LOUISIANA STATE BAR ASSOCIATION
BOARD OF GOVERNORS
August 23, 2008

*** 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 9:05 a.m., Saturday, August 23, 2008, in New Orleans, 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, John H. Musser IV
Second Board District Representative, Richard K. Leefe
Fourth Board District Representative, John F. Robichaux
Fifth Board District Representative, James E. Boren
Sixth Board District Representative, W. Jay Luneau
Seventh Board District Representative, Carrick B. Inabnett
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 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, Mary C. Devereux
House of Delegates Committee on Liaison Member, Timothy E. Pujol

Also present were:
President-Elect Designee, Michael A. Patterson
Leadership LSBA Member, Lauren E. Campisi
Leadership LSBA Member, Pablo Gonzalez
Leadership LSBA Member, Christopher K. Jones
Leadership LSBA Member, Erin R. Leger
Leadership LSBA Member, Adrian G. Nadeau
Leadership LSBA Member, Steven T. Ramos
Leadership LSBA Member, Tara G. Richard
Leadership LSBA Member, Maurice C. Ruffin
Leadership LSBA Member, Cynthia K. Simon

Leadership LSBA Member, Shayna L. Sonnier
Committee on the Profession Chair, Barry H. Grodsky
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
Ethics Counsel, Richard P. Lemmler, Jr.
Executive Assistant, Ramona K. Meyers

Absent were:
First Board District Representative, Beth E. Abramson
Third Board District Representative, Lawrence P. Simon, Jr.
Eighth Board District Representative, Donald R. Miller
From the Faculty of Southern University Law Center, Russell L. Jones

Agenda Item 2. Introduction of Leadership LSBA Class

Ms. Foote introduced the 2008/2009 Leadership LSBA Class.

Consent Calendar

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

3. Approval of Minutes.
   The minutes of the 2007/2008 Board of Governors meeting held on June 12, 2008 and the 2008/2009 Board of Governors meeting held June 13, 2008 in Destin, Florida.
4. Louisiana Client Assistance Foundation Board of Directors.

President:	Frank X. Neuner, Jr.
Vice-President:	Kim M. Boyle
Secretary-Treasurer:	Charles B. Plattsmier
Trustees:	Drew A. Ranier
	S. Guy deLaup
	David W. Leefe
	Mary Ann Wegmann
Lay Members:	A. Anderson Hartiens
	Melanie Torbett
Staff Liaison:	Cheri Cotogno Grodsky

5. Access to Justice Hearings.
   Removed from Consent Calendar for report and action.

Agenda Item 6. Whistleblower Policy

Ms. Boyle reviewed the revised draft Whistleblower Protection Policy, noting the changes incorporated into the revision based on suggestions offered during the June meeting. A motion was made by Mr. deLaup to approve the Whistleblower Protection Policy as presented. The motion was seconded by Mr. Kutcher and unanimously approved.

Agenda Item 7. CoreVault

Mr. LaVerde presented a revised contract fom CoreVault for their online data backup and recovery product. A motion was made by Mr. Luneau and seconded by Mr. Musser to accept the revised contract as a member benefit. The motion was unanimously approved.

Agenda Item 8. Local Bar Associations

Ms. Foote informed the Board that a request had been received from the Lafayette Parish Bar to enter into a collaborative CLE program with the LSBA and Gilsbar, Inc. Ms. Foote stated that the LSBA and Gilsbar have been sponsoring the CLE program for a number of years and the LSBA receives significant income from the seminar. A similar request was also received from the Baton Rouge Bar Association. Ms. Foote reported that the Executive Committee decided to work collaboratively with both local bars on other efforts, such as their bench/bar conferences.

Agenda Item 9. Minority Job Fair

Ms. Legier presented a report on the August 15 Minority Job Fair sponsored by the LSBA Minority Involvement Section.

