



By Mark A.
Cunningham

Remarks to the LSBA's House of Delegates at the Midyear Meeting / Jan. 16, 2016

Ladies and Gentlemen of the House and LSBA Members:

I am pleased to report that since our annual gathering in June 2015, the Louisiana State Bar Association (LSBA) continues to make great strides in its mission of serving the public and our members.

SOLACE Program

SOLACE (Support of Lawyers/Legal Personnel — All Concern Encouraged) offers support to members of the legal community, including paralegals and administrative staff, facing tragedy due to an unexpected disaster, death, illness, sickness or injury. Assistance can range from simply sending the family a card signed by local and state leaders to providing a family with meals and clothing after a fire or help with grocery shopping or child care when family members are facing medical emergencies. The program does not solicit money, but rather relies on contributions of gift cards, frequent flyer miles, a rare blood type donation, transportation, medical community contacts and referrals, and a myriad of other possible solutions.

Over the past several months, the LSBA program has expanded its volunteer network to more than 20,000 members of the Louisiana legal community and arranged for an emergency medical flight for the child of one of our members, experimental medical treatment coverage for another member, and transportation,



Louisiana Gov. John Bel Edwards, right, with Louisiana State Bar Association President Mark A. Cunningham. Photo by Matthew Hinton Photography.

housing and other needed assistance to scores of other members facing crisis.

I am pleased to report that the Federal Bar Association and South Carolina Bar Association have recently created SOLACE chapters joining Alaska, Delaware, Georgia, Iowa, Massachusetts, Nebraska, Nevada, New Hampshire, New York, Ohio, Rhode Island, Texas and Washington, D.C.

SOLACE started in Louisiana. The program was developed by Louisiana lawyer Mark C. Suprenant and Judge Jay C. Zainey and has been a savior to hundreds of families. We should be proud that our innovation is now helping lawyers, legal secretaries, paralegals and other members of the legal community throughout our country. Please join me in thanking Judge Zainey and Mark for their service.

JLAP Program

Over the past several months, we also have made a substantial investment to expand the programming of the Judges and Lawyers Assistance Program (JLAP). With our profession suffering among the highest levels of suicide, substance abuse and career burnout, this investment was a moral necessity.

But it also represents an effort to protect our members against further assessments. The direct link between attorney misconduct and substance abuse had led to lobbying in some quarters to impose a special assessment to fund this program. Our investment neutralized this discussion, ensuring that JLAP would not become an independent agency funded by attorney dollars, a result supported by the Louisiana Supreme Court and Office of Disciplinary Counsel.

Tech Center

I am also pleased to report that our staff and attorney volunteers continue to develop and implement programs to help lawyers better serve their clients and are particularly focused on services that will benefit solo and small-firm practitioners. The LSBA will soon launch a web-based program called the "Tech Center." The Tech Center contains an expansive library of educational resources and information to help members leverage technology effectively in practicing law and running their businesses. The LSBA also updated



Louisiana Gov. John Bel Edwards, seated seventh from left, met with members of the Louisiana State Bar Association's Board of Governors during their Jan. 15 meeting. Seated from left, S. Jacob Braud, House of Delegates Liaison Committee chair; Michael E. Holoway, Fifth District; President-Elect-Designate Dona K. Renegar; Secretary Alainna R. Mire; Treasurer Robert A. Kutcher; President-Elect Darrel J. Papillion; Gov. Edwards; President Mark A. Cunningham; Young Lawyers Division Chair Erin O. Braud; Marjorie L. Frazier, Eighth District; Kevin C. Curry, Louisiana State Law Institute; and John M. Frazier, at-large. Standing from left, Mickey S. deLaup, at-large; C.A. (Hap) Martin III, Seventh District; Blake R. David, Third District; Patrick A. Talley, Jr., First District; David W. Leefe, First District; Donald W. North, Southern University Law Center; Monica Hof Wallace, Loyola University College of Law; Immediate Past President Joseph L. (Larry) Shea, Jr.; C. Kevin Hayes, Fifth District; Charles D. Elliott, Sixth District; Shayna L. Sonnier, Fourth District; John E. McAuliffe, Jr., Second District; Julie Baxter Payer, House of Delegates Liaison Committee member; and Marcus A. Augustine, House of Delegates Liaison Committee member. Not in photo, Rachael D. Johnson, at-large. *Photo by Matthew Hinton Photography.*

its website to add new content and made it easier to navigate and use from mobile devices. To remain competitive in this new world, our profession must leverage technology more effectively, and the LSBA plans on taking a leading role in providing lawyers with the resources they need to achieve this objective. I want to particularly thank the volunteer members of the Technology Task Force — Ernie Svenson, Andrew Legrand, Todd Slack, John Norris, Micah Fincher, Andy Lee, Judson Mitchell and Task Force Chair Abid Husain — who have been working with staff on this project. Access the online Tech Center from the LSBA's home page at: www.lsba.org.

Flat-Fee Study

In recent weeks, many of you have expressed the importance of guarding against efforts to change our ethical rules in a way that would prohibit lawyers from depositing flat-fee payments into their operating accounts. I share your concerns. Our first obligation as a profession is to the public. But any rule that prohibits or restricts flat-fee arrangements would disproportionately impact solo and small-firm lawyers and increase the cost of legal representation to those who can least afford the services of a lawyer. Driving lawyers out of business,

thereby making it more difficult for members of the public to hire lawyers, is not in the public interest. Your views are known to the study committee looking at this issue, and I have every confidence that any proposal that comes to this House in the future will take your concerns into account.

Discipline System and Mentoring

The LSBA continues to work with lawyers to help them avoid getting embroiled in the disciplinary system. The LSBA operates a Diversion Program in coordination with the Office of Disciplinary Counsel for attorneys found to have engaged in minor ethical violations, as well as the Attorney-Client Assistance Program that seeks to resolve client complaints outside the disciplinary system.

This month, the LSBA is also completing the first session of its pilot mentoring program. By all accounts, the program was a real success and my thanks and congratulations go to the Committee on the Profession and its Chair Barry Grodsky for their fine work. The LSBA is currently developing additional programming to address the challenges of an aging lawyer population and to assist attorneys in navigating the discipline system.

Legislative Session

The LSBA also is gearing up to be the voice of our profession in the Legislature in what is expected to be an active year. Governor John Bel Edwards met with the LSBA Board of Governors yesterday and confirmed that he will not be seeking to tax professional services in the coming fiscal session. Governor Edwards is one of our members and believes deeply in our profession and mission. He is a friend and, no matter where you may fall on the political spectrum, he deserves our blessings as he begins to confront the many challenges facing Louisiana during this fiscal crisis. I assure you the LSBA will be a visible presence in Baton Rouge this year and will speak out against any legislation that attacks or imposes an undue burden on our profession.

Conclusion

Let me conclude by thanking each of you for taking the time to be here today. It is this body that sets the policies of the LSBA and it is only through your support that the LSBA is able to continue advocating for lawyers and supporting our members in both their business and life. May God bless Louisiana.

Mark A. C. L.