



*Serving the Public. Serving the Profession.*

**HOUSE OF DELEGATES**  
**9 a.m. ■ Thursday, June 8, 2017**  
**Sandestin Golf & Beach Resort ■ Destin, FL**

**MINUTES**

President Darrel J. Papillion called the meeting of the House of Delegates of the Louisiana State Bar Association to order at 10:35 a.m., Thursday, June 8, 2017. Business was conducted in accordance with the agenda below.

**A G E N D A**

**I. Certification of Quorum by the Secretary**

*Ms. Mire certified 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**

*The House observed a moment of silence for the following individuals:*

- *H.F. Sockrider, Jr., who served as President in 1992-93 and in numerous other leadership positions prior to that, including as a member of the House of Delegates; and*
- *Marian Meyer Berkett, who was the oldest living Louisiana lawyer until her death on June 4 at the age of 104.*

**General Session**

**III. Reports of Standing Committees of the House \***

*There were no oral reports from Standing Committees of the House.*

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

1. Darrel J. Papillion, President
2. Dona K. Renegar, President-Elect

3. H. Minor Pipes III, Treasurer
4. Alainna R. Mire, Secretary

*No oral reports were given, as those who had reports made them to the General Assembly, which immediately preceded the House of Delegates meeting. Written reports were distributed in advance of the meeting.*

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

*There were no oral reports given. Written reports were distributed via email.*

**VI. Other Reports\***

*No oral reports were given.*

**Activities of the House of Delegates**

**VII. Old Business**

*President Papillion advised the House that the Louisiana Supreme Court had considered the House of Delegates' June 2016 recommendation regarding flat fee arrangements, but determined that it was not an adequate solution to the problem. He further advised that the Court had asked the Rules of Professional Conduct Committee to continue its work and submit an alternative proposal to the Court.*

**VIII. Approval of Minutes**

Consideration of approval of the Minutes of the January 21, 2017 Meeting of the House of Delegates, held in Baton Rouge.

*Upon motion by Robert A. Kutcher, by proxy from Simone B. Boustead of the 24<sup>th</sup> Judicial District, and second by Shayna Beevers Morvant of the 24<sup>th</sup> Judicial District, the House unanimously approved the minutes as presented.*

**IX. Elections**

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 four (4) House of Delegates representatives from a judicial district at any given time. Terms commence on July 1 immediately following the election and end on June 30, 2020. The following HOD members' terms are expiring:

- Donald R. Abaunza
- B. Scott Andrews
- James E. Boren
- Steven G. Durio
- Ronald J. Sholes

*After allowing for submission of written nominations, President Papillion announced that nominations were closed. Ballots were prepared and distributed. After ballots were returned and counted, the following House members were elected to the Legislation Committee:*

- B. Scott Andrews, 19<sup>th</sup> Judicial District
- James E. Boren, 19<sup>th</sup> Judicial District

- *Steven G. Durio, 15<sup>th</sup> Judicial District*
- *Lynn Luker, Civil Law & Litigation Section*
- *Ronald J. Sholes, 41<sup>st</sup> Judicial District*

## X. Resolutions

### Committee Resolutions

1. Resolution from the Children’s Law Committee to constitute it as a standing committee of the Louisiana State Bar Association.  
*After an introduction by Children’s Law Committee Chair Karen Hallstrom and upon motion by Shannon Seiler Dartez, by proxy from L. Bianca Chretien of the 15<sup>th</sup> Judicial District, and second by Don Paul Landry of the 29<sup>th</sup> Judicial District, the House APPROVED the resolution.*
2. Resolution from the Transitioning Lawyers Committee requesting that the LSBA recommend to the Louisiana Supreme Court the creation of the LSBA Receivership Program, which program would create volunteer “Receivership Teams” to assist in instances of death or disability inactive status where there is no associate, partner or estate administrator.  
*After an introduction and motion by Transitioning Lawyers Committee Chair Richard K. Leefe of the 24<sup>th</sup> Judicial District, and second by Steven G. Durio of the 15<sup>th</sup> Judicial District, the House UNANIMOUSLY APPROVED the resolution.*

### Member Resolutions

3. Resolution from Francis J. Barry, Jr. (41<sup>st</sup> Judicial District) requesting that the House of Delegates reconsider and rehear its January 21, 2017 approval of standards for specialization in in Labor Law.  
*Mr. Barry and Glenn B. Adams, also of the 41<sup>st</sup> Judicial District, addressed the House and advised that they were WITHDRAWING the resolution with the understanding that a committee will be appointed to study the Labor Law standards. Mr. Adams noted that they reserved the right to bring this issue back to the House of Delegates at the January 2018 meeting or some later date.*
4. Resolution from Francis J. Barry, Jr. (41<sup>st</sup> Judicial District) requesting that the House of Delegates reconsider and rehear its January 21, 2017 approval of standards for specialization in Employment Law.  
*Mr. Barry and Glenn B. Adams, also of the 41<sup>st</sup> Judicial District, addressed the House and advised that they were WITHDRAWING the resolution with the understanding that a committee will be appointed to study the Employment Law standards. Mr. Adams noted that they reserved the right to bring this issue back to the House of Delegates at the January 2018 meeting or some later date.*
5. Resolution from R. Bradley Lewis (22<sup>nd</sup> Judicial District) asking that the LSBA:

- support the First Amendment to the U.S. Constitution and Article I of the Louisiana Constitution, regarding freedom of speech and freedom of religion;
- that the LSBA urge the repeal of all laws and municipal ordinances, regulations, rules, executive orders, and other practices that prohibit or impair the freedom of speech or freedom of religion, or that discriminate against persons because of their faith, their free exercise thereof, or because of their expression of their religious or political views;
- urge the adoption of laws which protect freedom of speech and freedom of religion; and
- send a copy of this resolution to the Governor of the State of Louisiana, the Speaker of the Louisiana House of Representatives, the President of the Louisiana State Senate, and to the Louisiana Municipal Association.

