

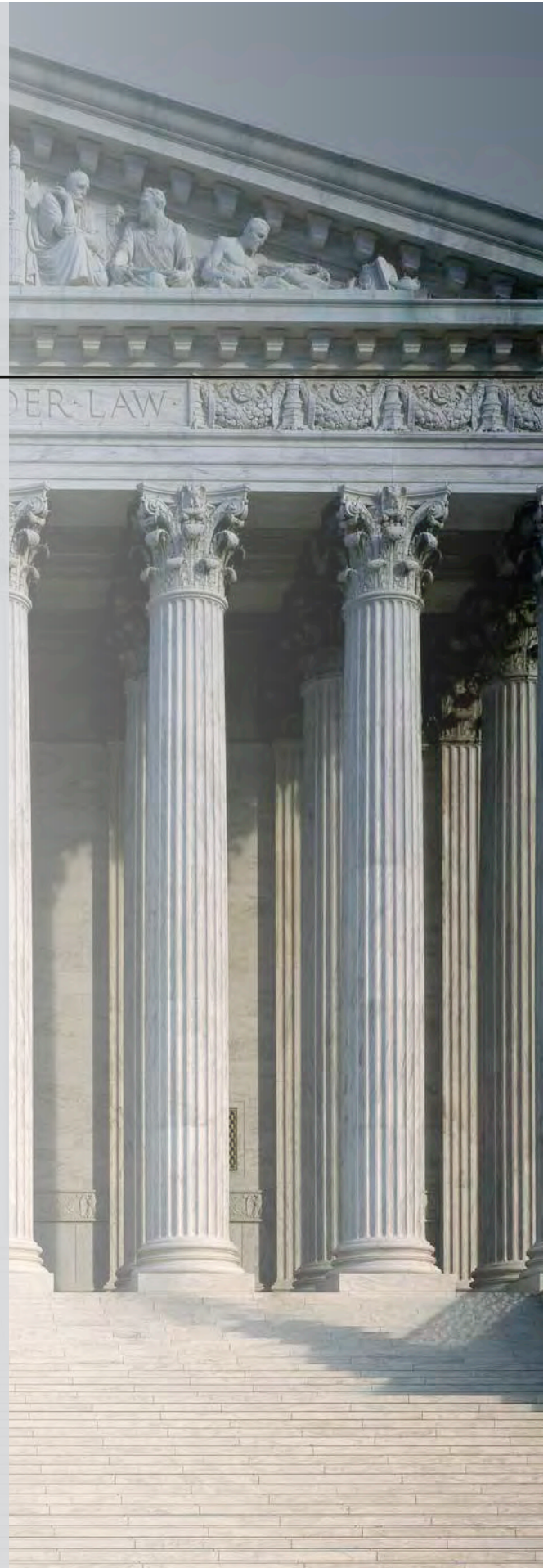


Mandatory State Bar Associations

Managing Keller

The following information regarding mandatory bars and how they manage Keller related activities was compiled by State Bar of Michigan between February 2014 and May 2014. This was a significant research initiative to support the Michigan Supreme Court Task Force on the Role of the State Bar of Michigan. As information was gathered, executive directors from several state bars expressed an interest in receiving this compilation of material. We are pleased to share this information with those who find it useful. Please note that the State Bar of Michigan does not update this compilation as policies and statutes change in various states. Users are encouraged to check with the state bars directly to learn of any relevant changes.

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BY-LAWS OF THE LOUISIANA STATE BAR ASSOCIATION

ARTICLE I. REGISTRATION AND DUES

Section 1. Dues

The annual membership dues for active members who shall have been admitted to the practice of law in the State of Louisiana for more than three years shall be Two Hundred and No/100 Dollars (\$200.00), and for those active members who have been admitted for three years or less shall be Eighty and No/100 Dollars (\$80.00). Newly admitted members' annual dues of \$80.00 shall be paid at the time the oath is administered. There shall be no pro-ration of dues.

(Amended January 20, 2007)

Section 2. Exemptions and Waivers

Active members who have been admitted to the Louisiana State Bar Association for 50 years or more shall be exempt from the payment of dues.

The Board of Governors shall be vested with the authority to consider dues waivers for those members experiencing financial hardship, illness or other extraordinary circumstances. Requests for such waivers shall be submitted in writing to the Treasurer of the Association no later than June 1 of the fiscal year prior to the fiscal year for which the member is applying for the waiver. Decisions of the Board shall be final.

Section 3. Payment of Dues

The annual dues shall be payable in advance to the Treasurer on July 1st of each year. Inactive members shall not be required to pay dues.

Section 4. Suspension for Non-Payment of Dues

A member in default of payment of dues for thirty (30) days shall be regarded as delinquent and shall be given written notice thereof by the Treasurer. If the delinquent member fails to pay such dues within thirty (30) days after such notice of delinquency, he/she shall cease to be a member in good standing and the Treasurer shall certify to the Supreme Court that the delinquent member is thus ineligible to practice law.

Where a member has thus become ineligible, the member shall be reinstated upon payment of the dues owed at the time he/she ceased to be a member in good standing, together with a penalty of Fifty Dollars (\$50.00), and all dues payable and owed for each year of such ineligibility and the dues payable for the current year in which reinstatement takes place. Notice of the removal of the member's ineligibility shall be given to the Supreme Court.

