



*Serving the Public. Serving the Profession.*

**HOUSE OF DELEGATES**  
**9 a.m. ■ Thursday, June 11, 2015**  
**Sandestin Golf & Beach Resort ■ Destin, FL**

**MINUTES**

President Joseph L. Shea, Jr. called to order the meeting of the House of Delegates of the Louisiana State Bar Association at 10:20 a.m., Thursday, June 11, 2015, at the Sandestin Golf and Beach Resort in Destin, Florida.

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

*Mr. Grodsky 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 deceased individuals:*

- *William B. Baggett, former LSBA President*
- *Charles L. Kincade, HOD member, 4<sup>th</sup> Judicial District*
- *Hon. Yada T. Magee, Orleans Parish CDC Judge (ret.)*
- *Hon. James R. McClelland, 16<sup>th</sup> Judicial District Judge (ret.)*
- *Hon. Charles B. Peatross, 1<sup>st</sup> Judicial District Judge (ret.)*
- *Hon. Charles R. Scott II, 1<sup>st</sup> Judicial District DA*

**General Session**

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

*There were no oral or written 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. Joseph L. "Larry" Shea, Jr., President
2. Mark A. Cunningham, President-Elect
3. Barry H. Grodsky, Secretary
4. Robert A. Kutcher, Treasurer

*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*

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*were distributed in advance of the meeting.*

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

*There were no oral reports from Special Committees. Written reports were distributed in advance of the House meeting.*

### VI. **Other Reports**

*There were no other reports.*

## Activities of the House of Delegates

### VII. **Approval of Minutes**

Consideration of approval of the Minutes of the January 17, 2015 Meeting of the House of Delegates, held in New Orleans.

*Upon motion and second, the House unanimously approved the minutes as presented.*

### VIII. **Old Business**

*There was no old business to come before the House.*

### 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.

*The House designated the following three members to serve on the Special Advisory Committee: Shayna Beevers (24<sup>th</sup> JD), Dona K. Renegar (15<sup>th</sup> JD) and Val P. Exnicios (Class Action, Mass Tort & Complex Litigation Section).*

2. Election of five (5) members of the House of Delegates to serve three-year terms on the Legislation Committee. Terms commence on July 1 immediately following the election and end on June 30, 2018.

*The House elected the following five members to serve three-year terms on the Legislation Committee: Kila L. Bobier (1<sup>st</sup> JD), Thomas C. Cerullo (24<sup>th</sup> JD), C. Frank Holthaus (19<sup>th</sup> JD), Robert S. Noel (4<sup>th</sup> JD) and Jay C. Zainey, Jr. (41<sup>st</sup> JD).*

### X. **Resolutions**

#### **Section Resolutions**

1. Resolution from the Corporate & Business Law Section asking the House to approve a restatement of the Section's Bylaws.

*Upon motion and second, the House unanimously approved this resolution.*

2. Resolution from the Solo & Small Firm Section asking the House to approve a number of amendments to the Section's Bylaws.

*Upon motion and second, the House unanimously approved this resolution.*

**Louisiana Board of Legal Specialization Resolutions**

3. Resolution from the Louisiana Board of Legal Specialization asking the House to amend the Family Law Standards to permit board certified family law specialists to receive family law specialization CLE credit for providing pro bono legal representation, in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

*Upon motion and second, the House approved this resolution.*

*The following two resolutions were considered together.*

4. Resolution from the Louisiana Board of Legal Specialization asking the House of Delegates to approve an additional area of specialty and certification for those attorneys practicing in the field of appellate law.

*Upon motion and second, the House approved this resolution by a vote of 59 to 52.*

5. Resolution from the Louisiana Board of Legal Specialization asking the House of Delegates to adopt the proposed standards for the appellate practice specialty.

*Upon motion and second, the House approved this resolution by a vote of 59 to 52.*

**Committee Resolution**

6. Resolution from the Access to Justice Policy Committee to create the Louisiana Access to Justice Commission, and to amend the LSBA Bylaws to facilitate same.

*Upon motion and second, the House unanimously approved this resolution.*

**Member Resolutions**

7. Resolution from 15<sup>th</sup> Judicial District Delegate Steven G. "Buzz" Durio proposing that the House recommend to the Louisiana Supreme Court adoption of South Carolina Rules of Professional Conduct Rule 1.19, to address succession plans for lawyers in the event of death or disability.

*Upon motion and second, the House approved this resolution.*

8. Resolution from 19<sup>th</sup> Judicial District Delegate Michael W. McKay:

- stating the LSBA's objection to compelling attorneys to provide uncompensated professional services for the benefit of the State;
- endorsing and encouraging private litigation that would challenge the constitutionality and lawfulness of appointing attorneys to represent indigent defendants without compensation; and
- urging the Louisiana Legislature to authorize sufficient funding to meet the State's constitutional obligation to provide effective assistance of counsel for indigent defendants in state criminal proceedings.

*Upon motion and second, the House unanimously approved this resolution.*

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**XI. Other Business**

Consideration of any other business to come before the House of Delegates.

*Mr. Cunningham asked for a suspension of the rules to amend a resolution which the House had approved in June 2013. Upon motion and second, the House voted unanimously to suspend the rules.*

*Upon motion and second, the House voted unanimously to amend the June 2013 resolution to remove the reference to the Duncan Plaza site. With this change, the House now supports a new Orleans Parish Civil District Court stand-alone courthouse on a site to be determined.*

*There being no further business, the meeting was adjourned at 11:50 a.m.*

Respectfully Submitted:



Barry H. Grodsky  
Secretary

APPROVED AS AMENDED BY HOUSE OF DELEGATES  
JANUARY 16, 2016  
NEW ORLEANS, LA

**ADDENDUM  
2015-2016 HOUSE OF DELEGATES  
ATTENDANCE - 2015 ANNUAL MEETING**

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

PRESENT Kila Bobier  
Claude W. Bookter, Jr.  
PRESENT Ree Casey-Jones  
James L. Fortson, Jr.  
PRESENT Stephen Christopher Fortson BY PROXY TO David R. Taggart  
PRESENT John R. Herzog BY PROXY TO Scott R. Wolf  
W. James Hill III  
Richard M. John  
Kevin R. Molloy  
PRESENT Marshall R. Pearce BY PROXY TO Meg Frazier  
Nyle A. Politz  
Kenneth Craig Smith, Jr.  
PRESENT Paul L. Wood BY PROXY TO Katherine Baker

**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**

LaKeisha Gray  
Albert Carter Mills IV  
Tyler G. Storms

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

Jan Peter Christiansen  
PRESENT Martin Shane Craighead  
Daniel J. Hunter  
Marcus L. Hunter  
Paul L. Hurd  
Mark Neal  
PRESENT Robert S. Noel  
Ramsey L. Ogg  
Arthur L. Stewart  
William Michael Street  
Thomas G. Zentner, Jr.

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

John Clay Hamilton  
John Hoychick, Jr.

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**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**

John C. Reeves

PRESENT Ann S. Siddall

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

PRESENT Kimberly Anastasia Wiley

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

Marcus Augustine

Robert L. Bussey

PRESENT Charles D. Elliott

PRESENT Alainna Mire

Mark F. Vilar

Stephen Wheelis

Zebulon M. Winstead

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

PRESENT Keenan K. Kelly

Charles R. Whitehead, Jr.

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

**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

Abby Bergeron Landreneau

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

PRESENT Theresa A. Barnatt

Brian Lee Coody

PRESENT L. Paul Foreman BY PROXY TO Winfield Little, Jr.

Matthew P. Keating

PRESENT Thomas L. Lorenzi

Robert C. McCorquodale

PRESENT David Daniel Palay, Jr.

Larry E. Pichon

PRESENT Betty A. Raglin BY PROXY TO Cade R. Cole

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

Homer Ed Barousse, Jr.  
PRESENT Dean A. Cole BY PROXY TO Jeremy Hebert  
PRESENT Steven G. Durio  
Kyle L. Gideon  
Matthew J. Hill, Jr.  
PRESENT Andrew B. Mims BY PROXY TO Tricia R. Pierre  
Joseph R. Oelkers III  
PRESENT Donovan J. O’Pry II BY PROXY TO James J. Davidson, III  
PRESENT Dona Renegar  
Jeffrey A. Riggs  
Michael D. Skinner  
PRESENT Dwazendra Smith  
PRESENT Juliette B. Wade BY PROXY TO Franchesca Hamilton-Acker

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

Adolph B. Curet III  
Eric P. Duplantis  
Paul T. Landry  
Marsha McNulty  
Andrew Reed  
PRESENT Maggie T. Simar  
Anne G. Stevens  
Dennis R. Stevens

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

David G. Arceneaux  
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  
Thomas McCormick  
PRESENT Deidre Deculus Robert

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

PRESENT B. Scott Andrews BY PROXY TO Brook Villa  
PRESENT Kelly E. Balfour  
PRESENT Jesse H. Bankston, Jr.  
PRESENT Valerie B. Bargas  
PRESENT Julie J. Baxter BY PROXY TO Luis Leitzelar

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PRESENT James E. Boren  
PRESENT Dana B. Brown  
PRESENT Donald J. Cazayoux, Jr. BY PROXY TO Scott Levy  
Juan M. "John" Delgado  
Michael D. Ferachi  
Frank A. Fertitta  
PRESENT S. David Holladay  
PRESENT C. Frank Holthaus BY PROXY TO Edward J. Walters, Jr.  
PRESENT Jay M. Jalenak, Jr. BY PROXY TO Scotty Chabert  
PRESENT Michael W. McKay  
PRESENT Adrian G. Nadeau BY PROXY TO Tavares Walker  
PRESENT Glen R. Petersen  
PRESENT Valerie T. Schexnayder BY PROXY TO C. Kevin Hayes  
PRESENT Amanda S. Stout BY PROXY TO Susan Manuel  
PRESENT David Abboud Thomas  
PRESENT Jack K. Whitehead, Jr.

