

**LOUISIANA STATE BAR ASSOCIATION
BOARD OF GOVERNORS
JUNE 9, 2000**

*** M I N U T E S ***

President E. Phelps Gay, called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 3 p.m., Friday, June 9, 2000, in Destin, Florida. Business was conducted in accordance with the agenda below.

Agenda Item 1. Roll Call.

Present were:

President, E. Phelps Gay
President-Elect, Michael H. Rubin
Secretary, Elizabeth Haecker Ryan
Treasurer, Michael W. McKay
Immediate Past President, Robert E. Guillory, Jr.
Chair, Young Lawyers Section, Anne P. Birdsong
First Board District Representative, Marta-Ann Schnabel
First Board District Representative, Shelley Hammond Provosty
Second Board District Representative, Gerald R. Webre
Third Board District Representative, James R. McClelland
Fourth Board District Representative, Sharon M. Morrow
Fifth Board District Representative, Robert J. Collins
Sixth Board District Representative, Elizabeth Erny Foote
Seventh Board District Representative, Carrick R. Inabnett
Eighth Board District Representative, John M. Frazier
At-Large Member, R. Gayle Harrell Jackson
At-Large Member, Karl J. Connor
From the Loyola University School of Law, Marcel Garsaud, Jr.
From the Faculty of Southern University Law Center, Arthur E. Stallworth
Louisiana State Law Institute, Marilyn C. Maloney
House of Delegates Liaison, Wayne J. Lee

Also present were:

Executive Director, Loretta L. Topey
Director of Communications, Lori L. Ruello
Director of Member Services, Judith W. Dugar
Access to Justice Director, Monte T. Mollere
Practice Assistance and Improvement Counsel, Cheri Cotogno Gordsky
Executive Assistant, Ramona K. Meyers
Chair, Group Insurance Committee, Robert H. Cooper
President, Gilsbar, Inc., Henry J. Miltenberger, Jr.

Absent were:
At-Large Member, Patricia P. Reeves

Consent Calendar

The following items were included on the Consent Calendar and moved for approval without discussion and/or debate and unanimously approved.

- a. Bank Resolutions.
Resolutions were prepared covering all accounts of the Association. They were distributed for signature to those members of the Board authorized to countersign checks written on the accounts.
- b. Presidential Authority.
Under the Charter, the President, with consent of the Board of Governors, may make committee appointments and create committees. The Board granted President Gay the right to make such appointments as required during his term of office, and also to create such special committees and/or task forces he deems necessary and proper.
- c. Election Procedures for 2000-01.
Approved the election schedule and procedures to be used during the 2000-01 election process.

Agenda Item 5. Consideration of Any Items(s) Removed from Consent Calendar.

No items were removed from the Consent Calendar for further discussion/debate.

Agenda Item 6. Group Insurance Committee.

Messrs. Cooper and Miltenberger presented the following committee recommendations which were unanimously approved by the Board:

adopted rate increase of 19%. Rather than impose an across-the-board increase, a 3% across-the-board rate increase was approved coupled with the following additional changes: (1) move all insureds, except newer participants, to the next higher tier; (2) increase the base rates on all insureds in the Indemnity Plan by an additional 10%. Further, increase their out-of-pocket maximum from 80%/20% to \$5,000 to 80%/20% to \$10,000 coinsurance. Participants in this plan will be encouraged to move into the Full PPO Plan, but will not be forced to do so.
add a \$2,500 deductible to the Full PPO Plan with a similar design as the \$1,000 deductible plan, e.g. a \$250 deductible on the prescription card.

will compress tiers in Oklahoma which would allow them to line up exactly with the tiers as they exist in Louisiana and Mississippi.

Agenda Item 7. Approval of the Action of the House of Delegates.

The Board considered actions taken by the House of Delegates on agenda items 1 through 13 under New Business and approved said actions with dissenting votes on items 5 and 8.

Agenda Item 8. Budget Committee.

Mr. McClelland was unanimously elected by the Board to serve as its representative to the Budget Committee for 2000-01.

Agenda Item 9. 2000-01 Budget.

The Board reviewed the proposed 2000-01 LSBA budget. The Treasurer answered questions posed by members of the Board and a motion was made to approve the 2000-01 LSBA budget as prepared. The motion was unanimously approved.

Agenda Item 10. Budget Committee.

The Board approved the following recommendations developed by the Budget Committee at its May 11, 2000 meeting:

- build up Bar Center "sinking fund" to \$100,000. This would be accomplished by allocating unexpended FY99/00 rent funds to the Bar Center restricted fund in order to meet \$100,000 threshold.
- develop a policy on usage of reserves.
- ask auditors to provide LSBA with formal opinion on appropriate level of reserves when 99/00 audit is conducted.
- revisit investment policy.
- revisit policy on sponsorship.
- review section cost sharing to determine if current allocations are appropriate.
- review MCLE income, expenses and overhead allocations to determine whether LSBA is subsidizing this program.
- empowered the Budget Committee to meet with Boyce Talbert to make arrangements to bring all LSBA investments in-house for investing.

Agenda Item 11. Technology.

Mr. Rubin presented a report on expanding and upgrading the LSBA web site to include additional information not currently available in order to make the web site more useful to attorneys and the public. Mr. Rubin indicated that he would structure his recommendations into a proposal for action at the August Board meeting.

Agenda Item 12. Access to Justice.

