

**LOUISIANA STATE BAR ASSOCIATION
BOARD OF GOVERNORS
October 28, 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 9:00 a.m., Saturday, October 28 2000, in St. Francisville, Louisiana. 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
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, Patricia P. Reeves
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
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, Rules Review Committee of the ADR Section, G. Steven Duplechain
Member, Rules Review Committee of the ADR Section, Edward J. Gay

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Absent were:

First Board District Representative, Shelley Hammond Provosty
Louisiana State Law Institute, Marilyn C. Maloney

Agenda Item 2. Approval of Minutes.

The minutes of the Board of Governors meeting held on August 26, 2000, in Alexandria, Louisiana, were considered for approval. The minutes were approved as prepared.

Agenda Item 3. Professionalism Book.

President Gay provided a brief status report on the Handbook on Louisiana Professional Responsibility Law.

Agenda Item 4. Technology.

Mr. Rubin presented a recommendation that the association consider a new technology position on the LSBA staff. He indicated that a job description was being developed and moved that the Board approve the creation of a technology position to be filled by the end of the year. The motion was adopted unanimously.

**Agenda Item 5. LSBA Appointment to Louisiana Attorney Disciplinary Board
Administrative Committee.**

President Gay informed the Board that Mr. Ike Spears had completed his third one-year term as the LSBA representative to the Louisiana Attorney Disciplinary Board Administrative Committee and was not eligible for reappointment. He then recommended that the Board consider nominating Ms. Leu Anne Lester Greco to serve as the association's representative. A motion was made to recommend Ms. Leu Anne Lester Greco to the Supreme Court for consideration of appointment as the LSBA representative to the Louisiana Attorney Disciplinary Board Administrative Committee. The motion was adopted unanimously.

Agenda Item 6. Disaster Response Plan.

Mr. Collins reported that the Public Information Committee was developing a disaster response plan for submission to the House of Delegates in January. He stated that the preliminary plan had been distributed to the committee for review prior to its meeting and would be distributed to the Office of Disciplinary Counsel for review and comment prior to submission to the House of Delegates. It was further suggested that the plan be circulated to the Board of Governors and

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that a conference call be scheduled in early December to review and discuss all resolutions submitted to the House.

Agenda Item 7. House of Delegates.

The Board ratified the following appointments made by President Gay to fill various vacancies in the 2000-01 House of Delegates:

3 rd Judicial District	Jay B. McCallum
	Tyler Graham Storms
6 th Judicial District	F. Sherman Boughton, Jr.
	James E. Paxton
22 nd Judicial District	Dawn Amacker
32 nd Judicial District	Matthew H. Hagen

President Gay then reviewed activities planned in conjunction with the Midyear Meeting to be held January 12 and 13, 2001, at the Fairmont Hotel in New Orleans. He encouraged the Board members to attend the reception honoring the 50-, 60- and 70-year members beginning at 6 p.m., Friday, January 12, and the House of Delegates meeting beginning at 9 a.m., Saturday, January 13. Resolutions to be submitted to the House for consideration include a revised package from the Bar Governance Committee, the disaster response plan and a package from the Ethics 2000 Committee.

Agenda Item 8. Legal Specialization.

President Gay spoke briefly on the Legal Specialization program and the moratorium which has been imposed by the House of Delegates. Some Board members expressed concern about the percent of practice requirements and President Gay said it would be up to the Board of Legal Specialization to get the House of Delegates to revisit this issue.

Agenda Item 9. Legal Malpractice Insurance Committee.

Mr. Inabnett, Board Liaison to the committee, reported that Westport, CNA and Interstate insurance companies had been invited to make presentations to the committee to become the sponsored carrier. The committee reviewed and discussed the interviews at its meeting on October 14 and felt information was missing from the Westport interview and decided to put any action on hold until the committee could request and receive the missing information. A telephone conference will be scheduled in December to develop a recommendation for presentation to the Board in January.

Agenda Item 10. Group Insurance Committee.

