

# LOUISIANA STATE BAR ASSOCIATION BOARD OF GOVERNORS

January 18, 2013

## MINUTES

President John H. Musser IV called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 2 p.m., Friday, January 18, 2013 in New Orleans, Louisiana. Mr. Cavell led the Pledge of Allegiance.

### **Agenda Item 1. Roll Call**

Present were:

President, John H. Musser IV

President-Elect, Richard K. Leefe

Secretary, Edward J. Walters, Jr.

Treasurer, Steven G. Durio

Immediate Past President, James J. Davidson III

Chair, Young Lawyers Division, Lawrence J. Centola III

First Board District Representative, Barry H. Grodsky

First Board District Representative, H. Minor Pipes III

Second Board District Representative, Stephen I. Dwyer

Fourth Board District Representative, Winfield E. Little, Jr.

Fifth Board District Representative, Darrel J. Papillion

Sixth Board District Representative, Robert G. Levy

Seventh Board District Representative, Thomas M. Hayes III

Eighth Board District Representative, Karelia R. Stewart

At-Large Member, Franchesca L. Hamilton-Acker

At-Large Member, Daniel A. Cavell

At-Large Member, Julie H. Kilborn

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

From the Faculty of Southern University Law Center, Donald W. North

From the Louisiana State Law Institute, John Wayne Jewell

House of Delegates Committee on Liaison Chair, George B. Recile

House of Delegates Committee on Liaison Member, Jeffrey A. Riggs

House of Delegates Committee on Liaison Member, Robert A. Kutcher

Also present were:

President-Elect Designee, Joseph L. "Larry" Shea, Jr.

Past President, Marta-Ann Schnabel (items 11 and 28d only)

Executive Director, Loretta Larsen, CAE

Associate Executive Director, Cheri Cotogno Grodsky

Access to Justice Director, Monte T. Mollere

Director of Information Technology, Tony LaVerde

Director of Member Outreach and Diversity, Kelly McNeil Legier

**Louisiana State Bar Association  
Board of Governors  
January 18, 2013 Minutes  
Page 2**

Law Office Management Counsel, Shawn L. Holahan  
Executive Assistant, Jacqueline E. Gay

Absent was:  
Third Board District Representative, Dona K. Renegar

**Agenda Item 2. Consent Calendar**

The following items were included on the Consent Calendar and approved by acclamation:

**a. Approval of Minutes**

Consideration of approval of minutes from October 27, 2012 meeting of the 2012/2013 Board of Governors, held in Baton Rouge.

**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. Louisiana Supreme Court Chief Justice Transition - John H. Musser IV**

Mr. Musser advised the Board that the LSBA would honor Chief Justice Kimball on the evening of Friday, January 18 and would then honor Justice Johnson at a reception following her ceremonial swearing-in on Thursday, February 28.

**Agenda Item 4. LSBA Free CLE Seminars - Cheri Cotogno Grodsky**

Ms. Grodsky reviewed the schedule of the LSBA's free CLE seminars and advised that the Louisiana Attorney Disciplinary Board would also sponsor free CLE seminars.

**Agenda Item 5. Website Redesign - Tony LaVerde**

Mr. LaVerde reported that the IT department had hired a part-time programmer to assist with the redesign of the website. He further advised that with regard to infrastructure, he was evaluating three hosting facilities and would be making a decision by the end of the month.

**Agenda Item 6. 2013 Combined Annual Meeting/Summer School - Richard K. Leefe**

Mr. Leefe brought Board members up to date on the status of the combined meetings, including the Supreme Court's request that the LSBA offer a four-day registration for judges. He further reported that this special registration would not impact the full schedule, and that all other events would proceed as planned. He advised the Board that the Supreme Court Reception would be reinstated and that it would immediately precede the Installation Dinner on Thursday evening.

**Agenda Item 7. 2013-2016 At-Large Appointment - Richard K. Leefe**

**Louisiana State Bar Association  
Board of Governors  
January 18, 2013 Minutes  
Page 3**

Mr. Leefe advised that with the authority granted by the Board at its October meeting, he had appointed Mickey S. deLaup of Jefferson Parish as the at-large representative for the 2013-2016 term, and reviewed her myriad contributions to the LSBA and the organized bar.

**Agenda Item 8. Consideration of Any Item(s) Removed from Consent Calendar - John H. Musser IV**

There were no items removed from the Consent Calendar.

**Agenda Item 9. Member Benefit Proposal - Cheri Cotogno Grodsky and Shawn L. Holahan**

Ms. Grodsky and Ms. Holahan introduced CLIO, a cloud-based practice management, time & billing and client collaboration platform specifically designed for small and mid-sized law firms. The benefit would include a 10 percent discount for LSBA members and royalty payments to the LSBA. After a long discussion and upon motion from Mr. Davidson and second from Mr. Durio, the Board voted unanimously to defer action until questions regarding data security and Rules of Professional Conduct compliance could be addressed.

