The House of Delegates was convened at 9:05 a.m. on Saturday, January 25, 2003, in the Ballroom of the Marriott Hotel, Baton Rouge, Louisiana.

I. Certification of Quorum by the Secretary

After reviewing the delegate check-in roster, Secretary Marta-Ann Schnabel determined that a quorum was present. A copy of the attendance roster is attached as an addendum to these Minutes. President Larry Feldman, Jr. declared the meeting to be in session.

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

The following motion was made:

“BE IT RESOLVED, that the minutes of the June 27, 2003 meeting of the House of Delegates are approved."

The motion was seconded and passed unanimously.

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

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.

1. President.
   President Feldman presented no report.

2. President-Elect.
   Mr. Lee reported on the strategic planning session held in October 2002. The results of the planning session were to maintain the mission statement of the association and the adoption of goals to meet the mission statement. The goals were adopted by the Board of Governors and Mr. Lee invited any member of the House who was interested in working to implement the goals to contact him.
   Mr. Lee informed the House that the Annual Meeting will be held at the Sandestin Golf and Beach Resort in a new facility in the recently developed Village of Baytowne Wharf.

3. Secretary.
   Ms. Schnabel presented no report.
4. **Treasurer.**

Mr. Neuner reported that the Louisiana Outside Counsel Health and Ethics Foundation would be funding the Client Assistance Foundation and personally thanked them for their funding.

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

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

VI. **Old Business**

1. **Resolution from Special House of Delegates Committee on Funding of Judicial Campaigns proposing establishment of Judicial Campaign Matching Fund, said fund to be financed by a $175 per year per member assessment, beginning January 1, 2003.**

Mr. Roy Raspanti, chair of the Special House Committee, reviewed the proposal developed by the committee. He then turned the microphone over to Mr. Donald Abaunza, member of the Special House Committee and delegate from Orleans Parish, to address the constitutionality of the $175 per member assessment for use in judicial campaigns. Mr. Abaunza, on behalf of the Special Committee, asked that the original motion as tabled at the June 2002 meeting of the House of Delegates be withdrawn to be filed for consideration at the June 2003 meeting of the House of Delegates.

VII. **New Business**

1. **Election from the 1st through 19th Judicial Districts of a chairperson and two (2) members of the House of Delegates to the Liaison Committee of the House. The chairperson will serve a one-year term as an ex-officio member of the Board of Governors and shall have the same rights and privileges of all other members of the Board, including the right to vote.**

Stephen G. Durio, delegate from the 15th Judicial District, made the following motion:

“BE IT RESOLVED, that Timothy A. Maragos from the 15th Judicial District be elected as chair of the Liaison Committee of the House of Delegates.”
The motion was seconded.

H. Kent Aguillard, delegate from the 27th Judicial District, made the following motion:

"BE IT RESOLVED, that Andy Reed from the 16th Judicial District be elected as chair of the Liaison Committee of the House of Delegates."

The motion was seconded.

Jack K. Whitehead, delegate from the 19th Judicial District, made the following motion:

"BE IT RESOLVED, that John S. "Chip" Coulter from the 19th Judicial District be elected as chair of the Liaison Committee of the House of Delegates."

The motion was seconded and a vote taken. Andy Reed from the 16th Judicial District was elected to serve as chair of the Liaison Committee of the House of Delegates and Timothy A. Maragos from the 15th Judicial District and John S. "Chip" Coulter from the 19th Judicial District were elected by acclamation to serve as members of the committee.

2. **Resolution from Young Lawyers Section proposing amendment to Article XI, Section 1 of the Articles of Incorporation to increase the maximum age for Young Lawyers from 36 years to 39 years, retroactive to July 1, 2002.**

President Feldman informed the House that this resolution was not included on the agenda due to administrative error.

Dona Kay Renegar, delegate from the 15th Judicial District and YLS Council Member, made the following motion:

"BE IT RESOLVED, that the resolution to amend Article XI, Section 1 of the Articles of Incorporation, a copy of which is attached, be adopted."

The motion was seconded and approved.

3. **Resolution from Alternative Dispute Resolution Section seeking approval of amendment to Section's bylaws which would allow Section's Council to determine time and place of Section's annual meeting.**
No one was present to move adoption of this resolution, therefore, it was not considered by the House of Delegates.


