The House of Delegates was convened at 1:30 p.m., Thursday, June, 6, 2013, in the Magnolia Ballroom of the Baytowne Conference Center at Sandestin Golf & Beach Resort in Destin, Florida. President John H. Musser IV reminded House members that nominations for positions on the Legislation Committee would close in five (5) minutes and encouraged members to submit their nominations to LSBA staff members.

I. Certification of Quorum by the Secretary
   After conferring with Assistant Secretary Loretta Larsen, Secretary Edward J. Walters, Jr. confirmed that a quorum was present. A copy of the attendance roster is attached as an addendum to these Minutes.

II. Recognition of Deceased Members of the House of Delegates
   There were no deceased members since the last meeting.

General Session

III. Reports of Standing Committees of the House *
   There were no reports from standing committees of the House.

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

Officers
1. John H. Musser IV, President
   Mr. Musser waived his report, as he had reported to the General Assembly.

2. Richard K. Leefe, President-Elect
   Mr. Leefe waived his report.

3. Edward J. Walters, Jr., Secretary
   Mr. Walters waived his report.

4. Steven G. Durio, Treasurer
   Mr. Durio waived his report.

Standing Committees
5. Michael W. McKay, Legislation Committee
   Mr. McKay gave a report on the 2013 Legislative Session.

V. Reports of Special Committees of the Louisiana State Bar Association*
   No oral reports were given. All reports which were received were distributed to the House via email.

VI. Other Reports*
   No oral reports were given. All reports which were received were distributed to the House via email.

VII. Old Business
   There was no old business to come before the House.

VIII. Approval of Minutes

   Consideration of approval of the Minutes of the January 19, 2013 Meeting of the House of Delegates, held in New Orleans.

   Upon motion by Robert A. Kutcher of the 24th Judicial District and Ann S. Siddall of the 7th Judicial District, the House unanimously approved the minutes as presented.

IX. Elections

   1. 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. The committee is composed of the president, president-elect, secretary, chair of the Public Information Committee, and the three (3) House of Delegates members.

      There were no nominees for these positions. Mr. Musser subsequently appointed John H. Musser V, Louis G. Schott and Patrick A. Talley, Jr., all from Orleans Parish.

   2. 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 shall commence on July 1 immediately following the election and end on June 30, 2016.

      Nine members of the House ran for the five available positions and the following members were elected:
House of Delegates Minutes
June 6, 2013
Page 3

- Charles C. Bourque, Jr. (32nd Judicial District)
- Val P. Exnicios (Orleans)
- Keenan Kirk Kelly (10th Judicial District)
- Michael W. McKay (19th Judicial District)
- Ann S. Siddall (7th Judicial District)

3. Election of a member of the Louisiana State Bar Association House of Delegates to serve ex-officio as a member of the Board of Directors of the Louisiana Bar Foundation for a three-year term. This individual must be a Fellow of the Louisiana Bar Foundation.

Paula Adams Ates of the Civil Law & Litigation Section was elected by acclamation to serve on the Louisiana Bar Foundation Board of Directors.

X. Resolutions

1. Resolution from the Criminal Justice Committee to support the study of criminal justice funding in effort to identify alternative funding structures and innovative funding strategies that will lead to a more effective and efficient criminal justice system for the State of Louisiana.

Derwyn D. Bunton of Orleans Parish introduced the resolution and moved adoption, with a second by Michael W. McKay of the 19th Judicial District.

Roy Raspanti of the 24th Judicial District spoke in opposition to the resolution.

The House approved the resolution.

2. Resolution from the Executive Committee asking the House to go on record in opposition to any proposal to tax legal services in Louisiana.

President-Elect Richard K. Leefe introduced the resolution on behalf of the Executive Committee. Mr. McKay moved adoption, with second by Val P. Exnicios of Orleans Parish.

The House unanimously approved the resolution.

3. Resolution from the Executive Committee asking the House of Delegates to support adequate funding of Federal Defender Organizations.

Mr. Leefe introduced this resolution on behalf of the Executive Committee, and the resolution was subsequently moved and seconded.
Mr. Raspanti spoke against the resolution, citing that he was in favor of the gist of the resolution but opposed to the final paragraph’s language regarding the Department of Justice.

