

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
LEGAL COMMITTEE MEETING
HELD ON OCTOBER 20, 2022**

PRESENT: Richard G. Duplantier, Jr., Chair
Roy M. Arrigo, Committee Member
Thomas G. Fierke, Committee Member

The Legal Committee of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) met on October 20, 2022, in the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, LA. Mr. Duplantier called the meeting to order at 10:05 a.m.

Opening Comments: Mr. Duplantier advised that he is the Chair of the Legal Committee and that if anyone had any issues or concerns about the activity of the Legal Committee, he welcomed them to contact him personally and directly (cell phone 504-616-5304). He added that he would be happy to discuss any issues with regards to the Legal Committee with any member of the public or any official.

Adoption of Agenda: The Committee approved the agenda as presented.

Approval of Minutes: The Committee approved the minutes of the meeting held on April 20, 2022.

Public Comments: None.

Report of Executive Counsel:

Mr. Duplantier advised that Michelle White is working as the FPA's Executive Counsel part time on a contract basis. He explained that Ms. White could not attend today's meeting; however, she provided a comprehensive report to him and that he would update the Committee on some of the specific cases under New Business.

Mr. Duplantier advised that Ms. White included in her report a good, detailed explanation about how outside counsel is selected, which he thought the Commissioners should understand since a question was recently raised at a meeting regarding this subject. Regarding selection of counsel for uninsured litigation, the Board must approve and adopt a resolution selecting outside counsel, which must also be approved by the Attorney General (AG). The FPA is limited to firms and attorneys who are approved by the AG; therefore, the FPA has a limited pool of firms who engage in governmental entity representation. One of the reasons people tend to see the same counsel is because the FPA must go through the AG approval process. In some cases, it is the AG directly who represents the FPA. Relative to insured litigation, it is the insurance carriers who appoint counsel with the FPA's approval.

New Business:

A. Current litigation updates.

Mr. Duplantier reported there had not been a lot of significant activity. The Robert case (London Avenue Canal property owners) was set for hearing in September; however, there will not be a trial. The judge has agreed to submit the claim on the brief; therefore, there will be no need for testimony at this stage. Everything was submitted in September and the FPA is awaiting the judge's decision. This is the most significant piece of uninsured litigation; otherwise, there has been no substantive activity in uninsured litigation. The most significant activity with regards to insured litigation is the claim by TKTMJ, the contractor that performed phases 1, 2 and 3 of the lakefront improvement work. The FPA was in dispute with TKTMJ and the firm was seeking \$100,000. The case was settled by the insurance carrier for \$20,000. He reiterated that these are the two most important developments in both insured and uninsured litigation. Otherwise, things are static relative to the other cases and many cases have been on hold because of COVID. He stated that if anyone had any particular questions, he had a comprehensive list of the cases from Ms. White.

B. Filing of new lawsuit

No discussion.

C. Hiring recommendation for new Executive Counsel.

Mr. Fierke offered a motion to postpone the hiring recommendation for new Executive Counsel, which was seconded by Mr. Arrigo. Mr. Duplantier stated that the item would be posted to the next Legal Committee meeting, and that when it came up at the Board meeting, a motion would be offered to postpone it to the next meeting. He hoped to proceed with a recommendation at the November 17th Legal Committee meeting.

There was no further business; therefore, the meeting was adjourned at 10:12 a.m.