Juan J. Lizarraga, member of the section, made the following motion:

"BE IT RESOLVED, that the resolution to amend and restate the Intellectual Property Law Section bylaws, a copy of which is attached, be adopted."

The motion was seconded and unanimously approved.

5. Resolution from Bar Governance Committee to amend Articles of Incorporation to include attendance requirements for members of the House of Delegates.

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

"BE IT RESOLVED, that the resolution from the Bar Governance Committee to amend the Articles of Incorporation to include attendance requirements for members of the House of Delegates, a copy of which is attached, be adopted."

The motion was seconded. Andy Reed, delegate from the 16th Judicial District, made the following motion.

"BE IT RESOLVED, that the resolution from the Bar Governance Committee to include attendance requirements for members of the House of Delegates be amended by making delegate attendance at at least 50% of the meetings held during his/her term in person or by proxy."

The motion was seconded and a vote taken. The motion was defeated.

The following motion was then made:

"BE IT RESOLVED, that the resolution from the Bar Governance Committee to include attendance requirements for members of the House of Delegates be amended by increasing delegate attendance to 3 of the 4 meetings, two of which can be by proxy."
The motion was seconded and a vote taken. The motion was defeated.

James L. Fortson, delegate from the 1st Judicial District, made the following motion:

"BE IT RESOLVED, that the resolution from the Bar Governance Committee to include attendance requirements for members of the House of Delegates be amended by making delegate attendance at at least 50% of the meetings held during his/her term, which shall be in person."

The motion was seconded and accepted by Mr. Centola as a friendly amendment.

The following motion was then made:

"BE IT RESOLVED, that the resolution, as amended, from the Bar Governance Committee to amend the Articles of Incorporation to include attendance requirements for members of the House of Delegates, a copy of which is attached, be adopted."

The motion was seconded and approved.

6. **Resolution from Bar Governance Committee to amend Rules of the House of Delegates to give privileges of the floor to members of the Board of Governors and to the Chief Disciplinary Counsel of the Louisiana Attorney Disciplinary Board.**

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

"BE IT RESOLVED, that the resolution from the Bar Governance Committee to amend the Rules of the House of Delegates to give privileges of the floor to members of the Board of Governors and to the Chief Disciplinary Counsel of the Louisiana Attorney Disciplinary Board, a copy of which is attached, be adopted."

The motion was seconded and approved.

7. **Resolution from Family Courts Committee seeking approval of the draft recommendations of the Juvenile Justice Commission.**

Randy J. Fuerst, committee chair, made the following motion:
“BE IT RESOLVED, that the resolution from the Family Courts Committee to approve the draft recommendations of the Juvenile Justice Commission, a copy of which is attached, be adopted.”

The motion was seconded and unanimously approved.

8. **Resolution from Multijurisdictional Practice Committee seeking adoption of Special Rules of Procedure for debate of future Committee resolution which will address multijurisdictional practice issues in Louisiana.**

Joseph L. Shea, Jr., committee chair, made the following motion:

“BE IT RESOLVED, that the resolution from the Multijurisdictional Practice Committee seeking adoption of Special Rules of Procedure for debate of future Committee resolution which will address multijurisdictional practice issues in Louisiana, a copy of which is attached, be adopted.”

The motion was seconded and approved.

9. **Resolution from the Client Protection Fund Committee seeking to amend the Association's Bylaws to change the committee's name from Client Protection Fund Committee to Client Assistance Fund Committee.**

James P. Doherty, Jr., committee chair, made the following motion:

“BE IT RESOLVED, that the resolution from the Client Protection Fund Committee seeking to amend the Association's Bylaws to change the committee's name from Client Protection Fund Committee to Client Assistance Fund Committee, a copy of which is attached, be adopted.”

The motion was seconded and unanimously approved.

10. **Resolution from Phillip M. Lynch, Jr. proposing amendment to Section 31 of Supreme Court Rule XIX, to provide for 10-year prescriptive period for proceedings.**

William J. Dutel, delegate from the 22nd Judicial District, made the following motion:
"BE IT RESOLVED, that the resolution from Phillip M. Lynch, Jr. proposing amendment to Section 31 of Supreme Court Rule XIX, to provide for 10-year prescriptive period for proceedings, a copy of which is attached, be approved."

