

UNDERSTANDING *the* LSBA



2000 LSBA Annual Report

Supplement to *Louisiana Bar Journal* December 2000

The Board

OFFICERS AND GOVERNORS 1999-2000

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Robert E. Guillory, Jr. Lake Charles

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FIFTH BOARD DISTRICT REPRESENTATIVE

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*Robert J. Collins Baton Rouge

SIXTH BOARD DISTRICT REPRESENTATIVE

David P. Spence Alexandria

SEVENTH BOARD DISTRICT REPRESENTATIVE

Johnny E. Dollar Marion

EIGHTH BOARD DISTRICT REPRESENTATIVE

Donald R. Miller Shreveport



Seated from left, Howard B. “Trey” Gist III, treasurer; E. Phelps Gay, president-elect; Patrick S. Ottinger, immediate past president; Robert E. “Robby” Guillory, Jr., president; Elizabeth Haecker Ryan, secretary; and Russell J. Stutes, Jr., Young Lawyers Section chair. Standing from left, R. Gayle Harrell Jackson, at-large representative; Thomas L. Lorenzi, House of Delegates liaison; Marilyn C. Maloney, Louisiana State Law Institute; Johnny E. Dollar, Seventh Board District; Marta-Ann Schnabel, First Board District; Arthur E. Stallworth, Southern University Law Center; Kim M. Boyle, at-large representative; David P. Spence, Sixth Board District; Donald R. Miller, Eighth Board District; Sharon M. Morrow, Fourth Board District; James R. McClelland, Third Board District; Patricia P. Reeves, at-large representative; Gerald P. Webre, Second Board District; Shelley Hammond Provosty, First Board District; and Marcel Garsaud, Jr., Loyola University Law School.

AT-LARGE MEMBERS

Kim M. Boyle New Orleans

Patricia P. Reeves Houma

R. Gayle Harrell Jackson Baton Rouge

LOYOLA UNIVERSITY LAW SCHOOL

Marcel Garsaud, Jr. New Orleans

SOUTHERN UNIVERSITY LAW CENTER

Arthur E. Stallworth Baton Rouge

LOUISIANA STATE LAW INSTITUTE

Marilyn C. Maloney Metairie

HOUSE OF DELEGATES LIAISON

Thomas L. Lorenzi Lake Charles

* Collins was appointed following the resignation of Groves.



2000 Annual Report

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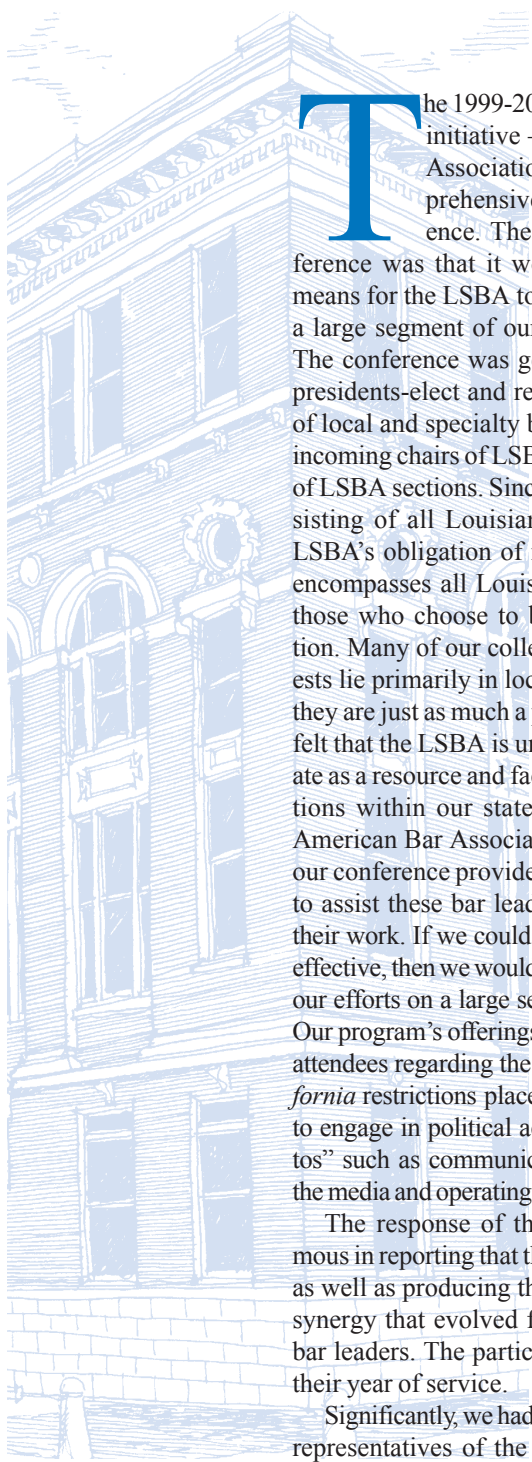
Cover Art: The Louisiana Bar Center, New Orleans, La.

Immediate Past President's
REPORT



By Robert E. Guillory, Jr.

BAR LEADERSHIP CONFERENCE

A blue-toned architectural drawing of a multi-story building with classical architectural features, including arched windows and decorative moldings. The drawing is positioned on the left side of the page, behind the main text.

The 1999-2000 term began with a major initiative — the Louisiana State Bar Association’s production of a comprehensive Bar Leadership Conference. The rationale behind the conference was that it would provide an effective means for the LSBA to reach and be of service to a large segment of our association membership. The conference was geared specifically towards presidents-elect and recently installed presidents of local and specialty bar associations, as well as incoming chairs of LSBA committees and officers of LSBA sections. Since we are a unified bar, consisting of all Louisiana licensed attorneys, the LSBA’s obligation of representation and service encompasses all Louisiana attorneys — not just those who choose to be active in our organization. Many of our colleagues’ organization interests lie primarily in local and specialty bars; still, they are just as much a part of our association. It is felt that the LSBA is uniquely positioned to operate as a resource and facilitator for these organizations within our state. Modeled in part on the American Bar Association’s leadership program, our conference provided information and training to assist these bar leaders in the performance of their work. If we could help these leaders be more effective, then we would be leveraging the impact of our efforts on a large segment of our membership. Our program’s offerings ranged from educating the attendees regarding the *Keller v. State Bar of California* restrictions placed on unified bars’ abilities to engage in political activities, to practical “how-tos” such as communication tips for dealing with the media and operating successfully without a staff.

The response of the participants was unanimous in reporting that the conference met its goals, as well as producing the secondary benefit of the synergy that evolved from the interaction of the bar leaders. The participants left “energized” for their year of service.

Significantly, we had diversity of attendees, from representatives of the Bossier Parish Bar Asso-

ciation to the New Orleans Bar Association, from the Louis A. Martinet Society to the Louisiana Trial Lawyers Association. We were able to reach a broad spectrum of our membership population. Furthering inclusiveness and diversity was highlighted as a focus area for the 1999-2000 bar year. It began with the concerted effort to recruit diverse attendance at the Bar Leadership Conference, and with the recognition that gender, ethnicity, geography, age and practice settings are all facets of diversity. At the beginning of this term I noted that from pulling a 1989 edition of the *Louisiana Bar Journal* and looking at the composition of the Board of Governors, I found there were no women or minority members. On the other hand, the present board is comprised of nine women and three African-Americans. As it should, our bar leadership is becoming more demographically reflective of our membership.

The LSBA has continued in its quest to be of value to its membership. While membership is mandatory, the attitude of the staff and the officers is that of a voluntary organization — the goal being an association to which its members desire to belong. The LSBA provides a myriad of programs and services for members of the legal profession and consumers. Our Continuing Legal Education Program Committee is an example of LSBA volunteers consistently providing a product of the highest quality at a reasonable cost to our membership. Our knowledgeable volunteers serving on our Group Insurance Committee and our Legal Malpractice Insurance Committee work towards ensuring that these needed insurance products are available to our membership and at a reasonable cost. The Ethics Advisory Service is a much appreciated resource for attorneys and the Lawyer Dispute Resolution Program benefits both attorneys and the public.

On an ongoing basis, committees and sections of the LSBA perform the good works of our organization — as my predecessor Pat Ottinger liked to characterize it, the “heavy lifting.” With the ad-

dition of the Francophone Section, we now have 23 sections consisting of almost 8,000 dues-paying members. Further, this past term, we had 28 standing and special committees, consisting of more than 700 members.

