



Serving the Public. Serving the Profession.

BOARD OF GOVERNORS

Friday, November 6, 2015

Baton Rouge, LA

*** MINUTES ***

President Mark A. Cunningham called to order the meeting of the Board of Governors of the Louisiana State Bar Association at 9 a.m., Friday, November 6, 2015 in Baton Rouge, Louisiana. Business was conducted in accordance with the agenda below.

Agenda Item 1. Roll Call

Ms. Larsen called roll and advised that the following members, who constituted a quorum, were present:

President, Mark A. Cunningham
President-Elect, Darrel J. Papillion
Secretary, Alainna R. Mire
Treasurer, Robert A. Kutcher
Immediate Past President, Joseph L. Shea, Jr.
First Board District Representative, David W. Leefe
First Board District Representative, Patrick A. Talley, Jr.
Second Board District Representative, John E. McAuliffe, Jr.
Third Board District Representative, Blake R. David
Fourth Board District Representative, Shayna L. Sonnier
Fifth Board District Representative, Michael E. Holoway
Sixth Board District Representative, Charles D. Elliott
Seventh Board District Representative, C. A. "Hap" Martin, III
Eighth Board District Representative, Marjorie L. "Meg" Frazier
At-Large Member, Mickey S. deLaup
At-Large Member, John M. Frazier
At-Large Member, Rachael Johnson
From the Faculty of Loyola University College of Law, Monica Hof Wallace
From the Faculty of Southern University Law Center, Donald W. North
From the Louisiana State Law Institute, Kevin C. Curry
House of Delegates Committee on Liaison Chair, S. Jacob Braud
House of Delegates Committee on Liaison Member, Julie Baxter Payer

**Louisiana State Bar Association
Board of Governors
November 6, 2015 Minutes
Page 2**

Also present were:

President-Elect Designee, Dona K. Renegar
JLAP Board Chair, Mark C. Surprenant
Executive Director, Loretta Larsen, CAE
Associate Executive Director, Cheri Cotogno Grodsky
Access to Justice Director, Monte Mollere
Communications Director, Kelly Wells Ponder
Information Technology Director, Tony LaVerde
Director of Member Outreach and Diversity, Tricia R. Pierre
Executive Assistant, Mindi Hunter

Absent were:

Chair, Young Lawyers Section, Erin O'Brien Braud
Fifth Board District Representative, C. Kevin Hayes
House of Delegates Committee on Liaison Member, Marcus A. Augustine

Agenda Item 2. Consent Calendar

- a. Approval of August 21 and 22, 2015 Board of Governors Minutes**
- b. Louisiana Center for Law and Civic Education Report**

Upon motion by Mr. Shea and second by Mr. Kutcher, the Consent Calendar was approved without discussion or debate.

Agenda Item 3. Judges and Lawyers Assistance Program

- a. Preliminary Report on LAP Program Audit**

JLAP Chair Mark Surprenant provided a preliminary report on the program audit, indicating that it was favorable and that it characterized JLAP as one of the top programs in the country. He further advised that JLAP would likely spend more than \$150,000 of its reserves in FY 2015/2016.

- b. Consideration of Release of FY 2015/2016 Funding**

Upon motion by Mr. Shea and second by Mr. Kutcher, the Board unanimously approved the immediate release of the \$150,000 budgeted for JLAP for FY 2015/2016.

- c. JLAP Loan Program Update**

Ms. Larsen updated the Board on the efforts with regard to this program, indicating that she was compiling information from other jurisdictions and would use this to develop a proposal for consideration by the Board at its January 2016 meeting.

Agenda Item 4. Access to Justice

a. Board of Governors Special Committee on Access to Justice

- **LIFT Expansion Recommendation (request for funding)**

After some discussion and upon motion by Mr. Shea and second by Mr. Martin, the Board voted unanimously to allocate \$9,000 for this project for the remainder of the current fiscal year.

- **Other Initiatives**

Mr. Mollere reported that the committee did not plan on pursuing the family law mediation program as discussed at the Orientation, as it is a duplication of existing programs.

b. ATJ Leadership Internship Program

Mr. Cunningham briefly reported on this program and advised that four law firm sponsors had already been confirmed. The LSBA will coordinate the project, which will provide the opportunity for one rising 2L from each of the state's four law schools to be sponsored by the law firms to work with civil legal aid and legal services programs. The five-week program will be held from late May to late June 2016, with each intern to be compensated \$2,500 for his/her participation.

c. Legal Needs Study Funding Request

Mr. Mollere reviewed this non-recurring funding request and indicated that this type of data is necessary as the ATJ program moves forward. Mr. Shea advised that the Executive Committee had voted to recommend to the Board that it fund this study at a cost of \$15,000. After some discussion and upon motion by Mr. Shea and second by Ms. Mire, the Board voted unanimously to move forward with the study at a cost of \$15,000.

d. Creation of Commission by Louisiana Supreme Court

Mr. Cunningham advised that the Supreme Court in September had issued an Order creating the Access to Justice Commission.

