

Serving the Public. Serving the Profession.

HOUSE OF DELEGATES

9 a.m. ■ Thursday, June 6, 2019 Sandestin Golf & Beach Resort ■ Miramar Beach, FL

MINUTES

President Barry H. Grodsky called the meeting to order at 10:40 a.m., Thursday, June 6, 2019, in the Magnolia Ballroom of the Baytowne Conference Center at Sandestin Golf & Beach Resort. Business was conducted in accordance with the agenda below.

AGENDA

I. Certification of Quorum by the Secretary

Secretary John E. McAuliffe, Jr. certified that a quorum was present. The roll call is attached as an addendum to these minutes.

II. Recognition of Deceased Members of the House of Delegates

Mr. Grodsky reported that there were no deceased members since the January 2019 meeting.

General Session

All Committee reports were distributed in advance of the meeting via email.

III. Reports of Standing Committees of the House

There were no reports of standing committees of the House.

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

- 1. Barry H. Grodsky, President

 Mr. Grodsky reported to the House on the accomplishments of the LSBA

 during the past year, and on the challenges facing mandatory bar

 associations.
- 2. Robert A. Kutcher, President-Elect *Mr. Kutcher waived his report.*
- 3. John E. McAuliffe, Jr., Secretary

 Mr. McAuliffe waived his report, noting that he had given a brief report to the

General Assembly.

4. Shayna L. Sonnier, Treasurer

Ms. Sonnier waiver her report, noting that she had given a brief report to the General Assembly.

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

All committee reports were distributed via email.

V. Other Reports

There were no other reports.

Activities of the House of Delegates

VII. Approval of Minutes

Consideration of approval of the Minutes of the January 19, 2019 Meeting of the House of Delegates, held in Baton Rouge.

Upon motion by Ann S. Siddall, 7th Judicial District, and second by Val P. Exnicios, Class Action, Mass Torts and Complex Litigation Section, the House unanimously approved the minutes as presented.

VIII. Old Business

There was no old business to come before the House.

IX. Elections

Legislation Committee

1. Election of five (5) members of the House of Delegates to serve three-year terms on the Legislation Committee.

Eight (8) candidates qualified for the five available positions. Paper ballots were prepared and distributed to House members, who were required to turn the ballots in to staff members prior to the adjournment of the House. The following HOD members were elected:

- Charles C. Bourque, Jr., 32nd Judicial District
- Sandra K. Cosby, 24th Judicial District
- Val P. Exnicios, 41st Judicial District
- Keenan K. Kelly, 10th Judicial District
- Ann S. Siddall, 7th Judicial District

Louisiana Bar Foundation Board of Directors

2. Election of a member of the Louisiana State Bar Association House of Delegates to serve ex-officio as a member of the Board of Directors of the Louisiana Bar Foundation for a three-year term beginning 2019 and ending 2022. This individual must be a Fellow of the Louisiana Bar Foundation.

H. Minor Pipes III, 41st Judicial District by proxy, nominated 32nd Judicial District Delegate Charles C. Bourque, Jr., which nomination was seconded by Jeffrey A. Riggs, 15th Judicial District. The House elected Mr. Bourque by acclimation.

X. Resolutions

Committee Resolution

1. Resolution from the Criminal Justice Committee to amend the committee's mission statement to better reflect the broader scope of the committee's work and the participation of prosecution, law enforcement, department of corrections, and other agencies represented in the criminal justice system on the Committee.

Criminal Justice Committee Chair Graham L. Bosworth introduced the resolution, after which adoption was moved and seconded. The House unanimously approved the resolution.

Member Resolutions

- 2. Resolution from Jeffrey A. Riggs of the 15th Judicial District seeking to amend the Articles of Incorporation and Rules of Procedure of the House of Delegates to provide that:
 - The senior in tenure member of the Liaison Committee be designated the House of Delegates Liaison to the Board of Governors; and
 - In the event the House of Delegates Liaison is not in attendance at any meeting of the Board of Governors, the next senior in tenure member be allowed to vote on behalf of the Liaison Committee.