The work and accomplishments of our association are illustrated, in part, by the histories of service provided by this term's President's Award winners. Randy Fuerst of Lake Charles chaired the Committee to Evaluate Implementation of Family Courts. This past term, this committee made great strides in promoting and gaining support for specialized courts, procedures and personnel in the family law arena.

Robert Collins of Baton Rouge led an active Public Information Committee, which, among other things, developed a communications strategic plan for the bar, worked with the Technology Committee on the Web site promotional campaign, reviewed and updated our Tel-Law messages and our brochures, and produced a law school for journalists.

Susie Morgan of Shreveport tirelessly spearheaded the efforts of the Court Rules Committee to compile and secure a consensus for adoption of uniform local court rules. Her frequent travels crisscrossing the state to address interested groups continue to the present.

Harvey Lewis of New Orleans served as co-chair of the Ethics Advisory Service Committee and then, later in the year, moved up from member to chair of the Codes of Lawyer and Judicial Conduct Committee. As to the latter, he immediately immersed his committee in an initiative to explore restricting lawyer advertising.

Kim Boyle of New Orleans was recognized for her full plate of service on the Board of Governors, committees of the Board, committees of the association and committees appointed by the Louisiana Supreme Court. She chaired the Special Committee to Formulate Policy on Amicus Curiae Briefs and her committee's work product was presented to the House of Delegates and approved at its January 2000 meeting.

These award recipients are reflective of the hundreds of you who have been dedicated contributors during the past year. Our association is fortunate to possess such members, and we are all indebted to you. And most of your good work has taken place without much notice or fanfare — whether it was the Client Protection Fund Committee's disposition of 18 claims in the past year, or the Practice Assistance and Improvement Committee's handling of more than 300 referrals since its implementation less than two years ago, or the Access to Justice Committee's joint production of the Justice for Children Conference, or the Community Action Committee's feeding the homeless project.

We are also fortunate to have a dedicated, competent staff headed by our Executive Director Loretta Topey. As my interaction with Loretta progressively increased over the past three years, so did my appreciation of her talents. It has often been said that our bar has one of the best executive directors and

staffs in the country. Taking into account our size and resources, our staff's great productivity and quality of performance represent value to our membership.

And one cannot look back over the past bar year without noting the workings of our House of Delegates. This diverse group, at its two sessions, conscientiously considered and acted upon more significant, substantive issues than anyone can remember from times past.

In reviewing the past year, one particularly memorable occasion was the reception honoring our 50-, 60- and 70-year members held in Baton Rouge in January in conjunction with our Midyear Meeting. A total of 139 members of the LSBA reached those milestones this year, and 46 were happily able to attend the event to receive their certificates in person. As I looked out over the audience, it struck me that, here at the beginning of the year 2000, we had in attendance colleagues who collectively had provided more than 2,000 years of service to our profession.

Within the group of honorees were former public officials, judges and a retired Supreme Court justice, with the largest segment being attorneys who remained in private practice throughout their careers. While all of the honorees were remarkable, one could not escape notice and mention — Sydney J. Parlongue. Although this was an occasion where longevity was the common denominator, as the only 70-year honoree in attendance, he stood out. As it was with all with whom I had the good fortune to meet that evening, visiting with Mr. Parlongue was a delightful experience. Admitted to practice in 1930, he is still in private practice today and is a vibrant, 92 years young, with a handgrip surpassing mine (attributable to his weekend passion of working at his farm in Mandeville). Still at the office for five days a week (he admitted slipping out early on some Friday afternoons to get a head start at the farm), his 70 years of practice have been interrupted only by service as an officer in the Navy in World War II.

All of the honorees were special in their own right and all shared the common bond of lengthy service in the legal system — service to the profession, to their clients and the public at large. The sense of shared experiences, of humble pride and inner contentment from jobs well done and lives well lived, of good feelings among friends, family and colleagues, was palpable. This is a pride that I feel from being associated with a group as fine as you — Louisiana lawyers — and I thank you for the opportunity to have served with you this past year, for the support and effort you contributed, and for the many courtesies extended.

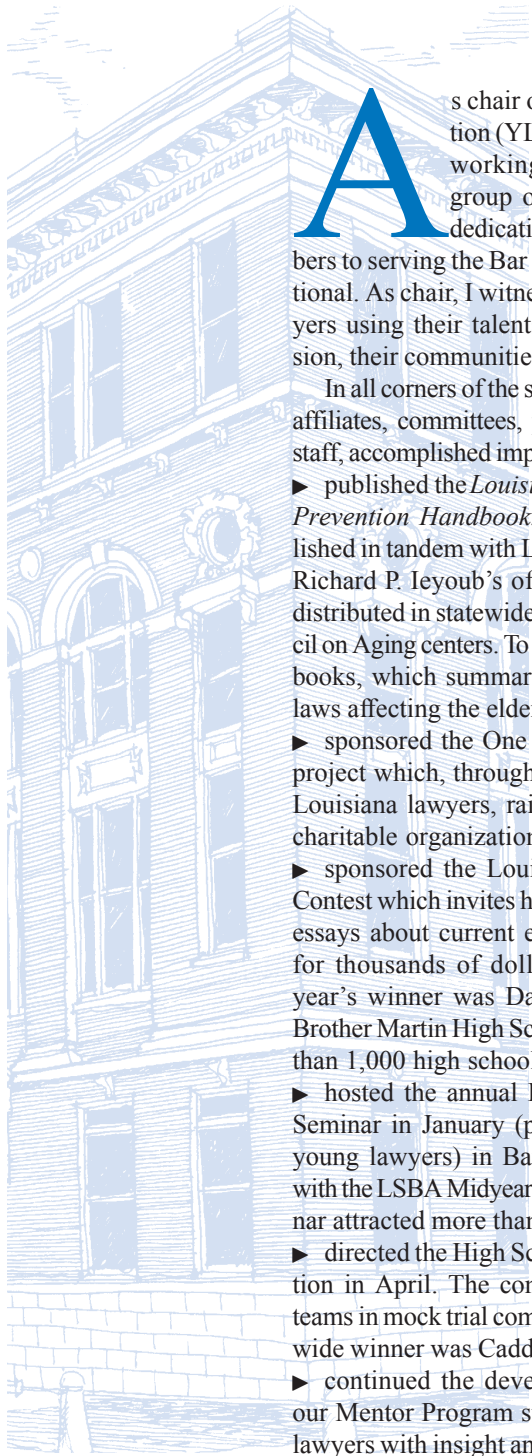
Looking ahead, our association is indeed fortunate to have someone as enthusiastic, knowledgeable, wise and committed as Phelps Gay to lead us during this term, and we are lucky that he will be followed by equally capable leaders in the persons of Mike Rubin and Larry Feldman. I am confident that our association will continue to be strong and vital and will reach new heights under their leadership.

Young Lawyers Section Chair's
REPORT



By Russell J. Stutes, Jr.

MAKING A DIFFERENCE FOR LA.



As chair of the Young Lawyers Section (YLS), I had the great honor of working with and for the finest group of volunteers I know. The dedication exhibited by YLS members to serving the Bar and the public was inspirational. As chair, I witnessed countless young lawyers using their talents to improve their profession, their communities and their state.

