

# **LOUISIANA STATE BAR ASSOCIATION BOARD OF GOVERNORS**

**October 29, 2011**

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

President James J. Davidson III called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 9 a.m., Saturday, October 29, 2011, in Lafayette, Louisiana.

### **Agenda Item 1.      Roll Call**

Present were:

President, James J. Davidson III  
President-Elect, John H. Musser IV  
Secretary, Richard K. Leefe  
Treasurer, Mark A. Cunningham  
Immediate Past President, Michael A. Patterson  
Chair, Young Lawyers Section, Shayna L. Sonnier  
First Board District Representative, Barry H. Grodsky  
First Board District Representative, H. Minor Pipes III  
Second Board District Representative, Stephen I. Dwyer  
Third Board District Representative, Dona K. Renegar  
Fourth Board District Representative, Winfield E. Little, Jr.  
Fifth Board District Representative, Darrel J. Papillion  
Seventh Board District Representative, Charles L. Kincade  
At-Large Member, Karella R. Stewart  
At-Large Member, Franchesca L. Hamilton-Acker  
At-Large Member, Daniel A. Cavell  
From the Faculty of Paul M. Hebert Law Center at LSU, John M. Church  
From the Faculty of Tulane University Law School, Tania C. Tetlow  
From the Louisiana State Law Institute, John Wayne Jewell  
House of Delegates Liaison Committee Chair, George B. Recile  
House of Delegates Committee on Liaison Member, Jeffrey A. Riggs  
House of Delegates Committee on Liaison Member, C. Kevin Hayes

Also present were:

LSBA Lobbyist, Larry L. Murray  
Access to Justice Committee Chair, Marta-Ann Schnabel  
Executive Director, Loretta Larsen, CAE  
Associate Executive Director, Cheri Cotogno Grodsky  
Communications Director, Kelly Wells Ponder  
Director of Information Technology, Tony LaVerde

Executive Assistant, Jacqueline E. Gay

Absent were:

Sixth Board District Representative, Charles D. Elliott

Eighth Board District Representative, Ronald J. Miciotto

From the Faculty of Loyola University College of Law, Monica Hof Wallace

From the Faculty of Southern University Law Center, Russell L. Jones

**Agenda Item 2. Consent Calendar**

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

- a) Approval of Minutes - Consideration of approval of minutes from the August 27, 2011 meeting of the 2011/2012 Board of Governors held in New Orleans, Louisiana.
- b) Louisiana Center for Law and Civic Education  
Periodic report from the LCLCE, as required by the April 2010 cooperative endeavor agreement.

**Agenda Item 3. Legislation – James J. Davidson III and Larry L. Murray**

Mr. Davidson and Mr. Murray provided a report on the October 3, 2011 meeting between the LSBA Legislative Policy Committee and the LDAA representatives regarding the legislative positions taken by the LSBA in during the 2011 Regular Session. Everyone at the aforementioned meeting voiced their opinions and engaged in productive discussion.

Mr. Davidson also noted that the Bar Governance Committee and the Ad Hoc Legislative Policy Committee would jointly submit proposed changes to the LSBA Bylaws for consideration by the House of Delegates in either January or June 2012.

Mr. Musser informed the Board of an upcoming meeting of the Ad Hoc Legislative Policy Committee to discuss possible modifications to the LSBA's legislative procedures.

**Agenda Item 4. Lawyer Advertising – Cheri Cotogno Grodsky**

Ms. Grodsky referred the Board members to her written report on the LSBA's administrative role under lawyer advertising rules which became effective October 1, 2009.

**Agenda Item 5. 2011/2012 Election Qualifying Report – Loretta Larsen**

Ms. Larsen reported on the results of the qualifying for the 2011/2012 elections, including the lists of those who were certified elected, the contested elections and the pending appointments. Election ballots will be mailed to the entire eligible membership on November 14, 2011.

**Agenda Item 6. Changes to Louisiana Bar Exam – Michael A. Patterson**

Mr. Patterson reported on the following changes to the Louisiana Bar Exam as implemented by the Louisiana Supreme Court. These changes are effective immediately and amend the February 2012 Bar Exam:

- Conditional failure eliminated. Applicants who have conditionally failed will have the February 2012 exam only to sit for the separate subject exams they are still required to pass. Thereafter they and all other applicants who do not pass will be required to retake the entire exam.
- Applicants shall be limited to five attempts to pass the exam.

