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BOARD OF GOVERNORS

Saturday, October 28, 2017

Alexandria, LA

*** MINUTES ***

President Dona K. Renegar called the meeting to order at 9 a.m. on Saturday, October 28, 2017, at the Holiday Inn Alexandria Downtown. Business was conducted in accordance with the agenda below.

A G E N D A

Agenda Item 1. Roll Call

Ms. Larsen called roll and advised that the following members, who constituted a quorum, were present:

President, Dona K. Renegar
President-Elect, Barry H. Grodsky
Secretary, John E. McAuliffe, Jr
Immediate Past President, Darrel J. Papillion
Chair, Young Lawyers Division, Bradley J. Tate
First Board District Representative, D. Skylar Rosenbloom
First Board District Representative, Darryl J. Foster
Second Board District Representative, Stephen I. Dwyer
Third Board District Representative, Shannon Seiler Dartez
Fifth Board District Representative, Edward J. Walters, Jr.
Fifth Board District Representative, Valerie T. Schexnayder
Sixth Board District Representative, Charles D. Elliott
Seventh Board District Representative, C. A. "Hap" Martin, III
Eighth Board District Representative, Marjorie L. "Meg" Frazier
At-Large Member, Daniel A. Cavell
At-Large Member, Monique Y. Metoyer
From the Faculty of LSU Law Center, John M. Church
From the Louisiana State Law Institute, L. Kent Breard, Jr.
House of Delegates Committee on Liaison Chair, Julie Baxter Payer
House of Delegates Committee on Liaison Member, Jeffrey A. Riggs

Also present were:

President-Elect Designee, Robert A. Kutcher
MCLE Committee Member, Robert G. Levy
Executive Director, Loretta Larsen, CAE

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Associate Executive Director, Cheri Cotogno Grodsky
Director of Member Outreach and Diversity, Tricia R. Pierre
Executive Assistant, Mindi Hunter

Absent were:

Treasurer, H. Minor Pipes III
Fourth Board District Representative, J. Lee Hoffoss, Jr.
At-Large Member, Jermaine Guillory
From the Faculty of Tulane University Law School, Ronald J. Scalise, Jr.
House of Delegates Committee on Liaison Member, Sandra K. Cosby

Agenda Item 2. Consent Calendar

a. Approval of Minutes

Consideration of approval of minutes from August 26, 2017 meeting of the Board of Governors, held in New Orleans.

b. Louisiana Center for Law and Civic Education

Periodic report from the LCLCE, as required by the April 2010 cooperative endeavor agreement.

c. Louisiana Civil Justice Center

Ratification of appointment of LCJC Board of Trustees, which was unanimously approved via email vote in September 2017.

Upon motion by Mr. Papillion and second by Mr. Grodsky, the Board unanimously approved the Consent Calendar without discussion or debate.

Agenda Item 3. MCLE Update – Robert G. Levy

Mr. Levy made a brief presentation to the Board, including the composition and role of the MCLE Committee. He noted that the committee was currently seeking public comment on a proposed legal writing requirement for Louisiana lawyers practicing between three and five years. He reported that the committee was considering hardship waivers due to catastrophic weather events for Louisiana licensed lawyers currently living and practicing in Florida, Puerto Rico and Texas.

Agenda Item 4. Election Qualifying Report – Loretta Larsen

Ms. Larsen reported that the qualifying period had closed and that Robert Kutcher had been certified as President-Elect for 2018/2019 and Shayna Sonnier has been certified as Treasurer for 2018-2020. She advised that there would be contested elections for the following: Board of Governors 6th and 7th districts; House of Delegates 9th district; Nominating Committee districts 1B, 2A, 2B, 2C, 3A, 3C and 3D; ABA House of Delegates; and YLD Council 3rd and 5th districts. She further reported that there were a number of House of Delegates vacancies.

Ms. Renegar asked Board members to send her recommendations for appointments to fill the

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vacancies.