In all corners of the state, the YLS, through local affiliates, committees, program chairs and LSBA staff, accomplished important goals, including:

- ▶ published the *Louisiana Senior Citizens Crime Prevention Handbook*. The handbook was published in tandem with Louisiana Attorney General Richard P. Ieyoub's office. The handbooks were distributed in statewide meetings at various Council on Aging centers. To date, more than 3,000 handbooks, which summarize hundreds of important laws affecting the elderly, have been distributed;
- ▶ sponsored the One Billable Hour fundraising project which, through the benevolence of many Louisiana lawyers, raised more than \$5,000 for charitable organizations throughout the state;
- ▶ sponsored the Louisiana High School Essay Contest which invites high school students to write essays about current events topics and compete for thousands of dollars in scholarships. This year's winner was Darwis Broto Huy Dang of Brother Martin High School in New Orleans. More than 1,000 high school students competed;
- ▶ hosted the annual Professional Development Seminar in January (provided free of charge to young lawyers) in Baton Rouge in conjunction with the LSBA Midyear Meeting. The popular seminar attracted more than 125 attendees;
- ▶ directed the High School Mock Trial Competition in April. The competition pits high school teams in mock trial competitions. This year's statewide winner was Caddo Magnet;
- ▶ continued the development and coverage of our Mentor Program statewide to provide young lawyers with insight and advice from experienced

lawyers;

- ▶ coordinated food and toy drives for needy children throughout the state;
- ▶ hosted the annual Bridging the Gap Seminar in October 1999 in New Orleans in conjunction with the swearing in of new lawyers. The seminar attracted a record number of attendees well in excess of 100;
- ▶ sponsored and coordinated Teen Court programs statewide;
- ▶ presented several YLS awards during the section's annual awards brunch in Destin, Fla: Outstanding Young Lawyer Award, Brian H. Barber; Hon. Michaelle Pitard Wynne Professionalism Award, Daniel J. Shapiro; Bat P. Sullivan Chair's Award, Hutton W. Sentell; and Pro Bono Award, Rebekah R. Huggins;
- ▶ presented Local Affiliate Awards for outstanding service to the public: first place, Baton Rouge Bar Association Young Lawyers Section for the Holiday Star Project; second place, Lafayette Young Lawyers Association for the LYLA Christmas Program; and third place, Southwest Louisiana Bar Association for the YLS Holiday Helping Hands project; and
- ▶ presented Local Affiliate Awards for outstanding service to the Bar: first place, Alexandria Bar Association Young Lawyers Section for the 1999 Bench/Bar Conference and Golf Tournament; and second place, Baton Rouge Bar Association Young Lawyers Section for the New Member Seminar and Reception.

A well deserved thank you to 1999-2000 section representatives, committee chairs, committee members and volunteers statewide whose selfless dedication carried the YLS to another successful year.

During the 2000-01 Bar year, the YLS will be directed by the outstanding leadership of Anne P. Birdsong, Jennifer G. Gary and Stacy C. Auzenne, who will serve as chair, chair-elect and secretary, respectively. I am confident that, under this leadership, the YLS will be carried towards greater service to the Bar and the public, furthering continued pride in the dedication of the YLS to its goals.

Executive Director's
REPORT



By Loretta L. Topey

FOCUS ON MEMBER SERVICES

When discussing associations with either employees or volunteers, the concept of member services seems to be at the heart of almost every conversation. For the Louisiana State Bar Association, it is the first of several overall goals adopted by the Board of Governors two years ago:

To provide and promote a comprehensive program of services responsive to the needs of every member.

While no one could argue with the philosophy behind such a statement, one might ask what exactly this means to our members. My personal interpretation and the one which I attempt to impart to the LSBA staff is that it is our responsibility to identify those member needs which could conceivably be met by this Association and to do everything in our power to satisfy those needs. In order to be effective, this must be an ongoing effort. We believe the following programs are an integral part of this process:

► **Ethics Advisory Service** — The members of this committee work to encourage ethical lawyer conduct by issuing informal, nonbinding ethics opinions to members of the Association. More than 200 opinions were issued last year and, based on this number, the LSBA is considering ways to expand this program and to provide more immediate responses to members.

► **Continuing Legal Education Seminars** — More than 40 CLE Program Committee members work diligently to plan and produce the roughly 25 seminars which the LSBA sponsors each year. Presented on a variety of substantive areas, generally with an ethics and/or professionalism component, these seminars afford our members the opportunity to attend quality programs at competitive prices.

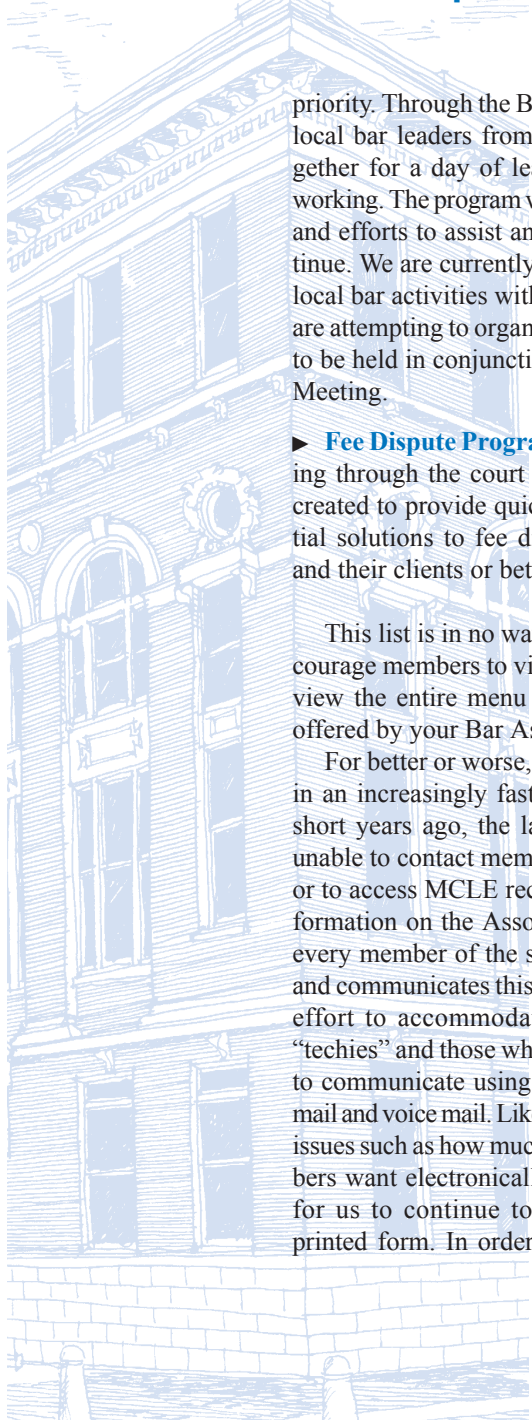
► **LSBA-sponsored Insurance Programs** — Through the Legal Malpractice and Group Insurance committees, the Association offers myriad insurance products to its members. Committee members, in unison with our administrator Gilsbar, work diligently and conscientiously to ensure that our members are getting the best products at the most competitive rates available for a group plan.

► **Practice Assistance and Improvement Program** — This committee evaluates, develops and provides effective alternatives to discipline programs for minor offenses. It administers educational and practice assistance programs, as well as programs to resolve minor complaints and lawyer/client disputes. Individuals are referred by the Office of Disciplinary Counsel and assistance is provided in lieu of disciplinary proceedings.

► **Public Information Committee** — This committee administers a variety of projects which provide direct and indirect services to lawyers statewide. A major initiative during the past year was the launch of the Bar's newly designed Web site, *LSBA.org*. The site provides a wealth of information for both members and the public and continues to grow. In June, the committee sponsored the Law School for Journalists which provided a mechanism for the profession, through a group of volunteer lawyers and judges, to help members of the media develop a clearer understanding of the legal system, ultimately increasing public understanding and awareness. Based on the success of this program, it will be repeated in the spring of 2001. Another major project of the committee in the coming year will be the development of a formal disaster response plan to be presented for consideration by the House of Delegates.

► **Local Bar Liaison** — During his term as president, Robby Guillory made local bar relations a

Executive Director's Report (continued)



priority. Through the Bar Leadership Conference, local bar leaders from across the state came together for a day of leadership training and networking. The program was extremely well received and efforts to assist and energize local bars continue. We are currently working on ways to meld local bar activities with those of the state bar and are attempting to organize a bench/bar conference to be held in conjunction with the LSBA Annual Meeting.

► **Fee Dispute Program** — An alternative to going through the court system, this program was created to provide quick, low cost and confidential solutions to fee disputes between attorneys and their clients or between two attorneys.

This list is in no way comprehensive and I encourage members to visit our Web site in order to view the entire menu of programs and services offered by your Bar Association.

