

LOUISIANA BAR JOURNAL

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THE FUTURE OF OUR LEGAL PROFESSION

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- **How the Boudin Is Made:** Amending Louisiana’s Rules of Professional Conduct
- **Why “Tapping the Brakes” Should Be Part of Your Tech Philosophy**
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- **New to the Bar? LSBA’s Essential Guide to Ethics and Professional Discipline**

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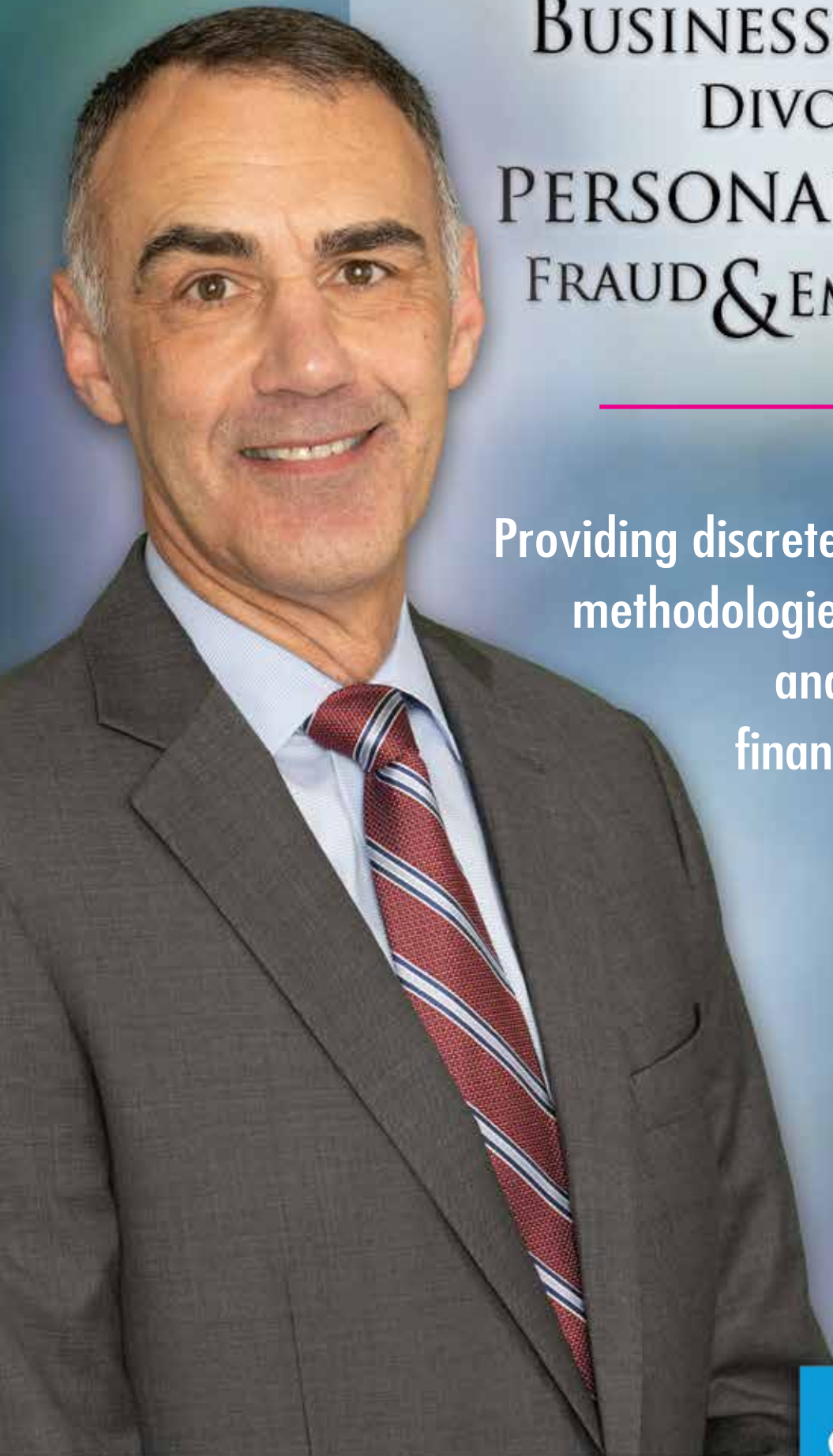
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LETTERS to the Editor

In Response to Article on Bar Complaints

In the February/March 2024 issue of the *Louisiana Bar Journal*, there was a good article submitted by the Louisiana State Bar Association's



(LSBA) Practice Assistance and Improvement Committee about what to do when receiving a bar complaint. (Practice Makes Perfect, "When You Receive a Bar Complaint," page 316.) The article gives good advice, with the central theme being do not represent yourself but

secure legal counsel to respond to the complaint. This advice is excellent but didn't go far enough.

As a longtime member of the LSBA's Legal Malpractice Insurance Committee, now merged with the Group Insurance Committee to form the Insurance Committee, I would like to report that the Legal Malpractice Insurance Committee worked very hard to expand the coverage of the malpractice insurance policy written by the association's sponsored carrier, CNA. In the current policy, the defense of disciplinary matters is covered by the sponsored carrier's policy. The advice to seek representation in the article would have been stronger if attorneys with legal malpractice insurance were aware that their sponsored carrier (if that

is their insurer) would pay to have legal representation. Attorneys generally can select their counsel of choice and CNA will pay costs and fees.

There are members of our bar who focus on representing attorneys in bar complaints and are very knowledgeable of the process. Our committee Chair Kevin C. O'Bryon, and the Gilsbar representatives, Ryan Haun and Hank Miltenberger, are very capable of explaining the coverage for bar complaints. They can provide a wealth of information.

I, like many fellow lawyers, look forward to receiving and reading the *Journal*. Keep up the good work!

—G. Thomas (Jerry) Arbour
Baton Rouge

Letters to the Editor Policy

1. At the discretion of the Editorial Board (EB), letters to the editor are published in the *Louisiana Bar Journal*.

2. If there is any question about whether a particular letter to the editor should be published, the decision of the editor shall be final. If a letter questioning or criticizing Louisiana State Bar Association (LSBA) policies, rules or functions is received, the editor is encouraged to send a copy of that letter to the appropriate entity for reply within the production schedule of the *Louisiana Bar Journal*. If the editor deems it appropriate, replies may be printed with the original letter, or in a subsequent issue of the *Louisiana Bar Journal*.

3. Letters should be no longer than 200 words.

4. Letters should be typewritten, signed and, if applicable, include LSBA member number, address and phone number. Letters from non-members of the LSBA also will be considered for publication. Unsigned letters are not published.

5. Not more than three letters from any individual will be published within one year.

6. Letters also may be clarified or edited for grammar, punctuation and style by staff. In addition, the EB may edit letters based on space considerations and the number and nature of letters received on any single topic. Editors may limit the number of letters published on a single topic, choosing letters that provide differing perspectives.

Authors, editorial staff or other LSBA representatives may respond to letters to clarify misinformation, provide related background or add another perspective.

7. Letters may pertain to recent articles, columns or other letters. Letters responding to a previously published letter should address the issues and not be a personal attack on the author.

8. No letter shall be published that contains defamatory or obscene material, violates the Rules of Professional Conduct or otherwise may subject the LSBA to civil or criminal liability.

9. No letter shall be published that contains a solicitation or advertisement for a commercial or business purpose.

Young Lawyers: The Future of Our Legal Profession!



By Valerie T. Schexnayder

I am excited to share with you this issue of the *Louisiana Bar Journal* focused on our young lawyers. Our young lawyers are the future of the Louisiana State Bar Association (LSBA) and our profession. They are the lifeblood of our bar association. Young lawyers bring new ideas, new energy and enthusiasm into our association, and they comprise 26% of the membership of the LSBA.

When I was elected as secretary, I wanted to make an effort to include young lawyers on the *Journal* Editorial Board in order for the young lawyers to have a greater voice on the *Journal* content, in addition to providing developmental opportunities as they continue their careers. I wanted to focus an issue on the high-quality programs initiated by the young lawyers that many of us may not be aware of. This issue is the result of those efforts. All of the feature articles are written and edited mainly by young lawyers. The topics presented are of relevant concern to young lawyers, including an article focusing on the changes to the summary judgment rule, “La. Code Civ. P. art. 966 — TL,DR: A Mini Review of the Motion for Summary Judgment;” an article on the Louisiana Rules of Professional Conduct, “How Boudin is Made: Amending Louisiana’s Rules of Professional Conduct;” an article on ethics, “New to the Bar? LSBA’s Essential Guide to Ethics and Professional Discipline;” and an article on AI, “Why ‘Tapping the Brakes’ Should Be Part of Your Tech Philosophy.”

