

LOUISIANA STATE BAR ASSOCIATION
HOUSE OF DELEGATES
9 A.M. ♦ SATURDAY, JANUARY 17, 2009
NEW ORLEANS MARRIOTT AT THE CONVENTION CENTER

MINUTES

I. Certification of Quorum by the Secretary

After concurring with Secretary Mark A. Cunningham, Ms. Foote announced that a quorum had been certified and declared the meeting to be in session. A copy of the attendance roster is attached as an addendum to these Minutes.

II. Recognition of Deceased Members of the House of Delegates.

The House observed a moment of silence in memory of Joseph A. Conino of the 24th Judicial District.

III. Reports of Standing Committees of the House *

No reports either written or oral.

IV. Reports of Officers, Board of Governors, Standing Committees and Sections of the Louisiana State Bar Association *

1. Elizabeth Erny Foote, President

Ms. Foote waived a formal report but made a few brief announcements to the House.

2. Kim M. Boyle, President-Elect

Ms. Boyle waived her report.

3. Mark A. Cunningham, Secretary

Mr. Cunningham waived his report.

4. Jack K. Whitehead, Jr., Treasurer

Staff distributed Mr. Whitehead's written report and he answered several questions from House of Delegates members.

5. Barry H. Grodsky, Chair, Committee on the Profession

Mr. Grodsky gave an oral report to the House with an update on the committee's activities and programs.

6. Marta-Ann Schnabel, Member, Rules of Professional Conduct Committee

Staff distributed a written report from the committee and Ms. Schnabel gave an overview of this report to the House.

7. Michael W. McKay, Chair, Legislation Committee

Mr. McKay gave an oral report to the House with an update on the committee as reconstituted and its plans for a retreat.

8. H. Minor Pipes III, Co-Chair, Summer School Subcommittee, CLE Program

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Committee

Mr. Pipes gave an oral report to the House.

V. **Reports of Special Committees of the Louisiana State Bar Association**

There were no reports either written or oral.

VI. **Old Business**

Announcement of constitution of Legislation Committee

Ms. Foote referred members to the Legislation Committee roster that was distributed and asked that it be made part of the minutes.

VII. **Approval of Minutes**

Consideration of Approval of the Minutes of the June 12, 2008 Meeting of the House of Delegates

The following motion was made:

“BE IT RESOLVED, that the minutes of the June 12, 2008 meeting of the House of Delegates are approved.”

The motion was seconded and unanimously approved.

VIII. **Resolutions**

Member Resolutions

1. Resolution from 22nd Judicial District Delegate Elizabeth Alston proposing that the House of Delegates recommend to the Louisiana Supreme Court that it amend the Rules for Louisiana District Courts to provide counsel the right to designate vacation days or CLE seminar attendance days.

After brief introductory remarks, Ms. Alston made the following motion:

“BE IT RESOLVED that the House of Delegates recommend to the Louisiana Supreme Court that it amend the rules for Louisiana District Courts to provide counsel the right to designate vacation days or CLE attendance days.”

After some discussion Ms. Alston moved to amend the resolution to provide that any recommendation from the House would be submitted to the Louisiana Supreme Court Judicial Administrator. This amendment was seconded and unanimously approved. After a number of delegates spoke to the resolution the question was called and the motion failed.

2. Resolution from 15th Judicial District Delegates Jeffrey A. Riggs and Steven G. “Buzz” Durio proposing that the House of Delegates amend its Rules of Procedure to:

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extend the HOD Liaison Committee members' terms to two years each; expand the Committee from the Chair (voting) and two members to three members and one alternate; and specify how selection of the chair, the members and the alternate will be determined.

Mr. Riggs gave some brief remarks and indicated he was withdrawing the resolution and it would be referred to the Bar Governance Committee.

3. Resolution from LSBA Secretary Mark A. Cunningham, LSBA Board Members Beth E. Abramson and Cloyd Benjamin, Jr. and 15th Judicial District Representative Steven G. "Buzz" Durio (Special BOG Committee to Explore Membership Cards) proposing that the House of Delegates ask the Louisiana Supreme Court to consult with a committee designated by the LSBA President to develop a plan to provide LSBA members with preferred access to courthouses while maintaining courthouse security.

Mr. Durio made the following motion:

"BE IT RESOLVED that the LSBA ask the Louisiana Supreme Court to consult with a committee designated by the LSBA President to develop a plan to provide LSBA members with preferred access to courthouses while maintaining courthouse security."