The motion was seconded and approved.

11. Resolution from Phillip M. Lynch, Jr. proposing amendment to Section 31 of Supreme Court Rule XIX, to provide for a 10-year preemptive period.

William J. Dutel, delegate from the 22nd Judicial District, made the following motion:

"BE IT RESOLVED, that the resolution from Phillip M. Lynch, Jr. proposing amendment to Section 31 of Supreme Court Rule XIX, to provide for a 10-year preemptive period, a copy of which is attached, be adopted."

The motion was seconded. Tyler Graham Storms, delegate from the 3rd Judicial District, moved to amend the resolution by deleting the sentence, "Fraud shall be an exception to this time period." The motion was accepted as a friendly amendment by Mr. Dutel and the following amended motion was made:

"BE IT RESOLVED, that the resolution from Phillip M. Lynch, Jr., as amended, proposing amendment to Section 31 of Supreme Court Rule XIX, to provide for 10-year prescriptive period for proceedings, a copy of which is attached, be approved."

The motion was seconded and approved. Mr. Dutel then requested that the research performed by Mr. Lynch be transmitted with the resolution to the Supreme Court of Louisiana.

12. Resolution from John S. Coulter proposing that the House of Delegates recommend to the MCLE Committee that it consider granting CLE credit for pro bono service, and further requesting that the MCLE Committee draft and submit appropriate rules to the Supreme Court for its consideration.

John S. Coulter, delegate from the 19th Judicial District, made the following motion:

"BE IT RESOLVED, that the resolution from John S. Coulter proposing that the House of Delegates recommend to the MCLE Committee that it consider granting CLE credit for pro bono service, and further requesting that the MCLE Committee
draft and submit appropriate rules to the Supreme Court for its consideration, a copy of which is attached, be adopted."

The motion was seconded and defeated.

13. **Resolution from LSBA Ethics 2000 Committee proposing amendments to the Louisiana Rules of Professional Conduct.**

President Feldman asked the House to commend the Ethics 2000 Committee for their work over the past two years and reminded the House that the special rules of debate adopted at the June 2002 meeting would be enforced. He then introduced Harry S. Hardin III, committee chair. Mr. Hardin informed the House that the committee will review the document for typographical errors or style changes that may affect the rules, but not affect the substance of the rules, to provide the cleanest possible document to the Supreme Court for their consideration. Mr. Hardin then made the following motion:

"BE IT RESOLVED, that the resolution from the LSBA Ethics 2000 Committee proposing amendments to the Louisiana Rules of Professional Conduct, a copy of which is attached, be adopted."

The motion was seconded. President Feldman informed the House that the amendments to the Ethics 2000 resolution would be considered, after which the House would vote on this motion. *(Resolutions to amend the original motion appear in the order in which they were considered.)*

14. **Resolution from John S. Coulter proposing amendment to Rule 1.2(b).**

John S. Coulter, delegate from the 19th Judicial District, made the following motion:

"BE IT RESOLVED, that the resolution from John S. Coulter proposing amendment to Rule 1.2(b), a copy of which is attached, be adopted."

The motion was seconded. The motion was not accepted by the Ethics 2000 Committee as a friendly motion. A vote was taken and the motion was approved.
15. **Resolution from the Louisiana Trial Lawyers Association proposing amendment to Rule 1.5(e).**

Harvey Lewis, delegate from Orleans Parish, withdrew the resolution.

16. **Resolution from Lila Tritico Hogan proposing amendments to Rule 1.5 and Rule 1.15.**

Lila Tritico Hogan, delegate from the 21st Judicial District made the following motion:

"BE IT RESOLVED, that the resolution from Lila Tritico Hogan proposing amendments to Rule 1.5 and Rule 1.15, a copy of which is attached, be adopted."

The motion was seconded. The motion was not accepted by the Ethics 2000 Committee as a friendly amendment. A vote was taken and the motion was approved.

17. **Resolution from Louisiana Association of Professional Responsibility Attorneys proposing amendment to Rule 1.7.**

Elizabeth A. Alston, delegate from the 22nd Judicial District, made the following motion:

"BE IT RESOLVED, that the resolution from the Louisiana Association of Professional Responsibility Attorneys proposing amendment to Rule 1.7, a copy of which is attached, be adopted."