Also included in this issue are articles on two signature Young Lawyers Division (YLD) programs — Wills for Heroes, celebrating its 20-year anniversary;



and the Professional Development Seminar, celebrating its 25-year anniversary.

There is also an article highlighting recent updates to the Transition Into Practice (TIP) Mentoring Program, loaded with useful information for both mentees and mentors.

Completing this special issue are profiles of the YLD award recipients and the Top 40 Young Lawyers. They all were recognized at the April 12 Louisiana Young Lawyers Conference. Join with us in recognizing and celebrating their achievements.

I am very proud of the quality work

of the young lawyers and other authors in this issue and I would like to offer a special thanks to those who made this issue possible, including Quinn K. Brown, Meghan E. Carter, Ashley M. Caruso, Caesy C. DeReus, Joseph R. Dronet, Bianca N. Moore, Megan S. Peterson, Tricia R. Pierre, Scott L. Sternberg, Joseph T.D. Tran and Brooke Theobold. I am also grateful for the input and guidance provided by YLD Chair Senae D. Hall and other members of the YLD Council.

Valerie T. Schexnayder



LASC Issues Letter Discussing Emergence of Artificial Intelligence Technology

The Louisiana Supreme Court, by letter dated Jan. 22, 2024, has commented on the challenges and opportunities presented by the emergence of artificial intelligence technology and the use of this technology in the legal profession. The Justices and the Court staff will continue to monitor the development of this technology and its impact on the legal profession to determine what future action or rule changes may be necessary or appropriate.

The letter, written by Supreme Court General Counsel David A. Becker on behalf of the Justices, is published below:

This new year is certain to present both challenges and opportunities to Louisiana's legal practitioners, and one of the more challenging and presenting a significant opportunity is the emergence of artificial intelligence (AI) technology and the use of this technology in the legal profession. Accordingly, the Justices have asked me to share the following comments.

As with any developing technology, AI appears to present both opportunities and concerns, and the use of such technology raises a host of possible issues from an ethics and professionalism standpoint. Although many applications of AI technology in the legal profession are new, the rules governing the bench and the Bar are not new and have been in place for decades. At the present time, the ethical and professional rules governing the bench and the Bar are robust and broad enough to cover the landscape of issues presented by AI in its current forms.

Regardless of the use of AI, attorneys practicing in Louisiana have always been ultimately responsible for their work-product and the pleadings they file in court, maintaining competence in technology, protecting confidential client information, and have a duty to avoid making misrepresentations of fact or law. See, e.g., Rules of

Professional Conduct 1.1, 1.3, 1.4, 1.6, 1.15, 3.1, 3.3 and 5.3; Louisiana Code of Civil Procedure articles 371 and 863. These obligations remain unchanged or unaffected by the availability of AI. Likewise, judges have always been ultimately responsible for their opinions and decisions, for maintaining professional competence in judicial administration (which includes maintaining competence in technology), and for protecting confidential information. See, e.g., Canons 1, 2A, 2B, 3A(1), 3A(4), 3A(7) and 3B(1) of the Code of Judicial Conduct.

Many applications of AI technology in the legal profession are in their nascent stages but are rapidly developing, and the applications and software currently being used (and the attendant ethical and professional issues) may look very different with the passage of even a short amount of time. The Louisiana Supreme Court Justices and staff will continue to monitor the development of this technology and its impact on the legal profession to determine what future action or rule changes may be necessary or appropriate. In particular, the Court's Technology Commission and Rules Committee are well-positioned to keep the Justices abreast of new developments and the potential need for any future Court action.

The Justices sincerely appreciate the work and leadership of the Louisiana State Bar Association. We note that the cover of the recently published Bar Journal had an article which addressed AI. Please share this communication with your members, and we ask that Bar leadership stay attuned to any developing issues associated with the emergence of AI technology in the legal profession as we navigate this new realm. We look forward to continuing to work with the Bar Association.



By Shayna L. Sonnier

My Final Message:

It Has Been an Honor and a Privilege to Serve Our Profession

My first “real” introduction to the Louisiana State Bar Association (LSBA) was in April 2008. I was appointed to fill a vacancy for the District 4 representative on the LSBA Young Lawyers Section Council (now Division, YLD). At the time, I was very active in the Southwest Louisiana Bar Association’s Young Lawyers Section, but I was not involved with anything on the state level. If you had told me at the time that I would be writing my final LSBA President’s Message 16 years later, I would have said you were crazy.

The first YLD committee on which I served was the Wills for Heroes (WFH) Committee, which just celebrated its 15-year anniversary. (See page 394 for a more in-depth article on WFH). I co-chaired the committee with Eve Sarco Reardon, and she and I worked tirelessly to get the program ready and have our first event, which was held at the Lake Charles Fire Department. In that moment, I realized how much good we can do in our profession, and it inspired me to go down a larger path of service. Not only were we serving the public by providing a much-needed legal service, but we were giving other members of our profession a chance to give back and grow their legal experience at the same time. I can confidently say that all our volunteers left the WFH events feeling good about being a lawyer. And they should because what we do matters. It matters to the people/groups/entities we help daily, regardless if they are paying for those services. The services we provide are the services they need, and they rely on us to help them navigate the difficult situations in which they find themselves. I truly believe that the practice of law is a noble profession, and we

should all treat it as such. I am happy to say that the YLD has continued to grow the WFH program far beyond what we were able to do in 2008, and I am so proud to be a part of its history.

My involvement in the LSBA YLD opened an entirely new world for me, both professionally and personally. After my service on the YLD, I continued to participate in the LSBA by serving as the district representative on the Board of Governors. I also served in the LSBA House of Delegates prior to moving into my role as an LSBA officer. As a result, I have met so many members with whom I have had the pleasure to work and collaborate. Some of these relationships have not been limited to work within the LSBA but in practice as well. The regular interaction with members from across the state has allowed me the opportunity to grow as an attorney and practice in jurisdictions and/or areas I otherwise would not have had the chance to do, and I am incredibly grateful for those opportunities and experiences. In addition to the professional growth my involvement has afforded me, I have also met individuals who I now consider to be my closest friends — people I would have never met had it not been for my involvement in the LSBA and friends who I wouldn’t trade for anything.

When I decided to run for president, it was because I truly wanted to play a part in keeping our great organization moving forward. As I said at my swearing-in, the position of president is not about the person who holds it; it is about continuing to help the organization serve its members in all the ways that it can. What we, as leaders of the LSBA, do is focus on how to better serve our members so that they may serve the public while thriving in this profession. That goal will always be

a moving target because the needs of the profession change as the world changes. For example, we are now getting a first glimpse of AI and how it will impact our profession going forward. Whatever the changes on the horizon, the LSBA leadership will continue to do its best to provide the services our members need to be successful. I realize that some of you reading this may feel that we have fallen short or that the services we provide do not help you directly. I would agree with you. There are areas in which improvement needs to occur, and there are services that need to be expanded. Sadly, that will always be the case as the needs continue to change. What I can tell you is that we will never stop working for you. We will never stop trying to meet those needs, and I invite you to become more involved to help us achieve those goals. There are so many opportunities to be involved in the LSBA, and I highly encourage all of you to take advantage and find a way to serve that interests you.

I cannot fully express how much I have enjoyed serving this past year. It has truly been an extraordinary experience. It would take up all my allotted page space to say thank you to all the people to whom I owe thanks, but just know that your bar leaders, both present and *past*, work tirelessly for the betterment of our profession. They do not ask for thanks, nor do they ask for recognition. They are true servants, and I want them to know how much they are appreciated.

It has been an honor and a privilege to serve my profession this past year, and I will be forever grateful for the opportunity.

