

**LOUISIANA STATE BAR ASSOCIATION
BOARD OF GOVERNORS
AUGUST 23, 2003**

*** M I N U T E S ***

President Wayne J. Lee called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 9:10 a.m., Saturday, August 23, 2003, in New Orleans, Louisiana. Business was conducted in accordance with the agenda below.

Agenda Item 1. Roll Call.

Present were:

President, Wayne J. Lee
President-Elect, Michael W. McKay
Secretary, James R. McClelland
Treasurer, Frank X. Neuner, Jr.
Immediate Past President, Larry Feldman, Jr.
Chair, Young Lawyers Section, Monique L. Svenson
First Board District Representative, Elizabeth Haecker Ryan
First Board District Representative, Darryl J. Foster
Second Board District Representative, S. Guy deLaup
Fourth Board District Representative, Winfield E. Little, Jr.
Fifth Board District Representative, E. Wade Shows
Sixth Board District Representative, William M. Ford
Seventh Board District Representative, Richard L. Fewell, Jr.
Eighth Board District Representative, Edwin L. Blewer, Jr.
At-Large Member, Preston J. Castille, Jr.
At-Large Member, Sheral C. Kellar
At-Large Member, Pamela W. Carter
From the Faculty of Loyola University School of Law, Kathryn V. Lorio
From the Faculty of Southern University Law Center, Donald W. North
From the Louisiana State Law Institute, James A. Gray II
House of Delegates Committee on Liaison Chair, Andrew Reed
House of Delegates Committee on Liaison Member, John S. Coulter

Also present were:

Executive Director, Loretta L. Topey
Access to Justice Director, Monte T. Mollere
Communications Director, Michele C. Norris
Member Services Director, Judith W. Dugar
Practice Assistance Counsel, Cheri Cotogno Grodsky
Executive Assistant, Ramona K. Meyers
LCLCE Board Member, Hon. Karen Wells Roby
LCLCE Executive Director, Maria Yiannopoulos

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Absent were:

Third Board District Representative, Shannon Seiler Dartez

House of Delegates Committee on Liaison Member, Timothy A. Maragos

Consent Calendar

The following items were included on the Consent Calendar and moved for approval without discussion and/or debate and unanimously approved.

2. **Approval of Minutes.**

The minutes of the June 12 (2002-03 Board) and June 13 (2003-04 Board) meetings held in Sandestin, Florida, were approved as prepared.

Agenda Item 3. Indigent Defense Funding Brief.

Mr. North and President Lee presented an update on the amicus brief in support of indigent defense funding. It was noted that the LSBA would not be taking a position on guilt but emphasizing the need for a funding mechanism. The Board unanimously authorized the committee to finalize the brief and file it by the September 2 deadline.

Agenda Item 4. Louisiana Bar Center.

Mr. Neuner provided an update on the Bar Center negotiations with the Louisiana Bar Foundation. It was noted that the LSBA's original appraisal did not factor in the Center's lease and it was recommended that a supplemental appraisal be made to include this factor. Mr. deLaup suggested that the LSBA explore whether it would be appropriate to request the additional appraisal at no additional fee, as the information requested should have been addressed in the original appraisal. Mr. Neuner agreed to look into this.

Agenda Item 5. Membership Census.

Mr. Gray reported that information was being requested from other states and the ABA Division for Bar Services and stated that a report would be made to the Board at its November meeting. Mr. Neuner advised the Board that Chief Disciplinary Counsel Charles Plattsmier was urging the LSBA to move forward with this project.

Agenda Item 6. Employee Evaluation Procedures.

Mr. deLaup reported that information was being requested from other states and the ABA Division for Bar Services and a report would be made to the Board at its November meeting.

Agenda Item 7. Consideration of Any Item Removed from Consent Calendar.

No items were removed from the Consent Calendar for further discussion/debate.

Agenda Item 8. Nominating Committee.

Mr. Lee informed the Board that the Nominating Committee had met on Friday, August 22, and nominated Frank X. Neuner, Jr. of Lafayette as President-Elect for the 2004-05 term and Kim M. Boyle of New Orleans as Treasurer for the 2004-06 term. Mr. Lee indicated that notice of the action of the Nominating Committee would be mailed to all members on Monday, September 29, with additional nominations by petition requiring a postmark of Monday, October 27.

