BY-LAWS OF THE
LOUISIANA STATE BAR ASSOCIATION

ARTICLE X. STANDING COMMITTEES

Section 1. Creation

The following are the standing committees. The number of members of such committees, except as provided for hereinafter, shall be set by the President, subject to approval of the Board of Governors.

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(5) Legislation - Consisting of twenty-five (25) members in good standing of this Association: fifteen (15) elected by and from the House of Delegates and ten (10) members appointed by the President. All members shall serve three-year terms and terms shall be staggered to ensure experience and continuity. The President shall appoint a chair from the membership of the committee, which chair shall serve a one-year term.

Each President shall appoint one (1) member from Nominating Committee District 1; one (1) member from Nominating Committee District 2; and one (1) member from Nominating Committee District 3. Every third president shall also appoint one (1) member from the state at-large.

The House of Delegates shall elect its committee members at its June meeting for terms that commence on July 1 immediately following the election. To ensure geographically diverse representation, there shall be no more than four (4) House of Delegates representatives from a judicial district at any given time.

(a) The Legislation Committee shall have the following functions:

1. **Inform** – To inform the membership of legislation or proposed legislation of interest to the legal profession.

2. **Assist** – To assist the state legislature by providing information on substantive and procedural developments in the law, disseminating information to the membership, identifying resources available to the legislature, and providing other appropriate non-partisan assistance.

3. **Advocate** – To advocate for the legal profession and the public on issues affecting the profession, the administration of justice and the delivery of legal services in accordance with the policies and procedures set forth in Article X of these Bylaws.

(b) Legislation Committee members, by running for their positions or accepting appointments, are committing to advance preparation, and to participation in committee meetings. If a member is unable to participate, voting by proxy shall be permitted but only as hereinafter
provided:

1. The proxy must represent the same constituency as the member for whom he/she is serving as proxy;
   - a proxy for a member elected by and from the House of Delegates must be a member of the House of Delegates;
   - a proxy for a member representing a Nominating Committee district must have his/her preferred mailing address in that district.
2. No person may serve as a proxy for more than one member of the committee.
3. No member of the committee may serve as a proxy for another member of the committee.

(c) Should a committee member fail to appoint a proxy by the established deadline, the President shall immediately appoint a proxy to represent that committee member for that meeting. The President shall use his/her best efforts to appoint a proxy that meets the qualifications of clauses 1, 2 and 3 of the preceding paragraph (b).

(d) Committee members may be removed by the President for cause, with cause including but not limited to failure to properly prepare for or participate in committee meetings.

(Amended June 10, 1988; June 27, 2002; January 24, 2004; June 10, 2004; January 21, 2006; January 12, 2008; June 12, 2008; June 12, 2009; June 7, 2012; January 16, 2016)

ARTICLE XI. LEGISLATIVE POSITIONS

1. Scope and Limitations

The Legislation Committee’s activities with respect to recommending consideration or adoption of a legislative position by the Association may include matters involving issues affecting the profession, the regulation of attorneys and the practice of law, the administration of justice, the availability and delivery of legal services to society, the improvement of the courts and the legal profession, and such other matters consistent with the mission and purposes of the Association. The Committee shall not involve itself in legislation which is ideological in nature, unrelated to the practice of law, or which is unnecessarily divisive.

2. Criteria for Determining Positions

To assist in the determination of the Association’s involvement, priorities and implementation of legislative positions, the following factors should be considered:

a. Importance to the Bar, the legal profession, the administration of justice and to society as a whole.

b. Expectations of the public, legislators, and members of the profession regarding the Bar's role in the particular issue involved.

c. Level of support within the profession. Is it a matter of organization-wide interest, or is it limited to a few interested parties?

d. Likelihood of success within the legislative process.

e. Expertise of lawyers as lawyers. Do lawyers have a unique province of understanding or unique role in the issue because of their training, knowledge and experience as lawyers?

f. Currency of issue. An appraisal of the currency or relevance of a matter. Would it likely capture attention of key decision-makers in the reasonable foreseeable future?
g. *Image of the profession.* A judgment of how positively the general or the specific public will view the profession in light of a particular issue or position.

h. *Importance to the practice of law.* This deals with the "trade" issues which affect lawyers as lawyers regulating or influencing the basic practice of law.

i. *Opportunity for impact.* Will a Bar position or effort have an impact on actions of decision-makers? Will it contribute to resolution of the issue?

(Added June 7, 2012)

### 3. Adoption of Legislative Positions

Recommendations from the Legislation Committee concerning consideration or adoption of a position on pending or proposed legislation shall be presented to the Board of Governors in accordance with the following procedures:

a. A majority of the Legislation Committee in attendance at the meeting(s) called for that purpose must approve any recommendation(s) to the Board of Governors.

b. Recommendations from the Legislation Committee shall be accompanied by an explanation of the proposed position(s) and the reasons for adoption.

c. In the event that the Legislation Committee has recommendations for consideration by the Board of Governors, the Board of Governors shall meet electronically, via conference call or in person as called by the President.

d. Recommendations from the Legislation Committee shall be submitted to the Board of Governors prior to deliberation.

e. A recommendation of a position on pending or proposed legislation that is presented by the Legislation Committee to the Board of Governors shall be the position of the Association on that legislation, unless the recommendation is disapproved by a vote of at least seventy-five percent (75%) of the Board's members present and voting at a meeting at which the recommendation is considered. If the Legislation Committee's recommendation on legislation is disapproved by the requisite vote of the Board, the Association shall not take a position on that legislation, absent a further recommendation on that legislation by the Legislation Committee that is not disapproved by the Board of Governors in the manner provided in this Section.

f. In the event a member of the Board of Governors desires Board consideration of a bill not presented to the Board by the Legislation Committee, the Board must first approve such consideration by a seventy-five percent (75%) vote of the Board’s members present and voting. Action on the bill is subject to the same seventy-five percent (75%) vote of the Board’s members present and voting as bills presented by the Legislation Committee.