Shayna L. Sonnier

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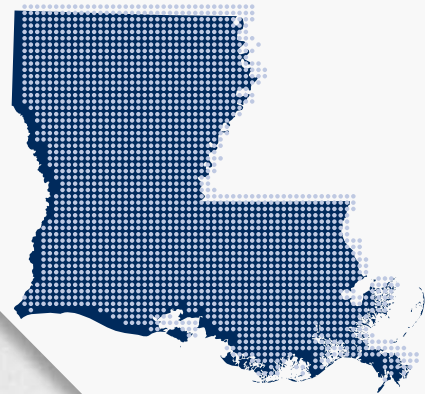
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La. Code Civ. P. art. 966

TL,DR:¹ A Mini Review of the Motion for Summary Judgment



By Ashley M. Caruso, Bianca N. Moore, Joseph R. Dronet and Tricia R. Pierre

The Leadership LSBA program, created in 2002 by then-Louisiana State Bar Association (LSBA) President Larry Feldman, Jr., provides exposure for young lawyers on how the LSBA functions and on the pressing issues facing the association and the legal profession. It also provides participants with general information on the responsibilities of association leaders.

As its major project, the 2022-23 Leadership LSBA Class presented a mock Motion for Summary Judgment (MSJ) hearing. The MSJ mock hearing provided law students with a realistic, but abbreviated, demonstration of the specific motion practice. The mock hearing focused on guiding law students through the stages of litigation and discovery. The Leadership Class members provided practical advice to the law students, including a perspective on navigating the practice of law as a young lawyer. A mock fact pattern, a visual aid and supporting case materials were prepared by the Class.

The video of the MSJ mock hearing is available online at: www.lsba.org/goto/leadershiplsba.

Motion for Summary Judgment: Tips and Pitfalls

There are some tips to follow and pitfalls to avoid in relation to motions for summary judgment. Below, they are identified with specificity to the La. Code Civ. P. art. 966 (La. C.C.P. art. 966) but generally could be applied to most motion practice in civil litigation.

Understand Specific Rules of MSJ Time Computation

Time computation is one of the most basic, yet intricate, facets of civil procedure. La. C.C.P. art. 5059, along with Louisiana District Court Rule 1.5, governs the standard rules for computation that typically apply in civil motion practice. However, as it often occurs in the law, La. C.C.P. art. 966 throws a curveball to the unsuspecting attorney. In looking at the deadlines for filing the motion, opposition and reply, note that “not less than x days prior to” is the operative language relating to the filing dates. Typically, when the “not less than x days prior to” language is used, Louisiana District Court Rule 1.5 mandates that, if the last day of the period for filing falls on a legal holiday, then the immediately preceding non-legal holiday is the deadline for filing. However, with the motion for summary judgment and related filings, the opposite is true. Specifically, if the deadline to file the motion, opposition or reply falls on a legal holiday, La. C.C.P. art. 966(B)(4) dictates that the filer’s new deadline will be the next subsequent day that is not a legal holiday. This extra day (or more) could prove to be beneficial if the filer of the motion or opposition was awaiting receipt of an expert’s affidavit and would not have otherwise been able to file it had the deadline shifted to the non-legal holiday preceding the original deadline.

Properly Object to MSJ Exhibits

In the recent past, motions to strike were commonly filed in summary judgment practice to object to a particular document’s admission as evidence, such as an expert’s opinion contained in an affidavit. However, pursuant to La. C.C.P. art. 966(D)(2), comment (a) of HB196 and comment (k) (2015), the mechanism to raise a valid objection to a document attached to a summary judgment motion

or opposition is to raise said objection in either the opposition or reply, respectively. It is not wise to attempt to circumvent this requirement by filing a motion to strike within an opposition or reply either, as it would be a futile attempt to jettison the spirit of the law. *See, Adolph v. Lighthouse Prop. Ins. Corp.*, 16-1275, p. 6 (La. App. 1 Cir. 2017), 227 So.3d 316, 320, (“[f]iling a ‘Motion to Strike’ in a reply memorandum is not proper.” *See* La. C.C.P. art. 966, comment (k). The filing of such a motion in a reply memorandum would necessarily allow a party an opportunity to have a contradictory hearing and introduce evidence even though La. C.C.P. art. 966(B)(3) specifically states that “[n]o additional documents may be filed with [a] reply memorandum”). Therefore, if an attorney contemplates the need to object to a document, the objection must be made either in the opposition or reply. It should also be noted that no oral objection in court at the summary judgment hearing will work to properly put the objection before the court. Any competent summary judgment evidence attached to the motion or opposition will be admitted if the opponent fails to properly object.

Practical Considerations Related to the Deadline to File La. C.C.P. art. 1425(F) Motion under New La. C.C.P. art. 966(D)(3)

As noted in the above, expert opinions relied upon in MSJ practice must now be challenged via a La. C.C.P. art. 1425(F) motion. However, the statutory language concerning the timing of filing the La. C.C.P. art. 1425(F) motion poses additional considerations for counsel to account for when filing a motion for summary judgment or opposition thereto. Suppose counsel waits until the last day to timely file and serve a motion for summary judgment containing an expert report:

Except for any document provided for under Subsubparagraph (A) (4)(b) of this Article, a motion for summary judgment and all documents in support of the motion shall be filed and served on all parties in accordance with Article 1313(A)(4) not less than sixty-five days prior to the trial.
La. C.C.P. art. 966(B)(1).

Now, assume two things: (1) Opposing counsel will seek to challenge the movant’s expert’s report; and (2) Opposing counsel will attach an expert report that the movant will seek to challenge. In order for a La. C.C.P. art. 1425(F) motion to be considered timely, it “shall be filed not later than sixty days prior to trial and shall set forth sufficient allegations showing the necessity for these determinations by the court.” La. C.C.P. art. 1425. However, given the movant’s decision to file the motion for summary judgment 65 days before trial, if counsel’s respective 1425(F) motions are filed alongside an opposition submitted 15 days before the hearing and the reply five days before the hearing, both motions would be untimely when reading La. C.C.P. art. 1425(F) and La. C.C.P. art. 966C(1)(a) together as they would be filed less than 60 days prior to the trial.

Based on this potential result, it is imperative that counsel pay attention not only to the MSJ filing deadlines, but also to the deadlines to file the La. C.C.P. art. 1425(F) motion, or else counsel could run the risk of forgoing any objection to the qualifications or methodologies of an expert utilized in summary judgment proceedings. Additionally, the courts should now play a crucial role in establishing pretrial deadlines that account for the interaction of these codal articles to avoid all situations where counsel can be compliant with the deadlines in art. 966 but not 1425(F). *See* La. HB 196, comment (g).

New Legislation

La. C.C.P. art. 966 was significantly and substantively overhauled in 2016. However, in 2023, two new House Bills, HB 196 and HB 339, proposed additional changes to La. C.C.P. art. 966.

HB 196, sponsored by District 60 House Rep. Chad Brown, sought and succeeded to alter the substance and procedure for motions for summary judgment. The bill was signed by Gov. John Bel Edwards into law on June 9, 2023, with an effective date of Aug. 1, 2023.

HB 196 made several procedural changes to La. C.C.P. art. 966(A)(4), (B)(1), (2) and (3), (D)(2) and (G) and sought to enact (B)(5) and (D)(3) of La. C.C.P. art. 966. These changes were

relative to motions for summary judgment, certain procedures at the hearing on a motion for summary judgment, the filing deadlines and methods of service, and the court's consideration of certain documents. Here are the three major changes or additions imposed by the law.

Changes in Documents That May Be Filed

The prior iteration of La. C.C.P. art. 966(A)(4) limited the documents a party could file in support of or in opposition to his/her respective motion for summary judgment to pleadings, memoranda, affidavits, depositions, answers to interrogatories, written stipulations and admissions. However, the act has expanded the list in La. C.C.P. art. 966(A)(4) to include certified copies of public documents or public records and certified copies of insurance policies. The act also explicitly limited parties reference of documents to the exclusive list contained in La. C.C.P. art. 966(A)(4), now codified as La. C.C.P. art. 966(A)(4)(a), but provided in subsection b, that any document previously filed into the record in support of or in opposition to the motion for summary judgment may be referenced in the motion or opposition if the party referencing the document furnishes to the court and the opposing party a copy of the document with the pertinent part designated and with the filing information.