*This resolution was WITHDRAWN prior to the meeting.*

6. Resolution from Past President James J. Davidson III to create a First Amendment Preservation Section and adopt bylaws for same.

*Past President Davidson, with a proxy from Jeffrey A. Riggs of the 15<sup>th</sup> Judicial District, introduced the resolution and moved for its adoption, which motion was seconded by Mr. Leefe of the 24<sup>th</sup> Judicial District.*

*Mr. Leefe, in his capacity as Chair of the Bar Governance Committee, reported that the committee had reviewed the resolution in advance of the meeting and voted to support it provided the name of the section was amended to delete the word “Preservation,” making it the First Amendment Section.*

*The following members submitted Salmon Slips and spoke to the resolution:*

- Edward L. Tarpley, Jr., 19<sup>th</sup> Judicial District – FOR
- Demarcus J. Gordon, Minority Involvement Section – AGAINST
- R. Bradley Lewis, 22<sup>nd</sup> Judicial District – FOR
- Irving J. Warshauer, 41<sup>st</sup> Judicial District – AGAINST

*James E. Boren of the 19<sup>th</sup> Judicial District spoke FOR the resolution and made the following motion, which was seconded by Steven G. Durio of the 15<sup>th</sup> Judicial District:*

*BE IT RESOLVED that the name of the section be amended to delete the word “Preservation,” making it the First Amendment Section.*

*The House approved the motion to amend.*

*The following members submitted Salmon Slips and spoke to the resolution:*

- Val P. Exnicios, Class Action, Mass Tort and Complex Litigation Section – AGAINST
- Steven G. Durio, 15<sup>th</sup> Judicial District – FOR

- *Michael W. McKay, 19<sup>th</sup> Judicial District – AGAINST*  
*There was a motion and second from the floor to limit further debate on the resolution, which motion failed.*

*President Papillion continued to recognize members who submitted Salmon Slips and the following spoke to the resolution:*

- *Ben E. Clayton, 22<sup>nd</sup> Judicial District – FOR*
- *Jesse H. Bankston, Jr., 19<sup>th</sup> Judicial District – AGAINST*
- *John E. McAuliffe, Jr., by proxy from Adrian F. Lapeyronnie III of the 24<sup>th</sup> – AGAINST*
- *Daniel A. Cavell, 17<sup>th</sup> Judicial District – FOR*
- *Evan J. Bergeron, 41<sup>st</sup> Judicial District – AGAINST*
- *Richard K. Leefe, 24<sup>th</sup> Judicial District – FOR*
- *Lynn Luker, Civil Law & Litigation Section – AGAINST*
- *Phillip A. Wittmann, 41<sup>st</sup> Judicial District – AGAINST*

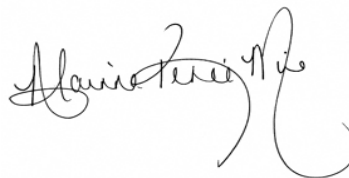
*In accordance with House of Delegates Rules of Procedure, Mr. Davidson was given the opportunity to close the debate.*

*President Papillion called for a voice vote and ruled that the motion failed based on the voice vote. Mr. Davidson asked for a division of the House, which resulted in a vote of 27 FOR and 67 AGAINST. President Papillion announced the vote and advised that the motion had FAILED.*

#### **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 noon.*

Respectfully Submitted:



Alainna Renee Mire,  
Secretary

APPROVED BY HOUSE OF DELEGATES  
JANUARY 20, 2018  
BATON ROUGE, LOUISIANA

**ADDENDUM**  
**2017-2018 HOUSE OF DELEGATES**  
**ATTENDANCE • 2017 ANNUAL MEETING**

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

Louis R. Avallone  
PRESENT Kila L. Bobier BY PROXY TO Monique Metoyer  
Claude W. Bookter, Jr.  
PRESENT Joseph A. Cannatella, Jr.  
PRESENT James L. Fortson, Jr.  
PRESENT Stephen Christopher Fortson  
Daryl Gold  
W. James Hill III  
Amy Michelle Perkins  
Nyle A. Politz  
PRESENT Joseph L. Shea, Jr.  
Kenneth Craig Smith, Jr.  
Scott R. Wolf  
Paul L. Wood

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

Tammy G. Jump  
Yumeaka Robinson Washington

**THIRD JUDICIAL DISTRICT (3 seats) Parishes of Lincoln & Union**

Addison K. Goff IV  
Shelley Ann Goff  
Tyler G. Storms

**FOURTH JUDICIAL DISTRICT (11 seats) Parishes of Morehouse & Ouachita**

PRESENT Martin Shane Craighead  
John Albert Ellis  
Lakeisha J. Johnson  
PRESENT Ramsey L. Ogg BY PROXY TO C.A. "Hap" Martin III  
Lavalle B. Salomon  
Arthur L. Stewart  
William Michael Street  
Peggy J. Sullivan  
David J. Summersgill, Jr.  
Jessica Welch Williams  
Thomas G. Zentner, Jr.

**FIFTH JUDICIAL DISTRICT (3 seats) Parishes of Franklin, Richland, & West Carroll**

PRESENT John Clay Hamilton  
Amanda Hollis

**SIXTH JUDICIAL DISTRICT (2 seats) Parishes of East Carroll, Madison & Tensas**  
George F. Fox, Jr.

**SEVENTH JUDICIAL DISTRICT (2 seats) Parishes of Catahoula & Concordia**

PRESENT Joseph A. Boothe  
PRESENT Ann S. Siddall

**EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Winn**

PRESENT Justin Keith Gates

**NINTH JUDICIAL DISTRICT (7 seats) Parish of Rapides**

PRESENT Marcus Augustine BY PROXY TO Alainna R. Mire  
PRESENT Bradley L. Drell BY PROXY TO Charles Elliott  
PRESENT Harold A. Murry  
PRESENT Edward L. Tarpley, Jr.  
Stephen Wheelis  
PRESENT David M. Williams  
Zebulon M. Winstead

**TENTH JUDICIAL DISTRICT (2 seats) Parish of Natchitoches**

Cloyd Benjamin  
PRESENT Keenan K. Kelly

**ELEVENTH JUDICIAL DISTRICT (1 seat) Parish of Sabine**

Rebecca Riall

**TWELFTH JUDICIAL DISTRICT (2 seats) Parish of Avoyelles**

PRESENT Douglas L. Bryan BY PROXY TO A.J. Roy III  
Dan B. McKay, Jr.