For better or worse, we are living and working in an increasingly fast-paced environment. Five short years ago, the lawyers of Louisiana were unable to contact members of the staff via e-mail or to access MCLE records or other pertinent information on the Association's Web site. Today, every member of the staff has an e-mail address and communicates this way on a daily basis. In an effort to accommodate our members who are "techies" and those who are not, we also continue to communicate using telephones, faxes, "snail" mail and voice mail. Likewise, we are grappling with issues such as how much information do our members want electronically and how important is it for us to continue to produce publications in printed form. In order to provide service to *all*

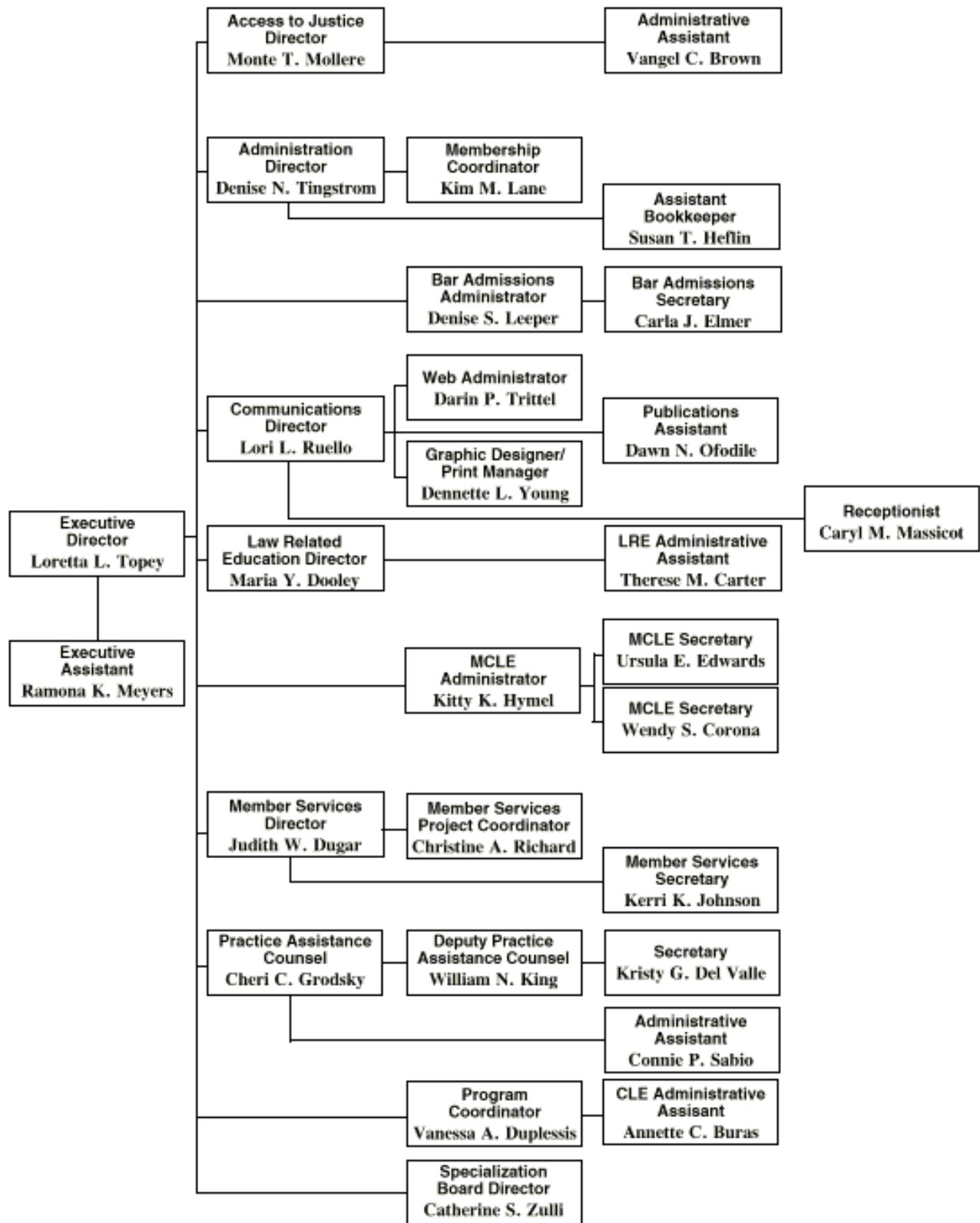
members, we must find the answers to these questions and I hope that you will help us. If you have opinions about what you want from this Association or what we could be doing that we currently are not doing, please let me know. You can contact me at ltopey@lsba.org, (800)421-LSBA, or (504)566-1600. While the volunteer leaders and staff do our best to identify what we believe our members want and need, only you can tell us if we are on the right track.

Finally, let me say that member services could not be a reality without the leadership and vision of those volunteers who give countless hours for the betterment of this organization and of the legal profession. Immediate Past President Robby Guillory of Lake Charles focused on inclusivity, bringing to his presidency the unique perspective of a local bar leader from southwest Louisiana. His dedication to this sometimes disenfranchised segment of our membership helped advance our goal of outreach to *all* members.

President Phelps Gay has already demonstrated his considerable leadership skills as well as his ability to create enthusiasm for the Bar and its projects. The professionalism orientation programs held in August at the four law schools were a major success and plans have been made to continue this in future years. He has energized the Board of Governors and the committees, resulting in a whirlwind of activity and numerous accomplishments. I am looking forward to working with him through the remainder of his term and beyond.

I appreciate the opportunity to assist the Bar as it continues to evolve into an organization which is able to meet the needs of its diverse membership.

Louisiana State Bar Association Staff



Financial

INDEPENDENT AUDITOR'S REPORT



Board of Governors

Louisiana State Bar Association

New Orleans, Louisiana

We have audited the accompanying statements of financial position of the Louisiana State Bar Association as of June 30, 2000 and 1999, the related statement of activities for the year ended June 30, 2000, and statements of cash flows for the years ended June 30, 2000 and 1999. These financial statements are the responsibility of the Association's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Louisiana State Bar Association as of June 30, 2000 and 1999, the changes in its net assets for the year ended June 30, 2000, and its cash flows for the years ended June 30, 2000 and 1999, in conformity with generally accepted accounting principles.

The statement of activities includes certain prior-year summarized comparative information in total but not by net asset class. Such information does not include sufficient detail to constitute a presentation in conformity with generally accepted accounting principles. Accordingly, such information should be read in conjunction with the Association's financial statements for the year ended June 30, 1999, from which the summarized information was derived.

Bourgeois Bennett, L.L.C.

Bourgeois Bennett, L.L.C.
Certified Public Accountants
New Orleans, Louisiana
September 21, 2000

Exhibit A
 STATEMENTS OF FINANCIAL POSITION
 Louisiana State Bar Association
 June 30, 2000
 (with comparative totals for June 30, 1999)

ASSETS	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>2000 Totals</u>	<u>1999 Totals</u>
Current Assets				
Cash and cash equivalents	\$ 1,044,243	\$ 1,191,084	\$ 2,235,327	\$ 1,768,063
Investments	3,244,940	49,852	3,294,792	3,206,279
Receivables	19,609	20,695	40,304	109,282
Accrued interest receivable	40,508	-	40,508	36,505
Prepaid expenses	<u>62,654</u>	<u>-</u>	<u>62,654</u>	<u>67,665</u>
Total current assets	<u>4,411,954</u>	<u>1,261,631</u>	<u>5,673,585</u>	<u>5,187,794</u>
Property and Equipment				
Furniture and equipment	610,943	-	610,943	615,356
Less accumulated depreciation	<u>398,039</u>	<u>-</u>	<u>398,039</u>	<u>346,729</u>
Net property and equipment	<u>212,904</u>	<u>-</u>	<u>212,904</u>	<u>268,627</u>
Totals	<u>\$ 4,624,858</u>	<u>\$ 1,261,631</u>	<u>\$ 5,886,489</u>	<u>\$ 5,456,421</u>
LIABILITIES AND NET ASSETS				
Current Liabilities				
Unearned revenue	\$ 960,953	\$ -	\$ 960,953	\$ 893,970
Accounts payable and accrued expenses	<u>170,591</u>	<u>112,040</u>	<u>282,631</u>	<u>252,464</u>
Total current liabilities	<u>1,131,544</u>	<u>112,040</u>	<u>1,243,584</u>	<u>1,146,434</u>
Net Assets				
Unrestricted	3,493,314	-	3,493,314	3,321,029
Temporarily restricted	<u>-</u>	<u>1,149,591</u>	<u>1,149,591</u>	<u>988,958</u>
Total net assets	<u>3,493,314</u>	<u>1,149,591</u>	<u>4,642,905</u>	<u>4,309,987</u>
Totals	<u>\$ 4,624,858</u>	<u>\$ 1,261,631</u>	<u>\$ 5,886,489</u>	<u>\$ 5,456,421</u>

See accompanying notes to financial statements.

