

**LOUISIANA STATE BAR ASSOCIATION
BOARD OF GOVERNORS
August 27, 2005**

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

President Frank X. Neuner, Jr. called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 9 a.m., Saturday, August 27, 2005, in New Orleans, Louisiana. Business was conducted in accordance with the agenda below.

Agenda Item 1. Roll Call

Present were:

President, Frank X. Neuner, Jr.
President-Elect, Marta-Ann Schnabel
Secretary, E. Wade Shows
Treasurer, Kim M. Boyle
Immediate Past President, Michael W. McKay
Chair, Young Lawyers Section, Dona K. Renegar
First Board District Representative, Ronald J. Sholes
Second Board District Representative, Joseph A. Conino
Third Board District Representative, Steven G. Durio
Fourth Board District Representative, James R. Nieset
Fifth Board District Representative, Celia R. Cangelosi
Sixth Board District Representative, William M. Ford
Seventh Board District Representative, Richard L. Fewell, Jr.
Eighth Board District Representative, Edwin L. Blewer, Jr.
At-Large Member, Pamela W. Carter
At-Large Member, Paula Hartley Clayton
At-Large Member, Shannan L. Hicks
From the Faculty of LSU Paul M. Hebert Law Center, John M. Church
From the Faculty of Tulane University Law School, Raymond T. Diamond
House of Delegates Committee on Liaison Chair, James E. Boren
House of Delegates Committee on Liaison Member, Timothy A. Maragos

Also present were:

Executive Director, Loretta Larsen
Access to Justice Director, Monte T. Mollere
Communications Director, Judy Boudreaux
Member Services Director, Germaine Mitchell
Practice Assistance Counsel, Cheri Cotogno Grodsky
Executive Assistant, Ramona K. Meyers
President-Elect Nominee, S. Guy deLaup
Leadership LSBA Member Jason E. Fontenot
Leadership LSBA Member Tara B. Hawkins

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Leadership LSBA Member Gregory A. Koury
Leadership LSBA Member Jackie M. McCreary
Leadership LSBA Member Allen C. Miller
Leadership LSBA Member Lance M. Sannino

Absent were:
First Board District Representative, Patricia A. Krebs
From the Louisiana State Law Institute, Joseph W. Mengis
House of Delegates Committee on Liaison Member, Andrew Reed

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 Board unanimously approved the minutes of the 2004-2005 Board of Governors meeting held on June 27, 2005 in Las Vegas, and the minutes of the 2005-2006 Board of Governors meeting held on June 28, 2005 in Las Vegas.
- b. House of Delegates Appointments.
The Board unanimously ratified the following appointments to fill vacancies in the House of Delegates:

<u>2005-2006 House of Delegates</u>	
Fifteenth Judicial District	Tricia R. Pierre

<u>2005-2007 House of Delegates</u>	
Thirty-Third Judicial District	J. Craig Jones

Agenda Item 3. Consideration of Any Item(s) Removed from Consent Calendar

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

Agenda Item 4. Nominating Committee

President Neuner reported that the Nominating Committee had met on August 26, and nominated S. Guy deLaup of Metairie as President-Elect for 2006-07 and James R. Nieset of Lake Charles as Treasurer for 2006-08. Mr. Neuner stated that on Monday, September 19, 2005, the membership would be notified via mail of the action taken by the Nominating Committee.

Agenda Item 5. Election Procedures for Delegates to ABA House of Delegates

Ms. Larsen reminded the Board that at its June meeting it approved election procedures for Delegates to the ABA House of Delegates to elect two (2) delegates from the membership at large and one (1) young lawyer delegate. She noted that due to the possible reduction in the number of Louisiana delegates to the ABA House of Delegates, which is based on the number of Louisiana ABA members, the LSBA may lose one delegate seat. Mr. Neuner informed the Board that the Executive Committee had considered the matter at its August 26 meeting and recommended the election procedures for Delegates to the ABA House of Delegates be amended to elect one (1) delegate from the membership at large and one (1) young lawyer delegate. If Louisiana does not lose the second ABA delegate, the president will appoint someone to fill the vacancy. Upon motion by Mr. McKay and second by Ms. Schnabel, the Board unanimously adopted the recommendation of the Executive Committee.

