



Louisiana  
State Bar  
Association

*Serving the Public. Serving the Profession.*

## **HOUSE OF DELEGATES**

### **9 a.m. Saturday, January 18, 2020**

### **Renaissance Raton Rouge Hotel**

## **MINUTES**

President Robert A. Kutcher called the meeting of the House of Delegates of the Louisiana State Bar Association to order at 9 a.m., Saturday, January 18, 2020. Business was conducted in accordance with the agenda below.

Prior to convening the House of Delegates meeting, the following awards were presented:

- LSBA Citizen Lawyer Awards – presented by President Robert A. Kutcher:
  - Tyler J. Arbour, New Orleans
  - Beau S. Brooks, Thibodaux
  - Valerie Gotch Garrett, Lafayette
  - Jason A. Matt, Lafayette
  
- LCLCE Judge Benjamin Jones Judges in the Classroom Award – presented by LCLCE President Hon. Randall L. Bethancourt:
  - Hon. Brenda Bedsole Ricks, Amite
  
- Louisiana Access to Justice Commission Civil Justice Champion Awards – presented by President Kutcher and Louisiana Supreme Court Chief Justice Bernette Joshua Johnson
  - Sen. Franklin Foil, Baton RougeMr. Kutcher noted that the Commission was also recognizing the following senators for their assistance, although they were unable to attend:
  - Sen. Cameron Henry, Metairie
  - Sen. Eric LaFleur, Ville Platte
  - Sen. Beth Mizell, Franklinton
  
- President Kutcher recognized members of the Leadership LSBA 2019-2020 Class:
  - Amber B. Barlow
  - Jeremy A. Bazile

- John W. Bihm
- Justin S. Brashear
- Rachel J. Caluda
- Sarah R. Giglio
- Justin A. Jack
- Jennifer G. Lampton
- Janet D. Madison
- Sowmya Mandava
- Kelsey L. Meeks
- Jared E. Nelson
- Melissa A. Pestalozzi
- Thomas C. Wicker IV
- Sherron P. Williams
- Cortney M. Dunn, Co-Chair
- Teresa D. King, Co-Chair

## **A G E N D A**

### **I. Certification of Quorum by the Secretary**

*Mr. Talley 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 to recognize.*

### **General Session**

### **III. Reports of Standing Committees of the House**

*There were no oral 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. Robert A. Kutcher, President**

*Mr. Kutcher reported that on January 13, Judge Lance M. Africk of the U.S. District Court for the Eastern District of Louisiana dismissed the Boudreaux suit, which challenged the constitutionality of the mandatory status of the Louisiana State Bar Association.*

*He reported that in December the membership approved the Articles of Incorporation amendment approved by the House of June 2019. He noted that this amendment resulted in the need for a 75 percent plus one majority of the House to approve future policy positions.*

*Mr. Kutcher also reported that:*

- *Volunteers and staff continued to advance components of the Strategic Plan adopted under 2018/2019 President Barry H. Grodsky;*

- *The Transition Into Practice mentoring program was continuing;*
- *The Access to Justice efforts were continuing and that the program had been successful in securing a \$500,000 allocation for civil legal services during the 2019 Regular Session;*
- *The Lawyers in Libraries program held in October was a tremendous success;*
- *The December Secret Santa program had provided gifts to more than 800 needy children.*

*Mr. Kutcher advised that the LSBA was interested in collaborating with local bar associations and encouraged local bar leaders to contact the LSBA regarding such partnerships.*

2. Alainna R. Mire, President-Elect

*Ms. Mire waived her report.*

3. Patrick A. Talley, Jr., Secretary

*Mr. Talley waived his report.*

4. Shayna L. Sonnier, Treasurer

*Ms. Sonnier reported that the LSBA was financially solvent and on track with its 2019/2020 budget. She also reported that the transition of MCLE administration from the Louisiana Supreme Court to the LSBA was complete and that the Court had reimbursed the LSBA for transition expenses.*

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

*Committee reports were emailed in advance of the House of Delegates meeting.*

**VI. Other Reports**

*There were no other reports.*

**Activities of the House of Delegates**

**VII. Old Business**

*There was no old business to come before the House.*

**VIII. Approval of Minutes**

Consideration of approval of the Minutes of the June 6, 2019 meeting of the House of Delegates, held in Destin, Florida.

*Upon motion by Robert S. Noel II, 4<sup>th</sup> Judicial District, which motion was duly seconded, the House unanimously approved the minutes as presented.*

**IX. Elections**

1. Election of one member to serve a three-year term on the House of Delegates Liaison Committee, to commence at the conclusion of the 2020 Annual Meeting and end at the conclusion of the 2023 Annual Meeting. This member shall be elected from House of Delegates members representing the 20<sup>th</sup> through 42<sup>nd</sup> Judicial Districts.

*Mr. Kutcher opened the floor for nominations. Ms. Shayna Beevers Morvant of the 24<sup>th</sup> Judicial District nominated D. Skylar Rosenbloom of the 41<sup>st</sup> Judicial District, which nomination was duly seconded. There being no further nominations, Mr. Rosenbloom was elected by acclamation.*

2. Election, from the three Liaison Committee members, of a Chair of the House of Delegates Liaison Committee for 2020-2021, whose term will commence at the conclusion of the 2020 Annual Meeting. The Chair of the Liaison Committee is a voting member of the Board of Governors.

*Mr. Kutcher announced that the House would elect a 2020/2021 chair from the three committee members: Shayna Beevers Morvant of the 24<sup>th</sup> Judicial District, Ann S. Siddall of the 7<sup>th</sup> Judicial District and Mr. Rosenbloom, noting that the chair is a voting member of the Board of Governors.*

*Jeffrey A Riggs of the 15<sup>th</sup> Judicial District nominated Ms. Morvant, which nomination was duly seconded. B. Scott Andrews of the 19<sup>th</sup> Judicial District nominated Ms. Siddall, which nomination was duly seconded. The nominations were closed and the House elected Ms. Morvant by a show of hands.*

## **X. Resolutions**

### **Young Lawyers Division Resolution**

1. Resolution from the Young Lawyers Division asking House of Delegates to direct the Board of Governors to encourage all Louisiana federal, state, local, territorial and tribal legislatures and court systems, in conjunction with state and local bar associations, to support and assist with the establishment and maintenance of lactation areas in courthouses.

*The Young Lawyers Division withdrew this resolution prior to the House of Delegates meeting.*

### **Louisiana Board of Legal Specialization Resolutions**

*Louisiana Board of Legal Specialization Chair Kevin R. Molloy gave an overview of the resolutions, noting that the resolutions were primarily housekeeping and several intended to reflect the movement of MCLE administration from the Supreme Court to the LSBA.*

2. Resolution from the Louisiana Board of Legal Specialization to amend Appellate Practice Standards.

*Daniel A. Cavell of the 17<sup>th</sup> Judicial District moved adoption, which motion was duly seconded. Without further discussion, the House unanimously approved the resolution.*

*Mr. Molloy asked for a motion to consider Resolutions 3, 4 and 6 together, as the simply reflected the change in MCLE administration. Mr. Cavell moved, which motion was duly seconded. There was no further discussion and the House unanimously approved the resolutions.*

3. Resolution from the Louisiana Board of Legal Specialization to amend Bankruptcy Law Standards.
4. Resolution from the Louisiana Board of Legal Specialization to amend Estate Planning and Administration Standards.
5. Resolution from the Louisiana Board of Legal Specialization to amend Family Law Standards. *Mr. Molloy introduced the resolution. Mr. Rosenbloom moved adoption, which motion was duly seconded. There was no further discussion and the House approved the resolution.*
6. Resolution from the Louisiana Board of Legal Specialization to amend Tax Law Standards.

### **Committee Resolutions**

7. Resolution from the Transitioning Lawyers Committee to amend the previously approved amendments to the LSBA Articles of Incorporation and Bylaws regarding “emeritus status” to reflect changes as recommended by the Louisiana Supreme Court. *Committee Chair and 24<sup>th</sup> Judicial District Delegate Richard K. Leefe introduced the resolution and moved its adoption, which motion was duly seconded. Mr. Leefe reminded the House that it had approved a resolution regarding emeritus status at the June 2019 meeting, but that the Supreme Court wanted to reduce the eligibility age from 55 to 50 and reduce the required years in practice from 15 to 10. The House approved the resolution.*
8. Resolution from the Executive Committee to amend the Bylaws to waive dues for the year of admission only for those members admitted between January 1 and June 30 of the fiscal year. *Immediate Past President Barry Grodsky, appearing by proxy from Ronald J. Sholes of the 41<sup>st</sup> Judicial District, introduced the resolution and moved its adoption. The motion was duly seconded and the House approved the resolution.*
9. Resolution from the Special Committee to Review House of Delegates Policies to immediately sunset and repeal all policy positions previously adopted by the House of Delegates. *Committee Chair and 10<sup>th</sup> Judicial District Delegate Keenan K. Kelly introduced the resolution and moved its adoption, which motion was duly seconded. Mr. Kutcher recognized Bar Governance Committee Chair Darrel J. Papillion, who advised the House that the committee supported and recommended adoption of the resolution.*

*Mr. Kutcher noted that he had a number of salmon slips and recognized the following House members who spoke as indicated on the resolution:*

- *Val P. Exnicios, Chair of Class Action, Mass Tort and Complex Litigation Section Against*
- *H. Minor Pipes III, by proxy from Thomas M. Flanagan of the 42<sup>nd</sup> Judicial District For*
- *Evan J. Bergeron, 42<sup>nd</sup> Judicial District Against*
- *Charles C. Bourque, Jr., by proxy from Kassie Liner Hargis of the 32<sup>nd</sup> Judicial District*

- For*
- *Demarcus J. Gordon*
- Against*

*Tyler G. Storms of the 3<sup>rd</sup> Judicial District made a motion to call the question. Mr. Kutcher advised that he still had a number of salmon slips and Mr. Storms deferred.*

*Mr. Kutcher recognized the following House members who spoke as indicated on the resolution:*

- *C. Frank Holthaus, 19<sup>th</sup> Judicial District*  
*For*
- *James E. Boren, 19<sup>th</sup> Judicial District*  
*Against*
- *Shayna Beevers Morvant, 24<sup>th</sup> Judicial District*  
*For. She also noted that she would withdraw Resolution 11 if the House passed Resolutions 9 and 10*
- *Jean M. Faria*  
*Against*
- *Barry H. Grodsky, by proxy from Ronald J. Sholes of the 42<sup>nd</sup> Judicial District*  
*For*

*Phillip A. Wittman of the 42<sup>nd</sup> Judicial District moved to table the resolution, which motion was ruled improper by Parliamentarian S. Guy deLaup.*

*Mr. Wittmann then moved to postpone consideration until June 2020, which motion was duly seconded. Mr. Kelly spoke against postponing*

*The question was called on the motion to postpone and the motion failed.*

*P. Heath Hattaway of the 3<sup>rd</sup> Judicial District moved to send Resolutions 9 and 10 to the Legislation Committee to submit within 90 days a report and recommendations addressing how each policy should be handled, which motion was duly seconded.*

*Mr. Riggs spoke against this resolution, noting that the House alone should make these decisions.*

*Mr. Hattaway amended his resolution to substitute a special committee of the House for the Legislation Committee, which amendment was duly seconded.*

*The question was called and Mr. Hattaway's motion failed.*

*Mr. Kutcher invited Mr. Kelly to close discussion on the original resolution. Mr. Kelly asked the House to approve the resolution and trust the 15 members elected by and from the House to recommend positions consistent with the parameters set forth in the Bylaws.*

*Mr. Kutcher noted that consistent with the new language in the Articles of Incorporation, approval would require a 75 percent plus one vote of the House.*

*The House voted with a show of hands and the resolution failed by a vote 99 in favor and 67 opposed, as 99 votes represented only 60 percent of those voting.*

10. Resolution from the Special Committee to Review House of Delegates Policies to amend the Bylaws to require all policy positions adopted by the House to adhere to and agree with Article XI, Section 1 of the Bylaws, which sets forth scope and limitations for positions adopted by the Legislation Committee.