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

PRESENT Samuel Christopher D'Aquila  
Michael L. Hughes

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

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

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

Elizabeth A. Alston  
Clayton J. Borne IV  
Eric K. Buerger  
William Harvell Burris  
Gordon Timothy Herrin  
William M. Hingle  
Willard O. Lape, III  
PRESENT Robert C. Lehman  
J. Kevin McNary  
PRESENT Patrice W. Oppenheim BY PROXY TO Michael Holoway



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PRESENT Todd T. Taranto  
Diana E. Velez

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

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

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

PRESENT Shayna Beevers  
Allen I. Boudreaux, Jr.  
Paul M. Brannon  
Robert J. Caluda  
PRESENT Thomas Christopher Cerullo  
PRESENT Sandra K. Cosby  
PRESENT S. Guy deLaup  
PRESENT Michael R. Delesdernier BY PROXY TO Mickey deLaup  
Paul C. Fleming, Jr.  
PRESENT Christy M. Howley BY PROXY TO Eddie McAuliffe  
PRESENT Adrian F. LaPeyronnie III BY PROXY TO Robert Kutcher  
PRESENT John J. Lee, Jr.  
PRESENT Richard K. Leefe  
Scott W. McQuaig  
PRESENT Bryan A. Pfleeger  
PRESENT Roy A. Raspanti  
George B. Recile  
PRESENT Mettery I. Sherry, Jr. BY PROXY TO Ed Fleischmann, Jr.  
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**

PRESENT John Zachary Blanchard, Jr.  
PRESENT Anna Brown  
Amanda J. Hulett  
Patrick R. Jackson  
PRESENT Ingrid James  
Ross E. Shacklette

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

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PRESENT Francis A. Olivier III  
Jacque B. Pucheu, Jr.

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

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

PRESENT Steven F. Griffith, Sr.  
PRESENT Don Paul Landry  
PRESENT Robert L. Raymond BY PROXY TO Monte Mollere

**THIRTIETH JUDICIAL DISTRICT (3 seats) Parish of Vernon**  
D. Wayne Bush

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

PRESENT Richard M. Arceneaux

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

PRESENT Sye Joseph Broussard BY PROXY TO Charles Bourque  
Heather Chapin McAllister  
PRESENT Patricia P. Reeves-Floyd

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

PRESENT Mary Hebert Holmes  
PRESENT Michael Bruce Holmes

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

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

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PRESENT John Q. Davis

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

Vercell F. Fiffie

Nghana L. Gauff

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 Jan M. Hayden

PRESENT Jack C. Benjamin, Jr.

PRESENT Joseph M. Bruno BY PROXY TO Micah Fincher

PRESENT Thomas A. Casey, Jr. BY PROXY TO Krystal Ferbos

PRESENT Lawrence J. Centola, III

PRESENT Justin M. Chopin

PRESENT Richard B. Eason, II

PRESENT William R. Forrester, Jr.

PRESENT Darryl J. Foster BY PROXY TO Patrick Talley

PRESENT Judith A. Gainsburgh

PRESENT James C. Gulotta, Jr. BY PROXY TO Marta-Ann Schnabel

PRESENT Philip K. Jones, Jr. BY PROXY TO Lacey E. Rochester

PRESENT Mark D. Latham

PRESENT Andrew R. Lee

PRESENT Ryan M. McCabe BY PROXY TO Graham Ryan

PRESENT André J. Mouledoux BY PROXY TO Joseph A. Barreca

PRESENT John H. Musser V BY PROXY TO David Leefe

PRESENT H. Minor Pipes, III

PRESENT Brian P. Quirk BY PROXY TO Hon. Jay C. Zainey

PRESENT Christopher K. Ralston

PRESENT Louis Gravois Schott

PRESENT Karen B. Sher

PRESENT Ronald J. Sholes

PRESENT John A. Stassi II

PRESENT Deborah M. Sulzer BY PROXY TO Mark A. Cunningham

PRESENT Irving J. Warshauer

PRESENT Edward Dirk Wegmann

PRESENT Phillip A. Wittmann BY PROXY TO Sean Brady

PRESENT Jay C. Zainey, Jr.

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

Adrienne D. White

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**SECTION CHAIRS**

Michael P. Arata, Art Entertainment & Sports Law

Richard J. Arsenault, Insurance, Tort, Worker's Comp & Admiralty Law

Brian M. Begue, Administrative Law

Susan J. Burkenstock, Trusts, Estate, Probate & Immovable Property 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

Gilbert F. Ganucheau, Health Law

Maureen B. Gershaink, Corporate & Business Law

Demarcus Gordon, Minority Involvement

PRESENT Leo C. Hamilton, Bill of Rights

Edward T. Hayes, International Law

Leland G. Horton, Mineral Law

PRESENT Louis C. LaCour, Appellate

Keith M. Landry, Intellectual Property

Robert G. Levy, Family Law

Lynn Luker, Civil Law & Litigation

Tristan E. Manthey, Bankruptcy Law

Richard W. Martinez, Solo & Small Firm

Alexander M. McIntyre, Antitrust & Trade Regulation

PRESENT Ross M. Molina, Labor & Employment Law

Warren A. Perrin, Francophone

PRESENT Kimberly L. Robinson, Taxation

Thomas Shane Sandefer, Environmental Law

H. Bruce Shreves, Fidelity, Surety & Construction Law

Emmett C. Sole, Alternative Dispute Resolution

David A. Szwak, Consumer Protection Law

Michael S. Walsh, Criminal Law

Jamie H. Watts, Public Utility

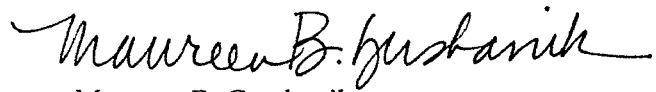
Walter I. Willard, Bench & Bar

# Resolution 1

**CERTIFICATE CONCERNING AMENDMENT AND RESTATEMENT OF  
THE BYLAWS OF THE SECTION ON CORPORATE AND BUSINESS LAW**

I, the undersigned chair of the Section on Corporate and Business Law of the Louisiana State Bar Association, confirm that at a meeting of the Section Council held on April 20, 2015, a majority of the Section's Council members voted in favor of the adoption of amended and restated bylaws of the Section in the form attached hereto as Exhibit A. The bylaws as so amended and restated will be submitted for a vote by the full Section membership at the Section's Annual Meeting to be held on June 10, 2015.

Respectfully Submitted:



Maureen B. Gershanik  
Chair, Section on Corporate and Business Law

**APPROVED BY HOUSE OF DELEGATES  
[DATE]**

**APPROVED BY BOARD OF GOVERNORS  
[DATE]**

APPROVED  
HOUSE OF DELEGATES  
JUNE 11, 2015  
DESTIN, FL

APPROVED  
BOARD OF GOVERNORS  
JUNE 12, 2015  
DESTIN, FL

**EXHIBIT A**

)

**LOUISIANA STATE BAR ASSOCIATION**  
**AMENDED AND RESTATED BY-LAWS OF THE**  
**CORPORATE AND BUSINESS LAW SECTION**

**ARTICLE I**  
**NAME AND PURPOSE**

Section 1. This Section shall be known as the Corporate and Business Law Section (this "Section").

Section 2. The purpose of this Section shall be to foster the study and improvement of the corporate and business laws of the State of Louisiana and the United States of America; to continue the education of the practicing attorney with regard to the current developments in the corporate and business law fields; to develop and encourage legal writings in these fields among the members of the Louisiana State Bar Association (the "Association"); and to cooperate with and establish liaison with law schools in Louisiana and the departments of the state and federal governments that enact, administer and enforce corporate and business law.

**ARTICLE II**  
**MEMBERSHIP AND DUES**

Section 1. Any member in good standing in the Association shall be enrolled as a member of this Section upon following the procedures required therefor by the Association. Members so enrolled shall constitute the membership of this Section.

Section 2. Each member of the Section shall pay to the Association for the benefit of the Section annual dues of such amount as may be fixed from time-to-time by the Council for any fiscal year. Dues shall be payable on the same fiscal year basis as dues in the Association. Any member whose annual dues shall be more than three months delinquent shall immediately cease to be a member.

Section 3. The Council may make certain Section benefits available only to Section members who are current in the payment of their Section dues.

Section 4. Members of the Judiciary as referred to in Article IV, Section 1, of the Articles of Incorporation of the Association shall be entitled to all of the rights of Section membership, except the right to hold office, without the payment of dues.

**ARTICLE III**  
**COUNCIL AND OFFICERS**

Section 1. The general officers of this Section shall be a Chairman, a Vice-Chairman, a Secretary and a Treasurer.

Section 2. There shall be a Council, which shall consist of the Chairman, the Vice-Chairman, the Secretary and the Treasurer, together with not less than three other members to be elected by the members of the Section. Subject to the limitations set forth in the preceding



sentence, the Council shall have the sole authority to alter, from time to time, the number of Council members that, together with the Chairman, Vice Chairman, Secretary, and Treasurer, comprises the Council; provided, however, that any exercise of that authority shall not shorten the term of office of any Council member. The Council shall designate one of the non-officer members as its Reporter. The retiring Chairman shall be a non-voting member of the Council for one year following retirement.

Section 3. The Chairman, Vice-Chairman, Secretary and Treasurer and each other member of the Council shall be nominated and elected in accordance with the provisions of Article IV, at each annual meeting of the Section, to hold office for a term beginning at the close of the annual meeting at which they were elected, and ending at the close of the next succeeding annual meeting of the Section or, if later, when their respective successors shall have been elected and have qualified.

**ARTICLE IV**  
**NOMINATION AND ELECTION OF OFFICERS AND COUNCIL MEMBERS**

Section 1. **Nominations.** At least forty-five (45) days prior to each annual meeting of the Section, the Council shall make and report its nominations for the offices of Chairman, Vice Chairman, Secretary, Treasurer and the three non-officer Council members. Any member of the Section may nominate any member of the Section for Council membership or for an officer position by submitting a nomination to the Chairman at least thirty (30) days prior to the annual meeting of the Section, accompanied by a notice setting forth the name, address, email address, and telephone number of the member making the nomination and of the nominee, a representation that the member making the nomination and the nominee are members of the Section, and the signature of the nominee evidencing the nominee's consent to serve as a member of the Council or as such officer, if elected. The Chairman shall forward all properly submitted nominations to the Council. Only persons nominated in accordance with the foregoing shall be eligible for election, and the presiding officer shall not accept nominations from the floor. Only those individuals currently serving as Council members (including officers) shall be eligible for nomination and election to the offices of Chairman, Vice Chairman, Secretary, and Treasurer.