Agenda Item 6. Supreme Court Ad Hoc Committee

Ms. Cangelosi, LSBA representative on the Ad Hoc Committee to Study the Finances and Workload of the Louisiana Attorney Disciplinary Board, presented an update on the activities of the committee. Mr. Neuner then informed the Board that the Chief Disciplinary Counsel Chuck Plattsmier had advised him earlier this year that he wanted the Court to create a regulatory agency consisting of attorney discipline, bar admissions and MCLE, and that proceeds from MCLE would create another funding source for the disciplinary agency.

Agenda Item 7. MCLE Audit

President Neuner informed the Board that the MCLE program would undergo a performance audit by the National Center for State Courts, with members of the Organization of Regulatory Administrators for Continuing Legal Education also involved in the process. The LSBA expressed concern with the two auditors who were proposed by the NCSC to conduct the audit as neither had experience with a unified bar association's role with regard to MCLE. Mr. Neuner stated that he would keep the Board apprised of further developments with the audit.

Agenda Item 8. Membership Surveys

a. First Quarter Survey – Fastcase.

Ms. Larsen reported that the Board had budgeted funds to conduct ongoing member surveys, with the initial survey to be conducted on members' knowledge and use of Fastcase. To date, 4,000 members (20%) have logged onto Fastcase. The results of the first survey will be available at the November Board meeting.

b. Other Quarterly Surveys.

The Board voted to conduct a second survey on the disciplinary agency, MCLE and the relevancy of the Bar.

Agenda Item 9. Budget Committee

a. Investment Performance Report.

Ms. Boyle presented an update on the performance of LSBA investments.

b. 2004/2005 Year End.

Ms. Boyle reported that 2004/2005 the fiscal year ended with a surplus.

c. Consideration of Amendment to Investment Policy.

The Board unanimously approved the following amendments to the Investment Policy:

- ◆ increase Equity Securities, Range of Portfolio Assets, to 50%-60% and Central Tendency to 55%;
- ◆ decrease Securities, Range of Portfolio Assets, to 35%-45% and Central Tendency to 40%;
- ◆ increase Asset Class Guidelines, Equity Guidelines, target asset mix should be 55% equity, with a maximum equity commitment of 60%, and a minimum commitment of 50%;
- ◆ decrease Equity Securities, Fixed Income Guidelines, to target asset mix should be 40% fixed income, with a maximum fixed income commitment of 45%, and a minimum commitment of 35%.

d. Proposed 2005/2006 FY Budget Amendments.

The Board unanimously approved the following FY 2005/2006 budget amendments recommended by the Budget Committee:

- ◆ increase Sponsorships income from \$35,000 to \$48,450;
- ◆ increase Bar Journal income from \$170,000 to \$185,000;
- ◆ increase Bar Briefs income from \$36,000 to \$38,000;
- ◆ increase Practice Assistance Program Programs from \$24,000 to \$26,000;
- ◆ decrease Gilsbar Royalties from \$280,000 to \$278,000;
- ◆ increase Professional Responsibility Law Book income from \$-0- to \$1,000;
- ◆ increase Uniform Title Standards Book income from \$-0- to \$3,000;
- ◆ decrease Board of Governors expense from \$90,000 to \$80,000;
- ◆ decrease Bar Briefs expense from \$50,000 to \$49,000;
- ◆ decrease Bar Journal expense from \$176,000 to \$155,000;
- ◆ increase CLE Program expense from \$400,000 to \$425,000;
- ◆ decrease Midyear Meeting expense from \$25,000 to \$15,000;
- ◆ decrease Public Information Committee expense from \$15,000 to \$12,000;

- ◆ decrease Legislation Committee expense from \$90,000 to \$72,000;
- ◆ increase Statewide LRIS expense from \$-0- to \$500;
- ◆ increase Bar Admissions Ceremonies expense from \$3,000 to \$5,000;
- ◆ increase Access to Justice Committee Projects from \$7,000 to \$8,000;
- ◆ decrease Access to Justice Supplies from \$4,000 to \$2,500;
- ◆ decrease Access to Justice Committee expense from \$4,500 to \$-0-;
- ◆ decrease Access to Justice Resource Development Subcommittee expense from \$1,500 to \$500;
- ◆ decrease Practice Assistance Program Personnel expense from \$384,500 to \$370,000;
- ◆ decrease Practice Assistance Program Programs expense from \$21,000 to \$18,000;
- ◆ decrease Practice Assistance Program Travel from \$8,000 to \$6,000;
- ◆ increase Unrelated Business Income Tax expense from \$-0- to \$15,000;
- ◆ increase Stationery & Printing expense from \$34,000 to \$40,000.
- ◆

