

**RESOLUTION OF THE LSBA HOUSE OF DELEGATES
TO ADOPT RULE 1.19 OF THE
SOUTH CAROLINA RULES OF PROFESSIONAL CONDUCT
AS RULE 1.19 OF THE LOUISIANA RULES
OF PROFESSIONAL RESPONSIBILITY**

WHEREAS, the Lawyers in Transition Committee has previously recommended that lawyers adopt written succession plans specifying what steps must be taken in the event of their death or disability from practicing law;

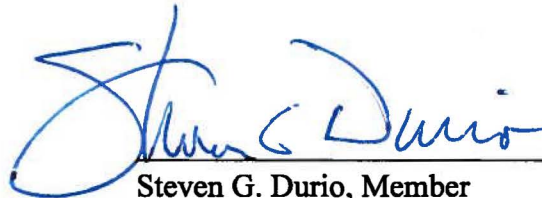
WHEREAS, this recommended procedure was adopted in July 2013 as part of the Rules of Professional Conduct in South Carolina, a copy of which is attached hereto as Exhibit 1.19; and

WHEREAS, the adoption of this Rule 1.19 in Louisiana would greatly benefit the practice of law by assisting and providing a vehicle for transition of many elderly lawyers and widowed spouses of lawyers, and in many other instances;

WHEREAS, there is no sufficient public policy or professional responsibility reason to deny the benefit of this recommended procedure to the clients of Louisiana lawyers, and/or their spouses and children;

THEREFORE, BE IT RESOLVED that the Association urge the Louisiana Supreme Court to adopt the attached proposed Rule 1.19 as Rule 1.19 of the Louisiana Rules of Professional Responsibility.

Respectfully submitted,



Steven G. Durio, Member
Fifteenth Judicial District

May 8, 2015

APPROVED
HOUSE OF DELEGATES
JUNE 11, 2015
DESTIN, FL

APPROVED
BOARD OF GOVERNORS
JUNE 12, 2015
DESTIN, FL

EXHIBIT 1.19

South Carolina Rule 1.19

- (a) Lawyers should prepare written, detailed succession plans specifying what steps must be taken in the event of their death or disability from practicing law.
- (b) As part of any succession plan, a lawyer may arrange for one or more successor lawyers or law firms to assume responsibility for the interests of the lawyer's clients in the event of death or disability from practicing law. Such designation may set out a fee-sharing arrangement with the successor. Nothing in this rule or the lawyer's designation shall prevent the client from seeking and retaining a different lawyer or law firm than the successor. The lawyer to be designated must consent to the designation.
- (c) A registry shall be maintained by the South Carolina Bar. The successor lawyer(s) shall be identified on the lawyer's annual license fee statement.

(Proposed) Louisiana Rule 1.19

- (a) Lawyers should prepare written, detailed succession plans specifying what steps must be taken in the event of their death or disability from practicing law.
- (b) As part of any succession plan, a lawyer may arrange for one or more successor lawyers or law firms to assume responsibility for the interests of the lawyer's clients in the event of death or disability from practicing law. Such designation may set out a fee-sharing arrangement with the successor. Nothing in this rule or the lawyer's designation shall prevent the client from seeking and retaining a different lawyer or law firm than the successor. The lawyer to be designated must consent to the designation.
- (c) A registry shall be maintained by the Louisiana State Bar Association. Each lawyer shall designate any successor lawyer on the lawyer's annual registration statement.



Serving the Public. Serving the Profession.

HOUSE OF DELEGATES
9 a.m. ■ Thursday, June 11, 2015
Sandestin Golf & Beach Resort ■ Destin, FL

ACTIONS

President Joseph L. Shea, Jr. called the meeting to order at 10:20 a.m., following the General Assembly. Business was conducted in accordance with the agenda below.

AGENDA

I. Certification of Quorum by the Secretary

Mr. Grodsky certified that a quorum was present.

II. Recognition of Deceased Members of the House of Delegates

The House observed a moment of silence for the following deceased individuals:

- *William B. Baggett, former LSBA President*
- *Charles L. Kincade, HOD member, 4th Judicial District*
- *Hon. Yada T. Magee, Orleans Parish CDC Judge (ret.)*
- *Hon. James R. McClelland, 16th Judicial District Judge (ret.)*
- *Hon. Charles B. Peatross, 1st Judicial District Judge (ret.)*
- *Hon. Charles R. Scott II, 1st Judicial District DA*

General Session

III. Reports of Standing Committees of the House *

No oral reports were given.