**THIRTEENTH JUDICIAL DISTRICT (2 seats) Parish of Evangeline**

Timmy J. Fontenot  
Abby Bergeron Landreneau

**FOURTEENTH JUDICIAL DISTRICT (9 seats) Parish of Calcasieu**

PRESENT Theresa A. Barnatt BY PROXY TO Emmett C. Sole  
PRESENT Cade R. Cole  
PRESENT Brian Lee Coody  
PRESENT L. Paul Foreman  
PRESENT Thomas L. Lorenzi  
Robert C. McCorquodale  
PRESENT Chantell Marie Smith BY PROXY TO Renee R. Simien  
Kenneth M. Wright

**FIFTEENTH JUDICIAL DISTRICT (13 seats) Parishes of Acadia, Lafayette & Vermillion**

PRESENT Loretta Bianca Chretien BY PROXY TO Shannon S. Dartez

PRESENT Steven G. Durio  
Chase J. Edwards  
PRESENT Scott F. Higgins BY PROXY TO Melissa Theriot  
Matthew J. Hill, Jr.  
PRESENT Katherine L. Hurst  
Andrew B. Mims  
Donovan J. O’Pry II  
PRESENT Joseph R. Oelkers III BY PROXY TO Robert Torian  
PRESENT Jeffrey A. Riggs BY PROXY TO James J. Davidson III  
Michael D. Skinner  
Dwazendra Smith  
PRESENT Juliette B. Wade BY PROXY TO Karen King

**SIXTEENTH JUDICIAL DISTRICT (8 seats) Parishes of Iberia, St. Martin & St. Mary**

Adolph B. Curet III  
Eric P. Duplantis  
Pamela A. Lemoins  
Marsha McNulty  
Andrew Reed  
Maggie T. Simar  
Anne G. Stevens  
Dennis R. Stevens

**SEVENTEENTH JUDICIAL DISTRICT (5 seats) Parish of Lafourche**

William N. Abel  
PRESENT Daniel A. Cavell  
Marla Mitchell  
Robert M. Pugh  
Nicholas J. Zeringue

**EIGHTEENTH JUDICIAL DISTRICT (4 seats) Parishes of Iberville, Pointe Coupee & West Baton Rouge**

J. Lane Ewing, Jr.  
Stephen Philibert Jewell  
PRESENT Deidre Deculus Robert  
David M. Tubbs

**NINETEENTH JUDICIAL DISTRICT (21 seats) Parish of East Baton Rouge**

PRESENT B. Scott Andrews BY PROXY TO Susan Manuel  
PRESENT Kelly E. Balfour  
PRESENT Jesse H. Bankston, Jr.  
PRESENT Valerie B. Bargas  
PRESENT James E. Boren  
PRESENT Dana B. Brown  
PRESENT Donald J. Cazayoux, Jr. BY PROXY TO Tavares Walker  
PRESENT Douglas J. Cochran



PRESENT Jean M. Faria BY PROXY TO Monica Vela-Vick  
Frank A. Fertitta  
PRESENT C. Frank Holthaus BY PROXY TO Edward Walters  
PRESENT Jay M. Jalenak, Jr.  
PRESENT Michael W. McKay  
PRESENT Adrian G. Nadeau BY PROXY TO Nicholas R. Rockforte  
PRESENT Julie Baxter Payer BY PROXY TO Chris Hebert  
PRESENT Mary E. Roper  
PRESENT Valerie T. Schexnayder  
PRESENT Amanda S. Stout BY PROXY TO Scotty Chabert, Jr.  
PRESENT David Abboud Thomas  
PRESENT Mary Ann M. White  
PRESENT Jack K. Whitehead, Jr. BY PROXY TO Luis Leitzelar

**TWENTIETH JUDICIAL DISTRICT (2 seats) Parishes of East Feliciana & West Feliciana**

PRESENT Samuel Christopher D'Aquila  
Stewart B. Hughes

**TWENTY-FIRST JUDICIAL DISTRICT (9 seats) Parishes of Livingston, St. Helena & Tangipahoa**

Mary E. Heck Barrios  
Erik L. Burns  
Anthony Todd Caruso  
Steven J. Farber  
Colt Justin Fore  
Ivy Landry Graham  
D. Blayne Honeycutt  
Amanda L. Huff Brown  
PRESENT Robert W. Morgan

**TWENTY-SECOND JUDICIAL DISTRICT (12 seats) Parishes of St. Tammany & Washington**

Clayton J. Borne IV  
William Harvell Burris  
PRESENT Ben E. Clayton  
Debra Kay Henkels  
Waldon M. Hingle  
Michael E. Holoway  
PRESENT Robert C. Lehman  
PRESENT R. Bradley Lewis  
L. Jay McCreary  
Sean M. Morrison  
Patrice W. Oppenheim  
PRESENT Todd C. Taranto

**TWENTY-THIRD JUDICIAL DISTRICT (5 seats) Parishes of Ascension, Assumption & St. James**

Christopher J. Bridges  
PRESENT Lana O. Chaney  
Rusty M. Messer  
PRESENT Michael J. Poirrier  
Timothy E. Pujol

