

**LOUISIANA STATE BAR ASSOCIATION
BOARD OF GOVERNORS
October 27, 2001**

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

President Michael H. Rubin called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 9 a.m., Saturday, October 27, 2001, in Lafayette, Louisiana. Business was conducted in accordance with the agenda below.

Agenda Item 1. Roll Call

Present were:

President, Michael H. Rubin
President-Elect, Larry Feldman, Jr.
Secretary, Marta-Ann Schnabel
Treasurer, Michael W. McKay
Immediate Past President, E. Phelps Gay
First Board District Representative, Shelley Hammond Provosty
First Board District Representative, Elizabeth Haecker Ryan
Second Board District Representative, Gerald P. Webre
Third Board District Representative, James R. McClelland
Fourth Board District Representative, Winfield E. Little, Jr.
Sixth Board District Representative, Elizabeth Erny Foote
Seventh Board District Representative, Carrick R. Inabnett
Eighth Board District Representative, John M. Frazier
At-Large Member, Karl J. Connor
At-Large Member, Preston J. Castille, Jr.
From the Faculty of LSU Paul M. Hebert Law Center, John M. Church
From the Faculty of Tulane University Law School, Lawrence J. Ponoroff
House of Delegates Liaison Chair, G. Steven Duplechain
House of Delegates Liaison Member, Andrew Reed

Also present were:

Executive Director, Loretta L. Topey
Access to Justice Director, Monte T. Mollere
Communications Director, Lori L. Ruello
Member Services Director, Judith W. Dugar
Practice Assistance Counsel, Cheri Cotogno Grodsky
Executive Assistant, Ramona K. Meyers
Chair, Client Protection Fund Study Committee, Frank X. Neuner, Jr.

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Absent were:

Chair, Young Lawyers Section, Jennifer G. Gary
Fifth Board District Representative, E. Wade Shows
At-Large Member, R. Gayle Harrell Jackson
House of Delegates Liaison Member, C. Wendell Manning

Consent Calendar

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

2.1 Approval of Minutes.

The minutes of the Board of Governors meeting held on August 25, 2001, in New Orleans, were approved as prepared.

Agenda Item 3. Consideration of Any Items(s) Removed from Consent Calendar.

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

Agenda Item 4. Client Protection Fund.

Mr. Neuner, chair of the Client Protection Fund Study Committee, presented a resolution designed to fund the CPF; seek Supreme Court approval of procedural changes in specific disciplinary processes; seek certain legislative changes that would assist the Office of Disciplinary Counsel in their investigations. The resolution was adopted for submission to the January meeting of the House of Delegates.

Agenda Item 5. Membership Listing on Internet.

5.1 Statement of Policy to be Considered by Board.

The Board discussed issues pertaining to listing the names of all members, with office addresses and phone numbers, on the LSBA web site, LSBA.org. For a nominal fee, the LSBA could "hotlink" the member's name to either the member's email address, web site or both. Discussion was held concerning the use of home addresses of U.S. Attorneys and District Attorneys. Following discussion, a motion was made to move forward with the posting of the LSBA membership on the LSBA web site and that the committee contact U.S. Attorneys and District Attorneys to determine the address they wish to use. There will be no "opt out" provisions. The motion was approved.

5.2 Louisiana Legal Directory Web Site.

The Board discussed the electronic publication of the LSBA membership information as part of an arrangement with Legal Directories Publishing Company, Inc. A motion was made that the committee and executive director will renegotiate a contract with Legal Directories for a period of five years with maximum benefit to the Association. The LSBA will grant non-exclusive rights to publish membership information electronically and negotiate for a portion of fees charged to members for web listings/links. The motion was approved.

Agenda Item 6. Ethics Advisory Counsel.

Ms. Topey informed the Board that Kay Eagan had been hired as Ethics Advisory Counsel to work with the Ethics Advisory Committee and provide ethical opinions to attorneys.

Agenda Item 7. Staff Position.