The House approved the resolution.

XI. Other Business

Late Filed Resolution

Mr. Musser announced that the LSBA had received a late resolution from Phillip A. Wittmann of Orleans Parish. Upon motion by Donald Abaunza of Orleans Parish and second by Ronald J. Sholes of Orleans Parish, the House voted by a minimum two-thirds vote of those present and voting to consider the late resolution.

4. Resolution from the Orleans Parish Delegate Phillip A. Wittmann urging the Louisiana State Bar Association to support an Orleans Parish Civil District Court stand-alone courthouse on the Duncan Plaza site in New Orleans.

Mr. Wittmann introduced the resolution and moved adoption, with a second by Mr. Abaunza. Mr. Abaunza and Mr. Exnicios spoke in favor of the resolution.

The House unanimously approved the resolution.

XII. Adjourn

There being no further business, upon motion by Mr. Kutcher and second by Mr. McKay, the meeting was adjourned at 2 p.m.

Respectfully Submitted:

Edward J. Walters, Jr.
Secretary

APPROVED BY HOUSE OF DELEGATES
JANUARY 25, 2014
BATON ROUGE, LA
2013-2014 HOUSE OF DELEGATES
ATTENDANCE · 2013 MIDYEAR MEETING

FIRST JUDICIAL DISTRICT (14 seats) Parish of Caddo
PRESENT Claude W. Booker, Jr. BY PROXY TO J. Marshall Rice
PRESENT James L. Fortson, Jr.
PRESENT Stephen Christopher Fortson
PRESENT John M. Frazier BY PROXY TO Kelly Charles
PRESENT John R. Herzog
W. James Hill III
Richard M. John
PRESENT Kevin R. Molloy
Jason Michael Nash
PRESENT Marshall R. Pearce BY PROXY TO Malcolm Murchinson
Nyle A. Politz
PRESENT Joseph L. Shea
Kenneth Craig Smith, Jr
Paul L. Wood

SECOND JUDICIAL DISTRICT (3 seats) Parishes of Bienville, Claiborne & Jackson

THIRD JUDICIAL DISTRICT (3 seats) Parishes of Lincoln & Union
Cary T. Brown
Tyler G. Storms

FOURTH JUDICIAL DISTRICT (11 seats) Parishes of Morehouse & Ouachita
PRESENT Elizabeth J. Guerriero
PRESENT Jeffrey D. Guerriero
Paul L. Hurd
Charles L. Kincade
PRESENT Ramsey L. Ogg
PRESENT Alex W. Rankin
Arthur L. Stewart
David J. Summersgill
Thomas G. Zentner, Jr.

FIFTH JUDICIAL DISTRICT (3 seats) Parishes of Franklin, Richland, & West Carroll
PRESENT John Clay Hamilton
John Hoychick, Jr.
Ann B. McIntyre,

SIXTH JUDICIAL DISTRICT (2 seats) Parishes of East Carroll, Madison & Tensas
PRESENT George F. Fox, Jr.
SEVENTH JUDICIAL DISTRICT (2 seats) Parishes of Catahoula & Concordia
PRESENT John C. Reeves
PRESENT Ann S. Siddall

EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Winn

NINTH JUDICIAL DISTRICT (7 seats) Parish of Rapides
Robert L. Beck III
Robert L. Bussey
PRESENT Charles D. Elliott
Howard B. Gist III
Mark F. Vilar
Zebulon M. Winstead
PRESENT Christie C. Wood

TENTH JUDICIAL DISTRICT (2 seats) Parish of Natchitoches
PRESENT Keenan K. Kelly
Charles R. Whitehead, Jr.

ELEVENTH JUDICIAL DISTRICT (1 seat) Parish of Sabine
William Daniel Dyess

TWELFTH JUDICIAL DISTRICT (2 seats) Parish of Avoyelles
Douglas L. Bryan
Dan B. McKay, Jr.

