

**LOUISIANA STATE BAR ASSOCIATION
BOARD OF GOVERNORS
November 10, 2007**

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

President S. Guy deLaup called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 9 a.m., Saturday, November 10, 2007 in Lake Charles. Business was conducted in accordance with the agenda below.

Agenda Item 1. Roll Call

Present were:

President, S. Guy deLaup
President-Elect, Elizabeth Erny Foote
Secretary, Mark A. Cunningham
Treasurer, James R. Nieset
First Board District Representative, Ronald J. Sholes
First Board District Representative, Beth E. Abramson
Third Board District Representative, Steven G. Durio
Fourth Board District Representative, John F. Robichaux
Fifth Board District Representative, James E. Boren
Sixth Board District Representative, W. Jay Luneau
Eighth Board District Representative, Donald R. Miller
At-Large Member, Kelly M. Legier
At-Large Member, Walter M. Sanchez
From the Faculty of Loyola University School of Law, Dane S. Ciolino
House of Delegates Liaison Chair, Richard L. Becker
House of Delegates Liaison Member, Jeffrey A. Riggs
House of Delegates Liaison Member, Jack K. Whitehead, Jr.

Also present were:

Executive Director, Loretta Larsen, CAE
Access to Justice Director, Monte T. Mollere
Communications Director, Kelly Wells Ponder
Director of Professional Programs, Cheri Cotogno Grodsky
Information Technology Director, Tony LaVerde
Executive Assistant, Ramona K. Meyers
Access to Justice Training Coordinator, Stephanie McLaughlin
Chair-Elect, Young Lawyers Section, Valerie Briggs Bargas

Absent were:

Immediate Past President, Marta-Ann Schnabel
Chair, Young Lawyers Section, Karleen Joseph Green
Second Board District Representative, Joseph A. Conino
Seventh Board District Representative, Carrick B. Inabnett
At-Large Member, Shannan L. Hicks
From the Faculty of Southern University School of Law, Russell L. Jones
From the Louisiana State Law Institute, James J. Davidson III

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. Minutes.
The Minutes of the August 25 meeting held in New Orleans.
- b. House of Delegates Appointments.
Appointment of John A. Hernandez III, 15th Judicial District to fill vacancy for the 2008/2010 term.

Agenda Item 3. Introduction of New Department Heads

Ms. Larsen introduced Communications Director Kelly Wells Ponder and Information Technology Director Tony LaVerde.

Agenda Item 4. Consideration of Any Item Removed from Consent Calendar

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

Agenda Item 5. Committee on Bar Admissions Appointment

The Board unanimously approved recommending Samuel Christopher Slatten to the Supreme Court to replace Hon. S. Maurice Hicks as examiner for Federal Jurisdiction and Procedure.

Agenda Item 6. Adoption of Strategic Goals

The Board unanimously approved the following goals developed at the Strategic Planning Retreat held in September 2007:

- Goal 1: The LSBA is relevant and meaningful to its members.
- Goal 2: The LSBA is an effective, unified voice on issues affecting the administration of justice and the fair and professional regulation of the practice of law.
- Goal 3: The LSBA fosters collegiality, professionalism and respect among lawyers.
- Goal 4: The LSBA ensures that every individual who needs a lawyer has one.
- Goal 5: The LSBA promotes the profession in service to the public.
- Goal 6: The LSBA ensures equal opportunities for the participation of all lawyers in the bar and in the profession.
- Goal 7: The LSBA successfully implements its strategic plan.

Agenda Item 7. Amendments to Client Assistance Fund Rules of Procedure

The Board considered a request from the Client Assistance Fund Committee to make minor amendments to the Committee's Rules of Procedures. Ms. Grodsky noted that the proposed amendments were endorsed by the Louisiana Client Assistance Foundation at its meeting on October 26, 2007. The Board of Governors unanimously approved the proposed amendments as presented.

