

**MINUTES OF THE HOUSE OF DELEGATES
OF THE LOUISIANA STATE BAR ASSOCIATION
JANUARY 13, 2001**

The House of Delegates was convened at 9:15 a.m. on Saturday, January 13, 2001, in the International Ballroom of the Fairmont Hotel in New Orleans, Louisiana.

I Roll Call by the Secretary.

After reviewing the delegate check-in roster, Secretary Elizabeth Haecker Ryan determined that a quorum was present. A copy of the attendance roster is attached as an addendum to these Minutes. President E. Phelps Gay declared the meeting to be in session.

II Presentation for approval of the minutes of the late meeting of the House.

The following motion was made:

“BE IT RESOLVED, that the minutes of the June 8, 2000 meeting of the House of Delegates are approved.”

The motion was seconded and passed unanimously.

III Reports of Standing Committees of the House.

No oral reports were given; all reports that were in writing were submitted.

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

President Gay announced that Mr. James R. McClelland of Franklin would serve as the Parliamentarian during the meeting.

President Gay reported that the deadline for qualifying by petition for the positions of President-Elect and Secretary had been met and confirmed the Nominating Committee's selection of Mr. Larry Feldman, Jr. of Shreveport as President-Elect for 2001-02 and Ms. Marta-Ann Schnabel of New Orleans as Secretary for 2001-03.

He then commended the committee chairs for their assistance in developing the committee report book that was distributed to each member of the House. President Gay further commended Mr. Michael H. Rubin, President-Elect, for suggesting the committee report book and Ms. Judith W. Dugar, Director of Member Services, for gathering the reports and compiling the book.

President Gay informed the House that the Louisiana Professional Responsibility Law and Practice book, a single-volume reference containing all relevant standards governing lawyer and judicial conduct in Louisiana and extensive annotations to the Louisiana Rules of Professional Conduct, was now available at a charge of \$45. He commended Prof. Dane S. Ciolino of Loyola University School of Law for authoring, editing and annotating the book. He further

commended the members of the reading committee for their work and dedication in seeing the book to completion.

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

1. Professionalism and Qualify of Life Committee.

James A. George, committee chair, briefly reported on the professionalism programs in the law schools. The programs were held at all four law schools in late August and were well received. Mr. George invited the members of the House to join the committee in August 2001 as they launch the second series of programs.

2. Practice Assistance and Improvement Committee.

Lila Tritico Hogan, committee chair, reported on two components of the current program. The committee is now working to expand the program by working with the Supreme Court's Ad Hoc Committee to Study the Establishment of Mandatory Internship Program. A subcommittee has been formed to consider fees and arbitration, and a Practice Aid Guide subcommittee was appointed, the goal of which is to produce a booklet with disc of law office management forms. The subcommittee has obtained a commitment from the LSBA sponsored insurance carrier to publish the book which will be distributed at no charge to all attorneys licensed to practice in Louisiana. Thereafter, the book will be provided to new admittees.

3. Court Rules Committee.

Susie Morgan, committee chair, provided a brief report on the recent activities of the committee, including meetings held with various judicial and bar groups urging their acceptance of uniform court rules.

4. Committee on Legislation.

Monica T. Surprenant, committee chair, reported on reactivation of the committee, monitoring of pending legislation, and consideration of an LSBA legislation policy within constitutional guidelines.

5. Client Protection Fund Study Committee.

Frank X. Neuner, Jr., committee chair, referred the House to the committee report book for details on the committee's activities. He then briefly reported on the review of the fund by the ABA and the committee's consideration of the 23 recommendations that were made by the ABA following the review. He stated that the Study Committee will continue to focus on developing a funding solution.

VI New Business

1. Resolution from Public Information Committee for LSBA to adopt Disaster Response Plan to be utilized in times of crisis or disaster.

Timothy A. Maragos, member of the committee, spoke briefly on the merits of the resolution and proposed a clarifying amendment on page five, subsection D(1)(d) paragraph 4, line 1, by adding the words "in a particular disaster" following "participating." He then made the following motion:

"BE IT RESOLVED, that the resolution requesting the adoption of a Disaster Response Plan to be utilized in times of crisis or disaster, a copy of which is attached, be adopted as amended."

The motion was seconded and adopted.

2. Resolution from Bar Governance Committee to create new districts for the election of members of the Nominating Committee, to increase the size of the Nominating Committee and to formalize the rotation of officers.

Lawrence J. Centola, co-chair of the committee, made the following motion:

"BE IT RESOLVED, that the resolution to create new districts for the election of members of the Nominating Committee, to increase the size of the Nominating Committee and to formalize the rotation of officers, a copy of which is attached, be adopted."

The motion was seconded and adopted.

3. **Resolution from Bar Governance Committee to amend the Rules of the House of Delegates in order to delete all references to the Committee on Credentials and Admissions and to change references from General Convention to General Assembly.**

Lawrence J. Centola, co-chair of the committee, made the following motion:

“BE IT RESOLVED, that the resolution to amend the Rules of the House of Delegates in order to delete all references to the Committee on Credentials and Admissions and to change references from General Convention to General Assembly, a copy of which is attached, be adopted.”

The motion was seconded and unanimously adopted.

4. **Resolution from House of Delegates Committee on Liaison to elect Committee on Liaison at Midyear Meeting instead of Annual Meeting, and to create a rotation for the election of committee members.**

Wayne J. Lee, committee chair, made the following motion:

“BE IT RESOLVED, that the resolution to elect House of Delegates Committee on Liaison at Midyear Meeting instead of Annual Meeting and to create a rotation for the election of committee members, a copy of which is attached, be adopted.”