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

PRESENT Simone B. Boustead BY PROXY TO Robert A. Kutcher  
PRESENT Thomas C. Cerullo  
PRESENT David L. Colvin  
PRESENT Sandra K. Cosby  
PRESENT S. Guy deLaup  
PRESENT Michael R. Delesdernier BY PROXY TO Stephen I. Dwyer  
Edwin R. Fleischmann, Jr.  
Paul C. Fleming, Jr.  
PRESENT Michael R. Gelder  
Christy M. Howley  
PRESENT Adrian F. LaPeyronnie III BY PROXY TO John E. McAuliffe, Jr.  
PRESENT Richard K. Leefe  
PRESENT Betty Ann Maury  
Scott W. McQuaig  
PRESENT Shayna Beevers Morvant  
Bryan A. Pfleeger  
Roy A. Raspanti  
George B. Recile  
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**

John Zachary Blanchard, Jr.  
Amanda J. Hulett  
Patrick R. Jackson  
Ross E. Shacklette  
PRESENT John B. Slattery, Jr.  
David L. White

**TWENTY-SEVENTH JUDICIAL DISTRICT (4 seats) Parish of St. Landry**

Scherri N. Guidry  
PRESENT Francis A. Olivier III  
PRESENT Ogden L. Pitre  
Randy Wagley

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

PRESENT Kamra S. Craig

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

PRESENT Steven F. Griffith, Sr.

PRESENT Don Paul Landry  
Robert L. Raymond

**THIRTIETH JUDICIAL DISTRICT (3 seats) Parish of Vernon**

PRESENT Wesley R. Bailey

PRESENT Mary K. Beaird  
Mark H. Kramar

**THIRTY-FIRST JUDICIAL DISTRICT (1 seat) Parish of Jefferson Davis**

Elliott C. Cassidy

**THIRTY-SECOND JUDICIAL DISTRICT (5 seats) Parish of Terrebonne**

PRESENT Charles C. Bourque, Jr.

PRESENT Teresa D. King  
Patricia P. Reeves-Floyd

**THIRTY-THIRD JUDICIAL DISTRICT (2 seats) Parish of Allen**

Mary Hebert Holmes  
Michael Bruce Holmes

**THIRTY-FOURTH JUDICIAL DISTRICT (5 seats) Parish of St. Bernard**

Roberta L. Burns  
Tracy Helen Duplantier  
Gregory J. Noto  
Gregory W. Rome

PRESENT Paul A. Tabary III

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

Scott M. Prudhomme

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

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

Brian E. Frazier

**THIRTY-EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Cameron**

PRESENT Robert James Sheffield, Jr.

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

Luke D. Mitchell

**FORTIETH JUDICIAL DISTRICT (3 seats) Parish of St. John the Baptist**

Geoffrey M. Michel  
PRESENT William D. O'Regan III

**FORTY-FIRST JUDICIAL DISTRICT (32 seats) Parish of Orleans**

PRESENT Donald R. Abaunza  
PRESENT Glenn B. Adams  
PRESENT Francis J. Barry, Jr.  
PRESENT Ashley L. Belleau BY PROXY TO Kimberly Silas  
PRESENT Alicia M. Bendana  
PRESENT Jack C. Benjamin, Jr.  
PRESENT Evan J. Bergeron  
PRESENT Thomas A. Casey, Jr. BY PROXY TO Mark A. Cunningham  
PRESENT Lawrence J. Centola, III  
PRESENT Justin M. Chopin  
PRESENT Thomas Louis Colletta, Jr. BY PROXY TO Micah Zeno  
PRESENT Richard B. Eason, II  
PRESENT Judith A. Gainsburgh BY PROXY TO H. Minor Pipes III  
PRESENT James C. Gulotta, Jr.  
PRESENT Philip K. Jones, Jr. BY PROXY TO Kelly Legier  
PRESENT Tracy O. Joseph BY PROXY TO Micah Fincher  
PRESENT Mark D. Latham BY PROXY TO Dana Douglas  
PRESENT David W. Leefe BY PROXY TO Kristen Stringer  
PRESENT Chadwick J. Mollere  
André J. Mouledoux  
Brian P. Quirk  
PRESENT Christopher K. Ralston  
PRESENT Louis Gravois Schott  
PRESENT Karen B. Sher  
PRESENT Ronald J. Sholes  
John A. Stassi II  
PRESENT Patrick A. Talley, Jr.  
PRESENT Irving J. Warshauer  
PRESENT Craig R. Webb  
PRESENT Edward D. Wegmann  
PRESENT Phillip A. Wittmann  
PRESENT Jay C. Zainey, Jr.

**FORTY-SECOND JUDICIAL DISTRICT (2 seats) Parish of DeSoto**

Dick D. Knadler  
Adrienne D. White

**SECTION CHAIRS**

Richard J. Arsenault, Insurance, Tort, Worker's Comp & Admiralty Law  
Ian Charles Barras, Intellectual Property  
Brian M. Begue, Administrative Law

Susan J. Burkenstock, Trusts, Estate, Probate & Immovable Property Law  
Joshua A. DeCuir, Corporate & Business Law  
Ashley Foret Dees, Immigration Law  
Ariel K. DiGiulio, Animal Law  
PRESENT Val P. Exnicios, Class Action, Mass Torts & Complex Litigation  
Steven J. Farber, Government & Public Law  
Marcus T. Foote, Family Law  
Edgar D. Gankendorff, Art Entertainment & Sports Law  
PRESENT Demarcus Gordon, Minority Involvement  
Edward T. Hayes, International Law  
Leland G. Horton, Mineral Law  
Abid Husain, Solo & Small Firm  
Louis C. LaCour, Appellate  
PRESENT Lynn Luker, Civil Law & Litigation BY PROXY TO Micah Zeno  
Tristan E. Manthey, Bankruptcy Law  
Alexander M. McIntyre, Antitrust & Trade Regulation  
Mark A. Myers, Alternative Dispute Resolution  
Erin E. Pelleteri, Labor & Employment  
Warren A. Perrin, Francophone  
John W. Redmann, Bench & Bar  
H. Bruce Shreves, Fidelity, Surety & Construction Law  
Jacob S. Simpson, Health Law  
David A. Szwak, Consumer Protection Law  
Michael S. Walsh, Criminal Law  
James R. Washington, Tax  
Michelle M. White, Environmental Law  
James Randy Young, Public Utility

**1**

**RESOLUTION PROPOSED BY THE  
CHILDREN'S LAW COMMITTEE OF THE  
LOUISIANA STATE BAR ASSOCIATION**

**WHEREAS**, the children of Louisiana and their families have constitutional and statutory rights that deserve recognition and are entitled to protection;

**WHEREAS**, the children of Louisiana and their families are not only entitled to all legal rights and freedoms set forth therein, but are afforded those rights without discrimination on any basis, including race/ethnicity, gender, sexual identity, language, religion, political (or other) beliefs, national (or other social) origin, or other status.