Ms. Grodsky presented a request for the creation of a part-time clerical position to assist the Ethics Advisory Counsel. The Board approved the position with a budget amendment to be made at the January meeting.

Agenda Item 8. Supreme Court Mandatory Internship Committee.

Ms. Provosty presented a report on the various programs being considered by the Supreme Court Mandatory Internship Committee. Following discussion, Ms. Provosty was directed to report back to the committee that the Board of Governors encourages the continuation of the committee's work with a report back to the Board when more specific information has been developed.

Agenda Item 9. Reports.

9.1 Report of the President

a. Montreal Meeting

President Rubin reported on his attendance at the Barreau de Montreal meeting in September.

b. Proposed LSBA/Canadian CLE Series.

President Rubin reported on his efforts to establish a joint CLE series with Montreal and Quebec attorneys and judiciary.

c. October meetings with Louisiana Supreme Court and with Chief Judges of the Intermediate Appellate Courts.

President Rubin reported that discussions with the court included Access to Justice recommendations from 1999.

9.1c.i Web site issues relating to the Courts.

The Supreme Court has again refused to allow the LSBA to post Supreme Court decisions on our web site and the Intermediate Appellate Courts have requested additional information before making a decision to allow their opinions to be posted on the LSBA web site.

9.1cii New Intermediate Appellate Court Liaison Committee.

President Rubin informed the Board that a new committee had been formed to work with the Intermediate Appellate Courts on areas of concern to the courts, i.e., workloads, staffing, electronic filing, etc. 2002 Midyear Meeting.

9.1d

9.1d.i Reception for 50-60-70-year members.

President Rubin asked the members of the Board to make every effort to attend the reception. The reception will be held at the Baton Rouge Marriott beginning at 6 p.m., Friday, January 18.

9.1dii Louisiana Center for Law and Civic Education Teacher of the Year Award.

President Rubin informed the Board that the first LCLCE Teacher of the Year Award would be presented during the reception for 50-, 60- and 70-year members.

9.1e Report on LSBA response to Supreme Court's proposal for Mandatory CLE for new admittees.

President Rubin referred the Board to a letter contained under tab 9 of the Board manual for a copy of the letter forwarded to the Supreme Court.

9.1f Report on Supreme Court's proposal on essay portion on disciplinary matters.

President Rubin referred the Board to a letter contained under tab 9 of the Board manual for a copy of a letter from Robert Contois, co-chair of the Ethics Advisory Service Committee, endorsing unanimously the Supreme Court's Committee on the Prevention of Lawyer Misconduct's recommendation to add an essay portion to the bar exam covering practical issues from which the majority of disciplinary complaints arise.

9.1g Appointment of member to Louisiana Judicial Council.

The Board approved a recommendation to the Supreme Court to reappoint Patrick A. Juneau for a three-year term as a member of the Louisiana Judicial Council.

- 9.1h Law School for Non-Lawyers.
President Rubin provided an update on plans to hold two schools, in Alexandria and Monroe, that will focus on family law issues.
- 9.1i New IOLTA opinion of U.S. Fifth Circuit (10/16/01).
President Rubin briefly reviewed the opinion and its impact on the Louisiana Bar Foundation.
- 9.1j Meeting with Louisiana District Attorneys Association.
President Rubin reported on his meeting with the association to discuss issues of mutual concern.
- 9.1k Senate Concurrent Resolution 121.
The Board directed staff to draft a letter to Sen. Baer explaining that the LSBA is restrained by *Keller* from getting involved in such activities.
- 9.1l LSC Update.
President Rubin presented an update on the reconfiguration of the current eight LSC funded programs.
- 9.1m Planning for 2002 Annual Meeting.
President Rubin reported on preliminary plans for the Annual Meeting to be held June 26-28 at the Sandestin Golf and Beach Resort, Destin, Florida.

- 9.2 Report of the President-Elect
 - 9.2a Annual Meeting Preparation.
Mr. Feldman reported on his participation in the planning process for the Annual Meeting.