Changes in the Timeliness and Methods of Filing

The prior iterations of La. C.C.P. art. 966(B)(1)-(3) required a motion for summary judgment and all documents in support of the motion to be filed and served on all parties not less than 65 days prior to the trial, all opposition to the motion and all documents in support of the opposition filed and served not less than 15 days prior to the hearing on the motion, and any reply memorandum filed and served in accordance not less than five days prior to the hearing on the motion. These motions and responsive

pleadings could be served in accordance with La. C.C.P. art. 1313 and were subject to the normal time computations — namely, exclusive of holidays. However, the act now requires all motions, responsive pleadings and documents in support to be filed and served electronically and in accordance La. C.C.P. art. 1313(A)(4), and requires reply memorandums be filed and served, still, no less than five days prior to the hearing on the motion — but inclusive of holidays.

Clarifying the Impact of a Reversal on Appeal — Codification of Louisiana Supreme Court Case *Amedee v. Aimbridge Hospitality, LLC*

The prior iteration of La. C.C.P. art. 966(G)) provided that, when the court grants a motion for summary judgment, a party or nonparty that is not negligent, at fault or causally responsible in whole or in part for the injury or harm alleged shall not be considered in any subsequent allocation of fault. The act merely codifies the holding of the Louisiana Supreme Court in *Amedee v. Aimbridge Hospitality, LLC*, 351 So.3d 321 (La. 2022), by retaining the language above yet adding that the provision does not apply if the court's judgment is reversed. It further specifies that, if the judgment is reversed by an appellate court, the reversal is applicable to all parties.

HB 399 sought to further clarify La. C.C.P. art. 966(G). It added that evidence at the trial on the matter (1) "may be admitted to establish the fault of a principal when the party or nonparty acted pursuant to a mandate or procurator," and (2) that fault could be referred to or submitted to the jury "where evidence is admitted of the acts of the party or nonparty for purposes of establishing the fault of the party or nonparty's principal."

HB 399 was signed by Gov. John Bel Edwards and went into effect on Aug. 1, 2023, alongside HB 196. (See page 381.)

Conclusion

Summary judgment is one of the best procedurally and judicially efficient tools every attorney has and should consider as discovery progresses in civil litigation. However, a review of the article before any motion for summary judgment is drafted, filed, opposed or heard at hearing would always be beneficial to ensure the pitfalls are avoided and that you are abiding by the current provision.

FOOTNOTE

1. Note from the authors about TL,DR: TL,DR is a common abbreviation used on long social media posts that stands for "too long, didn't read." Essentially, at the top of these posts, there is a TL,DR segment that gives the two or three versions of a much longer story, much of what this article is attempting to do for MSJ 966 information. The authors know 966 could have its own *Journal* because of how heavy and specific it is. To interest readers, the authors presented the information in TL,DR fashion, aka, the low down and skinny on 966.



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Tricia R. Pierre

Current La. Code of Civ. P. art. 966

Below is a full text of La. Code of Civ. P. art. 966 as enacted on Aug. 1, 2023.

A. (1) A party may move for a summary judgment for all or part of the relief for which he has prayed. A plaintiff's motion may be filed at any time after the answer has been filed. A defendant's motion may be filed at any time.

(2) The summary judgment procedure is designed to secure the just, speedy, and inexpensive determination of every action, except those disallowed by Article 969. The procedure is favored and shall be construed to accomplish these ends.

(3) After an opportunity for adequate discovery, a motion for summary judgment shall be granted if the motion, memorandum, and supporting documents show that there is no genuine issue as to material fact and that the mover is entitled to judgment as a matter of law.

(4)(a) The only documents that may be filed or referenced in support of or in opposition to the motion are pleadings, memoranda, affidavits, depositions, answers to interrogatories, certified medical records, certified copies of public documents or public records, certified copies of insurance policies, authentic acts, private acts duly acknowledged, promissory notes and assignments thereof, written stipulations, and admissions. The court may permit documents to be filed in any electronically stored format authorized by court rules or approved by the clerk of the court.

(b) Any document listed in Subsubparagraph (a) of this Subparagraph previously filed into the record of the cause may be specifically referenced and considered in support of or in opposition to a motion for summary judgment by listing with the motion or opposition the document by title and date of filing. The party shall concurrently with the filing of the motion or opposition furnish to the court and the opposing party a copy of the entire document with the pertinent part designated and the filing information.

B. Unless extended by the court and agreed to by all of the parties, a motion for summary judgment shall be filed, opposed, or replied to in accordance with the following provisions:

(1) Except for any document provided for under Subsubparagraph (A) (4)(b) of this Article, a motion for summary judgment and all documents in support of the motion shall be filed and served on all parties in accordance with Article 1313(A)(4) not less than sixty-five days prior to the trial.

(2) Except for any document provided for under Subsubparagraph (A)(4)(b) of this Article, any opposition to the motion and all documents in support of the opposition shall be filed and served in accordance with Article 1313(A)(4) not less than fifteen days prior to the hearing on the motion.

(3) Any reply memorandum shall be filed and served in accordance with Article 1313(A)(4) not less than five days inclusive of legal holidays notwithstanding Article 5059(B)(3) prior to the hearing on the motion. No additional documents may be filed with the reply memorandum.

(4) If the deadline for filing and serving a motion, an opposition, or a reply memorandum falls on a legal holiday, the motion, opposition, or reply is timely if it is filed and served no later than the next day that is not a legal holiday.

(5) Notwithstanding Article 1915(B)(2), the court shall not reconsider or revise the granting of a motion for partial summary judgment on motion of a party who failed to meet the deadlines imposed by this Paragraph, nor shall the court consider any documents filed after those deadlines.

C. (1) Unless otherwise agreed to by all of the parties and the court:

(a) A contradictory hearing on the motion for summary judgment shall be set not less than thirty days after the filing and not less than thirty days prior to the trial date.

(b) Notice of the hearing date shall be served on all parties in accordance with Article 1313(C) or 1314 not less than thirty days prior to the hearing.

(2) For good cause shown, the court may order a continuance of the hearing.

(3) The court shall render a judgment on the motion not less than twenty days prior to the trial.

(4) In all cases, the court shall state on the record or in writing the reasons for granting or denying the motion. If an appealable judgment is rendered, a party may request written reasons for judgment as provided in Article 1917.

D. (1) The burden of proof rests with the mover. Nevertheless, if the mover will not bear the burden of proof at trial on the issue that is before the court on the motion for summary judgment, the mover's burden on the motion does not require him to negate all essential elements of the adverse party's claim, action, or defense, but rather to point out to the court the absence of factual support for one or more elements essential to the adverse party's claim, action, or defense. The burden is on the adverse party to produce factual support sufficient to establish the existence of a genuine issue of material fact or that the mover is not entitled to judgment as a matter of law.

(2) The court shall consider only those documents filed or referenced in support of or in opposition to the motion for summary judgment but shall not consider any document that is excluded pursuant to a timely filed objection. Any objection to a document shall be raised in a timely filed opposition or reply memorandum. The court shall consider all objections prior to rendering judgment. The court shall specifically state on the record or in writing whether the court sustains or overrules the objections raised.

(3) If a timely objection is made to an expert's qualifications or methodologies in support of or in opposition to a motion for summary judgment, any motion in accordance with Article 1425(F) to determine whether the expert is qualified or the expert's methodologies are reliable shall be filed, heard, and decided prior to the hearing on the motion for summary judgment.

E. A summary judgment may be rendered dispositive of a particular issue, theory of recovery, cause of action, or defense, in favor of one or more parties, even though the granting of the summary judgment does not dispose of the entire case as to that party or parties.

F. A summary judgment may be rendered or affirmed only as to those issues set forth in the motion under consideration by the court at that time.

G. When the court renders judgment in accordance with the provisions of this Article that a party or nonparty is not negligent, is not at fault, or did not cause in whole or in part the injury or harm alleged, that party or nonparty shall not be considered in any subsequent allocation of fault. Evidence shall not be admitted at trial to establish the fault of that party or nonparty, except that evidence may be admitted to establish the fault of a principal when the party or nonparty acted pursuant to a mandate or procurement. During the course of the trial, no party or person shall refer directly or indirectly to any such fault, nor shall that party or nonparty's fault be submitted to the jury or included on the jury verdict form except where evidence is admitted of the acts of the party or nonparty for purposes of establishing the fault of the party or nonparty's principal. This Paragraph does not apply if the trial or appellate court's judgment rendered in accordance with this Article is reversed. If the judgment is reversed by an appellate court, the reversal is applicable to all parties.