*Mr. Kelly introduced the resolution and moved its adoption. The motion was duly seconded.*

*Mr. Kutcher noted that this resolution would require 50 percent plus one, as it was an amendment to the Bylaws and not adoption of a policy position. Mr. Kutcher then recognized Mr. Papillion, who advised that the Bar Governance Committee voted to support this resolution, as it believes the House should only adopt policies consistent with the criteria it had already established for the Legislation Committee.*

*Mr. Exnicios spoke against the resolution.*

*The question was called and the vote to call the question was approved.*

*Mr. Kelly was allowed to close and urged adoption of the resolution.*

*The House approved resolution by a vote of 109 to 52.*

### **Member Resolution**

11. Resolution from Shayna Beevers Morvant, 24<sup>th</sup> Judicial District, seeking to suspend the Legislation Committee and its related activities until the June 2020 Annual Meeting.

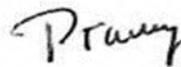
*Ms. Morvant advised the House that she was withdrawing the resolution.*

### **XI. Other Business**

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

*There being no further business, the meeting was adjourned at 10:55 a.m.*

Respectfully submitted:



Patrick A. Talley, Jr.  
Secretary

**APPROVED BY HOUSE OF DELEGATES  
JANUARY 23, 2021  
VIA ZOOM**

**ADDENDUM**  
**2019-2020 HOUSE OF DELEGATES**  
**ATTENDANCE · 2020 MIDYEAR MEETING**

**FIRST JUDICIAL DISTRICT (14 seats) Parish of Caddo**

PRESENT Claude W. Bookter, Jr.  
PRESENT Clinton M. Bowers BY PROXY TO Sherron Williams  
PRESENT James L. Fortson, Jr.  
Stephen Christopher Fortson  
PRESENT Daryl Gold  
W. James Hill III  
Richard M. John  
PRESENT Lauren Bianca McKnight  
PRESENT Amy Michelle Perkins  
PRESENT Nyle A. Politz  
PRESENT Joseph L. Shea, Jr.  
PRESENT Kenneth Craig Smith, Jr. BY PROXY TO Sarah Giglio  
PRESENT Scott R. Wolf  
PRESENT Paul L. Wood

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

PRESENT Tammy G. Jump

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

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

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

PRESENT Martin Shane Craighead BY PROXY TO Grant Tolbird  
PRESENT Dianne L. Hill  
Daniel J. Hunter  
Marcus L. Hunter  
PRESENT Robert S. Noel II  
PRESENT Ramsey L. Ogg  
PRESENT Dayna Michelle Ryan  
PRESENT Arthur L. Stewart BY PROXY TO Ana Gregory  
PRESENT William Michael Street  
PRESENT Peggy J. Sullivan  
PRESENT Thomas G. Zentner, Jr. BY PROXY TO David E. Verlander III

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

PRESENT John Clay Hamilton  
John Hoychick, Jr.  
Matthew Kyle Moore

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

Kenneth A. Brister  
George F. Fox, Jr.

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

PRESENT Joseph A. Boothe  
PRESENT Ann S. Siddall

**EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Winn**

Justin Keith Gates

**NINTH JUDICIAL DISTRICT (7 seats) Parish of Rapides**

PRESENT Charles D. Elliott  
Harold A. Murry  
PRESENT Amani C. Perkins BY PROXY TO Ed Tarpley  
PRESENT Richard A. Rozanski BY PROXY TO Alainna Mire  
PRESENT David M. Williams BY PROXY TO Josh Dara, Jr.  
Zebulon M. Winstead

**TENTH JUDICIAL DISTRICT (2 seats) Parish of Natchitoches**

PRESENT Keenan K. Kelly  
Richard Bray Williams

**ELEVENTH JUDICIAL DISTRICT (1 seat) Parish of Sabine**

PRESENT Rebecca Riall

**TWELFTH JUDICIAL DISTRICT (2 seats) Parish of Avoyelles**

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

**THIRTEENTH JUDICIAL DISTRICT (2 seats) Parish of Evangeline**

Abby Bergeron Landreneau  
PRESENT Christopher Ludeau

**FOURTEENTH JUDICIAL DISTRICT (9 seats) Parish of Calcasieu**

Theresa A. Barnatt  
PRESENT Cade R. Cole  
PRESENT L. Paul Foreman  
PRESENT Thomas L. Lorenzi  
PRESENT Robert C. McCorquodale BY PROXY TO Justin Brashear  
John F. Robichaux  
Michael H. Schwartzberg  
PRESENT Chantell Marie Smith  
Kenneth M. Wright

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

PRESENT Steven G. Durio  
PRESENT Chase J. Edwards BY PROXY TO Jeremy Bazile  
PRESENT Valerie Gotch Garrett  
PRESENT Scott F. Higgins  
PRESENT Matthew J. Hill, Jr. BY PROXY TO Jared E. Nelson  
PRESENT Katherine L. Hurst  
PRESENT Andrew B. Mims BY PROXY TO Jimmy Davidson  
PRESENT Donovan J. O’Pry II  
PRESENT Joseph R. Oelkers III  
PRESENT Jeffrey A. Riggs  
PRESENT Michael D. Skinner  
PRESENT Dwazendra J. 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  
PRESENT Pamela A. Lemoins  
PRESENT Marsha McNulty  
PRESENT Andrew Reed  
PRESENT Maggie T. Simar  
PRESENT Anne G. Stevens  
PRESENT Dennis R. Stevens

**SEVENTEENTH JUDICIAL DISTRICT (5 seats) Parish of Lafourche**

Marla Mitchell Abel  
William N. Abel  
PRESENT Daniel A. Cavell  
Robert M. Pugh  
Nicholas J. Zeringue

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

PRESENT John Lane Ewing, Jr.  
PRESENT Stephen P. Jewell  
Deidre Deculus Robert  
PRESENT David M. Tubbs

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

PRESENT B. Scott Andrews  
PRESENT Kelly E. Balfour  
PRESENT Jesse H. Bankston, Jr.  
PRESENT Valerie B. Bargas  
PRESENT Jim E. Boren  
PRESENT Dana B. Brown BY PROXY TO Justin A. Jack

Douglas J. Cochran  
PRESENT Jean M. Faria  
PRESENT Frank A. Fertitta  
Jack Pascal Harrison  
PRESENT Christopher B. Hebert  
PRESENT C. Frank Holthaus  
PRESENT Jay M. Jalenak, Jr.  
PRESENT Susan W. Manuel BY PROXY TO Valerie Schexnayder  
PRESENT Adrian G. Nadeau BY PROXY TO Melissa Pestalozzi  
PRESENT Julie Baxter Payer  
PRESENT Lynette Roberson  
PRESENT Mary E. Roper  
PRESENT David Abboud Thomas  
PRESENT Mary Ann M. White  
PRESENT Jack K. Whitehead, Jr.

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

PRESENT Samuel Christopher D'Aquila  
PRESENT Stewart B. Hughes

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

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

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

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

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

**James**

PRESENT Christopher J. Bridges  
Lana O. Chaney  
PRESENT Michael J. Poirrier  
PRESENT Timothy E. Pujol BY PROXY TO Chris McNeil  
PRESENT Lesia H. Warren

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

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

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

PRESENT S. Jacob Braud  
PRESENT Dominick Scandurro, Jr.

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

PRESENT John Zachary Blanchard, Jr.  
PRESENT Amanda J. Hulett  
PRESENT Ingrid J. James  
Lance G. Mosley II  
PRESENT Ross E. Shacklette  
Aaron R. Wilson

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

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

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

Christi C. Wood

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

PRESENT Paula Adams Ates

Don Paul Landry

PRESENT Joseph B. Rochelle

**THIRTIETH JUDICIAL DISTRICT (3 seats) Parish of Vernon**

D. Wayne Bush

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

PRESENT Richard M. Arceneaux

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

PRESENT James Christopher Erny

PRESENT Kassie Liner Hargis BY PROXY TO Charles Bourke

PRESENT Teresa D. King

PRESENT Patricia P. Reeves-Floyd

Gary Williams, Jr.

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

PRESENT Mary Hebert Holmes BY PROXY TO Rachel Guarisco

PRESENT Michael B. Holmes BY PROXY TO Nick Guarisco

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

PRESENT Elizabeth Borne

PRESENT Roberta L. Burns

Gregory J. Noto

PRESENT Gregory W. Rome

PRESENT Paul A. Tabary III

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

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

F. Steve Landreneau

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

PRESENT 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**

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

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

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

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

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

PRESENT Dick D. Knadler  
PRESENT Adrienne Danielle White

**SECTION CHAIRS**

Alyson V. Antoon, Animal Law  
PRESENT Rachel T. Anderson, Solo Small Firm  
Richard J. Arsenault, Insurance, Tort, Worker's Comp & Admiralty Law

Jacqueline M. Brettner, Alternative Dispute Resolution  
 Susan J. Burkenstock, Trusts, Estate, Probate & Immovable Property Law  
 Julie S. Chauvin, Corporate & Business Law  
 PRESENT Val P. Exnicios, Class Action, Mass Torts & Complex Litigation  
 Steven J. Farber, Government & Public Law  
 PRESENT Jean M. Faria, Criminal Law  
 Micah J. Fincher, Intellectual Property Law BY PROXY TO Janet Madison  
 Edgar D. Gankendorff, Art Entertainment & Sports Law  
 Kathleen Gasparian, Immigration Law  
 Lauren E. Godshall, Environmental Law  
 PRESENT Demarcus J. Gordon, Minority Involvement  
 Edward T. Hayes, International Law  
 Leland G. Horton, Mineral Law  
 PRESENT Benjamin W. Kadden BY PROXY TO Jennifer Lampton  
 PRESENT Lynn Luker, Civil Law & Litigation  
 Mathew A. Mantle, Tax Section  
 Matthew M. McCluer, Labor Relations & Employment Law  
 Alexander M. McIntyre, Antitrust & Trade Regulation  
 Warren A. Perrin, Francophone  
 John W. Redmann, Bench & Bar  
 H. Bruce Shreves, Fidelity, Surety & Construction Law  
 Jacob S. Simpson, Health Law  
 Richard C. Stanley, Appellate  
 David A. Szwak, Consumer Protection Law  
 Jennifer J. Thomas, Administrative Law  
 Melissa K. Watson, Public Utility  
 PRESENT Zara L. Zeringe, Family Law



## **RESOLUTION OF THE LOUISIANA BOARD OF LEGAL SPECIALIZATION TO AMEND APPELLATE PRACTICE STANDARDS**

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

**WHEREAS**, a determination was made by the Louisiana Board of Legal Specialization Appellate Practice Advisory Commission that amendments to the Appellate Practice Standards are in order to revise Section II (A)(3), (5) and (9); Section III (A)(3) and (B)(1); and Section VI (B) of the Appellate Practice Standards to make them consistent with the Louisiana State Bar Association Plan of Legal Specialization, and Supreme Court of Louisiana Rules for Continuing Legal Education, Rule XXX (1) amended on November 27, 2018, and are of a “housekeeping” nature; the Appellate Practice Standards presently read:

### **Section II. BASIC REQUIREMENTS**

#### **A. Application**

Applicants must at the time of initial application for certification:

...

3. Certify under oath that during 48 of the 60 months immediately preceding the year of application they have devoted a minimum of 25% of a full-time work schedule in the practice of law annually in the field of appellate practice as defined in Section I, C.

