

**LOUISIANA STATE BAR ASSOCIATION  
BOARD OF GOVERNORS  
AUGUST 28, 2004**

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

President Michael W. McKay called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 9:05 a.m., Saturday, August 28, 2004, in New Orleans, Louisiana. Business was conducted in accordance with the agenda below.

**Agenda Item 1.      Roll Call**

Present were:

President, Michael W. McKay  
President-Elect, Frank X. Neuner, Jr.  
Secretary, James R. McClelland  
Treasurer, Kim M. Boyle  
Immediate Past President, Wayne J. Lee  
Chair, Young Lawyers Section, D.W. "Beau" Sylvester, Jr.  
First Board District Representative, Darryl J. Foster  
First Board District Representative, Patricia A. Krebs  
Second Board District Representative, S. Guy deLaup  
Third Board District Representative, Shannon Seiler Dartez  
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, Sheral C. Kellar  
At-Large Member, Pamela W. Carter  
At-Large Member, Paula Hartley Clayton  
From the Faculty of Southern University Law Center, Donald W. North  
From the Louisiana State Law Institute, James A. Gray II  
House of Delegates Liaison Chair, Michael J. Poirrier  
House of Delegates Liaison Member, Mary E. Heck Barrios  
House of Delegates Liaison Member, J. Christopher Peters

Also present were:

Executive Director, Loretta L. Topey  
Access to Justice Director, Monte T. Mollere  
Practice Assistance Counsel, Cheri Cotogno Grodsky  
Executive Assistant, Ramona K. Meyers  
President-Elect Designate, Marta-Ann Schnabel  
Secretary Designate, E. Wade Shows  
Capital Group Lobbyist, Larry Murray

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Absent were:

From the Faculty of Loyola University School of Law, Kathryn V. Lorio

**Consent Calendar**

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

**Agenda Item 2. Approval of Minutes.**

The minutes of the June 10 (2003-04 Board) and June 11(2004-05 Board) meetings held in Destin, Florida, were approved as prepared.

**Agenda Item 3. Louisiana Bar Center.**

Mr. Neuner reported to the Board that the act of sale on the purchase of the Louisiana Bar Center took place on June 23, 2004. He then informed the Board that while the terms of the purchase agreement provided the Louisiana Bar Foundation with free rent for the next 10 years, they had not paid rent for the month of June. Mr. Neuner reported that the Executive Committee had discussed requesting the amount due from the LBF and it was unanimously agreed that the request should be made. Mr. Blewer moved that the Executive Committee be authorized to send a letter to the Louisiana Bar Foundation outlining the Association's position on the nonpayment of the June 2004 rent and to propose to arbitrate the issue if necessary. The motion was seconded by Mr. Ford and unanimously approved.

**Agenda Item 4. Mandatory Internship or Apprenticeship.**

President McKay referred the Board to correspondence received from Justice Kimball who chaired the Supreme Court's Ad Hoc Committee to address the LSBA resolution requesting the establishment of a mandatory internship or apprenticeship program for law school graduates. Due to numerous unresolved cost and implementation issues, the Ad Hoc Committee was unable to recommend the establishment of such a program as currently recommended. Mr. McKay reported that Georgia had successfully instituted a mandatory internship program and information on that program would be requested and provided to the Supreme Court. He indicated the issue may be brought back to the House for consideration based on information received from Georgia.

Mr. McKay informed the Board that he had sunsetted the Mentoring Committee and assigned its duties to the Professional Programs department.

**Agenda Item 5. Consideration of Any Items(s) Removed from Consent Calendar.**

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

**Agenda Item 6. Nominating Committee.**

President McKay reported that the Nominating Committee had met on August 27, and nominated Marta-Ann Schnabel of New Orleans as President-Elect for 2005-06; E. Wade Shows of Baton Rouge as Secretary for 2005-07; John M. Church to the Board of Governors as representative from the LSU Paul M. Hebert Law Center, and Raymond T. Diamond to the Board of Governors as representative from Tulane University Law Center for 2005-07. 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 2005-2007 at its September 2004 meeting. Mr. McKay stated that on Monday, September 20, 2004, the membership would be notified via mail of the action taken by the Nominating Committee.

**Agenda Item 7. Staff Pension Plan Performance Review.**

Ms. Boyle informed the Board that no report would be presented as information on the plan was unavailable.

**Agenda Item 8. Appointments.**

President McKay announced the following appointments:

- a. Wayne J. Lee to fill the remaining year of the unexpired term of Frank X. Neuner, Jr., who assumes a two-year term designated for the LSBA President-Elect;
- b. Donald T. Phelps to the Blue Ribbon Task Force on Indigent Defense;
- c. President McKay reported that a member of the Board would be appointed to serve as the LSBA Board of Governors Liaison to Louisiana Board of Legal Specialization.
- d. Donny Cunningham to serve as the LSBA representative on the Louisiana Housing and Community Development Advisory Task Force;
- e. President McKay asked Mr. deLaup to recommend the name of a Jefferson Parish attorney to represent the LSBA on the Jefferson Parish Financial Evaluation Committee as required by a Jefferson Parish ordinance.