Mr. Riggs introduced the resolution and moved its adoption, which motion was seconded. Mr. Grodsky called upon Bar Governance Committee Chair Darrel J. Papillion, who reported that the committee had reviewed the resolution and voted to oppose the senior member serving as chair and to support the voting provision.

Shayna L. Sonnier, 14th Judicial District by proxy, spoke against the resolution, noting that she was opposed to the senior member serving as chair.

Shayna Beevers Morvant, 24th Judicial District, moved to divide the resolution and vote on the two issues separately, which motion was seconded by Shannon Seiler Dartez, 15th Judicial District by proxy. The House approved and the resolution was divided.

The following members spoke as indicated:

- Robert A. Kutcher, 24th Judicial District by proxy against senior member serving as chair
- *Ms. Dartez against senior member serving as chair and for voting provision;*
- Bradley J. Tate, 41st Judicial District, against senior member serving as chair.

The question was called on the senior member serving as chair and it FAILED by voice vote.

The question was called on the voting provision and it was unanimously APPROVED by voice vote.

3. Resolution from Shayna Beevers Morvant of the 24th Judicial District seeking to suspend the Legislation Committee and its related activities pending the outcome of *Fleck* and other mandatory bar litigation.

Ms. Morvant introduced and moved adoption of an amended version of the resolution, which read as follows:

BE IT RESOLVED THAT the LSBA's Legislation Committee and all related activities thereof be suspended until the Midyear Meeting of the House of Delegates in January 2020, at which time the committee will be reactivated.

Mr. Grodsky called upon Mr. Papillion, who reported that the Bar Governance Committee had reviewed the resolution prior to being amended but advised that the amendment did capture the spirit of the committee's discussion

Lynn Luker, Civil Law and Litigation Section, seconded the motion. The question was called and the House APPROVED the resolution as amended.

4. Resolution from Keenan K. Kelly of the 10th Judicial District seeking to amend the Articles of Incorporation to require a vote in excess of three-fourths of the required numerical quorum of the House of Delegates to adopt a position on pending legislation. *Mr. Kelly introduced and moved adoption of an amended version of the resolution, which read as follows:*

Section 6. Voting

Each resolution presented to the House for passage shall be adopted by the House if it shall pass by a vote of a majority of those present and voting, provided, however, that any resolution of the House of Delegates having to do with the position of the Association shall require a vote in excess of three-fourths of the required numerical quorum of the House of Delegates.

The following members spoke as indicated:

- Mr. Papillion, who reported that the Bar Governance Committee supported the resolution as amended
- Evan Bergeron, 41st Judicial District oppose
- Ms. Luker support
- Marta-Ann Schnabel, Past President posed question about whether the resolution really addressed the issue at hand, as votes of the Legislation Committee require only a simple majority
- Richard K. Leefe, Past President and 24th Judicial District support

- J. Paul Rumage, Jr., 21st Judicial District stated his opposition as he believed that language should read "three-fourths of House of Delegates" rather than "three-fourths of quorum"
- Ms. Siddall support
- Mr. Exnicios support
- Mr. Papillion spoke again at Mr. Grodsky's request and clarified that the resolution as amended would apply to action setting House of Delegates policy and not to specific matters pending before the Legislation Committee.

Mr. Kelly clarified that this resolution addresses only how the House of Delegates operates and not how the Legislation Committee operates. He added that adoption of the resolution would merely allow this matter to be sent to the full LSBA membership for vote, as it involved an amendment to the Articles of Incorporation.

Mr. Riggs moved to amend the language of the resolution to add the phrase "the adoption of a" after the words "having to do with" and before the words "position of the Association." There being no second, the motion was not considered.

Phillip A. Wittman, 41st Judicial District, moved to table, which motion was seconded. After consultation with the parliamentarian, Mr. Grodsky declared this motion out of order and advised he would entertain a motion to move consideration to another date. Mr. Wittmann made the motion to move consideration of the resolution to the 2020 Midyear Meeting, which motion was seconded. Mr. Grodsky then invited members to speak on only the motion to move to January 2020. The following members spoke as indicated:

- Mr. Kelly opposed motion to suspend until January
- Mr. Kutcher opposed motion to suspend until January
- Ms. Luker opposed motion to suspend until January
- Mr. James E. Boren, 19th Judicial District supported motion to suspend until January

Mr. Pipes called the question, which motion was seconded. A voice vote was taken and the motion to suspend until January 2020 FAILED.

