

**MINUTES OF THE HOUSE OF DELEGATES
OF THE LOUISIANA STATE BAR ASSOCIATION
JANUARY 24, 2004**

The House of Delegates was convened at 9:07 a.m. on Saturday, January 24, 2004, in the Ballroom of the Hotel Monteleone in New Orleans, Louisiana.

I. Certification of Quorum by the Secretary.

After reviewing the delegate check-in roster, Secretary James R. McClelland determined that a quorum was present. A copy of the attendance roster is attached as an addendum to these Minutes. President Wayne J. Lee declared the meeting to be in session.

II. Reports of Standing Committees of the House.

No oral reports were given; all reports that were in writing were submitted.

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

1. President

a. Committee Appointments.

President Lee reported that all standing committee appointments were completed in July and committee work was ongoing.

1. Committee on Judicial Independence.

President Lee informed the House that a special Committee on Judicial Independence has been established to work with the Supreme Court to ensure the independence of the judiciary.

2. *Brown vs. Board of Education.*

President Lee reviewed plans for the April 23, 2004 event commemorating the 50th anniversary of *Brown v. Board of Education of Topeka, Kansas*. The event will be held at the Lindy C. Boggs International Conference Center at UNO in New Orleans and will feature a plenary session and several interactive breakouts.

d. Task Force on Diversity in the Profession.

President Lee noted the establishment of a Task Force on Diversity in the Profession. The task force has been charged with performing a study on where Louisiana stands regarding diversity in the legal profession, evaluate what can be done to improve minority involvement in the profession and to develop plans to bring about greater diversity in the profession and the courts. Justice Bernette Joshua Johnson and Past President E. Phelps Gay have agreed to serve as co-chairs of the task force. President Lee asked anyone interested in serving on the task force to contact him.

5. Ethics 2000 Recommendations.
President Lee referred the delegates to a copy of the Supreme Court Order amending the Rules of Professional Conduct as developed by the LSBA Ethics 2000 Committee and approved by the House of Delegates. President Lee commended Harry S. Hardin III as chair of the committee, the members of the Ethics 2000 Committee, the House of Delegates and the Supreme Court for development and adoption of the new rules.
6. Multijurisdictional Practice.
President Lee reported that the recommendations approved by the House of Delegates in June on the multijurisdictional rules are still under consideration by the Supreme Court.
7. Annual Meeting.
President Lee reminded the House that the 2004 Annual Meeting would be held on June 9-11 at the Sandestin Golf and Beach Resort in Sandestin, Florida.

2. President-Elect
Mr. McKay informed the House that the 2005 Annual Meeting will be held in Las Vegas, Nevada, June 26-29. He noted that the change in venue is due in part to the steady decline in annual meeting attendance. The LSBA conducted a survey on its web site and the majority of participants chose Las Vegas as a meeting destination. The 2005 Summer School will still be held in Sandestin.
3. Secretary
Mr. McClelland reported that the proposed amendments to the LSBA Articles of Incorporation regarding online voting and moving the dues language from the Articles of Incorporation to the Bylaws, approved by the House in June and submitted to the entire membership for adoption, were approved.
4. Treasurer
Mr. Neuner referred the delegates to a written report distributed at the beginning of the meeting. He then made brief remarks expanding on certain sections of the written report.

IV. Reports of Special Committees of the Louisiana State Bar Association.

1. Community Action Committee - SOLACE, Inc.
Judge Jay C. Zainey and Mark C. Surprenant reported on SOLACE, Inc. and asked for volunteers.

5. Other Reports

1. Committee on Bar Admissions Subcommittee on Testing
Mr. Scott T. Whittaker, Director of Testing for the Committee on Bar Admissions, reported on the survey being conducted by the Testing Subcommittee and directed members to the Committee's web site to participate in the survey.

VI. Presentation

Mr. Robert J. Grey, Jr., President-Elect, American Bar Association, made remarks to the House.

