

**MINUTES OF THE HOUSE OF DELEGATES
OF THE LOUISIANA STATE BAR ASSOCIATION
JUNE 27, 2002**

The House of Delegates was convened at 9:30 a.m. on Thursday, June 27, 2002, in the Linkside Center of Sandestin Golf and Beach Resort, Destin, Florida.

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 Michael H. Rubin 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 January 19, 2002 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.

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

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

1. Family Courts Committee.

Mr. Randy J. Fuerst, committee chair, reported on the activities of the committee and its efforts to establish a system of unified family courts in Louisiana. Mr. Fuerst reported that the House of Delegates has adopted resolutions supporting the concept of such unified family courts and endorsed a model for unified family courts. He asked the House members to favorably consider the committee's resolution to adopt guidelines for child custody evaluation.

2. Ethics 2000 Committee.

Harry S. Hardin III, committee chair, referred the House members to a summary red line that compares the current LSBA ethics rules to the committee's recommendations. Mr. Hardin highlighted those issues he felt would most affect LSBA members and encouraged the House members to read the document thoroughly. He indicated the committee would present its final recommendation to the House of Delegates at the January 2003 Midyear Meeting of the House. Public hearings will be scheduled around the state to provide an opportunity for attorneys to provide input to the proposed rule changes.

VI. OLD BUSINESS

- 1. Report from House of Delegates special committee consisting of Elizabeth A. Alston, Lila Tritico Hogan, and Orlando N. Hamilton, Jr. regarding response to Supreme Court of Louisiana on LSBA resolution to allow public admonitions after the filing of formal charges in lawyer discipline cases.**
- 2. Response from Supreme Court of Louisiana to January 2002 House of Delegates resolutions concerning abandonment and prescription.**

Mr. Rubin informed the House that he would combine the first two items and asked Ms. Alston, chair of the special committee, to present her report. Ms. Alston informed the House that all three resolutions had been rejected by the Supreme Court and then made the following motion:

"BE IT RESOLVED, that a committee be appointed to respond to the Supreme Court of Louisiana's rejection of the resolutions regarding public admonitions after the filing of formal charges in lawyer discipline cases; abandonment and prescription."

The motion was seconded and the following amended motion made:

"BE IT RESOLVED, that the House of Delegates appoint a three-member committee to respond to the Supreme Court of Louisiana's rejection of the resolutions regarding public admonitions after the filing of formal charges in lawyer discipline cases; abandonment and prescription."

The amended motion was seconded and adopted unanimously.

The following motion was made:

"BE IT RESOLVED, that Elizabeth A. Alston, Lila Tritico Hogan and Orlando N. Hamilton, Jr., be appointed to the committee to respond to the Supreme Court of Louisiana's rejection of the resolutions regarding public admonitions after the filing of formal charges in lawyer discipline cases; abandonment and prescription."

The motion was seconded. Mr. Hamilton requested that his name be withdrawn from consideration. The following motion was then made:

"BE IT RESOLVED, that Phillip M. Lynch, Jr. from Mandeville be appointed to the committee to respond to the Supreme Court of Louisiana's rejection of the resolutions regarding public admonitions after the filing of formal charges in lawyer discipline cases; abandonment and prescription."

The motion was seconded and unanimously approved.

3. Response and Recommendations from Ad Hoc Committee to Study Judicial Funding, which was appointed at January 2002 House of Delegates meeting.

Mr. Bookter, reporting on behalf of the committee chair, made the following motion:

"BE IT RESOLVED, that the report of the Ad Hoc Committee to Study Resolutions Concerning Funding of Judicial Elections be accepted as written, a copy of which is attached, and that a seven member committee be appointed by the incoming president to further study judicial elections."

The motion was seconded and unanimously accepted.

4. Report and recommendation from Special Committee to Study the Size of the House of Delegates which was appointed at the January 2002 House of Delegates meeting.

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

"BE IT RESOLVED, that the resolution submitted by the Special Committee to Study the Size of the House of Delegates, a copy of which is attached, be adopted."