Mr. Patterson also reported on the following changes to the Louisiana Bar Exam which become effective July 1, 2012:

- Implementation of compensatory scoring.
- Establishment of 650 as required score for passing, with Code subjects to be weighted twice as much as non-Code subjects.
- Applicants required to sit for all nine subject examinations and make good faith effort to pass each subject examination or they will fail Part 1 of the bar examination.

**Agenda Item 7. American Bar Association Midyear Meeting – James J. Davidson III**

Mr. Davidson reminded the Board that the ABA Midyear Meeting will take place February 1-7, 2012 in New Orleans. Ms. Larsen mentioned that the ABA had originally scheduled its 2006 Midyear Meeting in New Orleans, but that meeting had to moved to Chicago due to Hurricane Katrina.

Ms. Larsen also noted that the LSBA will host a reception on the evening of Saturday, February 4 in appreciation of the support from the ABA and other Bar Associations in the aftermath of the hurricane. Letters have been mailed to several law firms, law school deans and Bar Associations in Louisiana asking them to co-sponsor this event with the LSBA.

Finally Ms. Larsen stated that she had sent an email to the Board and the ABA members from Louisiana, giving them the chance to submit reviews of their favorite New Orleans restaurants for inclusion in a personalized restaurant guide. This guide will be made available to all registrants in electronic form, with some print copies being available at the meeting.

**Agenda Item 8. Consideration of Any Item(s) Removed from Consent Calendar – James J. Davidson III**

There were no items removed from the consent calendar.

**Agenda Item 9. Amendments to 2011/2012 Budget – Mark A. Cunningham**

Mr. Cunningham moved to make a few minor amendments to the FY 2011/2012 budget, which amendments will have an overall \$900 positive impact. Upon receipt of a second, the Board unanimously approved the amendments.

**Agenda Item 10. Access to Justice – Marta-Ann Schnabel (Chair)**

Ms. Schnabel presented the following written recommendations from the Access to Justice Policy Committee:

- a. General Memorandum of Understanding between Acadiana Legal Service Corporation, Legal Services of North Louisiana, Inc., Southeast Louisiana Legal Services Corporation, and the Access to Justice Program, a joint initiative of the Louisiana State Bar Association and the Louisiana Bar Foundation. The purpose of this understanding is to support and promote a statewide legal service system to the poor. Other pro bono groups in the state are welcome to participate in achieving this goal.
- b. Technology Operational Agreement between LSBA, LBF, Acadiana Legal Service Corporation, Legal Services of North Louisiana, Inc., and Southeast Louisiana Legal Services Corporation. After Hurricane Katrina, The Access to Justice Policy Committee realized the benefits of a centralized technology program.
- c. ATJ Fund Form developed jointly with LBF. This form suggests that annual grants of up to \$50,000 be distributed, favoring a lump sum distribution to provide maximum impact. This fund should be used for *statewide* purposes. Mr. Cavell inquired about the source of the funds and how they would be processed. Ms. Schnabel clarified that the Bar Foundation would make the final decisions concerning the ATJ Fund Form.

After a lengthy discussion among the Board members, Mr. Cunningham moved to approve all three of the above recommendations from the Access to Justice Policy Committee. The Board seconded and unanimously approved the motion.

**Agenda Item 11. Member Benefit Policy – Loretta Larsen**

Ms. Larsen presented a written member benefit policy for the Board's consideration. After a brief discussion and recommendation by Mr. Cunningham that some changes be made Mr. Cavell moved to table consideration of the member benefit policy. The motion was seconded and unanimously approved by the Board.

**Agenda Item 12. Secretary 2012/2013 – James J. Davidson III**

After reviewing the credentials of Edward J. Walters, Jr. of Baton Rouge, Mr. Davidson moved to appoint him LSBA Secretary effective June 8, 2012, when current Secretary Richard K. Leefe becomes President-Elect. The Board approved the motion unanimously, allowing Mr. Walters to serve the final year of Mr. Leefe's two-year term.

**Agenda Item 13. LSBA Appointment to Louisiana Attorney Disciplinary Board  
Administrative Committee – James J. Davidson III**

Mr. Davidson brought to the Board's attention the need to appoint an LSBA representative to the Louisiana Attorney Disciplinary Board Administrative Committee for a one-year term beginning January 1, 2012 and ending December 31, 2012. Mr. Davidson noted that Lila Tritico Hogan has served as the LSBA's representative for three one-year terms and is not eligible for reappointment. The Board granted Mr. Davidson the authority to make the aforementioned appointment from a pool of three candidates, with the selected candidate being reported to the Board at its next meeting.