Section 5. Reinstatement of Inactive Members

Any inactive member may be reinstated to active membership in good standing by

complying with the law of this State and the rules of the Association in force at the time of reinstatement, and by paying the annual dues for the year in which the reinstatement occurs.
(Added January 8, 2004)

Section 6. Law Student Dues

The one-time membership dues for law students shall be Forty and No/100 Dollars (\$40.00). Such dues may be paid at any time during the year and shall entitle the student to law student membership from the date of payment through the June 30 which immediately follows the student's commencement. There shall be no proration of dues.

(Added February 11, 2010; Amended January 19, 2013)

ARTICLE II. OFFICERS OF THE ASSOCIATION

Section 1. Duties

The officers of the Association shall perform the duties usually performed by such officers, together with such duties as are prescribed by the Articles of Incorporation, these By-Laws, the Board of Governors or the House of Delegates. Whenever the Board of Governors disapproves any action or recommendation of the House of Delegates and submits the issue for determination to the membership, the President shall designate a member of the House of Delegates to state the reasons for such action or recommendations by the House of Delegates and a report of such reasons shall be transmitted to the members.

Section 2. President - President-Elect

The President shall preside at all meetings of the Association, the House of Delegates, and the Board of Governors; in case of his/her absence or inability to act, then the President-Elect shall preside. In the absence of both the President and the President-Elect, the House and the Board of Governors shall elect one of its members to preside.

(Amended April 23, 1983; June 10, 1993; January 24, 2004)

Section 3. Address by Retiring President

The retiring President shall deliver an address at the annual meeting upon such topic as he/she may select and the President shall include therein a report of the important activities of the Association, the House of Delegates, and the Board of Governors, during his/her term of office.

(Amended June 10, 1993; January 24, 2004)

Section 4. Secretary

The Secretary shall act as Secretary of the Board of Governors and of the House of Delegates. The Secretary shall make and preserve a record of all proceedings of the Association, the Board of Governors, and the House of Delegates. He/she shall be custodian of all records and archives of the Association.

(Amended February 8, 1992; June 10, 1993)

Section 5. Treasurer

The Treasurer shall report to the Board of Governors and to the House of Delegates at each of the meetings thereof upon the fiscal condition of the Association and shall prepare and present at the annual meeting of the Association a report of the status of its finances for the current fiscal year.

(Added February 8, 1992; January 24, 2004)

ARTICLE III. ANNUAL MEETINGS OF THE ASSOCIATION

Section 1. Dates and Places

The President, with the approval of the Board of Governors, shall select the date, place, duration and program of the annual meeting of the Association. The President may appoint such committees as are needed to hold the annual meeting. The order of business at the annual meeting shall include the following:

- (a) Annual address and report of the President
- (b) Annual report of the Secretary
- (c) Annual report of the Treasurer
- (d) Reports of Sections
- (e) Reports of Standing Committees
- (f) Reports of Special Committees
- (g) Miscellaneous business

- (h) Installation of newly elected officers.

(Amended April 23, 1983; Amended February 8, 1992)

Section 2. Registration Fee

The Board of Governors shall fix an amount for the registration fee for the attendance of the members, their spouses and guests, in order to defray the expenses of the annual meeting.

(Amended April 23, 1983)

ARTICLE IV. RULES AND PROCEDURES; AUTHORITY OF BOARD

Section 1. Rules and Procedures

The Board of Governors may adopt such rules and procedures for the transaction of its business as it deems suitable.

Section 2. Action by Telephonic Communication

Members of the Board of Governors, or any Board or Association committee, may participate in a meeting of the Board of Governors or such committee by means of conference telephone, or similar communication equipment, with which all persons participating in the meeting can hear each other at the same time. Participating in a meeting pursuant to this provision shall constitute presence in person at such meeting.

(Added January 23, 1993; Amended June 10, 1993)

Section 3. Authority of Board

As specified in Article VIII, Section 1 of the Articles of Incorporation, the Board of Governors shall have control of the fiscal affairs of the Association. This authority shall include the power to administer the daily affairs of the Association and to obligate the Association in any way necessary to carry out its objects and purposes. The fiscal power of the Board shall also include, but is not limited to, the power and authority: to enter into contracts; to adopt written policies for the investment and reinvestment of Association funds; to invest and reinvest funds belonging to the Association in accordance with the written investment policies of the Association; to institute suit and to respond to suit on behalf of the Association; to acquire, hold, use and dispose of property; to incur liability; to establish pension or other benefits plans for its employees; to procure and provide indemnity and/or insurance for its members, officers, agents, and/or employees; to make donations to public charities; to make loans in the name of the Association, to borrow, or to guarantee loans to the Louisiana Bar Foundation in furtherance of the Association's purposes; to buy and sell assets of the Association or to hypothecate or mortgage assets of the Association; and generally to conduct all administrative and fiscal matters of the Association as may be reasonable and appropriate in accordance with and in furtherance of the policies of the Association.

(Added June 13, 1996)

Also as specified in Article VIII, Section 1 of the Articles of Incorporation, between meetings of the House of Delegates the Board of Governors shall serve as an executive council and may act upon all emergency and other matters not theretofore determined by the House. Under this authority, the Board of Governors may vote to file amicus briefs on behalf of the Association if the timing prohibits bringing such matters before the House of Delegates and in accordance with the guidelines outlined below.

