



# 2015-16 Leadership LSBA Class Celebrates LSBA's 75th Anniversary with Special *Louisiana Bar Journal*

The motto of the Louisiana State Bar Association (LSBA) is “Serving the Public. Serving the Profession.” That tradition of service manifests itself in many ways, including in this *Louisiana Bar Journal*, which is what makes this 75th anniversary issue so special. Its stories and interviews reflect three-quarters of a century of service to a profession whose business is serving the public.

The Leadership LSBA Class is a group of young lawyers who commit to participate in committees of the LSBA, both during the current year and the next, and to organize an original project in the service of the community or of the LSBA. This year, to commemorate the 75th anniversary of the LSBA, the Leadership Class presents this special edition of the *Louisiana Bar Journal* — a look back as we, the Bar, continue to move forward. Who better to tell that story than our next generation of LSBA leadership?

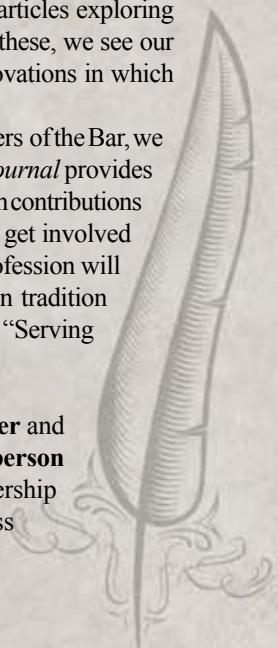
The Class’s tribute to the history of the LSBA offers

the reflections of distinguished colleagues, including scholars, judges and one justice, who have seen firsthand the evolution of the law, the Bar and the profession. The Class also authored forward-looking articles exploring emerging issues in the profession. In these, we see our own future in the profession and innovations in which we might participate.

To seasoned, new and future members of the Bar, we hope this issue of the *Louisiana Bar Journal* provides you an opportunity to celebrate your own contributions to the LSBA and to encourage you to get involved in the leadership that this evolving profession will require. Now you may start your own tradition of service by “Serving the Public” and “Serving the Profession.”

—**Micah J. Fincher** and  
**Lynette Roberson**

Co-Chairs, 2015-16 Leadership  
LSBA Class



## LSBA: Historical Timeline

By Tara R. Jones and Jacqueline M. Epstein

**1847:** Creation of New Orleans Law Association, which begins working with the Louisiana Supreme Court to screen admittees and offer a court-administered exam.<sup>1</sup>

**1855:** Incorporation of the New Orleans Law Association.

**1862:** New Orleans Law Association ceases meetings due to the federal occupation of the city during the Civil War.<sup>2</sup>

**Aug. 21, 1878:** Creation of the American Bar Association, which begins recruiting local affiliate bar associations.<sup>3</sup>

**1899:** Creation of the Louisiana Bar Association, whereby federal and state judges obtained automatic membership in the Association and anyone in good standing was eligible to become a member.<sup>4</sup>

**1929:** Creation of the Louisiana State Bar Association (voluntary).<sup>5</sup>

**March 12, 1941:** The Louisiana State Bar Association, in the mandatory form which continues to exist today, was organized under the rule-making power of the Louisiana Supreme Court of Louisiana.<sup>6</sup>

**April 18-19, 1941:** First Annual Meeting held in Lake Charles, whereby the Board of Governors created the Junior Bar Section, voluntary membership in which was open to members under 36 years of age.<sup>7</sup>

# Leadership LSBA 2015-2016 Class



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**July 1941:** The newly appointed Committee on Bar Admissions held its first bar examination.<sup>8</sup>

**1942:** Enactment of the Louisiana Criminal Code.<sup>9</sup>

**1957:** The Articles of Incorporation were amended to allow for the creation of the House of Delegates, which serves as the policy-making body of the Association.

**1985:** Creation of the Louisiana State Bar Association Committee on Alcohol and Drug Abuse to provide confidential assistance to members. This was later named the Lawyers Assistance Program program in

1991 (and Judges and Lawyers Assistance Program in 2015).

**1990:** The Louisiana Supreme Court by Court rule created the Disciplinary Board of the Louisiana State Bar Association and the Office of Disciplinary Counsel of the Louisiana State Bar Association, separate arms of the court responsible for attorney discipline.

## FOOTNOTES

1. Warren M. Billings, "A Bar for Louisiana: Origins of the Louisiana State Bar Association," *Louisiana History: The Journal of the Louisiana Historical Association*, Vol. 41, No. 4 (Autumn, 2000), pp. 389-401.