**Agenda Item 10. Children's Law Committee Request - Monte T. Mollere**

Mr. Mollere reviewed a request from the Children's Law Committee for funding up to \$8,000 to produce a second in series video for children going through Children in Need of Care proceedings. This video would serve as an introduction to court in general and to the proceedings themselves. He further advised that there was no immediate need for the funding, but instead was looking for Board approval for this project, which would likely begin in the final quarter of FY 2012/2013 and be completed in the first quarter of FY 2013/2014. After some discussion and upon motion from Mr. Papillion and second from Mr. Grodsky, the Board approved the Children's Law Committee Request.

**Agenda Item 11. Debt Buyer Pro Bono Project Proposal - Monte T. Mollere**

Mr. Musser welcomed Ms. Schnabel to the meeting and thanked her for her work on this and countless other projects.

Ms. Schnabel reviewed the memorandum in the Board materials regarding the Access to Justice Policy Committee's proposal to initiate a Debt Buyer Pro Bono Project. After some discussion and upon motion by Mr. Papillion and second by Mr. North, the Board authorized the Committee to move forward.

Ms. Schnabel then advised the Board that the LSBA Access to Justice Program had received the Good Apple Award at the Good Apple Gala held on January 17.

**Agenda Item 12. Budget Committee Recommendations - Steven G. Durio**

Mr. Durio introduced the amendments and at his request, Ms. Larsen reviewed and explained each one, noting that the overall impact was an \$18,500 change to the good. After a brief discussion and upon motion by Mr. Hayes and second by Mr. Grodsky, the Board unanimously approved the amendments as recommended by the Budget Committee.

**Agenda Item 13. Financial Stability - Richard K. Leefe**

Mr. Leefe reported that he had spoken addressed the issue of LAP funding with a representative of the disciplinary agency and had been told that there was no money available unless the disciplinary assessment was increased. He further reported that he had met with Justice Johnson and advised her of this discussion.

**Agenda Item 14. Indigent Defense - Julie H. Kilborn and Karelia R. Stewart**

Ms. Kilborn advised that she wished to defer the report, as it was contingent upon action taken with regard to agenda item 28c.

**Agenda Item 15. Legal Economics - Monica Hof Wallace and Donald W. North**

Ms. Wallace advised that law school applications and enrollment were down nationally, and that this was largely attributable to law schools' efforts with regard to disclosure of post-graduation employment opportunities.

**Agenda Item 16. Professionalism Center - Stephen I. Dwyer**

Mr. Dwyer reviewed the information provided in his written report, including details on professionalism programs in Georgia and South Carolina. He advised that he was planning to visit both in the near future.

**Agenda Item 17. Quality of Life - Winfield E. Little, Jr.**

In Mr. Little's absence, Mr. Walters gave the Quality of Life Committee report.

**Agenda Item 18. Solo & Small Firm - Dona K. Renegar**

In Ms. Renegar's absence, Mr. Cavell reported on plans to assist local bar associations with one-hour CLE programs on topics of interest to solo/small firm/general practitioners.

**Agenda Item 19. Technology - Darrel J. Papillion**

Mr. Papillion reported that as indicated at the October Board meeting, the Committee had tested the cloud-based video conferencing service BlueJeans and was recommending it to the Board because it offered high quality coupled with a relatively small initial investment. Mr.

**Louisiana State Bar Association  
Board of Governors  
January 18, 2013 Minutes  
Page 5**

LaVerde further advised that the initial hardware investment would be between \$15,000 and \$25,000. The subscription cost would be \$1,000 per month for each month after installation, and would allow for 24/7 access with up to 30 sites participating.

Mr. Papillion made the motion to move forward with the project as proposed and Mr. Levy seconded. After a lengthy discussion, the Board made the decision to table the proposal until it received detailed information on all costs.

**Agenda Item 20. Report of the President - John H. Musser IV**

- a. January 19, 2013 House of Delegates Agenda  
Mr. Musser referred the Board to the House agenda and reminded members that the Board would meet immediately following the House meeting to consider ratification of the action of the House.
- b. Outreach to Local Bar Associations  
Mr. Musser reported on his numerous trips to local bar associations across the state in his capacity as LSBA President.
- c. April 12, 2013 LBF Fellows Gala, Hyatt Regency New Orleans  
Mr. Musser reminded members that the LSBA would once again be a sponsor of this event and that tickets would be made available to Board members wishing to attend.
- d. April 19 & 20, 2013 BOG and Legislation Committee Meetings/Events in Baton Rouge  
Mr. Musser advised that the Board would meet at 3 p.m., Friday, April 19 to consider its regular agenda and then again on the afternoon of Saturday, April 20 to consider the recommendations of the Legislation Committee. He encouraged all members to attend the Legislation Committee meeting on April 20 so that they would be fully informed when considering the recommendations. He also advised the Board that the Governor's proposal to eliminate state income tax and replace with a higher sales tax could result in a move to tax professional services as a source of additional revenue.