Section 2. **Elections.** All elections shall be by a plurality of the votes cast at the annual meeting, and determined simply by voice vote, unless the presiding officer is in doubt of the result or a roll-call vote is requested by any member of the Section, in which case a roll-call vote shall be conducted to determine the result.

Section 3. **Term.** Council members shall be elected for one (1) year terms of office. No officer or other Council member shall serve in the same capacity for more than four consecutive terms.

**ARTICLE V**  
**DUTIES OF OFFICERS**

Section 1. **Chairman.** The Chairman shall attend generally to the business and affairs of the Section, subject to the direction of the Council. The Chairman shall preside at all

meetings of the Section and of the Council. The Chairman shall be obligated to call and convene at least three (3) meetings of the Council during his or her term of office. The Chairman shall formulate and present to the Section at each Annual Meeting of the Association a report of the work of the Section for the then past year. Consistent with any requirements of the Association, each year the Chairman shall submit or cause to be submitted to the President of the Association (i) a written report summarizing the Section's activities for the prior year and (ii) proposed programs for the Section for the following year. The Chairman shall also perform such other duties and acts as may be assigned by the Council from time to time.

Section 2. **Vice-Chairman.** The Vice-Chairman shall be charged with such duties as shall be assigned to him or her by the Council or Chairman from time to time. Upon the death, resignation, or during the disability of the Chairman, or upon his or her refusal to serve, the Vice-Chairman shall perform the duties of the Chairman for the remainder of the Chairman's term; provided that, in the case of disability, the Vice-Chairman shall act only during so much of the term as the disability continues.

Section 3. **Secretary.** The Secretary shall keep a true record of the proceedings of all meetings of the Section and of the Council. The Secretary shall also perform such other duties and acts as may be assigned by the Council or Chairman from time to time.

Section 4. **Treasurer.** The Treasurer shall be the custodian of all books, papers, documents and other property of the Section. He or she shall keep an accurate record of all monies appropriated to and expended for the use of the Section and report upon the finances of the Section upon request of any member of the Council. The Treasurer shall also perform such other duties and acts as may be assigned by the Council or Chairman from time to time.

Section 5. **Reporter.** The Reporter shall prepare or cause to be prepared relevant articles on recent developments in the substantive law of the Section and submit such articles to the Louisiana Bar Journal for publication from time to time. The Reporter shall also perform such other duties and acts as may be assigned by the Council or Chairman from time to time.

Section 6. **Failure of Council Members to Perform Duties.** In the event that any member of the Council fails to perform any of the duties required of that member by these By-Laws, that failure may be presented by any member to the Council, which shall administer such disciplinary action (if any) as it deems appropriate. Disciplinary action may include removal of the member or officer. The Council shall appoint a member of the Council to fill the vacancy for the unexpired term of any officer removed pursuant to this Section 6, and if the removal of a Council member reduces the number of Council members below that required by Section 2 of Article III, the Council shall appoint a member of the Section to fill the vacancy for the unexpired term of that Council member.

## ARTICLE VI DUTIES AND POWERS OF THE COUNCIL

Section 1. The Council shall have general supervision and control of the affairs of the Section subject to the provisions of the Constitution and By-Laws of the Association and the By-Laws of this Section. The Council's authority shall include, but not be limited to, authority to

cause (i) the preparation and publication (by email or otherwise) of the Louisiana Corporate Newsletter, the official publication of the Section, from time to time; (ii) the sponsoring or co-sponsoring of continuing legal education events relating to corporate and business law; (iii) the establishment and maintenance of a Section website, or the making of contributions to the website of the Association, relating to corporate and business law; (iv) the preparation and publication (by email or otherwise) of forms of corporate documents for use with corporations, limited liability companies, partnerships, and other legal entities and forms of agreements or other documents for use in business transactions; and (v) the publication of corporate or business laws. The Council may authorize the Chairman to appoint committees consisting of one or more Section members to perform such duties and exercise such powers as the Council may authorize.

Section 2. The Council shall authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditure of all monies appropriated for the use or benefit of this Section. The Council may authorize commitments or contracts which entail the expenditure of money only to the extent that the treasury of the Section contains funds that are available for the expenditure.

Section 3. The Council may fill any vacancies in its own membership or in any offices. Members of the Council and officers so elected shall serve until the close of the next annual meeting of the Section.

Section 4. Meetings of the Council may be called upon at least two days' written notice (which may be via email) by the Chairman at any time, to be held at such time and place as the Chairman deems appropriate, or by the Secretary upon written request of any two members of the Council, to be held at such time (within 15 days of the request) and place as the Secretary deems appropriate. A Council member may waive notice of any meeting to such member at any time, in writing. A Council member's presence, in person or otherwise, at a meeting waives any required notice to the member of the meeting, unless the member objects to holding or transacting business at the meeting at the beginning of the meeting or promptly upon arrival. A majority of the Council members shall constitute a quorum for the transaction of business.

Section 5. Unless otherwise specifically provided in these By-Laws, the Council shall act by a majority vote of those present at any meeting of the Council at which a quorum is present. The Council may act by the written consent of a majority of the Council members in office, which consent may be given by one or more emails or other documents, provided the proposed consent is provided to all Council members before execution and notice of any consent so adopted shall be provided to all Council members within a week of adoption.

Section 6. Members of the Council may participate in any meeting of the Council by means of a conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other at the same time, and participation in a meeting by such means shall constitute presence in person at such meeting.

Section 7. The Council is authorized to take action on behalf of the Section during intervals between meetings 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.

**ARTICLE VII  
SECTION MEETINGS**

Section 1. The annual meeting of the Section shall be held during the annual meeting of the Association or at such other time and place as the Council may determine, with such program and order of business as may be arranged by the Council. Special meetings of the Section may be called by the Chairman upon approval of the Council, at such time and place as the Council may determine.

Section 2. Notice shall be given to the Section of each annual or special meeting via email at least seven calendar days in advance. Members may attend the meeting in person or by means of remote communication, such as a conference call.

Section 3. The members of the Section present in person or by means of remote communication at any meeting shall constitute a quorum for the transaction of business.

Section 4. All binding action of the Section shall be by a majority vote of the members present in person or by means of remote communication.

**ARTICLE VIII  
MISCELLANEOUS PROVISIONS**

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

Section 2. All bills incurred by the Section shall be approved by the Chairman or the Treasurer, or, if the Council shall so direct, by both of them, before being forwarded to the Treasurer of the Association for payment.

Section 3. No salary or compensation shall be paid to any officer, Council member or member of a committee of the Section.

Section 4. Email is considered to be in writing for all purposes.

Section 5. These By-Laws shall become effective upon the approval thereof required by the Articles and By-Laws of the 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 voting, provided such proposed amendment shall first have been submitted in writing to the Council for its recommendation and approval. No amendment so adopted shall become effective until approved in accordance with the Articles and By-Laws of the Association.

*(4-20-15 Draft)*  
*(as approved by the Section Council)*

HOUSE OF DELEGATES NEW  
ORLEANS, LOUISIANA [DATE]

# Resolution 2

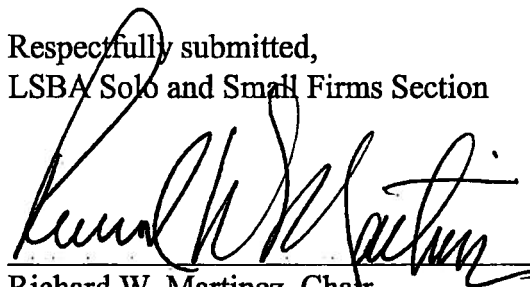
**RESOLUTION OF THE  
SOLO AND SMALL FIRMS SECTION:  
OF THE LOUISIANA STATE BAR ASSOCIATION**

WHEREAS, the current Bylaws of the Solo and Small Firms Section do not reflect the rules under which the Section has been operating for several years.

WHEREAS, the Bylaws have been redrafted to reflect the recognition of the gender neutral terms regarding Chairperson and Vice-Chairperson; to allow the annual section meeting to be convened at the Annual Solo & Small Firm Conference or at the Annual meeting of the Louisiana State Bar Association; and to restrict the participation of officers to one person per law firm or law office in keeping with the goal of the Solo and Small Firm Section.

WHEREFORE, the Section requests that the LSBA House of Delegates approve the new Bylaws of the Solo and Small Firms Section. This language, set forth on the attached sheets, details the operational rules of the Section provided in a word and a compare word document.

Respectfully submitted,  
LSBA Solo and Small Firms Section



Richard W. Martinez, Chair  
Solo and Small Firms Section

APPROVED  
HOUSE OF DELEGATES  
JUNE 11, 2015  
DESTIN, FL

APPROVED  
BOARD OF GOVERNORS  
JUNE 12, 2015  
DESTIN, FL

**BY-LAWS OF THE SOLO AND SMALL FIRMS SECTION  
OF THE LOUISIANA STATE BAR ASSOCIATION**

**ARTICLE I  
NAME AND PURPOSE**

Section 1. This Section shall be known as the Solo and Small Firms Section.

Section 2. The purpose of this Section is to provide a forum for the study and discussion of the problems and concerns involved in the practice of law by solo practitioners and members of small firms; to contribute to the continuing education of the attorneys so engaged in such practices; to disseminate information regarding potential legislation and/or litigation that might affect such attorneys; to encourage study, publication of legal writings and make recommendations regarding areas of interest to such attorneys; to establish liaison with the Louisiana State Bar Association, the American Bar Association, and the legal academic community, and the general community, to achieve these purposes; to promote and encourage dialogue and meetings between members of this Section and other members of the bar; and to take such actions in respect thereto as may be desirable, consistent with the Articles of Incorporation and By-Laws of this Association, to the end that excellence in legal services be encouraged and maintained.

**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.

Section 2. Annual dues for membership in this Section shall be no more than \$20.00 per year. Section officers will determine on an annual basis what amount will be collected for that year. Dues are payable upon enrollment and thereafter annually on the same fiscal year basis as Louisiana State Bar Association 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 Chairperson, a Vice-Chairperson, and a Secretary-Treasurer. The officers shall be members of the Section Managers.

Section 2. Officers shall be dues-paying Members of the section who volunteer for the positions. When necessary they will be chosen by election by the members.