(Amended January 12, 2008; June 12, 2009; June 7, 2012)

### 4. Changes to Legislation Where Louisiana State Bar Association Has Adopted Position

It is anticipated that bills may be materially amended after the Louisiana State Bar Association has expressed its support or opposition. In such instances, the following procedures shall be followed:

a. The Lobbyist shall consult with the Executive Committee on the bill(s) in question and they shall formulate recommendations based on the bill(s) in question.

b. The LSBA will electronically transmit this information to members of the Board of
Governors and Legislation Committee, along with a recommended position the Executive Committee believes is most consistent with the Board of Governors’ original vote, along with a timeline for submitting comments.

c. Following the comment period, the Executive Committee shall meet to consider the comments of the Board of Governors and Legislation Committee and determine whether to change the Association’s position on the bill.

(Added January 22, 2005; Amended January 12, 2008; June 7, 2012)

5. Publication of Legislative Positions

The Louisiana State Bar Association shall timely publish notice of adoption of legislative positions in at least one of its regular communications vehicles and shall send electronic notice of adoption of legislative positions to Association members.

(Amended January 12, 2008)

ARTICLE XII. LEGISLATIVE POSITIONS AND PUBLIC POLICY

1. Objection to Use of Bar Dues

A. Submission of Objections

A member of the Louisiana State Bar Association who objects to the use of any portion of the member’s bar dues for activities he or she considers promotes or opposes political or ideological causes may request the Board to review the member’s concerns to determine if the Board agrees with the member’s objections. Member objections must be filed as follows:

a. Any objection must be filed within forty-five (45) days of the date of the Bar’s publication of notice of the activity to which the member is objecting.

b. Member objections must be in writing and must be filed with the Executive Director of the Association.

c. Failure to object within the time period and in the manner set forth above shall constitute a waiver of any right to object.

After a written objection has been received, the Executive Director shall promptly determine the pro rata amount of the objecting member’s membership dues at issue, and such amount shall be placed in escrow pending determination of the merits of the objection.

Upon the deadline for receipt of written objections, the Board of Governors shall have sixty (60) days in which to decide whether to give a pro rata refund to the objecting member(s) or to refer the action to arbitration.

(Added June 7, 2012)

B. Refunds without Arbitration

In the event the Board of Governors orders a refund, the objecting member’s right to the refund shall immediately vest, although the pro rata amount of the objecting member’s membership dues at issue shall remain in escrow until the conclusion of the Louisiana State Bar Association’s audit for the fiscal year in which the objection was made, which shall include final independent verification of the appropriate refund payable. The Louisiana State Bar Association shall provide such refund within 30 days of independent verification of the amount of the refund. The LSBA shall pay the refund together with interest calculated at the statutory rate of interest on
judgments as of the date the objecting member’s membership dues at issue were received by the Louisiana State Bar Association, for the period commencing with the date of receipt of the membership dues and ending on the date of payment of the refund by the Louisiana State Bar Association.

Any refund of a pro rata share of the member's membership dues shall be for the convenience of the LSBA, and shall not be construed as an admission that the activity or action to which the member objected was or would not have been within the purposes or limitations of the Bylaws.  

(Added June 7, 2012)

C. Arbitration

In the event the Board of Governors orders arbitration, the arbitration panel shall be composed of three members of the Bar and shall be constituted as soon as practicable. The objecting member(s) shall select one member of the arbitration panel, the LSBA Executive Committee shall choose the second panel member, and those two shall choose the third member. In the event the two members are unable to agree, the Chief Justice of the Louisiana Supreme Court, or his/her designee, shall appoint the third member.

The Bar shall thereafter prepare a written response to the objection and serve a copy of the response on the objecting member(s). The panel shall thereafter confer and decide whether the matters at issue are constitutionally appropriate for funding from the membership dues and, if not, whether the pro rata refund was correctly computed.

The panel shall render a final written report to the objecting member(s) and the Board of Governors within forty-five (45) days of its constitution. The decision shall be binding as to the objecting member(s) and the Bar. If the panel concludes the matters at issue are appropriately funded from membership dues, there shall be no refund and the Bar shall be free to expend the amount in escrow. If the panel determines that the matters at issue are inappropriately funded from membership dues, the panel shall order a refund of the pro rata amount, subject to the same independent verification as set forth in Section 1. B. above, to the objecting member(s). In the event a refund is ordered, the Bar shall provide such refund within thirty (30) days of the date of the report, together with interest calculated at the legal rate of interest.  

(Added June 7, 2012)