

**LOUISIANA STATE BAR ASSOCIATION
BOARD OF GOVERNORS
January 11, 2008**

*** M I N U T E S ***

President S. Guy deLaup called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 2:15 p.m., Friday, January 11, 2008, at the Hotel Monteleone in New Orleans. Business was conducted in accordance with the agenda below.

Agenda Item 1. Roll Call

Present were:

President, S. Guy deLaup
President-Elect, Elizabeth Erny Foote
Secretary, Mark A. Cunningham
Treasurer, James R. Nieset
Immediate Past President, Marta-Ann Schnabel
Chair, Young Lawyers Section, Karleen Joseph Green
First Board District Representative, Ronald J. Sholes
First Board District Representative, Beth E. Abramson
Second Board District Representative, Joseph A. Conino
Third Board District Representative, Steven G. Durio
Fourth Board District Representative, John F. Robichaux
Fifth Board District Representative, James E. Boren
Seventh Board District Representative, Carrick B. Inabnett
Eighth Board District Representative, Donald R. Miller
At-Large Member, Shannan L. Hicks
At-Large Member, Walter M. Sanchez
From the Faculty of Loyola University College of Law, Dane S. Ciolino
From the Louisiana State Law Institute, James J. Davidson III
House of Delegates Liaison Chair, Richard L. Becker
House of Delegates Liaison Member, Jeffrey A. Riggs
House of Delegates Liaison Member, Jack K. Whitehead, Jr.

Also present were:

President-Elect Designee, Kim M. Boyle
Executive Director, Loretta Larsen, CAE
Associate Executive Director for Professional Programs, Cheri Cotogno Grodsky
Access to Justice Director, Monte T. Mollere
Communications Director, Kelly Wells Ponder
Director of Information Technology, Tony LaVerde
Director of Member Outreach and Diversity, Kelly McNeil Legier
Executive Assistant, Ramona K. Meyers
Past President, Hon. Eldon E. Fallon (part of meeting only)
Past President, Frank X. Neuner, Jr. (part of meeting only)
Arkansas Bar Association President, Richard L. Ramsey (part of meeting only)

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Absent were:

Sixth Board District Representative, W. Jay Luneau

From the Faculty of Southern University Law Center, Russell L. Jones

Agenda Item 2. Consent Calendar

The following items were included on the Consent Calendar and unanimously approved without discussion and/or debate:

- b. House of Delegates Appointments.
Appointment of Mark Bowling, 14th Judicial District, to fill vacancy for the 2007/2008 term.
- c. Election Report.
Results of first ballots for the 2007/2008 election cycle.
- d. Report of the Executive Director.
Executive Director Loretta Larsen's report on LSBA operations and administration.

The following item was removed from the Consent Calendar and unanimously approved as amended:

- a. Minutes.
The Minutes of the November 10 meeting held in Lake Charles were amended to include language that made it clear the Board authorized the LSBA to instruct its counsel to file suit in the Weitz matter.

Agenda Item 3. Introduction of New Department Head

Ms. Larsen introduced Director of Member Outreach and Diversity Kelly McNeil Legier.

Agenda Item 4. Student Loan Forgiveness Study

The Board reviewed the Loan Forgiveness Subcommittee's request to conduct a student loan forgiveness study with a fiscal impact of \$6,400. It was noted that the committee felt the scope of the study was limited to public service attorneys when non-public service attorneys earn similar salaries to Assistant District Attorneys and Assistant Attorneys General. Following discussion, a motion was made to ratify President deLaup's November 16 letter to Mr. Kai Midboe that indicated the LSBA would be willing to consider participating in an expanded joint survey with the Attorney General's office and Louisiana District Attorneys Association. Further, the LSBA will transmit information gathered by the subcommittee to the Attorney General, Louisiana District Attorneys Association and Kai Midboe. The motion was unanimously approved.

Agenda Item 5. Budgeting

- a. Report and Recommendations from January 10 Budget Committee Meeting.
The Board unanimously approved the following 2007/2008 FY budget amendments recommended by the Budget Committee:

- ◆ increase Disciplinary Assessment Process Cost Sharing income from \$47,500 to \$55,800;
 - ◆ increase Judicial Administrator income from \$42,000 to \$47,474;
 - ◆ increase President-Elect expenses from \$25,000 to \$28,000;
 - ◆ increase Immediate Past President expenses from \$8,000 to \$11,000;
 - ◆ decrease Membership Surveys expenses from \$18,000 to \$8,000;
 - ◆ decrease Strategic Planning expenses from \$30,000 to \$20,000;
 - ◆ decrease Bar Briefs expenses from \$52,000 to \$40,000;
 - ◆ decrease Memorial Exercises expenses from \$1,500 to \$1,000;
 - ◆ decrease Special House of Delegates Meeting expenses from \$48,000 to \$-0-;
 - ◆ increase Proxy Tax expenses from \$19,200 to \$20,350;
 - ◆ increase Free CLE Seminars with LADB expenses from \$25,000 to \$29,000;
 - ◆ decrease Fee Arbitration Program expenses from \$10,500 to \$8,000;
 - ◆ decrease Computer Supplies & Service expenses from \$50,000 to \$25,000;
 - ◆ decrease Property Management expenses from \$240,000 to \$215,200;
 - ◆ increase Property Insurance expenses from \$-0- to \$37,000;
 - ◆ decrease Staff Travel and Training expenses from \$30,000 to \$20,000;
 - ◆ decrease Bar Center (Contribution to Reserves) expenses from \$100,000 to \$-0-;
 - ◆ decrease Technology (Contribution to Reserves) expenses from \$100,000 to \$-0-;
 - ◆ decrease Special Projects expenses from \$25,000 to \$-0-; and
 - ◆ decrease Lawyer Advertising expenses from \$100,000 to \$-0-.
- b. Audit Committee
The Board unanimously approved a recommendation to submit a resolution to the June 2008 meeting of the House of Delegates creating an Audit Committee and establishing it as a standing committee of the Association.
- c. CPA Firm
A motion was made and unanimously approved to retain CPA firm Laporte Sehrt Romig Hand for an additional year.
- d. 2006/2007 Fiscal Year Audit.
Mr. Nieset informed the Board that the LSBA received a “clean” audit report and commended the staff on their accounting procedures.

Agenda Item 6. Video Conferencing

At its last meeting the Board requested Technology Information Director Tony LaVerde to investigate video conferencing options. Mr. LaVerde reported the total estimated cost for a five-site network over a three-year period would be \$290,000 to \$362,000, but as technology matures and costs come down it would be something to reconsider. For options, Mr. LaVerde recommended utilizing video conferencing facilities at LSU and other schools. Video conferencing facilities are available in New Orleans, Baton Rouge, Lafayette, Monroe, Alexandria, Shreveport, Lake Charles, Thibodaux and other areas. Fees average \$120 per hour with a \$50 setup fee. Mr. LaVerde noted the facilities would be unavailable during school breaks and some facilities cannot be used for depositions. The Board

instructed staff to conduct the next Technology Committee meeting utilizing video conferencing through third-party sites to determine feasibility.

Agenda Item 7. 2008 Annual Meeting Fee Schedule

The Board unanimously approved the proposed fee schedule for the 2008 Annual Meeting and Summer School for Lawyers.

Agenda Item 8. Strategic Plan

The Board reviewed the reports of the Strategic Plan Goal Subcommittees and prioritized activities for accomplishing the strategic goals adopted in November 2007 as follows:

a. With Fiscal Impact:

1. Create and fund Center on the Profession;
2. Issue membership cards on annual basis to include information on benefits, discounts, etc. on reverse
AND
Create permanent position to staff Legislation Committee;
3. Establish predictable, definable and tangible LSBA presence in parts of the state other than the Greater New Orleans Area;
4. Increase Law Office Management services and outreach;
5. Work with LAP to ensure timely provision of mental health services to attorneys in need;
6. Increase technology training in areas such as e-filing
AND
Conduct campaign to increase awareness of legal needs of the poor and services provided by the justice community
AND
Work with Minority Involvement Section to revive Minority Job Fair;
7. Diversify geographic presence through interaction with local bar associations, site visits, teleconferencing, etc. (duplication of #3)
AND
Conduct facilitated Board discussion about race and/or culture of respect;
8. Expand and enrich the capacity of the Web site to deliver services and information such as lawyers' Facebook
AND
Institutionalize funding for Supreme Court liaison activities
AND
Produce video which delivers the message established in the awareness campaign (related to activity #6)
9. Sponsor retirement planning seminars, health screenings and other assistance for aging attorney population
AND

Expand existing diversion and prevention programs (Ethics School and Trust Account School) by making available to all members.

Unranked Activities (BOG endorsed but not as major priorities):

1. Offer career development and transition assistance (alternative careers);
2. Expand LAP to include work/life balance, stress, and other mental health issues (related to activity #5 with fiscal impact);
3. Conduct training for all public interest staff once every five (5) years;
4. Conduct survey to determine specific reasons for members' employment situations;
5. Develop brochure on merits of a diverse workplace; and
6. Identify and implement mechanisms to assist non-traditional lawyers with transitioning back into the practice of law after taking time off to raise family, etc.

b. Negligible Fiscal Impact:

1. Educate law students about bar admissions through LSBA committee (would come under auspices of Center for the Profession – activity #1 with fiscal impact);
2. Formalize meetings with local bar associations and pro bono programs to assess needs and determine assistance LSBA can provide in ATJ arena;
3. Explore possibility of asking Supreme Court to require one hour of diversity sensitivity training for each lawyer every five years;
4. Use awareness campaign material to garner support for state funding of legal services providers (activity #6 with fiscal impact);
5. Develop and promote lawyers' bill of rights that sets forth the professional and ethical obligations attorneys owe to their clients;
6. Partner with local and specialty bar associations (on ATJ funding issues) once stable legislative process is established by the LSBA (contingent upon activity #2 under those with fiscal impact)

AND

No earlier than July 1, 2008, meet with LIDAB to assess needs and determine how LSBA may assist;

7. Ask Gilsbar to sponsor health screening at solo and small firm conference;
8. Increase online and technology training for public interest lawyers;
9. Begin dialogue with law school diversity contacts on how LSBA might work with law schools;
10. Assist law school students by providing information/timelines for securing clerkships and other positions; and
11. Sponsor blood drives at certain events to make blood bank available to attorneys and their families.