**WHEREAS**, legal issues involving children and families are often not known to or understood by the general public or by legal professionals not regularly engaged in these issues;

**WHEREAS**, the Louisiana State Bar Association created an ad hoc "Children's Law Committee" in 2009 as a forum for all lawyers practicing law related to children's issues, including judges, children's attorneys, parents' attorneys, public defenders, and district attorneys;

**WHEREAS**, the mission of the LSBA Children's Law Committee is "to provide a forum through which attorneys and judges working with children can promote improvements and changes in the legal system which benefit children, parents and the professionals who serve these families;"

**WHEREAS**, the ad hoc committee has engaged in important initiatives designed to benefit children, parents, and the professionals who serve them, including; the creation of resources for youth aging out of foster care and outreach to youth and direct service providers; coordination of curriculum for children's attorneys in partnership with the Pelican Center for Children & Families; outreach to Louisiana law schools to promote careers in children's law; and public programming on the educational rights of children with disabilities;

**WHEREAS**, all actions of the Children's Law Committee concerning children promote the best interests of all children and shall recognize and support programs and initiatives that protect the health, safety, welfare, and legal rights of children;

**WHEREAS**, the legislative Task Force on Legal Representation in Child Protection Cases recommended that "the Children's Law Committee continue to support dialogue among attorneys and judges on children's issues and promote awareness to the general bar membership of legal issues involving children, and honor Louisiana attorneys and organizations who provide outstanding services in the field of children's law";

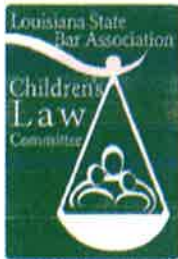
**WHEREAS**, children's law is a unique area of law practice that requires both multidisciplinary knowledge and distinctive professional skills; without recognition as a legal specialization or as a separate section of the LSBA, re-designation of the Children's Law

Committee from an ad hoc committee to a standing committee would institutionalize the commitment of the LSBA to the importance and visibility of children's law, enhance the status of this area of practice, and promote the constitutional and statutory rights vested in Louisiana's children.

**NOW THEREFORE BE IT RESOLVED**, that the LSBA House of Delegates create the Children's Law Committee as a standing committee of the Louisiana State Bar Association under Article 10, Section 1 of the By-Laws.

*Karen Hallstrom*

Submitted on behalf of the  
LSBA Children's Law Committee  
Karen Hallstrom, Chair



APPROVED  
HOUSE OF DELEGATES  
JUNE 8, 2017  
DESTIN, FL

APPROVED  
BOARD OF GOVERNORS  
JUNE 9, 2017  
DESTIN, FL



**2**

**RESOLUTION PROPOSED BY THE  
TRANSITIONING LAWYERS COMMITTEE  
OF THE LOUISIANA STATE BAR ASSOCIATION**

**WHEREAS**, the LSBA Transitioning Lawyers Committee (“Committee”) is charged as part of its mission, “to develop programs to assist those transitioning out of the practice of law...”; and

**WHEREAS**, the Committee is comprised of LSBA members from all geographic areas of the state and practice groups;

**WHEREAS** the Committee understands that there will be issues that may evolve concerning the aging of the LSBA attorney population, including but not limited to, deceased attorneys without a succession plan resulting in potential harm to the public and a potential rise in claims to the LSBA Client Assistance Fund which has limited funding to respond to such claims;

**WHEREAS**, the current provisions for ‘curators’ under Rule XIX, section 27 has proven to be inadequate for addressing the instances where attorneys (principally in solo practice) die, are transferred to disability inactive, or receive sanctions ending their practice such as disbarment, permanent disbarment and permanent resignation in lieu of discipline (and occasionally after suspensions);

**WHEREAS**, a Subcommittee was appointed to study and review the possibility of developing a LSBA system of Volunteer Receivership Teams to ensure protection of the public as recommended in the LSBA Receivership Teams Proposal (See Attached Exhibit A);

**WHEREAS**, the Subcommittee, through its review process, discussed the need for a Receivership Teams Program when there is no associate or partner left behind, where there is no ‘volunteer’ attorney left to assist, or when there is no estate administrator, which can result in a delay in recognizing the need for a Curator appointment and immediate action;

**WHEREAS**, the Subcommittee found that the profession, clients and the public would benefit from a Receivership Teams Program;

**WHEREAS**, the Subcommittee furnished its recommendations to the Committee and after careful consideration, the Transitioning Lawyers Committee recommended adoption of the LSBA Receivership Program as proposed in Exhibit A (Attached).

**NOW THEREFORE BE IT RESOLVED THAT** the LSBA House of Delegates approve the recommendations of the LSBA Transitioning Lawyers Committee as set forth above.

**NOW THEREFORE BE IT FURTHER RESOLVED THAT** the LSBA House of Delegates respectfully recommends approval of same by the Louisiana Supreme Court for future implementation by the LSBA Transitioning Lawyers Committee.

Respectfully submitted,  
LSBA Transitioning Lawyers Committee



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Richard K. Leefe, Chair  
Adrienne L. Baumgartner  
Thomas C. Cerullo  
Hon. Elizabeth E. Foote  
John H. Musser, IV  
Michael A. Patterson  
Freddie Pitcher, Jr.  
Graham H. Ryan  
Joseph L. Shea, Jr.  
Edward J. Walters, Jr.

This 8<sup>th</sup> day of May, 2017.