- 9.3 Report of the Secretary
Ms. Schnabel reported on the activities of the Journal Editorial Board and cost saving items put in place to reduce printing expenses. She stated the December issue was delayed due to the September 11 tragedy.

- 9.4 Report of the Treasurer
 - 9.4a October 26 Budget Committee Meeting.
The Board took the following actions on recommendations from the Budget Committee which meet on October 26:
 - g unanimously approved implementation of a 1% royalty on the endorsed life and malpractice insurance plans effective January 1, 2002;

- g** approved with three dissenting votes the implementation of a 1% royalty on the endorsed health insurance plan effective February 1, 2002;
- g** voted to revisit consideration of a royalty on the endorsed disability insurance plan at its January 2002 meeting.
- 9.4b Performance of Investments.
Mr. McKay reported on the status of reserves and answered questions posed by Board members.
- 9.5 Report of the Young Lawyers Section Chair.
In the absence of the section chair no report was given.
- 9.6. Report of the Executive Director.

 - 9.6a Amendment to Louisiana Judiciary Commission Sublease.
The Board approved amendment to the Commission's sublease by increasing the amount of space being sublet.
 - 9.6b Qualifying for 2001/02 elections.
Ms. Topey referred the members to a list of candidates who qualified for the 2001/02 elections contained in the additional materials distributed to each member at the beginning of the meeting. The first ballots will be mailed on Monday, November 19 with a deadline date by U.S. Postmark of Monday, January 7.
 - 9.6c ExpressScripts Decision re Cipro Prescriptions.
Ms. Topey presented the company's decision concerning the prescription drug Cipro in light of recent increased anthrax cases.
 - 9.6d Request from Family Law Section re CLE Cosponsorship.
The Board unanimously approved a resolution directing the staff and CLE Program Committee to work with the section to make CLE cosponsorship a reality.
- 9.7 Committee Liaison Reports.

 - 9.7a Group Insurance Committee.
The Board approved a motion authorizing the Group Insurance Committee to act on behalf of the Association with regard to the group medical insurance program, with action to be reported to and ratified by the Board at its January 2002 meeting.
 - 9.7b Client Protection Fund Committee.
The Board adopted a resolution commending the Client Protection Fund Committee for handling all claims greater than one year old.

- 9.8 Section Liaison Reports.
No reports were presented.

Agenda Item 10. Other Matters.

10.1 Discussion of New Business

10.1a Louisiana Bar Center Past President's Room.

The Board appointed a committee consisting of Marta-Ann Schnabel, Karl Connor, Larry Ponoroff and Loretta Topey to develop recommendations for the redesigning of the Louisiana Bar Center's Past Presidents Room.

10.1b Louisiana Attorney Disciplinary Board Administrative Committee.

The Board unanimously approved recommending to the Supreme Court reappointment of Leu Anne Greco of Baton Rouge for a one-year term on the Louisiana Attorney Disciplinary Board Administrative Committee.

10.2 Date of Next Meeting

The next meeting of the Board will be held in conjunction with the LSBA Midyear Meeting on Saturday, January 19, 2002, at the Baton Rouge Marriott. The meeting will begin immediately following the House of Delegates meeting.

Agenda Item 11. Discussion Concerning Potential Impact of Recent IOLTA Decision on LSBA.

The Board discussed with Louisiana Bar Foundation President Suzanne M. Jones the impact of the decision on the various programs receiving funding from the Foundation through IOLTA grants. Ms. Jones informed the Board that the Foundation would continue to operate until the Supreme Court mandates otherwise.

Agenda Item 12. Executive Session.

The Board then entered into Executive Session to discuss the performance review of the Executive Director for 2000-01.

Agenda Item 13. Adjournment.

There being no further business to discuss, the meeting was adjourned at 12:30 p.m.

Respectfully submitted:

Marta-Ann Schnabel
Secretary

Date

