

**LOUISIANA STATE BAR ASSOCIATION
BOARD OF GOVERNORS
April 4, 2009**

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

President Elizabeth Erny Foote called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 9 a.m., Saturday, April 4, 2009, in Baton Rouge, Louisiana. Business was conducted in accordance with the agenda below.

Agenda Item 1. Roll Call

Present were:

President, Elizabeth Erny Foote
President-Elect, Kim M. Boyle
Secretary, Mark A. Cunningham
Treasurer, Jack K. Whitehead, Jr.
Immediate Past President, S. Guy deLaup
Chair, Young Lawyers Section, Valerie Briggs Bargas
First Board District Representative, Beth E. Abramson
First Board District Representative, John H. Musser IV
Second Board District Representative, Richard K. Leefe
Third Board District Representative, Lawrence P. Simon, Jr.
Fifth Board District Representative, James E. Boren
Seventh Board District Representative, Carrick B. Inabnett
Eighth Board District Representative, Donald R. Miller
At-Large Member, Darrel J. Papillion
At-Large Member, Dana M. Douglas
At-Large Member, Cloyd Benjamin, Jr.
From the Faculty of Loyola University College of Law, Dane S. Ciolino
From the Faculty of Southern University Law Center, Russell L. Jones
From the Louisiana State Law Institute, James J. Davidson III
House of Delegates Committee on Liaison Chair, Robert A. Kutcher
House of Delegates Committee on Liaison Member, George B. Recile
House of Delegates Committee on Liaison Member, Timothy E. Pujol

Also present were:

President-Elect Designee, Michael A. Patterson
Executive Director, Loretta Larsen, CAE
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
Director of Professional Programs, Cheri Cotogno Grodsky
Executive Assistant, Danielle E. Boveland
Legislation Committee Chair, Michael W. McKay

Right to Counsel Committee Representative, Francis X. Neuner, Jr.
Right to Counsel Committee Representative, Jean Faria

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Absent were:

Fourth Board District Representative, John F. Robichaux

Sixth Board District Representative, W. Jay Luneau

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. Approval of Minutes.

The minutes of the 2008/2009 Board of Governors meeting held on January 16, 2009 in New Orleans, Louisiana.

Agenda Item 3. Review of Conflict of Interest Policy

The Conflict of Interest Policy was reviewed by all Board members.

Agenda Item 4. At-Large Member of Board of Governors

Ms. Boyle asked that Karelia R. Stewart be ratified as the At-Large Representative on the Board of Governors for the 2009-2012 term. Upon motion by Mr. Musser, Ms. Stewart's appointment was seconded and unanimously approved.

Agenda Item 5. LSBA Branding

Ms. Ponder updated the Board on the status of the LSBA Tagline Contest and presented the contest flyer. She reported that 34 taglines had been submitted from 18 members. The deadline for the competition is April 30 and Board members were encouraged to submit their own ideas for consideration.

Agenda Item 6. Mentoring

Ms. Grodsky reported that the Mentoring Subcommittee has taken steps to address the concerns expressed by the Board at the January 2009 meeting. Mentoring participants will receive a Conflict of Interest Statement and mentors will be required to have their own malpractice insurance. The Bar will have an additional insurance policy in which the LSBA will be the named insured. The subcommittee will seek legislation to gain immunity for mentors. Mr. Leefe moved to ratify the mentoring proposal. The motion was seconded and unanimously approved.

Agenda Item 7. Report on LSBA Events

a. Conclave on Diversity in the Legal Profession.

Ms. Legier presented a report on the March 13 Conclave on Diversity sponsored by the LSBA Diversity Committee. Mr. Boren asked for a proposal to develop a two to three-hour diversity training workshop for the Board.

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- b. Second Annual Solo and Small Firm Conference.
Ms. Grodsky presented a report on the Second Annual Solo and Small Firm Conference, held March 26 and 27 and co-sponsored by the LSBA Solo and Small Firms Section.
- c. CLE Seminars Co-Sponsored With LADB.
Ms. Foote reported that one free CLE seminar had already been held successfully in Baton Rouge and that the dates of the seminars in Monroe and Shreveport will be moved up. The president's speech detailing the programs and tools the Bar offers has been approved for one CLE hour of professionalism.
- d. Minority Involvement Section Legal Internship Fair.
Ms. Legier presented a report on the Legal Internship Fair, sponsored by the LSBA Minority Involvement Section.

Agenda Item 8. Consideration of Any Item Removed from Consent Calendar

There were no items removed from the Consent Calendar.

Agenda Item 9. Louisiana Public Defender Board

Mr. Neuner reported that the Right to Counsel Committee supports reclassification of selected municipal ordinances and state misdemeanors as petty offenses in an effort to reduce the caseloads of public defenders and relieve the financial burden on indigent defense system. The reclassification does not include violent crimes or threats to public safety, and it affects jail time, not fines, so it will not take money away from the budget. Mr. deLaup moved to adopt a resolution to support an increase in funding and to refer the reclassification issue to the Right to Counsel Committee for further review. Mr. Musser amended the motion to endorse the concept of reclassification, and to refer to the Committee for specifics. Mr. Neuner informed the Board that the Right to Counsel Committee will go before the House at Annual Meeting with a resolution detailing which non-controversial misdemeanor crimes to reclassify; the resolution will probably go before the state legislator next session. Mr. deLaup called the motion to question. All approved the amendment. Mr. deLaup called for a vote and the motion was passed.