APPROVED  
HOUSE OF DELEGATES  
JUNE 8, 2017  
DESTIN, FL

APPROVED  
BOARD OF GOVERNORS  
JUNE 9, 2017  
DESTIN, FL

## **LSBA “Receivership” Teams Proposal – Exhibit A**

The current provisions for ‘curators’ under Rule XIX, section 27 has proven to be inadequate for addressing the instances where attorneys (principally in solo practice) die, are transferred to disability inactive, or receive sanctions ending their practice such as disbarment, permanent disbarment and permanent resignation in lieu of discipline (and occasionally after suspensions). While section 27 charge curators with the responsibility of inventorying files and “to take such action as seems indicated to protect the interests of the respondent and his or her clients”, the traditional role of the curator has been to simply inventory active files, communicate the attorney’s status and inability to continue with the representation, and coordinate the return of files so as to allow the client to secure new representation.

Because curators are typically appointed only when there is no associate or partner left behind, where there is no ‘volunteer’ attorney left to assist, or when there is no estate administrator (see section 26), there is often a delay in recognizing the need for the appointment and immediate action. Moreover, the chief judge of the judicial district where the subject practice is located is responsible for appointing ‘volunteer’ curators, a task none enjoy and many resent. While the attorney (individually or estate) is not typically at ‘risk’ during the short term, the interests of clients may well be adversely affected, and the courts efforts to move matters along are often disrupted. A better system has been needed for some time.

The current proposal before the Court again calls for the naming of successor lawyers to step in and carry out this function. While superficially appealing, practical concerns exist regarding the viability and success of that approach. Problems include a continued willingness of the successor lawyer to perform the task, malpractice exposure, competence of the successor lawyer, and the practical ability of the successor lawyer to engage in that effort given the demands of his/her own practice at the time of greatest need to name but a few drawbacks. Nonetheless, the Bar has endorsed that approach and perhaps in some instances it will be proven successful.

A complementary system should be considered that may provide an alternative to successor counsel, allow for a team approach manned by lawyers willing to assist and who have been trained in the specific tasks needed in each instance. One model may be to have the LSBA initiate a program of “Receivership Counsel” with teams of lawyers designated in each court of appeal district that may be called upon to immediately engage to more fully protect the interests of the lawyer and the clients. This effort would also bolster the LSBA’s role in the disciplinary/regulatory system in addition to managing the diversion program, ethics advisory opinions, the Rules of Professional Conduct committee and other programming.

### **1. How often are curator efforts needed on an annual basis?**

- Each year presents unpredictable instances of need. It is not unusual, however, to call for this type of assistance 10-12 times per year.

### **2. How would ‘receivership teams’ be selected?**

- Because the work involved can be time-consuming and needed on short notice, it would be recommended that volunteers be sought after a full disclosure of the duties involved. A mix of experience is helpful with some

reliance perhaps on more seasoned members of the bar to head the local efforts in organizing and executing the receivership team plan. The ultimate criteria for selection could be left to the Bar's leadership or as delegated to Bar staff.

**3. How many members should be on each 'receivership' team?**

- The best estimate is that a minimum of five (5) bar members in good standing should be on each team but staffing the team could include perhaps as many as ten (10) to allow for particularly large projects or to accommodate the unavailability of certain team members when the alert for need is issued. There would be one team from each Court of Appeal District.

**4. What would be the extent of their duties?**

- At a minimum, the duties should include:
  - Accessing all client files in 'open and active' representations so as to allow for timely notification to clients of their attorney's inability to continue representation.
  - Notification of courts in litigation matters of the attorney's inability to practice and securing continuances of sufficient length to allow clients to secure new representation.
  - Notification of opposing counsel and/or parties of the change in status of the attorney.
  - Examination of each file to document reasonable estimates of work performed by the attorney so as to assist in unearned fee issues; determine the need for file copying should future fee disputes be reasonably foreseeable; the recording of contingency fee contracts to protect the interests of the attorney/estate in future outcomes as regards fees and costs.
  - Other duties that, in the considered view of the Bar leadership, the receivership teams should be obligated to perform (such as petitioning the Court for an order directing the trust account bank to allow access for distribution of client and/or third party funds, etc.)
  - It is highly recommended that the LSBA develop a 'receivership team handbook' to more fully flesh out the nature and extent of the actual duties involved and how best to carry out those efforts.

**5. What would the liability exposure of the 'receivership team' members be to clients?**

- The Court has been reluctant to grant blanket 'immunity' to those who assist in curatorship type duties, some legislative work might be best to provide a measure of protection for the 'good faith' efforts of successor and/or receivership team members. Volunteers would be required to maintain professional liability coverage, which usually covers participation in Bar activities.

**6. How might the LSBA encourage volunteer participation on ‘receivership teams’?**

- Generally, the experience of the LADB/ODC is that lawyers in good standing in this state have been overwhelmingly willing to volunteer and assist in our discipline/regulatory system. One would expect that same commitment to our system to carry over to ‘receivership teams’. Support for the program from the Supreme Court justices, the LSBA leadership, the LADB Board members, and the ODC would likely generate enough volunteer participants to develop needed pools of candidates. Service may qualify for annual CLE credits, recognition by the LSBA, and other opportunities for encouragement.

**7. How long would service on a ‘receivership team’ last?**

- Consideration could be given to setting term limits such as is accomplished in the discipline/regulatory system—two (2) three (3) year terms. That would ensure that those willing to volunteer would recognize the commitment expected and plan accordingly. This issue would be yet another area where the LSBA leadership could weigh the merits of length of service and adjust as needed or as deemed appropriate.

**8. Would training be a component of the program?**

- The development of a comprehensive training program should be an integral part of the program so that volunteers recognize the size and scope of the tasks they are being asked to undertake. The design and contours of the training can be modified and adjusted with the benefit of experience guiding the effort.