The motion was seconded and discussed. James L. Fortson made the following friendly amendment:

"BE IT RESOLVED, that notwithstanding any other provisions, any member of the House who during the term fails to attend in person 75% or more of the meetings shall be ineligible to qualify for the next election."

The motion was seconded and discussed. The following friendly amendment was made:

"BE IT RESOLVED, that notwithstanding any other provisions, any member of the House who during the term fails to attend in person 50% or more of the meetings shall be ineligible to qualify for the next election."

The motion was seconded and accepted by the maker of the resolution. The following motion was then made:

"BE IT RESOLVED, that the resolution submitted by the Special Committee to Study the Size of the House of Delegates be divided."

The motion was seconded and adopted. Discussion was then held on that portion of the resolution regarding the reduction of the size of the House of Delegates. The following motion was made on the first portion of the resolution;

"BE IT RESOLVED, that the first portion of the resolution regarding the reduction of the size of the House of Delegate be tabled."

The motion was seconded and adopted. Discussion was then held on that portion of the resolution, as amended, regarding delegate attendance at meetings of the House. The following motion was made:

"BE IT RESOLVED, that the second portion of the resolution regarding delegate attendance at meetings of the House of Delegates be tabled."

The motion was seconded and adopted.

VIII. NEW BUSINESS

1. **Election of a member from the House of Delegates to serve on the Budget Committee.**

The following motion was made by Andrew Reed:

"BE IT RESOLVED, that Michael J. Poirrier of Pierre Part be elected to serve on the Budget Committee."

The following motion was made by Stephen R. Yancey:

"BE IT RESOLVED, that Brent B. Barriere of New Orleans be elected to serve on the Budget Committee."

A voice vote was taken and Mr. Barriere was elected to serve on the Budget Committee.

2. **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. This committee was created by a resolution adopted by the House on November 13, 1971. The committee is composed of the president, president-elect, secretary, chairperson of the Public Information Committee, and three (3) members designated from the membership of the House of Delegates by the House of Delegates.**

The following motion was made by Brent B. Barriere:

"BE IT RESOLVED, that Stephanie J. Allweiss of New Orleans be elected to serve as a member of the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association."

The following motion was made by Robert E. Torian:

"BE IT RESOLVED, that Timothy Maragos of Lafayette be elected to serve as a member of the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association."

The following motion was made by E. Wade Shows:

"BE IT RESOLVED, that David A. Hamilton from Baton Rouge be elected to serve as a member of the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association."

There being no further nominations, the motions were adopted unanimously and Ms. Allweiss and Messrs. Maragos and Hamilton were elected.

3. Election of a member of the House of Delegates to serve, without vote, on the Committee on Continuing Legal Education (Mandatory CLE).

The following motion was made by Ralph Brewer:

"BE IT RESOLVED, that Gerald T. Arbour of Baton Rouge be elected to serve on the Committee on Continuing Legal Education."

The motion was seconded and adopted unanimously.

4. Resolution from the Ethics Advisory Committee to approve referral fees charged by bar association lawyer referral services and to recommend approval of same by Supreme Court of Louisiana.

Orlando N. Hamilton, Jr., member of the committee, made the following motion:

"BE IT RESOLVED, that the resolution from the Ethics Advisory Committee to approve referral fees charged by bar association lawyer referral services and to recommend approval of same by Supreme Court of Louisiana, a copy of which is attached, be adopted."

The motion was seconded and adopted unanimously.

5. Resolution from Multijurisdictional Practice Committee to adopt Rule on Pro Hac Vice Admission and to recommend approval of same by Supreme Court of Louisiana.

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

"BE IT RESOLVED, that the resolution from the Multijurisdictional Practice Committee to adopt Rule on Pro Hac Vice Admission and to recommend approval of same by Supreme Court of Louisiana, a copy of which is attached, be adopted."

The following friendly amendment was made by Beth Alston:

"BE IT RESOLVED, that the minority views of the Multijurisdictional Practice Committee be transmitted to the Court with this resolution if it is adopted."