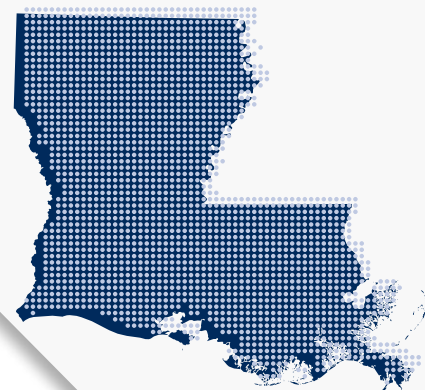
H. On review, an appellate court shall not reverse a trial court's denial of a motion for summary judgment and grant a summary judgment dismissing a case or a party without assigning the case for briefing and permitting the parties an opportunity to request oral argument.

THE FUTURE
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How the Boudin Is Made:

Amending Louisiana's Rules of Professional Conduct



By Casey C. DeReus

The Idea

A couple of years ago, I was sitting at a table with friends — a plaintiff-side complex litigation attorney, an insurance defense attorney and a non-profit attorney. I was a plaintiff-side personal injury attorney. One friend said, “Wouldn’t it be neat if we could all just work together?” But we knew it would never work — too many conflicts of interest.

Couldn’t we just screen for conflicts and partition the disqualified attorney? No. While that was allowed under the Model Rules of Professional Conduct, Louisiana Rule of Professional Conduct 1.10 (Rule 1.10) did *not* allow for that. In Louisiana, one disqualified attorney prohibited the entire firm from representing a client, including in lateral hire situations.

Over the following weeks, I polled the Louisiana lawyers I knew. Some flat-out denied that Louisiana didn’t follow the Model Rule. Others just laughed at the absurdity of Louisiana’s version of Rule 1.10. I started spreading the word and publishing articles urging amendment of Rule 1.10.

The Investigation

It was easy enough to complain about Rule 1.10 or even to talk about changing it over drinks. But how do you change the Rules of Professional Conduct? It seemed like an overwhelming task. I started researching. The Louisiana Supreme Court promulgates Louisiana’s Rules of Professional Conduct (the Rules). However, proposals to change the Rules typically start with the Louisiana State Bar Association (LSBA). Since the LSBA has committees that consider new matters, I reviewed the Rules of Professional Conduct Committee (Rules Committee) webpage on the LSBA’s site. Its mission includes recommending changes to the Louisiana Rules of Professional Conduct and acting as a liaison to the Louisiana Supreme Court

on matters concerning the Rules. That sounded like the right committee, but, when I scoured the committee member list, I didn’t know anyone — at least not well. What next?

The Process

My next step was the LSBA’s Young Lawyers Division (YLD). As luck would have it, I had gone to law school with Collin Melancon, the then-District 1 representative on the LSBA’s YLD Council. I reached out to Collin in April 2021 and he agreed to help. I prepared a formal proposal with a draft revised rule and some background information on why I wanted the rule changed.

The first step was for Collin to submit the proposal to the LSBA YLD Council to discuss at its May 2021 meeting. The Council unanimously supported the amendment and tapped Collin to move the amendment forward.

Collin’s investigation led him to Barry Grodsky, who informed him this amendment should be sent to the Rules Committee and Cheri Grodsky, the LSBA associate executive director. Collin reached out to Cheri in July 2021 who, in turn, sent the proposed amendment to the Rules Committee that same month. In August 2021, the Rules Committee appointed a subcommittee to review the proposed amendment.

In May 2022, the Rules Committee discussed the proposal, reviewed the subcommittee’s report and recommendation, and stated that it expected to complete its review by December 2022. The Rules Committee also proposed that the House of Delegates consider amending Rule 1.10 via resolution at the January 2023 meeting. In January 2023, the House of Delegates approved two amendments to Rule 1.10.

The last step was Louisiana Supreme Court review. Ultimately, the Louisiana Supreme Court amended Rule 1.10 and the new Rule 1.10 took effect in May 2023. The changes are summarized as follows: “The amendments relax the

imputation of conflicts of interest requirements relative to lateral hires; non-lawyers, such as paralegals and legal secretaries; and lawyers whose conflict arose because of events that occurred before the person became a lawyer (*e.g.*, work that the person did as a law student). The amendments recognize the increasingly mobile nature of attorneys in today’s legal climate and eliminate significant impediments on lateral transitions, while remaining sensitive to client concerns regarding loyalty and confidentiality. The amendments further provide needed clarity concerning non-lawyers, such as paralegals and legal secretaries, as well as the effect of events occurring before a person becomes an attorney.”¹

Conclusion

This article provides insights on how the Rules of Professional Conduct that govern us evolve. I was overwhelmed when I began trying to amend Rule 1.10 and I wished there had been a step-by-step guide to the process. If you are frustrated by a rule or think it needs to be updated, take heart. The LSBA, the YLD and the Louisiana Supreme Court have systems in place to allow for change, and now you know the process.

FOOTNOTE

1. <https://lalegaethics.org/louisiana-rules-of-professional-conduct/article-1-client-lawyer-relationship/rule-1-10-imputation-of-conflicts-of-interest-general-rule/>.

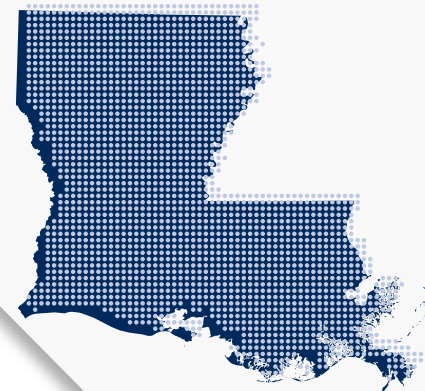
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WHY “TAPPING THE BRAKES”

Should Be Part of Your Tech Philosophy



By Scott L. Sternberg and Meghan E. Carter

Just a few years ago, the pages of the *Louisiana Bar Journal* declared that lawyers needed to adopt a “Tech Philosophy,” and you still do.

But, young lawyer or otherwise, your tech philosophy for your practice doesn’t have to be an unqualified “yes.” With artificial intelligence (AI) taking center stage, even tech-forward practices should be purposeful and considered. Remember to always ask the most important question: Do I understand this technology?

While it's tempting to get an edge with new tech, it's not always the best philosophy to assume competency or to try and shoehorn new tech into your practice. (This includes the use of technology that your opposing counsel or cooperating counsel may not be versed on at all.) Early adopters of tech aren't just young lawyers, but it can't be denied that, as a younger lawyer, you are exposed to more, earlier, and probably have more natural affinity for tech. But that doesn't mean you have to adopt — or, worse, use it — when you or it are not ready. Use the tech that works for your practice, just as you chose the type of tech that works in your personal life.

For example, one of your authors drives an electric car, and one drives a high-miles-per-gallon diesel SUV. One car was sold on the tax credits, zero emissions and is plugged every 300 miles. The other was sold for its family size, modern "clean" diesel emissions and hybrid-like gas mileage. There's a shared love of "new" and efficient in both cases.

Just like we were sold on our "modern" cars, no doubt someone has tried to sell (or incessantly email) you on a new technology that will completely revolutionize the practice of law, like the "pocket part" bagat term searches and e-discovery. But, as in our vehicle example above, your Tech Philosophy should consider the virtue: Is this technology new, and do you understand it? Do you have control of its capabilities and deficiencies?

If not, pump the brakes and be okay with asking questions or investigating further before deploying it. Test it out. Try to get it right. Just because it looks like it might revolutionize your practice does not mean that it will be a value-add to the client, or to you. Also, it could completely confound your colleagues.

The latest tech opportunity and challenge to your Tech Philosophy are the letters "A" and "I." The world has not been so enraptured with tech this revolutionary since the Internet's coming of age (remember the "information superhighway"?). AI is buzzy. Soon, all of your products will be "AI-enhanced." So, should you use tools that feature or promote AI in your practice? How?

First, in using a new technology that can take the place of a human's work, you have to consider your obligations and responsibilities as a lawyer. We have an ethi-

cal duty to provide "competent" representation, including enough competency with technology to use it effectively.

With AI tools (whether Chat GPT or a more specific application), it's important to remember that AI is only as good as its universe of knowledge (the language model) and what your "inputs" are. Because of your ethical obligations, be sure to review with a critical eye even seemingly correct statements of law.