Agenda Item 5. 2016/2017 Audit – H. Minor Pipes III

In Mr. Pipes' absence, Ms. Renegar advised that Postlethwaite and Netterville had indicated that they underbid for the three-year audit project, and had requested additional compensation for both 2015/2016 and 2016/2017. She further reported that Postlethwaite and Netterville decided to opt out of the 2016/2017 audit, at which time the LSBA retained Bourgeois Bennett for a one-year engagement. She added that staff would be issuing a RFP for FYs 2017/2018, 2018/2019 and 2019/2020.

Agenda Item 6. Single Billing 2017/2018 Recap – Loretta Larsen

Ms. Larsen referred members to the written recap, noting that 347 members were certified ineligible for nonpayment of dues and/or disciplinary assessment.

Agenda Item 7. Judges and Lawyers Assistance Program – Barry H. Grodsky

Mr. Grodsky distributed materials from JLAP President Mark C. Surprenant, while noting that the materials set forth JLAP's concerns about the bylaws amendments approved by the Board of Governors at its August 2017 meeting. Mr. Grodsky also included in the materials copies of the bylaws as amended, which the relevant sections highlighted. There was some discussion on this issue.

Mr. Grodsky also reported on the following:

- Because of his position at LSBA President-Elect, he is currently serving as JLAP Treasurer. He said that while many inconsistencies with LSBA policies have been addressed, he has identified some additional items which need attention;
- JLAP voted at its last board meeting to follow the LSBA's lead and use Bourgeois Bennett for its FY 2016/2017 audit; and
- Statistics demonstrate that 65 to 70 percent of JLAP's services are provided to members outside of the discipline system, which was a goal identified in the 2015 JLAP performance audit.

Agenda Item 9. 2018 Annual Meeting/Summer School Fee Schedule – Loretta Larsen

Ms. Larsen reviewed the proposed fee schedule, noting that it reflected proposed increases between \$20 and \$30 for the various registration fees, and that there would be the first increases in more than five years. She added that costs associated with staging the meeting had increased, while there had been no increase in registration fees. Ms. Renegar noted that the Executive Committee voted unanimously to recommend to the Board that it approve the fee schedule, subject to having the Louisiana Judicial College approve the judges' fees.

After a brief discussion and upon motion by Mr. Papillion and second by Mr. Martin, the Board voted unanimously to accept the Executive Committee's recommendation.

Agenda Item 10. Judges and Lawyers Assistance Program – Dona Kay Renegar

- a. Ms. Renegar briefly reviewed the documents related to creation of an affiliate foundation for JLAP and noted that JLAP had secured donations of just under \$60,000 to provide initial funding for the entity. She reported that no LSBA funds would be used and that they had agreed not to include JLAP in the name to avoid any confusion. After some discussion and upon motion by Mr. Elliott and second by Ms. Dartez, the Board unanimously approved creation of the foundation, with Mr. Cavell abstaining.
- b. Ms. Renegar again reviewed JLAP's concerns about some of the bylaws provisions approved by the LSBA Board of Governors at its August 2017 meeting. After some discussion and upon motion by Mr. McAuliffe and second by Ms. Dartez, the Board unanimously approved the following motion:

BE IT RESOLVED that the following language be added as the third sentence in Article 3, Section 2 of the JLAP Bylaws: The Directors from the leadership of the LSBA may include but need not be limited to past Presidents of the LSBA, members of the LSBA Board of Governors and Chairs of LSBA Committees. And be It further resolved that the effective date of the amended Bylaws be November 1, 2017.
- c. Ms. Renegar then advised that the LSBA Board of Governors would need to appoint a reconstituted JLAP Board as per the new provisions of the JLAP Bylaws. She said she had received an email from Mark C. Surprenant of JLAP recommending that he and Donald C. Massey be appointed as LSBA members and that Judge Ivan Lemelle and Judge Rachael Johnson be appointed as judge members. After some discussion and upon motion by Mr. Papillion and second by Mr. McAuliffe, the Board voted unanimously to appoint the following members to the JLAP Board for the positions indicated:
 - Hon. Ivan L.R. Lemelle, Judge Member, Class I
 - Mark C. Surprenant, LSBA Member, Class I
 - Christine Lipsey, LSBA Member, Class II
 - C.A. "Hap" Martin III, LSBA Leader, Class II
 - Hon. Rachael D. Johnson, Judge Member, Class III
 - Joseph L. "Larry" Shea, Jr., LSBA Leader, Class III