...

5. Have presented at least six (6) oral arguments over the course of their professional careers;

...

9. Obtain by December 31 of the year of application a minimum of 15 hours of continuing legal education (CLE) in the field of appellate law. All CLE credits of an applicant must be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 15 hour requirement within the year of application. An applicant will not qualify for the specialization CLE exemption under Rule 7.10 of the Rules in the year of application.

### **Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS**

A. Program Development and Presentation

...

3. Program content should be current, and 70% or more of the program must be related to appellate practice subjects. No specialization continuing legal education credit will be awarded for attending a program that does not satisfy the 70% requirement.

...

B. Program Qualification

1. General Rule

Continuing legal education 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 Appellate Practice.

...

**Section VI. COMPLIANCE**

...

B. Notification

The Board will notify each non-compliant Board Certified Appellate Practice 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 <https://www.lascmcle.org/specialization/index.aspx>.

**WHEREAS**, a determination was made by the Louisiana Board of Legal Specialization Appellate Practice Advisory Commission that the Appellate Practice Standards should be consistent with the Louisiana State Bar Association Plan of Legal Specialization and Supreme Court of Louisiana Rules for Continuing Legal Education, Rule XXX (1) amended on November 27, 2018, and are of a “housekeeping” nature; and that Section II (A)(3), (5) and (9); Section III (A)(3) and (B)(1); and Section VI (B) of the Appellate Practice Standards should be amended as follows:

**Section II. BASIC REQUIREMENTS**

A. Application

Applicants must at the time of initial application for certification:

...

3. Certify under oath that during 48 of the 60 months immediately preceding the year of application they have devoted a minimum of 25% of a full-time work schedule in the practice of law in the field of appellate practice as defined in Section I.C.

...

5. Have presented at least five (5) oral arguments over the course of their professional careers;

...

9. Obtain by December 31 of the year of application a minimum of 15 hours of continuing legal education (CLE) in the field of appellate law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education Committee ("MCLE Committee") and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 15 hour requirement within the year of application. An applicant will not qualify for the specialization CLE exemption under Rule 7.10 of the Rules in the year of application.

### **Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS**

#### **A. Program Development and Presentation**

...

3. Program content should be current. Appellate Practice specialization CLE credit will be granted for an entire program if 70% or more of the program is devoted to appellate practice. If the program in its entirety does not meet the 70% requirement, individual sessions within the program will qualify for appellate practice specialization CLE credit if the session is directly related to the practice of appellate law. There shall be a presumption that a session is directly related to the practice of appellate law if 70% or more of the content of the session is devoted to appellate practice.

...

#### **B. Program Qualification**

##### **1. General Rule**

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

...

## Section VI. COMPLIANCE

...

### B. Notification

The Board will notify each non-compliant Board Certified Appellate Practice 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 <https://www.lsba.org/Specialization/SpecializationTranscriptsV5.aspx>.

**WHEREAS**, it is the recommendation of the Louisiana Board of Legal Specialization that it would be appropriate to amend Section II (A)(3), (5) and (9); Section III (A)(3) and (B)(1); and Section VI (B) of the Appellate Practice Standards to make them consistent with the Louisiana State Bar Association Plan of Legal Specialization, and Supreme Court of Louisiana Rules for Continuing Legal Education, Rule XXX (1) amended on November 27, 2018.

**NOW, THEREFORE, BE IT RESOLVED** that there should be amendments to the Appellate Practice Standards to make them consistent with the Louisiana State Bar Association Plan of Legal Specialization and Supreme Court of Louisiana Rules for Continuing Legal Education, Rule XXX (1) amended on November 27, 2018, and are of a “housekeeping” nature; and that Section II (A)(3), (5) and (9); Section III (A)(3) and (B)(1); and Section VI (B) of the Appellate Practice Standards should be amended as follows:

## Section II. BASIC REQUIREMENTS

### C. Application

Applicants must at the time of initial application for certification:

...

3. Certify under oath that during 48 of the 60 months immediately preceding the year of application they have devoted a minimum of 25% of a full-time work schedule in the practice of law in the field of appellate practice as defined in Section I.C.

...

5. Have presented at least five (5) oral arguments over the course of their professional careers;

...

9. Obtain by December 31 of the year of application a minimum of 15 hours of continuing legal education (CLE) in the field of appellate law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education Committee (“MCLE Committee”) and the Advisory Commission. CLE earned in

prior years may not be used to satisfy the 15 hour requirement within the year of application. An applicant will not qualify for the specialization CLE exemption under Rule 7.10 of the Rules in the year of application.

### **Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS**

#### **A. Program Development and Presentation**

...

3. Program content should be current. Appellate Practice specialization CLE credit will be granted for an entire program if 70% or more of the program is devoted to appellate practice. If the program in its entirety does not meet the 70% requirement, individual sessions within the program will qualify for appellate practice specialization CLE credit if the session is directly related to the practice of appellate law. There shall be a presumption that a session is directly related to the practice of appellate law if 70% or more of the content of the session is devoted to appellate practice.

...

#### **B. Program Qualification**

##### **1. General Rule**

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

...

### **Section VI. COMPLIANCE**

...

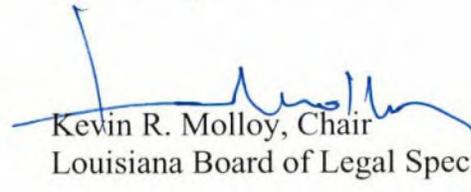
#### **D. Notification**

The Board will notify each non-compliant Board Certified Appellate Practice 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 <https://www.lsba.org/Specialization/SpecializationTranscriptsV5.aspx>.

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

Respectfully submitted,



Kevin R. Molloy, Chair  
Louisiana Board of Legal Specialization

December 13, 2019  
Shreveport, Louisiana

Unanimously Approved by House of Delegates  
January 18, 2020  
Ratified by Board of Governors  
January 18, 2020



## LOUISIANA BOARD OF LEGAL SPECIALIZATION APPELLATE PRACTICE STANDARDS

Pursuant to the authority vested in the Louisiana Board of Legal Specialization (the “Board”) by the Supreme Court of Louisiana, the Board, on the recommendation of the Appellate Practice Advisory Commission (the “Advisory Commission”), prescribes the following standards and requirements for Board certification in Appellate Practice in accordance with the Plan of Legal Specialization (the “Plan”) and 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. Appellate Practice is defined as the practice of law involving matters brought before a Louisiana or federal appellate court;
- D. Certification as a specialist shall be effective the date the Board authorizes recognition and shall remain effective for five (5) years from January 1 of the year of recognition.

### Section II. BASIC REQUIREMENTS

#### A. Application

Applicants must at the time of initial application for certification:

1. Be an active member in good standing of the Louisiana State Bar Association;
2. Have a minimum of five (5) years of actual practice of law on a full time basis preceding the year of application;
3. Certify under oath that during 48 of the 60 months immediately preceding the year of application they have devoted a minimum of 25% of a full-time work schedule in the practice of law in the field of appellate practice as defined in Section I.C.
4. Have served as lead counsel, or had substantial responsibility in, 25 or more appellate matters at the time of application. Applicants who have served on the appellate bench for three (3) or more years in the five (5) years immediately preceding the date of application are exempted from this requirement;
5. Have presented at least five (5) oral arguments over the course of their professional careers;
6. 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 appellate practice. Of the five (5) references, at least one (1) must be from a Board Certified Appellate Practice Specialist. These submissions shall be subject to the limitations outlined in Rule 8.4 of the Rules;

7. Consent to a confidential inquiry by the Board and/or the Advisory Commission, directed to any person who serves as a reference for the applicant, and to other persons regarding the applicant's competence and qualifications to be recognized as an Appellate Practice 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 appellate practice. This information may include the applicant's work product, ethics, reputation, professionalism, or such other criteria that the Advisory Commission deems appropriate to consider in reaching its recommendations;
8. Comply with the rules and regulations established by the Board as they relate to release of disciplinary action information;
9. Obtain by December 31 of the year of application a minimum of 15 hours of continuing legal education (CLE) in the field of appellate law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education Committee ("MCLE Committee") and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 15 hour requirement within the year of application. An applicant will not qualify for the specialization CLE exemption under Rule 7.10 of the Rules in the year of application.
10. 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 with the application.
11. Take and pass a written examination.
12. Certify under oath to having met these requirements.

B. Maintenance

Those bar members certified in the Appellate Practice specialty must satisfy the following requirements to maintain their certifications:

1. Be an active member in good standing of the Louisiana State Bar Association;
2. Certify under oath, on a form provided by the Board, that they engage in the actual practice of law on a full time basis;
3. Certify under oath, on a form provided by the Board, that they have devoted a minimum of 25% of a full time work schedule in the practice of law annually in the field of appellate practice, as defined in Section I.C herein.
4. During each year of certification, must attend a minimum of 15 hours of approved appellate law continuing legal education programs that comply with Section III below and the Supreme Court of Louisiana Rules for Continuing Legal Education. Up to eight (8) hours of approved appellate law specialization CLE earned in excess of the 15 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.

5. Maintain professional liability insurance in the minimum amount of \$1,000,000, unless waived for good cause by the Board. The policy must be offered by a company reasonably acceptable to the Board. Proof of insurance shall be provided annually with payment of the annual and dues upon request.
6. Pay all fees required by the Rules.

C. Recertification

1. Recertification as a Board Certified Appellate Practice Specialist shall be required every five (5) years from the date of certification or recertification, as the case may be.
2. Each Board Certified Appellate Practice 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 Appellate Practice Specialist and should be open for attendance by all such attorneys;
2. Programs should be developed by individual(s) qualified in the subject matter;
3. Program content should be current. Appellate Practice specialization CLE credit will be granted for an entire program if 70% or more of the program is devoted to appellate practice. If the program in its entirety does not meet the 70% requirement, individual sessions within the program will qualify for appellate practice specialization CLE credit if the session is directly related to the practice of appellate law. There shall be a presumption that a session is directly related to the practice of appellate law if 70% or more of the content of the session is devoted to appellate practice.
4. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required), and teaching methods to be used;
5. Instructors or discussion leaders should be qualified with respect to program content and teaching method used;
6. Program sponsors should encourage participation only by individuals with appropriate education and/or experience;
7. The program sponsor must maintain registration and/or attendance records and such other records as may be necessary to substantiate compliance of the program with the above criteria.

B. Program Qualification

1. General Rule  
Continuing legal education (“CLE”) programs must be approved by the Mandatory Continuing Legal Education Committee (“MCLE Committee”) before approval can be granted by the Advisory Commission. Mandatory Continuing Legal Education (“MCLE”) is administered

by the Louisiana State Bar Association (hereinafter the “LSBA”). The overriding consideration in determining if a specific program qualifies as acceptable continuing legal education is that it be a formal program of learning which contributes directly to the professional competence of an attorney who specializes in the field of Appellate Practice.

2. Program Approval

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

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

**Section IV. OTHER METHODS OF EARNING SPECIALIZATION CLE CREDIT**

A. General Rules

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

B. Teaching

1. CLE credit may be awarded for teaching an approved CLE program pertinent to the specialization subject matter. If an individual teaches at a program and attends the balance of the program, then he or she shall receive credit for that portion of the program he or she did not teach in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education. No credit will be given for repetitious presentations of a program.
2. Teaching of academic courses in appellate practice 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 appellate practice 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 articles and other publications directed primarily to attorneys specializing in the field of appellate practice 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 appellate practice.