(1) In determining whether to approve the drafting and filing of an amicus brief, the Board will be governed by the following limitations and conditions; Any proposed brief *shall not* be in conflict with any of the rules, regulations, policies and procedures of the LSBA. Moreover, the proposed brief must be related to and relevant to the administration of justice. Specifically, amicus briefs may be authorized *only* when such briefs involve legal questions relating to the regulation of the profession, improving the administration of justice, or the quality of legal services, but may not be authorized for matters that are ideological or political in nature.

(2) If the Board votes to approve the filing of an amicus brief pursuant to these provisions, the President may appoint a committee to review the proposed amicus brief before it is filed, to confirm that it complies with these limitations and such other restrictions that may be imposed by the Board.

chair, a secretary and a treasurer, and additional officers as may be provided for in each section's By-Laws.

(Amended April 23, 1983; June 11, 2010)

Section 6. Mandatory Reporting, Meetings and Elections

No later than May 1 of each year, each section shall submit to the President of the Association a written report summarizing the section's activities for the fiscal year which ends on June 30.

Also no later than May 1 of each year, the chair of each section shall submit to the President of the Association the section's proposed programs and activities for the period July 1 of that year through June 30 of the next year, along with a corresponding budget. The Board of Governors shall have authority to review all section budgets.

Failure to comply with the above provisions will result in the suspension of the section's authority to operate, including its ability to collect dues. The suspension will remain in place until the Board of Governors or its designee determines that the section has met its obligations as set forth above.

Annual meetings for the elections of officers and the transaction of other business of the sections shall be held by all sections at the time and place as set forth in the respective By-Laws of each section, provided that said meetings shall take place before or at the time and place of the annual meeting of the Louisiana State Bar Association.

(Amended April 23, 1983; January 24, 2004; June 11, 2010)

Section 7. Finances and Financial Responsibility

Individual sections shall be responsible for payment of all expenses incurred in connection with their activities. Sections that have not adopted expense reimbursement policies shall be subject to the Louisiana State Bar Association's expense reimbursement policies.

Section dues shall be set forth in each section's bylaws and shall be collected at a time and in a manner determined by the Association.

Sections shall remit to the Association on an annual basis an administrative fee to cover the costs of section staffing, administration and overhead. This fee shall be set by the Association's Board of Governors and shall be reviewed every three years.

The Executive Director of the Association shall serve as ex-officio treasurer of each section and shall receive and account for dues and other funds received on behalf of each section. The ex-officio treasurer shall retain custody of all section funds in an account or accounts of the Association, and shall act as disbursing agent for each section, subject to approval by an officer of that section.

(Added January 22, 2005; Amended June 11, 2010)

Section 8. Legislative Activity and Lobbying

Any section of the Association that desires the Association to take a position on pending legislation shall inform the Legislation Committee through its staff liaison or the Executive

Director of the exact nature of the proposed legislation and the section's recommended position as soon as is practicable after the introduction of the legislation, but not later than the final meeting of the Legislation Committee as set forth in the Association's legislative calendar.

Any section desiring to sponsor legislation shall inform the Legislation Committee through its staff liaison or the Executive Director of the exact nature of the proposed legislation no later than December 1 for consideration by the Legislation Committee. The section shall provide to the Legislation Committee: (a) the specific legislation or policy which is proposed; (b) a summary of existing law; (c) principal known proponents and opponents of the legislation or policy and, if possible, a brief statement of the reasons for opposition or support by the other interests; (d) a list of any other sections of the Association which may have an interest in the legislation or policy; and (e) the position which the section recommends be adopted by the Association.

No section, or any member of a section in his or her capacity as such, shall express a position to the public or engage in legislative activity without prior review by the Legislation Committee and authorization from the Board of Governors.

Section 9. Filing of Amicus Briefs by Sections

The following policies and procedures will apply to the filing of amicus briefs by any and all sections of the Louisiana State Bar Association.

1. Each President of the LSBA will appoint a Committee of three (3) attorneys who practice law in the State of Louisiana. The President will also appoint two (2) alternate members of the Committee in the event that a committee member is unable to satisfy his or her duties at the appropriate time, *and/or must recuse him or herself*. The President shall act under his or her authority and discretion in appointing Committee members who he or she believes has the requisite legal expertise to participate in the determination of whether a Section should be allowed to file an amicus brief under these Rules. The Committee will have the sole responsibility for determining the propriety of an LSBA Section filing an amicus brief.
2. In determining whether a Section should be allowed to file a proposed amicus brief, the Committee will be governed by the following limitations and conditions: Any proposed brief *shall not* be in conflict with any of the rules, regulations, policies and procedures of the LSBA, or any section of the LSBA. Moreover, the proposed brief must be related to and relevant to the administration of justice. Specifically, amicus briefs may be authorized *only* when such briefs involve legal questions relating to the regulation of the profession, improving the administration of justice, or the quality of legal services, but may not be authorized for matters that are ideological or political in nature.
3. A Section seeking authority to file an amicus brief must file an application with the Committee as outlined in paragraph 6 of these Rules and must comply with certain conditions and limitations:
 - a. A Section shall be allowed to expend funds in its efforts to file an amicus brief, but no funds of the LSBA will be expended for such purpose, nor will the LSBA reimburse any Section for funds expended for the filing of an amicus brief. The

Section must bear all expenses related to the filing of the proposed brief and no legal fees may be paid by the Section for the filing of such brief.