Agenda Item 8. Proposed Policy Amendments

- a. Antitrust Avoidance Policy
Mr. Cunningham briefly reviewed the proposed amendments to the Antitrust Avoidance Policy and the Board unanimously approved the amendments as presented.
- b. Military Dues Waiver Policy
Ms. Larsen reviewed the proposed amendments that would facilitate the provision of dues waivers to all members of the military who are deployed to combat zones. A motion was made to strike the word “copies” from the last sentence and replace it with “written verification.” The motion to amend was unanimously approved. A motion was then made to adopt the proposed language as amended. The Board unanimously approved the motion.

Agenda Item 9. Student Loan Forgiveness Study

The Board considered a request to conduct a study to evaluate the feasibility of creating a student loan forgiveness program for lawyers employed in the state or local government or publicly funded legal aid societies and nonprofit organizations in Louisiana. Following considerable discussion, a motion was made to endorse the concept of loan forgiveness and that a committee be appointed by the president to further review the concept and provide a report to the Board at its next meeting. Messrs. Durio and Riggs and Mrs. Bargas were appointed to serve on the committee with Mr. Mollere serving as staff liaison. The motion was seconded and unanimously approved.

Agenda Item 10. Recommendations from Professionalism & Quality of Life Committee

- a. Endorsement of *The Complete Lawyer*.
The Board approved, with one dissenting vote, a motion to sponsor *The Complete Lawyer*, an electronically published and distributed magazine devoted exclusively to the personal and professional development of lawyers. The magazine is distributed six times per year.
- b. Bar Admissions Application Orientation Subcommittee.
The Board unanimously approved a motion to create a subcommittee of the Professionalism and Quality of Life Committee to develop a program to orient students to the bar admissions application process.

Agenda Item 11. Center on Professional Responsibility

Ms. Foote informed the Board that the concept for the Louisiana Center on Professional Responsibility was approved by the 2006/2007 Board at its June 2006 meeting, but without a funding mechanism. Since that time, the LSBA explored possible funding options and was unable to identify ongoing outside funding sources. Therefore, the committee is requesting funding of the Center from the Board. Following discussion, the Board determined the Center to be part of the strategic goals and postponed further action until the January meeting.

Agenda Item 12. ABA Model Court Rule on Provision of Legal Services Following Determination of a Major Disaster

The Board considered a request from the ABA to work with the Louisiana Supreme Court to implement the Model Court Rule on Provision of Legal Services Following Determination of a Major Disaster or an equivalent rule. The rule was adopted by the ABA House of Delegates in February 2007 in response to the impact of Hurricanes Katrina and Rita on the operation of legal systems in Louisiana, Alabama, and Mississippi. The Board unanimously approved a motion to refer the Model Court Rule to the Rules of Professional Conduct Committee.

Agenda Item 13. LSBA Appointment to Louisiana Attorney Disciplinary Board Administrative Committee

The Board unanimously approved recommending Glenn B. Adams of New Orleans to the Supreme Court for its consideration of an additional one-year appointment on the Louisiana Attorney Disciplinary Board Administrative Committee.

Agenda Item 14. Unauthorized Practice of Law

The recommendations of Stanley, Flanagan & Reuter, LLC, counsel for the LSBA, regarding a lawsuit against the New York law firm of Weitz & Luxenberg, P.C. were discussed. That discussion is subject to the lawyer/client privilege and has been redacted.

Agenda Item 15. Access to Justice Video

Ms. Foote presented a proposal requesting \$7,500 to produce a short video on the Access to Justice Program. The video would be shown at LSBA-sponsored CLE seminars for PR purposes to encourage both moral and financial support and, with minor edits, used for fundraising. A motion was made and unanimously approved to fund the production of the video and to make it available to all local bar associations.

Agenda Item 16. Bar Association Operational Survey

Mr. deLaup and Ms. Larsen briefly reviewed the results of the operational survey conducted by the ABA Division for Bar Services and presented an implementation plan. Staff was asked to leave the room and following considerable discussion, the Board voted to fund the following staff positions: a Director of Membership Outreach and Diversity, Systems Administrator and Communications Coordinator.