Agenda Item 10. Appointments

President Neuner announced the following appointments:

- ◆ Raymond T. Diamond as Board of Governors Liaison to Louisiana Board of Legal Specialization;
- ◆ Franchesca Acker-Hamilton to the Task Force on Legal Representation and Child Protection Cases;
- ◆ Charles Davoli to the Louisiana Commission on Decision-Making of Persons with Cognitive Disabilities;
- ◆ Loretta Larsen to the Task Force to Study Tax Policies, Contracting and Related Business Processes, and Accountability as they Relate to Nonprofit Organizations.

Agenda Item 11. Dues Waivers

- a. Consideration of Adoption of Policy to Facilitate Dues Waiver Requests
The Board unanimously adopted the Policy to Facilitate Handling of Dues Waiver Requests as presented.
- b. Consideration of Sri Katner Dues Waiver Request.
The Board voted to deny the dues waiver request of LSBA member Sri Katner.

Agenda Item 12. ABA Midyear Meeting in New Orleans

- a. General Information.
Mr. McKay informed the Board that the ABA would be holding its 2006 Midyear Meeting in New Orleans February 1-7 and the New Orleans Advisory Committee is being co-chaired by LSBA Past President David F. Bienvenu and Judy Perry Martinez.
- b. Possible Reception for ABA House of Delegates on Sunday, February 5.
Mr. McKay requested an appropriation of \$25,000 to sponsor a reception for the ABA House of Delegates on Sunday, February 5. He stated that it is the goal of the LSBA to not use the \$25,000 appropriate, but to obtain sufficient sponsorships to cover the cost of the reception. He then moved that the Board of Governors appropriate \$25,000 to sponsor a reception for the ABA House of Delegates during its Midyear Meeting in New Orleans. The motion was seconded and unanimously adopted.
- c. NCBP and/or SCBP Events.
Mr. McKay reported on plans for NCBP and/or SCBP events to be held in conjunction with the ABA Midyear Meeting.
- d. Restaurant Guide.
Mr. McKay informed the Board that the LSBA has offered to assist the ABA in compiling a New Orleans Restaurant Guide for distribution during the ABA Midyear Meeting. It was recommended that consideration be given to soliciting ads from local restaurants to help defray the cost of the proposed reception.

Agenda Item 13. ABA House of Delegates Report

Mr. Neuner referred the Board to a printed report contained in the Board handbook on resolutions approved by the ABA House of Delegates at its Annual Meeting in Chicago.

Agenda Item 14. LSBA Program Review

Mr. Neuner presented details and assignments for the review of LSBA programs and committees for consideration of consolidation and/or sunseting those that are inactive or no longer meeting LSBA goals. Ms. Schnabel moved that the Board undertake the review of LSBA programs as indicated in the breakdown below with final recommendations to be considered at the January meeting of the Board:

Communications/Publications

Louisiana Bar Journal; Bar Briefs; Electronic Communications (Web, LBT); Public information Committee (Tel-Law); Professional Responsibility Book; Uniform Title

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Standards Book. *Members* – E. Wade Shows; Timothy A. Maragos; Marta-Ann Schnabel; Pamela W. Carter; *Staff Liaison* – Judy Boudreaux.

Membership Services

Computer Assisted Legal Research (FastCase); Technology Resource Center; Crystal Gavel Awards; Fee Arbitration. *Members* – Steven G. Durio; Michael W. McKay; Paula Hartley Clayton; William M. Ford; *Staff Liaison* – Ramona K. Meyers.

Initiatives/Outreach

Legislation; Diversity Committee; Local Bar Liaison; Law League; Law School for Non-Lawyers. *Members* – Celia R. Cangelosi; Ronald J. Sholes; Joseph W. Mengis; John M. Church; *Staff Liaison* – Germaine A. Tarver.