Section 3. Each officer shall hold office for a term of two years, or until such time as a successor assumes office.

Section 4. No more than one Officer, or Managers may be from the same firm or law office.



ARTICLE IV  
DUTIES OF OFFICERS

Section 1. Chairperson. The Chairperson, Vice-Chairperson or any section member appointed by the Chairperson in the absence of the Chairperson, shall preside at all meetings of the Section and the Section Managers. On consultation with the Section Managers, the Chairperson shall establish such committees as are deemed necessary and appoint the Chairperson and members thereof who are to hold office during the Chairperson's term. The Chairperson shall plan and supervise the program of the Section and the performance of all activities of the Section. The Chairperson shall keep the Section Managers informed and carry out its decisions. The Chairperson 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- Chairperson. The Vice-Chairperson shall assist the Chairperson, performing such tasks as shall be assigned by the Chairperson. The Vice- Chairperson shall have primary responsibility for organizing Section Lunch/CLE seminars and shall handle all logistics, including but not limited to, dates, location, speakers and coordinating with the LSBA staff regarding CLE credits. In the absence of the Chairperson , or upon the death, resignation or disability of the Chairperson , the Vice-Chairperson shall perform the duties of the Chairperson for the remainder of the term of office; provided that in the case of disability, the Vice- Chairperson 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 Section Managers, whether assembled or acting under submission. With the Chairperson , 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 Chairperson as authorized by the Section Managers, 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 Section Managers 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  
SECTION MANAGERS

Section 1. The Section Managers shall be composed of the current Section officers, past Chairpersons and interested members selected by the Chairperson. Past Chairmen and past officers may make recommendations to Chairperson regarding the appointment of any Section Manager.

Section 2. The Section Managers 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 Section Managers are authorized to take action in the name of the Section during intervals between meetings of the Section. All binding actions of the Section Managers shall be by majority vote of the Section Managers voting.

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

#### ARTICLE VI MEETINGS

Section 1. The annual meeting of the Section shall be held at either the annual meeting of the Louisiana State Bar Association, the LSBA annual Solo and Small Firm Conference or at such time, location, and manner as may be decided by the Chair. The Chair will announce the location of the section annual meeting at least two (2) months prior to the date of the section annual meeting. The Section Managers, and all members of the section may suggest agenda items, programs and the order of business of the annual meeting.

Section 2. The members of the Section present voting at any Section activity as described in Section 3, herein, shall constitute a quorum for the transaction of

business, and the Section shall be bound by a majority vote of the such members present at such meeting voting.

Section 3. The business of this Section may be conducted in person, via electronic discussion group, email, telephone conference, or web conference, or such other reasonable method designated by the Section Managers or the Chairperson.

Section 4. The Section may schedule meetings, activities, and events at which business can be discussed, subject to the previous section.

Section 5. Voting allowed or authorized by these By-Laws may occur through any of the methods authorized in Section 3.

Section 6. The Secretary-Treasurer shall be responsible of taking and reporting the minutes of the meetings. However, the duty of the secretary-treasurer may be relieved of this obligation by the Chairperson and the Chairperson will assign the duties of this section to the person conducting the meeting.

#### ARTICLE VII 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 Chairperson or Vice-Chairperson, or otherwise as the Section Managers may direct, and checks for all disbursements shall be signed by the Secretary-Treasurer or such other officer as the Section Managers 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 Section Managers.

Section 3. No salary or compensation shall be paid to any officer, committee or Section Managers 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 Section Managers or any committee of the Section shall be done under the supervision of the Executive Council of the Louisiana State Bar Association.

#### ARTICLE VIII AMENDMENTS

Section 1. These By-Laws may be amended at any 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 Section Managers, and provided further that no amendment so adopted shall become effective until approved by the Board of Governors of the Louisiana State Bar Association.

Approved by resolution on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2015.

**BY-LAWS OF THE SOLO AND SMALL FIRMS SECTION  
OF THE LOUISIANA STATE BAR ASSOCIATION**

**ARTICLE I  
NAME AND PURPOSE**

Section 1. This Section shall be known as the Solo and Small Firms Section.

Section 2. The purpose of ~~this~~ this Section ~~is~~ to provide a forum for the study and discussion of the problems and concerns involved in the practice of law by solo practitioners and members of small firms; to contribute to the continuing education of the attorneys so engaged in such practice; ~~to~~ disseminate information regarding potential legislation and/or litigation that might affect such attorneys; to encourage study, publication of legal ~~writings~~ writings and make recommendations regarding areas of interest to such attorneys; to establish liaison with the Louisiana State Bar Association, the American Bar Association, and the legal academic community, and the general community, ~~to~~ achieve these purposes; to promote and encourage dialogue and meetings between members of this Section and other members of the bar; and to take such actions in respect thereto as may be desirable, consistent ~~with~~ with the Articles of Incorporation and By-Laws of this Association, to the end that excellence in legal services be encouraged and ~~mai~~ maintained.

**ARTICLE II  
MEMBERSHIP AND DUES**

Section 1. Any member ~~in~~ in good ~~stand-~~ standing of the Louisiana State Bar Association ~~shall~~ shall, upon request to the Secretary of th

Section 4. No more than one Officer, or Managers

Association, be enrolled as a member of the Section. Members so enrolled and whose dues are paid shall constitute the membership of this Section.

Section 2. Annual dues for membership in this Section shall be no more than \$20.00 per year. Section officers ~~will~~ will determine on an annual basis what amount will be collected for that year. Dues are payable upon enrollment and thereafter annually on the same fiscal year basis as Louisiana State Bar Association 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~~ Chairperson, a Vice-~~Chairman~~ Chairperson, and a Secretary-Treasurer. The officers shall be members of the Section Managers.

Section 2. Officers ~~will~~ shall be dues-paying ~~members~~ Members of the section who volunteer for the positions. When necessary they ~~will~~ will be chosen by election by the members.

Section 3. Each officer shall hold office for a term of two years, or ~~until~~ until such time as a successor ~~assumes~~ assumes office, may be from the same firm or law office.

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ARTICLE IV  
DUTIES OF OFFICERS

~~Chairman~~Chairperson shall act only during  
the ~~pendency~~pendency of the disability.

Section 1. ~~Chairman~~Chairperson. The  
~~Chairman~~Chairperson, ~~Vice-Chairperson~~  
or any section member appointed by  
the ~~Vice-Chairman~~Chairperson in the  
absence of the ~~Chairman~~Chairperson, shall  
preside at all meetings of the Section and  
the Section Managers. On consultation  
with the Section Managers, the  
~~Chairman~~Chairperson shall establish such  
committees as are deemed necessary and  
appoint the ~~Chairman~~Chairperson and  
members thereof who are to hold office  
during the ~~Chairman's~~Chairperson's term.  
The ~~Chairman~~Chairperson shall plan and  
supervise the program of the Section and  
the ~~performance~~performance of all activities  
of the Section. The ~~Chairman~~Chairperson  
shall keep the Section Managers informed  
and carry out its decisions. The  
~~Chairman~~Chairperson 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.

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Section 2. ~~Vice-Chairman~~ Chairperson.  
The ~~Vice~~, ~~Chairman~~Chairperson shall  
assist the ~~Chairman~~Chairperson, performing  
such tasks as shall be assigned by the  
~~Chairman~~Chairperson. The ~~Vice-Chairman~~  
Chairperson shall have primary  
responsibility for organizing Section  
Lunch/CLE seminars and shall handle all  
logistics, including but not limited to, dates,  
location, ~~speakers~~speakers and coordinating  
with the ~~MCLE-committee~~LSBA staff  
regarding CLE credits. In the absence of  
the ~~Chairman~~Chairperson, or upon the  
death, resignation or disability of the  
~~Chairman~~Chairperson, the ~~Vice-Chairman~~  
Chairperson shall perform the duties of the  
~~Chairman~~Chairperson for the remainder of  
the ~~term~~term of office; provided that in the  
case of disability, the Vice-

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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 Section Managers, whether assembled or acting under submission. With the ~~Chairman~~Chairperson, 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~~Chairperson as authorized by the Section Managers, 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 Section Managers 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.

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## ARTICLE V SECTION MANAGERS

Section 1. The Section Managers shall be composed of the current Section officers, past ~~chairmen~~Chairpersons and interested members selected by the Chairperson. Past Chairmen and past officers, and past chairmen may make recommendations to Chairperson regarding the appointment of any Section Manager.

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Section 2. The Section Managers 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.

present voting at any Section activity as described in Section 3, herein, shall constitute a quorum for the transaction of

Section 3. The Section Managers are authorized to take action in the name of the Section during intervals between meetings of the Section. All binding actions of the Section Managers shall be by majority vote of the Section Managers voting.

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

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## ARTICLE VI MEETINGS

Section 1. The annual meeting of the Section shall be held ~~during at either the~~ annual meeting of the Louisiana State Bar Association, ~~the LSBA annual Solo and Small Firm Conference~~ or at such time, location, and manner as may be decided by the ~~Chair~~. ~~The Chair will announce the location of the section annual meeting at least two (2) months prior to the date of the section annual meeting. The Section Managers, with such program and all members of the section may suggest agenda items, programs and the order of business as may be arranged by the Section Managers of the annual meeting.~~

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Section 2. The members of the Section

business, and the Section shall be bound by a majority vote of the such members present at such meeting voting.

State Bar Association on bills approved by the Section Managers.

Section 3. The business of this Section may be conducted in person, via electronic discussion group, email, telephone conference, or web conference, or such other reasonable method designated by the Section Managers or the Chairperson.

Section 4. The Section may schedule meetings, activities, and events at which business can be discussed, subject to the previous section.

Section 5. Voting allowed or authorized by these By-Laws may occur through any of the methods authorized in Section 3.

Section 6. The Secretary- Treasurer shall be responsible of taking and reporting the minutes of the meetings. However, the duty of the secretary-treasurer may be relieved of this obligation by the Chairperson and the Chairperson will assign the duties of this section to the person conducting the meeting.

## ARTICLE VII MISCELLANEOUS PROVISIONS

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

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

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

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

#### ARTICLE VIII AMENDMENTS

Section 1. These By-Laws may be amended at any 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 Section Managers, and provided further that no amendment so adopted shall become effective until approved by the Board of Governors of the Louisiana State Bar Association.