- b. Any action taken by a Section pursuant to this provision shall be clearly identified as the action of the Section and not that of the LSBA. Such proposed brief must, as a preamble, contain the following disclaimer in capital letters, underlined with bold print:

THIS POSITION IS BEING PRESENTED ONLY ON BEHALF OF THE (INSERT SECTION NAME) SECTION OF THE LOUISIANA STATE BAR ASSOCIATION. THIS POSITION SHOULD NOT BE CONSTRUED AS REPRESENTING THE POSITION OF THE BOARD OF GOVERNORS, THE EXECUTIVE COMMITTEE, OR THE GENERAL MEMBERSHIP OF THE LOUISIANA STATE BAR ASSOCIATION. THE (INSERT SECTION NAME) SECTION WHICH TAKES THIS POSITION IS A VOLUNTARY SECTION OF (INSERT TOTAL MEMBERSHIP) MEMBERS COMPOSED OF LAWYERS PRACTICING IN A SPECIFIED AREA OF LAW.

THIS POSITION IS TAKEN AS THE RESULT OF A VOTE OF (VOTE COUNT) TO (VOTE COUNT) OF THE EXECUTIVE COMMITTEE OF THE (INSERT SECTION NAME) SECTION, WHICH IS THE GOVERNING BODY OF THAT SECTION. NO APPROVAL OR DISAPPROVAL OF THE GENERAL MEMBERSHIP OF THE SECTION HAS BEEN OBTAINED.

If the general membership of this Section has approved the Section's position, paragraph II of the disclaimer may be omitted.

4. The Section proposing the filing of an amicus brief must comply with its own rules, bylaws, and/or regulations concerning the assertion of the position in the brief and/or the filing of the brief itself. Moreover, the Section must inform its general membership of the action taken in a manner that is consistent with such Section's rules, bylaws, and/or regulations. In order to allow the Committee a fair and adequate opportunity to determine whether a Section should file a proposed brief, the following requirements must be satisfied:
- a. The Section proposing the filing of a brief must give the Committee a minimum of ten (10) days notice prior to the due date of filing, which notice shall consist of the following information:
- i. Caption of the case.
 - ii. Last court to render a decision in the case.
 - iii. Court in which the proposed brief is to be filed. *The Committee will generally only consider briefs to be filed with the Louisiana Supreme Court.* (Please attach a copy of the decision or order appealed from, accompanying opinion and other relevant documents, including briefs of the parties.)
 - iv. Date by which the proposed amicus brief must be filed.
 - v. Full statement of the relevant facts of the controversy.

- vi. A statement of whether the policy or principle of law to be supported has been adopted by the LSBA or any Section thereof.
 - aa. If yes, please provide the reference to and full quotation of the relevant policy or principle of law by the House of Delegates, the Board of Governors, or other authoritative action by the LSBA.
 - bb. If the application seeks authority to file an amicus brief in support of a position or principle of law which has not been adopted by the Association or by a Section, please provide a concise statement of the policy position to be supported and a statement of reasons why it should be adopted by the Section.
 - vii. A statement as to the reasons why this controversy is important for Section participation and why the Section's participation would assist the Court in reaching its decision, including why this would be an additional contribution to that advanced by either party to the controversy.
 - viii. The names and firm connections, if any, of those who have written or who would write the brief on behalf of the Section.
 - ix. A listing of all sections, divisions, or committees which have any interest in the issue presented with a notation of whether a copy of the application has been sent to each and what each entity's position is. Failure to provide these entities with adequate notice could result in denial of the application, but may not result in such denial by the Committee, in its discretion. If possible, these entities should be consulted and their positions ascertained prior to submission of the application. The application shall discuss what has been done in this respect and the position, if any, of the other entities.
 - x. The Section must attach a copy of the draft brief.
5. The Committee's decision to allow the filing of an amicus brief by a Section must be unanimous, and the Committee must respond to the application within seven (7) days of receipt. If, however, one member of the Committee is a member of the Section's Executive Committee that is proposing the filing of the brief, *and/or is a member of a law firm which has direct or indirect involvement with the controversy before the Court*, that committee member should recuse him or herself, and the President should appoint one of the alternate members to consider the proposed filing of the amicus brief. The Committee's decision is final and there shall be no appeals of the Committee's decision to the LSBA Board of Governors, Executive Committee, or House of Delegates.

(Added January 22, 2000)

Section 10. Section Council

There shall be a Section Council which shall be composed of the chair of each section, or his/her designee. The Section Council shall have co-chairs who shall serve one-year terms and convene over all Council meetings. One co-chair shall be elected from the section representatives and the other shall be a designee by and from the Association's Executive Committee.

The Section Council shall be charged with reviewing and discussing matters of interest to the sections, and with making recommendations regarding same to the Board of Governors and/or House of Delegates.