2. *Id.*

3. *Id.*

4. *Id.*

5. *Id.*

6. Martindale Hubbell, retrieved 2012-09-04.

7. Dan Debaillon, "Association Activities," *Louisiana Bar Journal*, Vol. 1, No. 1 (January 1942), p 3.

8. *Id.*

9. J. Denson Smith "A comment on the Work of the Louisiana State Law Institute Including the Project of a Criminal Code," *Louisiana Bar Journal*, Vol. 1, No. 2 (April 1942), p 5.

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# Reflections on the Louisiana Legal Profession: Where We Have Been and Where We Are Headed

To commemorate the 75th anniversary of the Louisiana State Bar Association, the 2015-16 Leadership LSBA Class conducted a series of interviews with distinguished Louisiana jurists and practitioners regarding the history and future of the Louisiana legal profession.

Class members had the pleasure of interviewing Justice Jeannette Theriot Knoll, associate justice of the Louisiana Supreme Court; Judge Ulysses Gene Thibodeaux, chief judge of the Louisiana 3rd Circuit Court of Appeal; Judge Kern A. Reese, chief judge of Orleans Parish Civil District Court; and Bob F. Wright, the oldest living past president of the Louisiana

State Bar Association.

In these interviews, Justice Knoll, Judge Thibodeaux, Judge Reese and Mr. Wright bring their breadth of experience and unique and diverse perspectives to reflect on how the profession has changed over time, how technology has impacted the practice of law in Louisiana courts, the biggest challenges facing the profession and the Louisiana judiciary, and, ultimately, what the future holds for the profession.

We hope these interviews serve as a snapshot of where our profession has been and where it is headed — a bright future by all accounts.

## Interview: Louisiana Supreme Court Associate Justice Jeanette Theriot Knoll

Interviewed by Mark R. Deethardt

**Journal:** Tell us a little bit about your career as an attorney, a judge on the 3rd Circuit Court of Appeal and now as a Justice on the Louisiana Supreme Court?

**Knoll:** I was an attorney for 13 years before I was elected as the first woman to serve on a reviewing bench in the state. I just remember being extremely busy trying to meet the demands of my career at all levels while raising five active boys. I served the 3rd Circuit for 14 years, and I have now been on the Louisiana Supreme Court going on 20 years.

**Journal:** Since you began serving on the bench as a circuit judge in 1982, what is the biggest, or most dramatic, change you have seen in the practice of law in Louisiana appellate courts?

**Knoll:** At the Court of Appeal level, the appellate process hasn't changed all that much from what I have observed. In recent years on the Supreme Court, we have begun disposing of writ applications by per curiam much more frequently rather than by authored opinion. Consequently, we have many fewer cases docketed for oral argument.

**Journal:** How have you seen diversity improve in the Louisiana judiciary since you began serving on the bench?

**Knoll:** I have witnessed it, and I am part of it. When I was elected in 1982, there were approximately 48 all white male judges on the Louisiana Courts of Appeal and seven all white male Justices on the Louisiana Supreme Court. When I was elected, I was the first female elected to the Court of Appeal. There were only a handful of female judges at the District Court level in 1982. Judge Joan Bernard Armstrong was the first African-American woman elected to the 4th Circuit Court of Appeal in 1984. Former Chief Justice Catherine D. (Kitty) Kimball (who was the first woman elected to the Louisiana Supreme Court), Chief Justice Bernette Joshua Johnson (who was the first African-American to serve as Chief Justice) and I used to call ourselves "the icebreakers." It is so delightful to see how diversity has progressed in our state. Prior to the 1974 Louisiana Constitution, women were not among the jury pool unless they submitted

a specific written request to be included. It's amazing how far we've come!

**Journal:** How have you seen technology change the practice of law in Louisiana appellate courts and the Louisiana Supreme Court over the last 35 years?

**Knoll:** Technology has significantly impacted the processes that we use now. Eventually, the Supreme Court will become paperless just as the federal courts are now. Most attorneys conduct legal research almost exclusively using a computer. The older members of the bench and bar find this new technology rather difficult as we were not trained in how to use it and we were not exposed to it until very recently.

**Journal:** Do you think technology has improved the practice overall, or do you see any downsides to the use of technology in Louisiana appellate courts?

**Knoll:** I am sure that technology has been a great cost-saving and time-saving measure, with much less paper being used and much less storage space for books and with communication conducted practically instantaneously. Having said that, since I am



from the “old school,” I still prefer my pen and pad and a book in my hand!

