



Serving the Public. Serving the Profession.

BOARD OF GOVERNORS

June 30, 2011

*** MINUTES ***

President James J. Davidson III called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 1p.m., Thursday, June 30, 2011 in Las Vegas, Nevada.

Agenda Item 1. Roll Call

Present were:

President, James J. Davidson III

President-Elect, John H. Musser IV

Secretary, Richard K. Leefe

Treasurer, Mark A. Cunningham

Immediate Past President, Michael A. Patterson

Chair, Young Lawyers Section, Shayna L. Sonnier

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, Charles D. Elliott

Seventh Board District Representative, Charles L. Kincade

At-Large Member, Karelia R. Stewart

At-Large Member, Franchesca L. Hamilton-Acker

At-Large Member, Daniel A. Cavell

From the Faculty of Loyola University College of Law, Monica Hof Wallace

From the Louisiana State Law Institute, John Wayne Jewell

From Southern University Law Center, Russell L. Jones

House of Delegates Committee on Liaison Member, C. Kevin Hayes

Also present were:

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LSBA Lobbyist, Larry L. Murray
Oklahoma State Bar President, Deborah Reheard
Executive Director, Loretta Larsen, CAE
Associate Executive Director, Cheri Cotogno Grodsky
Communications Director, Kelly Wells Ponder
Director of Information Technology, Tony LaVerde
Director of Member Outreach and Diversity, Kelly McNeil Legier
Executive Assistant, Jacqueline E. Gay

Absent were:

Eighth Board District Representative, Ronald J. Miciotto
House of Delegates Liaison Committee Chair, George B. Recile
House of Delegates Committee on Liaison Member, Jeffrey A. Riggs

Agenda Item 2. Consent Calendar

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

a. Bank Resolutions

Resolutions have been prepared covering all accounts of the Association. These require that all checks be signed by Treasurer Mark A. Cunningham or Assistant Treasurer Loretta Larsen, and countersigned by one of the following persons: James J. Davidson III, John H. Musser IV, Richard K. Leefe, Barry H. Grodsky, H. Minor Pipes III, Stephen I. Dwyer, Monica Hof Wallace and George B. Recile.

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. Davidson 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 2011/2012 are proposed: President, Frank X. Neuner, Jr.; Vice President, James J. Davidson III; Secretary-Treasurer, Charles B. Plattsmier; Trustees – Drew A. Ranier,

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John H. Musser IV, David W. Leefe, Mary Ann Wegmann, A. Anderson Hartiens, Melanie Torbett and Major Reginald R. Brown, Sr. (lay member).

d. Louisiana Center for Law and Civic Education

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

Agenda Item 3. Legislative Positions 2011 – Michael A. Patterson and Larry L. Murray

Mr. Patterson and Mr. Murray gave an overview of the session. Ms. Larsen reported that the LSBA has received a number of opposition letters from district attorneys and assistant district attorneys with regard to LSBA positions on five pieces of legislation. She advised that in accordance with the Bylaws she would in the next several weeks present this information to the Board of Governors and ask for a decision with regard to whether to give pro rata dues refunds to these members or to refer the matter to arbitration.

Agenda Item 4. Committee to Review Proposed Changes to Bar Exam – James J. Davidson III and Michael A. Patterson

Mr. Davidson and Mr. Patterson advised the Board that the Committee had submitted its report to the Supreme Court. They further advised that at Chief Justice Kimball's request, LSBA leaders would be meeting with Committee on Bar Admissions representatives on July 8 to discuss a number of issues.

Agenda Item 5. Consideration of Any Item(s) Removed from Consent Calendar – James J. Davidson III

There were no items removed from the Consent Calendar.

Agenda Item 6. Strategic Plan – James J. Davidson III and Michael A. Patterson

Mr. Davidson referred Board members to the draft plan and appointed the following committee to review the plan and make final recommendations to the Board at its August 2011 meeting in New Orleans:

John H. Musser IV, Chair
Barry H. Grodsky
John Wayne Jewell
H. Minor Pipes III
Darrel J. Papillion

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Karelia R. Stewart
Monica Hof Wallace

Agenda Item 7. House of Delegates – James J. Davidson III

After a brief discussion and upon motion by Mr. Musser and second by Mr. Patterson, the Board unanimously ratified all actions taken by the House of Delegates on June 29, 2011.

Agenda Item 8. Election Procedures 2011/2012 – Loretta Larsen

Ms. Larsen reviewed the election statistics for the past several years, including a breakdown of the number of members who voted by mail and those who voted online.

After a detailed discussion, upon motion by Mr. Grodsky and second by Mr. Cunningham, the Board unanimously approved the following:

- Be it resolved that the LSBA move to online only elections beginning in the 2012/2013 Bar year; and
- Be it further resolved that throughout the next 12 months the LSBA use its publications to alert members of this change; and
- Be it further resolved that if possible, notice of this change be included with the 2012/2013 Attorney Registration Statements.

Agenda Item 9. Insurance Committee Reports and Recommendations – Loretta Larsen

Ms. Larsen advised that she would email the Legal Malpractice Insurance Committee's informational report, as submitted by Chair Kevin C. O'Bryon, to the Board of Governors the week of July 4.

At the request of Group Insurance Committee Chair Shannon Seiler Dartez, Ms. Larsen presented the committee's report with recommendations. After a brief discussion and upon motion by Mr. Musser and second by Mr. Jewell, the Board unanimously approved the report and recommendations including:

- An 8.4 % increase on the New York Life medical insurance rates; and
- For the sponsored life plan, allowing spousal coverage to continue if the member's coverage terminates or if the couple gets divorced.