(Amended April 23, 1983)

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)

ARTICLE XIII. INDEMNIFICATION OF OFFICERS AND MEMBERS OF THE BOARD; AND INSURANCE

Section 1. General

The Association shall indemnify any person who was or is a party or is threatened to be made a party to any action, suit or proceeding, whether civil, criminal, administrative or investigative (including any action by or in the right of the Association) by reason of the fact that he or she is or was a member of the Board of Governors or an officer of the Association, or is or was serving at the request of the Association as a member of a board of governors, director, officer, employee or agent of another nonprofit, business or foreign corporation, partnership, joint venture or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the Association, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful; provided that in case of actions by or in the right of the Association, the indemnity shall be limited to expenses (including attorneys' fees, and amounts paid in settlement not exceeding, in the judgment of the Board of Governors, the estimated expense of litigating the action to conclusion) actually and reasonably incurred in connection with the defense or settlement of such action, and no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his or her duty to the Association unless and only to the extent that the court shall determine upon application that, despite the adjudication of liability, but in view of all the circumstances of the case, he or she is fairly and reasonably entitled to indemnity for such expenses which the court shall deem proper. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the Association, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.

(Added June 8, 1990)

Section 2. Expenses of Litigation

To the extent that a member of the Board of Governors or an officer of the Association has been successful on the merits or otherwise in defense of any such action, suit or proceeding, or in defense of any claim, issue or matter therein, he or she shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him or her in connection therewith.

(Added June 8, 1990)

Section 3. Determination by Members of the Board of Governors

The indemnification under Section 1 above (unless ordered by the court) shall be made by the Association only as authorized in a specific case upon a determination that the applicable standard of conduct has been met. Such determination shall be made (a) by the Board of Governors by a majority vote of a quorum consisting of members of the Board of Governors who were not parties to such action, suit or proceeding, or (b) if such a quorum is not obtainable or a quorum of disinterested members of the Board of Governors so directs, by independent legal counsel, or (c) by the members of the Association.

(Added June 8, 1990)

Section 4. Advance of Expenses

The expenses incurred in defending such an action, suit or proceeding shall be paid by the Association in advance of the final disposition thereof if authorized in the manner provided in Section 3 above, upon receipt of an undertaking by or on behalf of the member of the Board of Governors or the officer to repay such amount unless it shall ultimately be determined that he or she is entitled to be indemnified by the Association as authorized hereunder.

(Added June 8, 1990)

Section 5. Other Rights

The indemnification provided hereunder shall not be deemed exclusive of any other rights to which the person indemnified may be entitled under any bylaw, agreement, authorization of members of the Association or disinterested members of the Board of Governors or otherwise, both as to action in his or her official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a member of the Board of Governors or an officer and shall inure to the benefit of his or her heirs and legal representatives. Nothing contained herein shall be deemed to abrogate or diminish any exemption from liability or limitation of liability of the members of the Board of Governors or officers of this Association which is provided by law.

(Added June 8, 1990)

Section 6. Insurance

The Association may procure insurance on behalf of any person who is or was a member of the Board of Governors or an officer of the Association, or is or was serving at the request of the Association as a member of a board of governors, director, officer, employee or agent of another nonprofit, business or foreign corporation, partnership, joint venture or other enterprise, against any liability asserted against or incurred by him or her in any such capacity, or arising out

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LSBA House of Delegates

The Articles of Incorporation define the House of Delegates as the Association's policy-making body. Created in 1957, the House meets at least twice each year: during the Association's Annual Meeting and during the Association's Midyear Meeting. Through authority vested to it in the Articles, the House has adopted Rules of Procedure which govern its meetings and administration. The Association president presides over meetings of the House of Delegates.

House members serve two-year terms and are elected from their respective judicial districts, with districts being entitled to one delegate for each district judge (including civil district judges, criminal district judges and family court judges). Delegates from the 1st through 19th judicial districts serve terms beginning in even-numbered years and those from the 20th through 40th judicial districts plus Orleans serve terms beginning in odd-numbered years. To be eligible for reelection, a delegate must attend at least 50 percent of all meetings held during his/her term or 50 percent of the in-state meetings held during his/her term, whichever is less. Provided attendance requirements are met, there is no limit to the number of consecutive terms a delegate may serve. Also, in accordance with the Rules of the House, the chair of each of the Association's voluntary sections serves as an ex-officio voting member of the House.

House of Delegates Resources

- [House of Delegates Roster](#)
- [House of Delegates Minutes](#)
- [Rules & Procedures of the House of Delegates](#)

Meeting of House of Delegates

The Louisiana State Bar Association's House of Delegates meeting was held at 9 a.m. Saturday, Jan. 25, at the Renaissance Baton Rouge Hotel, 7000 Bluebonnet Blvd., in conjunction with the LSBA Midyear Meeting.