**Journal:** What is the biggest challenge (or challenges) facing the Louisiana judiciary?

**Knoll:** Presently, the budget is a major challenge for the courts, especially with respect to paying for criminal indigent defense. As to civil representation for the poor, Louisiana is one of, I believe, three states that do not provide funding to help them. Civil legal aid for the poor comes primarily through pro bono work, and some federal grants that keep decreasing. Hopefully, this situation will improve as the Legislature works to get our state’s fiscal house in order.

**Journal:** What are some challenges you see facing the Louisiana Bar now and in the future?

**Knoll:** As a Justice on the Louisiana Supreme Court, I have noticed an appreciable increase in the number of attorney disciplinary matters over which the Supreme Court has exclusive and original jurisdiction. In my view, the legal market is flooded, and finding employment is very challenging for new lawyers. As a result, many strike out on their own without having the benefit of guidance which would come from more experienced members of a law firm. This is why the Louisiana State Bar Association’s (LSBA) efforts to develop a meaningful mentoring program are so important and would probably reduce the incidents of sanctionable conduct.

**Journal:** Are there any moments or cases — either on the 3rd Circuit or Louisiana Supreme Court — that you are most proud of, or that are particularly memorable for you?

**Knoll:** Actually, the most memorable moment of my career came before I was elected to the bench. *State v. Silton James* was a case I tried as an indigent defense attorney shortly after law school. Mr. James was an African-American man charged with the aggravated rape of a white woman, and he was facing the electric chair. He was truly innocent. I am very proud that I successfully defended him and saved his life. Shortly after the trial was over, the jury had the pen with which they signed the “not guilty” verdict mounted on a wood plaque



Associate Justice Jeannette Theriot Knoll

to present to me. I first gave that pen to the Louisiana Political Hall of Fame when I was inducted in 2000. I then donated the pen and plaque to the Louisiana Justice Hall of Fame when I was inducted, along with my entire family, in 2007.

As a jurist, one of the most incredible feelings you experience is when an opinion you authored “makes a difference” and has an effect on the practice of law. I remember authoring an opinion when I was on the 3rd Circuit called *Hayes v. Autin* in which we acknowledged that then-recent amendments to La. C.C.P. art. 966 removed the jurisprudential presumption in favor of trial on the merits and against summary judgment. The Legislature was so impressed with the opinion that, in a subsequent amendment clarifying art. 966, the Legislature included in its comments that “all cases inconsistent with *Hayes v. Autin*” were legislatively overruled. That was a good feeling.

I realize that all of my opinions have an effect on the litigants before us in that a legal dispute is resolved, and certainly that is very rewarding.

**Journal:** What do you enjoy most about serving Louisiana as a Justice on the Supreme Court?

**Knoll:** I have thoroughly enjoyed participating in the development of Louisiana jurisprudence. This is a very demanding job that requires tremendous dedication and many hours of research. I am very proud that the people of this state gave me their trust in four elections over 34 years. It has been my privilege and honor to serve them

as a jurist.

**Journal:** Do you have any advice for young lawyers who are just beginning their careers and entering the Louisiana Bar?

**Knoll:** Maintain the highest standards of professionalism and ethics. Be kind and courteous to your adversaries. Treat all courts with respect. Always be honest and do nothing that would impugn your integrity and good reputation. Work hard for your client, and always do your homework.

**Journal:** As we are celebrating the 75th anniversary of the LSBA, do you have any bold predictions for where the Louisiana Bar is headed in the future?

**Knoll:** I think technology will continue to have a major and increasing impact on the practice. It will be very exciting to watch the practice change from the sidelines! I hope that our profession continues to promote diversity of all kinds, including intellectual diversity. I hope that the LSBA will get involved in developing programs to provide legal representation to the poor. I also hope the Bar continues to encourage more experienced lawyers to participate in mentoring new lawyers.