Agenda Item 9. Staff Pension Plan.

Mr. Neuner informed the Board that the LSBA's counsel had prepared a Program, Funding and Investment Policy Statement and an Investment Fund Monitoring Statement and Procedures/Program Monitoring Statement and Procedures for review and approval by the Board. He stated that the statements were in compliance with all regulations for such pension plans. The Board unanimously approved both statements.

Agenda Item 10. Web Site Policies.

Ms. Norris referred the Board to the draft web site policy contained in the handbook and stated the policy had been drafted in accordance with the print publications policies previously adopted by the Executive Committee. The Board unanimously approve the web site policies as presented.

Agenda Item 11. Leadership and Diversity Training.

Mr. Mollere informed the Board that the Access to Justice Committee would be conducting a one-day leadership and diversity training program for the leaders of the Louisiana justice community. He stated that Louisiana was one of two states selected to receive this training and noted there would be no cost to the LSBA, except to provide lunch to the participants. Each of the state's four LSC programs, the LSBA and the Louisiana Bar Foundation will send three participants and the Access to Justice Committee will send five. Ms. Kellar will participate as an ATJ Committee member and Ms. Ryan expressed an interest in participating as one of the Board Delegates.

Agenda Item 12. Louisiana Center for Law and Civic Education.

Judge Roby made a PowerPoint presentation to the Board on the Center's mission and activities and answered questions posed by the Board members. Mr. North expressed an interest in working with the Center to present a Parents in the Law Program.

Agenda Item 13. Report of the President.

- a. Committee Appointments, Orientation and Activities.
President Lee reported that the committee appointments had been made and the rosters would be posted on the web site in the near future. He further reported that the orientation for section and committee chairs had been held and was well received.
- b. Law School Professionalism Programs.
President Lee reported on the success of the Law School Professionalism Orientation programs and noted that an article on the program would appear in the national Inns of Court magazine. Mr. Neuner reported that the LSBA had received sponsorships of roughly \$16,000 to offset the expenses of the Professionalism Programs.
- c. National Bar Association Meeting.
President Lee informed the Board that the NBA held their annual meeting in New Orleans on August 3-8 and that the LSBA sponsored the opening reception. He reported that Cheryl Gray of New Orleans, daughter of Board member James Gray, was elected to serve as a vice president of the Association.
- d. Midyear Meeting.
President Lee reported on plans for the Midyear Meeting to be held January 23 and 24, 2004, at the Hotel Monteleone in New Orleans. He encouraged all Board members to attend the Friday night reception honoring 50-, 60- and 70-year attorneys and the House of Delegates meeting on Saturday where it is hoped ABA President Dennis Archer will address the House.
- e. Diversity Task Force.
President Lee announced plans to appoint a task force to look at methods of integrating diversity at all levels of the practice of law. He stated that Louisiana is doing more than most states by having three At-Large Board of Governors appointments but the task force would look at all issues and make recommendations to the Board and House of Delegates. The committee will be composed of members from the law schools, business, firms and government. Mr. McKay indicated that he plans to ask the House to create a standing committee on diversity during his term as president.

- f. Senate Concurrent Resolution No. 21.
Mr. Coulter agreed to serve as the LSBA's representative on the committee to study electronic filing as required by Senate Concurrent Resolution No. 21.
- g. Other Matters.
 - i. President Lee informed the Board that Ethics Counsel Richard Lemmler met with the Executive Committee to discuss the issue of deceased lawyers and handling of their files. Mr. Lemmler stated that he receives numerous calls each month on this issues and will poll other bar associations to determine how they handle the situation and report back to the Executive Committee his findings.
 - ii. President Lee reported that conversion to the new membership software was taking more time than originally projected and that Euclid had reported to the LSBA that it had already spent 1,000 hours on the project. The original contract included 600 hours and Euclid has indicated that it will absorb the additional 400 hours, but it would need approximately 150 additional hours to complete the conversion. Additional information has been requested from Euclid and President Lee asked the Board to authorize the Executive Committee to spend up to \$22,000 in additional funds to complete the project. He further requested that Mr. Little work with the Executive Committee as he served on the committee which evaluated the original contract with Euclid. The request was unanimously approved.