- [View Actions](#)

Resolutions

1. Resolution from the Rules of Professional Conduct Committee to amend RPC Rule 1.15 to require reconciliation of client trust accounts at least monthly, as well as maintenance of such records of the reconciliation(s).
2. Resolution from the Rules of Professional Conduct Committee to ask the Louisiana Supreme Court to adopt recent ABA changes with regard to: Rule 1.0, change reference from "email" to "electronic communications;" Rule 1.6(b)(7), confidentiality of information; Rule 1.6(c), confidentiality of information; Rule 1.18, duties to prospective clients; Rule 4.4, respect for rights of third persons; and Rule 5.3, responsibilities regarding non-lawyer assistance.
3. Resolution from the Alternative Dispute Resolution Section to amend its bylaws.
4. Resolution from Bill of Rights Section Chair Leo C. Hamilton urging the LSBA to: strengthen its commitment and efforts to improve availability of a full-range of legal services to all Louisiana citizens; actively participate in the Louisiana Bar Foundation's Louisiana Campaign to Preserve Civil Legal Aid by establishing specific goals for various groups within the LSBA; and encourage Louisiana lawyers to expand their pro bono efforts.
5. Resolution from 15th Judicial District Delegate Jeffrey A. Riggs and Solo and Small Firm Section Chair Richard W. Martinez urging the Louisiana Supreme Court to adopt proposed Rule 1.19 of the Louisiana Rules of Professional Conduct regarding preparation of succession plans by lawyers.

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- Bar Center Services
- Discount Business Services
- Ethics Advisory Service
- Judicial Interest Rate Calculator
- Lawyer Advertising Filing and Evaluation
- Lawyer Specialization Information and Transcripts
- Legal Library
- Legislative Advocacy
- MCLE Information and Transcripts
- Opinions Service

Member Programs

- Lawyers' Assistance Program
- Disabilities Assistance Network
- Continuing Legal Education Program
- Practice Assistance and Improvement Program
- Members Insurance Program
- Loss Prevention Counsel Program
- LSBA Awards
- LSBA Career Center

Projects and Affiliates

- SOLACE
- Secret Santa Project
- Diversity and Outreach
- ATJ and Pro Bono Resources
- Young Lawyers Division
- Specialty Bar Associations
- Local Bar Associations
- IOLTA / Louisiana Bar Foundation

Public Resources

Find a LSBA Lawyer

- Search the LSBA Membership Directory
- LSBA Membership Directory FAQ

Public Resources

- Lawyer Referral and Information
- Lawyer Specialization
- Lawyer Complaints
- Lawyer Fee Dispute Resolution
- Client Assistance Fund
- Guide to Attorney Disciplinary Procedures in Louisiana
- Access to Justice
- Louisiana Center for Law and Civic Education
- Consumer Brochures
- Guide to Legal Terms and Procedures
- Court Structure
- Coming of Age Brochure

Bar Governance

LSBA President

- Biographical Information
- President's Messages
- Tribute

LSBA Governance

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- LSBA House of Delegates
- LSBA Committees
- LSBA Sections
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- LSBA Articles of Incorporation
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- Latest LSBA News
- Louisiana Bar Today
- LSBA Press Releases
- LSBA Annual Reports

Publications on LSBA.org

- Practice Aid Guide: The Essentials of Law Office Management
- Directory of Arbitrators and Mediators
- Expert Witness, Consultant & Legal Services Directory
- Louisiana Legal Directory
- "Coming of Age in Louisiana" Brochure
- Consumer Brochures Series

LOUISIANA STATE BAR ASSOCIATION
HOUSE OF DELEGATES
RULES OF PROCEDURE

Rule I
MEETINGS OF THE HOUSE

1. The times and places selected for sessions of the House of Delegates of the Louisiana State Bar Association (hereinafter called "House"), during or in connection with the annual and midyear meetings of the Association, shall be set by the Board of Governors, pursuant to Article VIII, Section 5 of the Articles of Incorporation. Notification thereof shall be sent by the Secretary, not later than 30 days before the time fixed for the first session, to each member of the House and to each chair of a section and standing or special committee of the Association. Times and places for additional sessions may be fixed by the House.

2. Also in accordance with Article VIII, Section 5 of the Articles of Incorporation, additional meetings may be called by the President or shall be called by the Secretary of the Association on the written request or with the written consent of 25 members of the House of Delegates. When such a meeting is called the purposes of the meeting shall be included by the Secretary in the notice of such call; but the business transacted at such meeting shall not be limited by such statement.

3. Notice of any meeting of the House shall be deemed to be sufficiently given if written notice of the time and place thereof is forwarded by the Secretary to each member of the House according to the roster of its members maintained by the Secretary and to the chairperson of each section and standing and special committee at the email address maintained for such member in the Association's database.

4. The Secretary shall include with the notice of any meeting an agenda of the business of the meeting. If the agenda is not available when the notice is sent, the Secretary shall send the agenda to the members of the House as soon as it is available, but not less than 10 days in advance of the meeting.

5. Meetings of the House shall be open to attendance by members of the Association, subject to the right of the House, by vote, to go into closed sessions at any time or to determine that particular sessions shall be closed sessions. In fixing and announcing any annual or special meeting of the House, the Board of Governors or the President may announce one or more sessions as closed sessions of the House; and such sessions shall be closed, unless the House shall vote otherwise.

6. The following persons shall have the privilege of the floor without the right to vote: chairs of committees and task forces; past presidents of the Association; members of the Board of Governors; the Association's Executive Director; the Chief Disciplinary Counsel of the Louisiana Attorney Disciplinary Board; and the Association's lobbyist.

7. The chairpersons of the sections of the Louisiana State Bar Association shall be ex-officio members of the House of Delegates and, as such, shall have all of the privileges as members of the House including, but not limited to, the right to vote, the right to the floor, and the right to designate a proxy.

