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BOARD OF GOVERNORS

Friday, January 16 & Saturday, January 17, 2015

New Orleans, LA

*** MINUTES ***

Friday, January 16, 2015

President Joseph L. Shea, Jr. called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 2 p.m., Friday, January 16, 2015 in New Orleans, Louisiana. Business was conducted in accordance with the agenda below.

Agenda Item 1. Roll Call

Present were:

President, Joseph L. Shea, Jr.
President-Elect, Mark A. Cunningham
Secretary, Barry H. Grodsky
Treasurer, Robert A. Kutcher
Immediate Past President, Richard K. Leefe
Chair, Young Lawyers Section, J. Lee Hoffoss, Jr.
First Board District Representative, David W. Leefe
First Board District Representative, Patrick A. Talley, Jr.
Second Board District Representative, John E. McAuliffe, Jr.
Third Board District Representative, Blake R. David
Fourth Board District Representative, Shayna L. Sonnier
Fifth Board District Representative, Michael E. Holoway
Fifth Board District Representative, C. Kevin Hayes
Sixth Board District Representative, Robert G. Levy
Seventh Board District Representative, Thomas M. Hayes III
Eighth Board District Representative, Katherine S. Baker
At-Large Member, Julie H. Ferris
At-Large Member, Mickey S. deLaup
From the Faculty of LSU Law Center, John M. Church
From the Faculty of Tulane University Law School, Ronald J. Scalise, Jr.
From the Louisiana State Law Institute, Marguerite L. Adams
House of Delegates Committee on Liaison Chair, Alainna Mire

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House of Delegates Committee on Liaison Member, S. Jacob Braud
House of Delegates Committee on Liaison Member, Sandra K. Cosby
President-Elect Designee, Darrel J. Papillion

Also present were:

Executive Director, Loretta Larsen, CAE
Associate Executive Director, Cheri Cotogno Grodsky
Access to Justice Director, Monte Mollere
Communications Director, Kelly Wells Ponder
Information Technology Director, Tony LaVerde
Director of Member Outreach and Diversity, Tricia R. Pierre
Executive Assistant, Mindi Hunter
Lobbyist, Larry L. Murray
Leadership LSBA Class Member, Krystal M. Ferbos
Leadership LSBA Class Member, Micah J. Fincher
Leadership LSBA Class Member, Frances M. Montegut
Leadership LSBA Class Member, Lynette Roberson
Leadership LSBA Class Member, Graham H. Ryan

Absent were:

At-Large Member, John M. Frazier

Agenda Item 2. Consent Calendar

a. Approval of Minutes

Consideration of approval of minutes from October 18, 2014 meeting held in Shreveport.

b. Louisiana Center for Law and Civic Education

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

The Board unanimously approved the consent calendar without discussion or debate.

Agenda Item 3. Day of Service – Joseph L. Shea, Jr. and Monte T. Mollere

Mr. Shea and Mr. Mollere reported on the Day of Service, noting that 122 attorneys volunteered and that there were events at 72 public libraries, with at least one event in each of the State's 64 parishes. Mr. Mollere asked Board members to mark their calendars for the 2015 Lawyers in Libraries Day of Service, scheduled for Thursday, October 29.

Agenda Item 4. Strategic Plan Update – Joseph L. Shea, Jr.

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Mr. Shea and Mr. Cunningham referred members to the draft document, as advised that further revisions were being made. They encouraged Board members to send their comments to Ms. Larsen by mid-March so that a final draft could be prepared for the Board's consideration at its April meeting.

**Agenda Item 5. LSBA Appointment to Louisiana Attorney Disciplinary Board
Administrative Committee – Joseph L. Shea, Jr.**

Mr. Shea reported that he had appointed Jeffrey Little of Shreveport.

Agenda Item 6. 2014 Legislative Session Preview – Larry L. Murray

Mr. Murray gave a brief overview of what is expected from the upcoming fiscal session, noting that significant budget shortfalls related to the low price of oil will be the focus of much of the session.

Agenda Item 7. Section Council Meeting – Joseph L. Shea, Jr.

Mr. Shea and Mr. Cunningham reported on the Section Council meeting. Mr. Shea noted that he had appointed LSBA Treasurer Robert A. Kutcher as Co-Chair of the Section Council. Mr. Cunningham reported that overall it was a positive meeting, but for the fact that some expressed concern over LSBA vs. section CLE seminars. Mr. Cunningham advised that he promised additional communication moving forward.

**Agenda Item 8. Membership Database Maintenance –Loretta Larsen and Tony
LaVerde**

Ms. Larsen reported that the LSBA was moving forward with single billing for FY 2015/2016 as directed by the Board at its October 2014 meeting. Mr. LaVerde advised that there had been issues related to timing of receipt of bar roll numbers and inputting that information for new admittees, but that new protocol was being developed and that should address the problems moving forward.

**Agenda Item 9. 2015 Annual Meeting/Summer School for Lawyers and Judges – Mark
A. Cunningham**

Mr. Cunningham announced the theme of LSBA Rising: Lessons in Leadership, Innovation and Balance. He said plans were moving forward for the CLE sessions, as well as for the myriad social events. He reported that a highlight should be Friday's gubernatorial candidates forum.