Approved by resolution on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2007.

| 2015.

XIV.7

**RESOLUTION OF THE  
SOLO AND SMALL FIRMS SECTION:  
OF THE LOUISIANA STATE BAR ASSOCIATION**

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WHEREAS, the current Bylaws of the Solo and Small Firms Section do not reflect the rules under which the Section has been operating for several years.

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WHEREAS, the Bylaws have been redrafted to reflect ~~to the operational rules~~ recognition of the ~~Section~~ gender neutral terms regarding Chairperson and Vice-Chairperson; to allow the new Bylaws have been approved by annual section meeting to be convened at the Section managers Annual Solo & Small Firm Conference or at the Annual meeting of the Louisiana State Bar Association; and the ~~Section membership~~ to restrict the participation of officers to one person per law firm or law office in keeping with the goal of the Solo and Small Firm Section.

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WHEREFORE, the Section requests that the LSBA House of Delegates approve the new Bylaws of the Solo and Small ~~Firms~~ Firms Section. This language, set forth on the attached sheets, details the operational rules of the Section: provided in a word and a compare word document.

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Respectfully submitted,  
LSBA Solo and Small Firms Section

\_\_\_\_\_  
Richard W. Martinez, Chair  
Solo and Small Firms Section

# Resolution 3



**RESOLUTION OF THE  
LOUISIANA BOARD OF LEGAL SPECIALIZATION  
AMEND FAMILY LAW STANDARDS**

**WHEREAS**, the Louisiana Board of Legal Specialization is empowered under Section 3.1C of the Louisiana State Bar Association Plan of Legal Specialization to make recommendations to the House of Delegates of the Louisiana State Bar Association with respect to reasonable and non-discriminatory standards concerning education, experience, proficiency and other relevant matters for granting certificates of special competence to lawyers in defined and designated fields of law;

**WHEREAS**, an amendment to the Supreme Court of Louisiana Rules for Continuing Legal Education was adopted to permit a member of the bar to earn CLE credit for providing uncompensated pro bono legal representation to an indigent or near-indigent client or clients;

**WHEREAS**, a review of the Louisiana Board of Legal Specialization Family Law Standards reflects that an amendment to the Standards is in order to permit board certified family law specialists to receive family law specialization CLE credit for providing pro bono legal representation in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education;

**WHEREAS**, a public hearing will be held on June 3, 2015 for the purpose of providing an opportunity for board certified specialists and members of the bar to comment on the proposed amendment to the Louisiana Board of Legal Specialization Family Law Standards; and

**WHEREAS**, it is the recommendation of the Louisiana Board of Legal Specialization that it would be appropriate to amend the Louisiana Board of Legal Specialization Family Law Standards to permit board certified family law specialists to receive family law specialization CLE credit for providing pro bono legal representation in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education;

**NOW, THEREFORE, BE IT RESOLVED** that:

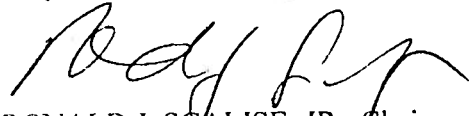
The Louisiana Board of Legal Specialization does hereby resolve that there should be an amendment to the Louisiana Board of Legal Specialization Family Law Standards which will permit board certified family law specialists to receive family law specialization CLE credit for providing pro bono legal representation in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

**FURTHER**, be it resolved that this Resolution be submitted to the House of Delegates of the Louisiana State Bar Association for approval.

APPROVED  
HOUSE OF DELEGATES  
JUNE 11, 2015  
DESTIN, FL  
APPROVED  
BOARD OF GOVERNORS  
JUNE 12, 2015  
DESTIN, FL

May 11, 2015  
New Orleans, Louisiana

Respectfully submitted,

  
RONALD J. SCALISE, JR., Chair  
Louisiana Board of Legal Specialization



## LOUISIANA BOARD OF LEGAL SPECIALIZATION FAMILY LAW STANDARDS

### Section I. DEFINITIONS

- A. The practice of law means full-time legal work performed for the purposes of rendering legal advice or legal representation to the general public, private employers or governmental agencies.
- B. Full-time shall be defined as working a minimum of 35 hours per week.
- C. Family law is defined as the actual practice of law dealing with all matters arising from or related to the areas of family law as defined in Section II, A9 herein.
- D. Certification as a specialist shall be effective the date the Louisiana Board of Legal Specialization authorizes recognition and shall remain effective for five (5) years from January 1 of the year of recognition.

### Section II. BASIC REQUIREMENTS

#### A. Application

In accordance with the Plan of Legal Specialization and the Rules and Regulations of the Louisiana Board of Legal Specialization, each applicant must satisfy the following criteria in order to apply for recognition as a family law specialist:

1. Each applicant shall be an active member in good standing of the Louisiana State Bar Association.
2. Each applicant shall have a minimum of five (5) years of actual practice of law on a full time basis immediately preceding the date of application.
3. Each applicant must certify under oath that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in each of the five (5) years immediately preceding the date of application in the field of family law and that he or she has actual experience in the representation of clients, contested hearings and trials, negotiation and settlement of family law matters, and knowledge of appellate procedures.
4. The Family Law Advisory Commission must receive on behalf of the applicant, on a form furnished by the Louisiana Board of Legal Specialization, a minimum of five (5) satisfactory reference statements in support of their application for certification from practicing attorneys who can attest to the applicant's competence in the specialty field of family law. Of the five (5) satisfactory reference statements, at least two (2) must be from a Board Certified Family Law Specialist. These submissions shall be subject to the limitations as outlined in section 8.4 of the Rules and Regulations of the Louisiana Board of Legal Specialization.
5. Each applicant shall consent to a confidential inquiry, by the Louisiana Board of Legal Specialization and/or the Family Law Advisory Commission, directed to all persons who serve as references for the applicant, and to other persons regarding the applicant's competence and

qualifications to be recognized as a Family Law Specialist. This inquiry and review shall consider information furnished by references and other information that the Advisory Commission deems relevant to demonstrate whether the applicant has sufficient competence and proficiency handling the usual matters of the specialty field. This information may include the applicant's work product, problem analysis, statement of issues and analysis, ethics, reputation, professionalism or such other criteria which the Advisory Commission deems appropriate to take into account prior to making its recommendations.

6. Each applicant must comply with the rules and regulations established by the Louisiana Board of Legal Specialization as they relate to release of disciplinary action information.
7. Each applicant is required to obtain by December 31 of the year of application, credit for 18 hours of continuing legal education (CLE) in the field of family law. All CLE credits of an applicant must be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE) and the Louisiana Board of Legal Specialization Family Law Advisory Commission. CLE earned in prior years may not be used to satisfy the 18 hours required within the year of application. An applicant will not qualify for specialization CLE exemption in the year of application.
8. Each applicant must provide evidence of professional liability insurance in the minimum amount of \$500,000 with the application. The professional liability insurance policy must be offered by a company reasonably acceptable to the Board.
9. Each applicant must pass a written examination applied uniformly to all applicants demonstrating sufficient knowledge, proficiency and experience in the following areas of family law as is necessary to justify the representation of special competence to the legal profession and to the public:
  - a. The procedure in Civil Code Articles 102 and 103 Divorces
  - b. Domicile, Venue and Jurisdiction
  - c. Child Support
  - d. Child Custody
  - e. Alimony/Spousal Support and Alimony/Spousal Support Pendente Lite
  - f. Use and Occupancy of the Family Home and Community Movables and Immovables, and Rental Value for Use and Occupancy
  - g. Temporary Restraining Orders and Injunctive Relief
  - h. Appointment of Attorneys to Represent Children in Child Custody and Visitation Proceedings
  - i. Matrimonial Regimes, including Partition of Community Property and Settlement of Claims Arising from Matrimonial Regimes
  - j. Co-ownership of Former Community Property
  - k. Qualified Domestic Relations Orders
  - l. Uniform Child Custody Jurisdiction Act
  - m. Parental Kidnapping Prevention Act
  - n. Matrimonial Agreements
  - o. The Domestic Abuse Assistance Act
  - p. Ethics and Professional Conflicts
  - q. Income Tax Consequences upon Divorce and Partition of Community Property
  - r. Qualified Medical Child Support Orders

The written examination may also include the following subjects, which are of lesser importance than the areas of family law listed above:

- a. Appeals and Writs
- b. Ex-parte Orders
- c. Illegitimates, Acknowledgment, Legitimation, Filiations, Disavowal, and Paternity Testing
- d. Divorce When the Defendant is a Non-resident, and Other Curator Issues
- e. Claims for Contributions to Education or Training
- f. Affidavits of Non-Military Service
- g. Visitation Rights of Non-Parents
- h. Major Pension Partition Cases
- i. Court Ordered Mediation
- j. Emancipation
- k. Evidence, but limited to evidentiary rules that are peculiar to family law or particularly important to family law

The following subjects, which are considered of lesser importance than the areas and subjects listed above, may be tested to a limited extent on the written examination:

- a. Name Confirmations
- b. Conflict of Laws
- c. Putative Marriages

The following topics are of limited importance, but the written examination may contain questions concerning them:

- a. Adoptions
- b. The Hague Convention
- c. Nullity of Marriage

#### B. Maintenance

In accordance with the Plan of Legal Specialization and the Rules and Regulations of the Louisiana Board of Legal Specialization, each Board Certified Family Law Specialist must satisfy the following criteria in order to maintain their family law specialization certification:

1. Be an active member in good standing of the Louisiana State Bar Association.
2. Certify under oath, on a form provided by the Louisiana Board of Legal Specialization, that he or she engages in the actual practice of law on a full time basis as defined in Section I herein.
3. Certify under oath, on a form provided by the Louisiana Board of Legal Specialization, that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of family law.
4. During each calendar year of certification, must attend a minimum of 18 hours of approved family law specialization continuing legal education programs which comply with Section III below and the Supreme Court of Louisiana Rules for Continuing Legal Education. Up to eight (8) hours of approved family law specialization CLE earned in excess of the 18 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.



5. Maintain professional liability insurance coverage in the minimum amount of \$500,000, unless waived for good cause by the Louisiana Board of Legal Specialization. The professional liability insurance policy must be offered by a company reasonably acceptable to the Board. Proof of said insurance shall be provided annually with payment of annual dues and upon request.
6. Pay all fees required by the Rules and Regulations of the Louisiana Board of Legal Specialization.