The question was called on the original motion, which motion was seconded. A voice vote was taken and the House APPROVED the motion to amend the Articles of Incorporation as presented by Mr. Kelly.

XI. Other Business

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

Mr. Grodsky announced that there were two late-filed resolutions, both of which had been emailed to the House last week.

A motion to suspend the House rules was made and seconded. A House member requested a vote by show of hands, which vote was taken. The hand vote showed support in excess of the

required two-thirds and the rules were suspended to consider the resolution from the Transitioning Lawyers Committee.

5. Resolution from Transitioning Lawyers Committee seeking creation of "Emeritus" as a new membership status.

Transitioning Lawyers Committee Chair Richard K. Leefe introduced the resolution and moved its adoption, which motion was seconded by Mr. Exnicios. The question was called and the House APPROVED the resolution.

Via voice vote, the House voted by the required two-thirds vote to suspend its rules to consider the resolution from the Intellectual Property Law Section.

6. Resolution from Intellectual Property Law Section seeking to amend its Bylaws. Intellectual Property Law Section Chair Micah J. Fincher introduced the resolution and moved its adoption, which motion was seconded by Mr. Riggs and unanimously APPROVED by the House.

After determining there was no further business to come before the House, Mr. Grodsky thanked the House members for their service and attention.

There being no further business, the meeting was adjourned at 12:25 p.m.

Respectfully submitted:

John E. McAuliffe, Jr.

Secretary

APPROVED BY HOUSE OF DELEGATES JANUARY 18, 2020 BATON ROUGE, LA

ADDENDUM 2019-2020 HOUSE OF DELEGATES 2019 ANNUAL MEETING

FIRST JUDICIAL DISTRICT (14 seats) Parish of Caddo

Claude W. Bookter, Jr.

Clinton M. Bowers

James L. Fortson, Jr.

PRESENT Stephen Christopher Fortson BY PROXY TO David R. Taggart

Daryl Gold

W. James Hill III

Richard M. John

PRESENT Lauren Bianca McKnight BY PROXY TO Senae Hall

PRESENT Amy Michelle Perkins BY PROXY TO Monique Metoyer

Nyle A. Politz

PRESENT Joseph L. Shea, Jr.

Kenneth Craig Smith, Jr.

Scott R. Wolf Paul L. Wood

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

Tammy G. Jump

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

Paul Heath Hattaway

Albert Carter Mills IV

Tyler G. Storms

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

Martin Shane Craighead

PRESENT Dianne L. Hill

Daniel J. Hunter

Marcus L. Hunter

PRESENT Robert S. Noel II

Ramsey L. Ogg

Dayna Michelle Ryan

Arthur L. Stewart

William Michael Street

Peggy J. Sullivan

Thomas G. Zentner, Jr.

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

PRESENT John Clay Hamilton

PRESENT John Hoychick, Jr.

Matthew Kyle Moore

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

PRESENT 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

PRESENT Justin Keith Gates

NINTH JUDICIAL DISTRICT (7 seats) Parish of Rapides

PRESENT Charles D. Elliott PRESENT Alainna R. Mire PRESENT Harold A. Murry

Amani C. Perkins Richard A. Rozanski

PRESENT David M. Williams

PRESENT Zebulon M. Winstead BY PROXY TO Edward Tarpley

TENTH JUDICIAL DISTRICT (2 seats) Parish of Natchitoches

PRESENT Keenan K. Kelly

Richard Bray Williams

ELEVENTH JUDICIAL DISTRICT (1 seat) Parish of Sabine

Rebecca Riall

TWELFTH JUDICIAL DISTRICT (2 seats) Parish of Avoyelles

Douglas L. Bryan Dan B. McKay, Jr.