The Board considered a request from the Group Insurance Committee for authorization from the Board for the Committee to act on behalf of the Association with regard to the Bar sponsored group medical insurance program, with action to be reported to and ratified by the Board at its January 2001 meeting. The Board unanimously approved the request.

Agenda Item 11. Louisiana Center for Law and Civic Education.

Ms. Jackson, member of the LSLCE Board, provided an update on the Center's activities, including the Teen Leadership Camp on Violence Prevention, the Summer Institute, annual Youth Summit and the possibility of holding a phantom ball in lieu of their annual fund raiser, La Fete Lafitte!

Agenda Item 12. Investment Policy Committee.

The following recommendations developed by the Investment Committee at its October 3 meeting were unanimously approved by the Board:

- a. that 1/3 of the accumulated cash reserves be placed in short-term investments and that these investments be made in accordance with the current investment guidelines;
- b. that 2/3 of the accumulated cash reserves be placed in long-term investments (with the view that long-term means more than five years) with a mixture of equities, and that the Board retain an adviser to look at the appropriate mix of equities and cash equivalents; and
- c. that an expert be hired, for up to \$2,000, to assist the Investment Committee and advise the Board to look at internal cash flow and develop a recommendation for consideration by the Board and the Committee on investment guidelines for long-term investments.

Agenda Item 13. Access to Justice.

The Board considered a revised Model Law Firm Pro Bono Policy as prepared by the Access to Justice Program and unanimously approved the Policy as revised.

Mr. Mollere then presented a brief report on the activities of the Access to Justice Program since the last meeting of the Board.

Agenda Item 14. Budget Committee.

The following budget amendments, as proposed by the Budget Committee, were unanimously approved:

create income line item for professionalism CLE tapes in the amount of \$4,500; and
create expense line item for professionalism CLE tapes in the amount of \$2,500.

Agenda Item 15. Elections.

Ms. Topey informed the Board that no written petitions were received challenging the President-Elect and Secretary positions, therefore, Larry Feldman, Jr. of Shreveport was certified President-Elect for 2001-02 and Marta Ann Schnabel was certified as Secretary for 2001-03. The Board then reviewed the list of candidates qualified for the various positions open for election.

Agenda Item 16. Community Action Committee.

Ms. Ruello, staff liaison to the committee, presented proposed 2000-01 committee projects for the Board's approval. The Board unanimously approved the following projects: 1) Christmas gift giving - December 2000; 2) Easter Week Projects - 2001; Lawyers Helping Hands (feed the homeless) - Law Week 2001; and 4) JUMP (mentoring at-risk juveniles) - year-long.

Agenda Item 17. Committee Reports.

- a. Client Protection Fund Study Committee
Ms. Schnabel informed the Board that the committee had met with the ABA and is formulating recommendations for presentation to the Board in the spring.
- b. Court Rules Committee
Ms. Reeves reported that the committee made a presentation to the Louisiana District Court Judges Association and they have accepted the concept of uniform court rules. She indicated that the civil section of the rules is close to completion but the criminal sections are moving more slowly.
- c. Technology Committee
Mr. Rubin reported that Judge Boyle was assisting in placing the Court of Appeals cases on the LSBA web site as soon as they are available. He stated that an offer has been extended to the Supreme Court to place their decisions on the web site until their site is completed.

Agenda Item 18. Report of the President.