C. Recertification

1. Recertification as a Board Certified Family Law Specialist shall be required every five (5) years from the date of certification or recertification, as the case may be.
2. Each Board Certified Family Law Specialist shall present an application every five (5) years, on a form furnished by the Louisiana Board of Legal Specialization, certifying that he or she has met all of the requirements listed in Section II B above.

**Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION (CLE) PROGRAMS**

A. Program Development and Presentation

1. The program should contribute to the professional competence of a Board Certified Family Law Specialist in the area of family law and should be open for attendance by all such attorneys.
2. Programs should be developed by individuals(s) qualified in the subject matter.
3. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required) and teaching methods.
4. Instructors or discussion leaders should be qualified with respect to program content and teaching method used.
5. The program sponsor must maintain registration and/or attendance records and such other records as may be necessary to substantiate compliance of the program with the above criteria.

B. Programs Which Qualify

1. General Rule

Continuing legal education (CLE) programs must first be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE) before approval can be granted by the Family Law Advisory Commission. The overriding consideration in determining whether a specific program qualifies as acceptable continuing legal education is that it be a formal program of learning which contributes directly to the professional competence of an attorney who specializes in the field of family law.

2. Program Approval

Programs shall be approved on a case-by-case basis by the Family Law Advisory Commission provided the program meets the general standards set forth in Section III, A and B1 above.

No credit will be awarded for firm meetings or "in house" CLE programs.

**Section IV. OTHER METHODS OF EARNING SPECIALIZATION CLE CREDIT****A. General Rules**

1. Any other method of earning specialization CLE credit must be approved by MCLE before approval can be granted by the Family Law Advisory Commission, who shall then approve each request on a case-by-case basis.
2. All credit earned shall be calculated by MCLE in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.
3. All requests for CLE credit shall be submitted to MCLE and the Family Law Advisory Commission within a reasonable period of time but no later than January 31 of the calendar year following the activity for which CLE credit is being sought.

**B. Teaching**

1. CLE credit may be awarded for teaching an approved CLE program pertinent to the specialization subject matter. If an individual teaches at a program and attends the balance of the program, then he or she shall receive credit for that portion of the program he or she did not teach in accordance with the Supreme Court of Louisiana Rules for continuing Legal Education. No credit will be given for repetitious presentations of a program.
2. Teaching of academic courses in family law in a law school or other graduate level program presented by a recognized professional educational association may earn CLE credit.
3. CLE credit may be awarded for teaching a family law course at any seminar, provided the presentation meets all criteria contained in Section III, A and B.

**C. Writing**

CLE credit may be awarded for writing of articles and other publications directed primarily to attorneys specializing in family law and published in professional periodicals and publications. Credit will not be awarded for authorship of articles and other publications until the writing has been published.

**D. Louisiana State Law Institute Committee Meetings**

CLE credit may be awarded for attendance at Louisiana State Law Institute Committee meetings pertinent to the field of family law.

**E. Pro Bono**

*CLE credit may be awarded for providing uncompensated pro bono legal representation related to a family law matter, as defined in Section II A9 herein, to an indigent or near-indigent client or clients. CLE credit shall not be granted until the representation has been assigned, completed and verified by the assigning organization as defined by and in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.*

**Section V. CREDIT HOURS GRANTED**

- A. Only credit hours or the equivalent (and not hours devoted to preparation) will be counted.
- B. One (1) hour of continuing legal education credit will be awarded for each 60 minutes of instruction. Where the program is several periods of instructions with intervening breaks, the number of minutes of instructions are summed for the entire program for which credit is claimed and then such total number of minutes is divided by 60.
- C. A participant who is not present for an entire program may claim credit only for the actual time he or she attended.
- D. The credit hours assigned to a program by MCLE will be accepted by the Family Law Advisory Commission unless the hours are clearly inaccurate under the standards for computing credit in accordance with the Supreme Court of Louisiana Rules for continuing Legal Education.

**Section VI. COMPLIANCE****A. General Rule**

Specialization CLE credit hours will be computed on a calendar year basis and all attendance information for CLE earned shall be delivered to MCLE by January 31 of the following year.

**B. Notification**

The Louisiana Board of Legal Specialization will notify each non-compliant Board Certified Family Law Specialist of the credit hours he or she has earned during the preceding calendar year. The specialist shall have 30 days from notification to appeal any award of credit hours.

A specialization transcript may be obtained from the Louisiana Board of Legal Specialization website located at <http://www.lascmcle.org/specialization>

**Section VII. ADMINISTRATION**

The Family Law Advisory Commission may delegate its responsibility to rule on all matters pertaining to family law CLE requirements to a committee consisting of at least three (3) Family Law Advisory Commission members. Any such committee shall report to the Family Law Advisory Commission, and the Family Law Advisory Commission shall, at all times, retain the right to review, modify, or supersede decisions of any such committee.

# Resolution 4



**RESOLUTION OF THE  
LOUISIANA BOARD OF LEGAL SPECIALIZATION  
APPELLATE PRACTICE SPECIALTY**

**WHEREAS**, the Louisiana Board of Legal Specialization is empowered under Section 3.1(B) of the Louisiana State Bar Association Plan of Legal Specialization to make recommendations to the House of Delegates of the Louisiana State Bar Association with respect to areas of specialty and certification in fields of law;

**WHEREAS**, the Louisiana Board of Legal Specialization has received 60 requests from members of the bar practicing in the field of appellate law in the State of Louisiana indicating their interest and support in the establishment of a specialty and certification in appellate law. Many of these practitioners also indicated their willingness to serve as a member of the initial Advisory Commission to the Louisiana Board of Legal Specialization in the area of Appellate Law.

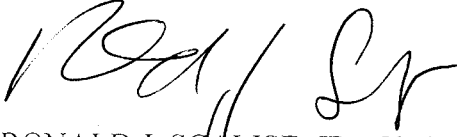
**WHEREAS**, the Louisiana Board of Legal Specialization hereby makes its recommendation that it would be appropriate to certify those attorneys practicing in the field of appellate law for the good of the Louisiana State Bar Association and for the good of the public utilizing those services.

**NOW, THEREFORE, BE IT RESOLVED** that:

The Louisiana Board of Legal Specialization does hereby resolve that there should be an additional area of specialty and certification for those attorneys practicing in the field of appellate law.

**FURTHER**, be it resolved that this Resolution be submitted to the House of Delegates of the Louisiana State Bar Association for approval.

Respectfully submitted,

  
RONALD J. SCALISE, JR., Chair  
Louisiana Board of Legal Specialization

May 8, 2015  
New Orleans, Louisiana

APPROVED  
HOUSE OF DELEGATES  
JUNE 11, 2015  
DESTIN, FL

APPROVED  
BOARD OF GOVERNORS  
JUNE 12, 2015  
DESTIN, FL

# Resolution 5



**RESOLUTION OF THE  
LOUISIANA BOARD OF LEGAL SPECIALIZATION  
APPELLATE PRACTICE STANDARDS**

**WHEREAS**, the Louisiana Board of Legal Specialization empowered under Section 3.1(C) of the Louisiana State Bar Association Plan of Legal Specialization to make recommendations to the House of Delegates of the Louisiana State Bar Association with respect to reasonable and non-discriminatory standards concerning education, experience, proficiency and other relevant matters in defined and designated fields of law so certificates of special competence may be granted;

**WHEREAS**, a new specialty and certification in appellate law has been approved by the House of Delegates of the Louisiana State Bar Association;

**WHEREAS**, a public hearing was held on December 3, 2014 for the purpose of providing an opportunity for board certified specialists and members of the bar to comment on the proposed standards for the appellate law specialty and certification; and

**WHEREAS**, at a meeting of the Louisiana Board of Legal Specialization held on May 8, 2015, it was unanimously agreed that a recommendation be made to the House of Delegates of the Louisiana State Bar Association to adopt the proposed standards for appellate practice a copy of which is attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED** that:

The Louisiana Board of Legal Specialization does hereby resolve that the proposed standards for Appellate Practice be adopted and approved.

**FURTHER**, be it resolved that this Resolution be submitted to the House of Delegates of the Louisiana State Bar Association for approval.

Respectfully submitted,

RONALD J. SCALISE, JR., Chair  
Louisiana Board of Legal Specialization

May 8, 2015  
New Orleans, Louisiana

APPROVED  
HOUSE OF DELEGATES  
JUNE 11, 2015  
DESTIN, FL

APPROVED  
BOARD OF GOVERNORS  
JUNE 12, 2015  
DESTIN, FL



## LOUISIANA BOARD OF LEGAL SPECIALIZATION APPELLATE PRACTICE STANDARDS

Pursuant to the authority vested in the Louisiana Board of Legal Specialization (the "Board") by the Supreme Court of Louisiana, the Board, on the recommendation of the Appellate Practice Advisory Commission (the "Advisory Commission"), prescribes the following standards and requirements for Board certification in Appellate Practice in accordance with the Louisiana State Bar Association Plan of Legal Specialization (the "Plan") and Rules and Regulations of the Louisiana Board of Legal Specialization (the "Rules").

### Section I. DEFINITIONS

- A. The practice of law means full-time legal work performed for the purpose of rendering legal advice or legal representation to the general public, private employers, or governmental agencies.
- B. Full time shall be defined as working a minimum of 35 hours per week.
- C. Appellate Practice is defined as the practice of law involving matters brought before a Louisiana or federal appellate court;
- D. Certification as a specialist shall be effective the date the Board authorizes recognition and shall remain effective for five (5) years from January 1 of the year of recognition.