Mr. Cunningham asked the Board to consider the fee schedule, which had not been changed from 2014. Mr. Leefe reported that at the Senior Lawyers Division lunch, he was asked to bring to the

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Board a request for reduced fees for members of the SLD, since they are exempt from MCLE on the basis of age. There was also some discussion about the possibility of a reduced registration fee for all members of the Young Lawyers Division, not just those in their first three years of practice. Mr. Cunningham advised that the LSBA would study the requests and their financial impact but that a decision could not be made until it had done so.

After a brief discussion and upon motion by Mr. Kutcher and second by Mr. David, the Board unanimously approved the fee structure as presented.

Agenda Item 10. Consideration of Any Item(s) Removed from Consent Calendar – Joseph L. Shea, Jr.

There were no items removed from the Consent Calendar.

Agenda Item 11. Lawyers Assistance Program – Mark A. Cunningham

a. Update on efforts regarding LAP.

Mr. Cunningham reviewed the progress regarding LAP, including the adoption of new governing documents. He expressed his appreciation to all who were involved.

b. Appointment of Board of Directors.

Mr. Cunningham presented the following individuals who are being proposed for service on the LAP Board of Directors through the current fiscal year:

LSBA Directors:	Darrel J. Papillion Marta-Ann Schnabel Mark C. Surprenant
Operations Committee Directors:	John C. Blackman, IV George M. Pierson Craig L. Caesar
Judge Director:	Hon. Robin M. Giarrusso

Upon motion by Mr. Holoway and second by Mr. Grodsky, the Board unanimously approved the appointment of the above individuals as proposed.

c. Consideration of allocation funds to establish videoconferencing capabilities at LAP offices.

Mr. Cunningham advised that LAP was seeking up to \$2,500 from the LSBA to install videoconferencing capabilities at the LAP offices in Covington. Upon motion by Mr. Levy and second by Mr. Holoway, the Board unanimously approved the funding as requested.

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Agenda Item 12. Budget Committee Recommendations – Robert A. Kutcher

Mr. Kutcher reviewed the budget amendments being recommended by the Budget Committee, representing additional expenses of \$24,500. The Board unanimously approved the Committee's recommendation.

Agenda Item 13. Legal Malpractice Insurance Committee – Joseph L. Shea, Jr.

The Board voted unanimously to accept the Committee's report and recommendations.

Agenda Item 14. Committee on Bar Admissions – Joseph L. Shea, Jr.

Upon motion by Mr. Kutcher and second by Mr. Hayes, the Board voted unanimously to recommend to the Louisiana Supreme Court the appointment of Glenn L. Langley as the Examiner for Federal Jurisdiction and Procedure.

Agenda item 15. 2013/2014 Audit – Barry H. Grodsky

- **Report on and consideration of 2013/2014 audit.**

Mr. Grodsky reviewed the Audit Committee's January 14 meeting with Linda Eberle of Bourgeois Bennett, noting that the LSBA had received a completely clean audit with no exceptions. He reported that Ms. Eberle praised the Director of Administration Denise Tingstrom and the LSBA staff for their excellent work, their cooperation and their accessibility during the audit. He further advised that the staff was complying with all Board policies. Mr. Grodsky thanked Mr. McAuliffe and Mr. Talley for their service on the Audit Committee.

Upon motion by Mr. Levy and second by Ms. deLaup, the Board voted unanimously to accept and approve the Audit Committee's report.

- **Confirmation of review of 2013 IRS Form 990.**

Mr. Grodsky advised that the Audit Committee also reviewed the Form 990 with Ms. Eberle. After a brief discussion, the Board unanimously confirmed receipt and review of the 990.

Agenda Item 16. Proposed Reception – Mark A. Cunningham

Mr. Cunningham reported that Jefferson Parish Clerk of Court Jon Gegenheimer had received the G. Thomas Munsterman Award for Jury Innovation from the National Center for State Courts. Mr. Cunningham advised that this was a very significant national award, which he thought

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should be honored with a Bar-sponsored reception.

Upon motion by Ms. deLaup and second by Mr. Kutcher, the Board voted unanimously to allocate up to \$4,500 for sponsorship of this reception.

Agenda Item 17. ABA Litigation Section – Joseph L. Shea, Jr.

Mr. Shea advised that the ABA Section of Litigation would be holding its 2015 Conference in New Orleans and that Nancy Scott Degan of New Orleans was Chair of the Section. He asked that the LSBA allocate \$2,500 to serve as a Bronze Sponsor of this event, to recognize both Ms. Degan as Chair and her decision to bring the meeting to Louisiana. After a brief discussion and upon motion by Mr. Hayes and second by Mr. David, the Board voted unanimously to sponsor at the Bronze Level.