E. Pro Bono

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

**Section V. CREDIT HOURS GRANTED**

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

**Section VI. COMPLIANCE**

A. General Rule

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

B. Notification

The Board will notify each non-compliant Board Certified Appellate Practice 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:  
<https://www.lsba.org/Specialization/SpecializationTranscriptsV5.aspx>

**Section VII. ADMINISTRATION**

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



## **RESOLUTION OF THE LOUISIANA BOARD OF LEGAL SPECIALIZATION TO AMEND BANKRUPTCY LAW STANDARDS**

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

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

### **SECTION II.     STANDARDS FOR CERTIFICATION**

...

B.    Continuing Legal Education (CLE)

...

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).

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

### **Section II.     STANDARDS FOR CERTIFICATION**

...

B. Continuing Legal Education (CLE)

...

2. All CLE programs that the applicant relies upon to obtain certification from the ABC must be approved by the Mandatory Continuing Legal Education Committee ("MCLE Committee"). Mandatory Continuing Legal Education ("MCLE") is administered by the Louisiana State Bar Association (hereinafter the "LSBA").

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

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

**Section II. STANDARDS FOR CERTIFICATION**

...

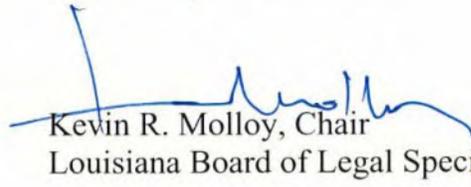
B. Continuing Legal Education (CLE)

...

2. All CLE programs that the applicant relies upon to obtain certification from the ABC must be approved by the Mandatory Continuing Legal Education Committee ("MCLE Committee"). Mandatory Continuing Legal Education ("MCLE") is administered by the Louisiana State Bar Association (hereinafter the "LSBA").

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

Respectfully submitted,

  
Kevin R. Molloy, Chair  
Louisiana Board of Legal Specialization

December 13, 2019  
Shreveport, Louisiana

Unanimously Approved by House of Delegates  
January 18, 2020  
Ratified by Board of Governors January 18,  
2020



## 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. 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 Mandatory Continuing Legal Education Committee (“MCLE Committee”). Mandatory Continuing Legal Education (“MCLE”) is administered by the Louisiana State Bar Association (hereinafter the “LSBA”).

## 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 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.
- F. 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. In order to qualify for recertification, the applicant for recertification first must obtain recertification from the ABC.

**SECTION V. REVOCACTION 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.



**RESOLUTION OF THE  
LOUISIANA BOARD OF LEGAL SPECIALIZATION  
TO AMEND ESTATE PLANNING AND ADMINISTRATION  
STANDARDS**

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

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

**Section II. BASIC REQUIREMENTS**

A. Application

...

3. Each applicant shall certify under oath that during at least 48 of the 60 months 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.

...

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.

...

### **Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS**

...

#### **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.

...

### **Section VI. COMPLIANCE**

...

#### **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 Louisiana Board of Legal Specialization website located at: <https://www.lascmcle.org/specialization/index.aspx>.

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

### **Section II. BASIC REQUIREMENTS**

#### **A. Application**

...

3. Each applicant shall certify under oath that during at least 48 of the 60 months 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 in the field of estate planning and administration law, as defined in Section I, C.

...

7. Each applicant is required to obtain by December 31 of the year of application a minimum of 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 Mandatory Continuing Legal Education Committee (“MCLE Committee”) 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.

...

### **Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS**

...

#### **B. Programs Which Qualify**

##### **1. General Rule**

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

...

### **Section VI. COMPLIANCE**

...

#### **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 Louisiana Board of Legal Specialization website located at:

<https://www.lsba.org/Specialization/SpecializationTranscriptsV5.aspx>.

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

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

**Section II. BASIC REQUIREMENTS**

A. Application

...

3. Each applicant shall certify under oath that during at least 48 of the 60 months 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 in the field of estate planning and administration law, as defined in Section I, C.

...

7. Each applicant is required to obtain by December 31 of the year of application a minimum of 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 Mandatory Continuing Legal Education Committee (“MCLE Committee”) 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.

...

**Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS**

...

B. Programs Which Qualify

1. General Rule

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

...

**Section VI. COMPLIANCE**

....  
B. Notification

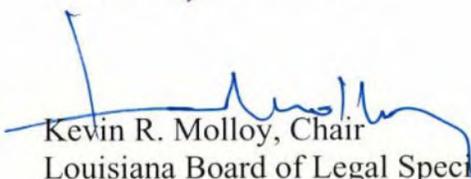
The Board will notify each non-compliant Board Certified Estate Planning and Administration Specialist of the credit hours he or she has earned during the preceding calendar year. The specialist shall have 30 days from the date of notification to appeal the award of credit hours.

A specialization transcript may be obtained from the Louisiana Board of Legal Specialization website located at:

<https://www.lsba.org/Specialization/SpecializationTranscriptsV5.aspx>.

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

Respectfully submitted,



Kevin R. Molloy, Chair  
Louisiana Board of Legal Specialization

December 13, 2019  
Shreveport, Louisiana

Unanimously Approved by House of Delegates  
January 18, 2020  
Ratified by Board of Governors  
January 18, 2020



## 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), and 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 actual practice of law on a full time basis preceding the year of application.
3. Each applicant shall certify under oath that during at least 48 of the 60 months immediately preceding the year of application has been as an attorney practicing in the state of Louisiana and that he or she devoted a minimum of 35% of a full time work schedule in the practice of law in the field of 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. Estate planning and administration specialization CLE credit will be granted for an entire program if 50% or more of the program is devoted to estate planning and administration subjects. If the program in its entirety does not meet the 50% requirement, individual sessions within the program will qualify for estate planning and administration specialization CLE credit if 50% or more of the content of the session is devoted to estate planning and administration.
4. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required), and teaching methods.
5. Instructors or discussion leaders should be qualified with respect to program content and teaching method used.
6. Program sponsors should encourage participation only by individuals with appropriate education and/or experience.
7. The program sponsor must maintain registration and/or attendance records and such other records as may be necessary to substantiate compliance of the program with the above criteria.

B. Programs Which Qualify

1. General Rule

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

#### E. Pro Bono

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

**Section V. CREDIT HOURS GRANTED**

- A. Only credit hours or the equivalent (and not hours dedicated to preparation) will be counted.
- B. One (1) hour of continuing legal education credit will be awarded for each 60 minutes of instruction. Where the program is several periods of instruction with intervening breaks, the number of minutes of instruction 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 Louisiana Board of Legal Specialization website located at: <https://www.lsba.org/Specialization/SpecializationTranscriptsV5.aspx>.

**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.



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

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

**WHEREAS**, a determination was made by the Louisiana Board of Legal Specialization Family Law Advisory Commission that amendments to the Family Law Standards are in order to revise Section II (A)(2), (3), (4), and (7) and (B)(4); Section III (B)(1); and Section VI (B) of the Family Law Standards to make them consistent with the Louisiana State Bar Association Plan of Legal Specialization, and Supreme Court of Louisiana Rules for Continuing Legal Education, Rule XXX (1) amended on November 27, 2018, and are of a “housekeeping” nature; the Family Law Standards presently read:

### **Section II. BASIC REQUIREMENTS**

#### **A. Application**

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

...

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.

...

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.

...

#### 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:

...

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.

...

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

...

#### 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.

### Section VI. COMPLIANCE

...

#### B. Notification

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

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

**WHEREAS**, a determination was made by the Louisiana Board of Legal Specialization Family Law Advisory Commission that the Family Law Standards should be amended and be consistent with the Louisiana State Bar Association Plan of Legal Specialization, and Supreme Court of Louisiana Rules for Continuing Legal Education, Rule XXX (1) amended on November 27, 2018, and are of a “housekeeping” nature; and that Section II (A)(2), (3), (4), and (7) and (B)(4); Section III (B)(1); and Section VI (B) of the Family Law Standards should be amended as follows:

## **Section II. BASIC REQUIREMENTS**

### **A. Application**

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

...

2. Each applicant shall have a minimum of five (5) years of actual practice of law on a full time basis preceding the date of application.
3. Each applicant must certify under oath that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law during at least 48 of the 60 months immediately preceding the date of application in the field of family law and that he or she has actual experience in the representation of clients, contested hearings and trials, negotiation and settlement of family law matters, and knowledge of appellate procedures.
4. The Family Law Advisory Commission must receive on behalf of the applicant, on a form furnished by the Louisiana Board of Legal Specialization, a minimum of five (5) satisfactory reference statements in support of their application for certification from practicing attorneys who can attest to the applicant’s competence in the specialty field of family law. Of the five (5) satisfactory reference statements, at least one (1) must be from a Board Certified Family Law Specialist. These submissions shall be subject to the limitations as outlined in section 8.4 of the Rules and Regulations of the Louisiana Board of Legal Specialization.

...

7. Each applicant is required to obtain by December 31 of the year of application, credit for 15 hours of continuing legal education (CLE) in the field of family law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education Committee (“MCLE Committee”) and the Louisiana Board of Legal Specialization Family Law Advisory Commission. CLE earned in prior years may not be used to satisfy the 15

hours required within the year of application. An applicant will not qualify for specialization CLE exemption in the year of application.

...

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:

- ...
4. During each calendar year of certification, must attend a minimum of 15 hours of approved family law specialization continuing legal education programs which comply with Section III below and the Supreme Court of Louisiana Rules for Continuing Legal Education. Up to eight (8) hours of approved family law specialization CLE earned in excess of the 15 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.

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

...

B. Programs Which Qualify

1. General Rule

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

...

**Section VI. COMPLIANCE**

...

B. Notification

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

A specialization transcript may be obtained from the Louisiana Board of Legal Specialization website located at <https://www.lsba.org/Specialization/SpecializationTranscriptsV5.aspx>.

**WHEREAS**, it is the recommendation of the Louisiana Board of Legal Specialization that it would be appropriate to amend Section II (A)(2), (3), (4), and (7) and (B)(4); Section III (B)(1); and

Section VI (B) of the Family Law Standards to make them consistent with the Louisiana State Bar Association Plan of Legal Specialization, and Supreme Court of Louisiana Rules for Continuing Legal Education, Rule XXX (1) amended on November 27, 2018.

**NOW, THEREFORE, BE IT RESOLVED** that there should be amendments to the Family Law Standards to make them consistent with the Louisiana State Bar Association Plan of Legal Specialization, and Supreme Court of Louisiana Rules for Continuing Legal Education, Rule XXX (1) amended on November 27, 2018, and are of a “housekeeping” nature; and that Section II (A)(2), (3), (4), and (7) and (B)(4); Section III (B)(1); and Section VI (B) of the Family Law Standards should be amended as follows:

**Section II. BASIC REQUIREMENTS**

A. Application

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

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2. Each applicant shall have a minimum of five (5) years of actual practice of law on a full time basis preceding the date of application.
3. Each applicant must certify under oath that he or she has devoted a minimum of 35% of a full timework schedule in the practice of law during at least 48 of the 60 months immediately preceding the date of application in the field of family law and that he or she has actual experience in the representation of clients, contested hearings and trials, negotiation and settlement of family law matters, and knowledge of appellate procedures.
4. The Family Law Advisory Commission must receive on behalf of the applicant, on a form furnished by the Louisiana Board of Legal Specialization, a minimum of five (5) satisfactory reference statements in support of their application for certification from practicing attorneys who can attest to the applicant’s competence in the specialty field of family law. Of the five (5) satisfactory reference statements, at least one (1) must be from a Board Certified Family Law Specialist. These submissions shall be subject to the limitations as outlined in section 8.4 of the Rules and Regulations of the Louisiana Board of Legal Specialization.

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

...

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:

...

4. During each calendar year of certification, must attend a minimum of 15 hours of approved family law specialization continuing legal education programs which comply with Section III below and the Supreme Court of Louisiana Rules for Continuing Legal Education. Up to eight (8) hours of approved family law specialization CLE earned in excess of the 15 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.