Agenda Item 17. IOLTA Rate Comparability

Ms. Foote reported on actions taken following the August 25 meeting of the Board of Governors:

- ◆ September 15 - a special meeting of the Board of Governors was held at the request of the Louisiana Bar Foundation to provide LBF officers with the opportunity to present and discuss the Foundation's proposed amendments to Rule 1.15 of the Rules of Professional Conduct;
- ◆ September 18 – LSBA letter to Supreme Court outlining concerns regarding vulnerability of account funds; and potential exposure to disciplinary action for failure to comply with a rate deemed “comparable.”
- ◆ September 27 – letter from Supreme Court requesting LSBA and LBF to each designate a small group of representative members to discuss and resolve ongoing issues.
- ◆ October 18 – meeting between LSBA and LBF representatives, which was unsuccessful in reaching a compromise;
- ◆ October 29 – LBF letter to Supreme Court addressing brokerage firm issues, as well as creation of a presumptive compliance status for attorneys whose accounts are placed at eligible institutions. The letter noted that no resolution was reached between the LSBA and LBF over expanding the types of eligible accounts in Section (g)(3).
- ◆ November 5 – LSBA letter to Supreme Court reiterating need for alternate language Section (g)(3).

In concluding her report, Ms. Foote moved that the Board of Governors adopt a resolution commending Immediate Past President Marta-Ann Schnabel for her efforts on behalf of the LSBA on the rate comparability issue. The motion was seconded and unanimously approved.

Agenda Item 18. Alexandria Bar Association Funds for Giordano & Giordano Tragedy

Ms. Foote and Mr. Luneau provided background information on the incident at The Law Firm of Giordano and Giordano. Ms. Foote moved that the Board of Governors accept the Executive Committee recommendation that the LSBA publicize a request for donations limited to office account expenses. The motion was unanimously adopted.

Agenda Item 19. Jena, Louisiana

Ms. Larsen informed the Board that on Thursday, September 20, the LSBA switchboard logged approximately 600 calls from individuals across the country expressing their concerns about the handling of the issues related to the young men in Jena, Louisiana. As a result of the number of calls received, the Executive Committee directed that a statement be drafted on behalf of the Association. The statement was then posted on the LSBA web site.

Mr. Boren then presented an update on the issues involved in the case. He indicated that a substantial restorative effort is underway but there is an obvious need to educate the public on tolerance. Mr. Whitehead noted that Southern Poverty Law Center has a series of videos on tolerance.

Agenda Item 20. Proposed Rule of Law Conference

Ms. Grodsky informed the Board that a three-hour Rule of Law Conference would be held on May 1, 2008, jointly sponsored by the LSBA and the Federal bench.

Agenda Item 21. Legislation Committee

Ms. Larsen informed the Board that the Bar Governance Committee would propose to the House of Delegates at its January 2008 meeting a resolution amending the LSBA Bylaws regarding the administration of legislative initiatives. The resolution would permanently remove the House from the process of taking positions on specific bills before the Louisiana legislature. In addition, other amendments would be made to ensure the House would have input into the process by providing for the election of 15 members of the committee by and from the House of Delegates.

Agenda Item 22. Technology Assessment

Mr. LaVerde, Director of Information Technology, presented a preliminary assessment of technology issues and discussed methods and costs of implementing solutions. The Board asked that he continue to consider video conferencing as a member benefit by exploring viability of using state universities and other existing sites which already have the technology in place.

Mr. LaVerde reported the Technology Committee is working on providing technology assistance for lawyers in their practices and will be working with the IT Department to organize an area of the LSBA web site with links to sites with reliable legal technology information. Mr. Cunningham stated the *Louisiana Bar Journal* has implemented a technology corner that will appear in each issue.

Agenda Item 23. Louisiana Bar Center Renovations

Ms. Larsen presented a proposal to renovate the Louisiana Bar Center to address deferred maintenance issues and to add office space. She stated that funding for the renovations would be considered during budget amendment discussions.