Agenda Item 18. Report of the President – Joseph L. Shea, Jr.

a. Regional Panels

Mr. Shea reminded the chairs to follow up with their members, and advised that the deadline for nominations was February 28.

b. Local Bar Leaders Conference

Mr. Shea reminded Board members about the conference on January 30 and urged them to encourage bar leaders in their respective areas to attend.

c. House of Delegates

Mr. Shea briefly reviewed the agenda and reminded Board members that the Board would reconvene immediately following the House meeting to consider ratification of the action of the House.

d. Access to Justice Community Summit

Mr. Shea reviewed the program scheduled for March 27 and invited all Board members to participate.

e. Spring 2015 Meeting

Mr. Shea reminded Board members about the April meeting, and noted that the Board would meet on Friday afternoon, the Legislation Committee would meet beginning Saturday morning and the Board would reconvene immediately following the Legislation Committee meeting to consider the Committee's recommendation. Mr. Shea urged members to plan to attend the Board meetings and Legislation Committee meeting.

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f. Other Matters

Mr. Shea advised that Ms. Larsen had requested that the Board create a new staff position, Assistant Director of Administration, at an annual cost not to exceed \$80,000, with the position to be filled as soon as feasible. Ms. Larsen discussed the workload and the need for this position.

Upon motion by Mr. Kutcher and second by Mr. McAuliffe, the Board unanimously approved the positive and funding for same.

Agenda Item 19. Report of the President-Elect – Mark A. Cunningham

Mr. Cunningham reported on his recent trip to Cuba with a delegation from the New Orleans Bar Association, as well as the Louisiana Client Assistance Foundation meeting held on January 16. He advised that there was some discussion at the LCAF meeting regarding whether the Fund should be paying claims for deceased lawyers. Because the Rules of Professional Conduct currently allow, in some circumstances, for funds to be deposited into a lawyer's operating account before the funds are earned, this matter will be referred to the Rules of Professional Conduct Committee.

Mr. Cunningham advised that he was considering two candidates for the at-large appointment and asked the Board for authorization to appoint either candidate to the At-Large position on the Board for the 2015-2018 term. Upon motion by Mr. Kutcher and second by Ms. Sonnier, the Board unanimously approved this request.

Mr. Mollere and Leadership Class members Micah Fincher and Graham Ryan presented the "Hackcess to Justice" hackathon event to the Board. The program will take place in March 2015 to bring together legal aid providers and the tech community to create and showcase technological solutions to legal service challenges in the hopes of increasing access to justice for poor and underrepresented communities in Louisiana.

Agenda Item 20. Report of the Secretary – Barry H. Grodsky

Mr. Grodsky reported that the Editorial Board had met earlier in the day and that everything was progressing on schedule. He advised that he had added Ms. deLaup to the Editorial Board and that Ms. Mire was on track to take over as Secretary in June. Mr. Grodsky thanked the staff for their significant efforts, especially Managing Editor Darlene LaBranche.

Agenda Item 21. Report of the Treasurer – Robert A. Kutcher

Mr. Kutcher reported that the LSBA was on the right track financially and that all other matters had been covered in other agenda items.

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Agenda Item 22. Report of the Immediate Past President – Richard K. Leefe

Mr. Leefe reported that the LaSCAIP Board had been appointed and that in addition to himself as Chair, the members were Leo C. Hamilton, C. Wendell Manning, Donald W. North and Joseph L. “Larry” Shea, Jr. Mr. Leefe further advised that he was continuing to seek funding for this program.

Agenda Item 23. Report of the Young Lawyers Division Chair – J. Lee Hoffoss, Jr.

Mr. Hoffoss reported that nearly 100 participants attended the YLD Professional Development Seminar earlier in the day. He also reported that the YLD would cohost a seminar with the Diversity Committee on February 19 in Baton Rouge.

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

Ms. Larsen thanked the Board for creating the new Assistant Director of Administration position, noting that we have not added staff in this area despite countless new programs and significant expansion of LSBA initiatives and budget over the past eight to 10 years. She further reported that the voting would continue through February 2, with only one runoff. She said there were originally two runoffs but that the second candidate had withdrawn from the race for the ABA House of Delegates and that Mr. Leefe had been certified elected. Finally, she reminded the Board about the remaining Midyear Meeting events and encouraged their attendance.

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

Ms. Grodsky reported that the TIP program was progressing with the training of mentors and sign-up of mentees.

Agenda Item 26. Other Matters

Ms. Pierre reminded everyone about the March 6 Conclave on the Legal Profession at the New Orleans Marriott on Canal and encouraged their attendance.

Mr. Hayes reported that he had been advised by a member who complained about the number of emails he receives from the LSBA. Ms. Larsen advised that staff was developing new internal protocols which would significantly limit the number of emails to members.

Adjourn

There being no further business, the meeting was adjourned at 3:40 p.m.

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Saturday, January 17, 2015

The Board reconvened at 10:30 a.m., immediately following the adjournment of the House of Delegates meeting. Upon motion and second the Board unanimously approved all action of the House of Delegates.

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

Respectfully Submitted:



Barry H. Grodsky
Secretary

APPROVED BY BOARD OF GOVERNORS
APRIL 24, 2015
BATON ROUGE, LA