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BOARD OF GOVERNORS

9 a.m. ■ Saturday, August 26, 2017
New Orleans, LA

*** MINUTES ***

President Dona K. Renegar called the meeting to order at 9 a.m. on Saturday, August 26, 2017 at the Ritz-Carlton New Orleans. Business was conducted in accordance with the agenda below.

Agenda Item 1. Roll Call

Ms. Larsen called roll and advised that the following members, who constituted a quorum, were present:

President, Dona K. Renegar
President-Elect, Barry H. Grodsky
Secretary, John E. McAuliffe, Jr
Treasurer, H. Minor Pipes III
Immediate Past President, Darrel J. Papillion
Chair, Young Lawyers Division, Bradley J. Tate
First Board District Representative, D. Skylar Rosenbloom
First Board District Representative, Darryl J. Foster
Second Board District Representative, Stephen I. Dwyer
Third Board District Representative, Shannon Seiler Dartez
Fourth Board District Representative, J. Lee Hoffoss, Jr.
Fifth Board District Representative, Valerie T. Schexnayder
Sixth Board District Representative, Charles D. Elliott
Seventh Board District Representative, C. A. "Hap" Martin, III
Eighth Board District Representative, Marjorie L. "Meg" Frazier
At-Large Member, Daniel A. Cavell
At-Large Member, Jermaine Guillory
At-Large Member, Monique Y. Metoyer
From the Faculty of LSU Law Center, John M. Church
From the Faculty of Tulane University Law School, Ronald J. Scalise, Jr.
From the Louisiana State Law Institute, L. Kent Breard, Jr.
House of Delegates Committee on Liaison Chair, Julie Baxter Payer
House of Delegates Committee on Liaison Member, Sandra K. Cosby
House of Delegates Committee on Liaison Member, Jeffrey A. Riggs

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Also present were:

Leadership LSBA 2017/2018 Class Members:

Bethany A. Blackson
Kristian B. Dobard
Shanerika M. Flemings
Kathleen M. Legendre
Anna B. Priestley
Christopher J. Sellers, Jr.
Arielle L. Young

President-Elect Designee, Robert A. Kutcher
LSBA Lobbyist, Larry L. Murray
Section Council Chair, Val P. Exnicios
ABA Representative, Judy Perry Martinez
Access to Justice Commission Member, Sheral Kellar
Executive Director, Loretta Larsen, CAE
Associate Executive Director, Cheri Cotogno Grodsky
Access to Justice Director, Monte T. Mollere
Communications Director, Kelly Wells Ponder
Information Technology Director, Tony LaVerde
Director of Member Outreach and Diversity, Tricia R. Pierre
Executive Assistant, Mindi Hunter

Absent were:

Fifth Board District Representative, Edward J. Walters, Jr.

Agenda Item 2. Introduction of Leadership LSBA 2017/2018 Class

Ms. Renegar introduced the members of the class and asked them to stand and be recognized.

Agenda Item 3. Consent Calendar

a. Approval of Minutes

Consideration of approval of minutes from June 9, 2017 meeting of the Board of Governors, held in Destin, Florida.

b. Louisiana Center for Law and Civic Education

Periodic report from the LCLCE, as required by the April 2010 cooperative endeavor agreement.

c. Louisiana Board of Legal Specialization

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Annual Report from Louisiana Board of Legal Specialization.

Upon motion by Mr. Pipes and second by Mr. Hoffoss, the Board unanimously approved the Consent Calendar without discussion or debate.

Agenda Item 4. Section Council Report – Val P. Exnicios

Ms. Renegar introduced Mr. Exnicios, who thanked Board members for the opportunity to address them. He reported that he chaired the Section Council, which was comprised of the chairs of each of the LSBA's 30 voluntary sections. He advised that each section pays an administrative fee to the LSBA for the services and assistance its staff provides to the sections. He further advised that there were no issues or concerns to bring to the Board and offered to address any questions or concerns of Board members. There being none, Mr. Exnicios departed the meeting.