The amendment was accepted by the Mr. Shea and required no vote. The following motion was then made:

"BE IT RESOLVED, that the resolution from the Multijurisdictional Practice Committee to adopt Rule on Pro Hac Vice Admission and to recommend approval of same by the Supreme Court of Louisiana, and to transmit the minority views of the committee to the Court, a copy of which is attached, be adopted."

The motion was seconded and adopted.

6. Resolution from Ethics 2000 Committee to adopt special rules of procedure for debate of resolution proposing changes to the Rules of Professional Conduct.

Harry S. Hardin III, committee chair, made the following motion:

"BE IT RESOLVED, that the resolution from the Ethics 2000 Committee to adopt special rules of procedure for debate of resolution proposing changes to the Rules of Professional Conduct, a copy of which is attached, be adopted."

The motion was seconded and adopted unanimously.

7. Resolution from the Legislation Committee to: 1) define methodology for committee composition; 2) specifically define functions of committee; and 3) set forth procedures for adoption of positions on pending or proposed legislation.

Monica T. Surprenant, committee chair, made the following motion:

"BE IT RESOLVED, that the resolution from the Legislation Committee to: 1) define methodology for committee composition; 2) specifically define functions of committee; and 3) set forth procedures for adoption of positions on pending or proposed legislation, a copy of which is attached, be adopted."

The motion was seconded and adopted.

8. Resolution from Family Courts Committee seeking endorsement of Guidelines for Child Custody Evaluation.

Randy J. Fuerst, committee chair, made the following motion:

"BE IT RESOLVED, that the resolution from the Family Courts Committee seeking endorsement of Guidelines for Child Custody Evaluation, a copy of which is attached, be adopted."

Mr. Fuerst moved to waive the Rules of the House of Delegates to allow Ms. Hunter to address the House. The motion to waive the Rules of the House of Delegates was adopted. The House then voted on the resolution submitted by the Family Courts Committee and adopted the motion unanimously.

9. Resolution from the Bar Governance Committee to create a seat on the Budget Committee for a representative from the Young Lawyers Section Council.

Wayne J. Lee, from Orleans Parish, made the following motion:

"BE IT RESOLVED, that the resolution from the Bar Governance Committee to create a seat on the Budget Committee for a representative from the Young Lawyers Council, a copy of which is attached, be adopted."

The motion was seconded and adopted unanimously.

10. Resolution to amend the bylaws of the Intellectual Property Law Section.

There being no representative from the section to move adoption of the resolution, the resolution was not considered.

11. Resolution from 24th Judicial District Delegate Roy Raspanti to establish Judicial Campaign Matching Fund, to be funded by:

- ◆ a one-time assessment of \$350 per person licensed to practice law in Louisiana, due on January 2, 2002; and
- ◆ thereafter an annual assessment of \$175 per person licensed to practice law in Louisiana, due on January 1 of each year.

Additional judicial campaign guidelines would *prohibit contributions made by lawyers* and would institute other restrictions as set forth in the resolution.

Mr. Raspanti made the following motion:

"BE IT RESOLVED, that the resolution from 24th Judicial District Delegate Roy Raspanti, a copy of which is attached, be withdrawn."

The motion was seconded and adopted unanimously.

12. Resolution from 24th Judicial District Delegate Roy Raspanti to establish Judicial Campaign Matching Fund, to be funded by:

- ◆ a one-time assessment of \$350 per person licensed to practice law in Louisiana, due on January 2, 2002; and
- ◆ thereafter an annual assessment of \$175 per person licensed to practice law in Louisiana, due on January 1 of each year.

Additional judicial campaign guidelines would *limit contributions made by lawyers to \$175 per candidate*, and would institute other restrictions as set forth in the resolution.

Mr. Raspanti made the following motion:

"BE IT RESOLVED, that the resolution from 24th Judicial District Delegate Roy Raspanti, a copy of which is attached, be withdrawn."

The motion was seconded and adopted unanimously.

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There being no further business before the House, President Rubin declared the meeting adjourned at 10:45 a.m.

Respectfully Submitted by:

Marta-Ann Schnabel

Date