Failing to do so could be disastrous. You may have heard about the lawyer who was sanctioned by a federal district court in New York for submitting a brief with entirely made-up case law cited in support. The lawyer had used AI and claimed not to be aware of the fact that AI could (or would) create fictitious law. In another instance, a lawyer in Colorado was suspended from the Colorado state bar for improper use of AI, where the lawyer used ChatGPT to search for cases to support a motion but failed to realize the case law used was false or fictitious. The moral of the story is to be cautious and learn more about AI's outputs before relying on it.

Here's another note on AI's output. In addition to checking for accurate statements of law and analysis, be aware of the risk of plagiarism. Without knowing where the AI pulled its information from, your document could look a lot like someone else's. So, from "hallucinations" of cases that do not exist to whole-cloth copying of other's material, use your best judgment and scrutinize the AI's output. Don't be one of those lawyers disciplined, sanctioned and embarrassed by their poor or mishandled use of these technologies.

The same discernment applies to the AI's "inputs," too. Be mindful of using AI with your client's information. Sure, some discovery applications with AI can summarize discovery or medical records and maintain confidentiality. But, with others like ChatGPT, if you use client information to generate a response, you may be disclosing sensitive client information. The company offering the tool might have reviewers who could view the information, or the disclosure to the AI itself may be problematic. The use of that information by the AI company, particularly if you're using a free or freemium version, may be a violation of your obligations to the client and the profession.

For these reasons, many courts and state bar associations have already implemented rules requiring you to disclose when you've used AI in briefs or other documents filed with the court. Always check your state and federal court's local rules for any rules requiring disclosure of AI or other related rules.

Above all, learn about the AI you use and how it works — before you implement it in your practice. Make sure you're not causing more work for yourself by considering who will be using your AI tools with you.

Many understandably want to join the race and use new tech. It's also okay to be hesitant, conservative or even concerned about fast-paced and new technology that you didn't grow up with. Caution is appropriate when you're not fully confident in the tool, and, with AI, it is the opinion of these authors that you should not be fully confident — at least not for a while.

But, at the same time, don't write the technology off as "not your generation" or "not for your practice." It will be (and it already is, you just may not know it). With a conservative but inquisitive philosophy, you cannot go wrong. Sure, you might be late to the party. But you'll enjoy the view on the way there.

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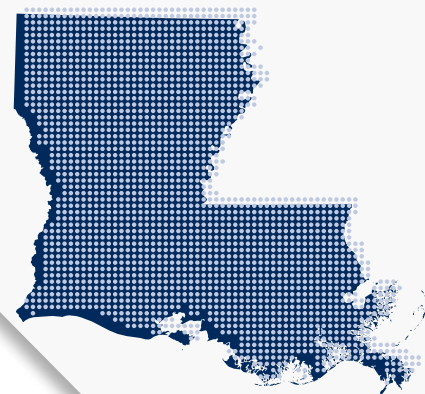


THE FUTURE
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“TIP” MENTORING

New Website,
New Benefits for Mentees,
More Resources Offered
for Mentees and Mentors



By Brooke Theobald

The Louisiana State Bar Association’s (LSBA) statewide Transition Into Practice (TIP) Mentoring Program, which began in 2015, has recently undergone a new and exciting renovation. The revamp of the program has included new benefits for mentees (including CLE hours and TIP Bucks), a new website, more resources for mentors, mentees and members, and all-new graphics and media.

What is the TIP Program?

The TIP Mentoring Program matches one mentor with one mentee, giving newly admitted LSBA attorneys access to veteran attorneys to assist with their transition into the practice of law. During the program, mentees learn practical skills, including professionalism discussions, and what is expected of them as LSBA members. Mentors share their wisdom and experience gained through their careers. Mentees receive knowledge, advice and hands-on experience they may not have received in law school.

Participation in the TIP Program involves completing tasks in two categories. Mentees are required during the TIP period to undertake 11 specific annual activities, such as attending hearings in various courts, attending the Bridging the Gap CLE seminar and going to a Bar function. Additionally, mentees will meet with their mentors at least four times to review a myriad of discussion topics to assist with their transition into the practice of law from school.

New Aspects of the TIP Program

With the new TIP Program, mentees will now receive two years (25 hours) of CLE credit for completing the program, thanks to a Supreme Court Order (Supreme Court Rule XXX 3.22) signed on June 26, 2023. The new rule allows for participation by newly admitted attorneys during the year of their admission through the next calendar year. For example, a new attorney admitted in 2023 would have until Dec. 31, 2024, to complete the program and would not have to start completing more CLE programs until 2026.

Along with the two years of CLE hours, participants will have access to exclusive professional development workshops for trust accounting, stress management, law practice management and lawyer advertising.

Mentees who complete the TIP Program will also receive \$200 in TIP Bucks. This LSBA currency can be applied to any programming offered by the LSBA — *i.e.*, CLE seminars, Annual

Meeting/Summer School — but not mandatory fees like dues, assessments, etc.

New Website and More TIP Program Details

The new website, located at www.lsba.org/mentoring, is cleaner and more graphically appealing. Less copy and more landing pages make the site easier to navigate. Mentors and mentees now have independent sections on the site. Separating their information makes it simpler to find and makes both enrolling in TIP and keeping up with the program after enrollment easier as well.

When newly admitted attorneys, or prospective mentors, determine they want to participate and enroll in the TIP Mentoring Program, they will be asked to complete a detailed application with as much information as possible to help find the best match. With more than 700 mentors in the volunteer Mentor Pool, mentees can be paired with someone from a variety of practice areas or areas of interests. Mentees and mentors are paired based on geographic location first, and then, to the best ability of the program, using the details in the new application and profile system. Mentees and mentors can also apply for the TIP Program with specific pairing requests. Enrollment occurs on a rolling basis throughout the year online.

Both mentees and mentors now have personal homepages once they are enrolled in the TIP Program. On their homepage, mentees are able to access their Personal Mentoring Plan where they will record their TIP activities and update the LSBA on their progress. Mentees and mentors can update their profiles at any time to help facilitate better matching. Mentors also have the ability to update their mentoring availability at any time and the capacity to see their current or past mentee's activities.

Mentees and mentors are provided with extensive mentoring resources to assist in their program. All resources can be found in their own section of the new website, *TIP Program Materials*. The TIP Handbook, containing all activities and discussions needed to complete the mentoring program, has been updated

and includes new resources. Other new materials include Timelines for Mentees and Mentors. The interactive timelines show how the TIP Program works and includes details on each step of the process from enrollment to attestation. Another new addition to the materials is the TIP First Meeting Guide, a helpful guide for mentees and mentors with discussion points and tips to use at their initial meeting.

There are also universal mentoring resources available on the site for all LSBA members. Under the *Mentoring Resources* section of the new site, mentoring articles, podcasts and videos are posted for the benefit of all members. The exclusive professional development workshop videos for TIP mentees are located there as well.

Why New Admittees Should Enroll

Newly admitted LSBA attorneys in any type of practice or interested in any areas of the law can sign up for the TIP Mentoring Program. The program can be particularly helpful for attorneys who are individually or collectively hanging out their own shingle. Without the assistance of more experienced attorneys at their side, young lawyers may not gain the understanding of the practicalities of the everyday practice of law. Newly admitted attorneys in law firms with no mentoring programs, as well as others in firms with loosely organized mentoring programs, could pair with a mentor from the TIP Program and gain a multitude of benefits. By formalizing a mentoring program, they will gain more practical experience than they would have otherwise, not to mention the additional benefits TIP provides — two years of CLE hours, TIP Bucks, exclusive workshops and resources. New admittees planning on practicing in other areas of the law, or non-traditional career paths, may be unsure of their future careers. By pairing with a TIP mentor in a similar position — who has been where they are now — it can help guide them to where they need to be.

Through the TIP Program, mentees will learn practical skills, knowledge, professionalism and expectations for their

future as a barred attorney. For all newly admitted attorneys, there is a significant knowledge gap from what is learned in law school to the realities of the practice of law. Law school prepares you to think, read, write and research, but not to practice. New attorneys will find, without help, that they may struggle with many aspects of law practice which veteran attorneys take for granted. Seemingly routine tasks that new attorneys have never experienced, like preparing an engagement letter, hiring a paralegal or opening a trust account, become overwhelming. The TIP Program has discussion activities aimed at addressing such needs.