Agenda Item 5. 2017 Regular Session Report – Larry L. Murray

Mr. Murray, who is the LSBA contract lobbyist, gave a brief history of his representation of the LSBA, which started with the 2004 Regular Session. He said there was much discussion at the beginning of the 2017 session about the number of positions taken by the LSBA and that the Legislation Committee made a conscious decision to limit its positions to only those issues most important to the LSBA. He briefly reviewed the final disposition of the bills on which the LSBA took positions noting that:

- None of the bills which the LSBA opposed were passed; and
- About half of the bills which the LSBA supported passed.

The Board thanked Mr. Murray for his report and his efforts on behalf of the LSBA and he departed the meeting.

Agenda Item 6. American Bar Association – Judy Perry Martinez

Ms. Renegar introduced Ms. Martinez, who has been active in the ABA for many years, much of that time in leadership positions. Ms. Martinez advised that the LSBA has an excellent reputation in the ABA, and cited a number of Louisiana leaders in various ABA entities.

Ms. Martinez gave the Board an overview of ABA structure and leadership, commenting on the importance of the ABA's partnership with state, local and specialty bar associations.

At the conclusion of Ms. Martinez's remarks, Ms. Renegar thanked her and advised the Board that Ms. Martinez was the ABA's President-Elect Nominee.

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Agenda Item 7. Nominating Committee – Dona Kay Renegar

Ms. Renegar reported that the Nominating Committee nominated the following individuals:

- Robert A. Kutcher of Metairie to serve as President-Elect for 2018-2019 and automatically succeed to the presidency for 2019-2020; and
- Shayna L. Sonnier of Lake Charles to serve as Treasurer for 2018-2020.

Agenda Item 8. 2017 Combined Annual Meeting/Summer School for Lawyers & Judges – Loretta Larsen and Cheri Cotogno Grodsky

Ms. Larsen briefly reported on attendance and the finances for the meeting, noting that both were a little less than expected but that the meeting was still a success. She referred members to her written report for additional information.

Agenda Item 9. Single Billing 2017/2018 Recap – Loretta Larsen

Ms. Larsen referred members to her written report, noting that members who have not paid the required fees by September 11 would be certified ineligible to practice law. She added that several email reminders were scheduled to be sent prior to the final deadline, and that this information also appeared on LSBA.org.

Agenda Item 10. Judges and Lawyers Assistance Program – Dona Kay Renegar

a. Report on JLAP's plans to create affiliate foundation.

Ms. Renegar advised that JLAP was proposing to create a separate foundation which would provide need-based grants or loans to Louisiana judges and attorneys for purposes of defraying some or all of the expense of treatment for alcoholism, chemical dependency, mental health or other impairment as may be recommended by JLAP. She said that this would be on the October Board agenda as an action item, and noted that in the interim JLAP would be asked to contact other states with similar programs to see how they handle loan defaults.

b. JLAP financial reports – June 30, 2017

Ms. Renegar referred the Board to the financial reports in the materials, noting that JLAP's unrestricted reserves were higher than the LSBA's target and that JLAP would likely be asked to further spend these funds down in FY 2017/2018.

Agenda Item 11. Access to Justice – Monte T. Mollere

a. Lawyers in Libraries Statewide Events

Mr. Mollere circulated a schedule of Lawyers in Libraries events statewide and asked for assistance in securing volunteers and planning events for Assumption, St. John, Evangeline, Jefferson Davis, Tangipahoa, Beauregard, Grant, Caldwell, Catahoula, East Carroll, Franklin, Madison, Morehouse, Union, West Carroll, Bienville, Red River and Webster parishes. He added that volunteers were needed for shifts in Orleans and Jefferson parishes.

b. Access to Justice Commission

Mr. Mollere referred Board members to his written report and noted that a priority of the Commission was to secure a legislative appropriation for civil legal services. He noted that there is an \$8.73 return for every dollar spent on civil legal aid in Louisiana. Ms. Renegar added that she and LBF leaders had met with Commissioner of Administration Jay Dardenne, who suggested that they meet with lawyer legislators.

