

**MINUTES OF THE HOUSE OF DELEGATES
OF THE LOUISIANA STATE BAR ASSOCIATION
June 27, 2005**

The House of Delegates was convened at 9 a.m. on Monday, June 27, 2005, in Florentine Ballroom I-III at Caesars Palace in Las Vegas, Nevada.

I. Certification of Quorum by the Secretary.

After reviewing the delegate check-in roster, Secretary James R. McClelland determined that a quorum was present. A copy of the attendance roster is attached as an addendum to these Minutes. President Michael W. McKay declared the meeting to be in session.

II. Recognition of Deceased Members of the House of Delegates.

President McKay noted that no members of the House of Delegates had died since the June 2004 meeting of the House.

III. Consideration of Approval of the Minutes of the January 22 and May 7 Meetings of the House of Delegates.

The following motion was made:

“BE IT RESOLVED, that the minutes of the January 22 and May 7 meetings of the House of Delegates are approved.”

The motion was seconded and unanimously approved.

IV. Report of Standing Committees of the House of Delegates.

No oral reports were given; all reports that were in writing were submitted.

V. Reports of the Officers, Board of Governors, Standing Committees and Sections of the Louisiana State Bar Association.*

No oral reports were given; all reports that were in writing were submitted.

VI. Reports of the Special Committees of the Louisiana State Bar Association.

- a. Task Force on Judicial Independence.
Hon. Ulysses Gene Thibodeaux, chair, made remarks to the House to supplement the written report contained in the House of Delegates materials.

VII. Reports of Special Committees of the House of Delegates.

No oral reports were given; all reports that were in writing were submitted.

VIII. Other Reports.

- a. Louisiana Board of Specialization.
No oral report was given; a written report was contained in the House of Delegates materials.

IX. Old Business.

There was no Old Business to be considered.

X. New Business.

1. Election of a member from the House of Delegates to serve on the Budget Committee.

The following motion was made by Mary Heck Barrios:

“BE IT RESOLVED, that Daniel A. Cavell of the 17th Judicial District serve as a member from the House of Delegates to serve on the Budget Committee.”

The motion was seconded.

The following motion was made by Charles Davoli:

“BE IT RESOLVED, that Michael D. Ferachi of the 19th Judicial District serve as a member from the House of Delegates to serve on the Budget Committee.”

Nominations were closed and a vote taken. Daniel A. Cavell of the 19th Judicial District was declared elected as a member of from the House of Delegates to serve on the Budget Committee.

2. Election of three (3) members of the House of Delegates to the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association. This committee was created by a resolution adopted by the House on November 13, 1971. The committee is composed of the president, president-elect, secretary, chair of the Public Information Committee, and

three (3) members designated from the membership of the House of Delegates by the House of Delegates.

The following motion was made by Val P. Exnicios:

“BE IT RESOLVED, that John A. Hernandez III of the 15th Judicial District serve as a member of the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association.”

The motion was seconded. There being no further nominations, John A. Hernandez III of the 15th Judicial District was declared elected as a member of the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association. President Neuner noted that the remaining two members would be appointed.

3. Election of a member of the House of Delegates to serve, without vote, on the Committee on Continuing Legal Education (Mandatory CLE).

The following motion was made by James Williams:

“BE IT RESOLVED, that Val P. Exnicios of Orleans Parish serve as a member from the House of Delegates, without vote, on the Committee on Continuing Legal Education (Mandatory CLE).”

The motion was seconded.

The following motion was made by Anthony J. Staines:

“BE IT RESOLVED, that Thomas C. Cerullo of the 24th Judicial District serve as a member from the House of Delegates, without vote, on the Committee on Continuing Legal Education (Mandatory CLE).”

The motion was seconded and a vote taken. Val P. Exnicios of Orleans Parish was declared elected as a member from the House of Delegates to serve, without vote, on the Committee on Continuing Legal Education (Mandatory CLE).

4. Resolution from Antitrust and Trade Regulation Section to amend the section’s Bylaws to increase its annual dues.

The following motion was made by Val P. Exnicios:

“BE IT RESOLVED, that the resolution from Antitrust and Trade Regulation Section to amend the section’s Bylaws to increase its annual dues, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

5. Resolution from Art, Entertainment and Sports Law Section to amend the section’s Bylaws to increase its annual dues.

The following motion was made by Val P. Exnicios:

“BE IT RESOLVED, that the resolution from Art, Entertainment and Sports Law Section to amend the section’s Bylaws to increase its annual dues, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

6. Resolution from Bench and Bar Section to amend the section’s Bylaws to increase its annual dues.

The following motion was made by Val P. Exnicios:

“BE IT RESOLVED, that the resolution from Bench and Bar Section to amend the section’s Bylaws to increase its annual dues, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

7. Resolution from Civil Law and Litigation Section to amend the section’s Bylaws to increase its annual dues.

The following motion was made by Val P. Exnicios:

“BE IT RESOLVED, that the resolution from Civil Law and Litigation Section to amend the section’s Bylaws to increase its annual dues, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

8. Resolution from Fidelity, Surety and Construction Law Section to amend the section's Bylaws to increase its annual dues.

The following motion was made by Val P. Exnicios:

“BE IT RESOLVED, that the resolution from Fidelity, Surety and Construction Law Section to amend the section's Bylaws to increase its annual dues, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

9. Resolution from Francophone Section to amend the section's Bylaws to increase its annual dues.

The following motion was made by Val P. Exnicios:

“BE IT RESOLVED, that the resolution from Francophone Section to amend the section's Bylaws to increase its annual dues, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

10. Resolution from Insurance, Tort, Workers Compensation and Admiralty Law Section to amend the section's Bylaws to increase its annual dues.