**Agenda Item 14. Law School Curriculum – James J. Davidson III**

Mr. Davidson reported on the request from Chief Justice Catherine Kimball that the LSBA consider the issue of possible changes to the law school curriculum to teach students *how* to practice law. Mr. Patterson mentioned that the Bar Exam should include this information as well. Mr. Cunningham moved to grant Mr. Davidson the authority to report to Chief Justice Kimball that the LSBA Board of Governors shares her concerns about law school curricula and will support any direction she proposes to address these issues. The Board approved the motion. Further, the Board granted Mr. Davidson the authority to appoint any committee that Chief Justice Kimball might request.

**Agenda Item 15. Report of President – James J. Davidson III**

Mr. Davidson reported on the following:

- a. 2012 Annual Meeting and Joint Summer School with Louisiana Judicial College at Sandestin Golf & Beach Resort
  - Summer School – Sunday, June 3 through Wednesday June 6
  - Annual Meeting – Wednesday, June 6 through Friday, June 8
- b. 2012 Midyear Meeting – the LSBA 2012 Midyear Meeting will be held Thursday, January 19 through Saturday, January 21, at the New Orleans Marriott at the Convention Center. The Board of Governors will met at 2 p.m., Friday, January 20, and again immediately following the House of Delegates meeting which his scheduled for 9 a.m., Saturday, January 21. Details to follow mid November
- c. Mr. Davidson informed the Board that he had heard from Timothy F Averill regarding the Judicial Compensation Commission's request to provide adequate judicial compensation to the LSBA House of Delegates. After receiving this request, Mr. Davidson wrote a letter of support to the Judicial Compensation Commission. The Board unanimously approved submission of a resolution in support of adequate judicial compensation to the LSBA House of Delegates for consideration at its January 2012 meeting. The Board will finalize the resolution in the next several weeks and submit prior to the December 14 deadline.

**Agenda Item 16. Report of the President-Elect – John H. Musser IV**

Mr. Musser reported that he had attended the SCBP meeting, along with Mr. Davidson and Mr. Patterson. The seminars were well attended and well received.

**Agenda Item 17. Report of the Secretary – Richard K. Leefe**

Mr. Leefe addressed the composition of the Senior Lawyers Committee, which should include three members who would become officers of the Senior Lawyers *Division* if creation of same is approved by the membership in the fall 2012 elections. The House of Delegates approved the creation of the Division at the June 2011 meeting and, the amendments to the Articles of Incorporation will be considered by the membership in the fall 2011 elections.

Mr. Leefe also informed the Board that progress was being made with regard to increasing advertising revenue for the *Louisiana Bar Journal*.

**Agenda Item 18. Report of the Treasurer – Mark A. Cunningham**

Mr. Cunningham reported that the last LSBA audit went smoothly. Mr. Cunningham also advised the Board that the Budget Committee discussed the possibility of amending the Treasurer's job description to memorialize meeting with senior staff during the budget development process.

**Agenda Item 19. Report of the Immediate Past President – Michael A. Patterson**

Mr. Patterson waived his report.

**Agenda Item 20. Report of the Young Lawyers Section Chair – Shayna L. Sonnier**

Ms. Sonnier described the upcoming Wills for Heroes events in Lafayette, Baton Rouge and Kenner. The Young Lawyers Section is also continuing to work on expanding the law student membership.

**Agenda Item 21. Report of the Executive Director – Loretta Larsen**

Ms. Larsen reported on the most recent Bar Center renovations, including the installation of a new carpet on the first floor and completion of the final punch list for the HVAC project. She further reported that the HVAC system is significantly more energy efficient than the old system, resulting in savings on utility bills.

**Agenda Item 22. Report of the Associate Executive Director – Cheri Cotogno Grodsky**

Ms. Grodsky provided the Board with a written report including an update on the CLE department.

**Agenda Item 23. Other Matters**

Mr. Cunningham reported on the funding crisis in Orleans Public Defenders Office, which will run out of money by February 2012 unless significant cuts are made or significant additional state and/or local contributions are provided. If not addressed, this crisis will result in the inability of public defenders to take on additional cases and the possibility that private attorneys will be called up to represent people in criminal court.

## **EXECUTIVE SESSION**

The Board went into Executive Session at 11:18 p.m.

### **Agenda Item 24.      Litigation Update**

Ms. Grodsky updated the Board on pending litigation.

## **ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 11:20 p.m.

Respectfully submitted:

A handwritten signature in black ink, appearing to be 'R. Leefe', written in a cursive style.

Richard K. Leefe  
Secretary

**APPROVED BY BOARD OF GOVERNORS  
JANUARY 20, 2012  
NEW ORLEANS**