Mr. Mollere invited Board members to attend the Pro Bono Summit, which will be held on January 18, 2018 in Baton Rouge, in conjunction with the LSBA Midyear Meeting.

Agenda Item 12. Consideration of Any Item(s) Removed from Consent Calendar – Dona Kay Renegar

There were no items removed from the Consent Calendar.

Agenda Item 13. Appointment of LCJC Board of Trustees – Loretta Larsen

Ms. Renegar advised that the LCJC Board was not meeting until August 31 and that that LSBA Board would be sent this information in early September and asked to vote by email.

Agenda Item 14. Judges and Lawyers Assistance Program – Dona Kay Renegar

a. Consideration of proposed changes to JLAP Bylaws;

Ms. Renegar thanked Mr. Dwyer for his assistance with the Bylaws language and reviewed the changes which were being recommended by the Executive Committee. She noted the following highlights:

- Some powers which were previously vested with the LSBA President were moved to the Board of Governors;
- The provision for a Nominating Committee as proposed by JLAP was replaced with language which allowed the JLAP Board to provide input to the LSBA regarding prospective JLAP Board members;

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- Changed all language to reflect that JLAP Board members were appointed and not elected;
- With regard to director characteristics, removed language indicating need for professional experience in areas of substance abuse, mental health, etc., as the JLAP Board handles primarily administrative matters, with the Clinical Advisory Committee handling matters related to treatment, etc.;
- Removed language which included the JLAP Executive Director as an “advisory member” of the JLAP Board;
- Permanently designated the LSBA President-Elect as the JLAP Treasurer; and
- Changed all references from Operations Committee to Clinical Advisory Committee, as had been recommended by JLAP.

After some discussion, Mr. Grodsky made the following motion which was seconded by Mr. Dwyer and unanimously approved by the Board:

BE IT RESOLVED that the Board of Governors accept the Bylaws amendments as recommend by the Executive Committee, and that these amendments be communicated to the President of JLAP and its leadership.

b. Consideration of extension of JLAP lease

Ms. Renegar briefly reviewed the proposed five-year lease extension and advised the Board that the Executive Committee had voted unanimously to recommend to the Board that JLAP be allowed to exercise the five-year lease extension option.

Upon motion by Mr. Hoffoss and second by Ms. Schexnayder, the Board voted unanimously to accept the Executive Committee’s recommendation to allow JLAP to renew its lease for an additional five years.

Agenda Item 15. Audit Committee Report – John E. McAuliffe, Jr.

Mr. McAuliffe gave a brief overview of his written report and referred Board members to same. At his request, Ms. Larsen reviewed some of the issues related to the audit, specifically explaining how LSBA staff uploaded requested documents to the auditors’ portal only to be told that they were not received. Mr. McAuliffe advised that the Board would likely discuss the FY 2017/2018 audit at its October meeting.

Agenda Item 16. ATJ Commission Modest Means Committee Proposal – Monte T. Mollere and Sheral Kellar

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Ms. Renegar introduced Mr. Mollere, Ms. Kellar and ATJ Training and Projects Counsel Amy Duncan. Ms. Kellar noted that the Commission recognizes the fact the justice gap is growing and asked the Board to support the Commission's request to launch an online directory to assist modest means clients who are not eligible for free legal services. She noted that the hourly rate will range from \$75 to \$150, and the lawyers will focus on providing services to the working poor. She advised that the Commission will monitor the program to determine its effectiveness and will make adjustments as necessary. She added that the Commission will seek feedback through surveys of both providers and users.

After some discussion and upon motion by Mr. Pipes and second by Ms. Frazier, the Board unanimously approved the following:

BE IT RESOLVED that the Board grant the Commission the authority to launch the Modest Means Online Directory, with the caveat that the Board be provided with a status report at the 2018 Midyear Meeting.