**9. Would ‘receivership team’ members be permitted to undertake the representation of clients from the attorney’s practice?**

- To insure the integrity of the program, it is suggested that team members be disqualified from accepting the representation of the clients of the attorney’s prior practice. If an attorney team member is uniquely qualified to take on those representations, the problem could be avoided by assigning other team members whose disqualification would not deprive local clients of the services of competent counsel in their area of need.

6

**LOUISIANA STATE BAR ASSOCIATION**  
**HOUSE OF DELEGATES**  
**RESOLUTION**

**WHEREAS**, the Articles and By-Laws of this Association provide that Sections of the Association may be created when the Association deems it proper and in furtherance of the unity of the law, the interest of the profession, and of its public obligations;

**WHEREAS**, numerous members of this Association have expressed their desire to be part of a "First Amendment Preservation Section" of this Association by in advance applying for membership in such section and in advance paying their Section Dues; and

**WHEREAS**, in order to facilitate the preservation and defense of the individual rights guaranteed by the First Amendment to the Constitution of the United States and Article I, Sections 7, 8, and 9 of the current Louisiana Constitution certain members deem it timely and necessary that a "First Amendment Preservation Section" be approved; and

**WHEREAS**, the proposed By-Laws for the First Amendment Preservation Section have been prepared which do not conflict with the Articles and By-Laws of the LSBA.

**NOW, THEREFORE, BE IT RESOLVED** that the establishment of the First Amendment Preservation Section is in order and it is approved by this House;

**BE IT FURTHER RESOLVED** that the proposed By-Laws of the First Amendment Preservation Section as set forth in the attachment hereto are approved by this House and shall likewise be adopted by this Section.

Submitted by:

  
James J. Davidson, III  
2011-2012 President

DEFEATED  
HOUSE OF DELEGATES  
JUNE 8, 2017  
DESTIN, FL

DEFEATED  
BOARD OF GOVERNORS  
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**LOUISIANA STATE BAR ASSOCIATION**  
**BY-LAWS OF THE FIRST AMENDMENT PRESERVATION SECTION**

**ARTICLE I**

**NAME AND PURPOSE**

Section 1. This Section shall be known as the First Amendment Preservation Section.

Section 2. The purpose of this Section is to provide a forum and an opportunity for group participation by individual attorneys who are dedicated to study legislation and jurisprudence impacting the First Amendment to the United States Constitution and Article I, Sections 7, 8, and 9 of the current Louisiana Constitution and who are dedicated to promote and protect laws supportive of the personal liberties guaranteed by the First Amendment.

**ARTICLE II**

**MEMBERSHIP AND DUES**

Section 1. Any member in good standing of the Louisiana State Bar Association shall, upon request to the Secretary of the Association, be enrolled as a member of the Section. Members so enrolled and whose dues are paid shall constitute the membership of this Section. Those members having applied for membership and having paid their dues in advance of the formal creation of this Section are declared to be Charter Members of the Section.

Section 2. Dues for membership in this Section shall be \$25.00 per year, payable upon enrollment and thereafter annually on the same fiscal year basis as Louisiana State Bar Association dues. Members of the judiciary are especially encouraged to join the Section and shall not be obligated to pay dues.

Section 3. Any member whose annual dues shall be more than three months delinquent shall immediately cease to be a member of this Section. Only Section members in good standing, with dues paid, shall be eligible to vote, hold any Section office, or receive Section publications.

## **ARTICLE III**

### **OFFICERS**

Section 1. The general officers of this Section shall be a Chairman, a Vice-Chairman, and a Secretary-Treasurer. The officers shall serve ex-officio as members of the Council.

Section 2. Each officer shall hold office for a term of two years, to begin with the adjournment of the annual meeting of the Section at which the member was elected and to end at the close of the second succeeding annual meeting of the Section; or until such time as a successor shall have been elected.

Section 3. The first Chairman, Vice-Chairman, and Secretary-Treasurer shall be Section Members elected by the Charter Members of the Section to serve for two years. Thereafter the officers shall be elected by the Section membership in the manner hereinafter set forth.

## **ARTICLE IV**

### **DUTIES OF OFFICERS**

Section 1. Chairman. The Chairman, or the Vice-Chairman in the absence of the Chairman, shall preside at an meetings of the Section and the Council. On consultation with the Council, the Chairman shall establish such committees as are deemed necessary and appoint the chairmen and members thereof who are to hold office during the Chairman's term. The Chairman shall plan and supervise the program of the Section and the performance of all activities of the Section. The Chairman shall keep the Council informed and carry out its decisions. The Chairman shall formulate and present a report of the work of the Section for the year at each annual meeting of the Louisiana State Bar Association, and shall perform such other acts as usually accompany the office.

Section 2. Vice-Chairman. The Vice-Chairman shall assist the Chairman, performing such tasks as shall be assigned by the Chairman. In the absence of the Chairman, or upon the death, resignation or disability of the Chairman, the Vice-Chairman shall perform the duties of the Chairman for the remainder of the term of office; provided that, in the case of disability, the Vice-Chairman shall act only during the pendency of the disability.

Section 3. Secretary-Treasurer. The Secretary-Treasurer shall be the custodian of all books, papers, documents and other property of the Section, and shall keep a true record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. With the Chairman, the Secretary-Treasurer shall prepare a summary or digest of the proceedings of the Section at its annual meeting for publication in the Annual Report of the Louisiana State Bar

Association. The Secretary-Treasurer, in conjunction with the Chairman as authorized by the Council, shall attend generally to the business of the Section.

Section 4. The Secretary-Treasurer shall sign any application for and execute any bond as may be requested by any officer of the Section and/or member of the Council pursuant to any resolution duly adopted for any bond for the purpose of protecting the monies of the Section. Any cost or premium for such bond, however, shall not be borne by the officer, but shall be an expense of the Section and paid from the funds of the Section.

## **ARTICLE V**

### **THE COUNCIL**

Section 1. The Council of the Section shall be composed of the officers, three members of the Section elected by Section membership, and the retiring Chairman, who shall be a non-voting member for two years following retirement.