THIRTEENTH JUDICIAL DISTRICT (2 seats) Parish of Evangeline
Timmy J. Fontenot

FOURTEENTH JUDICIAL DISTRICT (9 seats) Parish of Calcasieu
PRESENT Theresa A. Barnatt
PRESENT Brian Lee Coody
PRESENT L. Paul Foreman
PRESENT Thomas L. Lorenzi
PRESENT Robert C. McCorquodale
PRESENT David Daniel Palay, Jr.
Larry E. Pichon
Betty A. Raglin
John F. Robichaux

FIFTEENTH JUDICIAL DISTRICT (13 seats) Parishes of Acadia, Lafayette & Vermillion
Homer Ed Barousse, Jr.
Ariel A. Campos, Sr.
PRESENT  Dean A. Cole
PRESENT  Kyle L. Gideon BY PROXY TO Franchesca Hamilton-Acker
PRESENT  Matthew J. Hill, Jr. BY PROXY TO Jeremy Hebert
          Andrew B. Mims
PRESENT  Joseph R. Oelkers III
          Barbara A. Olinde
PRESENT  Donovan J. O’Pry II BY PROXY TO Travis Broussard
PRESENT  Tricia R. Pierre BY PROXY TO Dona Renegar
          Jeffrey A. Riggs
          Michael D. Skinner
PRESENT  Juliette B. Wade BY PROXY TO Hon. Frances Bouillion

SIXTEENTH JUDICIAL DISTRICT (8 seats) Parishes of Iberia, St. Martin & St. Mary
PRESENT  Adolph B. Curet III BY PROXY TO James R. McClelland
          Eric P. Duplantis
          Paul T. Landry
          Marsha McNulty
          Andrew Reed
          Maggie T. Simar
          Anne G. Stevens
          Dennis R. Stevens

SEVENTEENTH JUDICIAL DISTRICT (5 seats) Parish of Lafourche
          David G. Arceneaux
          Matthew Ferdinand Block
PRESENT  Annette Marie Fontana BY PROXY TO Daniel Cavell
          Robert M. Pugh
PRESENT  Nicholas J. Zeringue

EIGHTEENTH JUDICIAL DISTRICT (4 seats) Parishes of Iberville, Pointe Coupee &
          West Baton Rouge
PRESENT  Chad Avery Aguillard
PRESENT  Felicia F. Davis
PRESENT  Stephen Philibert Jewell BY PROXY TO John Wayne Jewell
PRESENT  Francis A. Smith, Jr.

NINTEENTH JUDICIAL DISTRICT (21 seats) Parish of East Baton Rouge
PRESENT  B. Scott Andrews
PRESENT  Kelly E. Balfour
PRESENT  Jesse H. Bankston, Jr.
PRESENT  Dana B. Brown
PRESENT  James D. “David” Caldwell, Jr.
PRESENT  Jack M. Dampf BY PROXY TO Yvette M. Alexander
          Juan M. “John” Delgado
          Michael D. Ferachi
PRESENT  Frank A. Fertitta BY PROXY TO Susan Manuel
PRESENT  C. Kevin Hayes BY PROXY TO Darrel Papillion
PRESENT  C. Frank Holthaus BY PROXY TO Luis Leitzelar
        Stephen M. Irving
PRESENT  Jay M. Jalenak, Jr. BY PROXY TO Bradley Tate
PRESENT  Michael W. McKay
PRESENT  Adrian G. Nadeau
PRESENT  Alejandro R. “Al” Perkins
PRESENT  Glen R. Petersen BY PROXY TO Latoya Jordan
        Valerie T. Schexnayder
PRESENT  Amanda S. Stout
PRESENT  David Abboud Thomas
        Jack K. Whitehead, Jr.

