

**LOUISIANA STATE BAR ASSOCIATION
BOARD OF GOVERNORS
June 8, 2012**

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

President John H. Musser IV called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 1:55 p.m., Friday, June 8, 2012, in Destin, Florida.

Agenda Item 1. Roll Call

Present were:

President, John H. Musser IV
President-Elect, Richard K. Leefe
Secretary, Edward J. Walters, Jr.
Treasurer, Steven G. "Buzz" Durio
Immediate Past President, James J. Davidson III
First Board District Representative, Barry H. Grodsky
First Board District Representative, H. Minor Pipes III
Second Board District Representative, Stephen I. Dwyer
Third Board District Representative, Dona K. Renegar
Fourth Board District Representative, Winfield E. Little, Jr.
Fifth Board District Representative, Darrel J. Papillion
Sixth Board District Representative, Robert G. Levy
Seventh Board District Representative, Thomas M. Hayes III
Eighth Board District Representative, Karelia R. Stewart
At-Large Member, Franchesca L. Hamilton-Acker
At-Large Member, Daniel A. Cavell
At-Large Member, Julie H. Kilborn
From the Faculty of Loyola University College of Law, Monica Hof Wallace
From the Faculty of Southern University Law Center, Donald W. North
From the Louisiana State Law Institute, John Wayne Jewell
House of Delegates Committee on Liaison Member, Robert A. Kutcher

Also present were:

LSBA Lobbyist, Larry L. Murray
Executive Director, Loretta Larsen, CAE
Associate Executive Director, Cheri Cotogno Grodsky
Access to Justice Director, Monte T. Mollere
Director of Information Technology, Tony LaVerde
Director of Member Outreach & Diversity, Kelly McNeil Legier
Law Office Management Counsel, Shawn L. Holahan
Executive Assistant, Jacqueline E. Gay

Absent were:

Chair, Young Lawyers Section, Lawrence J. Centola III
House of Delegates Liaison Committee Chair, George B. Recile
House of Delegates Committee on Liaison Member, Jeffrey A. Riggs

Agenda Item 2. Consent Calendar

Upon motion by Mr. Davidson and second by Mr. Durio, the consent calendar containing the following items was unanimously approved.

a. Bank Resolutions

Resolutions have been prepared covering all accounts of the Association. These require that all checks be signed (either electronically or physically) by Treasurer Steven G. Durio or Assistant Treasurer Loretta Larsen, and countersigned by one of the following persons: John H. Musser IV, Richard K. Leefe, Edward J. Walters, Jr., Barry H. Grodsky, H. Minor Pipes III, Stephen I. Dwyer and Monica Hof Wallace.

b. Presidential Authority

Under the Charter, the President, with the consent of the Board of Governors, may make committee appointments and create committees with acquiescence of Executive Committee and Board of Governors. The Board is requested to grant Mr. Musser the authority to make such appointments as required during his term of office and also to create such special committees and/or task forces he deems necessary and proper with acquiescence of Executive Committee and Board of Governors.

c. Louisiana Client Assistance Foundation

The Board of Governors is vested with the authority to approve appointments to the Louisiana Client Assistance Foundation Board of Directors. The following appointments for 2012/2013 are proposed: President, Frank X. Neuner, Jr.; Vice President, James J. Davidson III; Secretary-Treasurer, Charles B. Plattsmier; Trustees - Drew A. Ranier, John H. Musser IV, David W. Leefe, Mary Ann Wegmann, A. Anderson Hartiens (lay member), and Major Reginald R. Brown, Sr. (lay member).

d. Louisiana Center for Law and Civics Education

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

Agenda Item 3. Legislative positions 2012 - John H. Musser IV and Larry L. Murray

Mr. Murray referred the Board to a handout outlining the LSBA 2012 legislative positions and final disposition of relevant bills. Mr. Murray recommended that the LSBA determine its position on the notary situation, as this matter will likely come back before the Legislature in the immediate future. There was a lengthy discussion about the LSBA's legislative processes, with specific concern about adequate staffing and frequency/timing of meetings. The

staffing issue was referred to Executive Director Loretta Larsen, with the meetings issue to be taken up by the Committee at its September 2012 orientation.