Agenda Item 24. Access to Justice Department Presentation

Mr. Mollere and Ms. McLaughlin presented a brief presentation on the scope and functions of the department.

Agenda Item 25. Local Bar Association Sponsorships

Mr. deLaup informed the Board that the LSBA was supporting major local bars in the state through sponsorships of programs and events.

Agenda Item 26. Indigent Defense

The Board listened to a segment previously aired on National Public Radio regarding the

progress Louisiana has made in addressing indigent defense issues. It commended the state on the restructuring of the system as a national model.

Agenda Item 27. Bar Governance Committee

- a. Results of survey of the House of Delegates conducted in the fall of 2007.
Mr. deLaup briefly reviewed the findings of the House of Delegates survey and urged the Board to read the comments provided by House members.
- b. Midyear Meeting.
Committee Chair Larry Feldman, Jr. and committee member Phillip A. Wittmann will make a presentation to the House of Delegates at its January 2008 meeting regarding changes the committee is considering proposing at the June 2008 meeting of the House.
- c. Proposed housekeeping resolution on restatement of governing documents.
The committee will present a resolution to the House at its January 2008 meeting recommending a restatement of the LSBA Articles of Incorporation. If approved, the restatement will be filed with the Secretary of State.

Agenda Item 28. 2007/2008 Election Qualifying Report

Ms. Larsen reported that Kim M. Boyle of New Orleans, Jack K. Whitehead, Jr. of Baton Rouge and Melanie M. Mulcahy of Metairie were certified elected for President-Elect 2008/2009, Treasurer 2008/2010 and YLS Chair-Elect 2008/2009, respectively. She referred the Board to a printed report contained in the Board materials for information on other contested and uncontested races.

Agenda Item 29. Report of the President

- a. Lawyers in Transition Committee.
President deLaup noted the creation of the Lawyers in Transition Committee, stating that Michael A. Patterson of Baton Rouge would serve as chair and James R. Nieset will serve as a member. He noted that additional appointments would be forthcoming.
- b. Section Council Retreat.
President deLaup informed the Board that a Section Council Retreat was held October 26 in Lafayette, with 14 of the 28 sections represented. Discussed were methods of increasing participation in Section Council meetings and updates on section activities.
- c. Loyola Diversity Conference.
President deLaup reported on the LSBA co-sponsorship of the Loyola Diversity Conference held October 18.
- d. LSBA v. Carr.
President deLaup noted the injunction against Carr and Associates is still in effect. The LSBA will continue to monitor this situation.
- e. Out of State Pro Bono Volunteer Recognition.
A reception honoring out of state volunteers for their pro bono efforts on behalf of the

victims of Hurricanes Katrina and Rita was held October 1 at the Supreme Court. Twenty-three honorees were in attendance.

- f. Free CLE Seminars Co-sponsored by LSBA and LADB.
President deLaup reported on the CLE seminars co-sponsored with the LADB held in Kenner, Shreveport, Monroe, Lafayette and Baton Rouge.
- g. Supreme Court Order Extending Supplemental Emergency Pro Bono Criminal Legal Assistance Rule for Orleans Parish.
President deLaup referred the Board to a copy of the Order contained in the bound meeting materials.
- h. Supreme Court Order Concerning Temporary Emergency Pro Bono Criminal Legal Assistance Rule for Orleans Parish.
President deLaup referred the Board to a copy of the Order contained in the bound meeting materials.
- i. Outreach.
President deLaup reminded the district representatives to contact the local bar associations in their districts and submit a report on the forms provided at the August meeting.