Exhibit A-1
SCHEDULES OF TEMPORARILY RESTRICTED NET ASSETS
Louisiana State Bar Association
June 30, 2000
(with comparative totals for June 30, 1999)

	<u>2000</u>	<u>1999</u>
Access to Justice Program Project Grants	\$ 8,129	\$ -
Access to Justice	-	-
ADA Accommodations Fund	118,016	120,527
Annual Meeting Fund	45,384	60,949
Building Maintenance Fund	20,844	22,433
Clients' Protection Fund	70,676	351
Legal Malpractice Insurance Trust	223,979	170,300
Legal Specialization Fund	165,190	132,945
Tax Specialization Account	53,610	52,503
Young Lawyers Section - Grant Fund	6,168	-
Young Lawyers Section, Bridging the Gap	28,142	28,938
Sections:		
Alternative Dispute Resolution	34,010	28,938
Antitrust and Trade Regulation Law	6,420	7,224
Bench and Bar	2,467	4,379
Bill of Rights	977	814
Civil Law and Litigation	45,996	41,321
Consumer Protection and Bankruptcy Law	21,412	22,945
Corporation and Business Law	59,376	52,758
Criminal Law	9,855	9,012
Environmental Law	6,931	10,005
Family Law	4,834	3,643
Fidelity, Surety, and Construction Law	13,051	11,368
Francophone	100	-
Governmental and Public Law	13,977	11,792
Health Law	2,747	2,567
Insurance, Negligence, Compensation and Admiralty Law	33,518	54,328
Intellectual Property	10,078	7,241
International Law	5,206	6,625
Labor and Employment Law	6,801	5,129
Mineral Law	33,057	30,287
Minority Involvement	1,756	1,094
Sole Practitioners and Small Firms	8,036	9,554
Taxation	47,588	44,531
Trusts, Estate, Probate and Immovable Property Law	41,260	34,457
	<u>\$ 1,149,591</u>	<u>\$ 988,958</u>

See accompanying notes to financial statements.

Exhibit B
STATEMENT OF ACTIVITIES
Louisiana State Bar Association
For the year ended June 30, 2000
(with summarized information for the year ended June 30, 1999)

	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>2000 Totals</u>	<u>1999 Totals</u>
Support, Revenue, Gains and Reclassifications				
Membership dues	\$ 1,636,995	\$ 175,925	\$ 1,812,920	\$ 1,793,424
Member contributions	-	1,663	1,663	1,926
Penalties	22,175	4,375	26,550	12,450
Examination, accreditation and reinstatement fees	357,971	79,875	437,846	494,145
Investment income	202,439	39,113	241,552	188,905
Gain (loss) on investments	(16,923)	-	(16,923)	(20,630)
Royalties	85,018	-	85,018	80,177
Advertising	158,164	-	158,164	177,563
Web site advertising	7,158	-	7,158	4,458
Seminars, conferences and luncheons	615,644	201,055	816,699	779,651
Sales of membership labels	39,189	-	39,189	48,233
Sublease income	81,421	-	81,421	81,421
Fees and administrative services:				
Disciplinary assessment processing	53,270	-	53,270	53,764
Annual meeting	5,920	-	5,920	6,740
Alternative Dispute Resolution	2,814	-	2,814	3,840
Tax refunds	2,124	-	2,124	-
Contributions	-	153,872	153,872	219,940
Net assets released from restrictions	550,327	(550,327)	-	-
Reclassifications	(55,082)	55,082	-	-
Total support, revenue, gains and reclassifications	<u>3,748,624</u>	<u>160,633</u>	<u>3,909,257</u>	<u>3,926,007</u>
Expenses				
For officials, sections, and committees:				
Travel and per diem	189,785	-	189,785	235,292
Seminars, conferences and luncheons	385,127	-	385,127	325,602
Supplies, awards and gifts	312,844	-	312,844	232,064
Telephone	25,249	-	25,249	20,766
Administering exams	122,358	-	122,358	95,772
Publication costs of Louisiana				
Bar Journal and Bar Briefs	226,837	-	226,837	234,356
Funds for Disciplinary Board	-	-	-	100,000
Practice Assistance Program	146,513	-	146,513	155,004
Stationery, printing and postage	336,307	-	336,307	366,478
Scholarships	3,496	-	3,496	2,495
Claims paid	14,315	-	14,315	117,835
Miscellaneous	36,899	-	36,899	58,759
Total officials, sections, and committees	<u>1,799,730</u>	<u>-</u>	<u>1,799,730</u>	<u>1,944,423</u>
General expense:				
Staff compensation	789,321	-	789,321	715,267
Accounting services	13,661	-	13,661	12,795
Retirement plans	51,302	-	51,302	46,052
Insurance	79,313	-	79,313	74,024
Equipment and computer rental and maintenance	122,189	-	122,189	124,192
Office supplies	35,171	-	35,171	32,259
Payroll taxes	49,303	-	49,303	45,708
Stationery, printing and postage	45,756	-	45,756	66,520
Rent and office maintenance	332,948	-	332,948	326,111
Telephone	45,766	-	45,766	38,875
Travel and per diem and meetings	13,992	-	13,992	21,812
Automobile allowance and parking	20,782	-	20,782	19,770
Depreciation	51,310	-	51,310	46,574
Taxes	-	-	-	2,294
Loss on abandoned software costs	102,640	-	102,640	-
Miscellaneous	23,155	-	23,155	22,762
Total general expense	<u>1,776,609</u>	<u>-</u>	<u>1,776,609</u>	<u>1,595,015</u>
Total expense	<u>3,576,339</u>	<u>-</u>	<u>3,576,339</u>	<u>3,539,438</u>
Change in Net Assets	172,285	160,633	332,918	386,569
Net Assets				
Beginning of year	3,321,029	988,958	4,309,987	3,923,418
End of year	<u>\$ 3,493,314</u>	<u>\$ 1,149,591</u>	<u>\$ 4,642,905</u>	<u>\$ 4,309,987</u>

See accompanying notes to financial statements.

Exhibit C
 STATEMENTS OF CASH FLOWS
 Louisiana State Bar Association
 For the year ended June 30, 2000
 (with comparative totals for the year ended June 30, 1999)

	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>2000 Totals</u>	<u>1999 Totals</u>
Cash Flows From Operating Activities				
Change in net assets	\$ 172,285	\$ 160,633	\$ 332,918	\$ 386,569
Adjustments to reconcile change in net assets to net cash provided by operating activities:				
Depreciation	51,310	-	51,310	46,574
Loss on investments	16,923	-	16,923	20,630
Loss on abandoned software costs	102,640	-	102,640	-
(Increase) decrease in receivables	64,832	4,146	68,978	(17,090)
(Increase) decrease in accrued interest	(4,003)	-	(4,003)	2,450
Decrease in prepaid expenses	5,011	-	5,011	7,020
Increase (decrease) in unearned revenue	66,983	-	66,983	(47,163)
Increase (decrease) in accounts payable and accrued expenses	<u>7,588</u>	<u>22,579</u>	<u>30,167</u>	<u>(15,656)</u>
Net cash provided by operating activities	<u>483,569</u>	<u>187,358</u>	<u>670,927</u>	<u>383,334</u>
Cash Flows From Investing Activities				
Purchase of investments	(4,558,801)	(49,852)	(4,608,653)	(4,168,296)
Proceeds from sale of investments	4,336,900	166,317	4,503,217	3,824,219
Purchases of furniture and equipment	<u>(98,227)</u>	<u>-</u>	<u>(98,227)</u>	<u>(86,137)</u>
Net cash provided by (used in) investing activities	<u>(320,128)</u>	<u>116,465</u>	<u>(203,663)</u>	<u>(430,214)</u>
Net Increase (Decrease) In Cash and Cash Equivalents	163,441	303,823	467,264	(46,880)
Cash and Cash Equivalents				
Beginning of year	<u>880,802</u>	<u>887,261</u>	<u>1,768,063</u>	<u>1,814,943</u>
End of year	<u>\$ 1,044,243</u>	<u>\$ 1,191,084</u>	<u>\$ 2,235,327</u>	<u>\$ 1,768,063</u>

See accompanying notes to financial statements.