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

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B. Programs Which Qualify

1. General Rule

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

...

**Section VI. COMPLIANCE**

...

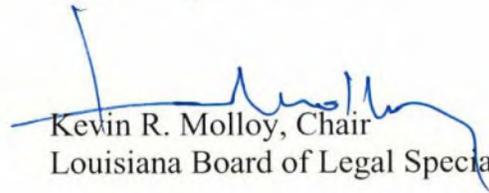
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The Louisiana Board of Legal Specialization will notify each non-compliant Board Certified Family Law Specialist of the credit hours he or she has earned during the preceding calendar year. The specialist shall have 30 days from notification to appeal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

A specialization transcript may be obtained from the Louisiana Board of Legal Specialization website located at <https://www.lsba.org/Specialization/SpecializationTranscriptsV5.aspx>.

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

Respectfully submitted,



Kevin R. Molloy, Chair  
Louisiana Board of Legal Specialization

December 13, 2019  
Shreveport, Louisiana

Approved by House of Delegates  
January 18, 2020  
Ratified by Board of Governors  
January 18, 2020



## LOUISIANA BOARD OF LEGAL SPECIALIZATION FAMILY LAW STANDARDS

### SECTION I. DEFINITIONS

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

### SECTION II. BASIC REQUIREMENTS

#### A. Application

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

1. Each applicant shall be an active member in good standing of the Louisiana State Bar Association.
2. Each applicant shall have a minimum of five (5) years of actual practice of law on a full time basis preceding the date of application.
3. Each applicant must certify under oath that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law during at least 48 of the 60 months immediately preceding the date of application in the field of family law and that he or she has actual experience in the representation of clients, contested hearings and trials, negotiation and settlement of family law matters, and knowledge of appellate procedures.
4. The Family Law Advisory Commission must receive on behalf of the applicant, on a form furnished by the Louisiana Board of Legal Specialization, a minimum of five (5) satisfactory reference statements in support of their application for certification from practicing attorneys who can attest to the applicant's competence in the specialty field of family law. Of the five (5) satisfactory reference statements, at least one (1) must be from a Board Certified Family Law Specialist. These submissions shall be subject to the

limitations as outlined in section 8.4 of the Rules and Regulations of the Louisiana Board of Legal Specialization.

5. Each applicant shall consent to a confidential inquiry, by the Louisiana Board of Legal Specialization and/or the Family Law Advisory Commission, directed to all persons who serve as references for the applicant, and to other persons regarding the applicant's competence and qualifications to be recognized as a Family Law Specialist. This inquiry and review shall consider information furnished by references and other information that the Advisory Commission deems relevant to demonstrate whether the applicant has sufficient competence and proficiency handling the usual matters of the specialty field. This information may include the applicant's work product, problem analysis, statement of issues and analysis, ethics, reputation, professionalism or such other criteria which the Advisory Commission deems appropriate to take into account prior to making its recommendations.
6. Each applicant must comply with the rules and regulations established by the Louisiana Board of Legal Specialization as they relate to release of disciplinary action information.
7. Each applicant is required to obtain by December 31 of the year of application, credit for 15 hours of continuing legal education (CLE) in the field of family law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education Committee ("MCLE Committee") and the Louisiana Board of Legal Specialization Family Law Advisory Commission. CLE earned in prior years may not be used to satisfy the 15 hours required within the year of application. An applicant will not qualify for specialization CLE exemption in the year of application.
8. Each applicant must provide evidence of professional liability insurance in the minimum amount of \$500,000 with the application. The professional liability insurance policy must be offered by a company reasonably acceptable to the Board.
9. Each applicant must pass a written examination applied uniformly to all applicants demonstrating sufficient knowledge, proficiency and experience in the following areas of family law as is necessary to justify the representation of special competence to the legal profession and to the public:
  - a. The procedure in Civil Code Articles 102 and 103 Divorces
  - b. Domicile, Venue and Jurisdiction
  - c. Child Support
  - d. Child Custody
  - e. Alimony/Spousal Support and Alimony/Spousal Support Pendente Lite
  - f. Use and Occupancy of the Family Home and Community Movable and Immovables, and Rental Value for Use and Occupancy
  - g. Temporary Restraining Orders and Injunctive Relief
  - h. Appointment of Attorneys to Represent Children in Child Custody and Visitation Proceedings
  - i. Matrimonial Regimes, including Partition of Community Property and Settlement of Claims Arising from Matrimonial Regimes

- j. Co-ownership of Former Community Property
- k. Qualified Domestic Relations Orders
- l. Uniform Child Custody Jurisdiction Act
- m. Parental Kidnapping Prevention Act
- n. Matrimonial Agreements
- o. The Domestic Abuse Assistance Act
- p. Ethics and Professional Conflicts
- q. Income Tax Consequences upon Divorce and Partition of Community Property
- r. Qualified Medical Child Support Orders

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

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

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

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

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

- a. Adoptions
- b. The Hague Convention
- c. Nullity of Marriage
- d. Child in Need of Care (CINC)
- e. Family in Need of Services (FINS)

## B. Maintenance

In accordance with the Plan of Legal Specialization and the Rules and Regulations of the

Louisiana Board of Legal Specialization, each Board Certified Family Law Specialist must satisfy the following criteria in order to maintain their family law specialization certification:

1. Be an active member in good standing of the Louisiana State Bar Association.
2. Certify under oath, on a form provided by the Louisiana Board of Legal Specialization, that he or she engages in the actual practice of law on a full time basis as defined in Section I herein.
3. Certify under oath, on a form provided by the Louisiana Board of Legal Specialization, that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of family law.
4. During each calendar year of certification, must attend a minimum of 15 hours of approved family law specialization continuing legal education programs which comply with Section III below and the Supreme Court of Louisiana Rules for Continuing Legal Education. Up to eight (8) hours of approved family law specialization CLE earned in excess of the 15 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.
5. Maintain professional liability insurance coverage in the minimum amount of \$500,000, unless waived for good cause by the Louisiana Board of Legal Specialization. The professional liability insurance policy must be offered by a company reasonably acceptable to the Board. Proof of said insurance shall be provided annually with payment of annual dues and upon request.
6. Pay all fees required by the Rules and Regulations of the Louisiana Board of Legal Specialization.

C. Recertification

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

**SECTION III. STANDARDS FOR CONTINUING LEGAL EDUCATION (CLE) PROGRAMS**

A. Program Development and Presentation

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

2. Programs should be developed by individuals(s) qualified in the subject matter.
3. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required) and teaching methods.
4. Instructors or discussion leaders should be qualified with respect to program content and teaching method used.
5. The program sponsor must maintain registration and/or attendance records and such other records as may be necessary to substantiate compliance of the program with the above criteria.

B. Programs Which Qualify

1. General Rule

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

2. Program Approval

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

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

**SECTION IV. OTHER METHODS OF EARNING SPECIALIZATION CLE CREDIT**

A. General Rules

1. Any other method of earning specialization CLE credit must be approved by MCLE before approval can be granted by the Family Law Advisory Commission, who shall then approve each request on a case-by-case basis.
2. All credit earned shall be calculated by MCLE in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

3. All requests for CLE credit shall be submitted to MCLE and the Family Law Advisory Commission within a reasonable period of time but no later than January 31 of the calendar year following the activity for which CLE credit is being sought.

B. Teaching

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

C. Writing

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

D. Louisiana State Law Institute Committee Meetings

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

E. Pro Bono

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

**SECTION V. CREDIT HOURS GRANTED**

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

- C. A participant who is not present for an entire program may claim credit only for the actual time he or she attended.
- D. The credit hours assigned to a program by MCLE will be accepted by the Family Law Advisory Commission unless the hours are clearly inaccurate under the standards for computing credit in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

## **SECTION VI. COMPLIANCE**

### A. General Rule

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

### B. Notification

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

A specialization transcript may be obtained from the Louisiana Board of Legal Specialization website located at <https://www.lsba.org/Specialization/SpecializationTranscriptsV5.aspx>.

## **SECTION VII. ADMINISTRATION**

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



## RESOLUTION OF THE LOUISIANA BOARD OF LEGAL SPECIALIZATION TO AMEND TAX LAW STANDARDS

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

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

### **Section II. BASIC REQUIREMENTS**

#### **A. Application**

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

...

3. Each applicant must certify under oath that during 48 of the 60 months 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.

...

7. Each applicant is required to obtain by December 31 of the year of application at least 18 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 18 hour requirement within the year of application. An applicant will not qualify for specialization CLE exemption in the year of application.

...

**Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS**

...

**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.

...

**Section VI. COMPLIANCE**

...

**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 <https://www.lascmcle.org/specialization/index.aspx>.

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

**Section II. BASIC REQUIREMENTS**

**A. Application**

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

...

3. Each applicant must certify under oath that during 48 of the 60 months 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 in the field of tax law.

...

7. Each applicant is required to obtain by December 31 of the year of application at least 18 hours of continuing legal education (CLE) in the field of tax law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education Committee (“MCLE Committee”) and the Louisiana Board of Legal Specialization Tax Law 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 specialization CLE exemption in the year of application.

...

### **Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS**

...

#### **B. Programs Which Qualify**

##### **1. General Rule**

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

...

### **Section VI. COMPLIANCE**

...

#### **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 <https://www.lsba.org/Specialization/SpecializationTranscriptsV5.aspx>.

**WHEREAS**, it is the recommendation of the Louisiana Board of Legal Specialization that it would be appropriate to amend Section II (A)(3) and (7); Section III (B)(1); and Section VI(B) of the Louisiana Board of Legal Specialization Tax Law Standards to make them consistent with the Louisiana

State Bar Association Plan of Legal Specialization, and Supreme Court of Louisiana Rule XXX(1) amended on November 27, 2018.

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

**Section II. BASIC REQUIREMENTS**

A. Application

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

3. Each applicant must certify under oath that during 48 of the 60 months 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 in the field of tax law.

. . .

7. Each applicant is required to obtain by December 31 of the year of application at least 18 hours of continuing legal education (CLE) in the field of tax law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education Committee (“MCLE Committee”) and the Louisiana Board of Legal Specialization Tax Law 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 specialization CLE exemption in the year of application.

. . .

**Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS**

. . .

B. Programs Which Qualify

2. General Rule

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

...

**Section VI. COMPLIANCE**

...

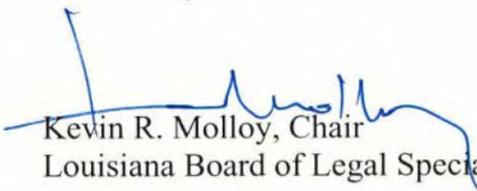
B. Notification

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 <https://www.lsba.org/Specialization/SpecializationTranscriptsV5.aspx>.

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

Respectfully submitted,



Kevin R. Molloy, Chair  
Louisiana Board of Legal Specialization

December 13, 2019  
Shreveport, Louisiana

Unanimously Approved by House of Delegates  
January 18, 2020  
Ratified by Board of Governors  
January 18, 2020



## 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 48 of the 60 months 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 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 18 hours of continuing legal education (CLE) in the field of tax law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education Committee ("MCLE Committee") and the Louisiana Board of Legal Specialization Tax Law 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 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 18 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 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 \$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. Tax law specialization CLE credit will be granted for an entire program if 50% or more of the program is devoted to tax law subjects. If the program in its entirety does not meet the 50% requirement, individual sessions

within the program will qualify for tax law specialization CLE credit if 50% or more of the content of the session is devoted to tax law.

4. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required), and teaching methods.
5. Instructors or discussion leaders should be qualified with respect to program content and teaching method used.
6. The program sponsor must maintain registration and/or attendance records and such other records as may be necessary to substantiate compliance of the program with the above criteria.