Agenda Item 30. Report of the President-Elect

- a. New York City Bar – “Law Fair”.
Ms. Foote reported that she, Immediate Past President Marta-Ann Schnabel and Justice Catherine D. Kimball met with representatives of the New York City Bar Association on October 26 to explore collaborative efforts to aid Hurricanes Katrina and Rita victims. The possibility of a “law fair” was raised by Leslie Schnyder, a member of the NYCBA who worked in New Orleans following Hurricane Katrina.
- b. 2008/2009 Board of Governors Retreat.
Ms. Foote informed the Board that the 2008/2009 Board Retreat would be held April 10-13 at the Marriott Grand Hotel in Point Clear, Alabama.
- c. Red Hook Community Justice Center.
Ms. Foote stated that she, Immediate Past President Marta-Ann Schnabel and Justice Catherine D. Kimball attended the Red Hook Court in Brooklyn, a model court system, for possible implementation of a similar program in Louisiana.

Agenda Item 31. Report of the Immediate Past President

- a. Travelers Dispute.
Mr. deLaup referred the Board to information contained in the bound meeting materials.

Agenda Item 32. Report of the Treasurer

- a. Report and Recommendations from November 9 Budget Committee Meeting.
The Board unanimously approved the following FY 2007/2008 budget amendments recommended by the Budget Committee:

- ◆ decrease Law School Professionalism Orientation Sponsorships income from \$12,000 to \$2,500;
- ◆ increase Professional Responsibility Law Book expenses from \$2,000 to \$10,000;
- ◆ increase Proxy Tax expenses from \$14,000 to \$19,200;
- ◆ increase Access to Justice Program Committee Projects expenses from \$12,560 to \$22,560;
- ◆ increase Professional Programs General Personnel expenses from \$172,730 to \$184,730;
- ◆ create Outreach Program Free CLE Seminars with LADB expenses at \$25,000;
- ◆ increase Scheduled Computer Equipment Replacement expenses from \$25,000 to \$150,000;
- ◆ increase Office Supplies expenses from \$25,000 to \$35,000;
- ◆ create Louisiana Bar Center Building Supplies expenses at \$5,000;
- ◆ increase Building Maintenance expenses from \$100,000 to \$200,000;
- ◆ increase Staff Salaries expenses from \$900,000 to \$1,013,000;
- ◆ decrease Special Projects expenses from \$100,000 to \$25,000;
- ◆ decrease Lawyer Advertising expenses from \$200,000 to \$100,000.

b. CPA Firm Retention Policy.

Mr. Nieset presented amendments to the CPA Firm Retention Policy, said amendments approved by the Budget Committee at its meeting on November 9. A motion was made, seconded and unanimously approved to delete the word “Budget” from paragraph 2, lines 2, 3 and 7 and substitute “Audit” so the paragraph, as amended, would read; “At the end of the initial three-year period the Board of Governors, upon recommendation of the Audit Committee, may extend the engagement for two additional years. Should there be no such recommendation from the Audit Committee, the Treasurer, with the assistance of the Executive Director and Director of Administration, will solicit bids from a minimum of three CAP firms with appropriate not-for-profit experience. This information will be reviewed by the Audit Committee which will make a recommendation to the Board for final selection.”

Agenda Item 33. Report of the Secretary

Mr. Cunningham offered no report at this time.

Agenda Item 34. Report of the Young Lawyers Section Chair

In the absence of YLS Chair Karleen Joseph Green, Mrs. Bargas reported on the status of the YLS High School Essay and Mock Trial programs. She noted the YLS will again host a professional development program in conjunction with the LSBA Midyear Meeting, immediately followed by a diversity conference/luncheon.

Agenda Item 35. Report of the Executive Director

Ms. Larsen indicated her report was included in the staff recommendations considered during discussion of the Bar Association Operational Survey.

Agenda Item 36. Consideration of Any Other Matters to be Addressed by Board of Governors

- a. Next Meeting.
The next meeting of the Board of Governors will be held 2 p.m., Friday, January 11, 2008 in conjunction with the LSBA Midyear Meeting at the Hotel Monteleone in New Orleans. Additional information on the meeting will be sent in December.

The regular meeting was adjourned at 2:30 p.m.

EXECUTIVE SESSION

The Board went into Executive Session to consider Executive Director goals for 2007/2008.

Respectfully Submitted:

Mark A. Cunningham, Secretary

Date