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# Interview: Louisiana 3rd Circuit Court of Appeal Chief Judge Ulysses Gene Thibodeaux

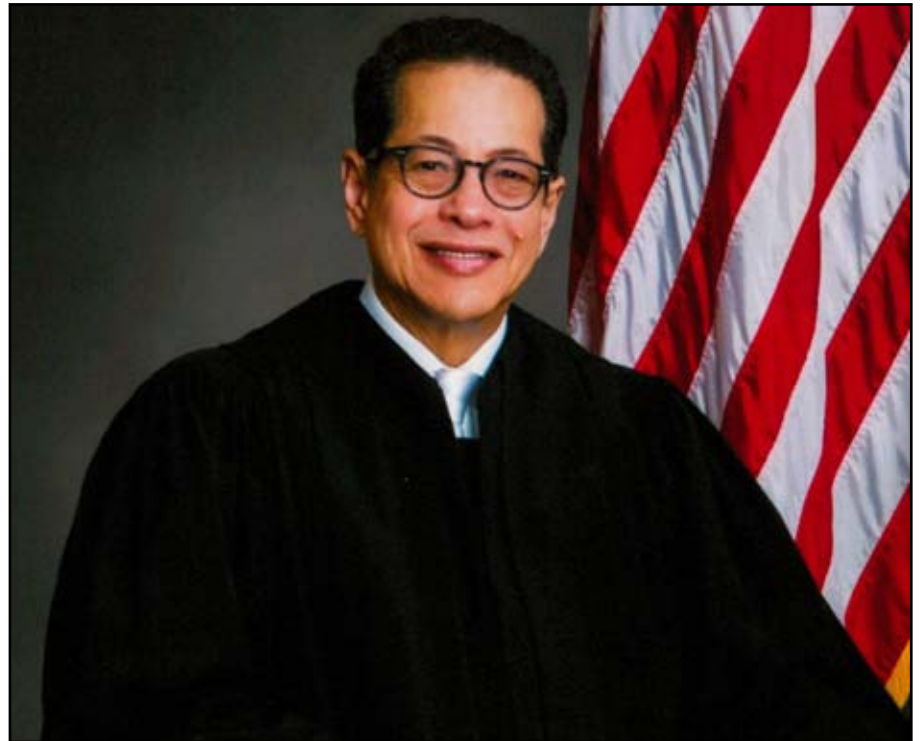
Interviewed by L. Sean Corcoran

**Journal:** Tell us a little bit about your career.

**Thibodeaux:** After graduating from Tulane Law School in 1975, I began my legal career with the Legal Defense Fund in New York City as an intern/attorney. The Legal Defense Fund is one of the nation's preeminent public interest law firms and has participated in every major civil rights case and constitutional law case over the past 75 years or so. I focused primarily on fair employment, housing, school desegregation and capital punishment issues. I assisted in briefing the *Roberts v. Louisiana* brief to the United States Supreme Court while with the Legal Defense Fund. I returned to Lake Charles and began a two-and-a-half-year stint with the Calcasieu Parish District Attorney's Office under the leadership of Frank Salter. While there, I tried both misdemeanor and felony jury cases. I went into full-time private practice with Newman & Thibodeaux in 1980-92. My practice consisted of 40 percent personal injury, 40 percent criminal defense and 20 percent civil rights litigation.

I was appointed by the Louisiana Supreme Court to fill a one-year vacancy on the Lake Charles City Court in 1994 where I gained invaluable judicial experience in dealing with everyday legal problems of the average citizen. I had no plans to become a judge. However, when an opening on the 3rd Circuit became available in 1992, I decided to seek that office and ran unopposed. I have been there since 1992. I am now chief judge of that court. It is the largest appellate court in Louisiana from a geographic standpoint, covering 21 parishes in southwest and central Louisiana. It has a population base of approximately 1.1 million citizens. The 3rd Circuit is, of course, domiciled in Lake Charles where I live.

**Journal:** What are the most dramatic changes you have seen in the practice of law in Louisiana appellate courts?



Chief Judge Ulysses Gene Thibodeaux

**Thibodeaux:** The most dramatic change in the practice of law in Louisiana appellate courts has been the expanded use of technology. This expanded use has facilitated ease of research and has enhanced the quality of presentation before appellate court panels. Our system of document management at the appellate court enables attorneys to get voluminous records on disks at a very nominal charge as opposed to dealing with tons of paperwork. We also have seen the use of hyper-linked briefs which greatly assist the court in accessing documents, cases and codal authority relied upon by the attorneys, deposition excerpts, and even video presentations via a brief.

**Journal:** How have you seen diversity improve in the judiciary and the practice of law in general?

**Thibodeaux:** Louisiana has seen a

dramatic increase in both numerical and philosophical diversity since I began my legal career. When I started my legal career in 1975, Louisiana's judiciary and the Louisiana bar could be characterized as "too male and too pale." For example, there were only six black judges in the entire state of Louisiana in 1988. Four of those judges were in Orleans Parish; only two were not. Today, there are 82 black elected jurists in Louisiana. That number represents the highest number of minority judges on a proportionate basis than any other state in the country, and we should be proud of that. We now have 11 black judges on our five intermediate courts of appeal in Louisiana. That is more in absolute numbers than the states of New York, Texas, Florida and California. Those states, of course, have demonstrably larger populations than the state of Louisiana.

