costly incarceration rates; and

WHEREAS, the current state and federal funding climate gives our justice community cause to evaluate needed reforms of the state's criminal justice system to more effectively and efficiently promote public safety, hold offenders accountable and control spending; and

WHEREAS, it is incumbent upon our state and Bar leaders to develop and implement the changes necessary to optimize public safety resources and make strategic investments across our public safety system; and

WHEREAS, criminal justice leaders from across the state organized the 2014 Criminal Justice Summit in order to explore the issue of strategic funding reform for Louisiana's criminal justice system; and

WHEREAS, participants in the 2014 Summit have identified that reform of current marijuana sentencing laws and related Habitual Offender statutes could lead to reduced incarceration rates and reduced costs to the criminal justice system without negatively impacting public safety; and

WHEREAS, on June 5, 2014, the Louisiana State Bar Association's House of Delegates adopted a Resolution in support of legislation reducing crimes involving the classification of simple possession of marijuana; and

WHEREAS, in recent years, numerous pieces of legislation aimed at marijuana sentencing reforms have been introduced in both the Louisiana House of Representatives and the Louisiana Senate but have not reached consensus in committee or been enacted into law; and

WHEREAS, the provisions of the law regarding marijuana offenses should be reviewed and thoroughly examined with the goal of building consensus among stakeholders and consolidating efforts at legislative reform; and

WHEREAS, holding public safety paramount and considering the issues that impact diverse stakeholders of the criminal justice system, we resolve to assist in the establishment of laws that yield a more effective criminal justice system; and

WHEREAS, the Legislature of Louisiana has the power to authorize and direct the Louisiana State Law Institute to study and make recommendations for the revision of laws regarding marijuana sentencing and related statutes.

NOW, THEREFORE BE IT RESOLVED, that the House of Delegates of the Louisiana State Bar Association and its members 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; and

BE IT FURTHER RESOLVED, that the House of Delegates of the Louisiana State Bar Association and its members ask our 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

BE IT FURTHER RESOLVED, that the House of Delegates of the Louisiana State Bar Association and its members ask our state legislature to use the recommendation developed by the Louisiana State Law Institute as the basis for legislative and administrative action in 2016.

Respectfully Submitted,

December 12, 2014

A handwritten signature in black ink, reading "William A. Morvant". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Hon. William Morvant, Chair

LSBA Criminal Justice Committee