

# LOUISIANA STATE BAR ASSOCIATION HOUSE OF DELEGATES

Thursday, June 6, 2013  
Destin, FL

## MINUTES

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**

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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 24<sup>th</sup> Judicial District and Ann S. Siddall of the 7<sup>th</sup> 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:*

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

*Roy Raspanti of the 24<sup>th</sup> 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

**2013-2014 HOUSE OF DELEGATES  
ATTENDANCE · 2013 MIDYEAR MEETING**

**FIRST JUDICIAL DISTRICT (14 seats) Parish of Caddo**

PRESENT Claude W. Bookter, 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.

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**

Chad Avery Aguiard  
PRESENT Felicia F. Davis  
PRESENT Stephen Philibert Jewell BY PROXY TO John Wayne Jewell  
PRESENT Francis A. Smith, Jr.

**NINETEENTH 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'Aquila 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



Timothy E. Pujol  
Jennifer S. Van Metre

**TWENTY-FOURTH JUDICIAL DISTRICT (19 seats) Parish of Jefferson**

PRESENT Allen I. Boudreaux, Jr.  
Robert J. Caluda  
Thomas Christopher Cerullo  
PRESENT David L. Colvin  
PRESENT Sandra K. Cosby  
PRESENT S. Guy deLaup  
Michael R. Delesdernier  
PRESENT Paul C. Fleming, Jr. BY PROXY TO Donna Jackson  
Geraldyn 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.  
Scott W. McQuaig  
PRESENT Roy A. Raspanti  
PRESENT George B. Recile  
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  
Dominick Scandurro, Jr.

**TWENTY-SIXTH JUDICIAL DISTRICT (6 seats) Parishes of Bossier & Webster**

John Zachary Blanchard, Jr.  
Amanda J. Hulett  
Patrick R. Jackson  
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  
Randy Wagley

**TWENTY-EIGHTH JUDICIAL DISTRICT (1 seat) Parish of LaSalle**

Steven Paul Kendrick

**TWENTY-NINTH JUDICIAL DISTRICT (3 seats) Parish of St. Charles**

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  
 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  
 Paul B. Deal  
 Richard B. Eason, II  
 William R. Forrester, Jr.  
 PRESENT Judith A. Gainsburgh  
 PRESENT James C. Gulotta, Jr.  
 Philip K. Jones, Jr.  
 PRESENT Ryan M. McCabe  
 André J. Mouledoux  
 PRESENT John H. Musser V  
 Charles M. Pisano  
 Brian P. Quirk  
 PRESENT Louis Gravois Schott  
 PRESENT Karen Baumgarten Sher BY PROXY TO Alvin Miester  
 PRESENT Ronald J. Sholes  
 John A. Stassi II  
 PRESENT Patrick A. Talley, Jr.  
 PRESENT Irving J. Warshauer  
 Edward Dirk Wegmann  
 PRESENT Colby F. Wenck  
 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. Arsenaault, Insurance, Tort, Worker's Comp & Admiralty Law  
 PRESENT J. Robert Ates BY PROXY TO Paula Ates, Civil Law & Litigation  
 Brian M. Begue, Administrative Law  
 Paul W. Breaux, Alternative Dispute Resolution  
 PRESENT Susan J. Burkenstock BY PROXY TO Alvin Miester III, Trusts, Estate, Probate  
 & Immovable Property Law  
 Neil J. Coig, Intellectual Property  
 Robert P. Cuccia, Family Law

Larry E. Demmons, Labor & Employment Law  
Ariel K. DiGiulio, Animal Law  
PRESENT Val P. Exnicios, Class Action, Mass Torts & Complex Litigation  
Steven J. Farber, Government & Public Law  
Gilbert F. Ganuchau, Health Law  
PRESENT Leo C. Hamilton, Bill of Rights  
Larry C. Hebert, Mineral Law  
Louis C. LaCour, Appellate  
PRESENT Lynn Luker, Civil Law & Litigation, Vice-Chair  
Tristan E. Manthey, Bankruptcy Law  
Kyle C. Marionneaux, Public Utility  
Richard W. Martinez, Solo & Small Firm  
Alexander M. McIntyre, Antitrust & Trade Regulation  
Patrick O'Hara, Environmental Law  
J. Marshall Page III, International Law  
Warren A. Perrin, Francophone  
PRESENT Laura Walter Plunkett, Taxation  
Leon J. Reymond III, Corporate & Business Law  
H. B. Shreves, Fidelity, Surety & Construction Law  
David A. Szwak, Consumer Protection Law  
Joseph P. Tynan, Bench & Bar  
Michael S. Walsh, Criminal Law  
PRESENT Sharonda R. Williams, Minority Involvement

# **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