The following motion was made by Val P. Exnicios:

“BE IT RESOLVED, that the resolution from Insurance, Tort, Workers Compensation and Admiralty Law Section to amend the section's Bylaws to increase its annual dues, a copy of which is attached, be adopted.”

The motion was seconded. The following motion was made by Mr. Centola:

“BE IT RESOLVED, that the resolution from Insurance, Tort, Workers Compensation and Admiralty Law Section be amended to change the amount of the proposed dues increase from \$.50 to \$2.50, resulting in annual dues of \$22.50.”

Mr. Exnicios accepted the motion as a friendly amendment and a vote taken on the motion as amended. The motion was adopted unanimously.

11. Resolution from International Law Section to amend the section's Bylaws to increase its annual dues.

The following motion was made by Val P. Exnicios:

“BE IT RESOLVED, that the resolution from International Law Section to amend the section's Bylaws to increase its annual dues, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

12. Resolution from Labor and Employment Law Section to amend the section's Bylaws to increase its annual dues.

The following motion was made by Val P. Exnicios:

“BE IT RESOLVED, that the resolution from Labor and Employment Law Section to amend the section's Bylaws to increase its annual dues, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

13. Resolution from Trust, Estate, Probate and Immovable Property Law Section to amend the section's Bylaws to increase its annual dues.

The following motion was made by Val P. Exnicios:

“BE IT RESOLVED, that the resolution from Trust, Estate, Probate and Immovable Property Law Section to amend the section's Bylaws to increase its annual dues, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

14. Resolution from Consumer Protection and Bankruptcy Law Section concerning the division of the section into two separate sections.

The following motion was made:

“BE IT RESOLVED, that the resolution from Consumer Protection and Bankruptcy Law Section concerning the division of the section into two separate sections, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

15. Resolution from Tax Section to amend the section’s Bylaws.

The following motion was made:

“BE IT RESOLVED, that the resolution from Tax Section to amend the section’s Bylaws, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

16. Resolution creating the Appellate Section of the Louisiana State Bar Association.

The following motion was made:

“BE IT RESOLVED, that the resolution creating the Appellate Section of the Louisiana State Bar Association, a copy of which is attached, be adopted.”

The motion was seconded and adopted.

17. Resolution from Board of Governors proposing amendments to the Articles of Incorporation of the Louisiana State Bar Association clarifying language regarding the removal of officers for cause and allowing for the removal of Board members for cause.

The following motion was made by Frank X. Neuner, Jr.:

“BE IT RESOLVED, that the resolution from Board of Governors proposing amendments to the Articles of Incorporation of the Louisiana State Bar Association clarifying language regarding the removal of officers for cause and allowing for the removal of Board members for cause, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

- 18. Resolution from LSBA member Paul Buffone requesting the Louisiana State Bar Association urge Congress to enact legislation that amends the Medicare Secondary Payer Act.**

The following motion was made by Charles Divoli:

“BE IT RESOLVED, that the resolution from LSBA member Paul Buffone requesting the Louisiana State Bar Association urge Congress to enact legislation that amends the Medicare Secondary Payer Act, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

- 19. Resolution from 19th Judicial District Delegate Jack M. Dampf proposing amendments to the Rules of Professional Conduct.**

The following motion was made:

“BE IT RESOLVED, that the resolution from 19th Judicial District Delegate Jack M. Dampf proposing amendments to the Rules of Professional Conduct, a copy of which is attached, be adopted.”

The motion was seconded and the following motion was made:

“BE IT RESOLVED, that the resolution from 19th Judicial District Delegate Jack M. Dampf proposing amendments to the Rules of Professional Conduct be divided.”

The motion was seconded and adopted and consideration given to item 1. The following motion was made:

“BE IT RESOLVED, that Item 1 of the resolution from 19th Judicial District Delegate Jack M. Dampf proposing amendments to the Rules of Professional Conduct be adopted.”

The motion was seconded and adopted unanimously.

The following motion was made:

“BE IT RESOLVED, that Item 2 of the resolution from 19th Judicial District Delegate Jack M. Dampf be referred to the Committee on Rules of Professional Conduct with a request that a recommendation be brought back to the House of Delegates for consideration.”

The motion was seconded and a vote taken. The motion was defeated. The following motion was then made:

“BE IT RESOLVED, that Item 2 of the resolution from 19th Judicial District Delegate Jack M. Dampf be amended to read ‘An attorney shall not be required to keep his/her client’s file for a period of time not longer than five (5) years after the date of secession of representation.’”

The motion was seconded and accepted as a friendly amendment. A vote was taken and Item 2 of the resolution from 19th Judicial District Jack M. Dampf proposing amendments to the Rules of Professional Conduct was adopted as amended.

- 20. Resolution from Access to Justice Committee and the Legal Services for Persons with Disabilities Committee requesting support and endorsement of the constitutional rights of individuals, including juveniles, to have adequate access to defense services.**

The following motion was made by Marta-Ann Schnabel:

“BE IT RESOLVED, that the resolution from Access to Justice Committee and Legal Services for Persons with Disabilities Committee requesting support and endorsement of the constitutional rights of individuals, including juveniles, to have adequate access to defense services, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

- 20. Resolution from Task Force on Diversity requesting the creation of a standing committee to be named the Committee on Diversity.**

The following motion was made by E. Phelps Gay:

“BE IT RESOLVED, that the resolution from Task Force on Diversity requesting the creation of a standing committee to be named the Committee on Diversity, a copy of which is attached, be adopted.”

The motion was seconded and adopted unanimously.

There being no further business to discuss, the meeting was adjourned at 11.50 a.m.

Respectfully Submitted:

James R. McClelland
Secretary

Date