Mr. Murray, LSBA lobbyist, indicated that he would provide a list of all state boards and commissions for review and to determine which are most appropriate for LSBA participation.

**Agenda Item 9. Annual Meeting Attendance Policy.**

President McKay presented a draft policy which would require all Board members to register for and attend the Annual Meeting and reported his intentions to submit a resolution to the January meeting of the House of Delegates requiring the same of members of the House. Mr. deLaup made the motion to adopt the draft policy, which was seconded. Ms. Cangelosi then moved a friendly amendment to add "in order to participate in Board deliberations". The amendment was accepted by Mr. deLaup. A motion was then made to amend the word "requiring" to "encouraging". Following additional discussion, the following policy was unanimously adopted by the Board:

"All Board of Governors members are required to register for the Annual Meeting in order to participate in Board deliberations."

President McKay indicated that a similar policy regarding House of Delegates attendance would be submitted to the House of Delegates in January. It was noted that one half of the House would be elected during the 2004-05 election cycle and would not be aware of the policy if adopted by the House in January. It was the consensus of the Board that the qualifying letter include reference to the House attendance policy and the possibility that registration for the annual meeting would be required to participate in House deliberations.

**Agenda Item 10. Statewide Lawyer Referral and Information Service.**

Mr. McKay indicated that the LSBA was currently spending \$30,000 to \$35,000 for approximately 50 confirmed appointments, mainly due to active local bar lawyer referral services, and questioned the need to continue with the statewide service. He reported that the Executive Committee would develop a plan for approval by the Board and asked if members of the Board were interested in working with the Executive Committee. Mr. Nieset and Ms. Cangelosi volunteered to assist.

**Agenda Item 11. 2004 Legislative Session Final Report.**

Mr. Murray presented a final report on the bills/instruments the LSBA supported, opposed and wanted to amend. Mr. Murray suggested that guiding principles be adopted to assist him when amendments are proposed that were not considered by the House.

**Agenda Item 12. ABA House of Delegates Report.**

Mr. Neuner reported on actions taken by the ABA House of Delegates during its August Annual Meeting, including a resolution sponsored by the LSBA urging Congress and the Administration to fund the Federal Judiciary. The resolution was adopted as amended.

**Agenda Item 13. Report of the President.**

- a. Committee Appointments, Orientation and Activities.  
President McKay reported that all chairs and most committees have been appointed. The Committee Chair Orientation was held on Thursday, August 26.
- b. Section Assessments.  
President McKay noted that the Section Orientation was held on August 26 and several key issues were discussed including the section assessment and reimbursement guidelines. He reported that currently the LSBA is charging sections \$2.50 per member for services rendered to the sections by members of the staff. President McKay will work with staff to determine a more accurate amount and return to the Board with a recommendation.  
  
Regarding section reimbursement guidelines, President McKay indicated that this issue was brought to the attention of the LSBA during an annual audit. It was the accountant's opinion that each section should adopt reimbursement guidelines in line with the LSBA reimbursement policy to protect the association's IRS designation. President McKay indicated this situation would be addressed at the Midyear meeting.
- c. Board of Governors Liaisons to Committees.  
President McKay asked the Board to provide him with the committee(s) they are interested in so that he can complete the appointment process.
- d. Law School Professionalism Programs.  
President McKay reported that programs had been held at all four law schools beginning with LSU Paul M. Hebert Law School on August 13 and ending with Tulane and Southern Law Schools on August 19. The programs were very successful with excellent volunteer participation, including three Supreme Court Justices. It has been recommended that the LSBA consider developing a program for third year law students similar to those sponsored by NITA. Messrs. Frank X. Neuner, Jr., Barry Grodsky and Bobby J. Delise have agreed to serve on a committee to develop such a program.
- e. Midyear Meeting.  
President McKay informed the Board that the Midyear Meeting would be held on January 21 and 22 in Baton Rouge at the Lod Cook Center, a conference and hotel facility on the LSU campus.
- f. 2005 Annual Meeting in Las Vegas.  
President McKay reported that he is working with Continental Airlines to secure tickets to Las Vegas for under \$200 in an effort to provide a package of airline tickets and three nights at Caesars Palace to \$1,500. He further stated that the Annual Meeting web site would be launched in September.

g. Other Matters.

President McKay reported that the Executive Committee met with representatives of Casemaker and Fastcase, legal library research tools for state cases, with a goal of purchasing one of the systems to offer as a member benefit. He stated that five to ten members of the Technology Committee would test both systems for a comparative study and a recommendation would be presented to the Board at its November meeting.

Justice Kimball has asked the association to develop a mechanism to acknowledge attorneys who uphold professionalism and ethics. President McKay stated that he, Mr. Frank Neuner and Mr. Bobby Delise would develop guidelines and an appropriate award.

**Agenda Item 14. Report of the President-Elect.**

Mr. Neuner had no report at this time.

**Agenda Item 15. Report of the Secretary.**

Mr. McClelland informed the Board that a photograph printed in the August issue of *The Journal* was incorrectly identified and an apology would be included in the next issue of the publication.