By being paired with TIP mentors at the start of their careers, mentees have someone to lean on, ask questions and seek advice on a one-on-one basis. As they complete the program, mentors and mentees will talk about the fundamental issues that come up for lawyers throughout their careers, during designated discussion activities and as they complete the mentees' annual activities. Mentors are encouraged to include their own knowledge, wisdom and anecdotes throughout the program. In evaluations of the program, 100% of mentees agreed their mentors were able to incorporate their personal wisdom and experiences into their program. The very first discussion activity requires the pair to have their initial meeting to review the mentee's Personal Mentoring Plan. They are also required to thoroughly discuss the Code of Professionalism and how it is incorporated into everyday law practice. Professionalism is included in a number of activities to stress its importance as a fundamental building block of a strong legal profession. Also, 92% of mentees assessed agreed they learned enough about professionalism and how to incorporate it into their work through the TIP Program.

Great for Mentors, Too!

The TIP Program is an incredibly positive experience for the mentor as well and eligible attorneys are encouraged to volunteer. Prospective mentors for the TIP Program must have been admitted

What Do Former Mentees Think About the TIP Program?

Both mentors and mentees have always given great feedback about the TIP Program. Here are a few thoughts:

"The mentorship provided a wealth of knowledge I was not expecting and also opened doors to great networking opportunities and more."

"I liked being able to observe practical elements of the legal practice (e.g., depositions, hearings, trials). Also, the assignment of a mentor enabled me to ask questions more easily."

"I appreciated the opportunity to connect with an older lawyer who was willing to help me."

"The program incorporated hands-on training and experience with a professional of your choice. I equated the program to post-secondary law school . . . which acts as a great segue between law school and the practice."

"I enjoyed having someone to bounce ideas off of and learn from their experiences."

into the practice of law for a period of at least 10 years. They must have no record of suspension or disbarment from practice and must have a professional liability insurance policy with minimum limits of \$100,000 per occurrence and \$300,000 in the aggregate. They also need to be of good moral character, willing to voluntarily participate in the program, and commit throughout the program term to the obligations and duties of being a mentor. (The insurance policy requirement is not applicable to mentors who are employed as in-house attorneys or those employed by a governmental unit or "not-for-profit" entity.) Mentors who successfully mentor a new admittee will receive 6.0 hours of free CLE credit the first year and 4.0 hours of CLE credit for subsequent pairings.

Mentors routinely relate that they receive an equally positive experience as the mentee. Both attorneys learn from each other and ultimately become better lawyers because of it.

Just Do It!

Even though the TIP Program is voluntary, newly admitted LSBA attorneys should strongly consider participating in it. There is so much to learn about the practice of law outside of school. Trying to start a career without as much support as possible will make the road much more difficult. Having a mentor by your

side, who you can lean on for knowledge and advice, will ease the burden of first-year difficulties and stress. Mentees and mentors will also, hopefully, by the time their program has concluded, have gained a lifelong relationship they can count on throughout their careers.

The time investment a new lawyer makes with the TIP Program will pay great dividends as they move from law school into the practice of law. The LSBA and the Louisiana Supreme Court want to make that transition as smooth as possible.

More information, including how to sign up to be a mentee or mentor, can be found on the main mentoring web page at: www.lsba.org/mentoring. Also included on that web page are a new brochure, a TIP FAQ article and videos presented by Louisiana Supreme Court Chief Justice John L. Weimer, Associate Justice Scott J. Crichton, Associate Justice James T. Genovese and Associate Justice Piper D. Griffin.

Need answers to more questions? Email TIP@lsba.org.

Brooke Theobald is a paralegal in the Louisiana State Bar Association's Professional Programs Department. She is responsible for the administration of the Transition Into Practice (TIP) Mentoring Program. (brooke.theobald@lsba.org; 601 St. Charles Ave., New Orleans, LA 70130)





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New to the Bar?

LSBA's Essential Guide to Ethics and Professional Discipline



Many attorneys inevitably reach a point when they must answer the ethical question, “Should I do that?” Granted, many of the ethical misadventures and professionalism mistakes already receive sufficient publicity through the Louisiana Attorney

Disciplinary Board’s monthly newsletter.

While answers to some ethical dilemmas are straightforward and common, others can be more novel. For instance, before the Louisiana Supreme Court issued its Jan. 22, 2024, letter discussing the use of artificial intelligence technology in the legal profession, practitioners took opposing positions on whether the use of something like ChatGPT could be ethical in legal practice. It depends, right?

Many ethical and professional problems faced by young attorneys, however, don't stem from revolutionary technology but rather from common interactions with clients and other attorneys. This is where two Louisiana State Bar Association (LSBA) resources can help.

Ethics Advisory Service

Established to guide attorneys in their everyday practices, the Ethics Advisory Service Committee, comprised of attorneys from across the state, along with Ethics Counsel, provides confidential, non-binding ethics opinions to Louisiana licensed attorneys. To use this service, send your question(s) to the attention of Ethics Counsel by fax or email. (Contact information is located on the web page below.) While the turnaround time ranges from five to 10 working days, this extra layer of assurance can be beneficial for young attorneys. Published opinions on common issues like sharing office spaces with non-lawyers, accepting credit cards for payment of services and client gifts are all found on the web page at: www.lsba.org/Members/EthicsAdvisary.aspx.

“ [A]ttorneys practicing in Louisiana have always been ultimately responsible for their work-product and the pleadings they file in court, maintaining competence in technology, and protecting confidential client information and have a duty to avoid making misrepresentations of fact or law . . . The Louisiana Supreme Court Justices and staff will continue to monitor the development of this technology and its impact on the legal profession to determine what future action or rule changes may be necessary or appropriate. ”

(See page 375 of this issue.)

A Guide to Attorney Disciplinary Procedures in Louisiana

Another sensitive topic for young attorneys is professional discipline. Because attorneys are governed by high standards of ethics and professional competence, a statewide agency — the Louisiana Attorney Disciplinary Board (LABD) —

was created and tasked with investigating allegations of lawyer misconduct and making recommendations to the Court when discipline is warranted. The LSBA outlines this grievance process and offers other programs to help attorneys and their clients. Read more about the LSBA Client Assistance Fund and the LSBA Lawyer Fee Dispute Resolution Program at: www.lsba.org/Public/AttorneyDisciplinaryProcedures.aspx.

Ethics Advisory Service

www.lsba.org/goto/ethicsadvisory

For assistance with dilemmas and decisions involving legal ethics, take full advantage of the LSBA's Ethics Advisory Service, offering - at no charge - confidential, informal, non-binding advice and opinions regarding a member's own prospective conduct.

Eric K. Barefield, Ethics Counsel

LSBA Ethics Advisory Service

601 St. Charles Ave., New Orleans, LA 70130-3404

(504)566-1600, ext. 122 • (504)619-0122

toll-free: (800)421-5722, ext. 122 • Fax: (504)598-6753

E-mail: ebarefield@lsba.org

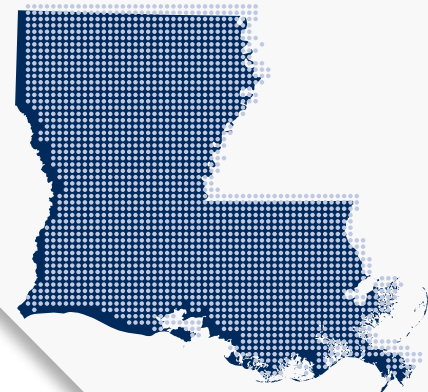




SIGNATURE PROJECTS

Professional Development Seminar: 25 Years of Service

By Megan S. Peterson



The Professional Development Seminar, a cornerstone event of the Louisiana State Bar Association's (LSBA) Young Lawyers Division (YLD), is recognizing its 25th anniversary. The seminar, conducted in January, allows YLD members to earn their professionalism, ethics and law practice management credits in an affordable and easy manner, hearing from a variety from speakers ranging from fellow young lawyers to bar leaders and judges. The seminar has become the standard by which other YLD programs, such as the Louisiana Young Lawyers Conference, have been founded. The 2020 shift to the virtual format, still in place today, demonstrates that the program is evolving and growing as the needs of the YLD change.

To commemorate the 25th anniversary of the Professional Development Seminar, we reflect on the years past and the success that this seminar has achieved over the years. We offer the insights of those who have been involved over the years.