#### B. Programs Which Qualify

##### 1. General Rule

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

E. Pro Bono

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

**Section V. CREDIT HOURS GRANTED**

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

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

## **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.

**RESOLUTION PROPOSED BY THE  
TRANSITIONING LAWYERS COMMITTEE  
OF THE LOUISIANA STATE BAR ASSOCIATION**

**WHEREAS**, the LSBA Transitioning Lawyers Committee (“Committee”) is charged as part of its mission, “to develop programs to assist those transitioning out of the practice of law...”; and

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

**WHEREAS**, a subcommittee was appointed to study emeritus status;

**WHEREAS**, the Transitioning Lawyers Committee recommended adding emeritus status to the classifications of attorney membership status in Louisiana’s bar roll as set forth in the attached proposal labeled Exhibit “I”. Said resolution was approved by the LSBA House of Delegates on June 6, 2019;

**WHEREAS**, the Transitioning Lawyers Committee after review and in consultation with the Court, now recommends minor changes to its original emeritus status proposal as set forth in the attached revised proposal labeled “Exhibit II”. Changes address the following:

1. Reduce age to 50 as opposed to 55
2. Reduce years of practice to 10 years as opposed to 15 years
3. Change Access to Justice Committee to Access to Justice Program

**WHEREAS**, emeritus members will have to be addressed in the LSBA governing documents;

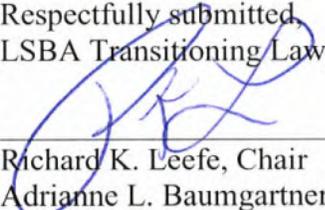
**WHEREAS**, the Transitioning Lawyers Committee recommends amendments to the LSBA governing documents as attached and labeled “Exhibit III”;

**NOW THEREFORE BE IT RESOLVED THAT** the LSBA House of Delegates approve the recommendations of the LSBA Transitioning Lawyers Committee as set forth above.

**NOW THEREFORE BE IT RESOLVED THAT** the LSBA House of Delegates approve amendments to the LSBA governing documents;

**NOW THEREFORE BE IT FURTHER RESOLVED THAT** the LSBA House of Delegates respectfully recommends approval of same by the Louisiana Supreme Court.

Respectfully submitted,  
LSBA Transitioning Lawyers Committee

  
\_\_\_\_\_  
Richard K. Leefe, Chair  
Adrienne L. Baumgartner  
Thomas C. Cerullo  
John H. Musser, IV  
Michael A. Patterson  
Freddie Pitcher, Jr.  
Graham Harris Ryan  
Joseph L. Shea, Jr.  
Edward J. Walters, Jr.

Approved by House of Delegates  
January 18, 2020  
Ratified by Board of Governors  
January 18, 2020

**RESOLUTION PROPOSED BY THE  
TRANSITIONING LAWYERS COMMITTEE  
OF THE LOUISIANA STATE BAR ASSOCIATION**

**WHEREAS**, the LSBA Transitioning Lawyers Committee ("Committee") is charged as part of its mission, "to develop programs to assist those transitioning out of the practice of law..."; and

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

**WHEREAS**, a subcommittee was appointed to study emeritus status;

**WHEREAS**, the subcommittee, after a thorough review recommends adding emeritus status to the classifications of attorney membership status in Louisiana's bar roll;

**WHEREAS**, the subcommittee's recommendations were approved by the LSBA Transitioning Lawyers Committee;

**WHEREAS**, the Transitioning Lawyers Committee recommends adding emeritus status to the classifications of attorney membership status in Louisiana's bar roll as set forth in the attached proposal labeled Exhibit "A";

**WHEREAS**, emeritus members will have to be addressed in the LSBA governing documents;

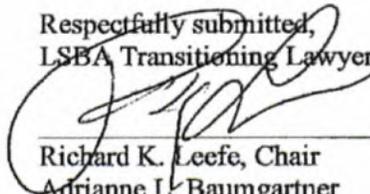
**WHEREAS**, the Transitioning Lawyers Committee recommends amendments to the LSBA governing documents as attached and labeled "Exhibit B";

**NOW THEREFORE BE IT RESOLVED THAT** the LSBA House of Delegates approve the recommendations of the LSBA Transitioning Lawyers Committee as set forth above.

**NOW THEREFORE BE IT RESOLVED THAT** the LSBA House of Delegates approve amendments to the LSBA governing documents;

**NOW THEREFORE BE IT FURTHER RESOLVED THAT** the LSBA House of Delegates respectfully recommends approval of same by the Louisiana Supreme Court.

Respectfully submitted,  
LSBA Transitioning Lawyers Committee



Richard K. Leefe, Chair  
Adrienne L. Baumgartner  
Thomas C. Cerullo  
John H. Musser, IV  
Michael A. Patterson  
Freddie Pitcher, Jr.  
Graham Harris Ryan  
Joseph L. Shea, Jr.  
Edward J. Walters, Jr.

APPROVED BY HOUSE OF DELEGATES  
JUNE 6, 2019  
MIRAMAR BEACH, FL

APPROVED BY BOARD OF GOVERNORS  
JUNE 7, 2019  
MIRAMAR BEACH, FL

## Exhibit "A"

Proposal for Sections 3 and 4 of Supreme Court Rule XVIII.

\* \* \*

### **Section 3. Application for Transfer to Inactive Status or Emeritus Status.**

(A) Inactive Status. A lawyer in good standing who is not engaged in the active practice of law may advise the Louisiana State Bar Association in writing that the lawyer desires to assume inactive status and discontinue the practice of law. Upon the filing of the notice, the Louisiana State Bar Association shall inform the Court and the lawyer shall no longer be eligible to practice law. A lawyer who is on inactive status shall not be obligated to pay bar association dues or the annual fee imposed by Rule XIX upon active practitioners. A lawyer on inactive status shall be removed from the roll of those classified as active until and unless the lawyer requests and is granted reinstatement to the active rolls.

(B) Emeritus Status. A lawyer in good standing who no longer desires to engage in the full time active practice of law may apply to transfer to emeritus status if, at the time of application, the lawyer: (i) is otherwise eligible to actively practice law in Louisiana; (ii) is fifty-five years of age or older; and (iii) has actively practiced law in Louisiana for a minimum of fifteen years. A lawyer applying for such a transfer shall advise the Louisiana State Bar Association in writing that the lawyer desires to assume emeritus status and discontinue the active practice of law. Upon the filing of the notice, the Louisiana State Bar Association shall inform the Court and the lawyer shall no longer be eligible to practice law except to the extent that the lawyer may: (i) engage in the pro bono practice of law through a program established, sponsored, or recognized by the Louisiana State Bar Association's Access to Justice Committee; (ii) participate in any mentoring program established by the Louisiana State Bar Association; (iii) engage in the uncompensated representation of immediate family members, as defined in La. R.S. 42:1102; (iv) serve

on committees of the Louisiana State Bar Association; and (v) serve on receivership team panels, as defined in Rule XIX, § 27. The duty to maintain a client trust account is not changed by transfer to emeritus status. A lawyer on emeritus status and who otherwise would be obligated to pay them shall pay fifty percent of the annual bar association dues imposed upon active practitioners and shall pay fifty percent of the annual disciplinary fee required of lawyers admitted to practice three years or more pursuant to Rule XIX, § 8. A lawyer on emeritus and not otherwise exempt shall comply with the continuing legal education requirements imposed by Rule XXX. A lawyer on emeritus status shall be removed from the roll of those classified as active until and unless the lawyer requests and is granted reinstatement to the active rolls.

**Section 4. Reinstatement from Inactive Status or Emeritus Status.**

(A) Inactive Status. Any lawyer on inactive status under Section 3(A) of this rule shall be reinstated if the lawyer makes application to the Louisiana State Bar Association within five years of the date of transfer to inactive status. Any lawyer who fails to make application for reinstatement within five years of the effective date of transfer to inactive status may, in the discretion of the court upon notice from the Louisiana State Bar Association, be required to petition for reinstatement under Rule XIX, § 24.

(B) Emeritus Status. Any lawyer on emeritus status under Section 3(B) of this rule shall be reinstated to active status if the lawyer makes application to the Louisiana State Bar Association and makes full payment of the annual bar association dues and the annual disciplinary fee required by Rule XIX, § 8. If at the time of application for reinstatement to active status, a lawyer on emeritus status has already submitted payment for the annual bar association dues and the annual disciplinary fee for that year, the lawyer shall make payment of the remainder due for that year before being granted reinstatement to active status.

\* \* \*

## Exhibit "B"

# ARTICLES OF INCORPORATION OF THE LOUISIANA STATE BAR ASSOCIATION

## ARTICLE IV. MEMBERSHIP

### Section 4. Emeritus Members

Members age 55 and older who have been engaged in the active practice of law in Louisiana for a minimum of fifteen (15) years may be enrolled as an Emeritus member upon written request to the Secretary, who then shall notify the Supreme Court accordingly.

Emeritus members shall not be eligible to practice law except to the extent that they may engage in the pro bono practice of law through a program established, sponsored, or recognized by the Access to Justice Committee; (ii) participate in any mentoring program established by the Louisiana State Bar Association; (iii) engage in the uncompensated representation of immediate family members, as defined in La. R.S. 42:1102; (iv) serve on committees of the Louisiana State Bar Association; and (v) serve on receivership team panels, as defined in Rule XIX, § 27.

Emeritus members shall be entitled to exercise all other rights of membership, except the right to hold office.

### Section 45. Inactive Members

Any member in good standing may be enrolled as an inactive member upon his written request to the Secretary, who then shall notify the Supreme Court accordingly.

### Section 56. Authority to Practice Law Restricted

With the exception of Emeritus members as set forth in Section 4 of these Articles of Incorporation, ~~no~~ no person shall practice law in this State unless he/she is an active member, in good standing, of this Association.

## BY-LAWS OF THE LOUISIANA STATE BAR ASSOCIATION

### ARTICLE I. REGISTRATION AND DUES

#### **Section 1. Dues**

The annual membership dues for active members who shall have been admitted to the practice of law in the State of Louisiana for more than three years shall be Two Hundred and No/100 Dollars (\$200.00), ~~and~~ for those active members who have been admitted for three years or less shall be Eighty and No/100 Dollars (\$80.00), and for Emeritus members, dues shall be fifty (50) percent of the dues rate charged to members admitted to practice law in the State of Louisiana for more than three years. Newly admitted members' annual dues of \$80.00 shall be paid at the time the oath is administered. There shall be no pro-ration of dues.

Proposal for Sections 3 and 4 of Supreme Court Rule XVIII.

\* \* \*

**Section 3. Application for Transfer to Inactive Status or Emeritus Status.**

(A) Inactive Status. A lawyer in good standing who is not engaged in the active practice of law may advise the Louisiana State Bar Association in writing that the lawyer desires to assume inactive status and discontinue the practice of law. Upon the filing of the notice, the Louisiana State Bar Association shall inform the Court and the lawyer shall no longer be eligible to practice law. A lawyer who is on inactive status shall not be obligated to pay bar association dues or the annual fee imposed by Rule XIX upon active practitioners. A lawyer on inactive status shall be removed from the roll of those classified as active until and unless the lawyer requests and is granted reinstatement to the active rolls.