TWENTIETH JUDICIAL DISTRICT (2 seats) Parishes of East Feliciana & West Feliciana
PRESENT  Samuel Christopher D’Aquilla BY PROXY TO Stewart Hughes
PRESENT  Michael L. Hughes

TWENTY-FIRST JUDICIAL DISTRICT (9 seats) Parishes of Livingston, St. Helena & Tangipahoa
PRESENT  Mary E. Heck Barrios
        Erik L. Burns
        Anthony Todd Caruso
        Douglas T. Curet
        Steven J. Farber
        Jay J. Harris
        D. Blayne Honeycutt
PRESENT  Robert W. Morgan
PRESENT  Carolyn F. Ott

TWENTY-SECOND JUDICIAL DISTRICT (12 seats) Parishes of St. Tammany & Washington
PRESENT  Clayton J. Borne IV
        Eric K. Buerger
PRESENT  Roy K. Burns, Jr.
        William Harvell Burris
        Olivier Provosty Carriere II
        Gordon Timothy Herrin
        Robert C. Lehman
PRESENT  J. Kevin McNary
PRESENT  Patrice W. Oppenheim

TWENTY-THIRD JUDICIAL DISTRICT (5 seats) Parishes of Ascension, Assumption & St. James
        Christopher J. Bridges
        Lana O. Chaney
PRESENT  Michael J. Poirrier
TWENTY-FOURTH JUDICIAL DISTRICT (19 seats) Parish of Jefferson
PRESENT Allen I. Boudreaux, Jr.
PRESENT Robert J. Caluda
PRESENT Thomas Christopher Cerullo
PRESENT David L. Colvin
PRESENT Sandra K. Cosby
PRESENT S. Guy deLaup
PRESENT Michael R. Delesdernier
PRESENT Paul C. Fleming, Jr. BY PROXY TO Donna Jackson
PRESENT Geralyn P. Garvey
PRESENT Christy M. Howley BY PROXY TO Nelson Wager III
PRESENT Robert A. Kutcher
PRESENT Adrian F. LaPeyronnie III
PRESENT John J. Lee, Jr.
PRESENT Scott W. McQuaig
PRESENT Roy A. Raspanti
PRESENT George B. Recile
PRESENT Thomas F. Schexnayder
PRESENT Mettery I. Sherry, Jr. BY PROXY TO Mickey deLaup
PRESENT Tina Louise Suggs

TWENTY-FIFTH JUDICIAL DISTRICT (2 seats) Parish of Plaquemine
PRESENT S. Jacob Braud
PRESENT Dominick Scandurro, Jr.

TWENTY-SIXTH JUDICIAL DISTRICT (6 seats) Parishes of Bossier & Webster
PRESENT John Zachary Blanchard, Jr.
PRESENT Amanda J. Hulett
PRESENT Patrick R. Jackson
PRESENT Ross E. Shacklette

TWENTY-SEVENTH JUDICIAL DISTRICT (4 seats) Parish of St. Landry
PRESENT Francis A. Olivier III
PRESENT John L. Olivier BY PROXY TO Henry J. Miltenberger
PRESENT Jacque B. Pucheu, Jr. BY PROXY TO Berryl G. Thompson
PRESENT Randy Wagley

TWENTY-EIGHTH JUDICIAL DISTRICT (1 seat) Parish of LaSalle
PRESENT Steven Paul Kendrick

TWENTY-NINTH JUDICIAL DISTRICT (3 seats) Parish of St. Charles
PRESENT Steven F. Griffith, Sr.
PRESENT Gregory A. Miller BY PROXY TO Tim Marcel
Robert L. Raymond

THIRTIETH JUDICIAL DISTRICT (3 seats) Parish of Vernon
   D. Wayne Bush
   Elizabeth B. Carr
   Tony C. Tillman

THIRTY-FIRST JUDICIAL DISTRICT (1 seat) Parish of Jefferson Davis
PRESENT   Richard M. Arceneaux

THIRTY-SECOND JUDICIAL DISTRICT (5 seats) Parish of Terrebonne
PRESENT   Charles C. Bourque, Jr.
PRESENT   Sye Joseph Broussard BY PROXY TO Charles Bourque, Jr.
           Kassie L. Hargis
PRESENT   Heather Chapin McAllister
PRESENT   Patricia P. Reeves-Floyd

THIRTY-THIRD JUDICIAL DISTRICT (2 seats) Parish of Allen
PRESENT   Mary Hebert Holmes BY PROXY TO Judi Abrusley
           Michael Bruce Holmes