There were only three black attorneys in



Lake Charles in 1976. There are now at least 25 or 30 practicing in Lake Charles. The Louisiana State Bar Association (LSBA) has had two black presidents, Wayne Lee and Kim Boyle. A third, Darrel Papillion, will be installed this June.

Moreover, Louisiana has seen a dramatic increase in gender representation in both the judiciary and the bar. Justice Jeannette Theriot Knoll was the only woman on the 3rd Circuit Court of Appeal when I first became a judge. We now have three female judges. Our court pretty much is a microcosm of other appellate courts throughout the state. The presence of female attorneys is also demonstrated at the major law firms throughout the state of Louisiana.

So, in terms of diversity, Louisiana has a lot to be proud of. That is very healthy for our state and our Bar Association. Why? The increase in visibility has inspired a search for role models among minority and female youth. The enlarged visibility of black attorneys and judges and female attorneys and judges adds to the appearance of fairness in our judicial system. It

gives legitimacy to the system in the eyes of those who have been previously marginalized. Further, the presence of an otherwise previously-excluded group brings a different perspective to how a case is viewed. It may not always be outcome determinative. The point is that it brings a different perspective and different viewpoints to the resolution of legal issues, and that is important. Finally, the administration of our system is due in large part to the implementation of policies by committees, boards and commissions. Minorities and women form an essential part of those committees, boards and commissions. We add voices that have previously not been present.

**Journal:** Do you think technology has improved the practice overall in Louisiana appellate courts and are there downsides?

**Thibodeaux:** Yes, technology has definitely improved the practice overall in Louisiana appellate courts. (See my previous response to the changes brought by technology above). There are two downsides, however. Sometimes the overuse of technology

at oral argument can prove to be distracting. After all, attorneys have only 20 minutes to make their presentations. The overuse of technology tends to distract judges from giving full attention to the oral presentation. Also, the overuse of technology, *e.g.*, in the use of videoconferencing, tends to distract from collegiality, which is the fountainhead of every appellate court. It is important to have that personal contact with your colleagues to better understand the positions which they espouse in formulating a judgment or an opinion in the resolution of legal issues. Quite simply, it is important to know one's colleagues personally and to appreciate what makes them "tick."

**Journal:** What is the biggest challenge or challenges facing the Louisiana judiciary?

**Thibodeaux:** There are several challenges currently facing the Louisiana judiciary. (1) The influence of money in judicial elections has become particularly egregious after the United States opinion in *Citizens*.

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## We don't just practice in this community WE'RE A PART OF IT

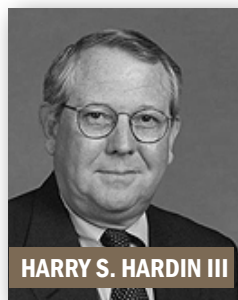


Jones Walker LLP congratulates the Louisiana State Bar Association as it celebrates its 75th anniversary, and we salute the past and current presidents who have helped lead the LSBA in its mission, especially Jones Walker attorneys **John C. Combe, Jr.**, **Harry S. Hardin, III**, and current president **Mark A. Cunningham**.



JOHN C. COMBE, JR.

1979-1980



HARRY S. HARDIN III

1993-1994



MARK A. CUNNINGHAM

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## Interview continued

The quality and the representation on our courts will become a matter of who can raise and spend the most money in influencing our electorate. (2) The lack of appropriate budgetary allocation to the Louisiana judiciary threatens judicial independence and the proper and efficient functioning of our courts. (3) The alarming decrease in judge and jury trials means that judges will be coming to the bench with very little trial experience. The practical impact is that there is a likelihood of having judges with little or no actual in-court experience and who may tend to view the law in a vacuum and in a very abstract sense. Effective judicial decision-making is greatly enhanced, I believe, through actual participation in trials and the application of life experiences in reaching a fair judicial outcome.