THIRTEENTH JUDICIAL DISTRICT (2 seats) Parish of Evangeline

Abby Bergeron Landreneau

Christopher Ludeau

FOURTEENTH JUDICIAL DISTRICT (9 seats) Parish of Calcasieu

PRESENT Theresa A. Barnatt BY PROXY TO Daniel L. Lorenzi

PRESENT Cade R. Cole
PRESENT L. Paul Foreman
PRESENT Thomas L. Lorenzi

Robert C. McCorquodale

John F. Robichaux

PRESENT Michael H. Schwartzberg

PRESENT Chantell Marie Smith BY PROXY TO Joey Williams

Kenneth M. Wright

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

Steven G. Durio

Chase J. Edwards

PRESENT Valerie Gotch Garrett BY PROXY TO Orida Edwards

Scott F. Higgins Matthew J. Hill, Jr. Katherine L. Hurst Andrew B. Mims Donovan J. O'Pry II

PRESENT Joseph R. Oelkers III

PRESENT Jeffrey A. Riggs

PRESENT Michael D. Skinner BY PROXY TO J. Davidson

PRESENT Dwazendra J. Smith

PRESENT Juliette B. Wade BY PROXY TO Shannon S. Dartez

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

Adolph B. Curet III

Eric P. Duplantis Pamela A. Lemoins Marsha McNulty Andrew Reed Maggie T. Simar Anne G. Stevens 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

John Lane Ewing, Jr.

Stephen P. Jewell

PRESENT Deidre Deculus Robert

David M. Tubbs

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

B. Scott Andrews

PRESENT Kelly E. Balfour BY PROXY TO Marco Marjanovich

PRESENT Jesse H. Bankston, Jr.

PRESENT Valerie B. Bargas
PRESENT Jim E. Boren

PRESENT Dana B. Brown

PRESENT Douglas J. Cochran

PRESENT Jean M. Faria BY PROXY TO Taryn Branson

Frank A. Fertitta

PRESENT Jack Pascal Harrison PRESENT Christopher B. Hebert

PRESENT C. Frank Holthaus BY PROXY TO Valerie Schexnayder

Jay M. Jalenak, Jr.

PRESENT Susan W. Manuel PRESENT Adrian G. Nadeau

PRESENT Julie Baxter Payer BY PROXY TO Edward Walters
PRESENT Lynette Roberson BY PROXY TO Brittany Yoes

Mary E. Roper

PRESENT David Abboud Thomas

PRESENT Mary Ann M. White BY PROXY TO Caroline Tomeny Bond PRESENT Jack K. Whitehead, Jr. BY PROXY TO Carrie LeBlanc Jones

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

PRESENT Samuel Christopher D'Aquilla

Stewart B. Hughes

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

PRESENT Mary E. Heck Barrios

Erik L. Burns

Anthony Todd Caruso

Steven J. Farber Colt Justin Fore Ivy Landry Graham D. Blayne Honeycutt

PRESENT Robert W. Morgan

PRESENT Joseph Paul Rumage, Jr.

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

Clayton J. Borne IV

PRESENT Ben E. Clayton
PRESENT Joshua P. Clayton

Carole G. Gillio Debra Kay Henkels Richard G. Higgins, Jr.

PRESENT Andrew B. Joyner PRESENT Robert C. Lehman

R. Bradley Lewis

PRESENT Patrice W. Oppenheim BY PROXY TO Hank Miltenberger

PRESENT Todd C. Taranto
PRESENT Amy C. Yenari

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

Christopher J. Bridges

Lana O. Chaney

Michael J. Poirrier

Timothy E. Pujol

Lesia H. Warren

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

Jason D. Asbill

PRESENT Simone B. Boustead BY PROXY TO Steven Dwyer

PRESENT Thomas C. Cerullo Sandra K. Cosby

PRESENT PRESENT S. Guy deLaup

Edwin R. Fleischmann, Jr.

PRESENT Paul C. Fleming, Jr. BY PROXY TO Graham Bosworth

Christy M. Howley

Adrian F. LaPeyronnie III

Richard K. Leefe **PRESENT**

PRESENT Robert L. Marrero

PRESENT Betty Ann Maury

Scott W. McQuaig **PRESENT**

PRESENT Shayna Beevers Morvant

John R. Poole, Jr. **PRESENT**

Roy A. Raspanti

PRESENT Tina Louise Suggs

Colby F. Wenck **PRESENT**

Tiffany Scot Wilken **PRESENT**

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

S. Jacob Braud

Dominick Scandurro, Jr.

