

**LOUISIANA CLERKS OF COURT ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, MAY 17, 2007
BATON ROUGE, LOUISIANA**

President Jim Martin called the meeting to order at 1:00 P.M. The invocation was given by Diane Meaux Broussard. Robby Barousse led the Pledge of Allegiance.

MEMBERS PRESENT: President Jim Martin, Michael Thibodeaux, Robby Barousse, Louie Bernard, Diane Meaux Broussard, Mark Graffeo, Lynn Jones, Louis Perret, Cliff Dressel, Beverly Gordon, Dot Ludin, Allen Blanchard, Pat Gladney, Bill Hodge, Lannell Landry, Ann Johnson, Bubbie Dupont, Peter Fitzgerald and Tom Sullivan. Also present: Acting Director, Debbie D. Hudnall.

APPROVAL OF MINUTES: Pat Gladney made the motion to approve, as presented, the minutes of the last regular meeting of Monday, April 9, 2007. The motion was seconded by Lynn Jones. **Motion carried.**

COMMENTS BY PRESIDENT: (Attachment 1) President Martin expressed how happy he was to serve as President of the Louisiana Clerk of Court Association and pledged to do his best for the Association. He presented a copy of the 2007-2008 Committee List to the Board.

FINANCIAL REPORT: (Attachment 2) Treasurer Mark Graffeo gave the financial report as of March 31, 2007, with current cash assets of \$245,268. He reported that the Income Statement showed total revenue as of March 31st at \$279,398 which is about \$10,000 more than had been budgeted. The increase was due to the fact that the interest rates are up and the fund had earned \$7,969 in interest and the Clerks' Institute had a profit of \$2755. On the expense side, the professional fees were \$17,000 larger than what was budgeted due to contract fees, but salaries were \$27,000 less than what had been budgeted. Year to date expenses totaled \$273,000, but \$296,000 had been budgeted. He reported the overall income for year to date is \$6,280 although a loss of \$27,000 had been projected, indicated the fund to be \$33,000 ahead of the budget.

Legal Fund (Attachment 3): As of March 31, 2007, the total cash in the bank was \$165,240 with outstanding receivables in the amount of \$183,800. The total assessments received for 2006 and 2007 was \$545,000 and the legal expenses totaled \$380,000. A motion was made by Peter Fitzgerald to receive the financial reports as presented by Mark Graffeo. The motion was seconded by Pat Gladney. **Motion carried.**

**Louisiana Clerks of Court Association
Board of Directors Meeting, May 17, 2007
Page 2**

Proposed Budget 2007-2008 Fiscal Year (Attachment 4) Mark Graffeo then presented the proposed budget for the fiscal year 2007-2008. A motion was made by Treasurer Mark Graffeo to accept the budget. Motion was seconded by Robby Barousse. **Motion carried. I**

FEE LITIGATION: Randy Zinna gave an update on the fee litigation. Mr. Zinna also reported that the Attorney General's opinion had been re-issued approving the payment of the employee's portion of retirement for clerks, but further reported that it recommended legislation in the future to make sure the law is clear.

REPORT OF EXECUTIVE DIRECTOR: Debbie Hudnall, Acting Director, reported that all is going well at the Association office. She stated the staff had been busy working on the retroactive COLA's for retirees, legislation, and insurance issues.

BOARD REPORTS:

Insurance Trust – Board of Trustees

President Martin reported there had been a Clerks' only meeting for those who are members of the Louisiana Clerks of Court Insurance Trust in Alexandria on May 10TH. After the financial report was given, those present had recommended to the Board of Trustees that there be a special assessment of 1 ½ month premium to the members. This special assessment provided the necessary funds to pay claims. He reported the Board of Trustees had received proposals from FARA and the Hunt Insurance Group yesterday and that Mr. Campisi would be meeting with the Insurance Board of Trustees immediately following this meeting to make his recommendation and that the Insurance Board would decide today which plan to accept.

Retirement and Relief Fund – Board of Trustees

President, Jim Martin, reported the overall performance of the fund was good. The performance of the fund showed a \$14.9 million profit for the fiscal year giving the fund a balance of \$332 million dollars. He further reported April was even a better month than the last few months. He informed the Board that the Retirement Board would be traveling to St. Louis in June to visit Summit Strategies to hear presentations from two Core Plus Money Managers and for a seminar on Hedge Funds.

Supplemental Compensation Board – Gary Loftin was not present.

COMMITTEE REPORTS

By-Laws Committee – Louis Perret reported that the districts needed to be realigned and asked that if anyone has any suggestions to please contact him. Jim Martin called to everyone's attention that the By-Laws provide that Deputy Clerks may become members of the Association. A general discussion followed.

Louisiana Clerks of Court Association
Board of Directors Meeting, May 17, 2007
Page 3

2007 Convention Committee - Lynn Jones expressed his pleasure at how successful the convention was. After all of the fun was said and done, Lynn was happy to report there would be money left over in the Convention Fund.

2008 Convention Committee – Louis Perret reported that the 2008 Convention would be April 14th – 18th at the Lafayette Hilton. The room rates would be \$119 per night and the overflow hotel would be Hotel Acadiana at \$99 a night.