Agenda Item 14. Report of the President-Elect.

- a. 2005 Annual Meeting.
Mr. McKay informed the Board that he was considering Las Vegas as the site of the 2005 Annual Meeting. The plan would be to keep the Summer School in Destin and separate the two meetings by two to three weeks. He stated that the LSBA would conduct a survey to determine the position of the members on this issue and present the results of the survey and a meeting budget to the Board for consideration at its November meeting.
- b. Legislation Committee.
The Board reviewed proposed draft Bylaws amendments on Legislation Committee procedures that would allow the committee to review law related legislation, make recommendations to the House of Delegates and then have a lobbyist represent LSBA policy during the legislative session. Mr. McKay informed the Board that the draft Bylaws amendments had been sent to the Legislation Committee for their comments and asked the Board members to forward any comments they may have to him prior to the November Board meeting. Once the Board approves the proposed

amendments, he will present them to the House of Delegates at the January 2004 meeting.

c. Member Marketplace.

Mr. McKay reported on his plans for a member marketplace on the LSBA web site that would include various businesses which serve the legal profession. The businesses would not be endorsed by the LSBA but would simply be included in a paid vendor directory. He indicated that not only would the project provide a service to the members it could also be a source of non-dues income for the association.

Agenda Item 15. Report of the Secretary.

Mr. McClelland reported on the *Louisiana Bar Journal* and the recent meeting of the Editorial Board.

Agenda Item 16. Report of the Treasurer.

a. August 22 Budget Committee Meeting.

i. 2002/2003 Year-End.

Mr. Neuner reported the LSBA would end the 02/03 fiscal year with an operating budget which showed a \$15,435.85 allocation to reserves. He asked the Board to approve a reallocation of funds within the 02/03 budget so that no expense would exceed its budgeted line item. This request was unanimously approved and is attached as an addendum to these minutes.

ii. Investments.

Mr. Neuner reported that the Investment Subcommittee had interviewed Whitney and Waters Parkerson on August 22 and felt Waters Parkerson would be a better fit. He stated that once an exact fee arrangement is negotiated the committee will make a recommendation to the Board of Governors.

iii. 2003 Annual Meeting.

Mr. Neuner informed the Board that the Annual Meeting was a financial success, showing an approximate \$30,000 profit. He attributed the profit to both the success with sponsorships and some restructuring of the meeting. He further noted that effective with FY 2003/04, the Annual Meeting would be carried on the General Fund rather than as a separate item.

- iv. Qualified Plans Status Report.
Mr. Neuner referred the Board to a written report provided by legal counsel on the employee retirement plan.
- b. Other Matters.
Mr. Neuner reported that the Budget Committee had recommended that the LSBA participate as a sponsor for both the National Client Protection Organization Workshop and the ABA National Conference on HIV/AIDS. The NCPO Workshop commitment would be limited to \$2,500, which would either be shared with or paid in full by the Louisiana Client Assistance Foundation. The ABA Conference on HIV/AIDS would not exceed \$1,500. The Board unanimously approved both requests.

Agenda Item 17. Report of the Young Lawyers Section.

Ms. Svenson stated that the Young Lawyers Section Council had not met and, therefore, she had no report at this time.

Agenda Item 18. Report of the Executive Director.

- a. FCC Fax Regulations.
Ms. Topey reported that the implementation of regulations which would require associations to receive written permission from members before sending faxes to them has been delayed until January 1, 2005.
- b. 2003 Legislative Session Final Report.
Mr. Topey referred the Board to the Legislation Committee's written report which states the final resolution of all bills identified as being of general interest to members of the Association. She further indicated the report would be posted at LSBA.org the week of August 25.

Agenda Item 19. Other Matters.

- a. Date of Next Meeting.
President Lee announced that the next meeting of the Board of Governors will be held Saturday, November 8, at the Baton Rouge Marriott. He stated that additional information would be sent to the Board in October.

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Agenda Item 20. Adjournment.

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

Respectfully Submitted:

James R. McClelland
Secretary

Date