- a. Bar Admissions.
President Gay reported on the exam pass rates by law schools and the number of individuals admitted on October 6, 2000.
- b. Ethics 2000.
President Gay presented a brief update on the activities of the committee and the Ethics 2000 conference being planned for December 1, 2000, at the Marriott Hotel in New Orleans.
- c. Faculty Membership
President Gay reported on efforts to increase LSBA law faculty membership.
- d. Student Membership
The Board discussed the possibility of establishing a law student membership.
- e. Multijurisdictional Practice
The Board discussed the need to appoint a committee or task force to study the issue and voted to appoint a committee.
- f. Lawyer Advertising Reform
President Gay reported that two committees, Committee on Codes of Lawyer and Judicial Conduct and the Lawyer Advertising Committee have been charged with studying the issue with recommendations to be presented to the House of Delegates.
- g. Amicus Briefs Committee
President Gay asked the Board for recommendations for appointment of three members and two alternates to the committee. He further indicated that a letter notifying sections of the policy would be sent to the chairs of all sections.
- h. Midyear Meeting
President Gay provided a brief update on plans for the Midyear Meeting to be held January 12 and 13, 2001 at the Fairmont Hotel in New Orleans.
- i. Annual Meeting
President Gay reported on plans for the 2001 Annual Meeting to be held June 6 through 8, at the Sandestin Golf and Beach Resort in Destin, Florida. He stated that plans are being developed in an effort to generate interest among the young lawyers to attend the meeting.
- j. Other Matters
President Gay informed the Board that notification had been received from the Louisiana Association of Criminal Defense Lawyers indicating that the LSBA had been selected to receive the Sam Dalton Capital Defense Advocacy Award for the adoption of the resolution calling for a moratorium on carrying out the death penalty in Louisiana.

Agenda Item 19. Report of the President-Elect.

a. Annual Meeting Attendance

Mr. Rubin reported on meetings held to brainstorm ways to increase attendance at Annual Meeting, including the recommendation that local bar associations host bench/bar conferences during the Annual Meeting.

b. Annual Meeting 2002

Mr. Rubin informed the Board that he was considering holding the 2002 Annual Meeting at the Marriott Bay Point Resort in Panama City Beach, Florida. He stated that he and Ms. Topey had visited the property and felt it would be a suitable venue for the meeting. A second site visit would be conducted by staff and discussion would be held with the Judicial College before a recommendation to change venue was made.

Agenda Item 20. Report of the Secretary.

Ms. Ryan reported that the December issue of the *Journal* would focus on the Edwards trial and the spring issue would be devoted to technology.

Agenda Item 21. Report of the Treasurer.

a. Investments

The Board reviewed a report on the current status of LSBA investments.

b. Other Matters

Mr. McKay informed the Board that the press clippings previously mailed to them would now be available on the LSBA web site and not sent via U.S. mail.

Agenda Item 22. Report of Young Lawyers Section Chair.

Ms. Birdsong presented a report on the activities of the Young Lawyers Section since the last meeting of the Board. These activities include the Bridging the Gap seminar for the new admittees, the High School Mock Trial program, the High School Essay program which this year focused on violence in the schools and their continuing efforts to assist the senior citizens of Louisiana.

Agenda Item 23. Report of the Executive Director.

a. Staff

Ms. Topey informed the Board that a Website Administrator had been hired.

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b. Elections

Ms. Topey presented a proposal recommending a change in the LSBA election process. She indicated that staff had investigated a company, election.com, that could provide the same election process for mail ballots but could also provide access to voting on line. The Board unanimously approved the use of election.com for the 2000-01 election cycle with the option to renew annually.

Agenda Item 24. Discussion of Other Matters to be Addressed by Board.

Mr. McClelland reported on his participation in the 13th Annual ABA Lawyers Assistance Conference.

Agenda Item 25. Date of Next Meeting.

The next meeting of the Board of Governors will be held at 11 a.m., Saturday, January 13, 2001, in conjunction with the Midyear Meeting. The Board will meet immediately following the House of Delegates meeting, which will be held beginning at 9 a.m. Board members were encouraged to attend the reception honoring 50-, 60- and 70-year members to be held from 6 p.m. to 7:30 p.m., Friday, January 12, 2001, at the Fairmont Hotel in New Orleans.

Agenda Item 26. Visioning.

Mr. Edward J. Gay provided a presentation on the LSBA's fee dispute resolution program.

Agenda Item 25. Adjournment.

There being no further business to discuss, the meeting was adjourned at 11:50 a.m.

Respectfully Submitted:

Elizabeth Haecker Ryan
Secretary

Date