

LOUISIANA CLERKS OF COURT ASSOCIATION

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APPROVED MINUTES BOARD OF DIRECTORS WEDNESDAY, FEBRUARY 20, 2019 1:00 PM BATON ROUGE, LA

The Louisiana Clerks of Court Association Board of Directors met on February 20, 2019 at 1:00 p.m. in Baton Rouge, Louisiana. President Steve Andrews called the meeting to order. An opening prayer was given by Theresa Robichaux and Brian Lestage led the Pledge of Allegiance.

Secretary Annette Fontana called the roll with the following board members present:

Steve Andrews, Brian Lestage, Bridget Hanna, Robin Hooter, Annette Fontana, Randy Deshotel, Kim Turlich-Vaughan, Richard Arceneaux, Theresa Robichaux, Louis Perret, Marion Hopkins, Connie Couvillon, Jeff Skidmore, Doug Welborn and Rodd Naquin.

Also present: Debbie Hudnall, Darlene Landry, Shane Leblanc, Jason Harris, David Dart, Felicia Ann Hendel, Greg Brown and Chris Kershaw.

Approval of the Minutes from November 28, 2018

A motion to approve the prior minutes was made by Connie Couvillon and seconded by Kim Turlich-Vaughan. No discussion was had. The motion passed without opposition.

Financial Report - Association

Treasurer Randy Deshotel gave the financial report for the Association ending January 31, 2019. He reported total current assets at \$10,885, total other assets of \$116,767 for total assets of \$760,192. Total current liabilities of \$88,690 were reported.

Randy reported on the income statement with total year-to-date revenue of \$529,568, total expenses of \$513,682 with a net income of \$15,887.

Supplemental Compensation Board

Randy Deshotel gave a report on the balance sheet ending January 31, 2019. The total assets were \$190,189, total capital was \$56,939 and total current liabilities of \$133,250.

A motion by Jeff Skidmore was made to receive the Financial Report. The motion was seconded by Kim Turlich-Vaughan. All voted in favor to receive the Financial Report.

BOARD REPORTS

LCRAA

Chairman Rick Arceneaux reported that the LCRAA Board met on February 12, 2019 for a board meeting and on January 15 and 16, 2019 for the interview of the E-filing vendors.

Rick gave a report from Antares. There are 57 active parishes and search results were as follows:

33 million total land with 18 million being mortgage and 15 million conveyance
109 million total land names
1.8 million marriage records
3.8 million marriage names
1.4 million civil records with 1.2 million being civil and 145,000 probate records
5.5 million total civil names
12,573 registered users
6,760 active users

Rick gave the financial report ending January 31, 2019. The total current assets were \$3,586,938, total property and equipment \$211,491, for total assets of \$3,798,429. Total liabilities were \$12,500.

Rick discussed the Income Statement for the current month of January 31, 2019. Total revenues were \$105,303, revenues over direct costs of \$58,964 total administrative expenses of \$9,328 and a net income of \$49,636.

Rick discussed the Income Statement for the seven months ending January 31, 2019. Total revenues were \$869,423, revenues over direct cost of \$526,563, grant program \$333,478, total administrative expenses of \$78,728 and a net income of \$114,357.

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He reported on grants awarded and requested. All remaining grants are being completed. There were four 4th Quarter applications with two from St. Martin Parish which did not receive approval, one from Calcasieu which was deferred and Red River receiving a partial grant of \$7,500.

Rick reported that the Board had conducted interviews for E-Filing with four vendors. The Board approved Tyler Technologies.

Rick reported that the recording software in development is on schedule for a June 2019 roll out date.

Retirement and Relief Fund

Steve reported that AndCo recommended terminating William Blair International as one of the investment firms. Steve advised that the Board interviewed two investment firms and selected Driehaus.

Steve Andrews gave the financial report indicating that we previously had \$641 million in assets but had dropped down to under \$600 million at the end of calendar year 2018 but had recently experienced an increase to \$615 million at the beginning of 2019.

The PRSAC Board will meet on Monday. Debbie reported that legislative auditors were present at the Retirement Board meeting and introduced the new state actuary. She discussed how the Legislative Auditor's actuarial view and the actuary report do not agree. The Clerks have reduced the discount rate to 6.75% but PRSAC recommended reducing it to 6.5%.

Chris Kershaw reviewed the GASB 68 report. He talked about the discount rate and the sensitivity report, commenting on how a decrease in the discount rate leads to an increase in the liability of the clerks. If the clerks would lower the discount rate to 6.5%, employer contributions could exceed the 19%.

2019 Conference Report

Debbie Hudnall reported that the 2019 Clerks Conference will be March 11-14, 2019 at the Capitol Hilton Baton Rouge. The Clerks only dinner will be something never experienced. On Tuesday afternoon, there will be an educational session with speaker Bruce Wilkinson. Tuesday night is the Capitol Showcase which will be talent contest by district. Wednesday will be the vendor show and a luncheon with Jeremy Alford.

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Education Committee

Theresa reported that the Institute is next week. There are 184 registrants and Debbie committed that the Judges are coming for the Clerk's meeting.

Judges Liaison Committee

Debbie reported that the Committee met and discussed UCO'S and the issues with the forms. Brian Lestage discussed the issues and that the Judges were trying to address those issues with the Supreme Court. He also brought up the Firearm Divesture Act in relation to protective orders and what is required of the Clerk's and the other issues.

Annette Fontana reported that she had attended the Domestic Violence Prevention Committee and that there were going to be some legislative changes to the Divesture Act particularly the records destruction. She will stay involved and follow that. Annette also advised that the Protective Order 11 forms are now ready online.