Agenda Item 10. Access to Justice

- a. Viewing of Access to Justice Video.
The Board viewed the nine-minute video. The video will be shown at all LSBA sponsored CLE programs, the Justice for All Ball, the LSBA Legislative Reception and on the LSBA Web site.
- b. Case Management System Issues.
Ms. Foote stated that the board of directors for Southeast Louisiana Legal Services (SLLS) formed a committee to re-examine the technical difficulties they were experiencing. Mr. LaVerde examined their computer system and developed a report detailing how to solve the issues, including updating their hardware and expanding capacity and connectivity within their internal system.
- c. State Funding.
Governor Bobby Jindal has decided to cut \$500,000 in funding for the four legal

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service corporations. Mr. Mollere is identifying a legislator to champion the cause and developing talking points for the Board's legislative contacts. Mr. Recile suggested sending a DVD of the Access to Justice video to each legislator along with a letter.

d. Task Force on Access to Justice Policy and Procedure.

Ms. Foote announced that she had appointed a task force to study current and long-range Access to Justice policy. The task force is comprised of Ms. Foote, Mr. Mollere, Mr. Cunningham, Ms. Larsen, Sheral Kellar and Marta-Ann Schnabel.

Agenda Item 11. Lawyers in Transition Committee

Mr. Patterson reported that the Committee is currently attempting to modify Supreme Court Rule 19 so that an attorney may designate a replacement in the event the lawyer dies, becomes mentally disabled or otherwise leaves suddenly. The proposed Article would provide a 60-day cushion for the substitute lawyer in which a freeze will be placed on the running of prescription on files in the original attorney's office. The Committee is also in the process of developing a handbook for the substitute lawyers, which will be placed on the LSBA Web site once approved.

Agenda Item 12. Awards

a. Pro Bono Awards.

Ms. Boyle moved to approve the nominations set forth by the Committee. The motion was seconded and unanimously approved.

b. Crystal Gavel Awards.

Ms. Larsen recommended approving the nominations set forth by the Committee, which had not chosen a recipient in several years. Upon motion and second, the recommendations were unanimously approved. Board members were encouraged to submit recommendations for the 2009 Leah Hipple McKay Memorial Award for Outstanding Volunteerism.

c. Children's Law Award.

Mr. Mollere recommended approving the nomination of Cathy Lee Cook from the Child Advocacy Program. Upon motion and second, the recommendation was unanimously approved.

Agenda Item 13. Diversity Commitment Statement

Ms. Legier recommended to adopt the Diversity Commitment Statement as put forth by the Diversity Committee. Upon motion and second, the recommendation was unanimously passed. Ms. Foote volunteered her firm to be the first to sign the Statement.

Agenda Item 14. Whistleblower Policy

Ms. Boyle proposed adding language to supplement the current policy so that whistleblowers from federal and state entities also receive protection. She indicated she would work with staff to develop this language and bring back to the Board for consideration.

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Agenda Item 15. Louisiana Bar Center

Ms. Foote reported on the successful buy-out of the Louisiana Bar Foundation lease. The Louisiana Civil Justice Center will occupy a portion of the Bar Foundation's space for the duration of the old lease. Cosmetic renovations for the fourth floor of the Bar Center will be deferred in favor of the extensive renovations needed for the third floor. Ms. Foote moved that \$45,000 be allocated for the buyout should these be needed. Mr. Recile seconded the motion and it was approved.

Agenda Item 16. Budget and Finance

Mr. Whitehead reviewed the 2007/2008 IRS Form 990 and reported on the Bar's investment performance, which is doing relatively well compared to the rest of the market. Mr. Whitehead reviewed the proposed 2008/2009 budget amendments, and made the correction that Ms. Boyle's budget was reduced to \$17,500, not \$10,000. Upon motion and second, the amendments to the 2008/2009 budget were approved. He further reported that the 2009/2010 is currently being developed and that the Committee will make a recommendation to the 2009/2010 board at its meeting in June 2009.

Agenda Item 17. Legislation

Mr. McKay stated that there are three members of the Legislation Committee that will not be able to attend the two upcoming committee meetings; the three members will be asked to step down and replacements will be appointed from the same districts. Ms. Larsen reminded the Board that the May 13th Board of Governors meeting to consider recommendations of the Legislation Committee will require participation either in person or via webinar due to the complexity of the issues and the need to track members' votes.

Agenda Item 18. Leadership LSBA

Ms. Douglas reported that the deadline for submissions for the 2009 Law Day High School Art Contest has been extended to April 20. She further reported that the Leadership Class will be hosting a speed networking event on June 10 at Annual Meeting during the New Attendees Reception.

