

**LOUISIANA STATE BAR ASSOCIATION
BOARD OF GOVERNORS
NOVEMBER 9, 2002**

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

President Larry Feldman, Jr. called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 9:05 a.m., Saturday, November 9, 2002, in New Orleans, Louisiana. Business was conducted in accordance with the agenda below.

Agenda Item 1. Roll Call

Present were:

President, Larry Feldman, Jr.
President-Elect, Wayne J. Lee
Secretary, Marta-Ann Schnabel
Treasurer, Frank X. Neuner, Jr.
Chair, Young Lawyers Section, Stacy C. Auzenne
First Board District Representative, Elizabeth Haecker Ryan
First Board District Representative, Darryl J. Foster
Second Board District Representative, S. Guy deLaup
Third Board District Representative, Shannon Seiler Dartez
Fourth Board District Representative, Winfield E. Little, Jr.
Fifth Board District Representative, E. Wade Shows
Sixth Board District Representative, Elizabeth Erny Foote
Seventh Board District Representative, Carrick R. Inabnett
Eighth Board District Representative, John M. Frazier
At-Large Member, Preston J. Castille
At-Large Member, Sheral C. Kellar
From the Faculty of LSU Paul M. Hebert Law Center, John M. Church
From the Faculty of Tulane University Law School, Lawrence J. Ponoroff
From the Louisiana State Law Institute, J. David Ziober
House of Delegates Committee on Liaison Member, Harold S. Bartholomew
House of Delegates Committee on Liaison Member, Michael O. Hesse

Also present were:

Executive Director, Loretta L. Topey
Access to Justice Director, Monte T. Mollere
Communications Director, Michele C. Norris
Membership Director, Judith W. Dugar
Practice Assistance Counsel, Cheri Cotogno Grodsky
Practice Assistance Deputy Counsel, William N. King
Ethics Advisory Counsel, Richard P. Lemmler, Jr.
Executive Assistant, Ramona K. Meyers
Treasurer Designate, James R. McClelland

Board of Governors Minutes
November 9, 2002
Page 2

Leadership LSBA Committee Member, Robert J. Burns, Jr.
Leadership LSBA Committee Member, A. Jill Futch
Leadership LSBA Committee Member, Robert L. Odinet
Leadership LSBA Committee Member, C. Minor Pipes
Leadership LSBA Committee Member, Susan C. Segura
Tulane Student Bar Association Representative, Jennifer LaCorte

Absent was:

At-Large Member, Karl J. Connor

House of Delegates Committee on Liaison Chair, H. Kent Aguillard

Consent Calendar

2. Approval of Minutes.

The minutes of the August 24, 2002 meeting held in St. Francisville, Louisiana, were approved as prepared.

3. House of Delegates Appointments.

The Board ratified the following appointments to fill vacancies in the House of Delegates:

Second Judicial District	Yumeaka R. Washington
Third Judicial District	Addison K. Goff, IV
Sixth Judicial District	George F. Fox, Jr.
Seventh Judicial District	Ann S. Siddall
Ninth Judicial District	Michael T. Johnson
	Kathryn Fowler Van Hoof
Tenth Judicial District	C.R. Whitehead, Jr.
Eleventh Judicial District	Remy Voisin Starns
Thirteenth Judicial District	Barry J. Rozas
Sixteenth Judicial District	Paul T. Landry
	Edwin S. Patout
	Cary W. Vercher
Twenty-Fourth Judicial District	Michael J. Rice III

Agenda Item 4. Contracts Update.

a. Tel-Law.

Mr. Lee informed the Board that Tel-Law was operating under an agreement that any new tapes developed for the program would be the property of the LSBA.

b. Euclid.

Mr. Church reviewed the signed contract with Euclid for membership software replacement. No action was required as the Board had previously approved the contract upon the recommendation of the Board Contract Review Committee.

- c. Thorne D. Harris III/Superior Software for LSBA Technology Resource Center.
Mr. Little was appointed to work with Mr. Harris on the development of an agreement to continue operating the Technology Resource Center.

Agenda Item 5. Ethics 2000 Public Hearings.

Ms. Grodsky reported on the nine public hearings held around the state which were conducted by the Ethics 2000 Committee. She stated that the transcripts from the hearings were being reviewed by the committee.