Agenda Item 11. Citizen Lawyer Awards – Tricia R. Pierre

Ms. Pierre reviewed Citizen Lawyer Award recommendations as submitted by the Outreach Committee. After some discussion and upon motion by Ms. Dartez and second by Mr. Rosenbloom, the Board voted unanimously to approve the following:

- Meredith S. Grabill, Lugenbuhl, Wheaton, Peck, Rankin & Hubbard, New Orleans, LA;

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- Benjamin W. Kadden, Lugenbuhl, Wheaton, Peck, Rankin & Hubbard, New Orleans, LA;
- Walter J. Leger, Jr., Leger & Shaw, New Orleans, LA;
- Honorable Scott U. Schlegel, 24th Judicial District Court, Gretna, LA;
- Pamela A. Stewart, Genesis Energy, LLC, Ruston, LA; and
- Adrienne D. White, Law Offices of White and White, Mansfield, LA.

Agenda Item 12. Member Benefit Agreement – Loretta Larsen

Ms. Larsen reviewed the member benefit proposal from Ayla, a Louisiana company which provides a Louisiana-centric form tool for family law and successions, with additional practice areas to be added. Mr. Larsen advised that the company would offer LSBA members a 15 percent discount. Ms. Renegar noted that her partner was using the family law product and was very happy with it. After a brief discussion, Mr. Cavell made the following motion, which was seconded by Ms. Metoyer:

BE IT RESOLVED that the Board of Governors approve a member benefit agreement with Ayla.

After additional discussion, Mr. Rosenbloom moved to amend the motion as follows, which motion to amend was seconded by Ms. Metoyer:

BE IT RESOLVED that the Board of Governors approve a member benefit agreement with Ayla, *and that Ayla be required to make ongoing updates to its products;*

After additional discussion, Ms. Dartez moved to amend the motion to amend to change the word *required* to *encouraged*, which motion to amend was seconded by Ms. Metoyer and approved by the Board.

The Board then voted unanimously to approve the following amended motion:

BE IT RESOLVED that the Board of Governors approve a member benefit agreement with Ayla, and that Ayla be encouraged to make ongoing updates to its products.

Agenda Item 13. LSBA Appointment to MCLE Committee – Dona Kay Renegar

Ms. Renegar advised that Robert Levy's and Edward Walters' terms on the MCLE committee were expiring December 31, 2017, and that both were eligible for reappointment. She added that Mr. Walters advised that due to other commitments he did not wish to be reappointed. Ms. Renegar reported that she had spoken with Patrick Talley, who advised he was interested in an appointment

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to the committee. She further advised that the Executive Committee had voted unanimously to recommend the reappointment of Mr. Levy and the appointment of Mr. Talley.

After a brief discussion and upon motion by Mr. McAuliffe and second by Mr. Walters, the Board voted unanimously to appoint Mr. Talley and reappoint Mr. Levy.

Agenda Item 14. LSBA Appointment to Louisiana Attorney Disciplinary Board Administrative Committee – Dona Kay Renegar

Ms. Renegar advised that current LSBA representative Jeffrey L. Little had served three consecutive one-year terms and was not eligible for reappointment. She further advised that she did not yet have a recommendation regarding this appointment, as she had a number of individuals she was considering and was working with the Supreme Court to ensure those individuals were eligible to serve. After a brief discussion and upon motion by Mr. Grodsky and second by Mr. Church, the Board voted unanimously to grant Ms. Renegar the authority to make this appointment.

Agenda Item 15. Fastcase Contract – Loretta Larsen

Ms. Larsen reviewed the LSBA's history with Fastcase, noting that Fastcase was offering a five-year renewal at the same rate the LSBA had been paying since 2005. She further advised that the Executive Committee had voted unanimously to recommend the renewal. After a brief discussion and upon motion by Mr. Martin and second by Ms. Metoyer, the Board voted unanimously to approve the five-year renewal with the amendment to the agreement to add the words "at least" prior to the word "sixty (60) days" in item (2) of the renewal agreement, with Mr. Walters abstaining.