Agenda Item 10. Lawyer Advertising

Ms. Foote and Mr. Lemmler reviewed the implementation plan for new rules for lawyer advertising, including the publication of a handbook for distribution to the membership with the October/November issue of the *Louisiana Bar Journal*. A series of three half-day symposia will be held in New Orleans, Baton Rouge and Shreveport in late October to provide a primer on the new rules and practical guidance on filings, assistance from the LSBA, and interpretation of the rules by the Office of Disciplinary Counsel.

It was noted that additional attorney and administrative staff would be necessary to administer the lawyer advertising rules. A motion was made, seconded and unanimously approved to authorize the Executive Director to hire additional staff for lawyer advertising, subject to the approval of the Executive Committee.

Agenda Item 11. Retirement of Chief Justice Pascal F. Calogero, Jr.

Ms. Foote reported that she had been in contact with representatives of the Supreme Court regarding the December 2008 retirement of Chief Justice Calogero. The LSBA will likely participate as a sponsor of an event at the Court. Costs of this sponsorship would be covered by the Supreme Court Liaison budget item.

Agenda Item 12. Nominating Committee

Ms. Foote reported the Nominating Committee met on August 22, and nominated Michael A. Patterson of Baton Rouge as President-Elect for 2009-2010; Carrick B. Inabnett of Monroe as Secretary for 2009-11; John M. Church to the Board of Governors as representative from the LSU Paul M. Hebert Law Center, and Tania C. Tetlow to the Board of Governors as representative from Tulane University Law School, both for 2009-11. The committee voted to accept the name of the individual who will be designated by the Louisiana State Law Institute to represent it on the Board of Governors for 2009-2011 at its September 2008 meeting. Ms. Foote stated that on Monday, September 22, the membership would be notified via mail of the action taken by the Nominating Committee.

Agenda Item 13. Consideration of Any Item Removed from Consent Calendar

Mr. Mollere presented a request from the Access to Justice Committee to conduct a series of statewide Access to Justice Hearings to examine barriers faced by low-income people while pursuing civil legal remedies through the justice system. The hearings would allow attendees to document problems, raise public awareness and discuss strategies for addressing the needs. The committee plans to host three hearings in the first quarter of 2009 in Shreveport, Alexandria and Baton Rouge, conducted by a panel of judges in courtrooms with a court reporter taking minutes. Legislators, congressional delegates and Supreme Court Justices would be invited to participate. From the minutes of the hearings, the committee will develop a report on the findings to be used for: 1) presenting to the Supreme Court for informational purposes and possible action on issues raised; 2) to use in the committee's efforts to secure state funding of civil legal services in the 2009 legislative session and 3) for use as a basis for long term planning for the Access to Justice Committee work. Ms. Foote noted the funding for the hearings was included in the 2008/2009 FY budget. Mr. Luneau moved to approve the request to conduct the hearings as presented in the Access to Justice Committee's proposal. The motion was seconded and unanimously approved.

Agenda Item 14. Appointment to Louisiana Board of Legal Specialization

The Board unanimously approved recommending to the Supreme Court for appointment John K. Pierre to the Louisiana Board of Legal Specialization, Professor and Vice Chancellor for Institutional Accountability and Evening Division at Southern University Law Center, the next university in rotation for appointment to the Board.

Agenda Item 15. Joint Seminars with Louisiana Attorney Disciplinary Board

Ms. Foote referred the Board to a letter from the Louisiana Attorney Disciplinary Board regarding an LSBA proposal that the LADB partner with the LSBA and local bar associations to present CLE seminars that would not negatively impact local bar associations' budgets. The LADB declined the partnership but agreed to work with the LSBA and local bar associations to avoid scheduling conflicts with the LADB's free CLE seminars. A motion was moved, seconded and approved that the LSBA work cooperatively with the LADB and local and specialty bar associations in a pro-active manner to provide quality CLE throughout the state.

Agenda Item 16. Tributes to the Late Hon. Revius Ortique, Jr.