Agenda Item 6. Consideration of Any Item Removed from Consent Calendar.

No items were removed from the Consent Calendar for further discussion/debate.

Agenda Item 7. Staff Pension Plan and Profit Sharing Plan.

- a. Discussion regarding intent to combine plans.
The Board discussed the merging the association's pension plan with the association's profit sharing plan and adopted a motion to combined the plans with an effective date of December 31, 2002.
- b. Consideration of continuation of LSBA endorsement.
The Board did not address this issue.

Agenda Item 8. Professionalism Center.

The Board considered a proposal from the Professionalism and Quality of Life Committee that the LSBA establish a Center for Professionalism, charged with various responsibilities designed to further the goal of raising the standards of professionalism and civility. During its initial stages, the Center would be staffed by the LSBA's Office of Practice Assistance Counsel. The Board unanimously adopted the proposal as presented.

Agenda Item 9. Disaster Response Plan.

Ms. Topey reported on the implementation of the Plan for Tropical Storm Isidore, Hurricane Lili and the train derailment in Amite. She indicated that while there is additional work to be done to further develop the plan, she felt the LSBA was able to respond quickly and efficiently to the disasters and commended the committee for its dedication and hard work.

Agenda Item 10. Bar Center Issues.

- a. Bar Center lease/purchase.
Mr. Neuner reported on the ongoing discussions with the Louisiana Bar Foundation regarding the Bar Center lease and possible purchase of the Bar Center by the LSBA.
- b. Bar Admissions Move.
Mr. Neuner informed the Board that Bar Admissions staff would be moving from the Bar Center effective December 31.
- c. New Orleans Pro Bono Project Move.
Mr. Neuner reported that The Pro Bono Project (New Orleans) would be moving from the Bar Center effective December 31 that the vacated space would be utilized by the LSBA.

Agenda Item 11. Leslie Bonin Family Law Specialization Revocation.

Mr. Auzenne, chair of the Louisiana Board of Legal Specialization, reported that Ms. Bonin had been given an additional 10 days to present any further evidence or testimony to the Family Law Specialty Advisory Board regarding the revocation of her Family Law certification. It was the final decision of the Board of Legal Specialization to uphold the revocation of Ms. Bonin's Family Law certification.

Agenda Item 12. Bar Governance Committee.

Mr. Feldman informed the Board that the Bar Governance Committee had agreed that it would defer until June its resolution to reduce the size of the House of Delegates, but would submit a resolution regarding attendance of delegates at House meetings in January. He further stated the committee was considering the submission of a resolution that would allow the entire Board of Governors and the Chief Disciplinary Counsel the privilege of the floor during House meetings.

Agenda Item 13. LSBA Appointment to Louisiana Attorney Disciplinary Board Administrative Committee.

Mr. Feldman informed the Board that Leu Anne Lester Greco is completing her second one-year term as the LSBA representative to the Louisiana Attorney Disciplinary Board Administrative Committee and is eligible for reappointment for one more year. The Board voted unanimously to recommend to the Supreme Court that Ms. Greco be reappointed for an additional one-year term.

Agenda Item 14. Group Insurance Committee.

The Board unanimously approved a request from the Group Insurance Committee authorizing the committee to act on behalf of the Association as regards to the group medical insurance program, with action to be reported to and ratified by the Board at its January 2003 meeting.

Agenda Item 15. Report of the Young Lawyer Section.

Mr. Auzenne provided a status report on the upcoming National High School Mock Trial Competition and the ABA Young Lawyers Division Conference, both to be held in New Orleans.

Agenda Item 16. Report of the Secretary.

Ms. Schnabel informed the Board that she had been meeting regularly with the new Director of Communications, Michele Norris, and that the *Journal* and *Bar Briefs* were on schedule.

Agenda Item 17. Report of the Treasurer.

- a. November 8 Budget Committee Meeting.
 - i. 2001/2002 audited financial statements - the audited financial statements, as prepared by Bourgeois Bennett, were distributed to each member of the Board for their review.
 - ii. Investments - Mr. Neuner briefly reviewed the investment portfolio and answered questions posed by Board members.
 - iii. Amendments to FY 2002/03 Budget - The Budget Committee recommended the following amendments which were unanimously approved:
 - ◆ decrease sublease income from Judiciary Commission from \$32,500.00 to \$32,059.84;
 - ◆ increase expenses of Ethics 2000 Committee to include expenses of holding nine public hearings from \$2,500.00 to \$14,000.00;
 - ◆ increase expenses for CLE professionalism tapes from \$2,000.00 to \$3,600.00;
 - ◆ increase income from professionalism fees from \$5,000.00 to \$15,000.00.