Agenda Item 16. Amendments to FY 2017/2018 Budget – H. Minor Pipes III

In Mr. Pipes' absence, Ms. Renegar reviewed the proposed amendments, noting that the overall impact on the budget was positive. She advised that the Budget Committee had voted unanimously to recommend to the Board that it approve the amendments. After a brief discussion and upon motion by Mr. Foster and second by Ms. Dartez, the Board voted unanimously to approve the amendments.

Agenda Item 17. Approval of Employee Retirement Contribution – Dona Kay Renegar

Ms. Renegar reviewed information regarding the employee retirement contribution, noting that it had been approved in June 2017 when the FY 2017/2018 budget was adopted. After a brief discussion and upon motion by Ms. Schexnayder and second by Mr. Church, the Board unanimously approved the retirement contribution, with Mr. Grodsky abstaining.

Agenda Item 18. Report of the President – Dona Kay Renegar

- a. 2018 Midyear Meeting – Ms. Renegar reminded members that the Midyear Meeting will be held January 18 – 20, at the Renaissance Baton Rouge Hotel. She noted that the Board of Governors meeting will be held the afternoon of Friday, January 19, and the House of Delegates meeting

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will be held the morning of Saturday, January 20, adding that the Board will reconvene upon adjournment of the House meeting to consideration ratification of the action of the House.

- b. 1L Professionalism Program – Ms. Renegar reported that the deans of Loyola and Tulane law schools had shared with her some concerns over the 1L orientation programs at the law schools. She advised that the matters had been addressed and that she had also spoken with the deans of LSU and Southern who had no concerns about the programs.
- c. Trust Account CLE – Ms. Renegar announced that as a result of the August meeting with specialty bar leaders, the LSBA had scheduled a trust accounting workshop for Tuesday, November 7, at Louisiana Bar Center, and would likely plan additional workshops in other areas of the state.

Agenda Item 19. Report of the President-Elect – Barry H. Grodsky

Mr. Grodsky reported that he had likewise followed up with Tulane’s Dean Meyer regarding the 1L program and that all was well. He further reported that the Committee on the Profession was working on introducing a debt management program for law students.

Agenda Item 20. Report of the Secretary – John E. McAuliffe, Jr.

Mr. McAuliffe reported that the October/November issue of the *Louisiana Bar Journal* had been published and that content was in for the December/January issue.

Agenda Item 21. Report of the Treasurer – H. Minor Pipes III

In Mr. Pipes’ absence there was no report.

Agenda Item 22. Report of the Immediate Past President – Darrel J. Papillion

Mr. Papillion waived his report.

Agenda Item 23. Report of the Young Lawyers Division Chair – Bradley J. Tate

Mr. Tate reported that the YLD Council would meet in Lafayette on Friday, November 3. He also reported on spring Wills for Heroes events, the High School Mock Trial Competition, and plans for the Louisiana64 meeting at the 2018 Midyear Meeting in Baton Rouge.

Agenda Item 24. Report of the Executive Director – Loretta Larsen

Ms. Larsen advised that all of her matters had been covered elsewhere on the agenda.

Agenda Item 25. Report of the Associate Executive Director – Cheri Cotogno Grodsky

Ms. Grodsky waived her report.

Agenda Item 26. Other Matters

Ms. Larsen advised that the LCJC had requested that Judge Robert A. Chaisson of the Louisiana 5th Circuit Court of Appeal be added to the LCJC Board of Trustees. Upon motion by Ms. Dartez and second by Mr. Grodsky, the Board voted unanimously to appoint Judge Chaisson.

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Adjourn

There being no further business, the meeting was adjourned at 10:30 a.m.

Respectfully Submitted:



John E. McAuliffe, Jr.
Secretary

APPROVED BY BOARD OF GOVERNORS
JANUARY 19, 2018
BATON ROUGE, LA