The Board unanimously approved the following tributes for the Honorable Revius Ortique, Jr., the first African-American to serve on the Civil District Court and the Louisiana Supreme Court:

a. Memorial Resolution from the LSBA, to be presented at the October 6, 2008 Memorial Exercises at the Louisiana Supreme Court; and
b. Placement of Justice Ortique's portrait in the Louisiana Bar Center, to be framed and presented by the family during a ceremony at the Bar Center.

Agenda Item 17. Report of the President

a. Leadership LSBA 2008/2009 Class Orientation.
President Foote reported on the Leadership LSBA orientation held on Friday, August 22. This year the program was expanded and participants received one hour of professionalism CLE.
b. Law School Professionalism Programs.
President Foote reported on the success of the programs that had been held and provided the schedule for upcoming programs.
c. Lawyers in Transition Committee.
Committee Chair Michael A. Patterson reported the committee would begin drafting a manual to assist attorneys who are designated to assist with clients/cases of attorneys who are deceased, disabled or disbarred.
d. Committee to Revitalize Annual Meeting and Summer School.
President Foote informed the Board that Past President Michael W. McKay agreed to serve as chair of the committee and the committee held its first meeting on Thursday, August 21. The committee is composed of bar leaders, judges, young lawyers and section representatives.
e. Committee Appointments and Board of Governors Liaisons to Committees.
President Foote informed the Board that committee appointments were complete and several committees had scheduled their first meeting. She noted that several Board members had not been assigned to serve as Board liaisons to committees and asked

that they provide her with their committee preference.

f. Committee on the Profession.
Committee Chair Barry H. Grodsky provided an oral report to supplement his written report that was distributed to the Board at the beginning of the meeting.

g. October 2008 Meeting.
President Foote reported that the next meeting of the Board would be held Saturday, October 18 in Alexandria. She stated that additional information on the meeting would be communicated to the Board in early September.

h. Appointment of Audit Committee.
President Foote reported on the appointment of an Audit Committee, chaired by Kim M. Boyle and composed of Dana M. Douglas. Robert A. Kutcher and John H. Musser IV.

i. District Defender Selection Committee Recommendations.
President Foote reported that she recommended the following attorneys for appointment to the District Defender Selection Committee:

Seventeenth Judicial District	Scotty E. Chabert
Twenty-Fifth Judicial District	Stephen C. Braud
Twenty-Eighth Judicial District	J. Christopher Peters
Thirtieth Judicial District	John K. "Mike" Anderson
Thirty-Fourth Judicial District	Daniel L. Dysart

j. Legislation Committee Composition 2008/2009.
President Foote reminded the Board that three candidates received the same number of votes during the election of House of Delegates members to serve on the Legislation Committee. The Executive Committee authorized staff to handle the tie-breaker and Charles C. Bourque, Jr. from the Thirty-Second Judicial District will serve a two-year term and Dean A. Cole from the Fifteenth Judicial District and Timothy E. Pujol from the Twenty-Third Judicial District will each serve a one-year term. She reported that the committee will hold an orientation program in conjunction with the LSBA Midyear Meeting.

k. LSBA Palmer Statement.
President Foote referred the Board to the LSBA statement concerning Professor Palmer's *Tulane Law Review* article and noted that the article has been discussed in the context of a public election. She reported that the Executive Committee does not feel the LSBA can do more in light of the contested election.

Agenda Item 18. Report of the President-Elect.

Ms. Boyle stated that during her term as president she would work to implement the LSBA strategic plan, focusing on outreach and diversity, minority and geographic. Her plans include

meeting with local and specialty bar leaders to discuss issues of mutual concern and meeting with law firms to promote young lawyer involvement in LSBA programs and leadership. Educating these groups regarding the LSBA election process is crucial to her goals. She will call upon the Board of Governors District Representatives to assist in these efforts.

Agenda Item 19. Report of the Secretary.