Exhibit D

NOTES TO FINANCIAL STATEMENTS

Louisiana State Bar Association
June 30, 2000 and 1999

Note 1 — Nature of Activities

The objects and purposes of Louisiana State Bar Association (the Association) is to regulate the practice of law, advance the science of jurisprudence, promote the administration of justice, uphold the honor of the Courts and the profession of law, encourage cordial intercourse among its members, and generally, to promote the welfare of the profession in the State. The Association is self-governing and its membership is comprised of all persons who are now, or may hereafter be, licensed to practice in the state of Louisiana.

Note 2 — Summary of Significant Accounting Policies

a) Organization and Income Taxes

Louisiana State Bar Association is a nonprofit corporation organized under the laws of the State of Louisiana (R.S. 37:211). The Association is exempt from Federal income tax under Section 501(c)(6) of the Internal Revenue Code, and qualifies as an organization that is not a private foundation as defined in Section 509(a) of the code. Net operating profits from unrelated business income are subject to Federal income tax.

b) Basis of Accounting

The financial statements of the Association are prepared on the accrual basis of accounting and, accordingly, reflect all significant receivables, payables, and other liabilities.

c) Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

d) Investments

Investments are carried at fair market value, based on quoted market prices.

e) Property and Equipment

The Association records all property and equipment acquisitions at cost. Depreciation is determined using the straight-line method and is intended to allocate the cost of the assets over their estimated useful lives.

f) Unearned Revenue

Unearned revenue consists of dues for the following year received in advance and registration fees received as of year end for seminars to be held in the following year.

g) Cash and Cash Equivalents

For purposes of the statement of cash flows, the Association considers all highly liquid investments in money market funds to be cash equivalents.



h) Donated Services

A portion of the Association's functions, including educational activities and publications, is conducted by unpaid volunteers. The value of this contributed time is not reflected in the accompanying financial statements since the volunteers' time does not meet the criteria for recognition.

i) Basis of Presentation

Financial statement presentation follows the recommendations of the Financial Accounting Standards Board in its Statement of Financial Accounting Standards (SFAS) No. 117, *Financial Statements of Not-For-Profit Organizations*. Under SFAS No. 117, the Association is required to report information regarding its financial position and activities according to three classes of net assets: unrestricted net assets, temporarily restricted net assets, and permanently restricted net assets.

The Association maintains its accounting records using separate funds to account for specific assets, liabilities, and transactions as follows:

► **Unrestricted Net Assets** — Receives membership dues and other revenues and expends funds for the general operation of the Association. This fund accounts for all activities other than those specifically authorized to be conducted from the various temporarily restricted funds.

► **Temporarily Restricted Net Assets** — Receives membership dues, conference fees and other revenues which are to be expended and accounted for by the following specific accounts: Access to Justice Program Project Grants, Access to Justice, ADA Accommodations, Annual Meeting, Building Maintenance, Clients' Protection Fund, Legal Malpractice Insurance Trust, Legal Specialization, Tax Specialization, Young Lawyers Section Grant Fund, Young Lawyers Section, Bridging the Gap, and each of the other Section accounts created by the House of Delegates.

The Association does not have any permanently restricted net assets.

Note 3 — Concentration of Credit Risk

The Association maintains its cash balances and certificates of deposits at several financial institutions located in New Orleans, Louisiana. Accounts at each institution are insured by the Federal Deposit Insurance Corporation up to \$100,000. As of June 30, 2000, uninsured balances totaled approximately \$1,722,000.



Note 4 — Investments

Investments are summarized as follows:

	June 30, 2000		June 30, 1999	
	Cost	Market	Cost	Market
United States				
Treasury Bills	\$1,025,777	\$1,025,777	\$1,624,903	\$1,624,903
United States				
Treasury Notes	547,196	541,279	826,921	820,112
United States				
Treasury Bonds	123,150	121,733	105,351	100,321
Certificates of Deposit	1,182,718	1,182,718	500,000	500,000
Federal Mortgage Bonds	430,504	423,285	164,590	160,943
	<u>\$3,309,345</u>	<u>\$3,294,792</u>	<u>\$3,221,765</u>	<u>\$3,206,279</u>
				Excess (Deficit) of Market Over Cost
		<u>Cost</u>	<u>Market Value</u>	
Balance at June 30, 2000		<u>\$3,309,345</u>	<u>\$3,294,792</u>	\$(14,553)
Balance at June 30, 1999		<u>\$3,221,765</u>	<u>\$3,206,279</u>	(15,486)
Unrealized gain on investments				933
Realized loss for the year				(17,856)
Net loss for the year				<u>\$(16,923)</u>
				Excess (Deficit) of Market Over Cost
		<u>Cost</u>	<u>Market Value</u>	
Balance at June 30, 1999		<u>\$3,221,765</u>	<u>\$3,206,279</u>	\$(15,486)
Balance at June 30, 1998		<u>\$2,871,250</u>	<u>\$2,882,832</u>	11,582
Unrealized loss on investments				(27,068)
Realized gain for the year				6,438
Net loss for the year				<u>\$(20,630)</u>



Note 5 — Lease Commitment

The Association, as lessee, has a noncancelable operating lease agreement with the Louisiana Bar Foundation for office facilities known as the “Louisiana Bar Center.” This lease agreement is recorded on the books of the Association as an operating lease.

As presently amended, the “Bar Center” lease provides for (1) a primary term of 200 months which expires on Dec. 31, 2005 and (2) successive five-year renewal options for a maximum lease term of 99 years. Also, effective Oct. 1, 1994, an interim letter of agreement reduced the rent to be paid by the Association to the Louisiana Bar Foundation to \$17,510 per month plus operating expenses which average approximately \$10,000 per month. This amount is to be adjusted annually such that the rental payments equal the amount necessary to amortize outstanding debt obligations related to the “Bar Center.” As a result, beginning with the July 1996 rent payment, payments increased to \$17,642 per month plus operating expenses. Rent expense (excluding operating expenses) was \$211,704 for each of the years ended June 30, 2000 and 1999.

The following is a schedule by years of approximate future minimum rental payments (including operating expenses) required under the above-mentioned noncancelable operating lease as of June 30, 2000:

<u>Years Ending June 30,</u>	<u>Amount</u>
2001	\$ 325,000
2002	325,000
2003	325,000
2004	325,000
2005	325,000
Thereafter	<u>162,500</u>
Total	<u>\$1,787,500</u>

Office space not used by the Association is subleased to the Louisiana Bar Foundation, New Orleans Pro Bono Project, and Judiciary Commission of Louisiana. The New Orleans Pro Bono Project sublease was extended for an additional two-year period expiring on June 30, 2000. The sublease is now considered a month-to-month rental. Rental payments under this sublease are \$1,383 per month. The Judiciary Commission of Louisiana sublease was extended for an additional three-year period expiring on June 30, 2002. Rental payments under this sublease are \$2,625 per month. The Louisiana Bar Foundation has not executed a sublease agreement and is considered a month-to-month rental. Sublease rental income totaled \$81,421 for the years ended June 30, 2000 and 1999.



Note 5 — Lease Commitment (continued)

Under the terms of an interim letter of agreement dated Oct. 1, 1994, it was agreed that any rent paid by the Association to the Foundation in excess of market value since the inception of the lease in May 1989 was considered to be prepaid rent. After repayment of building-related debt by the Foundation, this prepaid rent will be used to reduce the rental payments by the Association to the Foundation. Also, as part of the agreement, the Foundation eliminated all cumulative and current overhead charges (totaling approximately \$184,000) related to the Foundation's operation and maintenance of the building which were previously reimbursable by the Association.

As of June 30, 2000, prepaid rent related to this interim letter of agreement totaled \$834,832. Management of the Association has concluded that this amount should not be recorded as an asset of the Association because of the uncertainty of when the benefit will be realized.

Finally, as part of this agreement, the Foundation provided the Association with \$50,000 in cash to pay for extraordinary building expenses. The Foundation also provided the Association with an additional \$50,000, the use of which is unrestricted.

