

**MINUTES OF  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST  
LEGAL COMMITTEE MEETING  
HELD ON MARCH 5, 2015**

PRESENT: Lambert J. "Joe" Hassinger, Jr., Chair  
Stephen Estopinal, Committee Member

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The Legal Committee of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E or Authority) met on March 5, 2015, in Meeting Room 201, Orleans Levee District Franklin Administrative Complex, 6920 Franklin Avenue, New Orleans, Louisiana. Mr. Hassinger called the meeting to order at 8:30 a.m.

**Opening Comments:** None.

**Adoption of Agenda:** The agenda was adopted by the Committee as presented.

**Approval of Minutes:** The Committee approved the minutes of the Legal Committee meeting held on December 11, 2014.

**Public Comments:** None.

**New Business:**

**A. Approval of the legal invoices listed on the spreadsheet dated March 5, 2015.**

The Committee approved the legal invoices listed on the spreadsheet dated March 5, 2015.

**B. Discussion of contract with Owen Bordelon for land acquisition for Violet Canal Levee Alignment Project.**

Nyka Scott, SLFPA-E Executive Counsel, advised that Owen Bordelon would be assisting with the acquisition of lands required for the construction of the Violet Canal Levee Alignment Project. Seven to nine properties will be required, depending upon the design. Mr. Bordelon performed all of the land acquisition work for the SLFPA-West. Approval will be required by the Attorney General's office after the adoption of a resolution approving the retention of Mr. Bordelon's services.

**C. Discussion of outstanding lawsuits and litigation budget.**

Ms. Scott provided the Committee members with a spreadsheet listing the pending litigation for the SLFPA-E and levee districts with the fees from 2009 to-date. She requested that all outside counsel provide an estimate of the fees that could be expected to be incurred until the end of the litigation for budgeting purposes. The information was provided to the SLFPA-E Regional Director and levee district Executive

Directors for budgeting purposes. She added that work is being done to attempt to resolve many of the cases.

Mr. Hassinger commented that it was apparent in looking at the spreadsheet that the decision to create the position of in-house Executive Counsel will result in a reduction in legal expenses. Mr. Estopinal added that the creation of the position has also resulted in increased communications between the Authority and counsel.

**D. Discussion of Bohemia Spillway escrow account. (Orleans Levee District)**

Ms. Scott explained that outside counsel to the Orleans Levee District had recommended the establishment of a Bohemia Spillway reserve account for the settlement of lawsuits. Approximately \$1.2 million remains in the account. The Bohemia Spillway litigation has been completed, with the exception of one case that involves a quitclaim deed and does not involve the payment of a settlement. A resolution of the Board is needed to close the account and transfer the remaining balance to the appropriate account since a prior Orleans Levee Board resolution originally established the account.

**E. Discussion of request to the Louisiana State Bar Association to render an opinion on the contract between the SLFPA-E and Jones, Swanson, Huddell & Garrison, LLC.**

Ms. Scott explained that at the Special Board Meeting held on March 2<sup>nd</sup> Mr. Angers inquired about the submission of a letter to the Louisiana Bar Association asking that an opinion be rendered on the contract between the SLFPA-E and Jones, Swanson, Huddell & Garrison, LLC. (Jones Swanson). Mr. Estopinal pointed out that when the Board entered into the contract it received the advice of separate counsel, Robert Lacour, and that nothing unusual was found in the contract. He stated that the contract seemed to be standard for a contingency fee contract. He added that he would not be in favor of submitting a letter to the Louisiana Bar Association at this time and did not see any benefit in doing so. Mr. Hassinger commented that he has been practicing law for 22 years and had never seen a contract like the one between the SLFPA-E and Jones Swanson. He questioned whether the Authority ever asked an outside source whether the poison pill provision was legal. Mr. Estopinal responded that Mr. Lacour opined upon the provision and stated that it was acceptable.

Mr. Hassinger stated that he suspected that Mr. Angers would request that a motion be placed on the Board agenda to seek an opinion from the Office of Disciplinary Counsel. He added that no one has implied that outside counsel has done anything unethical or intentionally violated any rules. He inquired about whether the question concerning the legality of the provision was asked. Mr. Estopinal reiterated that the Board was assured that the contract was legal in all aspects.

Mr. Hassinger advised that a report was received from outside counsel through Ms. Scott on the costs and fees for the oil and gas industry litigation. Total litigation costs to-date are \$2.1 million, including non-litigation costs of \$1.4 million and litigation costs of \$688,000. Total hours to-date are 19,391 hours. The total estimated fees at \$800

per hour would equal \$15.5 million. The total estimated fees at \$525 per hour (midpoint of the \$250 to \$800 per hour range) would equal \$10.2 million.

**Executive Session:**

**A. Discussion of personnel matters.**

The Committee convened in Executive Session at 8:42 a.m.

The Committee reconvened in regular session at 9:12 a.m.

There was no further business; therefore, the meeting was adjourned at 9:13 a.m.