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

John Zachary Blanchard, Jr.

PRESENT Amanda J. Hulett BY PROXY TO John Slattery

Ingrid J. James

Lance G. Mosley II

Ross E. Shacklette

Aaron R. Wilson **PRESENT**

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

Scherri N. Guidry

PRESENT Francis A. Olivier III

Randy Wagley

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

PRESENT Kamra S. Craig

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

PRESENT Paula Adams Ates
PRESENT Don Paul Landry
PRESENT Joseph B. Rochelle

THIRTIETH JUDICIAL DISTRICT (3 seats) Parish of Vernon

D. Wayne Bush

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

PRESENT Richard M. Arceneaux

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

James Christopher Erny

PRESENT Teresa D. King

PRESENT Patricia P. Reeves-Floyd

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

Mary Hebert Holmes Michael B. Holmes

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

Elizabeth Borne Roberta L. Burns Gregory J. Noto Gregory W. Rome Paul A. Tabary III

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

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

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

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 BY PROXY TO Ben Kadden

PRESENT Alicia M. Bendana

PRESENT Jack C. Benjamin, Jr. BY PROXY TO Scott Sternberg

PRESENT Evan J. Bergeron PRESENT Terrel J. Broussard

PRESENT Thomas A. Casey, Jr. BY PROXY TO Collin Melancon

PRESENT Justin M. Chopin

PRESENT Anthony M. DiLeo BY PROXY TO Cortney Dunn

PRESENT Thomas M. Flanagan
PRESENT Valerie E. Fontenot
PRESENT William R. Forrester
PRESENT Judith A. Gainsburgh
PRESENT James C. Gulotta, Jr.

PRESENT Philip K. Jones, Jr. BY PROXY TO Tina Jumonville

PRESENT Mark D. Latham
PRESENT Kevin A. Marks
Chadwick J. Mollere

PRESENT Ebony S. Morris BY PROXY TO H. Minor Pipes III

Anne Neeb

Christopher K. Ralston

PRESENT D. Skylar Rosenbloom

Louis Gravois Schott

PRESENT Timothy H. Scott

PRESENT Karen B. Sher BY PROXY TO Paul Sterbcow

PRESENT Ronald J. Sholes PRESENT Bradley J. Tate

PRESENT Irving J. Warshauer BY PROXY TO Claire Berg

PRESENT Edward D. Wegmann BY PROXY TO Graham H. Ryan

PRESENT Phillip A. Wittmann PRESENT Jay C. Zainey, Jr.

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

Dick D. Knadler

Adrienne Danielle White

SECTION CHAIRS

Alyson V. Antoon, Animal Law Tyler Arbour, Tax Section

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

PRESENT Val P. Exnicios, Class Action, Mass Torts & Complex Litigation

Steven J. Farber, Government & Public Law

PRESENT Micah J. Fincher, Intellectual Property Law

Edgar D. Gankendorff, Art Entertainment & Sports Law

PRESENT Kathleen Gasparian, Immigration Law

Lauren E. Godshall, Environmental Law

Demarcus J. Gordon, Minority Involvement

PRESENT Edward T. Hayes, International Law

Leland G. Horton, Mineral Law Abid Hussain, Solo & Small Firm

Louis C. LaCour, Appellate

PRESENT Lynn Luker, Civil Law & Litigation

Tristan E. Manthey, Bankruptcy Law

Alexander M. McIntyre, Antitrust & Trade Regulation Kathlyn G. Perez, Labor Relations & Employment Law

Warren A. Perrin, Francophone John W. Redmann, Bench & Bar

David L. Schroeder, Corporate & Business Law

H. Bruce Shreves, Fidelity, Surety & Construction Law

Jacob S. Simpson, Health Law

David A. Szwak, Consumer Protection Law Jennifer J. Thomas, Administrative Law

Michael S. Walsh, Criminal Law Melissa K. Watson, Public Utility Jeffrey S. Wittenbrink, Family Law