Section 2. The Council shall have general duties and control as necessary for the administration of the affairs of the Section subject to the provisions of the Constitution and By-Laws of the Louisiana State Bar Association and the By-Laws of this Section.

Section 3. The Council of the Section is authorized to take action in the name of the Section during intervals between meetings of the Section. All binding action of the Council shall be by majority vote of the whole Council.

Section 4. The Council, during the interim between annual meetings of the Section may, with the concurrence of the Chairman, fill vacancies in its own membership or in the offices of the Vice-Chairman or Secretary-Treasurer and, in the event of vacancies in the offices of both Chairman and Vice-Chairman, then also in the office of Chairman. Members of the Council and officers so elected shall serve until the close of the next annual meeting of the Section.

Section 5. Members of the Council shall vote in person when present at a meeting of the Council. When members contemplate absence, they may communicate their vote on any proposition to the Secretary-Treasurer and have it counted with the same effect as if cast personally at such meeting.

Section 6. The Chairman of the Section may submit or cause to be submitted in writing to each of the members of the Council any proposition upon which the Council may be authorized to act, and the members of the Council may vote such propositions as submitted, by communicating their vote thereon, in writing over their respective signatures, to the Secretary-Treasurer, who shall record upon the minutes each proposition so submitted, when, how and at whose request same was submitted, and the vote of each member of the Council thereon, and keep on file such written and

signed votes. If the votes of a majority of the members of the Council so recorded shall be in favor of such a proposition, or if such majority shall be against such proposition, such majority vote shall constitute the binding action of the council. The Council of the Section may take action in the name of the Section whenever proposals are brought before the Council for an expression of views and recommendations to the Board of Governors of the Association. The Section shall not represent or speak for the LSBA unless it is authorized to do so in accordance with the Articles of Incorporation and By-Laws of the LSBA.

Section 7. The President of the Louisiana State Bar Association shall appoint three members of the Section to serve on the first Council. Such members shall be selected by the President from a slate of six names furnished to the President by the officers of the Section. One member shall be appointed to serve on the Council for one year, one member to serve on the Council for two years and one member to serve on the Council for three years. At the expiration of each initial term, one member of the Council shall be elected in the manner hereinafter set forth to serve a term of three years. Each term will begin with the adjournment of the annual meeting at which the member was elected and will end at the close of the third succeeding annual meeting of the Section.

## **ARTICLE VI**

### **ELECTION OF OFFICERS AND COUNCIL**

Section 1. Annually, the Chairman shall appoint a Nominating Committee of three members of the Council. This Committee shall make and report one nomination for each office and council position which is to be filled by election in that year, identifying each nominee and including a brief statement of the activities undertaken by the nominee in the Section and in the law profession. Upon receipt of the Committee report, the Chairman of the Section shall have it published to Section members prior to the Annual Meeting. Added nominations may be made prior to the meeting by means of a petition signed by not less than ten members of the Section.

Section 2. Ballots in such form as determined by the Section Council shall be placed in the mail to all members of the Section. Each mailing shall contain the names of all nominees and shall be accompanied by a brief biographical statement of each nominee. Each mailing shall include an envelope addressed to the Secretary-Treasurer of the Section and identified on the outside as containing a member's ballot. The Section Council, in cooperation with the Chairman, shall prescribe the method and timing of mailing and return of these ballots to insure the receipt of all valid votes by noon on the opening day of the annual meeting. Election shall be by plurality of the votes cast by mail.

## **ARTICLE VII**

### **MEETINGS**

Section 1. The annual meeting of the Section shall be held during the annual meeting of the Louisiana State Bar Association, with such program and order of business as may be arranged by the Council.

Section 2. Special meetings of the Section may be called by the Chairman upon approval of the Council, at such time and place as the Council and Chairman may determine.

Section 3. The members of the Section present at any meetings shall constitute a quorum for the transaction of business, and the Section shall be bound by a majority vote of the members present at such meetings.

## **ARTICLE VIII**

### **MISCELLANEOUS PROVISIONS**

Section 1. The fiscal year of the Section shall be the same as that of the Louisiana State Bar Association.

Section 2. All bills incurred by the Section shall, before being paid, be approved by the Chairman or Vice-Chairman and the Secretary-Treasurer, or otherwise as the Council may direct, and checks for all disbursements shall be signed by the Secretary-Treasurer or such other officer as the Council may direct, and checks for all disbursements shall be signed by the Secretary-Treasurer or such other officer as the Council may authorize, except as to funds appropriated by the Board of Governors which shall be disbursed only by the proper officers of the Louisiana State Bar Association on bills approved by the Council.

Section 3. No salary or compensation shall be paid to any officer, committee or council member.

Section 4. These By-Laws shall become effective immediately upon approval thereof, as required by the Articles and By-Laws of the Louisiana State Bar Association.

Section 5. All printing for the Section or for the Council or any committee of the Section shall be done under the supervision of the Executive Director of the Louisiana State Bar Association.

**ARTICLE IX**

**AMENDMENTS**

Section 1. These By-Laws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, provided such proposed amendment shall first have been approved by a majority of the Council, and provided further that no amendment so adopted shall become effective until approved by the Board of Governors of the Louisiana State Bar Association.

Section 2. The Council may propose amendments by majority vote of the Council. Amendments also may be proposed by submission in writing to the Council in the form of a petition signed by at least ten members of the Section in time for it to be considered by the Council at its last regular meeting before the annual meeting of the Section at which it is to be voted upon. The Council shall consider the proposed amendment at said regular meeting and shall prepare recommendations thereon. The recommendations, together with a complete and accurate text of said proposed amendment, shall be disseminated to the members of the Section by the Secretary-Treasurer prior to the annual meeting of the Section at which they will be voted upon.

**ARTICLE X**

**BY-LAW ADOPTION BY THIS SECTION**

Section 1. These By-Laws were formally adopted by this Section at its first annual meeting by a unanimous vote of those present.

\_\_\_\_\_, 2017

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**CHAIRMAN**

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**SECRETARY-TREASURER**