Agenda Item 19. 2009 Annual Meeting and Summer School for Judges

Ms. Foote detailed the two levels of sponsorship for the meetings. She reminded the Board that they cannot participate in the Board of Governors meetings in Sandestin unless they are registered for Annual Meeting.

Agenda Item 20. Community Action Committee Blood Drive

Ms. Ponder reminder members about the blood drive at the Bar Center on Wednesday, May 13. She affirmed that there must be at least 25 confirmed donors for the Blood Mobile to attend and requested that Board members encourage others in their offices to participate.

Agenda Item 21. Report of the President

- a. Smythe Gambrel Award Submission.
President Foote stated that the ABA had requested some additional information on the 2009 law school programs for the award application and that the recipient would be selected no later than mid-June.
- b. ABA Summit on Fair and Impartial State Courts.
President Foote announced that the Supreme Court would likely not participate in the Summit and that the LSBA was still considering its participation.
- c. March 3 Meeting with Louisiana Supreme Court.
President Foote stated the Court expressed concern over the issue of statewide membership cards which would allow lawyers access to courthouses while bypassing security. A committee will explore the feasibility of photo identification membership cards. President Foote, Mr. Mollere and Marta-Ann Schnabel will attend the equal Justice Conference and Justice Kimball will send a member of her staff.
- d. Justice Jog in Conjunction with Crescent City Classic.
President Foote informed the Board that participation in the Jog requires a \$60 fee, with all proceeds benefiting the Legal Aide Bureau and the Ozanam Inn.
- e. E.D. White Celebration.
President Foote is exploring whether or not the Bar will participate in the 100th Anniversary E.D. White Celebration.
- f. LSBA as Cornerstone Sponsor of LBF Fellows Dinner.
The LSBA/YLS will participate as Cornerstone Sponsors of the LBF Fellows Dinner.
- g. CLE Program Co-sponsored with Association of Women Attorneys.
Ms. Legier reported that the "Superwomen" CLE has been approved for 4.2 credit hours, including one hour of professionalism.
- h. Notary Public Study Committee.
President Foote announced that Mr. Robichaux will chair the Notary Public Study Committee; letters have been mailed for appointments to the committee.
- i. Other Matters.
 - President Foote stated that the Bar will work with LAP to sponsor mental health seminars for members. Mr. Cunningham moved to instruct a committee to study how the Bar can provide information and encouragement to lawyers regarding mental health services. The motion was seconded and unanimously approved.
 - President Foote reported that she and Barry Grodsky were appointed to the Committee on Public Perception of Courts.
 - Because the Bar Admissions Ceremony was delayed until mid-May, Mr. Musser motioned that the 2008/2009 and 2009/2010 fees for new admittees be placed on a single invoice and collected prior to admission. The motion was seconded and unanimously approved.

Agenda Item 22. Report of the President-Elect

Ms. Boyle stated that Committee appointments will be made on April 30 and reminded the Board that the Request for Committee Appointment Form was available on the LSBA Web

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site. Ms. Boyle further reported on her continuing outreach efforts, indicating that the Louisianan Fifth Circuit Court of Appeal is the only state appellate court with which she has not yet scheduled a meeting.

Agenda Item 23. Report of the Immediate Past President

Mr. deLaup waived his report.

Agenda Item 24. Report of the Treasurer

Mr. Whitehead had no additional report, as all items had already been covered under Agenda Item 16.

Agenda Item 25. Report of the Secretary

Mr. Cunningham read a number of submissions from the Tagline Contest, which is being promoted in the *Bar Journal*.

Agenda Item 26. Report of the YLS Chair

Ms. Bargas reported on a number of YLS programs including the state high school mock trial competition and the Wills for Heroes program. She informed the Board that the YLS will host a student networking opportunity entitled "Conversation and Cocktails" on May 28 in New Orleans and again on May 30 in Baton Rouge. The YLS will also sponsor a law school essay contest on the following topic: "Does the Civil Code need revising or is the concept still relevant in society?"

Agenda Item 27. Report of the Executive Director

Ms. Larsen reported that the Bar Governance subcommittee on Section relations would like to create accountability for Sections and regain some control, especially regarding lobbying state agencies and hosting programs with Section dues.

She further reported that a subcommittee had been created to study the composition of the Board, with specific emphasis on the district representatives.

She reported that the Bar Governance Committee would be submitting a resolution to create a law student membership and that such a membership would enable law students to take advantage of the Fastcase member benefit.

Agenda Item 28. Consideration of Any Other Matters

There were no other matters to be addressed by the Board of Governors.

EXECUTIVE SESSION

The Board went into Executive Session at 12:39 p.m.

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Agenda Item 29. Litigation Update

The executive Session ended at 12:41 p.m.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 12:42p.m.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Mark A. Cunningham". The signature is written in a cursive style with a horizontal line at the end.

Mark A. Cunningham
Secretary

APPROVED BY BOARD OF GOVERNORS

June 11, 2009

Destin, Florida