THIRTY-FOURTH JUDICIAL DISTRICT (5 seats) Parish of St. Bernard
   Roberta L. Burns
   Tracy Helen Duplantier
PRESENT   Michael A. Gorbaty
PRESENT   Gregory J. Noto
PRESENT   Paul A. Tabary III

THIRTY-FIFTH JUDICIAL DISTRICT (1 seat) Parish of Grant

THIRTY-SIXTH JUDICIAL DISTRICT (2 seats) Parish of Beauregard
   LaKetha Holmes

THIRTY-SEVENTH JUDICIAL DISTRICT (1 seat) Parish of Caldwell

THIRTY-EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Cameron
PRESENT   Robert James Sheffield, Jr.

THIRTY-NINTH JUDICIAL DISTRICT (1 seat) Parish of Red River

FORTIETH JUDICIAL DISTRICT (3 seats) Parish of St. John the Baptist
PRESENT   William D. O'Regan III BY PROXY TO Tom Daley
PRESENT   Richard B. Stricks

FORTY-FIRST JUDICIAL DISTRICT (33 seats) Parish of Orleans
PRESENT   Donald R. Abaunza
Glenn B. Adams
PRESENT Francis J. Barry, Jr.
PRESENT Ashley L. Belleau
PRESENT Jack C. Benjamin, Jr. BY PROXY TO Jason R. Anders
PRESENT Andrew A. Braun
PRESENT Joseph M. Bruno BY PROXY TO Karen Waters Shipman
PRESENT Derwyn Del Bunton
PRESENT Clifford E. Cardone
PRESENT Thomas A. Casey, Jr. BY PROXY TO Mark Cunningham
PRESENT Jeffrey A. Clayman
PRESENTE Richard B. Deal
PRESENT Paul B. Deal
PRESENT Richard B. Eason, II
PRESENT William R. Forrester, Jr.
PRESENT Judith A. Gainsburgh
PRESENT James C. Gulotta, Jr.
PRESENT Philip K. Jones, Jr.
PRESENT Ryan M. McCabe
PRESENT André J. Mouledoux
PRESENT John H. Musser V
PRESENT Charles M. Pisano
PRESENT Brian P. Quirk
PRESENT Louis Gravois Schott
PRESENT Karen Baumgarten Sher BY PROXY TO Alvin Miester
PRESENT Ronald J. Sholes
PRESENT John A. Stassi II
PRESENT Patrick A. Talley, Jr.
PRESENT Irving J. Warshauer
PRESENT Edward Dirk Wegmann
PRESENT Colby F. Wenck
PRESENT Walter I. Willard
PRESENT Phillip A. Wittmann

FORTY-SECOND JUDICIAL DISTRICT (2 seats) Parish of DeSoto
PRESENT Todd Mitchell Johnson

SECTION CHAIRS
Michael P. Arata, Art Entertainment & Sports Law
Richard J. Arsenault, Insurance, Tort, Worker’s Comp & Admiralty Law
PRESENT J. Robert Ates BY PROXY TO Paula Ates, Civil Law & Litigation
PRESENT Brian M. Begue, Administrative Law
PRESENT Paul W. Breaux, Alternative Dispute Resolution
PRESENT Susan J. Burkenstock BY PROXY TO Alvin Miester III, Trusts, Estate, Probate
PRESENT & Immovable Property Law
PRESENT Neil J. Coig, Intellectual Property
PRESENT Robert P. Cuccia, Family Law
RESOLUTION ON THE STUDY OF CRIMINAL JUSTICE FUNDING REFORM

PROPOSED BY THE
THE CRIMINAL JUSTICE COMMITTEE
OF THE LOUISIANA STATE BAR ASSOCIATION

WHEREAS, the mission of the Louisiana State Bar Association’s Criminal Justice Committee is to develop programs and methods which most effectively allow the Bar to work with the courts, other branches of government, and the public toward the fair and effective administration of justice in our state; and

WHEREAS, the LSBA Criminal Justice Committee convenes an annual statewide Summit to identify issues of shared concern for the entire criminal justice system and build consensus around actionable solutions to those issues; and

