

**LOUISIANA STATE BAR ASSOCIATION
BOARD OF GOVERNORS
October 28, 2006**

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

President Marta-Ann Schnabel called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 9 a.m., Saturday, October 28, 2006 in Alexandria. Business was conducted in accordance with the agenda below.

Agenda Item 1. Roll Call

Present were:

President, Marta-Ann Schnabel
President-Elect, S. Guy deLaup
Secretary, E. Wade Shows
Treasurer, James R. Nieset
Immediate Past President, Frank X. Neuner, Jr.
Chair, Young Lawyers Section, Mark E. Morice
Second Board District Representative, Joseph A. Conino
Fourth Board District Representative, Walter M. Sanchez
Fifth Board District Representative, Celia R. Cangelosi
Sixth Board District Representative, W. Jay Luneau
Seventh Board District Representative, Carrick B. Inabnett
Eighth Board District Representative, Donald R. Miller
At-Large Member, Shannan L. Hicks
At-Large Member, Kelly M. Legier
From the Faculty of LSU Paul M. Hebert Law Center, John M. Church
From the Faculty of Tulane University Law School, Raymond T. Diamond
From the Louisiana State Law Institute, Joseph W. Mengis
House of Delegates Liaison Chair, J. Christopher Peters

Also present were:

Executive Director, Loretta Larsen, CAE
Access to Justice Director, Monte T. Mollere
Communications Director, Brooke K. Monaco
Director of Professional Programs, Cheri Cotogno Grodsky
Executive Assistant, Ramona K. Meyers
President-Elect Designee Nominee, Elizabeth Erny Foote

Absent were:

First Board District Representative, Patricia A. Krebs
First Board District Representative, Ronald J. Sholes
Third Board District Representative, Steven G. Durio
At-Large Member, Paula Hartley Clayton

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House of Delegates Liaison Member, Jack C. Benjamin, Jr.
House of Delegates Liaison Member, Robert A. Kutcher

CONSENT CALENDAR

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

2. Minutes of the August 26 meeting of the Board of Governors held in New Orleans.
3. Report of the Executive Director
4. Appointment of Deanne D. McCallum to fill a House of Delegates vacancy in the Third Judicial District.

Agenda Item 5. Criminal Courts

Mr. Neuner presented a report on the current operation of the criminal courts and Ms. Schnabel provided a brief update on the status of the indigent defense system in New Orleans.

Agenda Item 6. MCLE Performance Audit

Ms. Schnabel informed the Board that the Supreme Court had released the MCLE performance audit report but had not made a decision regarding the recommendations contained in the report. She further stated that the chair of the LSBA Professionalism and Quality of Life Committee met with the Court to request the continuation of the separate professionalism hour but received no commitment from the Court.

Agenda Item 7. Administrative and Organizational Review

Mr. Inabnett presented a written report recommending the acceptance of the results of the Board of Governors Planning session and the Technology Audit Report along with a corresponding recommendation to conduct an electronic survey of a statistically valid sample of LSBA members. Mr. deLaup moved that the LSBA conduct an electronic survey of the membership with existing funds already allocated in the budget for this purpose. The motion was seconded and adopted with one opposing vote.

Agenda Item 8. Release of Member Information

At its meeting in August the Board approved an operating policy regarding release of member information, voting to omit any reference to bar roll numbers while directing the issue be reconsidered at its October meeting. A motion was made to allow staff to disclose bar roll numbers if asked. The motion was seconded and then amended to state the request for bar roll

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number must be received in writing, must meet established criteria, provide an explanation as to how the bar roll number would be used and accept responsibility to be liable if the number is misused. The amendment was seconded and a vote taken on the amended motion. The motion was defeated. A motion was then made directing the Executive Director to instruct the LSBA staff to not release members' bar roll numbers. The motion was defeated by a vote of eight in favor and nine against. Mr. Shows moved that discussion on the release of member information be tabled until staff could investigate the cost of updating the LSBA computer system to allow attorneys to select a member specific code or password that would be used in lieu of their bar roll number to access LSBA member records, Fastcase, MCLE records and voting. The motion was adopted.

Agenda Item 9. August 2006 Board of Governors Planning

The Board of Governors reviewed the Summary and Report of the Board of Governors Planning Session and unanimously approved the following:

1. Acceptance of the summary and report of the Board of Governors Planning Session as presented;
2. A motion to propose to the House of Delegates at its January meeting a resolution to increase LSBA annual dues;
3. Development of a proposal on inactive members to be presented to the Board at its January meeting.

Agenda Item 10. July 2006 IT Audit

Ms. Larsen reviewed the printed report from the July 2006 technology audit and the Board unanimously approved acceptance of the report.

Agenda Item 11. Consideration of Any Item Removed from Consent Calendar

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

Agenda Item 12. Young Lawyers Section Report

Mr. Morice briefly reviewed the activities of the Young Lawyers Section to supplement his written report.

Agenda Item 13. Lawyer Advertising

Ms. Schnabel reported on the four public hearings held across the state on the proposed advertising rules. She stated that the Committee reviewed the rules adopted by other state bar

associations, notably Florida, New York and Texas, in the development of the proposed Louisiana rules. The Committee will continue its work on the development of the rules utilizing comments and concerns collected during the public hearings.

Agenda Item 14. Annual Meeting Survey

Mr. deLaup presented the preliminary results of the Annual Meeting site selection survey and moved that the 2008 LSBA Summer School for Lawyers and Annual Meeting be held at the Sandestin Golf and Beach Resort in Sandestin, Florida, and that the Annual Meeting Site Selection committee remain intact another year to consider holding the meeting in late June and a rotation of meetings between Sandestin and another alternate site. The motion was unanimously approved.