IV. Reports of Officers, Board of Governors, Standing Committees and Sections of the Louisiana State Bar Association *

1. Joseph L. Shea, Jr., President
2. Mark A. Cunningham, President-Elect
3. Barry H. Grodsky, Secretary
4. Robert A. Kutcher, Treasurer

No oral reports were given, as those who had reports made them to the General Assembly, which immediately preceded the House of Delegates meeting. Written reports

were distributed in advance of the meeting.

- V. **Reports of Special Committees of the Louisiana State Bar Association***
No oral reports were given. Written reports were distributed in advance of the meeting.

- VI. **Other Reports***
There were no other reports.

Activities of the House of Delegates

- VII. **Approval of Minutes**

Consideration of approval of the Minutes of the January 17, 2015 Meeting of the House of Delegates, held in New Orleans.

Upon motion and second, the House unanimously approved the minutes as presented.

- VIII. **Old Business**

There was no old business to come before the House.

- IX. **Elections**

1. Election of three (3) members of the House of Delegates to the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association. The committee is composed of the president, president-elect, secretary, chair of the Public Information Committee, and the three (3) House of Delegates members.

The House designated the following three members to serve on the Special Advisory Committee: Shayna Beevers (24th JD), Dona K. Renegar (15th JD) and Val P. Exnicios (Class Action, Mass Tort & Complex Litigation Section).

2. Election of five (5) members of the House of Delegates to serve three-year terms on the Legislation Committee. Terms commence on July 1 immediately following the election and end on June 30, 2018.

The House elected the following five members to serve three-year terms on the Legislation Committee: Kila L. Bobier (1st JD), Thomas C. Cerullo (24th JD), C. Frank Holthaus (19th JD), Robert S. Noel (4th JD) and Jay C. Zainey, Jr. (41st JD).

- X. **Resolutions**

Section Resolutions

1. Resolution from the Corporate & Business Law Section asking the House to approve a restatement of the Section's Bylaws.

Upon motion and second, the House unanimously approved this resolution.

2. Resolution from the Solo & Small Firm Section asking the House to approve a number of amendments to the Section's Bylaws.

Upon motion and second, the House unanimously approved this resolution.

Louisiana Board of Legal Specialization Resolutions

3. Resolution from the Louisiana Board of Legal Specialization asking the House to amend the Family Law Standards to permit board certified family law specialists to receive family law specialization CLE credit for providing pro bono legal representation, in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

Upon motion and second, the House approved this resolution.

The following two resolutions were considered together.

4. Resolution from the Louisiana Board of Legal Specialization asking the House of Delegates to approve an additional area of specialty and certification for those attorneys practicing in the field of appellate law.

Upon motion and second, the House approved this resolution by a vote of 59 to 52.

5. Resolution from the Louisiana Board of Legal Specialization asking the House of Delegates to adopt the proposed standards for the appellate practice specialty.

Upon motion and second, the House approved this resolution by a vote of 59 to 52.

Committee Resolution

6. Resolution from the Access to Justice Policy Committee to create the Louisiana Access to Justice Commission, and to amend the LSBA Bylaws to facilitate same.

Upon motion and second, the House unanimously approved this resolution.

Member Resolution

7. Resolution from 15th Judicial District Delegate Steven G. “Buzz” Durio proposing that the House recommend to the Louisiana Supreme Court adoption of South Carolina Rules of Professional Conduct Rule 1.19, to address succession plans for lawyers in the event of death or disability.

Upon motion and second, the House approved this resolution.

8. Resolution from 19th Judicial District Delegate Michael W. McKay:
 - stating the LSBA’s objection to compelling attorneys to provide uncompensated professional services for the benefit of the State;
 - endorsing and encouraging private litigation that would challenge the constitutionality and lawfulness of appointing attorneys to represent indigent defendants without compensation; and
 - urging the Louisiana Legislature to authorize sufficient funding to meet the State’s constitutional obligation to provide effective assistance of counsel for indigent defendants in state criminal proceedings.

Upon motion and second, the House unanimously approved this resolution.

XI. Other Business

Consideration of any other business to come before the House of Delegates.

Mr. Cunningham asked for a suspension of the rules to amend a resolution which the House had approved in June 2013. Upon motion and second, the House voted unanimously to suspend the rules.

Upon motion and second, the House voted unanimously to amend the June 2013 resolution to remove the reference to the Duncan Plaza site. With this change, the House now supports a new Orleans Parish Civil District Court stand-alone courthouse on a site to be determined.

There being no further business, the meeting was adjourned at 11:50 a.m.