(B) Emeritus Status. A lawyer in good standing who no longer desires to engage in the full time active practice of law may apply to transfer to emeritus status if, at the time of application, the lawyer: (i) is otherwise eligible to actively practice law in Louisiana; (ii) is fifty years of age or older; and (iii) has actively practiced law in Louisiana for a minimum of ten years. A lawyer applying for such a transfer shall advise the Louisiana State Bar Association in writing that the lawyer desires to assume emeritus status and discontinue the active practice of law. Upon the filing of the notice, the Louisiana State Bar Association shall inform the Court and the lawyer shall no longer be eligible to practice law except to the extent that the lawyer may: (i) engage in the pro bono practice of law through a program established, sponsored, or recognized by the Louisiana State Bar Association's Access to Justice Program; (ii) participate in any mentoring program established by the Louisiana State Bar Association; (iii) engage in the uncompensated representation of immediate family members, as defined in La. R.S. 42:1102; (iv) serve on committees of the Louisiana

## ARTICLES OF INCORPORATION OF THE LOUISIANA STATE BAR ASSOCIATION

### ARTICLE IV. MEMBERSHIP

#### Section 4. Emeritus Members

Members age 50 and older who have been engaged in the active practice of law in Louisiana for a minimum of ten (10) years may be enrolled as an Emeritus member upon written request to the Secretary, who then shall notify the Supreme Court accordingly.

Emeritus members shall not be eligible to practice law except to the extent that they may engage in the pro bono practice of law through a program established, sponsored, or recognized by the Access to Justice Program; (ii) participate in any mentoring program established by the Louisiana State Bar Association; (iii) engage in the uncompensated representation of immediate family members, as defined in La. R.S. 42:1102; (iv) serve on committees of the Louisiana State Bar Association; and (v) serve on receivership team panels, as defined in Rule XIX, § 27.

Emeritus members shall be entitled to exercise all other rights of membership, except the right to hold office.

#### Section 45. Inactive Members

Any member in good standing may be enrolled as an inactive member upon his written request to the Secretary, who then shall notify the Supreme Court accordingly.

#### Section 56. Authority to Practice Law Restricted

With the exception of Emeritus members as set forth in Section 4 of these Articles of Incorporation, No no person shall practice law in this State unless he/she is an active member, in good standing, of this Association.

## BY-LAWS OF THE LOUISIANA STATE BAR ASSOCIATION

### ARTICLE I. REGISTRATION AND DUES

#### **Section 1. Dues**

The annual membership dues for active members who shall have been admitted to the practice of law in the State of Louisiana for more than three years shall be Two Hundred and No/100 Dollars (\$200.00), and for those active members who have been admitted for three years or less shall be Eighty and No/100 Dollars (\$80.00), and for Emeritus members, dues shall be fifty (50) percent of the dues rate charged to members admitted to practice law in the State of Louisiana for more than three years. Newly admitted members' annual dues of \$80.00 shall be paid at the time the oath is administered. There shall be no pro-ration of dues.

**RESOLUTION PROPOSED BY THE  
TRANSITIONING LAWYERS COMMITTEE  
OF THE LOUISIANA STATE BAR ASSOCIATION**

**WHEREAS**, the LSBA Transitioning Lawyers Committee (“Committee”) is charged as part of its mission, “to develop programs to assist those transitioning out of the practice of law...”; and

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

**WHEREAS**, a subcommittee was appointed to study emeritus status;

**WHEREAS**, the Transitioning Lawyers Committee recommended adding emeritus status to the classifications of attorney membership status in Louisiana’s bar roll as set forth in the attached proposal labeled Exhibit “I”. Said resolution was approved by the LSBA House of Delegates on June 6, 2019;

**WHEREAS**, the Transitioning Lawyers Committee after review and in consultation with the Court, now recommends minor changes to its original emeritus status proposal as set forth in the attached revised proposal labeled “Exhibit II”. Changes address the following:

1. Reduce age to 50 as opposed to 55
2. Reduce years of practice to 10 years as opposed to 15 years
3. Change Access to Justice Committee to Access to Justice Program

**WHEREAS**, emeritus members will have to be addressed in the LSBA governing documents;

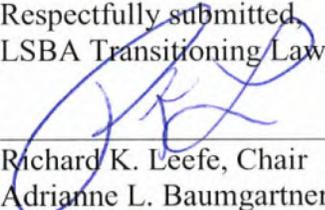
**WHEREAS**, the Transitioning Lawyers Committee recommends amendments to the LSBA governing documents as attached and labeled “Exhibit III”;

**NOW THEREFORE BE IT RESOLVED THAT** the LSBA House of Delegates approve the recommendations of the LSBA Transitioning Lawyers Committee as set forth above.

**NOW THEREFORE BE IT RESOLVED THAT** the LSBA House of Delegates approve amendments to the LSBA governing documents;

**NOW THEREFORE BE IT FURTHER RESOLVED THAT** the LSBA House of Delegates respectfully recommends approval of same by the Louisiana Supreme Court.

Respectfully submitted,  
LSBA Transitioning Lawyers Committee

  
\_\_\_\_\_  
Richard K. Leefe, Chair  
Adrienne L. Baumgartner  
Thomas C. Cerullo  
John H. Musser, IV  
Michael A. Patterson  
Freddie Pitcher, Jr.  
Graham Harris Ryan  
Joseph L. Shea, Jr.  
Edward J. Walters, Jr.

Approved by House of Delegates  
January 18, 2020  
Ratified by Board of Governors  
January 18, 2020

**RESOLUTION PROPOSED BY THE  
TRANSITIONING LAWYERS COMMITTEE  
OF THE LOUISIANA STATE BAR ASSOCIATION**

**WHEREAS**, the LSBA Transitioning Lawyers Committee ("Committee") is charged as part of its mission, "to develop programs to assist those transitioning out of the practice of law..."; and

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

**WHEREAS**, a subcommittee was appointed to study emeritus status;

**WHEREAS**, the subcommittee, after a thorough review recommends adding emeritus status to the classifications of attorney membership status in Louisiana's bar roll;

**WHEREAS**, the subcommittee's recommendations were approved by the LSBA Transitioning Lawyers Committee;

**WHEREAS**, the Transitioning Lawyers Committee recommends adding emeritus status to the classifications of attorney membership status in Louisiana's bar roll as set forth in the attached proposal labeled Exhibit "A";

**WHEREAS**, emeritus members will have to be addressed in the LSBA governing documents;

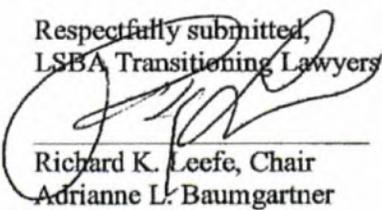
**WHEREAS**, the Transitioning Lawyers Committee recommends amendments to the LSBA governing documents as attached and labeled "Exhibit B";

**NOW THEREFORE BE IT RESOLVED THAT** the LSBA House of Delegates approve the recommendations of the LSBA Transitioning Lawyers Committee as set forth above.

**NOW THEREFORE BE IT RESOLVED THAT** the LSBA House of Delegates approve amendments to the LSBA governing documents;

**NOW THEREFORE BE IT FURTHER RESOLVED THAT** the LSBA House of Delegates respectfully recommends approval of same by the Louisiana Supreme Court.

Respectfully submitted,  
LSBA Transitioning Lawyers Committee



Richard K. Leefe, Chair  
Adrienne L. Baumgartner  
Thomas C. Cerullo  
John H. Musser, IV  
Michael A. Patterson  
Freddie Pitcher, Jr.  
Graham Harris Ryan  
Joseph L. Shea, Jr.  
Edward J. Walters, Jr.

APPROVED BY HOUSE OF DELEGATES  
JUNE 6, 2019  
MIRAMAR BEACH, FL

APPROVED BY BOARD OF GOVERNORS  
JUNE 7, 2019  
MIRAMAR BEACH, FL

## Exhibit "A"

Proposal for Sections 3 and 4 of Supreme Court Rule XVIII.

\* \* \*

### **Section 3. Application for Transfer to Inactive Status or Emeritus Status.**

(A) Inactive Status. A lawyer in good standing who is not engaged in the active practice of law may advise the Louisiana State Bar Association in writing that the lawyer desires to assume inactive status and discontinue the practice of law. Upon the filing of the notice, the Louisiana State Bar Association shall inform the Court and the lawyer shall no longer be eligible to practice law. A lawyer who is on inactive status shall not be obligated to pay bar association dues or the annual fee imposed by Rule XIX upon active practitioners. A lawyer on inactive status shall be removed from the roll of those classified as active until and unless the lawyer requests and is granted reinstatement to the active rolls.

(B) Emeritus Status. A lawyer in good standing who no longer desires to engage in the full time active practice of law may apply to transfer to emeritus status if, at the time of application, the lawyer: (i) is otherwise eligible to actively practice law in Louisiana; (ii) is fifty-five years of age or older; and (iii) has actively practiced law in Louisiana for a minimum of fifteen years. A lawyer applying for such a transfer shall advise the Louisiana State Bar Association in writing that the lawyer desires to assume emeritus status and discontinue the active practice of law. Upon the filing of the notice, the Louisiana State Bar Association shall inform the Court and the lawyer shall no longer be eligible to practice law except to the extent that the lawyer may: (i) engage in the pro bono practice of law through a program established, sponsored, or recognized by the Louisiana State Bar Association's Access to Justice Committee; (ii) participate in any mentoring program established by the Louisiana State Bar Association; (iii) engage in the uncompensated representation of immediate family members, as defined in La. R.S. 42:1102; (iv) serve

on committees of the Louisiana State Bar Association; and (v) serve on receivership team panels, as defined in Rule XIX, § 27. The duty to maintain a client trust account is not changed by transfer to emeritus status. A lawyer on emeritus status and who otherwise would be obligated to pay them shall pay fifty percent of the annual bar association dues imposed upon active practitioners and shall pay fifty percent of the annual disciplinary fee required of lawyers admitted to practice three years or more pursuant to Rule XIX, § 8. A lawyer on emeritus and not otherwise exempt shall comply with the continuing legal education requirements imposed by Rule XXX. A lawyer on emeritus status shall be removed from the roll of those classified as active until and unless the lawyer requests and is granted reinstatement to the active rolls.

**Section 4. Reinstatement from Inactive Status or Emeritus Status.**

(A) Inactive Status. Any lawyer on inactive status under Section 3(A) of this rule shall be reinstated if the lawyer makes application to the Louisiana State Bar Association within five years of the date of transfer to inactive status. Any lawyer who fails to make application for reinstatement within five years of the effective date of transfer to inactive status may, in the discretion of the court upon notice from the Louisiana State Bar Association, be required to petition for reinstatement under Rule XIX, § 24.

(B) Emeritus Status. Any lawyer on emeritus status under Section 3(B) of this rule shall be reinstated to active status if the lawyer makes application to the Louisiana State Bar Association and makes full payment of the annual bar association dues and the annual disciplinary fee required by Rule XIX, § 8. If at the time of application for reinstatement to active status, a lawyer on emeritus status has already submitted payment for the annual bar association dues and the annual disciplinary fee for that year, the lawyer shall make payment of the remainder due for that year before being granted reinstatement to active status.

\* \* \*

## ARTICLES OF INCORPORATION OF THE LOUISIANA STATE BAR ASSOCIATION

### ARTICLE IV. MEMBERSHIP

#### Section 4. Emeritus Members

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Emeritus members shall not be eligible to practice law except to the extent that they may (i) engage in the pro bono practice of law through a program established, sponsored, or recognized by the Access to Justice Committee; (ii) participate in any mentoring program established by the Louisiana State Bar Association; (iii) engage in the uncompensated representation of immediate family members, as defined in La. R.S. 42:1102; (iv) serve on committees of the Louisiana State Bar Association; and (v) serve on receivership team panels, as defined in Rule XIX, § 27.

Emeritus members shall be entitled to exercise all other rights of membership, except the right to hold office.

#### Section 45. Inactive Members

Any member in good standing may be enrolled as an inactive member upon his written request to the Secretary, who then shall notify the Supreme Court accordingly.