Agenda Item 15. Membership Relocation Report

The Board reviewed the written report contained in the meeting handbook and the supplemental material distributed at the meeting on Post-Katrina and Rita LSBA membership relocations.

Agenda Item 16. Policy on Issuance of Checks

The Board unanimously approved as presented the draft policy on the issuance of checks.

Agenda Item 17. LSBA Appointment to Louisiana Attorney Disciplinary Board Administrative Committee

The Board unanimously approved a motion to recommend to the Supreme Court that Glenn B. Adams be appointed to serve a second one-year term as the LSBA representative on the Louisiana Attorney Disciplinary Board Administrative Committee.

Agenda Item 18. Budget Committee

a. 2006/2007 Proposed Amendments

The Board unanimously approved the following FY 2006/2007 budget amendments recommended by the Budget Committee:

- ◆ increase Penalties income from \$14,000 to \$18,000;
- ◆ increase Uniform Title Standards Book income from \$1,500 to \$2,000;
- ◆ increase Leadership LSBA Committee expenses from \$2,000 to \$3,000;
- ◆ increase Professional Responsibility Law Book expenses from \$-0- to \$500;

- ◆ increase Bar Admissions Ceremonies expenses from \$4,000 to \$6,000;
- ◆ increase Memorial Exercises expenses from \$500 to \$1,500;
- ◆ increase Statewide LRIS expenses from \$-0- to \$500;
- ◆ increase CLE Programming Personnel expenses from \$75,000 to \$95,000;
- ◆ increase Practice Assistance Program Personnel expenses from \$215,5000 to \$235,5000;
- ◆ increase Practice Assistance Program Committee expenses from \$7,000 to \$10,000;
- ◆ increase Practice Assistance Program Law School Professionalism Programs expenses from \$12,000 to \$19,000;
- ◆ increase Lawyer Advertising Public Hearings expenses from \$-0- to \$14,000; and
- ◆ increase Property Management expenses from \$185,000 to \$210,000.

Agenda Item 19. Report of the President

a. National Conference of Chief Justices

President Schnabel stated that at its August meeting the Board unanimously approved a request from Chief Justice Calogero to underwrite \$50,000 for the National Conference of Chief Justices, to be held in New Orleans in February 2007. At that time a budget amendment was not recommended as the LSBA would request assistance/participation from other entities to help meet the financial obligation. She stated that the LTLA had committed to a \$2,500 co-sponsorship and the LDLA would be asked for a matching amount. Further, the Louisiana Bar Foundation committed to a co-sponsorship of \$10,000 and noted that each of the 28 LSBA sections would be solicited for co-sponsorship of the conference.

b. January 2007 Midyear Meeting

President Schnabel reported that the 2007 Midyear Meeting would be held January 18-20 at the J.W. Marriott Hotel in New Orleans, noting that the Board would hold its meeting at 1 p.m., Friday, January 19 and then reconvene immediately following the conclusion of the House of Delegates meeting on Saturday, January 20, to ratify the actions of the House.

c. Riley v. LSBA

President Schnabel reported on the status of the case.

Agenda Item 20. Report of the President-Elect

a. Section Council Retreat

Mr. deLaup reported that the Section Council Retreat would be held on November 3 in Lafayette and stated that his role at the meeting would be to provide information on the services provided to the sections by the LSBA.

Agenda Item 21. Report of the Secretary

Mr. Shows presented a report on the status of LSBA publications.

Mr. Shows then asked for discussion on what efforts the Board will undertake to ensure the passage of the House of Delegates resolution proposing an increase in LSBA dues and if such an undertaking would require a budget amendment. Following discussion, it was decided that a contact committee would be appointed with the intent of contacting every member of the House once the resolution is developed and distributed to the House. Additionally, a committee would be formed to recommend a course of action educate the members of the House on the need for the increase. No budget amendment was recommended at this time.

Agenda Item 22. Report of the Treasurer

Mr. Nieset stated that he had no report at this time.

Agenda Item 23. Report of the Immediate Past President

Mr. Neuner briefly reported on a disciplinary case in Lafayette.

Agenda Item 24. Other Matters

a. Discussion of Any Items to be Added to the Agenda

- i. Louisiana Road Home Project – Ms. Foote reported that the LSBA had been approached to respond to an RFP in which the LSBA would administer a grant from the Road Home Program. The Bar would oversee the work of legal service organizations in providing curative title work which would allow the Road Home program to either buy out homes or provide homeowners with grants.
- ii. 2006/2007 Election Qualifying Report – Ms. Larsen referred the Board to a printed report distributed at the beginning of the meeting.
- iii. *LSBA v. Carr* – Mr. Neuner informed the Board that the LSBA had been successful in obtaining a preliminary injunction and commended Messrs. Durio and McKay for their efforts.

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- iv. Committee to Study the Finances and Workload of the Louisiana Attorney Disciplinary Board – Ms. Cangelosi reported that during the committee's last meeting a motion was made and adopted to recommend to the Supreme Court that the Attorney Disciplinary Assessment be increased by \$35 in 2007 and by \$35 in 2009.
- b. Date of Next Meeting
The next meeting of the Board of Governors will be held at 1 p.m., Friday, January 19 in New Orleans, in conjunction with the LSBA Midyear Meeting. The Board will reconvene on Saturday morning following the House of Delegates meeting to consider approval of the actions of the House. Additional information on this meeting will be sent to the Board members in December.

There being no further business to discuss, the meeting was adjourned at 11:45 am.

Respectfully Submitted:

E. Wade Shows
Secretary

Date