Rule II PRESIDING OFFICER

1. The President of the Association shall preside at meetings of the House. In the absence of the President of the Association, the President-Elect shall preside. In the absence of both the President and the President-Elect, the House shall choose a chairperson protempore. Pending such selection, the Secretary shall assume the chair.

2. The presiding officer shall preserve order and shall have the power to designate members of the House to assist in preserving order. The presiding officer, or aforementioned designee(s), shall require observance of the Rules of the House and shall decide questions of order and procedure. On an appeal by a member from a ruling by the presiding officer, no member shall speak more than once except by unanimous consent.

3. The presiding officer of the House shall sign every resolution, attest every report adopted by the House and sign the minutes as approved by the House.

4. The presiding officer shall, at the opening of each meeting of the House, make a brief statement of the principal business to be considered by the House.

Rule III MEMBERSHIP

1. Members of the House of Delegates shall be elected in accordance with Article VIII of the Association's Articles of Incorporation. The Secretary shall maintain a roster of the membership of the House. Such roster shall be open to examination by any member of the Association.

2. Any member designating an alternate to vote for an elected member at any meeting shall file with the Secretary, prior to the commencement of the meeting, a written proxy in such form as may be prescribed.

Rule IV HOUSE RECORD

The proceedings of the House shall be stated in its record kept by the Secretary of the Association, who shall be ex-officio Secretary of the House. Prior to the adjournment of a meeting,

minutes of the previous meeting shall be sent by the Secretary to each member of the House. Any changes to the minutes shall be made at the time the House considers such minutes for approval.

Delegates shall coordinate their efforts to ensure all constituents receive reports of the substance of proceedings at each meeting.

Rule V

THE ORDER OF BUSINESS

1. The order of business of the House each day shall include the following:
 - (a) the certification of a quorum, or lack thereof, by the Secretary;
 - (b) reading and approval of the record;
 - (c) unfinished business from the preceding day;
 - (d) the special order of business for the day;
 - (e) the next item on the published agenda for that meeting of the House; and
 - (f) new business.
2. The agenda for each meeting of the House shall include:
 - (a) Presentation of any matters which the Board of Governors or local bar association, or any affiliated organization of the legal profession wishes to bring before the House;
 - (b) Presentation of any matters which any Section or Standing or Special Committee of the Association wishes to bring before the House; and
 - (c) Any resolution or matter proposed by a member of the House or a member of this Association, provided a copy of the resolution or a complete notice covering its subject matter, shall have been filed with the Secretary of this Association at least fifteen (15) days prior to the date of the meeting of the House.
3. Any subject may by a vote of two-thirds of the members of the House present, be made a special order and considered by the House as though proper notice had been given.
4. Questions relating to the priority of business shall be decided by the presiding officer, subject to appeal to the House. Any such appeals shall be decided by majority vote of the members present.

Rule VI QUORUM

1. The presence of a majority of the duly elected members of the House of Delegates, either personally or through duly appointed and certified alternates, shall constitute a quorum for the official conduct of all matters pertaining to the business of the House of Delegates. Vacant seats in the House of Delegates shall not be counted when calculating a quorum.

2. Prior to the commencement of any scheduled meeting of the House of Delegates the delegates shall check in for the meeting via such procedures as established by the presiding officer. Each delegate's presence or absence shall be noted in the minutes of the meeting.

3. If it is ascertained that a quorum is not present, no debate, business or motion, except to recess or to adjourn, shall be in order.

4. If it is ascertained that a quorum is present, the stated business of any scheduled meeting of the House of Delegates may be conducted in full and to completion, irrespective of the continued presence of said quorum, until such time as a majority of the members present and voting shall, by resolution, adjourn for the day.

Rule VII DEBATE

1. When a member of the House desires to speak, the member shall rise and address the presiding officer. Upon being recognized, such member shall state his/her name and respective capacity. No member shall speak more than once at the same session upon any one question, unless with the unanimous consent of the House. The member who made the motion under discussion shall have the right to close the debate upon it.

2. No member of the House or chairperson of a standing or special committee of the Association shall speak more than five (5) minutes at one time without majority consent of the House, unless the member be then engaged in making the report of a Section of the Association or of a committee of the Association or of the House. A chairperson of a standing or special committee of the Association may have the privileges of the floor, without vote, and may speak or make a motion, only concerning any report of the committee or any matter within the jurisdiction of the Committee. When a minority report has been filed in connection with a committee report, one representative of the minority, selected by the minority for that purpose, shall have the privilege of the floor, without vote, to speak once upon the question, not to exceed five (5) minutes.

3. No non-member of the House (except those set forth in Rule I, Section 6 of these Rules, or persons presenting minority reports of committees or sections) shall be heard by the House, unless upon motion of a member and the unanimous vote of the House.

4. At the request of the presiding officer or any member, any resolution or motion shall be reduced to writing. Such a resolution or motion shall be read before it may be debated. The

House or the presiding officer may require that copies of any resolution shall be made available to members of the House before a vote is taken thereon.

5. Any resolution or matter, notice of which is filed by a member of the House or a member of this Association with the Secretary 15 days or more prior to any meeting of the House of Delegates shall be sent as soon as possible to each member of the House prior to the scheduled meeting of the House. Wherever practical, copies of each report by a committee of the Association or of the House shall be made available to each member of the House, before or at the time of the presentation of such report. Unless otherwise ordered by vote of the House or directed by the presiding officer, reports of sections and committees of the Association and reports of committees of the House, of which copies are available, shall not be read orally at the meeting, but shall be stated to the House in substance only. When the reading of a report is called for and objected to, the reading shall be determined by a vote of the House, without debate.