The motion was seconded. The motion was not accepted by the Ethics 2000 Committee as a friendly amendment. A vote was taken and the motion was defeated.

18. **Resolution from the Louisiana Trial Lawyers Association proposing amendment to Rule 4.2.**

Harvey Lewis, delegate from Orleans Parish, informed the House that the Louisiana Trial Lawyers Association is opposed to Rule 4.2 as it has been presented to the House but further stated that the LTLA has reached a compromise with the Ethics 2000 Committee and will withdraw the resolution expressly based on the agreements reached between the LTLA and the Ethics 2000 Committee.
19. **Resolution from John S. Coulter proposing that the current language of Rule 6.1 be maintained.**

John S. Coulter, delegate from the 19th Judicial District, made the following motion:

"BE IT RESOLVED, that the resolution from John S. Coulter proposing that the current language of Rule 6.1 be maintained, a copy of which is attached, be adopted."

The motion was not considered due to a lack of second.

20. **Resolution from John S. Coulter proposing amendment to Rule 6.1, which would delete language which indicates that lawyers should provide voluntary financial support to organizations which provide legal services to persons of limited means.**

John S. Coulter, delegate from the 19th Judicial District, made the following motion:

"BE IT RESOLVED, that the resolution from John S. Coulter proposing amendment to Rule 6.1, which would delete language which indicates that lawyers should provide voluntary financial support to organizations which provide legal services to persons of limited means, a copy of which is attached, be adopted."

The motion was seconded. The motion was not accepted by the Ethics 2000 Committee as a friendly amendment. A vote was taken and the motion was approved.

21. **Resolution from John S. Coulter proposing amendment to Rule 6.1, which indicated that amendments to Rule 6.1 become effective only after the Legislature passes an act limiting liability for lawyers providing gratuitous legal services.**

John S. Coulter, delegate from the 19th Judicial District, made the following motion:

"BE IT RESOLVED, that the resolution from John S. Coulter proposing amendment to Rule 6.1, which indicated that amendments to Rule 6.1 become effective only after the Legislature passes an act limiting liability for lawyers providing gratuitous legal services, a copy of which is attached, be adopted."
The motion was seconded. The motion was not accepted by the Ethics 2000 Committee as a friendly amendment. A vote was taken and the motion was defeated by a vote of 114 against and 49 in favor.

22. Resolution from Orlando N. Hamilton proposing amendment to Rule 7.2(d)(ii).

Orlando N. Hamilton, delegate from the 5th Judicial District, made the following motion:

"BE IT RESOLVED, that the resolution from Orlando N. Hamilton proposing amendment to Rule 7.2(d)(ii), a copy of which is attached, be adopted."

The motion was seconded. The motion was defeated by a vote of 105 against and 59 in favor.

23. Resolution from Louisiana Association of Professional Responsibility Attorneys proposing amendment to Rule 7.4(d)(1).

Elizabeth A. Alston, delegate from the 22nd Judicial District, made the following motion:

"BE IT RESOLVED, that the resolution from Louisiana Association of Professional Responsibility Attorneys proposing amendment to Rule 7.4(d)(1), a copy of which is attached, be adopted."

The motion was seconded. The motion was not accepted by the Ethics 2000 Committee as a friendly amendment. A vote was taken and the motion was defeated.

24. Resolution from Louisiana Association of Professional Responsibility Attorneys proposing amendment to Rule 8.3.

Robert M. Contois, Jr., delegate from the 22nd Judicial District, made the following motion:

"BE IT RESOLVED, that the resolution from Louisiana Association of Professional Responsibility Attorneys proposing amendment to Rule 8.3, a copy of which is attached, be adopted."
The motion was seconded. After considerable discussion, a motion was made and approved to end debate. A vote was taken and the motion was approved. A request was made for a roll call vote and it was the ruling of the chair that under the special rules of debate there was no allowance for a roll call vote.

President Feldman informed the House that a vote would be taken on the Ethics 2000 resolution as amended. The resolution as amended was unanimously approved.

There being no further business before the House, President Feldman declared the meeting adjourned at 12:35 p.m.

Respectfully Submitted by:

________________________________________________
Marta-Ann Schnabel

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Date