

**LOUISIANA STATE BAR ASSOCIATION  
BOARD OF GOVERNORS  
NOVEMBER 8, 2003**

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

President Wayne J. Lee called to order the meeting of the Board of Governors at 9:10 a.m., Saturday, November 8, at the Marriott Hotel in Baton Rouge, Louisiana. Business was conducted in accordance with the agenda below.

**Agenda Item 1.        Roll Call.**

President were:

President, Wayne J. Lee

President-Elect, Michael W. McKay

Secretary, James R. McClelland

Treasurer, Frank X. Neuner, Jr.

Immediate Past President, Larry Feldman

Chair, Young Lawyers Section, Monique L. Svenson

First Board District Representative, Elizabeth Haecker Ryan

Second Board District Representative, S. Guy deLaup

Third Board District Representative, Shannon Seiler Dartez

Fourth Board District Representative, Winfield E. Little, Jr.

Fifth Board District Representative, E. Wade Shows

Sixth Board District Representative, William M. Ford

Seventh Board District Representative, Richard L. Fewell, Jr.

At-Large Member, Preston J. Castille, Jr.

At-Large Member, Sheral C. Kellar

At-Large Member, Pamela W. Carter

Loyola University School of Law, Kathryn V. Lorio

Southern University Law Center, Donald W. North

House of Delegates Liaison Committee Chair, Andrew Reed

House of Delegates Liaison Committee Member, John S. Coulter

House of Delegates Liaison Committee Member, Timothy A. Maragos

Also present were:

Executive Director, Loretta Larsen Topey

Director of Member Services, Judith W. Dugar

Director of Professional Programs, Cheri Cotogno Grodsky

Access to Justice Director, Monte T. Mollere

Communications Director, Michele C. Norris

Executive Assistant, Ramona K. Meyers

Leadership LSBA Member, Beth E. Abramson

Leadership LSBA Member, Shannan L. Hicks

Bourgeois Bennett, Eric D. Smith, CPA

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Absent were:

First Board District Representative, Darryl J. Foster

Eighth Board District Representative, Edwin L. Blewer, Jr.

Louisiana State Law Institute, James A. Gray II

**Consent Calendar**

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

2. Approval of Minutes.

The minutes of the August 23, 2003 meeting of the Board of Governors held in New Orleans, Louisiana, were approved as prepared.

**Agenda Item 3. Indigent Defense Funding Brief.**

Mr. North presented a short report on the amicus brief filed in support of indigent defense funding.

**Agenda Item 4. Louisiana Bar Center.**

Mr. Neuner reported on the supplemental appraisal which took the rent encumbrance into account. He reported that the Budget Committee had discussed the issue at length and had voted to recommend to the Board that it make the following offer to the Louisiana Bar Foundation: (1) \$750,000 cash, (2) all rent credits, (3) 10 years of free rent for LBF equal to their current space and (4) two parking spaces behind the building for 10 years. After some discussion, Ms. Kellar moved that the Board authorize the Executive Committee to enter into negotiations, as outlined, with the Louisiana Bar Foundation for purchase of the Louisiana Bar Center. The motion was seconded by Ms. Ryan and approved unanimously.

**Agenda Item 5. Membership Census.**

Mr. Maragos reported on information received thus far from other bar associations, estimating a minimum of \$100,000 for conducting a membership census. He added that he would be reviewing the information received from Florida and would be speaking with their representatives about how such a census might assist the Association.

**Agenda Item 6. Employee Evaluation Procedures.**

Ms. Topey reported she had met the week before with other southern bar executives and that North Carolina, Tennessee and Texas all had formal procedures in place. She indicated she would contact them for more information and have it available either at or prior to the next Board meeting.

**Agenda Item 7. Leadership and Diversity Training.**

Mr. Mollere provided a brief report on the September 18 Leadership Diversity Training program sponsored by the Access to Justice Committee and held at the Louisiana Bar Center. Attending were representatives from the LSBA Board of Governors, the Access to Justice Committee, the Louisiana Bar Foundation, the Office of Disciplinary Counsel and the Louisiana Legal Services programs and their boards.

**Agenda Item 8. Euclid Software Conversion.**

Mr. Neuner reported that the software conversion implementation was ongoing and referred the Board to a written report developed by staff. Ms. Topey added the staff was closely monitoring the implementation and was pleased with the progress to date. She further reported the staff was confident the software would meet the Association's needs for the foreseeable future.

**Agenda Item 9. Consideration of Any Item Removed from Consent Calendar.**

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

**Agenda Item 10. Audited Financial Statements.**

Mr. Smith gave a comprehensive report on the audited financial statements and provided several charts which gave the Board a seven-year financial overview. Mr. Smith also answered questions from Board members.

Mr. Smith then addressed the issue of expense reimbursement policies and urged the LSBA to ensure that sections operating under its tax ID number adopt either LSBA policies or their own policies. After some discussion, it was decided that this matter would be placed on the agenda for the Section Council meeting to be held during the Midyear Meeting.