WHEREAS, the current state and federal funding climate gives our justice community cause to evaluate needed reforms of the state’s criminal justice system to more effectively and efficiently promote public safety, hold offenders accountable and control spending; and

WHEREAS, we and other leaders of our state must develop and implement the changes necessary to optimize public safety resources and make strategic investments across our public safety system; and

WHEREAS, criminal justice leaders from across the state organized the 2013 Criminal Justice Summit in order to explore the issue of strategic funding reform for Louisiana’s criminal justice system; and

WHEREAS, participants in the Summit have identified that funding for Louisiana’s criminal justice system relies heavily on fines and fees paid by users of the system, leading to unpredictable and unreliable revenue streams for various stakeholders; and

WHEREAS, participants in the Summit call for prioritizing data-driven policymaking focused on making smart investments in the long-term interests of our state; and

WHEREAS, Louisiana’s prison population has doubled in the last two decades, now costing our state more than $600 million each year; and

WHEREAS, if we fail to achieve comprehensive, bipartisan reform of our highest spending areas, our prison population will continue to grow at unsustainable rates, encroaching still further on our capacity to fund other essential components of our public safety system, including state courts, Department of Corrections, law enforcement, district attorneys, public defenders, community supervision and re-entry programs; and

WHEREAS, in recent years the Louisiana Sentencing Commission was established to examine the statutes and policies that drive our rising correctional population including sentencing, offender re-entry and recidivism; and
WHEREAS, the work of the Sentencing Commission has established a foundation for data-driven policy discourse, statewide collaboration and innovative strategies for funding reform; and

WHEREAS, holding public safety paramount and considering the issues that impact diverse stakeholders of the criminal justice system, we are dedicated to making a comprehensive set of reforms that yield a more effective criminal justice system; and

NOW, THEREFORE BE IT RESOLVED, that the House of Delegates of the Louisiana State Bar Association and its members support the study of criminal justice funding in effort to identify alternative funding structures and innovative funding strategies that will lead to a more effective, efficient and best practices approach for our criminal justice system for the State of Louisiana; and

BE IT FURTHER RESOLVED, that the House of Delegates of the Louisiana State Bar Association and its members ask our state leaders to designate a bipartisan, inter-branch task force to be an involved and participating subset of the Louisiana Sentencing Commission to assist in its research, development and analysis of the concerns of Louisiana’s criminal justice system affecting costs, and to develop recommendations that will protect public safety, hold offenders accountable, and control corrections costs; and

BE IT FURTHER RESOLVED, that the House of Delegates of the Louisiana State Bar Association and its members ask our state leaders to use the recommendation developed by this task force as the basis for legislative and administrative action in 2014; and

BE IT FURTHER RESOLVED, that the House of Delegates of the Louisiana State Bar Association and its members ask our state leaders to strongly consider the reinvestment of a portion of the savings generated by the policies and practices adopted through this process into other areas of the criminal justice system, such as crime victims services and programs proven by research to reduce recidivism.

Respectfully Submitted,

LSBA CRIMINAL JUSTICE COMMITTEE

Hon. Laurie White, Chair
May 1, 2013

APPROVED
HOUSE OF DELEGATES
JUNE 6, 2013
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 7, 2013
DESTIN, FL
RESOLUTION
proposed by
LSBA Executive Committee

SALES TAX ON LEGAL SERVICES

WHEREAS, during the 2013 Regular Session of the Louisiana Legislature a bill was filed which provided for the taxability of certain services;

WHEREAS, the bill did not include legal services but did propose to tax services provided by other professionals;

WHEREAS, the LSBA has carefully monitored this bill because there are states which do impose sales tax on legal services;

WHEREAS, such a sales tax would impact adversely the administration of justice through an increase in pro se litigants unable to afford counsel, thereby causing an additional drain on scant judicial resources;

WHEREAS, a sales tax on legal services would tax people at times of misery, misfortune and vulnerability. Clients dealing with criminal charges, personal injury, death, divorce, domestic abuse, housing, credit and bankruptcy seek legal services not from choice but from necessity. The tax would place yet another burden on those already suffering financial or personal crisis;

WHEREAS, such a sales tax would be borne disproportionately by individuals and small businesses; large corporations could avoid the tax by employing in-house lawyers whose salaries would not be subject to the tax. The majority of businesses in Louisiana are small businesses without in-house counsel;

WHEREAS, such a tax could have the potential of creating a tremendous financial impact on practicing attorneys – especially if the tax is due when the client is billed, not when the bill is paid; and

WHEREAS, a tax on legal services would require all lawyers to set up the administration of applying, accounting, collecting and paying the tax, increasing overhead, even while creating a disincentive to being retained.