Mr. Mollere presented a brief report on LSBA participation in the ABA Day in Washington. Meetings were held with five Louisiana members of the House of Representatives and Louisiana's two senators to discuss adequate funding of the Legal Services Corporation and the proposed tax on unearned income by non-profit organizations.

Agenda Item 13. Intermedia Endorsement.

The Board reviewed the proposed contract with Intermedia Communications which would provide a non-exclusive endorsement of services to LSBA members, to include long distance service, bundled local and long distance service, and enhanced data and IP services. Several members expressed concern about language contained in the contract and a motion was made authorizing the president to appoint a special committee to review the contract prior to signing. The motion carried unanimously and President Gay appointed Mr. McClelland as chair of the committee and Messres. Frazier and Lee as members.

Agenda Item 14. Disaster Response Plan.

President Gay informed the Board that he had directed the Public Information Committee to develop a disaster response plan for submission to the Board of Governors at its spring 2001 meeting. He further stated that the LSBA ran an ad regarding appropriate attorney solicitation following the train derailment in Eunice .

Agenda Item 15. Professionalism in Law Schools.

Ms. Provosty reported that the Supreme Court and all four law schools had agreed to participate in the LSBA sponsored professionalism programs to be held during the first week of law school. She indicated that the programs would be held at the LSU Law School on August 11, at Tulane University Law School and Southern University Law School on August 17 and at Loyola University School of Law on August 18.

Agenda Item 16. Louisiana Center for Law and Civic Education.

Ms. Jackson presented a brief report on recent developments concerning LSBA's educational arm.

Agenda Item 17. Report of the President.

- a. Board Meetings 2000-01.
President Gay announced the scheduled Board meeting dates and locations for the 2000-01 year.
- b. 2001 Midyear and Annual Meetings.
President Gay reported that the Midyear Meeting would be held on January 12 and 13, 2001, at the Fairmont Hotel in New Orleans. The Annual Meeting will be held beginning June 6, 2001, at the Sandestin Golf and Beach Resort, Destin, Florida.
- c. Investment Policy Committee.
President Gay reported on the appointment of the Investment Policy Committee which is charged with reviewing the LSBA investment strategy with a report to the Board on specific recommendations by January 2001.
- d. Client Protection Fund Study Committee.
President Gay reported on the pending appointment of the Client Protection Fund Study Committee which is charged with determining if the ABA should be asked to conduct an independent survey/evaluation of the LSBA's Client Protection Fund program.
- e. Coordination with Supreme Court.
President Gay informed the Board that he would be meeting with representatives of the Supreme Court on August 21, 2000.
- f. Lawyer Advertising Reform.
President Gay presented a brief report on the status of efforts to reform lawyer advertising.
- g. Handbook on Professional Responsibility.
President Gay stated that the handbook would be available for distribution at the October Bar Admissions Ceremony.
- h. Ethics 2000 Conference.
President Gay informed the Board that an ethics conference would be held on December 1, 2000, at the Marriott Hotel in New Orleans.
- i. Committee Appointments.
President Gay presented a brief report on the status of committee appointments.

Agenda Item 18. Report of the President-Elect.

- a. 2001 Annual Meeting.
Mr. Rubin reported on preliminary plans for the 2001 Annual Meeting.
- b. Phone System.
Mr. Rubin presented a recommendation that staff investigate the feasibility of converting the existing LSBA in-house telephone system to one that would expand conference call capabilities.

Agenda Item 19. Report of the Secretary.

Ms. Ryan reported that the October issue of the *Journal* will include the annual ADR directory and the August issue will focus on the anatomy of a trial.

Agenda Item 20. Report of the Treasurer.

Mr. McKay reported that the 1999-00 audit had not yet begun, but preliminary figures indicated that the LSBA would finish its fiscal year in the black.

Agenda Item 21. Report of the Young Lawyers Section.

Ms. Birdsong, Section chair, reported that the Young Lawyers Section, in conjunction with the Louisiana Attorney General's office, had published and would be distributing a service to seniors handbook. The handbook will be distributed to the state's Councils on Aging. She further indicated that teen courts programs had been established in Jefferson and Orleans Parishes.

Agenda Item 22. Report of the Executive Director.

- a. Membership Software.
Ms. Topey briefly reported on the status of the dispute with gomembers.com, the company contracted with to provide a new membership software program for the Association. Relations with the company were severed when gomembers.com could not meet deadlines and the software failed to operate properly. Other state bar associations have experienced similar problems with the company and it was suggested that Ms. Topey contact the executive directors of those associations to see if there would be any interest in filing a class action suit against gomembers.com. A report on her findings will be provided at a future meeting of the Board.

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- b. LSBA Offices Holiday Schedule.
 Ms. Topey reported on the holidays to be observed by LSBA for the 2000-01 bar year.

Agenda Item 23. Date of Next Meeting.

The next meeting of the Board of Governors will be held at 9 a.m., Saturday, August 26, 2000, at the Radisson Hotel Bentley in Alexandria. A block of rooms has been reserved at the Hotel Bentley on the evening of Friday, August 25, for Board members requiring overnight accommodations. Additional information will be sent to each Board member four to six weeks prior to the meeting.

Agenda Item 24. Adjournment.

There being no further business to discuss, the meeting was adjourned at 5:05 p.m.

Respectfully Submitted:

Elizabeth Haecker Ryan
Secretary

Date