**Agenda Item 11. Brown v. Board of Education.**

Mr. Lee informed the Board that the LSBA, in cooperation with the Louisiana Center for Law and Civic Education, is planning a program on Friday, April 23 at the Lindy Boggs Conference Center at UNO commemorating the 50<sup>th</sup> anniversary of *Brown v. Board of Education*. Students from across the state will be invited to participate and the LSBA will be seeking corporate and law firm sponsors to help defray expenses. Mr. Lee referred Board members to the program overview included in the materials and stated that the Board would be asked to provide \$10,000 in funding for this event when budget amendments were considered later in the meeting.

**Agenda Item 12.      Legislation Committee.**

Mr. McKay presented a report on the proposal the Legislation Committee planned to submit to the House of Delegates in January. He discussed the anticipated \$95,000 budget impact and indicated the Board would be asked to approve an amendment to the 2003-04 budget if the resolution is adopted by the House in January. He further mentioned that there would be a need for a Keller dues refund mechanism should this project move forward.

**Agenda Item 13.      Legal Malpractice Insurance Committee.**

Mr. Lee briefly addressed the fact that some committee members are unhappy with the royalty and that he would be attending the committee's meeting on December 13.

**Agenda Item 14.      Group Insurance Committee.**

The Board unanimously approved a request from the Group Insurance Committee authorizing the committee to act on behalf of the Association as regards to the group medical insurance program, with action to be reported to and ratified by the Board at its January 2004 meeting.

**Agenda Item 15.      Investment Adviser and Investment Policy.**

Mr. Neuner reported that the Budget Committee had voted to recommend to the Board that it approve the draft Investment Policy and that the LSBA retain Waters, Parkerson & Co., Inc. as the Association's investment adviser. The motion was made by Mr. McKay, seconded by Mr. Reed the Board unanimously approved both.

**Agenda Item 16.      LSBA Appointment to Louisiana Attorney Disciplinary Board Administrative Committee.**

Mr. Lee reported that the Executive Committee voted to recommend to the Board that it recommend to the Court that Arlene D. Knighten be appointed to a one-year term as the LSBA's representative to the Louisiana Attorney Disciplinary Board Administrative Committee. The Board unanimously approved the recommendation.

**Agenda Item 17.      2005 Annual Meeting.**

Mr. McKay reported to the Board that he was interested in holding the 2005 Annual Meeting in Las Vegas, the site of the successful 1979 Annual Meeting. Mr. McKay made the motion which was seconded by Mr. Ford. He then indicated that the LSBA had conducted a survey which supported the move and that he, Mr. Neuner, Ms. Topey and Michael Patterson conducted a

site visit. All were confident that any of the facilities would work very well for the meeting and that we could price it so that two people could attend for about \$1,600 (air, hotel and meeting registration). After some additional discussion and answering several questions, the question was called. The Board approved the motion with Mr. Fewell and Ms. Kellar dissenting.

**Agenda Item 18.      Family Courts Committee CLE Program.**

Ms. Dugar presented a request from the Family Courts Committee that it be allowed to conduct a full day continuing education program directed at educating attorneys and the public on the concept and benefits of establishing a unified family court system for the state of Louisiana. The seminar would be open to attorneys practicing in the area of family law; non-attorney social workers, educators, medical practitioners, sociologists, child custody case workers, state legislators and government employees. Ms. Dugar stated that a registration fee would be charged to help defray the expenses of the seminar but that the LSBA could incur some expenses before registration fees were received. She further reported that the committee will seek sponsorships and determine if there are any grant monies available for such a program. Ms. Ryan moved that the LSBA support the efforts of the Family Courts Committee to conduct a continuing education program. The motion was seconded by Ms. Dartez and carried unanimously.

**Agenda Item 19.      Membership Directory on Web Site.**

Mr. Lee indicated to the Board that he would like to expand the information included in the member profiles on the website to include public discipline, section and committee membership. There was considerable discussion about including public discipline in the profiles. Ms. Ryan made the motion to expand member profiles to include membership on the Board of Governors, House of Delegates, Sections and Committees, as well as to include a link to the Disciplinary Board website to ascertain whether there had been any public discipline. The motion was seconded by Mr. Maragos and approved unanimously.

**Agenda Item 20.      Endorsements.**

a.      ABA Members Retirement Program

Mr. Neuner reported on the problems the association experienced with the ABA Members Retirement Program which is used for LSBA staff members. Mr. Neuner indicated there had been numerous reporting and administrative problems. After some discussion, Ms. Ryan made the motion to terminate the endorsement and Mr. McKay seconded. The motion carried unanimously.

- b. Other Endorsements  
Mr. Lee requested staff compile a comprehensive list of all other endorsed programs for Board discussion at its January meeting.

**Agenda Item 21.      Communications Policies.**

Ms. Norris referred the Board to the Bar Briefs, Bar Journal and Louisiana Bar Today policies included in the handbooks which were approved by the Executive Committee on February 20, 2003. Mr. Little moved that the communications policies be adopted as presented. The motion was seconded by Ms. Dartez and the policies were unanimously approved.