### Section II. BASIC REQUIREMENTS

#### A. Application

Applicants must at the time of initial application for certification:

1. Be an active member in good standing of the Louisiana State Bar Association;
2. Have a minimum of five (5) years of continuous actual practice of law on a full time basis preceding the year of application;
3. Certify under oath that during the five (5) years immediately preceding the year of application they have devoted a minimum of 25% of a full-time work schedule in the practice of law annually in the field of appellate practice as defined in Section I, C.
4. Have served as lead counsel, or had substantial responsibility in, 25 or more appellate matters at the time of application. Applicants who have served on the appellate bench for three (3) or more years in the five (5) years immediately preceding the date of application are exempted from this requirement;
5. Have presented at least six (6) oral arguments, one of which must have been to the Louisiana Supreme Court over the course of their professional careers;
6. The Advisory Commission must receive on behalf of an applicant, on a form furnished by the Louisiana Board of Legal Specialization, a minimum of five (5) reference statements



from practicing attorneys who can attest to the applicant's competence in the specialty field of appellate practice. Of the five (5) references, at least one (1) must be from a Board Certified Appellate Practice Specialist. These submissions shall be subject to the limitations outlined in Rule 8.4 of the Rules;

7. Consent to a confidential inquiry by the Board and/or the Advisory Commission, directed to any person who serves as a reference for the applicant, and to other persons regarding the applicant's competence and qualifications to be recognized as an Appellate Practice Specialist. This inquiry and review shall consider information furnished by references and other information that the Advisory Commission deems relevant to whether the applicant has sufficient competence and proficiency handling the usual matters of appellate practice. This information may include the applicant's work product, ethics, reputation, professionalism, or such other criteria that the Advisory Commission deems appropriate to consider in reaching its recommendations;
8. Comply with the rules and regulations established by the Board as they relate to release of disciplinary action information;
9. Obtain by December 31 of the year of application a minimum of 18 hours of continuing legal education (CLE) in the field of appellate law. All CLE credits of an applicant must be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 18 hour requirement within the year of application. An applicant will not qualify for the specialization CLE exemption under Rule 7.10 of the Rules in the year of application.
10. Maintain professional liability insurance in the minimum amount of \$1,000,000 and the policy must be offered by a company reasonably acceptable to the Board. Evidence of insurance shall be provided with the application.
11. Take and pass a written examination.
12. Certify under oath to having met these requirements.

B. Maintenance

Those bar members certified in the Appellate Practice specialty must satisfy the following requirements to maintain their certifications:

1. Be an active member in good standing of the Louisiana State Bar Association;
2. Certify under oath, on a form provided by the Board, that they engage in the actual practice of law on a full time basis;
3. Certify under oath, on a form provided by the Board, that they have devoted a minimum of 25% of a full time work schedule in the practice of law annually in the field of appellate practice, as defined in Section I, C herein.
4. During each year of certification, must attend a minimum of 18 hours of approved appellate law continuing legal education programs that comply with Section III below and the Supreme Court of Louisiana Rules for Continuing Legal Education. Up to eight (8) hours of

approved appellate law specialization CLE earned in excess of the 18 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.

5. Maintain professional liability insurance in the minimum amount of \$1,000,000, unless waived for good cause by the Board. The policy must be offered by a company reasonably acceptable to the Board. Proof of insurance shall be provided annually with payment of the annual dues upon request.
6. Pay all fees required by the Rules.

C. Recertification

1. Recertification as a Board Certified Appellate Practice Specialist shall be required every five (5) years from the date of certification or recertification, as the case may be.
2. Each Board Certified Appellate Practice Specialist shall present an application every five (5) years, on a form furnished by the Board, certifying that he or she has met the requirements of Section II B above.

**Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS**

A. Program Development and Presentation

1. The program should contribute to the professional competence of a Board Certified Appellate Practice Specialist and should be open for attendance by all such attorneys;
2. Programs should be developed by individual(s) qualified in the subject matter;
3. Program content should be current, and 70% or more of the program must be related to appellate practice subjects. No specialization continuing legal education credit will be awarded for attending a program that does not satisfy the 70% requirement.
4. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required), and teaching methods to be used;
5. Instructors or discussion leaders should be qualified with respect to program content and teaching method used;
6. Program sponsors should encourage participation only by individuals with appropriate education and/or experience;
7. The program sponsor must maintain registration and/or attendance records and such other records as may be necessary to substantiate compliance of the program with the above criteria.

B. Program Qualification

1. General Rule

Continuing legal education programs must be approved by the Louisiana Supreme Court Committee on Mandatory Continuing Legal Education (MCLE) before approval can be granted by the Advisory Commission. The overriding consideration in determining if a specific program qualifies as acceptable continuing legal education is that it be a formal program of learning which contributes directly to the professional competence of an attorney who specializes in the field of Appellate Practice.

2. Program Approval

Programs shall be approved on a case-by-case basis by the Advisory Commission provided the program meets the general standards set forth in Section III, A and B1.

No credit shall be awarded for firm meetings or "in house" CLE programs.

**Section IV. OTHER METHODS OF EARNING SPECIALIZATION CLE CREDIT**

A. General Rules

1. Any other method of earning specialization CLE credit must be approved by MCLE before approval can be granted by the Advisory Commission, who shall then consider each request on a case-by-case basis.
2. All credit earned shall be calculated by MCLE in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.
3. All requests for CLE credit shall be submitted to MCLE and the Advisory Commission within a reasonable period of time but no later than January 31 of the calendar year following the activity for which CLE credit is being sought.

B. Teaching

1. CLE credit may be awarded for teaching an approved CLE program pertinent to the specialization subject matter. If an individual teaches at a program and attends the balance of the program, then he or she shall receive credit for that portion of the program he or she did not teach in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education. No credit will be given for repetitious presentations of a program.
2. Teaching of academic courses in appellate practice in a law school or other graduate level program presented by a recognized professional educational association may earn CLE credit.
3. CLE credit may be awarded for teaching an appellate practice course at any seminar, provided the presentation meets all criteria contained in Section III, A and B, other than Section III, A,3.

C. Writing

CLE credit may be awarded for writing articles and other publications directed primarily to attorneys specializing in the field of appellate practice and published in professional periodicals and publications. Credit will not be awarded for authorship of articles and other publications until the writing has been published.

D. Louisiana State Law Institute Committee meetings

CLE credit may be awarded for attendance at Louisiana State Law Institute Committee meetings pertinent to the field of appellate practice.

**Section V. CREDIT HOURS GRANTED**

- A. Only credit hours or the equivalent (and not hours dedicated to preparation) will be counted.
- B. One (1) hour of continuing legal education credit will be awarded for each 60 minutes of instruction. Where the program is several periods of instruction with intervening breaks, the number of minutes of instruction is summed for the entire program for which the credit is claimed and then the total number of minutes is divided by 60.
- C. A participant who is not present for an entire program may claim credit only for the portion he or she attended.
- D. The credit hours assigned to a program by MCLE will be accepted by the Advisory Commission unless the hours are clearly inaccurate under the standards for computing credit in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

**Section VI. COMPLIANCE**

A. General Rule

Specialization CLE credit hours will be computed on a calendar year basis and all attendance information for CLE credits earned shall be delivered to MCLE by January 31 of the following year.

B. Notification

The Board will notify each non-compliant Board Certified Appellate Practice Specialist of the credit hours he or she has earned during the preceding calendar year. The specialist shall have 30 days from the date of notification to appeal the award of credit hours.

A specialization transcript may be obtained from the Board website located at <http://www.lasemcle.org/specialization>

**Section VII. ADMINISTRATION**

The Advisory Commission may delegate its responsibility to rule on all matters pertaining to appellate practice CLE requirements to a committee consisting of at least three (3) Advisory Commission members. Any such committee shall report to the Advisory Commission, and the Advisory Commission shall, at all times, retain the right to review, modify, or supersede the decisions of any such committee.

# Resolution 6

**RESOLUTION TO CREATE THE LOUISIANA ACCESS TO JUSTICE COMMISSION**  
**Proposed by the**  
**ACCESS TO JUSTICE POLICY COMMITTEE OF**  
**THE LOUISIANA STATE BAR ASSOCIATION**

**WHEREAS**, Louisiana’s legal system is founded upon the fundamental principle that our courts be accessible to all persons;

**WHEREAS**, access to justice for low and moderate income Louisianans is and continues to be an area of critical need that requires a coordinated and systemic approach;

**WHEREAS**, the importance of this statewide coordinated approach has been of fundamental interest to the Louisiana State Bar Association (“LSBA”) and its members and in 1997 the LSBA created an Access to Justice Committee which at the time was one of only seven in the nation;

**WHEREAS**, in order to ensure a broader, systemic examination of Access to Justice issues, the LSBA in 2007 established an Access to Justice Policy Committee as an umbrella committee focused on assuring continuity of policy and purpose in the collaboration between the private bar and the civil justice community ;

**WHEREAS**, a recent review of the LSBA’s Access to Justice efforts by a nationally recognized consultant concluded that the LSBA’s Access to Justice Committees have made great strides in expanding, coordinating and promoting effective and economical civil legal services delivery for vulnerable low and moderate income people in Louisiana and that the initiatives and programs in place in Louisiana are amongst the best in the country;

**WHEREAS**, the model of statewide Access To Justice entities in “commission” formats has been recognized nationally, including by the Conference of Chief Justices and Conference of State Court Administrators through joint resolutions calling on states to support the creation of Access to Justice Commissions;

**WHEREAS**, recognizing the importance of civil equal justice to the proper functioning of our democracy, and the need for leadership and effective coordination of civil equal justice efforts in our state, the Louisiana State Bar Association’s Access to Justice Policy Committee and Access to Justice Committee encourage the continuation of that ongoing work through the creation of a Louisiana Access to Justice Commission which will operate as a collaboration between the Louisiana Supreme Court and the Louisiana State Bar Association;

**WHEREAS**, the Access to Justice Policy Committee recommends that the Louisiana Access to Justice Commission be created, and established in the following manner:

**1. MISSION STATEMENT**

The Mission of the Louisiana Access to Justice Commission is to assure continuity of policy and purpose in the collaboration between the private bar, the courts, and the civil justice community so as to further the goal of assuring that Louisianans, regardless of their economic circumstance, have access to equal justice under the law.