Education Committee – Bill Hodge reported the next Institute will be August 19th – 22nd, 2007 in Lafayette. In 2008, the Institute will be at the Embassy Suites in Baton Rouge from February 19th – 21st. The Institute will also be held in Baton Rouge at the Embassy Suites from August 19th – 22nd, 2008. Bill Hodge made a request that we increase Billie Tripp's fee by \$1000 per institute. After some discussion, Tom Sullivan made a motion in favor of increasing Billie Tripp's fee by \$1000 per institute and it was seconded by Pat Gladney. **Motion carried.**

Malise Prieto announced to the Board that the Election Center will be held in New Orleans at the Ritz-Carlton from August 9th-11th, 2007.

Judicial Council (Attachment 5) – Charlie Jagneaux presented the report on the judicial Council of the Louisiana Supreme Court.

Legislative Committee - Debbie gave a legislative update and reminded everyone they could go to the Clerks' web site for the latest update on legislation because it is updated every Friday.

Scholarship Committee – Peter Fitzgerald reported that one (1) person had applied, Casey Thibodeaux, son of Michael Thibodeaux. His application qualified for the scholarship and the Committee recommended that a \$750 scholarship be awarded to Casey Thibodeaux. Peter Fitzgerald made the motion to accept the application. Motion was seconded by Diane Meaux Broussard. **Motion carried.** Mr. Fitzgerald asked for suggestions as to how to generate money for this fund. Debbie also reminded the Board that a memorial could be made to the Scholarship Fund in honor of deceased clerks and/or family members and friends. She reported the fund had received a few of those donations.

Louisiana Clerks of Court Association
Board of Directors Meeting, May 17, 2007
Page 4

OTHER BUSINESS

Debbie Hudnall reported she had received a proposal for the audit for the year ending June 30, 2007, from Duplantier, Hrapmann, Hogan & Maher for \$3,000 which is an increase of \$500 from the previous year. A motion was made by Lanell Landry to accept the proposal from Duplantier, Hrapmann, Hogan & Maher for the 2007 audit. The motion was seconded by Pat Gladney. **Motion carried.** A discussion followed and at the suggestion of Louie Bernard, President Jim Martin will ask the audit committee to obtain proposals from additional firms for audits in the future.

ADJOURNEMENT

Pat Gladney moved to adjourn the meeting. It was seconded by Cliff Dressel. **Motion carried.**

DIANE MEAUX BROUSSARD
Secretary

JIM MARTIN
President

EXHIBIT 4

REPORT ON THE JUDICIAL COUNCIL OF THE LOUISIANA SUPREME COURT

The Judicial Council met on April 5, 2005, March 6, 2006 and Oct. 6, 2006. I was in attendance at all meetings. There were 16 requests for approval for additional court costs to be presented to the legislature. Nine were approved, Six were disapproved and One request was withdrawn. Also, Debbie Hudnall presented a request to make our fees more uniform. The request was approved.

As your representative I was also selected as a member of the "Trial Court Committee to Review the Need for Judgeships" tasked with reviewing all judicial districts and providing information to the legislature on the appropriate number of district judgeships within each district based on caseload population or other pertinent factors and to make recommendations on constitutional or statutory language for regulating them. I also served as a member of the "Subcommittee on Comparative filings per Judge Method"

The subcommittee consisted of myself and 5 Judges. The basic problem in comparing filings within each Judicial District was that the methods of counting filings was not uniform and as I stated to the judges of the committee and Chief Justice Caligaro we were not comparing "apples to apples because some DA's counted cases beginning with booking, while other counted cases beginning with the bill of information and other variations. Also, the Judicial Council did not give the clerks definitions for the information they were seeking. Much effort went into defining the terms for standardizing reports from the clerks.

The burden of reporting statistics to the Supreme Court has increased because of the needs of the Committee on the Need for New Judge ships, however, I was able to temper the attitude of the judges on the Council by making them realize that the disparities in reporting were the fault of inadequate instructions and lack of definitions from the Council.

I was also able to get the approval of Justice Kimbal to look into grants to Clerks of Court to upgrade reporting software thru the vendors. After contacting several vendors and writing to the Clerks there was a lack of interest in this method of funding and no resulting action.

The preliminary draft of the final report on the "Need for New Judgeships" contained a paragraph which blamed the disparities in reporting statistics on the "intransigence of various Clerks of Court". I had the language changed to read.

"The quality of the data is still not where it should be. The data received from the clerks this year has, in large part, been accurate and the clerks of court as a whole have made a commendable effort to improve the data as requested. However, More work needs to be done with the clerks, the district attorneys and the courts to make the data more uniform and accurate."

In conclusion it has been a battle to overcome some of the preconceived notions and prejudices of the judiciary in regard to the duties of the Clerks of Court. However, I believe members of

the Council have a new appreciation for our office's abilities and have been made to realize that problems in the reporting system were mostly attributable to the lack of direction from the Court. Also, although the burden of reporting statistics is viewed by the clerks as onerous and time consuming the Court is determined to get the statistics in more and more detail to comply with their legislatively mandated obligations. By working with the Council we can avoid more stringent mandates and make the Justices realize reporting problems mainly lie with other agencies such as DA's Sheriff's, etc.

Respectfully Submitted
May 17, 2007

Charles Jagneaux