Note 6 — Retirement Plans

The Association has a money purchase pension plan which covers all full-time employees who meet certain eligibility requirements. Benefits are fully vested. The Association's funding policy is to make annual contributions to the plan equal to 10 percent of the basic salary of each eligible employee. During the years ended June 30, 2000 and 1999, the Association contributed \$51,302 and \$46,052, respectively.

Effective Jan. 1, 1998, the Association adopted a new defined contribution plan covering substantially all employees who meet certain eligibility requirements. The Plan is a profit-sharing plan with a cash or deferred arrangement. The Association did not contribute to this plan during the years ended June 30, 2000 or 1999.

President's REPORT



By E. Phelps Gay

THEMES AND INITIATIVES

*Ah, but a man's reach should exceed his grasp,
Or what's a heaven for?*

—Robert Browning

What we are “reaching” for is an active Bar Association addressing the important issues and challenges facing our profession. We may not “grasp” everything we reach for, but it won’t be for lack of trying.

In April of this year, as we were preparing for our Board of Governors retreat, I asked our executive director, Loretta L. Topey, whether it might be appropriate for me to draft a brief paper setting forth what I hoped to accomplish during my year as Bar president. She said that would be fine. I proceeded to draft a six-page document entitled “Initiatives and Themes for the Coming Year.” Others can judge whether it’s good or bad, but it has definitely helped me keep my focus as the whirlwind of Bar events has swept over me during the past several months. Amid all the meetings and ceremonies and endless e-mails, I can always swivel around in my chair and find on my credenza or reach down and fish out of my briefcase this document which reminds me of what I hope we can do.

I won’t detain you with a detailed description of all 17 “themes and initiatives” in this document. If you’ll bear with me, however, I’ll “drive by” 12 of them quickly. Here we go:

1. **Ethics 2000:** Appointed in 1999, this committee has been monitoring the work of the ABA Ethics 2000 Commission, while considering specific reforms to the Louisiana Rules of Professional Conduct. Chaired by Harry S. Hardin III, with Christine Lipsey serving as vice chair, the committee expects to present its initial proposals to the LSBA House of Delegates in January 2001. This effort is consistent with a key part of our mission, which is to assist the Supreme Court in regulating the practice of law.

2. **Professionalism:** Other aspects of our mission are to “uphold the honor of the courts and the profession of law” and “promote the welfare of the profession in the State.” The professionalism movement is alive and well in Louisiana, thanks to excellent leadership from James A. George, Frank X. Neuner, Jr. and others who serve on our Professionalism and Quality of Life Committee. One of the programs I wanted to inaugurate during my term was a professionalism orientation program for law students. I am pleased to report that this program not only got off the ground this past August but also turned into a remarkable success story. On this you need not take my word alone. Just ask Chancellors Costonis and Agnihotri and Deans Sherman and Klebba.

3. **Court Rules:** The idea of adopting uniform rules of court for our 40-plus judicial districts has been discussed for decades. Now, it is possible we may finally “get there.” A joint LSBA/Supreme Court committee, chaired by Susie Morgan of Shreveport, presented to the Judicial Council in early October a set of rules designed to streamline the practice of law and reduce expense where possible. There will be comments and questions, all of which need to be looked at closely, but at the end of the process, I am cautiously hopeful we will wind up with new rules that represent an improvement over the status quo.

4. **Disaster Response Plan:** As I mentioned in the October issue of the *Louisiana Bar Journal*, we need a well thought out plan for responding to major “events” like a train derailment or an explosion at a petrochemical plant. We know, unfortunately, that these events will occur. When they do, we should be ready. Our Public Information Committee, chaired by Magistrate Judge Joseph C. “Jay” Wilkinson, Jr., is developing a written plan which is expected to be submitted to the House of Delegates in January 2001.

5. **Family Courts:** Randy J. Fuerst of Lake Charles chairs this unusually active committee of lawyers and judges. They are working on a Model of a Unified Family Court for consideration by each judicial district. I haven't kept an exact count, but I would say I get more requests from lawyers who wish to serve on this committee than any other.

6. **Lawyer Advertising Reform:** As I can personally attest, this is a difficult area where the urge for reform sometimes runs squarely into constitutional considerations. Harvey J. Lewis, who chairs our "Codes" committee, and Mark A. Cunningham, who chairs our advertising committee, are reviewing a variety of proposals, including those put forth by leaders of the Louisiana Trial Lawyers Association. Within the next several weeks, they will be reporting to Bar leaders and the Supreme Court as to suggested reforms and the process which they might be achieved.

7. **Diversity/Inclusiveness:** One of the goals contained in our Mission Statement is to ensure inclusion of minorities in positions of leadership in the Association. On the Board of Governors level, we have made some progress, though certainly we need to do better. Of the 22 members serving on our Board, nine are women and four are African-American. I am hopeful that minority representation in the House of Delegates will increase during my term. As a unified Bar and as members of a society whose diversity is its strength, we need to encourage openness and inclusiveness.

8. **Technology:** I hope you've formed the impression by now that these "initiatives and themes" are all important; they are by no means listed in descending order of priority. Technology is regarded by many thoughtful Bar leaders as *the* most important service we can provide to our members. Right now, at *LSBA.org*, you can access a wealth of information covering everything from

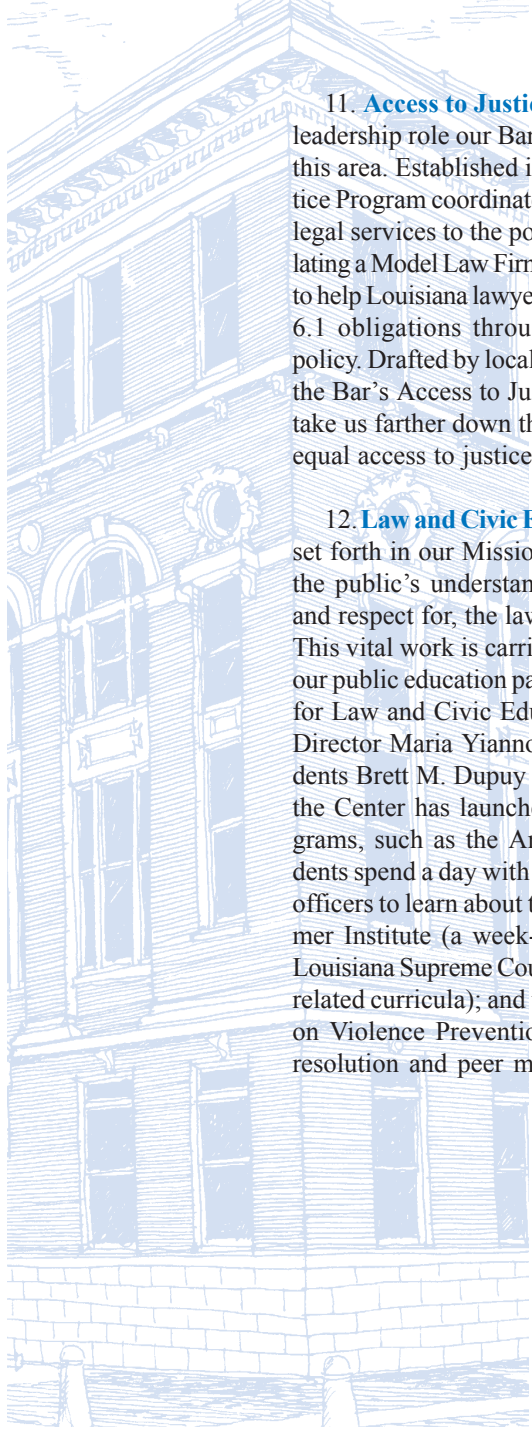
Bar admissions to committee reports, Rules of Professional Conduct to judicial interest rates, and the ADR directory to your MCLE transcript. Also retrievable are appellate court opinions and the Louisiana Revised Statutes. Much more is in the offing. Our Technology Committee, chaired by Robert S. Dampf of Lake Charles and the Hon. Kim M. Boyle of New Orleans, is considering a uniform system of free access to state court records and the development of a model law office technology system. In this as in other areas, we are fortunate to have Michael H. Rubin, a confessed "techie," serving as our president-elect.