VII. Presentation for approval of the minutes of the last meeting of the House.

The following motion was made:

“BE IT RESOLVED, that the minutes of the June 12, 2003 meeting of the House of Delegates are approved.”

The motion was seconded and passed unanimously.

VIII. OLD BUSINESS

Resolution proposing Judicial Campaign Matching Fund from House of Delegates Committee to Study Judicial Funding.

Roy Raspanti, committee chair, withdrew the resolution.

IX. NEW BUSINESS

1. Election from the 20th through 40th Judicial Districts plus Orleans Parish of a chairperson and two (2) members of the House of Delegates to the Liaison Committee to the House. The chairperson will serve a one-year term 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.

The following motion was made by Timothy J. Pujol:

“BE IT RESOLVED, that Michael J. Poirrier of the 23rd Judicial District serve as Chair of the Liaison Committee to the House of Delegates.”

The following motion was made by Robert J. Caluda:

“BE IT RESOLVED, that Thomas C. Cerullo of the 24th Judicial District serve as a member of the Liaison Committee to the House of Delegates.”

The following motion was made by Harold S. Bartholomew:

“BE IT RESOLVED, that Mary H. Barrios of the 21st Judicial District serve as a member of the Liaison Committee to the House of Delegates.”

The following motion was made by Darrell J. Papillion:

“BE IT RESOLVED, that James C. Peters of the 28th Judicial District serve as a member of the Liaison Committee to the House of Delegates.”

Nominations were closed and Michael J. Poirrier of the 23rd Judicial District was declared elected as Chair of the Liaison Committee to the House of Delegates. A voice vote was then taken on the two open positions for members of the committee and Mary H. Barrios of the 21st Judicial District and James C. Peters of the 28th Judicial District were elected to serve as members of the Liaison Committee to the House of Delegates.

2. Resolution from Bar Governance Committee proposing numerous amendments to the Articles of Incorporation of the Louisiana State Bar Association, in an effort to ensure accuracy of language and to ensure document reflects current operating practices and procedures.

Kelly M. Legier, committee chair, made the following motion:

“BE IT RESOLVED, that the resolution from the Bar Governance Committee proposing numerous amendments to the Articles of Incorporation, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

3. Resolution from Bar Governance Committee proposing numerous amendments to the Bylaws of the Louisiana State Bar Association, in an effort to ensure accuracy of language and to ensure document reflects current operating practices and procedures.

Kelly M. Legier, committee chair, made the following motion:

“BE IT RESOLVED, that the resolution from the Bar Governance Committee proposing numerous amendments to the Bylaws of the Louisiana State Bar Association, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

4. Resolution from Bar Governance Committee proposing numerous amendments to the Rules of Procedure of the House of Delegates of the Louisiana State Bar Association to ensure accuracy of language and to ensure document reflects current operating practices and procedures.

Kelly M. Legier, committee chair, made the following motion:

“BE IT RESOLVED, that the resolution from the Bar Governance Committee proposing numerous amendments to the Rules of Procedure of the House of Delegates, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

5. Resolution from Bar Governance Committee proposing amendment to the Bylaws of the Louisiana State Bar Association to establish specific guidelines for filing of amicus briefs by the Board of Governors.

Kelly M. Legier, committee chair, made the following motion:

“BE IT RESOLVED, that the resolution from the Bar Governance Committee proposing amendment to the Bylaws of the Louisiana State Bar Association to establish specific guidelines for filing of amicus briefs by the Board of Governors, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

6. Resolution from the Legislation Committee proposing amendments to the Bylaws of the Louisiana State Bar Association in order to reestablish the composition of the committee, specifically define the scope of committee activities, and modify operating practices and procedures. *This resolution includes a fiscal impact statement.*

Michael A. Patterson, committee chair, made the following motion:

“BE IT RESOLVED, that the resolution from the Legislation Committee proposing amendments to the Bylaws of the Louisiana State Bar Association in order to reestablish the composition of the committee, specifically define the scope of committee activities, and modify operating practices and procedures.”