Unranked Activities (BOG endorsed but not as major priorities):

1. Conduct online training needs survey of public interest legal organizations;
2. Assess cost/benefit of taping trainings for presentation on Probono.net/La or other online resources;
3. Write letters encouraging members of federal and state judiciary to consider minority candidates for clerkships;
4. Solicit participation of federal and state chief judges for Minority Job Fair; and

5. Encourage federal courts to consider minority candidates for externships.

Agenda Item 9. Litigation Report

- a. Carr and Associates, Inc./Earl T. Carr, Jr.
Mr. deLaup informed the Board that the parties agreed that the trial on the permanent injunction would be conducted on the same record as the preliminary injunction.
- b. Weitz & Luxenberg, P.C.
Mr. deLaup noted that counsel would be requested to move forward with filing complaints with the Louisiana and New York disciplinary agencies and file for a declaratory judgment.

Agenda Item 10. IOLTA Rate Comparability

Mr. deLaup referred the Board to an order signed by the Supreme Court on January 3, 2008 amending Rule 1.15 and the IOLTA Rules to include rate comparability. It was noted the rule changes become effective on April 1, 2008, and the LSBA will work with the LBF to advise members of this change.

Agenda Item 11. Report of the President

- a. Appointments to Supreme Court MCLE Committee.
President deLaup reported that Hon. Jimmy N. Dimos (ret.), Hon. W. Ross Foote (ret.) and Wayne J. Lee were appointed by the Louisiana Supreme Court to serve as representatives on the Mandatory Continuing Legal Education Committee.
- b. YLS Diversity Roundtable.
President deLaup reported on the Young Lawyers Section Diversity Roundtable held from noon to 2:30 p.m., Friday, January 11, and referred the Board to a copy of the agenda contained in the meeting materials.
- c. Appointments to Fill At-large Vacancies on Board of Governors.
The Board unanimously ratified the following appointments: Darrel J. Papillion to fill Kelly McNeil Legier's term ending June 2009; and Dana M. Douglas to fill Walter M. Sanchez's term ending June 2010.
- d. Other Matters – BOG Member Contact with Local Bar Associations.
President deLaup again requested that district representatives contact local bar associations in their districts and submit reports on the forms provided at the August 2007 meeting.

Agenda Item 12. Report of the President-Elect

Ms. Foote waived her report due to time constraints.

Agenda Item 13. Report of the Immediate Past President

Ms. Schnabel offered no report at this time.

Agenda Item 14. Report of the Treasurer

Mr. Nieset offered no additional report.

Agenda Item 15. Report of the Secretary

Mr. Cunningham offered no report at this time.

Agenda Item 16. Report of the Young Lawyers Section Chair

- a. High School Mock Trial.
Ms. Green reported the High School Mock Trial program will be held Saturday, February 23 at the Russell B. Long Federal Building and U.S. Courthouse in Baton Rouge.
- b. High School Essay Contest.
Ms. Green reported the deadline for submission of essays is January 31.
- c. Wills for Heroes Program.
Ms. Green noted that implementation of the Wills for Heroes program was postponed when it was determined that offering free wills to first responders is a violation of the state ethics code as it is considered a “gift.” The Section has requested an opinion from the Attorney General.
- d. Professional Development Seminar.
Ms. Green reported that 130 young attorneys attended the Professional Development Seminar held Friday, January 11. The seminar is held annually in conjunction with the LSBA Midyear Meeting and is designed to provide young lawyers with free CLE hours including one hour of ethics and professionalism.
- e. Diversity Roundtable.
Ms. Green reported on the success of the Diversity Roundtable and the possibility the program will be continued. The program included presentations on the ABA Young Lawyers Division’s Public Service Project “Choose Law”, the implementation of a similar program in Louisiana, a presentation from President deLaup on the LSBA’s commitment to diversity and a roundtable discussion.

Agenda Item 17. Other Matters

Past Presidents Hon. Eldon E. Fallon and Frank X. Neuner, Jr. addressed the Board in support of the Center on the Profession.

Agenda Item 18. Date of Next Meeting

The next meeting of the Board of Governors will be held at 9 a.m., Saturday, April 5 in Lafayette.

Agenda Item 19. Adjournment

There being no further business to discuss, the meeting was adjourned at 5:15 p.m.

Respectfully Submitted:

Mark A. Cunningham, Secretary

Date