- **Appointment of Members**

Mr. Cunningham advised that he was currently working on appointment of Commission members.

- **Inaugural Meeting**

Mr. Mollere reported that he and ATJ Chair Marta-Ann Schnabel had met with Chief Justice Johnson regarding the inaugural meeting, which would be scheduled in the near future.

e. Criminal Justice Committee

- **Mediation Program Update**

Mr. Cunningham advised that this had been referred to a subcommittee of the Criminal Justice Committee for further development and that he was continuing to meet with stakeholders on criminal justice issues.

f. October 29, 2015 Day of Service

Mr. Cunningham reported that the second annual Day of Service was a success, with lawyers in libraries in every parish across the state. He thanked Mr. Shea for his leadership on this issue and Mr. Mollere, the ATJ staff and Board members for their efforts in coordinating the event.

Agenda Item 5. Public Information Committee/ Board of Governors Special Committee on Judicial Independence

Consideration of Request for Proposal for Campaign to Support and Strengthen the Louisiana Justice System.

Mr. Cunningham advised that the Executive Committee had considered this request and voted to recommend to the Board that:

- *The LSBA pursue the educational initiative for new state legislators; and*
- *The LSBA delay issuing the RFP included in the materials until after discussing this type of project with a PR firm and getting an idea of the investment such an initiative will require.*

After some discussion and upon motion by Mr. Kutcher and second by Ms. deLaup the Board voted unanimously to schedule an educational session for Senate and House judiciary committee members and House Civil Law Committee members either during a special fiscal session or at the beginning at the 2016 Regular Session.

After a lengthy discussion about the RFP, the Board agreed to accept the recommendation of the Executive Committee in order to get additional information prior to reconsidering this issue at the January 2016 meeting.

Agenda Item 6. Lawyer Advertising Rules

Mr. Cunningham reported on a recent interaction between a Board member and LSBA ethics counsel regarding a radio advertisement. Mr. Cunningham further advised that the Executive Committee is asking the Rules of Professional Conduct Committee to review the process and the letter, with specific interest in including information about any available appeals process.

Agenda Item 7. Member Benefit Proposals – Tricia R. Pierre

**Louisiana State Bar Association
Board of Governors
November 6, 2015 Minutes
Page 5**

- a. Citrix ShareFile – an easy, secure file transfer tool for attorneys.
- b. WordRake – writing tool which edits reports, briefs, contracts, letters and memoranda for more concise writing.
- c. Legal Fee Advisors – reviews bills for thorough analysis of fees and disbursements.
- d. rocket matter – cloud-based practice management and time tracking software.
- e. CosmoLex – cloud-based practice/case management software for lawyers which offers timekeeping, calendars, reminders, and billing and accounting.
- f. MyCase – a cloud-based practice/case management product with features that cover all daily functions for solos and small firms.

After a brief introduction by Ms. Pierre, and upon motion by Mr. North and second by Ms. Wallace, the Board voted unanimously to offer all of the above non-exclusive benefits to LSBA members.

Agenda Item 8. Task Force Reports

a. Technology Task Force

• Update on Status of Online Tech Center Launch

Mr. Cunningham advised that the Technology Task Force and staff were working on this project, which was scheduled to launch at the LSBA Midyear Meeting.

b. Quality of Life Task Force

Mr. Cunningham reported that this group would have a proposal for the Board at its spring 2016 meeting.

c. Task Force on Cuba

Mr. Cunningham reported that this group had met earlier in the week and was proposing the resolution which had been distributed at the beginning of the meeting. After a brief discussion and confirmation by Mr. Cunningham that this initiative would require no financial investment by the LSBA, and upon motion by Mr. Talley and second by Mr. Leefe, the Board voted unanimously to approve the resolution as amended by the Executive Committee.

d. Task Force on Notarial Legislation

Mr. Cunningham reported that this group was continuing to work and would present a report to the Board in April.

Agenda Item 9. Special Committee Reports

a. Board of Governors Special Committee on Services to Senior Lawyers

Mr. Shea reported that this committee was continuing its work.

b. Board of Governors Special Committee on LCLCE

Ms. Larsen reported that staff was working with LCLCE to get additional young lawyers involved in the organization, either as board members or program volunteers.

c. Board of Governors Special Committee on Outreach

• **Update on Committee Initiatives**

Mr. Frazier reported that the committee was continuing its work and would continue to use videoconferencing for participation.

• **Report on Dinner Meeting with Specialty Bar Leaders**

Mr. Cunningham reported he had a successful meeting in Baton Rouge with specialty bar leaders from across the state.

• **Report on Outreach to Local and Specialty Bars**

Mr. Cunningham reported that outreach was continuing with a number of events throughout the state.

d. Board of Governors Special Committee on Law School Debt/Personal Banking Services

• **Update on Personal Banking Services Program**

• **Update on Educational Debt Management Program**

Mr. Cunningham and Ms. Grodsky reported that both of these programs were moving forward with the committee's assistance.