**Agenda Item 16. Report of the Treasurer.**

a. August 26 Budget Committee Meeting.

Ms. Boyle informed the Board that the Budget Committee met on August 26 and considered amendments to the operating budget. The Board unanimously approved the following amendments to FY 2004-05 budget:

- increase Louisiana Bar Journal income from \$155,500 to \$165,000;
- decrease Access to Justice income from \$116,000 to \$96,000;
- decrease Professionalism CLE Tapes from \$3,000 to -0-;
- decrease Public Information Committee expenses from \$28,000 to \$15,000;
- decrease Legislation Committee expenses from \$105,000 to \$89,000;
- decrease Midyear Meeting expenses from \$30,000 to \$25,000;
- increase Access to Justice Program Personnel expenses from \$172,000 to \$192,000;
- decrease Practice Assistance and Improvement Committee expenses from \$8,000 to \$6,500;
- increase Practice Assistance and Improvement Supplies expenses from \$9,000 to \$11,000;

- decrease Practice Assistance and Improvement Phone expenses from \$2,000 to \$1,500;
  - decrease Fee Arbitration expenses from \$3,000 to \$2,000;
  - increase Insurance “Other” expenses from \$30,500 to \$34,000;
  - decrease Postage expenses from \$37,000 to \$33,000;
  - decrease Phone & Fax expenses from \$48,000 to \$44,000;
  - increase Equipment Rental from \$25,000 to \$27,000.
- b. FY 2003-04 Year-end.  
The association ended the 2003-04 fiscal year with a \$12,000 deficit, due in part to a decrease in CLE income. Ms. Boyle stated that Mr. Neuner and Ms. Grodsky would be traveling to Texas to study their online CLE programs and video conferencing facility to determine if the LSBA can increase accessibility and dues income by utilizing these methods of presenting CLE programs.
- c. Investments.  
Ms. Boyle indicated that representatives of Waters Parkerson would attend the November Board meeting to present an update on the LSBA investment portfolio.

**Agenda Item 17. Report of the Young Lawyers Section.**

Mr. Sylvester informed the Board that following recent staff departures, significant changes to the YLS budget would be implemented as well as the re-establishment of the YLS “Spotlight” section of *The Journal*.

The YLS Council met on Saturday, August 21, and nominated Mark E. Morice for the position of Chair-Elect for 2005-06 and J. Christopher Peters and Karleen J. Greene for the position of Secretary for 2005-06.

Mr. Sylvester presented to the Board a proposed YLS program called “Candidate Forum” which would bring together all candidates for any state election to discuss their platforms. A \$1,000 appropriation would be made to cover the expenses of the program. Mr. Lee noted that such a forum did not fit within the association’s Mission Statement and expressed concern that it might prove detrimental to the association’s legislative efforts. It was the consensus of the Board that proposed program was not an appropriate function of the Young Lawyers Section. Mr. Sylvester stated that he would report the Board’s position to the YLS Council.

**Agenda Item 18. Report of the Executive Director.**

- a. Board of Governors Meeting Expenses.  
Ms. Topey reported that hotel reservations and dinner counts were made according to responses received from Board members. If a member did not attend the dinner or cancel hotel reservations, in many cases the association was left with paying for rooms and meals that were not used. Mr. Neuner moved that if a

member of the Board does not attend the dinner or cancel their room reservation, the member will be charged for any expenses incurred by the association but humanitarian exceptions will be made. The motion was seconded by Ms. Kellar and adopted unanimously.

b. Approval of 2005 Annual Meeting Registration Fees.

The Board unanimously approved the following registration fee schedule as proposed by Ms. Topey:

- Charter Registration by December 31, 2004 - \$525
- Early Registration by March 31, 2005 - \$550
- Advance Registration by June 10, 2005 - \$595
- On-Site Registration - \$625

c. Staff Committee Liaisons.

Ms. Topey referred the Board to a listing of the committee chairs and staff liaisons contained in their meeting handbook. She indicated that several committees would be reassigned a new staff liaison when the positions of Member Services Director and Communications Director are filled.

d. Adoption of Resolution Creating Section 125 Cafeteria Plan.

Ms. Topey informed the Board that the association recently began offering several employee insurance options and the creation of a cafeteria plan would allow the participants to receive pre-tax benefits. The Board unanimously adopted the resolution as presented.

e. FCC "Do Not Fax" Rule.

Ms. Topey informed the Board that the full Senate will more than likely approve the right of organization to continue to communicate with their members via fax.

**Agenda Item 19. Other Matters.**

The next meeting of the Board of Governors will be held Saturday, November 6 at the Courtyard Marriott in Covington. Additional information on the meeting will be sent to Board members in October.

**Agenda Item 20. Executive Session.**

The Board went into Executive Session to discuss the Executive Director's performance review. The Board concurred with the Executive Committee's review and awarded an appropriate salary increase.

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**Agenda Item 21. Adjournment.**

There being no further business to discuss, the meeting was adjourned at noon.

Respectfully Submitted:

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James R. McClelland  
Secretary

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Date