**Journal:** What are the biggest challenges facing the Louisiana Bar now and in the future?

**Thibodeaux:** (1) Public cynicism about the legal profession and the judicial system as a threat. The public needs to see the law as something that is vibrant and helpful and not something that is threatening. It is incumbent upon lawyers and judges to restore confidence in the vitality of our law. We have not done enough to promote the good deeds and the altruistic programs of our bar associations throughout the state. (2) Lawyer advertising threatens to portray the legal community as strictly a business and not a profession. It also threatens the existence of small firms that cannot afford sometimes expensive advertising campaigns. (3) Access to the courts may become a major issue, particularly for those groups with language barriers. We must be sensitive to and cognizant of those needs.

**Journal:** Are there moments or cases that you are most proud of and particularly memorable for you?

**Thibodeaux:** There are several cases from a lawyer and judicial perspective. I represented Emerick Sonnier in a capital case where the first police officer in the history of Calcasieu Parish was killed. Mr. Sonnier, a black citizen, was exonerated by an all-white jury in Calcasieu Parish. Mr. Sonnier was

truly innocent, yet the DA sought the death penalty. Really sad. Former Judge Al Gray, now deceased, and I defended Joe Lewis Perry and were able to get his death sentence overturned because of ineffective assistance of counsel. Joe Perry was scheduled to die two days before we undertook his representation. I also participated in *Fisher v. City Service* when I was an intern with the Legal Defense Fund in New York City and upon my return to Lake Charles. At the time, *Fisher* was the largest Title VII settlement in this country. I was happy to have negotiated the consent decree in that case. *Bernard v. Gulf Oil* was the first case I ever filed as a lawyer after law school. That case went to the United States Supreme Court and was argued in 1981 on a First Amendment issue. We succeeded. The United States Supreme Court ruled unanimously in favor of our class action clients.

Another extremely significant case is *Clark v. Edwards*, a class action civil rights case which was argued before the United States Supreme Court. *Clark* challenged the method by which Louisiana judges were elected as violative of Sections 2 and 5 of the 1965 Voting Rights Act. Judge Parker of the Middle District of Louisiana ruled in favor of the plaintiffs. Consequently, the Legislature enacted subdistricts in 1992 and that has resulted in the increased diversity of Louisiana's judiciary.

I also sat by appointment on the Louisiana Supreme Court and participated in *In re: Office of Chief Justice, Louisiana Supreme Court*, 12-1342 (La. 10/16/12), 101 So.3d 9 (per curiam), which resulted in Chief Justice Bernette Joshua Johnson becoming the first black person to serve as chief justice of the Louisiana Supreme Court in 2012.

From a judicial standpoint, I am especially proud of *Maxie v. Brown Industries, Inc.*, 95-19 (La. App. 3 Cir. 5/31/95), 657 So.2d 443, writ denied, 95-1630 (La. 10/6/95), 661 So.2d 469. *Maxie* was a case which helped to expose the practice of sham rehabilitation in the workers' compensation arena. Another case is *Rachel v. Brouillette*, 12-794 (La. App. 3 Cir. 3/13/13), 111 So.3d 1137, writ denied, 13-690 (La. 5/3/13), 113 So.3d 217, which established a threshold amount for the wrongful death of a parent.

**Journal:** What do you enjoy most about serving as a chief judge of the 3rd Circuit Court of Appeal?

**Thibodeaux:** The most enjoyable thing about serving as the chief judge of the 3rd Circuit is being able to establish and retain collegiality among 12 prima donnas. Another very satisfying aspect of my job is to recruit and maintain a happy and productive employee workforce. Finally, I am very proud that the 3rd Circuit is seen as very attorney-friendly and public-friendly around the state. Image is very important, and we at the 3rd Circuit always attempt to project the most positive image possible to the constituency we serve and that is the public.

**Journal:** Any advice for young lawyers?

**Thibodeaux:** Do not attempt to go into solo practice after law school. You will make mistakes that you don't even know are mistakes. Align yourself with good practitioners who will be able to mentor and tutor you. Be prepared always. Do not overextend yourself by taking cases or causes you should not be taking and for which you could get no good result. If one has a judicial career in mind, save money early, be visible in the community, participate and contribute to your local community, and develop your political networks early.

**Journal:** Do you have any bold predictions for where the Louisiana Bar is headed in the future?

**Thibodeaux:** Our profession, I believe, is in very good shape. We have young, bright attorneys who are graduating from law school and Bar Association leaders who are very progressive thinkers and who believe in what Shonda Rhimes calls "normalcy." That is just another name for inclusion. I further predict that the LSBA is prepared to deal with the threats to and advantages of technology and social media and the need to cultivate good trial skills among our young lawyers.

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