Rule VIII COMMUNICATIONS, ETC., FROM THE BOARD OF GOVERNORS AND THE GENERAL ASSEMBLY

1. The presiding officer may place before the House, or a member may move to place before the House, any resolution, report, message, or information of action from the Board of Governors or the General Assembly of the Association at any time except while the House is voting, or while the record is being read, or while a question of order is pending. Any motion to lay such a resolution, report, message, or other information before the House shall be determined without debate and, if carried, shall become a special order of business.

Rule IX VOTING

1. Except where a written ballot is ordered, voting shall be by voice, unless the presiding officer is in doubt of the result or a division is requested. Thereupon, the House shall divide those on the affirmative of the question first rising and then those on the negative rising. Upon request of ten (10) members of the House, a roll call shall be had on any matter.

2. When a question has been decided by the House, any member voting with the prevailing side may, on the same day, move a reconsideration. If the House shall refuse to reconsider or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

3. Except as otherwise provided herein, Roberts Rules of Order latest edition shall be followed in the conduct of all business meetings.

Rule X

COMMITTEE ON LIAISON

1. The House shall have a Committee on Liaison, which shall consist of three members elected by and from the House. Election of such members shall be held at the Midyear Meeting of the Louisiana State Bar Association. Committee members shall serve three-year terms beginning at the conclusion of the Annual Meeting immediately following their election and ending at the conclusion of the fourth Annual Meeting following their election.

Immediately following the election at each Midyear Meeting, the House shall elect one member from the Liaison Committee as constituted for the coming year to serve as the Chair for the term beginning at the conclusion of the Annual Meeting immediately following his/her election and ending at the conclusion of the second Annual Meeting following his/her election. The chairperson of said Committee shall be known as the House of Delegates Liaison and shall serve as an ex-officio member of the Board of Governors, with the same rights and privileges of all other members of the Board, including the right to vote, as defined in Article VII, Section 1 of the Association's Articles of Incorporation.

- a) For the purpose of establishing three-year terms and a rotation of committee members, at the Midyear Meeting in 2011, three members of the Committee on Liaison shall be elected by and from the House of Delegates: one member from the 1st through 19th judicial districts for a one-year term; one member from the 20th through 42nd judicial districts for a two-year term; and one member from the 1st through 19th judicial districts for a three-year term. These members shall serve terms beginning at the conclusion of the 2011 Annual Meeting. Thereafter at each Midyear Meeting the House shall fill the vacancy on the Liaison Committee by electing a Liaison Committee member from the group of judicial districts (1st through 19th or 20th through 42nd) different from the group represented by the member whose term is expiring. Liaison Committee members may not be elected to serve consecutive terms.
- b) Only members of the House of Delegates are eligible to serve as members of the Liaison Committee. If a member of the Liaison Committee ceases to be a member of the House of Delegates at any time during his/her term on the Liaison Committee, the President shall appoint a member of the House to serve the remainder of such term on the Liaison Committee.

2. The House may, from time to time, create and have such other committees of the House as it may deem desirable for the furtherance of its business.

3. For the purpose of furthering the consideration of a subject at any meeting of the House, the President of the Association may appoint a special committee of not more than five members to consider such subject and report its findings to the House. Unless otherwise voted by the House, any committee so appointed shall not continue beyond the adjournment of the next meeting of the House.

4. The President of the Association shall be an ex-officio member of all committees of the House.

Rule XI
PERSONS IN ATTENDANCE AT SESSIONS OF THE HOUSE

1. Non-members of the House, if members of the Association, may attend sessions of the House, except at times when the House is in closed session; provided that non-members of the House shall not at any time enter that portion of the hall reserved for the delegates and that all persons in attendance, except members of the House, may, by vote of the House, be required to withdraw from the hall in which the House is meeting.

2. Employees of the Association shall be admitted to sessions of the House without special authorization.

3. Representatives of the press may attend those sessions of the House which are not closed.

4. The House may, by unanimous vote, extend to any person the privilege of attendance at any session.

Rule XII
AMENDMENT AND SUSPENSION OF RULES

1. No motion to amend any rule or any part thereof shall be in order unless notice of such motion shall have been filed with the Secretary in writing, specifying the rule or part thereof proposed to be amended and the purpose of the amendment, and unless 10 days notice of such motion shall have been given by the Secretary to each member of the House. A vote of two-thirds of those members present at any session and not less than a majority of those who have responded to any roll call at the meeting of the House for which notice of the amendment was given shall be required to amend the Rules.

2. By a two-thirds vote of the members voting at a session of the House, Rules V or VII, or any part thereof, may be suspended during such session of the House.

Rule XIII
ALTERNATE DELEGATES

1. Any member of the House may designate a member of the Association in good standing from his/her judicial district to serve as his/her alternate at any specific meeting of the House; provided, however, no person may be designated an alternate for more than one absent elected delegate and no elected delegate may serve as an alternate.

2. A duly certified alternate shall have all the privileges of a member of the House at the specific meeting for which he/she has been designated as alternate.