#### Section 56. Authority to Practice Law Restricted

With the exception of Emeritus members as set forth in Section 4 of these Articles of Incorporation, No no person shall practice law in this State unless he/she is an active member, in good standing, of this Association.

## BY-LAWS OF THE LOUISIANA STATE BAR ASSOCIATION

### ARTICLE I. REGISTRATION AND DUES

#### Section 1. Dues

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Proposal for Sections 3 and 4 of Supreme Court Rule XVIII.

\* \* \*

**Section 3. Application for Transfer to Inactive Status or Emeritus Status.**

(A) Inactive Status. A lawyer in good standing who is not engaged in the active practice of law may advise the Louisiana State Bar Association in writing that the lawyer desires to assume inactive status and discontinue the practice of law. Upon the filing of the notice, the Louisiana State Bar Association shall inform the Court and the lawyer shall no longer be eligible to practice law. A lawyer who is on inactive status shall not be obligated to pay bar association dues or the annual fee imposed by Rule XIX upon active practitioners. A lawyer on inactive status shall be removed from the roll of those classified as active until and unless the lawyer requests and is granted reinstatement to the active rolls.

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## ARTICLES OF INCORPORATION OF THE LOUISIANA STATE BAR ASSOCIATION

### ARTICLE IV. MEMBERSHIP

#### Section 4. Emeritus Members

Members age 50 and older who have been engaged in the active practice of law in Louisiana for a minimum of ten (10) years may be enrolled as an Emeritus member upon written request to the Secretary, who then shall notify the Supreme Court accordingly.

Emeritus members shall not be eligible to practice law except to the extent that they may (i) engage in the pro bono practice of law through a program established, sponsored, or recognized by the Access to Justice Program; (ii) participate in any mentoring program established by the Louisiana State Bar Association; (iii) engage in the uncompensated representation of immediate family members, as defined in La. R.S. 42:1102; (iv) serve on committees of the Louisiana State Bar Association; and (v) serve on receivership team panels, as defined in Rule XIX, § 27.

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With the exception of Emeritus members as set forth in Section 4 of these Articles of Incorporation, No no person shall practice law in this State unless he/she is an active member, in good standing, of this Association.

## BY-LAWS OF THE LOUISIANA STATE BAR ASSOCIATION

### ARTICLE I. REGISTRATION AND DUES

#### Section 1. Dues

The annual membership dues for active members who shall have been admitted to the practice of law in the State of Louisiana for more than three years shall be Two Hundred and No/100 Dollars (\$200.00), ~~and~~ for those active members who have been admitted for three years or less shall be Eighty and No/100 Dollars (\$80.00), and for Emeritus members, dues shall be fifty (50) percent of the dues rate charged to members admitted to practice law in the State of Louisiana for more than three years. Newly admitted members' annual dues of \$80.00 shall be paid at the time the oath is administered. There shall be no pro-ration of dues.

**LOUISIANA STATE BAR ASSOCIATION  
EXECUTIVE COMMITTEE RESOLUTION**

**ELIMINATION OF DUES FOR NEW MEMBERS  
ADMITTED IN SECOND HALF OF FISCAL YEAR**

WHEREAS, the Bylaws currently require all new members to pay annual dues at the time of admission; and

WHEREAS, those new members admitted in the second half of the fiscal year must pay dues twice in a relatively short period of time; and

WHEREAS, multiple payments in a short period can be both confusing and financially burdensome to new members; and

WHEREAS, there are generally no more than 200 members admitted between January 1 and June 30 each year.

NOW THEREFORE BE IT RESOLVED, that the House of Delegates approve the following proposed amendment to Article I, Section 1 of the Bylaws, to eliminate the payment of dues by members admitted between January 1 and June 30:

**ARTICLE I. REGISTRATION AND DUES**

**Section 1. Dues**

The annual membership dues for active members who shall have been admitted to the practice of law in the State of Louisiana for more than three years shall be Two Hundred and No/100 Dollars (\$200.00), and for those active members who have been admitted for three years or less shall be Eighty and No/100 Dollars (\$80.00). ~~Newly admitted~~ members' admitted on or before December 31 of the fiscal year shall pay annual dues of \$80.00 ~~shall be paid~~ at the time the oath is administered. Members admitted between January 1 and June 30 of the fiscal year shall pay no dues for that fiscal year. There shall be no pro-ration of dues.

Respectfully Submitted by:  
Robert A. Kutcher, President



On Behalf of LSBA EXECUTIVE COMMITTEE:  
Alainna R. Mire, President-Elect  
Barry H. Grodsky, Immediate Past President  
Shayna L. Sonnier, Treasurer  
Patrick A. Talley, Jr., Secretary

Approved by House of Delegates  
January 18, 2020  
Ratified by Board of Governors  
January 18, 2020

**RESOLUTION PROPOSED BY THE LSBA  
2019-2020 SPECIAL COMMITTEE TO REVIEW  
HOUSE OF DELEGATES' POLICIES  
OF THE LOUISIANA STATE BAR ASSOCIATION**

**WHEREAS**, the LSBA 2019-2020 Special Committee to Review House of Delegates' Policies (the "Committee") has been charged, as part of its mission: to review the policy positions adopted by the LSBA House of Delegates currently in place (some dating back to 1997), assess their appropriateness for a mandatory bar association in keeping with the guidelines set forth in *Keller v. State Bar of California* and to make recommendations regarding same; and

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

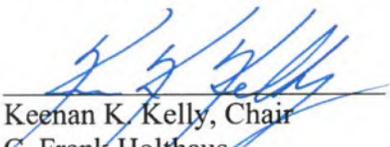
**WHEREAS**, the Committee met and reviewed and discussed the policy positions adopted by the LSBA House of Delegates currently in place (as more fully detailed in the attached document labeled Exhibit "A"); and

**WHEREAS**, the Committee, after due consideration and thoughtful debate of those policy positions, now unanimously recommends to the LSBA House of Delegates that, upon adoption of this resolution, all existing policy positions adopted by the LSBA House of Delegates that are currently in place shall be, without the necessity of further action, immediately "sunset(ted)" and repealed, unless one or more specific policy position(s) may be subsequently re-adopted by separate vote of the LSBA House of Delegates;

**NOW THEREFORE BE IT RESOLVED THAT** the LSBA House of Delegates approves and adopts the recommendation of the LSBA 2019-2020 Special Committee to Review House of Delegates' Policies of the LSBA as set forth above.

This 24<sup>th</sup> day of September, 2019.

Respectfully submitted,  
LSBA 2019-2020 Special Committee to Review  
House of Delegates' Policies of  
the Louisiana State Bar Association

  
Keenan K. Kelly, Chair  
C. Frank Holthaus  
Don Paul Landry  
H. Minor Pipes, III  
Ann S. Siddall  
Tina L. Suggs

Failed  
House of Delegates and Board of Governors  
January 18, 2020  
Baton Rouge, LA



## LSBA HOD Policy Positions (through June 2019)

### CRIMINAL LAW

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

6/12/2003 Approved resolution:

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

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

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

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

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

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

6/5/2014 Approved resolution to support legislation reducing crimes involving the classification of simple possession of marijuana and its chemical derivatives from a felony to a misdemeanor with appropriate incremental penalties for habitual offenders.

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

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

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

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

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

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

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01/21/2017 Approved resolution supporting:

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

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

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

## **CIVIL LAW**

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

06/07/2018 Approved resolution:

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

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

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A) The following definitions are to applied herein

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

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

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

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

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

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

- 1) where the Actor is engaging or has engaged in the unauthorized practice of law,
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- 3) where any damages were sustained, or
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E) An action commenced under Subpart C is subject to a liberative prescription of three years.

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1. To oppose any legislation and government rules or regulations which would permit non-lawyers to engage in the practice of law; and
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1. Permitting jurors to take notes;

2. Permitting jurors to take written instructions into the jury room;
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1. Recognizing that the courts have an affirmative obligation to ensure that all litigants have meaningful access to the courts, regardless of representation status;
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3. Supporting the establishment of court rules and policies that encourage the participation of judges, court staff, legal services agencies, state and local bar associations, and community organizations in the implementation and operation of assistance programs for self-represented litigants.

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6/9/2016 Approved resolution to support legislation that would prohibit discrimination in pay based on race, gender, religion, sexual orientation, national origin, disability, or age.

6/9/2016 Approved resolution:

1. Recognizing the LGBT people have a human right to be free from discrimination, threats, violence and denigration based on their LGBT status;
2. Urging the repeal of all constitutional amendments, laws, regulations, and rules or practices that denigrate or discriminate against LGBT individuals; and
3. Urging the adoption of laws prohibiting discrimination in employment, housing and accommodations for LGBT persons.

6/9/2016 Approved resolution adopting a policy in favor of retaining LSBA representation on statewide boards, commission and task forces.

**RESOLUTION PROPOSED BY THE LSBA  
2019-2020 SPECIAL COMMITTEE TO REVIEW  
HOUSE OF DELEGATES' POLICIES  
OF THE LOUISIANA STATE BAR ASSOCIATION**

**WHEREAS**, the LSBA 2019-2020 Special Committee to Review House of Delegates' Policies (the "Committee") has been charged, as part of its mission: to review the policy positions adopted by the LSBA House of Delegates currently in place (some dating back to 1997), assess their appropriateness for a mandatory bar association in keeping with the guidelines set forth in *Keller v. State Bar of California* and to make recommendations regarding same; and

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

**WHEREAS**, the Committee met and reviewed and discussed the policy positions adopted by the LSBA House of Delegates currently in place (as more fully detailed in the attached document labeled Exhibit "A"); and

**WHEREAS**, the Committee, after due consideration and thoughtful debate of those policy positions, now unanimously recommends to the LSBA House of Delegates that it should, upon adoption of this resolution, amend the By-Laws of the Louisiana State Bar Association to add Article XIV, which would state as follows:

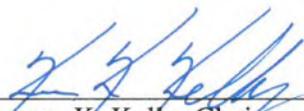
**ARTICLE XIV. SCOPE AND LIMITATIONS OF HOUSE POLICY**

In accordance with these By-Laws, any and all policy positions adopted by the LSBA House of Delegates must adhere to and agree with Article XI, §1, of the By-Laws of the Louisiana State Bar Association: namely, be limited to matters involving issues affecting the profession, the regulation of attorneys and the practice of law, the administration of justice, the availability and delivery of legal services to society, the improvement of the courts and the legal profession and such other matters consistent with the mission and purposes of the Association; but further limiting such positions to legislation which is not ideological in nature, not unrelated to the practice of law, or which is not unnecessarily divisive.

**NOW THEREFORE BE IT RESOLVED THAT** the LSBA House of Delegates approves and adopts the recommendation of the LSBA 2019-2020 Special Committee to Review House of Delegates' Policies of the LSBA and amends the By-Laws of the Louisiana State Bar Association as set forth above.

This 24<sup>th</sup> day of September, 2019.

Respectfully submitted,  
LSBA 2019-2020 Special Committee to Review  
House of Delegates' Policies of  
the Louisiana State Bar Association



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Keenan K. Kelly, Chair  
C. Frank Holthaus  
Don Paul Landry  
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Approved by House of Delegates  
January 18, 2020  
Ratified by Board of Governors  
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6/9/2016 Approved resolution:

1. Recognizing the LGBT people have a human right to be free from discrimination, threats, violence and denigration based on their LGBT status;
2. Urging the repeal of all constitutional amendments, laws, regulations, and rules or practices that denigrate or discriminate against LGBT individuals; and
3. Urging the adoption of laws prohibiting discrimination in employment, housing and accommodations for LGBT persons.

6/9/2016 Approved resolution adopting a policy in favor of retaining LSBA representation on statewide boards, commission and task forces.