

LOUISIANA STATE BAR ASSOCIATION
HOUSE OF DELEGATES
9:30 A.M. ♦ FRIDAY, JUNE 12, 2009
SANDESTIN GOLF AND BEACH RESORT

M I N U T E S

The House of Delegates was convened at 11:10 a.m. on Friday, June 12, 2009, in the Baytowne Conference Center at the Sandestin Golf and Beach Resort in Destin, Florida.

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 Edwin L. Blewer, Jr. of the 1st Judicial District.

III. Reports of Standing Committees of the House

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

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

1. Elizabeth Erny Foote, President
Staff distributed Ms. Foote's written report.
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.

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

There were no reports either written or oral.

VI. Other Reports

No oral reports were given.

VII. Old Business

There was no Old Business to be considered.

VIII. Approval of Minutes

Consideration of Approval of the Minutes of the January 17, 2009 Meeting of the House of Delegates

The following motion was made:

“BE IT RESOLVED, that the minutes of the January 17, 2009 meeting of the House of Delegates are approved.”

The motion was seconded and unanimously approved.

IX. Elections

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

Ms. Foote opened the floor for nominations for a member of the Budget Committee. The following motions were made:

“BE IT RESOLVED that Daniel A. Cavell of the 17th Judicial District be elected a member of the Budget Committee.”

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

2. Election of three (3) members of the House of Delegates to the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association. This committee was created by a resolution adopted by the House on November 13, 1971. The committee is composed of the president, president-elect, secretary, chair of the Public Information Committee, and three (3) members designated from the membership of the House of Delegates by the House of Delegates.

Ms. Foote then opened the floor for nomination for three members of the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association. The following motions were made:

“BE IT RESOLVED that Walter I. Willard of the Parish of Orleans be elected a member of the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association.”

House of Delegates Minutes

June 12, 2009

Page 3

“BE IT RESOLVED that Dona K. Renegar of the 15th Judicial District be elected a member of the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association.”

“BE IT RESOLVED that Keith M. Couture of the 22nd Judicial District be elected a member of the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association.”

There being no further nominations, Ms. Foote declared the nominations closed and declared Mr. Willard, Ms. Renegar and Mr. Couture elected.

3. Election of five (5) members of the House of Delegates to serve three-year terms on the Legislation Committee. To ensure geographically diverse representation, there shall be no more than three (3) House of Delegates representatives from a judicial district at any given time. Terms commence on July 1 immediately following the election.

The following were elected by secret ballot:

Paula A. Ates – Civil Law and Litigation Section

Thomas C. Cerullo – 24th Judicial District

C. Frank Holthaus – 19th Judicial District

Robert A. Kutcher – 24th Judicial District

Jennifer M. Medley – Parish of Orleans

X. Resolutions

Section Resolution

1. Resolution from Art, Entertainment and Sports Law Section to amend and restate its Bylaws.

Burton P. Guidry introduced the resolution on behalf of the Art, Entertainment and Sports Law Section.

Ms. Foote ruled out of order Article III, Section 3 of the amended Bylaws, noting that the House of Delegates approves Articles of Section Bylaws, not the Board of Governors.

S. Guy DeLaup made the following motion:

“BE IT RESOLVED that the resolution be tabled for the specific reason of the Bar Governance studying the Section Bylaws and removing any conflicts with the Association’s Bylaws.”

The question was called and the motion was approved.

Committee Resolutions

2. Resolution from Right to Counsel Committee proposing support of reclassification of selected non-violent misdemeanor and municipal ordinances that do not impact public safety into petty offenses carrying fine-only sentences to which the right to counsel does not attach.

After brief introductory remarks, Michael J. Poirrier, Right to Counsel Committee, made the following motion:

“BE IT RESOLVED that that the resolution from the Right to Counsel Committee proposing support of reclassification of selected non-violent misdemeanor and municipal ordinances that do not impact public safety into petty offenses carrying fine-only sentences to which the right to counsel does not attach be adopted.”

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

A number of members spoke both for and against the resolution.

Ms. Foote called upon Joseph L. Shea, Jr. who moved amendment to the resolution to read: “Therefore be it resolved that the House of Delegates of the Louisiana State Bar Association and its members support a study of the reclassification of selected non-violent misdemeanor and municipal ordinances that do not impact public safety into petty offenses, carrying fine-only sentences to which the right to counsel does not attach.” This amendment was seconded and approved with some opposition.

The question was called and the motion was approved.

3. Resolution from Bar Governance Committee proposing amendments to the Articles of Incorporation to address housekeeping changes requested by Secretary of State regarding registered office and service of process.

The following motion was made by Phillip A. Wittmann:

“BE IT RESOLVED, that the resolution from the Bar Governance Committee proposing amendments to Article II, Sections 1 and 2 of the Articles of Incorporation of the Louisiana State Bar Association to address housekeeping changes requested by Secretary of State regarding registered office and service of process be adopted.”

The motion was seconded and adopted unanimously.

4. Resolution from Bar Governance Committee proposing amendments to the Articles of Incorporation and Bylaws to create a law student membership category and corresponding dues structure.

The following motion was made by Phillip A. Wittmann:

“BE IT RESOLVED, that the resolution from the Bar Governance Committee proposing amendments to the Articles of Incorporation and Bylaws to create a law student membership category and corresponding dues structure be adopted with an amendment reading: ‘Amend Article I, of the Bylaws by adding Section 6 to provide for annual dues for law student members’.”

The motion was seconded and adopted unanimously.

5. Resolution from Bar Governance Committee proposing amendments to the Bylaws regarding composition of the Legislation Committee.

The following motion was made by Phillip A. Wittmann:

“BE IT RESOLVED, that the resolution from the Bar Governance Committee proposing amendments to the Bylaws regarding composition of the Legislation Committee be adopted.”

The motion was seconded and adopted unanimously.

6. Resolution from Bar Governance Committee proposing amendment to the Articles of Incorporation regarding Board of Governors approval of the action of the House of Delegates, specifically as related to recommendations of the Legislation Committee.

The following motion was made by Phillip A. Wittmann:

“BE IT RESOLVED, that the resolution from the Bar Governance Committee proposing amendment to the Articles of Incorporation regarding Board of Governors approval of the action of the House of Delegates, specifically as related to recommendations of the Legislation Committee be adopted.”

Ms. Foote called upon Michael W. McKay, Chair of the Legislation Committee, to explain the reasons for the proposed change.

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

House of Delegates Minutes

June 12, 2009

Page 6

7. Resolution from Bar Governance Committee proposing amendments to the Bylaws regarding positions on pending legislation.

The following motion was made by Phillip A. Wittmann:

“BE IT RESOLVED, that the resolution from the Bar Governance Committee proposing amendments to the Bylaws regarding positions on pending legislation be adopted.”

Ms. Foote called upon Michael W. McKay, Chair of the Legislation Committee, to speak in favor of this resolution.

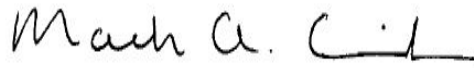
The motion was seconded and adopted unanimously.

XI. Other Business

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

There being no further business, the meeting was adjourned at 12:15 p.m.

Respectfully Submitted:



Mark A. Cunningham
Secretary

APPROVED BY HOUSE OF DELEGATES

January 23, 2010

New Orleans, Louisiana