Debbie discussed Act 716 of the 2018 Legislative Session which discusses terrorizing in school and discussed a separate numbering system for these types of cases and advised that they do not go in Juvenile. Debbie mentioned that these were to be filed under seal and maybe be filed in Commitments. Bridget Hanna added that she puts them under Commitments.

Debbie spoke about LABI and the lowering of the jury threshold and that the Judges had asked if the Clerks would entertain introducing legislation to increase jury bond deposits. Debbie advised that she didn't think the Clerks wanted to ask for an increase in fees during an election year.

Debbie reported on Act 137 regarding fine and court costs being required to pay one (1) eight-hour day per month for twelve months and half of that amount going to restitution. The Judges were continuing to work with Representative Magee on this issue.

Debbie stated that they spoke about divorces and protective orders and having two separate files but should be with the same Judge.

She also advised that the Committee discussed Clerks holding In Forma Pauper Judgments, and that Judgments should not be held.

Judicial Council

David Dart reported that there were two meetings of the Judicial Council, one on February 6, 2019 which discussed court cost. Court cost increases or any fee must first go before the Judicial Council before it goes to the Legislature.

He additionally reported that the Price of Justice sub-committee met. The State was awarded \$500,000 "Price of Justice Grant" to administer justice. There is some recommendation for major change in Louisiana including the following:

- Incarceration for Failure to Pay Fees
- Allocation of Payments by defendants with 50% going to restitution and the other half to other agencies in a pro rata form.
- Excessive Bail and Bond vs. recognizance bonds
- Mental health of defendants
- Lack of community service options
- Defendant's don't understand the process
- Inability to accept partial payments for fees
- Quality of Representations
- Limited Employment and Transportation Issues

Also, regarding community service, they were looking at the exchange rates: Community Service Rate for fees in Texas is 8 hours for \$150 and in New York \$150 per hour of work.

One of the sub-committees that David serves on is the Acceptable Models for Funding a Safe Judicial System. There is not state funding for systems now and that would require some sort of tax and no one sees that coming any time soon.

Executive Director Report

Litigation

Lawrence vs. State of Louisiana

Debbie reported that Sheri Morris is following this ongoing litigation for the Clerk's.

Hunt vs. Terrebonne General Hospital

Dumez vs. Terrebonne General Hospital

Theresa Robichaux updated the board on her litigation regarding medical records introduced during a hearing on a jump drive. On January 25, 2019 the First Circuit granted the writ which would allow Theresa to file an appeal. Theresa is not sure whether she is going to appeal because of the costs associated with the litigation.

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In the dissenting opinion a Judge distinguished the filing fees for exhibits vs. the exhibits introduced as evidence in the trial and referenced in code of civil procedure Article 253.

Theresa is currently deciding whether to appeal and the Board had some discussion. Debbie discussed that the legislators are limited on the bills they can file this session so it may not be the right time to clarify the statute.

Legislative Day

Debbie advised that would be May 21, 2019 and Board Meetings would be May 22nd and 23rd.

Legislation

There is a bill that has been filed by Representative Marino on expungements- addressing charging one fee per arrest not additional fees per charge. Debbie advised that Clerks should only be charging one fee per arrest regardless of the charges.

Debbie brought up mortgage certificates and advised that the Bankers Association was against the Clerks not doing mortgage certificates. Rick recommended that we clean up the statute regarding the number of years. The Board discussed pursuing this next year.

District Reports

District 1 – Johnny Crain, Jr. was not present, but Darlene Landry reported that Johnny couldn't make it because he had surgery recently.

District 2 – Theresa Robichaux had no report.

District 3 – Louis Perret was not present at the time in the meeting.

District 4 – Not present

District 5 – Marion Hopkins reported that District 5 had a good meeting and four of the seven Clerks in the district are retiring: Beatrice Carter, Carol Jones, Louise Bond and Robyn Creech. They talked about E-Recording and the deadline. Debbie advised that it was 2022 and advised that you would be able to E-Record through the portal with the new recording software.

District 6 – Connie Couvillon reported that they had a nice meeting and had discussed E-filing, LAMP, problems with insurance, stamping the mortgage books, jury bond and PTI cases.

District 7 – Jeff Skidmore reported that he reminded his district about LCRAA grants and discussed the Fall elections.

District 8 – David Dart reported that District 8 met in St. Francisville and discussed e-filing and the Clerk's excitement over that.

District 9 – Rodd Naquin had no report.

Other Business

Debbie commented on the scholarship fund and that notices will go out March 1st, with applications being due April 1, 2019.

Darlene brought up electric signatures vs. digital signatures and asked if anyone got an email request asking if they accept them. Debbie advised that digital signatures lock the document. She spoke about the E-Notary Committee and this being an issue.

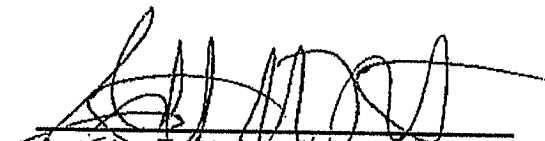
Robin asked about a request from the Southern Poverty Law Center regarding Juvenile records.

Debbie brought up her meeting Monday with the Southern Poverty Law Center regarding DNA and the Sunset Law and getting rid of evidence.

Adjournment

A motion to adjourn was made by Doug Welborn, second by Kim Turlich-Vaughan. The motion passed without opposition.

Respectfully Submitted,


Annette Fontana, Secretary

Approved:


Steve Andrews, President