The motion was seconded and Michael W. McKay made a brief presentation on the merits of the resolution. He then read to the House a resolution unanimously adopted by the Joint Louisiana District Attorneys Association Board of Directors and Legislative Committee opposing the adoption of the resolution submitted by the LSBA Legislation Committee. The House then discussed the resolution and a vote was taken. The motion was adopted with opposition.

7. Resolution from the Access to Justice Committee seeking support of the House of Delegates for the committee’s efforts to secure funding from the United States Congress and the State of Louisiana for civil legal services to the poor.

Marta-Ann Schnabel, committee co-chair, made the following motion:

“BE IT RESOLVED, that the resolution from the Access to Justice Committee seeking support of the House of Delegates for the committee’s efforts to secure funding from the United States Congress and the State of Louisiana for civil legal services to the poor, a copy of which is attached, be adopted.”

The motion was seconded and unanimously approved.

8. Resolution from the Budget Committee proposing amendments to the Articles of Incorporation by removing language as it relates to the composition of the Budget Committee and to expand reference to the Budget Committee in the Bylaws by amending Bylaws to include language on the membership, scope and duties of the Budget Committee.

The House moved, seconded and adopted a motion to waive the rules of the House to

allow the resolution from the Budget Committee to be considered. Frank X. Neuner, Jr., LSBA Treasurer and chair of the Budget Committee, briefly reviewed the resolution and the following motion was made:

“BE IT RESOLVED, that the resolution from the Budget Committee proposing amendments to the Articles of Incorporation by removing language as it relates to the composition of the Budget Committee and to expand reference to the Budget Committee in the Bylaws by amending the Bylaws to include language on the membership, scope and duties of the Budget Committee, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

9. Resolution from Environmental Law Section to amend the section’s bylaws in order to increase the number of consecutive terms that a person may serve on the section’s council in a non-officer capacity.

Frank X. Neuner, Jr., member of the section, made the following motion:

“BE IT RESOLVED, that the resolution from the Environmental Law Section to amend the section’s bylaws in order to increase the number of consecutive terms that a person may serve on the sections council in a non-officer capacity, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

10. Resolution from Immediate Past President Larry Feldman, Jr. proposing amendment to the Articles of Incorporation of the Louisiana State Bar Association to formally create an Executive Committee comprised of the Association’s officers.

Larry Feldman, Jr., Past President, made the following motion:

“BE IT RESOLVED, that the resolution proposing amendment to the Articles of Incorporation of the Louisiana State Bar Association to formally create an Executive Committee comprised of the Association’s officers, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

11. Resolution from 21st Judicial District Delegate Michael O. Hesse proposing lifting

the moratorium on new areas of certification for specialization, which moratorium was originally imposed by the House of Delegates at its meeting on January 20, 1996.

Phillip A. Wittmann, delegate from Orleans Parish, made the following motion:

“BE IT RESOLVED, that the resolution from 21st Judicial District Delegate Michael O. Hesse proposing lifting the moratorium on new areas of certification for specialization, which moratorium was originally imposed by the House of Delegates at its meeting on January 20, 1996, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

12. Resolution from the Louisiana Board of Legal Specialization recommending creation of an area of specialty and certification for those attorneys practicing in the fields of arbitration and mediation law.

Carey J. Messina, chair of the Louisiana Board of Legal Specialization, made the following motion:

“BE IT RESOLVED, that the resolution from the Louisiana Board of Legal Specialization recommending creation of an area of specialty and certification for those attorneys practicing in the fields of arbitration and mediation law, a copy of which is attached, be adopted.”

The motion was seconded and the floor was open for discussion. A vote was taken and the motion failed.

Respectfully Submitted by:

James R. McClelland
Secretary

Date