## **2. GOALS**

The Louisiana Access to Justice Commission will operate as an LSBA Committee and will be a collaboration between the LSBA and the Supreme Court to:

- Educate the people of Louisiana about the importance of equal access to justice and of the challenges many Louisianans face in effectively accessing our civil justice system;
- Foster the development of a strong statewide civil legal services delivery system by licensed attorneys;
- Encourage a strong and consistent commitment to providing equal access to justice among the leaders of our state;
- Develop and recommend initiatives to increase effective access to the civil justice system for all Louisianans;
- Develop and recommend initiatives intended to maximize resources and funding for access to justice in civil matters and to encourage the wise and efficient use of the available resources;
- Identify and assess current gaps and future needs for access to justice in civil matters by low-income Louisianans;
- Develop and recommend initiatives to reduce systemic barriers to access to justice, including enhancing resources for self-represented litigants
- Encourage members of the bar to provide pro bono legal services as a regular component of their practice;
- Perform such other tasks as are necessary from time to time to encourage enhancement and expansion of the availability and provision of civil legal services by licensed attorneys to persons of limited financial resources;
- Periodically report to the Louisiana State Bar Association Board of Governors and the Supreme Court on the effectiveness of the statewide access to justice system and services provided within the umbrella of that system;
- Periodically evaluate the progress made by the Access To Justice Commission in fulfilling its mission.

## **3. MEMBERSHIP**

The Louisiana Access to Justice Commission is a standing committee of the Louisiana State Bar Association and consists of 21 voting members appointed by the President of

the Louisiana State Bar Association upon consultation with the Chief Justice of the Louisiana Supreme Court. Appointments shall include:

- Representatives of the diverse ethnic, gender, legal and geographic communities of Louisiana;
- Lawyers who have demonstrated a commitment to and familiarity with access to justice issues in Louisiana; and
- Lawyers who reflect the diversity of types of civil legal aid providers.

Membership shall include:

- a Justice of the Louisiana Supreme Court
- two members of the Louisiana District Judges Association, at least one being a member of the Rural Judges Committee
- a representative from the Judicial Administrative Office of the Louisiana Supreme Court
- a member of the Executive Committee of the Louisiana State Bar Association
- a member of the Louisiana State Bar Association's Board of Governors
- the Chair of the LSBA Access to Justice Committee
- an officer of the Louisiana Bar Foundation
- a member of the Board of Directors of the Louisiana Bar Foundation
- two members representing a federally-funded Louisiana Legal Services Corporation (Executive Director or Board Chair)
- a representative of a pro bono organization
- at least one private practitioner
- a representative of two of the Louisiana Law Schools faculties, with seats to be rotated amongst the schools
- a representative from the Clerk of Court's Association
- two corporate or "in-house" counsel drawn by preference from the Corporate Counsel Committee of the LSBA

#### **4. CO-CHAIRS**

The Louisiana Access to Justice Commission will be co-chaired by a member of the Judiciary and a member of the bar as appointed by the President of the Louisiana State Bar Association upon consultation with the Chief Justice of the Louisiana Supreme Court.

#### **5. PLANNING**

The Louisiana ATJ Commission will facilitate strategic planning for the Louisiana Civil Justice Community and may create such sub-committees and appoint such sub-committee members as are necessary to facilitate the work of the Commission, subject to the approval of the President of the Louisiana State Bar Association.

#### **6. STAFFING**

The Louisiana State Bar Association will provide staffing for the Louisiana ATJ Commission to the same degree that it provides staffing to other standing committees. The budget for the ATJ Commission will be subject to the Louisiana State Bar



Association's annual budgetary process. Supervision of the budget of the Commission is the responsibility of the Louisiana State Bar Association Board of Governors. The Commission and staff supporting the Commission will comply with the fiscal policies of the Louisiana State Bar Association.

## 7. REPORTING

The Commission will produce an annual report and provide copies to the Board of Governors of the Louisiana State Bar Association and Louisiana Supreme Court. The Commission will also provide oral reports as requested by the Bar and Court.

**NOW, THEREFORE BE IT RESOLVED**, that Louisiana State Bar Association create the Louisiana Access to Justice Commission; and,

**BE IT FURTHER RESOLVED**, that the Louisiana Access to Justice Commission be established in accordance with the recommendations herein and the bylaws of the Louisiana State Bar Association be amended accordingly.

Respectfully submitted,  
May 11, 2015



Marta-Ann Schnabel, Chair  
LSBA Access to Justice Policy Committee

APPROVED  
HOUSE OF DELEGATES  
JUNE 11, 2015  
DESTIN, FL

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BOARD OF GOVERNORS  
JUNE 12, 2015  
DESTIN, FL

# Resolution 7

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May 8, 2015

Barry H. Grodsky  
Secretary, Louisiana State  
Bar Association  
601 St. Charles Avenue  
New Orleans, LA 70130-3404

**Via Email: [bgrodsky@taggartmorton.com](mailto:bgrodsky@taggartmorton.com)**  
**and U.S. Mail**

**Re: LSBA House of Delegates/ Proposed  
Resolution to Adopt Rule 1.19**

Dear Mr. Secretary:

Please find the enclosed Resolution which I, as a member of the House of Delegates, wish to submit for consideration at the next meeting of the House of Delegates, which I understand will take place in early June. If you have any questions, or if anything further is necessary, please advise.

Sincerely,

  
Steven G. "Buzz" Durio

SGD/bws  
Enclosure

cc: Joseph L. Shea, Jr., President (with enclosure)  
(via email only: [jshea@bradleyfirm.com](mailto:jshea@bradleyfirm.com))  
Loretta Larsen, Executive Director (with enclosure)  
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#312565

**RESOLUTION OF THE LSBA HOUSE OF DELEGATES  
TO ADOPT RULE 1.19 OF THE  
SOUTH CAROLINA RULES OF PROFESSIONAL CONDUCT  
AS RULE 1.19 OF THE LOUISIANA RULES  
OF PROFESSIONAL RESPONSIBILITY**

WHEREAS, the Lawyers in Transition Committee has previously recommended that lawyers adopt written succession plans specifying what steps must be taken in the event of their death or disability from practicing law;

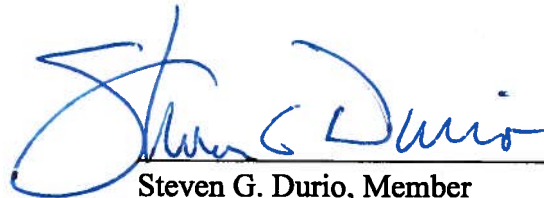
WHEREAS, this recommended procedure was adopted in July 2013 as part of the Rules of Professional Conduct in South Carolina, a copy of which is attached hereto as Exhibit 1.19; and

WHEREAS, the adoption of this Rule 1.19 in Louisiana would greatly benefit the practice of law by assisting and providing a vehicle for transition of many elderly lawyers and widowed spouses of lawyers, and in many other instances;

WHEREAS, there is no sufficient public policy or professional responsibility reason to deny the benefit of this recommended procedure to the clients of Louisiana lawyers, and/or their spouses and children;

THEREFORE, BE IT RESOLVED that the Association urge the Louisiana Supreme Court to adopt the attached proposed Rule 1.19 as Rule 1.19 of the Louisiana Rules of Professional Responsibility.

Respectfully submitted,



Steven G. Durio, Member  
Fifteenth Judicial District

May 8, 2015

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## **EXHIBIT 1.19**

### **South Carolina Rule 1.19**

- (a) Lawyers should prepare written, detailed succession plans specifying what steps must be taken in the event of their death or disability from practicing law.
- (b) As part of any succession plan, a lawyer may arrange for one or more successor lawyers or law firms to assume responsibility for the interests of the lawyer's clients in the event of death or disability from practicing law. Such designation may set out a fee-sharing arrangement with the successor. Nothing in this rule or the lawyer's designation shall prevent the client from seeking and retaining a different lawyer or law firm than the successor. The lawyer to be designated must consent to the designation.
- (c) A registry shall be maintained by the South Carolina Bar. The successor lawyer(s) shall be identified on the lawyer's annual license fee statement.

### **(Proposed) Louisiana Rule 1.19**

- (a) Lawyers should prepare written, detailed succession plans specifying what steps must be taken in the event of their death or disability from practicing law.
- (b) As part of any succession plan, a lawyer may arrange for one or more successor lawyers or law firms to assume responsibility for the interests of the lawyer's clients in the event of death or disability from practicing law. Such designation may set out a fee-sharing arrangement with the successor. Nothing in this rule or the lawyer's designation shall prevent the client from seeking and retaining a different lawyer or law firm than the successor. The lawyer to be designated must consent to the designation.
- (c) A registry shall be maintained by the Louisiana State Bar Association. Each lawyer shall designate any successor lawyer on the lawyer's annual registration statement.

# Resolution 8

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

WHEREAS, the State of Louisiana is obligated under the Louisiana Constitution and the United States Constitution to provide sufficient funding for criminal indigent defense;

WHEREAS, Public Defender Offices in certain judicial districts in Louisiana have restricted their services and stopped accepting new cases due to insufficient funding;

WHEREAS, Public Defender Offices in other judicial districts in Louisiana anticipate that insufficient funding will cause them to restrict services in the near future;

WHEREAS, certain courts have been forced to appoint attorneys to represent criminal indigent defendants without compensation in order to avoid a constitutional crisis;

WHEREAS, the House of Delegates supports the judiciary and acknowledges that the judicial branch is not at fault for the financial crisis facing the public defense system;

WHEREAS, compelling attorneys to represent indigent criminal defendants without compensation imposes a significant financial hardship on those attorneys in the form of lost opportunity costs, disruption of their practices, and out-of-pocket expenses;

WHEREAS, compelling attorneys to represent indigent criminal defendants without compensation potentially raises serious ethical issues for attorneys with no prior criminal law experience and for attorneys who have professional conflicts of interest; and

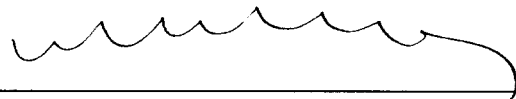
WHEREAS, compelling attorneys to provide uncompensated professional services for the benefit of the State imposes an unlegislated and discriminatory tax on attorneys and arguably violates constitutional protections against the taking of property by the State.

NOW THEREFORE BE IT RESOLVED, that the Louisiana State Bar Association objects to compelling attorneys to provide uncompensated professional services for the benefit of the State and endorses and encourages private litigation that would challenge the

constitutionality and lawfulness of appointing attorneys to represent indigent defendants without compensation; and

BE IT FURTHER RESOLVED, that the Louisiana State Bar Association urges the Louisiana Legislature to authorize sufficient funding to meet the State's constitutional obligation to provide effective assistance of counsel for indigent defendants in state criminal proceedings.

SUBMITTED BY:



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Michael W. McKay  
Delegate, 19<sup>th</sup> Judicial District

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