Governance

Nominations and Elections; Leadership LSBA; Bar Governance Committee; Board of Governors; House of Delegates; Young Lawyers Section. *Members* – James R. Nieset; Shannan L. Hicks; Andrew Reed; Dona Kay Renegar; *Staff Liaison* – Loretta Larsen.

Professional Competence

CLE Seminars; Law School Professionalism Programs; Practice Assistance and Improvement; Impaired Lawyers Assistance; Ethics Advisory; Professionalism; MCLE. *Members* – Edwin L. Blewer, Jr.; Raymond T. Diamond; Patricia A. Krebs; Frank X. Neuner, Jr.; *Staff Liaison* – Cheri Cotogno Grodsky.

Access to Justice

Access to Justice Committee; Statewide Training; Technology Initiatives; Resource Development. *Members* – Kim M. Boyle; Richard L. Fewell, Jr.; James E. Boren; Joseph A. Conino; *Staff Liaison* – Monte T. Mollere.

Agenda Item 15. Follow-up on Board of Governors Orientation

Mr. Neuner briefly reviewed the matrix prepared following the Board of Governors orientation.

Agenda Item 16. Report of the President

- a. Committee Appointments.
President Neuner informed the Board that committee appointments were complete and several committees had scheduled their first meeting.
- b. Law School Professionalism Programs.
President Neuner provided the schedule for the programs and information on sponsorships.
- c. Leadership LSBA 2005/2006 Class Orientation.
President Neuner reported on the Leadership LSBA orientation held on Thursday, August 25.

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- d. Board of Governors August 26 Retreat.
President Neuner thanked those who had participated in the retreat and gave a brief review for those who could not attend.
- e. Midyear Meeting.
President Neuner informed the Board that the Midyear Meeting would be held January at the Lod Cook Conference Center on the LSU campus in Baton Rouge.
- f. 2006 Annual Meeting in Sandestin, Florida.
President Neuner reported the Summer School will be held June 4-7 and the Annual Meeting will on June 7-10 at the Sandestin Golf and Beach Resort in Sandestin, Florida.
- g. American Judicature Society Sponsorship Request.
The Board took no action on the AJS request that the LSBA cosponsor its annual midyear meeting.
- h. Michael H. Rubin Rule Change Proposal.
No action was required on the proposed change in the Uniform Rules of the Louisiana Supreme Court and of the Louisiana Courts of Appeal as proposed by Michael H. Rubin.

Agenda Item 17. Report of the President-Elect

Ms. Schnabel had no report at this time.

Agenda Item 18. Report of the Secretary

Mr. Shows had no report at this time.

Agenda Item 19. Report of the Treasurer

Ms. Boyle stated her report was covered under the Budget Committee report.

Agenda Item 20. Report of the Immediate Past President

Mr. McKay had no report at this time.

Agenda Item 21. Report of the Young Lawyers Section

Ms. Renegar, Section Chair, presented a report on the activities of the section since the last meeting of the Board and reviewed plans for upcoming events.

Agenda Item 22. Report of the Executive Director

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- a. 2005 Legislative Session Final Report.
Ms. Larsen referred the Board to a printed report contained under tab 22 of the Board handbook.
- b. FastCase Update.
Ms. Larsen informed the Board that 4,000 members have logged into Fastcase with a total of 15,419 logins. She referred the Board to a printed report on member comments regarding Fastcase contained under tab 22 of the Board handbook.
- c. Bar Center Renovations.
Ms. Larsen reported that renovations to the fourth and third floors of the Louisiana Bar Center were complete and the Practice Assistance Department had completed its move from the fourth to the third floor.
- d. Printed Executive Director's Report.
Ms. Larsen referred the Board to the printed Executive Director's Report, contained under tab 22 of the Board handbook, for a more comprehensive report on Bar activities since the June meeting of the Board.

Agenda Item 23. Other Matters

- a. Unauthorized Practice of Law.
President Neuner reported this would be an item for discussion at the November meeting of the Board.
- b. Date of Next Meeting.
The next meeting of the Board of Governors will be held Saturday, November 5 in Lafayette. Additional information on this meeting will be sent to Board members in October.

Agenda Item 24. Executive Session

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

Agenda Item 25. Adjournment

There being no further business to discuss, the meeting was adjourned at 11:30 a.m.

Respectfully submitted:

E. Wade Shows
Secretary

Date