Mr. Cunningham reported the *Louisiana Bar Journal* continues to contain costs while improving the quality of the content by adding new sections.

Mr. Cunningham informed the Board that in December the LSBA will publish an expert witness, consultant and legal services directory as a supplement to the *Louisiana Bar Journal*. The directory will be printed separately and shrink-wrapped for mailing with the December 2008/January 2009 *Journal*. Current plans are to print the directory annually with the income used to move to an all color *Journal*.

Agenda Item 20. Report of the Treasurer.

a. Appointment of Investment Subcommittee of Budget Committee.
Mr. Whitehead presented a proposal to create an Investment Subcommittee of the Budget Committee. He reported the Budget Committee approved the proposal at its meeting on August 22. A motion was made, seconded and unanimously approved to create an Investment Subcommittee of the Budget Committee and accept the Subcommittee's mission statement as written.

b. Report on August 22, 2008 Budget Committee Meeting.
Mr. Whitehead briefly reviewed actions taken by the Budget Committee at its August 22 meeting and informed the Board that FY 2007/2008 ended with a surplus.

c. Proposed Policy Regarding Donations to Youth Groups.
Mr. Whitehead requested that discussion on the proposed policy be postponed until the October Board of Governors meeting.

Agenda Item 21. Report of the Immediate Past President.

Mr. deLaup presented no report.

Agenda Item 22. Report of the Young Lawyers Section.

a. Wills for Heroes.
Ms. Bargas informed the Board that the Wills for Heroes program would be launched at a fire department on September 13 in Lake Charles. She thanked the Board for purchasing the equipment necessary to operate the program.

b. Barristers for Boards.
Ms. Bargas hopes to place 20-35 attorneys on Boards by the close of FY 2008/2009.

Agenda Item 23. Report of the Executive Director.

a. Staffing Issues.
Ms. Larsen reported that Josie Beets had been hired as the Access to Justice Training Coordinator and that she and Ms. Legier were holding final interviews with candidates for the Local and Specialty Bar Outreach Coordinator. Ethics Counsel Assistant Dale LeBlanc has moved from part time to full time to assist Ethics Counsel with the new lawyer advertising rules. Based on the motion approved by the Board, an additional attorney and administrative staff will be hired to assist with the lawyer advertising program.

b. Louisiana Bar Center.
Ms. Larsen reported that renovations would begin this fall on the fourth floor that will entail painting and replacing flooring.

c. Facilities Committee.
Ms. Larsen informed the Board that Operations Coordinator Corey Carter has been working with the committee and has prepared a report with recommendations for the committee's consideration at its upcoming meeting.

d. FY 2007/2008 Audit.
Ms. Larsen informed the Board that the auditors will be on site during September to perform the FY 2007/2008 audit. The auditors will be working with staff and meeting independently with the newly appointed Audit Committee.

e. Dues Collection.
Ms. Larsen noted that delinquency notices were mailed in early August and members would be declared ineligible on October 1. She stated that the number of members who did not pay by the deadline and the number of requests for inactive status were consistent with previous years.

f. Louisiana Center for Law and Civic Education.
Ms. Larsen reported that the Executive Director for the LCLCE resigned and their Board is currently working to replace the position as soon as possible. Further, the LCLCE Board has indicated an interest in appointing members of the LSBA Board of Governors to their Board of Directors. Ms. Larsen asked anyone interested to contact her.

Agenda Item 24. Executive Session.

The Board went into Executive Session to discuss pending litigation. This portion of the meeting was adjourned at 11:20 a.m.

Agenda Item 25. Executive Session.

The Board of Governors went into Executive Session to discuss the Executive Director's performance review.

Agenda Item 26. Adjournment.

There being no further business to discuss, the meeting was adjourned at 11:45 a.m.

Respectfully submitted:

Mark A. Cunningham
Secretary

APPROVED BY BOARD OF GOVERNORS
October 18, 2008
Alexandria, LA