The motion was seconded and adopted.

President Gay then opened the floor for nominations for the position of Chair of the House of Delegates Committee on Liaison and two (2) committee members. The following motions were made:

“BE IT RESOLVED, that G. Steven Duplechain of Baton Rouge serve as Chair of the House of Delegates Committee on Liaison Committee.”

“BE IT RESOLVED, that C. Wendell Manning of Monroe serve as a member of the House of Delegates Committee on Liaison Committee.”

“BE IT RESOLVED, that Andrew Reed of Morgan City serve as a member of the House of Delegates on Liaison Committee.”

The motions were seconded and unanimously adopted.

5. Resolutions from the Ethics 2000 Committee:

- a. To recommend to the Louisiana Supreme Court amendments to Rules of Professional Conduct 3.6, 8.1(c), 8.4(g), and 1.16(d). These amendments deal with trial publicity, release of client files, and a general clean-up of the Rules.**

Harry S. Hardin III, committee chair, spoke briefly on the purpose of the resolution and offered a friendly amendment to Rule 3.6 (a), second line, by changing the word "person" to "lawyer" and "would expect" to "knows or reasonably should know would". Mr. Hardin then moved that the question be divided into Rule 3.6, Rule 1.16(d) and combine Rules 8.1(c) and 8.4(g). The motion was seconded and adopted. The following motion was then made:

"BE IT RESOLVED, that the recommendation to the Louisiana Supreme Court to amend Rules of Professional Conduct 1.16(d), a copy of which is attached, be adopted."

The motion was seconded and adopted. The following motion was then made:

"BE IT RESOLVED, that the recommendation to the Louisiana Supreme Court to amend Rules of Professional Conduct 8.4(g), a copy of which is attached, be adopted."

The motion was seconded and adopted. The following motion was made:

"BE IT RESOLVED, that the recommendation to the Louisiana Supreme Court to amend Rules of Professional Conduct 8.1(c), a copy of which is attached, be adopted."

The motion was seconded and adopted. The following motion was made:

“BE IT RESOLVED, that the recommendation to the Louisiana Supreme Court to amend Rules of Professional Conduct 3.6 as amended, a copy of which is attached, be tabled.”

The motion was seconded and adopted.

- b. To recommend to the Louisiana Supreme Court the adoption of a new section of the Rules of Professional Conduct, 1.16(e), which deals with retaining documents relating to closed matters.**

Mr. Hardin made the following motion:

“BE IT RESOLVED, that the recommendation to the Louisiana Supreme Court to adopt a new section of the Rules of Professional Conduct, 1.16(e), a copy of which is attached, be adopted.”

Ms. Hogan offered a friendly amendment to 1.16(e), adding “regarding financial records or with the provisions of Rule XIX, Section 31, regarding the exemption from liberative prescription.” The friendly amendment was accepted by Mr. Hardin. A second friendly amendment to Rule 1.16(e) was offered to add the word “original” preceding the word “materials” in the first line, the word “materials” in the fourth line and “materials” in the ninth line. Following discussion, the word “original” was substituted with “non-duplicative”. Mr. Hardin accepted the additional friendly amendment. The following motion was then made:

“BE IT RESOLVED, that the recommendation to the Louisiana Supreme Court to adopt a new section, Rule 1.16(e), a copy of which is attached, be adopted as amended.”

The motion was seconded and defeated.

- c. To recommend to the Louisiana Supreme Court amendment to Rules of Professional Conduct 1.15(b), which deals with receipt of funds or property in which a third party has an interest.**

Mr. Hardin made the following motion:

“BE IT RESOLVED, that the recommendation to the Louisiana Supreme Court to amend Rules of Professional Conduct 1.15(b), a copy of which is attached, be adopted.”

The motion was seconded. After discussion, the following motion to amend was made:

“BE IT RESOLVED, that the recommendation to the Louisiana Supreme Court to amend Rules of Professional Conduct 1.15(b) be amended by inserting the words “or deposited in a concurs proceeding” following the word “client” in line seven.”

The motion was seconded and defeated. The House then voted on the original motion. As a definitive voice vote could not be determined, a division of the House was requested by President Gay. The original resolution was adopted by a vote of 94 in favor and 31 against.

6. Resolution from Troy E. Bain to recommend to the Louisiana Supreme Court amendment to Rules of Professional Conduct 7, which deals with lawyer advertising.

Mr. Bain made the following motion:

“BE IT RESOLVED, that the recommendation to the Louisiana Supreme Court to amend Rules of Professional Conduct 7 by the addition of a new section, 7.5, a copy of which is attached, be adopted.”

The motion was seconded. A friendly amendment was offered adding the words “or past” following the word “existing” in subsection (7)(B). The friendly amendment was accepted by Mr. Bain. After additional discussion a second friendly amendment was offered to delete the words “the yellow pages of the” and “distributed by BellSouth” in subsection (7)(J). The friendly amendment was accepted by Mr. Bain. A vote was then taken on the motion as amended. The motion was adopted as amended.

Minutes of the House of Delegates
January 13, 2001
Page 8

There being no further business before the House, President Gay declared the meeting adjourned at 11:15 a.m.

Respectfully Submitted by:

Elizabeth Haecker Ryan
Secretary

Date