Agenda Item 10. Committee and Project Updates – Review Committee Initiative Table

Mr. Cunningham referred Board members to the table of initiatives for 2015/2016.

Agenda Item 11. House of Delegates Meeting at Midyear Meeting

a. Bar Governance Resolutions

- Legislation Committee – resolution to eliminate restriction on number of HOD members of Legislation Committee from any given judicial district
- Outreach Committee – resolution to make it a standing committee
- Bar Governance Committee – resolution to make it a standing committee

Mr. Cunningham advised that the Bar Governance Committee was preparing the resolutions set forth above for consideration by the House of Delegates at the January 2016 Midyear Meeting.

b. UPL Resolution

Mr. Cunningham advised that the House of Delegates in January 2015 had approved a resolution which would enable the LSBA to bring this issue to the Legislature during the 2016 Regular Session.

Agenda Item 12. Young Lawyers Division – Erin O’Brien Braud

In Ms. Braud’s absence, Ms. Mire reported that the YLD was planning a symposium for affiliates across the state, which symposium would be held at the 2016 Midyear Meeting in New Orleans.

Agenda Item 13. Budget Committee – Robert A. Kutcher

a. Recommendation Regarding Reserve Policy

Mr. Kutcher referred Board members to his October 27 memorandum, which set forth his opinions with regard to the reserves. He advised that the current budget shows the LSBA operating at a \$425,000 deficit.

Mr. Kutcher reported that both the Executive and Budget committees had discussed the reserve policy at their November 5 meetings and that both groups unanimously agreed to recommend to the Board that it amend the Reserve Policy to establish a Capital Reserve in the amount of \$1,000,000. Upon motion by Mr. Shea and second by Mr. McAuliffe, the Board voted unanimously to establish a \$1,000,000 Capital Reserve in accordance with this recommendation.

With regard to the general reserve, Mr. Kutcher advised that the Budget Committee had asked staff to develop some financial projections for the next several years, so that the Committee and the Board can revisit the issue of reserves at their January 2016 meeting.

After some discussion and upon motion by Mr. Shea and second by Mr. Holoway, the Board voted unanimously to retain the current policy of maintaining a reserve of no less than 50% of the LSBA’s annual operating budget but add the caveat that the LSBA revisit the issue as it approaches a reserve of 70% of operating, and to undertake in-depth financial forecasting so that the reserve policy may be revisited in January 2016.

Mr. Cunningham then suggested that as part of this process, the LSBA should engage in a program/allocation of resources review to ensure we are properly allocating the LSBA’s financial and personnel resources. After some discussion and upon motion by Mr. Elliott and second by Mr. McAuliffe, the Board voted unanimously to direct staff to engage in such a review with the assistance of a committee of the Board.

b. Amendments to FY 2015/2016 Budget

**Louisiana State Bar Association
Board of Governors
November 6, 2015 Minutes
Page 8**

Mr. Kutcher reviewed the amendments which had not been discussed by the Board elsewhere on the agenda. After a brief discussion and upon motion by Mr. Shea and second by Mr. McAuliffe, the Board unanimously approved the amendments as recommended by the Budget Committee.

Agenda Item 14. LSBA Calendar for November/December/January – Mark A. Cunningham

Mr. Cunningham referred Board members to the calendar.

Agenda Item 15. Items Removed from Consent Calendar

There were no items removed from the Consent Calendar.

Agenda Item 16. President Mark A. Cunningham

Mr. Cunningham advised that all of his items had been covered elsewhere in the agenda.

Agenda Item 17. President-Elect Darrel J. Papillion

Mr. Papillion waived his report.

Agenda Item 18. Secretary Alainna R. Mire

Ms. Mire reported that the Journal was still soliciting items for the LSBA 75th anniversary issue. She also encouraged donations to Ween Dream.

Agenda Item 19. Treasurer Robert A. Kutcher

Mr. Kutcher waived his report, as all financial matters had been covered elsewhere on the agenda.

Agenda Item 20. Immediate Past President Joseph L. Shea, Jr.

Mr. Shea waived his report

Agenda Item 21. Executive Director Loretta Larsen

Ms. Larsen waived her report.

Agenda Item 22. Associate Executive Director Cheri Cotogno Grodsky

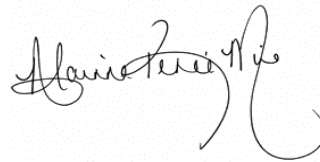
**Louisiana State Bar Association
Board of Governors
November 6, 2015 Minutes
Page 9**

Ms. Grodsky referred Board members to her written report.

ADJOURN

There being no further business, the meeting was adjourned at 12:05 p.m.

Respectfully Submitted:

A handwritten signature in cursive script, appearing to read "Alainna R. Mire". The signature is written in black ink on a white background.

Alainna R. Mire
Secretary

APPROVED BY BOARD OF GOVERNORS
JANUARY 15, 2016
NEW ORLEANS, LA