9. **Publications:** Many of you will recall the old LSBA "desk book," containing our Rules of Professional Conduct. I am proud to announce that our "new and improved" desk book, entitled *Louisiana Professional Responsibility Law and Practice*, will be published in early 2001. Written and compiled by Prof. Dane S. Ciolino of Loyola University Law School, it will contain a complete set of rules and standards governing the conduct of lawyers and judges, highlighted by annotations to the Louisiana Rules. This project has been long in the making. Having seen the end result, I am satisfied it was worth the wait.

10. **Client Protection Fund:** We decided to take a "fresh look" at the client protection program this year. Begun in 1962, this program compensates clients who lose money due to a lawyer's dishonest conduct. Unfortunately, the maximum level of reimbursement under the current plan (\$15,000) doesn't begin to address the needs of clients who've been defrauded of well over six figures. I've appointed Frank X. Neuner, Jr. of Lafayette to chair a select committee charged with proposing reforms in this area. As a profession, this is a problem we need to address.



President's Report (continued)



11. **Access to Justice:** We can be proud of the leadership role our Bar Association has played in this area. Established in 1997, our Access to Justice Program coordinates the statewide delivery of legal services to the poor. This year we are circulating a Model Law Firm Pro Bono Policy, designed to help Louisiana lawyers and firms meet their Rule 6.1 obligations through adoption of a written policy. Drafted by local pro bono coordinators and the Bar's Access to Justice Committee, it should take us farther down the road toward the ideal of equal access to justice.

12. **Law and Civic Education:** One of the goals set forth in our Mission Statement is to improve the public's understanding of, and appreciation and respect for, the law and the legal profession. This vital work is carried out in large measure by our public education partner, the Louisiana Center for Law and Civic Education. Led by Executive Director Maria Yiannopoulos Dooley and Presidents Brett M. Dupuy and Jack C. Benjamin, Jr., the Center has launched several successful programs, such as the Annual Youth Summit (students spend a day with lawyers, judges and police officers to learn about the legal system); the Summer Institute (a week-long program held at the Louisiana Supreme Court to train educators in law-related curricula); and the Teen Leadership Camp on Violence Prevention (implementing conflict resolution and peer mediation in high schools).

The Center also offers a lending library consisting of texts, videotapes, mock trial scripts and lesson plans.

I could go on but won't. Suffice it to say that we are engaged in many important projects carried out primarily by you, the talented lawyers and volunteers who care about our great profession.

During my service so far as your president, it has been especially gratifying to discover the depth of commitment and enthusiasm which runs through our Bar. I've been to opening of court ceremonies in Lake Charles, Alexandria and Gonzales. I've had the pleasure of speaking at the monthly luncheon of the Shreveport Bar Association and the annual meeting of the Louisiana Trial Lawyers Association. I've just returned from the grand opening of the new Baton Rouge Bar Association building. Everywhere I go, I see lawyers and judges who care about our profession, who want to see us tackle our problems and stand up for our ideals. No doubt we have work to do; as the poet said, we've got miles to go before we sleep. And yet I'm confident that we're up to the task. We have too much talent and too much pride in our profession to shy away from the challenges confronting us. To those of you who have joined our cause, my heartfelt thanks; and to those who haven't yet participated in the rewards (although I hasten to add they aren't monetary) of service to your profession, come on in. The water's fine.

The Board

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Seated from left, Michael H. Rubin, president-elect; Anne P. Birdsong, Young Lawyers Section chair; E. Phelps Gay, president; Elizabeth Haecker Ryan, secretary; Robert E. Guillory, Jr., immediate past president; and Michael W. McKay, treasurer. Standing from left, Robert J. Collins, Fifth Board District; R. Gayle Harrell Jackson, at-large representative; Carrick R. Inabnett, Seventh Board District; Gerald P. Webre, Second Board District; Arthur E. Stallworth, Southern University Law Center; Elizabeth Erny Foote, Sixth Board District; Shelley Hammond Provosty, First Board District; Marcel Garsaud, Jr., Loyola University Law School; James R. McClelland, Third Board District; Wayne J. Lee, House of Delegates liaison; Sharon McCauley Morrow, Fourth Board District; Marta-Ann Schnabel, First Board District; Karl J. Connor, at-large representative; and John M. Frazier, Eighth Board District. Not in photo, Patricia P. Reeves, at-large representative; and Marilyn C. Maloney, Louisiana State Law Institute.

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Marcel Garsaud, Jr. New Orleans

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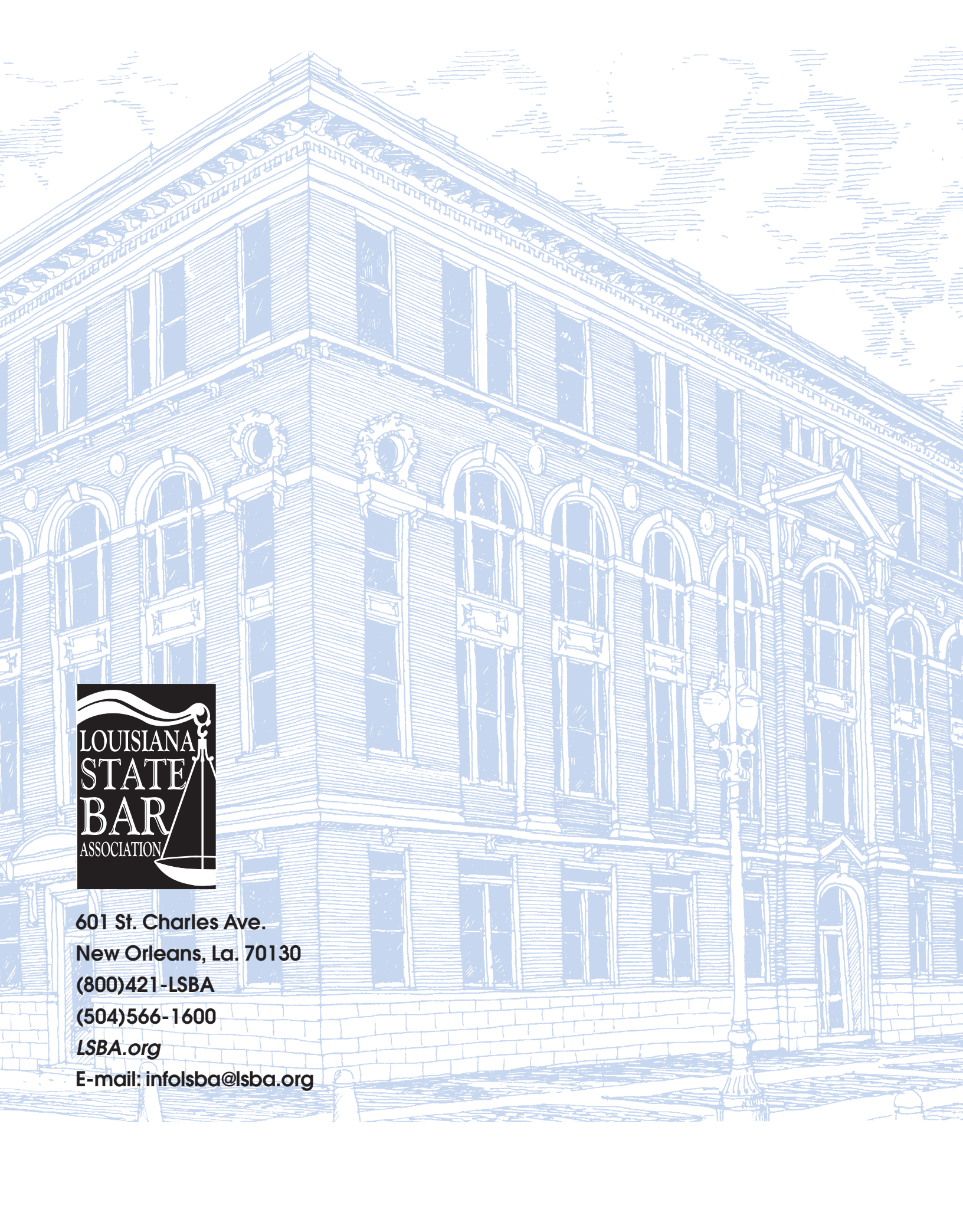
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