NOW, THEREFORE, BE IT RESOLVED that the Louisiana State Bar Association is opposed to the imposition of a sales tax on legal services, and that it empowers its Legislation Committee and leaders to go on record in opposition of such a tax should one ever be proposed.

Respectfully submitted:
LSBA EXECUTIVE COMMITTEE

John H. Musser IV, President
Richard K. Leefe, President-Elect
James J. Davidson III, Immediate Past President
Edward J. Walters, Jr., Secretary
Steven G. Durio, Treasurer

APPROVED
HOUSE OF DELEGATES
JUNE 6, 2013
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 7, 2013
DESTIN, FL
RESOLUTION

PROPOSED BY
LSBA Executive Committee

FEDERAL DEFENDER ORGANIZATIONS FUNDING

WHEREAS, the government is constitutionally mandated to provide a lawyer to anyone charged with a serious crime who cannot afford to hire one; and

WHEREAS, the U.S. Supreme Court held fifty years ago in the landmark case of Gideon v. Wainwright, that providing a lawyer to all eligible criminal defendants is a cornerstone of our criminal justice system and this basic American principle of fairness distinguishes our system of criminal justice establishing it as the best system in the world; and

WHEREAS, ninety percent of federal criminal defendants qualify for a court-appointed lawyer and until 1975, the government complied with its constitutional obligation by appointing private attorneys to represent indigent defendants and this system proved to be problematic as these attorneys often lacked expertise in federal criminal law causing them to expend needless time and effort; and

WHEREAS, in response, Congress created Federal Defender Organizations, which now represent the majority of individuals charged with crimes in almost all federal judicial districts and this system has proven to be both efficient and saves money in comparison to the appointment of private lawyers; and

WHEREAS, surveys of federal judges, reviews by the General Accounting Office, and studies by private evaluators such as the Rand Corporation all confirm that Federal Defender Organizations provide high quality representation that allow the Courts to operate efficiently while saving the taxpayer money; and

WHEREAS, this year’s cuts of more than 10% to the Federal Defender program, which forced employee lay-offs and furloughs and cut expert, investigation and travel expenses, will result in the delay of criminal prosecutions and the transfer of cases to private lawyers at increased cost; and

WHEREAS, if nothing is done, in FY 2014 Federal Defenders will lose additional funding and face further staff reductions, shifting more work to private lawyers and costing the taxpayer more money; and

WHEREAS, the LSBA House of Delegates in 2003, 2005 and 2007 approved separate resolutions which each in part urged adequate funding of Louisiana’s indigent defense system.
NOW, THEREFORE BE IT RESOLVED, that the House of Delegates of the Louisiana State Bar Association supports stabilization of funding of the current Federal Defenders program in order to maintain the efficiencies and expertise, and;

BE IT FURTHER RESOLVED, that the House of Delegates of the Louisiana State Bar Association asks our leaders in Congress to provide full support and funding for the Department of Justice, including supplemental funding for Federal Defender Organizations in the current fiscal year to reinstitute previously cut funds, and ongoing funding at levels sufficient to run the program without staff reductions and/or other service cuts.

Respectfully submitted:

LSBA EXECUTIVE COMMITTEE

John H. Musser IV, President
Richard K. Leefe, President-Elect
James J. Davidson III, Immediate Past President
Edward J. Walters, Jr., Secretary
Steven G. Durio, Treasurer

May 1, 2013

APPROVED
HOUSE OF DELEGATES
JUNE 6, 2013
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 7, 2013
DESTIN, FL