After a brief discussion the question was called and the motion was approved.

4. Resolution from 24th Judicial District Delegate Robert J. Caluda proposing that:
 - a. The LSBA recommend to the Louisiana Supreme Court that it revoke the new advertising rules scheduled to go into effect on April 1, 2009; or alternatively
 - b. That it reduce the advertising filing fee from \$175.00 to \$10.00 for timely filings and from \$225.00 to \$15.00 for late filings.

After an inquiry by Ms. Foote, Mr. Caluda indicated his preference to consider these matters as two separate resolutions. After some introductory remarks, Mr. Caluda made the following motion:

"BE IT RESOLVED that the LSBA recommend to the Supreme Court that it revoke the new Article XVI, Rule 7 of the Rules of Professional Conduct and reinstate the Rules as they existed prior to June 26, 2008."

Ms. Foote called upon Joseph L. Shea, Jr., who spoke in opposition to the Resolution on behalf of the Rules of Professional Conduct Committee.

Ms. Foote called upon Robert A. Kutcher, Chair of the House of Delegates Liaison Committee, to present the Board of Governor's position against this resolution.

After a number of members spoke both for and against the resolution, the question was called and the motion failed overwhelmingly.

One member requested a roll call vote which the parliamentarian ruled out of order because the request lacked the support required by the rules of the House.

Mr. Caluda then made the following motion:

“BE IT RESOLVED that the House of Delegates recommend to the Louisiana Supreme Court that the \$175.00 fee per advertisement be reduced to \$10.00 and that the \$225.00 late fee per advertisement be reduced to \$15.00.

The motion was seconded. After a brief discussion Minor Pipes III moved to table the resolution and refer it to the Committee on the Profession. The motion was second and carried overwhelmingly.

Section Resolution

5. Resolution from Art, Entertainment and Sports Law Section to amend and restate the section’s Bylaws.

The resolution was withdrawn.

Executive Committee Resolution

6. Resolution from Executive Committee to increase Budget Committee terms of special appointees, HOD representative, BOG representative and YLS representative from one to two years each and to add the Immediate Past President as a member of the Budget Committee.

Immediate Past President S. Guy deLaup moved from the podium to the floor of the House and made the following motion:

“BE IT RESOLVED that the House of Delegates amend the Bylaws to increase the terms on the Budget Committee from one year to two years and to include the Immediate Past President as a member of the committee, with terms to coincide with terms on the Board and the House, all as set forth in the revised resolution.”

The motion was seconded, the question was called and the motion carried unanimously.

IX. Elections

1. Election from the 1st through 19th Judicial Districts of a chairperson and two (2) members of the House of Delegates to the Liaison Committee of the House. The chairperson will serve a one-year term (June 2009 through June 2010) as an ex-officio member of the Board of Governors and shall have the same rights and privileges of all other members of the Board, including the right to vote.

Ms. Foote opened the floor for nominations for Chair of the Liaison Committee. The following motions were made:

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“BE IT RESOLVED that Jeffery A. Riggs of the 15th Judicial District be elected chair of the House of Delegates Liaison Committee.”

“BE IT RESOLVED that C. Kevin Hayes of the 19th Judicial District be elected chair of the House of Delegates Liaison Committee.”

A vote was taken and Mr. Riggs was declared elected Chair of the Liaison Committee for 2009-2010.

Ms. Foote then opened the floor for nominations for two members of the Liaison Committee. The following motions were made:

“BE IT RESOLVED that Douglas L. Bryan of the 12th Judicial District be elected a member of the House of Delegates Liaison Committee.”

“BE IT RESOLVED that C. Kevin Hayes of the 19th Judicial District be elected a member of the House of Delegates Liaison Committee.”

There being no further nominations, Ms. Foote declared the nominations closed and declared Mr. Bryan and Mr. Hayes elected.

2. Election of a member of the House of Delegates to serve on the Budget Committee for the term beginning July 1, 2009.

Due to the passage of Resolution 6, this election was deferred until June 2009.

X. Other Business

Consideration of any other business to come before the House of Delegates.

There being no further business, the meeting was adjourned at 11:35 a.m.

Respectfully Submitted:



Mark A. Cunningham
Secretary

APPROVED BY HOUSE OF DELEGATES

June 12, 2009

Destin, Florida