**Agenda Item 22.      Report of the President.**

- a. Leadership LSBA 2003/2004.  
President Lee informed the Board that the 2003-04 Leadership LSBA Class had been selected and referred Board members to the class roster in their handbooks.
- b. November 4 Meeting with Chief Justice Calogero.  
President Lee reported on his November 4 meeting with members of the Supreme Court. Issues discussed included: Judicial Compensation Commission, Committee on Codes/Model Rules of Judicial Conduct, the possibility of designating a portion of Pro Hac Vice fees for Access to Justice, questions being sent to Ethics 2000 Committee, questions being sent to MJP Committee, Task Force on Diversity, plans for LSBA involvement in the legislative arena, and the possibility of holding the 2005 Annual Meeting in Las Vegas.
- c. Midyear Meeting.  
President Lee noted that plans were underway for the January 23-24 Midyear Meeting to be held at the Hotel Monteleone in New Orleans. He stated that ABA President-Elect Robert Grey had been invited to speak during the House of Delegates meeting.
- d. Annual Meeting.  
President Lee presented a brief report on plans for the 2004 Annual Meeting to be held June 9-11 at the Sandestin Golf and Beach Resort.
- e. Judicial Compensation Commission.  
President Lee informed the Board that James J. Coleman of New Orleans was the LSBA's current representative on the commission and was eligible for reappointment. Mr. Lee further reported that he had been encouraged to reappoint Mr. Coleman. Upon motion by Mr. North and second by Mr. Castille, the Board unanimously approved Mr. Coleman's reappointment. Mr. Lee further requested that the Board go on record in favor of supporting an independent commission to review judicial compensation. This motion was made by Mr. North, seconded by Mr. Maragos and approved unanimously.

**Agenda Item 23. Report of the President-Elect.**

Mr. McKay reported that he was interested in exploring the possibility of providing legal research to members at no charge. He mentioned both CaseMaker and MyTexasBar.com and indicated that he would be looking into both of these with a report back to the Board at a future meeting.

**Agenda Item 24. Report of the Secretary.**

a. Election Report.

Mr. McClelland reported that the initial qualifying period had ended and referred Board members to the list of candidates included in the handbook. He stated that ballots for contested races would be mailed on Monday, November 19, with a return deadline by U.S. postmark of Monday, January 5, 2004. Ballots would be counted on Thursday, January 9.

b. Other Matters.

Mr. McClelland reported the Editorial Board had met on Friday and that plans for future Journals were progressing on schedule.

**Agenda Item 25. Report of the Treasurer.**

Mr. Neuner reported the Budget Committee had met on November 7 and recommended FY 03-04 budget amendments as follows. The Board unanimously approved the budget amendments as follows:

- eliminate Sponsorships income \$25,000.00 line item;
- add CLE Seminars Sponsorships line item in the amount of \$10,000.00;
- add Law School Professionalism Orientation Sponsorships line item in the amount of \$15,150.00;
- add Midyear Meeting Sponsorships line item in the amount of \$10,000.00;
- add Brown v. Board Program Registration Fees at \$1,250.00;
- add Brown v. Board Program Sponsorships at \$23,750.00;
- increase Memorial Exercises expense by \$1,500.00;
- increase Brown v. Board Program expense by \$35,000.00;
- increase Professional Responsibility Royalties by \$1,000.00;
- increase Database Management Systems from \$58,000.00 to \$68,000.00;
- increase MCLE Expenses by \$136,000.00;
- decrease Staff Salaries from \$860,000.00 to \$766,530.00;
- decrease Staff Parking from \$29,100.00 to \$24,480.00;
- decrease Staff Retirement from \$69,000.00 to \$59,650.00;
- decrease Staff Insurance from \$115,000.00 to \$104,620.00;
- decrease Payroll Taxes from \$64,000.00 to \$56,850.00;
- decrease Unemployment Taxes from \$4,500.00 to \$4,140.00; and
- decrease Rent from \$405,000.00 to \$394,330.00.

**Agenda Item 26. Report of the Young Lawyers Section.**

Ms. Svenson gave a brief status report on the Section's activities and projects.

**Agenda Item 27. Report of the Executive Director.**

- a. Update on FCC fax rules.  
Ms. Topey gave a brief report on the pending FCC fax rules and was given authority to write a letter expressing opposition to the rules.
- b. Bar Governance Committee.  
Ms. Topey reported that she was working with the Bar Governance Committee on a comprehensive review of the governing documents and that several resolutions would be submitted by the Committee for consideration by the House of Delegates at its January 2004 meeting.

**Agenda Item 28. Other Matters.**

- a. Date of Next Meeting  
President Lee reported the next Board meeting would be held on Saturday, January 24, at the Hotel Monteleone in New Orleans, immediately following the meeting of the House of Delegates. He encouraged the Board members to attend the House meeting as the Board would be voting on the actions taken by the House of Delegates.

**Agenda Item 29. Adjourn.**

There being no further business to discuss, the meeting was adjourned at 12:55 p.m.

Respectfully Submitted:

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James R. McClelland  
Secretary

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Date