Agenda Item 18. Report of the President-Elect.

a. Strategic Planning Retreat.

Mr. Lee presented a report on the Strategic Planning Retreat held on October 11 and 12 and stated that a plan would be developed for consideration at a future meeting of the Board.

b. Specialty Bar Council Meeting at Midyear Meeting.

Mr. Lee informed the Board that a meeting of the Specialty Bar Associations would be held in conjunction with the LSBA Midyear Meeting in Baton Rouge and urged the Board members to attend. Details for the meeting would be forwarded to them closer to the meeting date.

Agenda Item 19. Report of the President.

a. Leadership LSBA Appointments.

President Feldman introduced the five members of the Leadership LSBA Class of 2002-03 who were in attendance and presented each with a gift.

b. Ethics Advisory Service Counsel Protocol.

Mr. Lemmler, Ethics Advisory Counsel, presented for consideration a motion from the Ethics Advisory Service Committee formalizing its long-standing position that any and all information connected with an Ethics Advisory Opinion be considered confidential and to allow the committee to approach the Supreme Court of Louisiana to seek having this confidentiality formally approved and recognized by the Court. The Board approved the motion by a vote of 11 in favor, 7 against.

Mr. Rubin recommended that the committee implement a process to make the opinions available to the membership. Mr. Lemmler and others expressed concern regarding the publication of the committee's opinions as they are "tailored" to specific situations addressed by the requester of the opinion. Discussion followed and a motion was unanimously adopted that the committee publish a synopsis of its opinions on important issues.

c. Legal Assistance for Reservists.

President Feldman informed the Board that the Community Action Committee has volunteers in place to provide legal assistance for reservists who may be deployed for military action.

d. Crystal Gavel Awards.

President Feldman reported that the Crystal Gavel Committee is seeking nominations and asked the Board members to consider nominating attorneys in their districts who are deserving of the award. The deadline for receipt of nominations is December 31, 2002.

Agenda Item 20. Report of the Executive Director.

- a. Staff Reorganization.
Ms. Topey reported that the functions handled by the CLE Consultant would be moved in-house effective July 2003.
- b. Status of New Positions.
Ms. Topey informed the Board that the Director of Communications, Executive Secretary and General Clerk positions had been filled and that she and Ms. Norris were interviewing for the Marketing Coordinator position.
- c. Status of Access to Justice Grant Application.
Mr. Mollere provided a brief report on the status of the grant application submitted by the Access to Justice Committee.
- d. Proposed MCLE Changes.
The Board reviewed proposed changes to Rule XXX submitted by the MCLE Committee to the Supreme Court of Louisiana that would combine the ethics and professionalism hour, among other significant changes to the program. The Board expressed concern regarding the proposed changes and it was suggested that the Board appoint a member of the MCLE Committee to serve as a liaison to the Board to keep it apprised of the committee's activities. It was the consensus of the Board that Mr. deLaup contact the MCLE Board and report back to President Feldman.
- e. Proposed Lawyers in Philanthropy Committee.
The Board considered a request submitted by Access to Justice Director, Monte Mollere, to establish a joint LSBA and Louisiana Bar Foundation "Lawyers and Philanthropy Committee" to advance the philanthropic environment in Louisiana by educating attorneys through CLE programs focusing on charitable options available in Louisiana. Mr. Neuner moved the adoption of the request, amending it to stated that the initial committee membership would be open to any community foundations wishing to participate. The motion was adopted unanimously.

Agenda Item 21. Other Matters.

The next meeting of the Board of Governors will be held Friday, January 24, 2003, at the Marriott Hotel in Baton Rouge, in conjunction with the Midyear Meeting.

Board of Governors Minutes
November 9, 2002
Page 8

There being no further business to discuss, the meeting was adjourned at 11:05 a.m.

Respectfully Submitted:

Marta-Ann Schnabel
Secretary

Date