Agenda Item 10. Board of Governors Statements Confirming LSBA Policies – James J. Davidson III

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Upon motion by Ms. Hamilton-Acker and second by Mr. Cunningham, the Board unanimously approved the following statements:

- Antitrust Avoidance
- Confidentiality
- Conflict of Interest

All Board members present signed the statements. Ms. Larsen advised that staff would secure the signatures of those Board members absent from the meeting.

Agenda Item 11. Budget Committee Election – James J. Davidson III

Mr. Cavell was elected by acclamation to serve as the Board's representative on the Budget Committee.

Agenda Item 12. Consideration of 2011/2012 Budget – Mark A. Cunningham

Mr. Cunningham explained the budget process and reviewed the budget for Board members. Upon motion by Mr. Cavell and second by Mr. Pipes, and after a brief discussion, the Board unanimously approved the budget as recommended by the Budget Committee.

Agenda Item 13. Amicus Briefs – James J. Davidson III

The Board considered the filing of amicus briefs in following matters:

a. Dan S. Collins, CPL & Associates, Inc. v. Frank A. Godchaux, et al

After a detailed discussion, there was consensus among Board members to take no action at this time but to reconsider should either side take writs to the Louisiana Supreme Court.

b. Robert Jones v. Burl Cain

At the request of the Board, Mr. Cunningham provided the background on this matter, including the Committee on the Profession's consensus that the LSBA should get involved, and the Executive Committee's decision to file a motion to request an extension of time in which to file a brief (in the event the Board of Governors would decide to do so). After a detailed discussion and upon motion by Mr. Cunningham and second by Mr. Leefe, the Board voted, with one dissent, to submit a short amicus brief which will address only issues impacting the profession, with this brief to be developed by Mr. Davidson, Mr. Cunningham and Mr. Grodsky.

Agenda Item 14. Louisiana Board of Legal Specialization -

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The Board took the following action with regard to these appointments:

- Upon motion by Mr. Pipes and second by Ms. Wallace, the Board voted unanimously to recommend to the Louisiana Supreme Court the appointment of Thomas Rockwell Wilson to succeed Stephen D. Wheelis. Mr. Wheelis has served for six (6) consecutive years and is not eligible for reappointment.
- Upon motion by Ms. Wallace and second by Mr. Pipes, the Board voted unanimously, based on the established rotation, to recommend to the Louisiana Supreme Court the appointment of Professor Ronald J. Scalise, Jr. of Tulane University Law School to succeed Professor John K. Pierre of Southern University Law Center.
- Upon motion by Mr. Pipes and second by Ms. Wallace, the Board voted unanimously to recommend to the Louisiana Supreme Court the reappointment of Vincent A. Saffiotti.

Agenda Item 15. Report of the President – James J. Davidson III

- a. Mr. Davidson advised that the Leadership LSBA 2011/2012 class would be selected at a meeting on July 8 and encouraged Board members to submit nominations.
- b. Mr. Davidson reported that committee appointment letters would be mailed in early July and that Board members should continue sending their liaison preferences to Ms. Larsen.
- c. Mr. Davidson referred Board members to the 2011/2012 Board of Governors meeting schedule and urged members to mark their calendars.
- d. Mr. Davidson announced that the 2012 Midyear Meeting would be held Thursday, January 19 through Saturday, January 21, at New Orleans Marriott at the Convention Center.
- e. Mr. Davidson announced that the 2012 Summer School for Lawyers & Judges and 2012 Annual Meeting would be held as follows:
 - Summer School – Sunday, June 3 through Wednesday, June 6
 - Annual Meeting – Wednesday, June 6 through Friday, June 8

Agenda Item 16. Report of the President-Elect – John H. Musser IV

Mr. Musser waived his report.

Agenda Item 17. Report of the Secretary – Richard K. Leefe

Mr. Leefe reported that the Editorial Board and staff would be implementing a number of improvements to the *Louisiana Bar Journal* and would also be working to increase advertising revenue.

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Agenda Item 18. Report of the Treasurer – Mark A. Cunningham

Mr. Cunningham waived his report.

Agenda Item 19. Report of the Immediate Past President – Michael A. Patterson

Mr. Patterson thanked Board members for their assistance during his term as President.

Agenda Item 20. Report of the Young Lawyers Section Chair – Shayna L. Sonnier

Ms. Sonnier gave a brief report on YLS activities, including the announcement that the YLS will have a Wills for Heroes booth at the Louisiana State Firemen's Association Conference in late July in Houma.

Agenda Item 21. Report of the Executive Director – Loretta Larsen

Ms. Larsen advised the Board that the Criminal Law and Mineral Law sections were not in compliance with the mandatory reporting as set forth in the Association's Bylaws. After a detailed discussion, the Board voted to defer action until its August meeting and directed Ms. Larsen to send notice to the chairs and all members of both sections advising of the Board's decision to extend the reporting deadline until August 15. The Board further advised that it would like to review all section reports and budgets at the August meeting.

Agenda Item 22. Report of the Associate Executive Director – Cheri Cotogno Grodsky

Ms. Grodsky referred members to her written report.

Agenda Item 23. Other Matters

Mr. Davidson encouraged Board members to call upon him at any time with questions or concerns.

Executive Session

Upon motion and second, the Board went into Executive Session at 2:40 p.m.

24. Litigation Update

Upon motion and second, the Executive Session concluded at 2:45 p.m.

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Adjourn

Upon motion and second, the meeting was adjourned at 2:45 p.m.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Loretta Larsen", written in a cursive style.

Loretta Larsen
Executive Director

APPROVED BY BOARD OF GOVERNORS
AUGUST 27, 2011
NEW ORLEANS, LOUISIANA