Agenda Item 4. Indigent Defense - Julie H. Kilborn

Ms. Kilborn reported on the current status of indigent defense in Louisiana. She reported that in accordance with the 2007 Statue, there is a single statewide board rather than a number of local boards. She further reported that funding continues to be a challenge, and that they have received a mandate to reduce costs. Finally, Ms. Kilborn reported that reducing expenses has resulted in skyrocketing caseloads for staff. Ms. Kilborn welcomed any ideas from the Board concerning this issue.

Agenda Item 5. Consideration of Any Item(s) Removed from Consent Calendar – John H. Musser IV

There were no items removed from the consent calendar.

Agenda Item 6. House of Delegates - John H. Musser IV

Upon motion by Mr. Kutcher and second by Mr. Grodsky, the Board unanimously approved all action taken by the House of Delegates at its meeting on June 7, 2012.

Agenda Item 7. Election Procedures 2012/2013 - Loretta Larsen

Ms. Larsen reviewed the proposed 2012/2013 election procedures, advising members that the 2011/2012 Board had voted to go to electronic only balloting effective with FY 2012/2013, with the caveat that the LSBA remind the general membership of this change throughout fiscal year 2011/2012. After a brief discussion and upon motion by Mr. Grodsky and second by Mr. Little, the Board unanimously approved the election procedures as presented.

Agenda Item 8. Insurance Committee Reports and Recommendations

The Board heard reports from the following committee representatives:

- a. Kevin C. O'Bryon, Chair – Legal Malpractice Insurance Committee
- b. Hank Miltenberger, on behalf of Shannon Seiler Dartez, Chair – Group Insurance Committee

After reviewing the above reports, the Board thoroughly vetted the committees' proposals and asked a number of questions.

Upon motion by Mr. Durio and second by Mr. Pipes, the Board voted unanimously to approve the following recommendations from the Legal Malpractice Insurance Committee:

- Increase base rate by 4.4%;

- Complete phase 2 of the move of real estate residential from risk category 7 to risk category 8;
- Complete phase 2 of the move of business transactions from risk category 4 to risk category 6;
- Increase charge for risk category 8 from 1.45% to 1.7%;
- Move wills and estates from risk category 3 to risk category 6; and
- Raise the size of firm charge for solos by 3% and for firms of two to three attorneys by 2%.

Upon motion by Ms. Renegar and second by Mr. Cavell, the Board voted unanimously to approve the following Group Insurance Committee recommendation:

- Medical Plan – Effective August 1, 2012, an across the board rate increase of 9.9%, combined with the normal annual tier movement for participants with loss ratios over 80% to the next more expensive tier (participants are always able to apply to lower tier rating if they can pass underwriting); and

Within the same motion, the Board sent back to the Group Insurance Committee for further consideration its proposal to eliminate the waiver of premium benefit for all attorneys not currently disabled.

Agenda Item 9. Board of Governors Statements Confirming LSBA Policies - John H. Musser IV

After a brief discussion and upon motion by Mr. Pipes and second by Mr. Durio, the Board unanimously approved the following policy statements:

- a. Antitrust Avoidance
- b. Confidentiality
- c. Conflict of Interest

All Board members present then signed the three documents.

Agenda Item 10. Budget Committee Election - John H. Musser IV

Upon motion by Mr. Durio, the Board elected Mr. Cavell by acclamation to serve as its representative on the 2012/2013 Budget Committee.

Agenda Item 11. Consideration of 2012/2013 Budget - Steven G. Durio

Mr. Durio reported on the 2012/2013 budget as recommended for approval by the Budget Committee. After some discussion and upon motion by Mr. North and second by Mr. Pipes, the Board unanimously approved the 2012/2013 budget as presented.

Agenda Item 12. Report of the President - John H. Musser IV

Mr. Musser reported on the following:

- a. Leadership LSBA 2012/2013: Mr. Musser advised that the cutoff date for applications to the 2012/2013 Leadership Class is June 15 and that Ms. Legier would email the Board members with more information.
- a. Committee Appointments and Special Board of Governors Committees: Mr. Musser designated each Board member to represent one or more special Board of Governors Committees. The Committees and their appointed representatives are as follows:
 - **Financial Stability** –Will focus on the LSBA’s financial viability moving forward, with an eye toward ensuring long-term financial stability. Included in this analysis is exploring how the LSBA might provide additional funding assistance to the Lawyers Assistance Program.
 - Chair: Mr. Leefe
 - Members: Mr. Durio, Mr. Hayes, Mr. Riggs
 - Staff Liaison: Ms. Larsen
 - **Indigent Defense** –Will explore the funding challenges of the indigent defense system, along with ways that the Senior Lawyers Division might assist in addressing those challenges.
 - Co-Chairs: Ms. Stewart and Ms. Kilborn
 - Member: Mr. Leefe
 - Staff Liaison: Mr. Mollere
 - **Legal Economics** –Will look at the economy and its impact on lawyers and the legal profession. Among the issues it will address is that of law student debt, including how we might ensure that better information is available from law schools so that potential students can make informed decisions about whether to attend law school.
 - Co-Chairs: Ms. Wallace and Mr. North
 - Member: Mr. Centola
 - Staff Liaison: Ms. Ponder
 - **Professionalism Center** – Will explore the possibility of establishing a Professionalism Center to facilitate and possibly expand the work of the Committee on the Profession.
 - Chair: Mr. Dwyer
 - Members: Mr. Grodsky, Mr. Davidson and Ms. Hamilton-Acker
 - Staff Liaison: Ms. Grodsky
 - **Quality of Life** – Will focus on health and wellness issues for lawyers, with special emphasis on depression and work/life balance.
 - Chair: Mr. Little
 - Members: Mr. Walters, Mr. Recile and Mr. Kutcher
 - LAP Liaison: Mr. Joseph P. “Buddy” Stockwell
 - Staff Liaison: Ms. Legier

- **Solo & Small Firm** – Will explore innovative programs and services the LSBA might offer for solo and small firm practitioners.
 - Chair: Ms. Renegar
 - Members: Mr. Jewell and Mr. Cavell
 - Staff Liaison: Ms. Holahan
- **Technology** – Will focus on technological assistance to LSBA members. The group will explore video capabilities and how the LSBA might use technology to get additional and/or more meaningful member participation.
 - Chair: Mr. Papillion
 - Members: Mr. Levy and Mr. Pipes
 - Staff Liaison: Mr. LaVerde

Mr. Musser stated that he would welcome additional ideas concerning special Board of Governors Committees and continued his report with information on the following:

- b. SLD/YLD Project
- c. 2012/2013 Board of Governors Meeting Calendar
- d. 2013 Midyear Meeting - Thursday, January 17 through Saturday, January 19 at New Orleans Marriott at the Convention Center
- e. 2012 Annual Meeting and Joint Summer School with Louisiana Judicial College at Sandestin Golf & Beach Resort
 - Summer School - Sunday, June 2 through Wednesday, June 5
 - Annual Meeting - Wednesday, June 5 through Friday, June 7
- f. Other Matters

Agenda Item 13. Report of the President-Elect - Richard K. Leefe

Since the Senior Lawyers' Division had recently been established, Mr. Leefe advised that the group would be exploring a program in which the Senior Lawyers Division would assist 3Ls with their job searches and the Young Lawyers help the Senior Lawyers with technology.

Agenda Item 14. Report of the Secretary - Edward J. Walters, Jr.

Mr. Walters reviewed the content of the June/July issue of the *Bar Journal*, and encouraged members to read it.

Agenda Item 15. Report of the Treasurer - Steven G. Durio

Mr. Durio reported briefly on the budget, while expressing concern with increasing expenses.

Agenda Item 16. Report of the Immediate Past President - James J. Davidson III

Mr. Davidson waived his report.

Agenda Item 17. Report of the Young Lawyers Section Chair - Larry J. Centola III

Mr. Centola was not present.

Agenda Item 18. Report of the Executive Director - Loretta Larsen

Ms. Larsen waived her report.

Agenda Item 19. Report of the Associate Executive Director - Cheri Cotogno Grodsky

Ms. Grodsky referred the Board to her written report.

Agenda Item 20. Other Matters

Mr. Cavell reported that the MCLE Committee is discussing whether the age 65 MCLE exemption should be modified or eliminated.

Mr. North Asked that diversity be a consideration when selecting the 2012/2013 Leadership Class.

Adjourn

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

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Edward J. Walters, Jr.', with a stylized flourish at the end.

Edward J. Walters, Jr.
Secretary

**APPROVED BY BOARD OF GOVERNORS
AUGUST 25, 2012
NEW ORLEANS, LA**