**Agenda Item 21. Report of the President-Elect - Richard K. Leefe**

- a. 2013/2014 Board Orientation – Thursday, May 2 through Sunday, May 5 at Grand Hotel Marriott Resort, Golf Club & Spa  
Mr. Leefe reminded those members who would be continuing on the 2013/2014 Board that the Orientation would be held May 2 through 5 in Point Clear, and he reviewed the preliminary agenda for this meeting.
- b. December 2013 LSBA Danube River Cruise (with CLE) on Viking Longship Skadi  
Mr. Leefe reviewed plans for the December 2013 and advised the Board that this was being offered at no cost to the LSBA. He encouraged those interested in attending to book as soon as possible as space is extremely limited.
- c. Fall 2013 Board of Governors Meeting Site Selection  
Mr. Leefe advised that he was considering two locations for the October 2013 meeting and asked Board members for their preference. After a brief discussion, the Board advised that its unanimous choice was Cypress Bend Resort in Many, LA. Mr. Leefe

advised that the LSBA would schedule the meeting for the first Saturday in November, an open date on the LSU football calendar.

d. **Other Matters**

Mr. Leefe announced that the 2014 Midyear Meeting would be held at the Renaissance Baton Rouge Hotel from Thursday, January 23 through Saturday, January 25.

**Agenda Item 22. Report of the Secretary - Edward J. Walters, Jr.**

Mr. Walters reported that the *Journal* was moving forward as scheduled, with the December/January edition dedicated to retiring Chief Justice Catherine Kimball and the February/March edition dedicated to incoming Chief Justice Bernette Johnson.

**Agenda item 23. Report of the Treasurer - Steven G. Durio**

Mr. Durio advised that he was working with the Budget Committee to ensure a balanced budget for the current fiscal year.

**Agenda Item 24. Report of the Immediate Past President - James J. Davidson III**

Mr. Davidson waived his report.

**Agenda Item 25. Report of the Young Lawyers Division Chair - Larry J. Centola, III**

In Mr. Centola's absence (he was presiding over the YLD Council meeting), there was no report.

**Agenda Item 26. Report of the Executive Director - Loretta Larsen**

Ms. Larsen waived her report.

**Agenda Item 27. Report of the Associate Executive Director - Cheri Cotogno Grodsky**

Ms. Grodsky referred the Board to her written report.

**Agenda Item 28. Other Matters**

a. **2014 Annual Meeting/Summer School Site Selection - Joseph L. Shea, Jr.**

Mr. Shea discussed the proposal from Sandestin Golf & Beach Resort to host the 2014 Annual Meeting and Summer School. Upon motion from Mr. Musser, the Board approved the proposal by acclamation.

b. **2015 Annual Meeting/Summer School Preliminary Site Selection - Loretta Larsen**

Ms. Larsen discussed the preliminary contract for the 2015 Annual Meeting and Summer School, which includes very favorable terms and caps room rate increase at

no more than 3 percent over 2014 rates. The contract would include the following language:

Due to potential changes on the Board of Governors for the year 2015, specifically, the President's position, should the new president, once elected for 2015 choose to hold Annual Meeting at another location, this contract will become null and void and no liquidated damages will be due. Group will know who the president will be by 12/31/2013 and will notify Sandestin Golf and Beach Resort within 14 days in writing of its intentions.

After some discussion and upon notice that the Executive Committee recommended entering into this contract, the Board approved the proposal by acclamation.

**c. Executive Committee Proposal Regarding Disposition of Donation - John H. Musser IV**

Mr. Musser advised that in accordance with the Board's October 2012 decision, the Executive Committee had reviewed the application and unanimously recommended disbursing the funds as follows:

- \$16,000 to the District 7 Public Defender Office
- \$9,100 to the District 8 Public Defender Office
- \$5,000 to the District 37 Public Defender Office

Ms. Larsen advised that the donation was just over \$31,000, and the Mr. Musser advised that the remaining funds could be disbursed to the entities based on the percentages indicated.

After some discussion and upon motion by Mr. Pipes and second by Mr. Durio, with Ms. Kilborn, Ms. Stewart and Mr. Levy abstaining, the Board voted unanimously to distribute the funds as recommended above.

**d. Custody by Mandate**

Access to Justice Policy Committee Chair Marta-Ann Schnabel advised that she had discussed with the Executive Committee the Policy Committee's recommendation regarding custody by mandate. She further advised that pending authorization by the Board, the Executive Committee had indicated it would work with her to sort through this issue with the Department of Education and to try to get some consistency on how school districts across the state deal with this issue. Upon motion by Ms. Wallace and second by Mr. Pipes, the Board authorized the Executive Committee to move forward as proposed.

**Adjourn**

There being no further business, the meeting was adjourned at 4:35 p.m.

Respectfully submitted:

A handwritten signature in blue ink, appearing to read "Edward J. Walters, Jr.", with a long, sweeping flourish extending to the right.

Edward J. Walters, Jr.  
Secretary

April 11, 2013

APPROVED BY BOARD OF GOVERNORS  
APRIL 19, 2013  
BATON ROUGE, LA