Ms. Kellar thanked the Board for its support and also thanked Modest Means Committee Chair Mark Surprenant and members Meg Frazier and Stacy Seicshnaydre.

Agenda Item 17. Report of the President – Dona Kay Renegar

a. Law School Professionalism Programs

Ms. Renegar reported that programs were held at all four law schools and that the LSBA had record numbers of volunteers for the programs.

b. Board Members' Orientation Songs

Ms. Renegar advised that based on several requests, that included in the materials was the "key" which illustrated which Board members selected which songs for the Orientation.

c. October 28 Meeting – The next Board of Governors meeting will be held Saturday, October 28 in Alexandria. Additional information will be forwarded to Board members no later than mid-September.

Ms. Renegar asked Board members to mark their calendars and plan to attend the October Board meeting in Alexandria.

Agenda Item 18. Report of the President-Elect – Barry H. Grodsky

a. 2018 Combined Annual Meeting/Summer School at Sandestin Golf & Beach Resort

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Mr. Grodsky announced that the meeting would be held Sunday, June 3 through Friday, June 8, and that the theme would be “Changes in Latitudes, Changes in Attitudes.”

b. 2018/2019 Board of Governors Orientation

Mr. Grodsky asked 2018/2019 Board members to mark their calendars for the Orientation, which would be held Thursday, May 3 through Sunday, May 6.

c. 2018 Southern Conference of Bar Presidents

Mr. Grodsky announced that the LSBA would be hosting the 2018 Southern Conference of Bar Presidents meeting, which would be held Thursday, October 4 through Sunday, October 7 in New Orleans.

d. Other Matters

Mr. Grodsky asked Board members to consider volunteering to present programs for mentors, adding that the LSBA had programs prepared for use by volunteers and that CLE credit was available to presenters.

Agenda Item 19. Report of the Secretary – John E. McAuliffe, Jr.

Mr. McAuliffe announced that the August/September issue of the *Louisiana Bar Journal* had been published and that the October/November issue included the Directory of Arbitrators and Mediators, to which there had been a tremendous response.

Agenda Item 20. Report of the Treasurer – H. Minor Pipes III

Mr. Pipes referred Board members to the unaudited financial reports for the year ending June 30, 2017, and noted that due to an exceptional year for investments as well as carefully monitoring expenses, the year ended with income of more than \$500,000 over expenses. This was especially noteworthy since the LSBA was budgeted to spend roughly \$233,000 of its reserves.

After a brief discussion, Mr. Cavell made the following motion, which was seconded by Mr. Pipes and unanimously approved by the Board:

BE IT RESOLVED THAT the 2016/2017 Board of Governors and the staff be commended on their carefully monitoring of expenses in FY 2016/2017.

Agenda Item 21. Report of the Immediate Past President – Darrel J. Papillion

Mr. Papillion waived his report.

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Agenda Item 22. Report of the Young Lawyers Division Chair – Bradley J. Tate

Mr. Tate reported on the following:

- The YLD Nominating Committee met and nominated Scott Sternberg as Chair-Elect and Carrie Jones and Secretary;
- The YLD will hold eight to ten Wills for Heroes events during 2017/2018, noting that the program had been expanded to include Wildlife and Fisheries agents;
- The Disaster Relief Committee had been activated due to Hurricane Harvey; and
- Mr. Sternberg will submit more YLD events for publication in the Louisiana Bar Journal and will encourage young lawyers to submit articles to be considered for publication.

Agenda Item 23. Report of the Executive Director – Loretta Larsen

Ms. Larsen waived her report, noting that all of her items had been covered elsewhere on the agenda.

Agenda Item 24. Report of the Associate Executive Director – Cheri Cotogno Grodsky

Ms. Grodsky briefly reviewed her written report and referred Board members to same for additional information.

Adjourn

There being no further business, the meeting was adjourned at 11:15 a.m.

Respectfully Submitted:



John E. McAuliffe, Jr.
Secretary

APPROVED BY BOARD OF GOVERSONS
OCTOBER 28, 2017
ALEXANDRIA, LA