Megan S. Peterson is a partner at Simon, Peragine, Smith & Redfearn, LLP, in New Orleans. She currently serves on the Louisiana State Bar Association's Young Lawyers Division Council as the Young Lawyer Member/American Bar Association House of Delegates. She is the 2023-24 LSBA YLD CLE chair. She previously served as the 2022 co-chair for the LSBA's Young Lawyers Conference. (meganp@spsr-law.com; 1100 Poydras St., 30th Flr., New Orleans, LA 70163)





“

I have had the pleasure of being the chair of the Young Lawyers Division Professional Development Seminar for the past two years. I have found that this seminar, in general, is an opportunity for young lawyers to have access to useful skill development topics that will help them throughout their legal careers. In putting together the topics for the seminar, I strive to make sure that topics that are important to young lawyers are the main force. Furthermore, a major consideration when putting this seminar together is ensuring that there are topics that can be presented by young lawyers. I have thoroughly enjoyed my time as chair of this seminar and look forward to the future of the event.”

—Jared E. Nelson,
Professional Development
Seminar Chair, 2022-2024

“

The Professional Development Seminar was the brainchild of Lisa Winter, who served as the Young Lawyers Division chair. She kindly asked me, as the then-Young Lawyers Division Council representative from District 2, to chair the initial seminar. We wanted to create an affordable CLE seminar with relevant, timely topics that were important and useful to young lawyers with fewer than five years' experience. We also wanted to have young lawyers as speakers or presenters. Our goal was to provide young lawyers with an opportunity to present at a CLE seminar and create a pipeline of CLE speakers for the LSBA. Initially, we faced challenges in simply creating the wheel and overcoming a steep learning curve to determine the topics needed and to find speakers. However, the seminar was a great success and continues to be successful today, providing great CLE opportunities and valuable networking with other young lawyers across the state.”

—Valerie T. Schexnayder, Inaugural Chair, 1999
Professional Development Seminar

“

The Professional Development Seminar (PDS) has been a staple program for the YLD. It is high-quality continuing education directly applicable to early career attorneys for a great value. As part of its strategic plan, the YLD wanted to offer a Young Lawyers Conference. The PDS was a great stepping stone before the envisioned conference could become an independent event. In 2019 and 2020, the YLD pivoted the PDS into a Young Lawyers Conference in connection with the LSBA Midyear Meeting. In 2021, we were ecstatic to have a stand-alone Young Lawyers Conference. As YLD chair, I thought it was still important to have a young lawyer CLE opportunity at the Midyear Meeting, so we brought back the traditional PDS. We initially thought that it was unfortunate that the 2021 PDS had to be virtual because of COVID. However, the turnout was excellent. We provided quality CLE programming to more attorneys than we could do in person and stretched our reach to all corners of the state and beyond. I'm proud to know the PDS continues to provide valuable continuing education to young attorneys throughout the state.”

—Carrie L. Jones, LSBA YLD Chair, 2020-2021



Wills for Heroes:

Putting Louisiana's Emergency Responders First

By Quinn K. Brown



In October 2008, the Louisiana State Bar Association's Young Lawyers Division (YLD) hosted Louisiana's first Wills for Heroes event in Lake Charles for the Calcasieu Parish Fire Department. Since that time, the YLD has continued to host events for Louisiana's first responders, including firemen, police officers, sheriffs' deputies and state troopers. On Sept. 30, 2023, the YLD returned to Lake Charles for a Wills for Heroes event to celebrate 15 years of providing first responders and their spouses with attorney volunteers to assist in preparing wills and other estate planning documents at no charge.



Wills for Heroes event at the Central Fire Department.



Wills for Heroes event at the David Crockett Steam Fire Co. in Gretna.

Wills for Heroes is a 501(c)(3) non-profit established in 2001. The Louisiana State Bar Association's Young Lawyers Division (LSBA YLD) first partnered with Wills for Heroes in 2008. As part of the program, members of the YLD visit Louisiana communities to provide estate documents to first responders and their spouses. This gives the first responders and their families the peace of mind knowing their affairs are in order should the unthinkable occur.

The YLD utilizes a mobile clinic to provide estate documents to first responders throughout the state. During each clinic, first responders have the opportunity to meet one-on-one with an attorney volunteer to discuss their estate planning needs at no cost. After first responders have had an opportunity to have their estate questions answered, attorney volunteers draft basic wills, powers of attorney and health care directives.

Each clinic requires the participation from local attorney volunteers from all different backgrounds. No estate planning experience is necessary for the attorney volunteers as all volunteers participate in a training CLE for guidance on the Wills for Heroes program.

Since the inception of its partnership with Wills for Heroes 15 years ago, the LSBA's YLD has provided free estate documents to thousands of Louisiana first responders. In 2023 alone, the YLD provided estate documents to 291 first responders.

Quinn K. Brown is an associate in the Baton Rouge office of LaFleur Laborde, LLC. She currently serves as the District 5 representative on the Louisiana State Bar Association's Young Lawyers Division Council and will assume the position of YLD secretary in 2024-25. She serves on the YLD Wills for Heroes Committee. (qbrown@lalawfirm.com; Ste. 225, 6160 Perkins Rd., Baton Rouge, LA 70808)



Requesting A Wills For Heroes Event

All Wills for Heroes (WFH) events are organized and coordinated by the Louisiana State Bar Association's Young Lawyers Division (YLD).

The WFH program provides first responders and their spouses with attorney volunteers to assist in preparing wills and other estate planning documents at no charge. Those eligible include police officers, firefighters, EMTs and paramedics, corrections officers, and spouses or widows/widowers of these personnel.

The YLD frequently contacts first responder groups directly. But the YLD welcomes first responder groups to make contact about hosting an event in their area. Once contacted by a group, the YLD, along with the chairs of the WFH Committee, will begin making arrangements for the event, including time, date and location.

Interested in requesting an event? For current WFH Committee contacts, go online to: www.lsba.org/YLD/YLDcommittees.aspx. Click on "Select Committees," then "Public Service/Wills for Heroes Committee." Or email willsforheroesLA@gmail.com to request an event.

For more information on the program, access "Frequently Asked Questions" at: www.lsba.org/goto/WFH.



A 2017 Wills for Heroes event in 22nd JDC.



A 2017 Wills for Heroes event in Opelousas.



2024 LSBA Annual Meeting & Joint LSBA/LJC Summer School

Attend This year's Mega-Event!

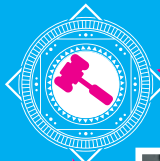
JUNE 2-7, 2024 Destin, Fla.

Punch your "Ticket to Ride" and follow "The Long and Winding Road" to Destin for this year's Joint LJC/LSBA Summer School with the theme "I Get By With A Little Help From My Friends." The event will allow you to amp up and re-tune your professional legal practice skills with top-of-the-chart programs offered by a stellar lineup of speakers from "Across the Universe." "Do You Want to Know a Secret?" Innovative concepts will "pepper" the discussions for attorneys at all levels of experience. So, let's "Get Back!"



- Nationally recognized speakers
- Multi-track programming
- Latest updates in Civil Law, Criminal Law, Family Law & other practice areas
- Latest in Legal Technology
- Innovative products & services with hands-on demonstrations in the Exhibit Hall





Featuring

Professional Networking Opportunities

Exhibit Hall with knowledgeable exhibitors

Innovative Practice Information & Best Practices

Let your voice be heard at the
House of Delegates Meeting

Multiple Track CLE programming

*All taking place in the spectacular setting of
Sandestin Golf and Beach Resort*



JOINT LSBA/LJC SUMMER SCHOOL HIGHLIGHTS

Sunday

How to Read the Constitution and Why
**The Great Dissenter: The Story of John Marshall Harlan,
America's Great Dissenter**
**The Future of First Amendment Press Freedom Principles
in an AI and New Media World**



Monday

Neurodiversity in the Workspace and Access to Justice for the Neurodiverse Population
Insurance Law Primer: Deductibles and How They Work
Keep Your Ticket to Ride: Professional Licensing and How to Avoid Unintended Consequences
The Future of Privacy in America: AI, Media & Journalism
Access to Justice Issues Involving Children on the Autism Spectrum and The Daay Court in Nevada

Ethics and AI
Energy Law
How Do We Address the Issue of Race in America to Make the Promises of Democracy Real - What Can We Do?

When Drama is Really Trauma
Property Law Recent Developments
Health Care and AI
Recent Developments in Louisiana Civil Procedure
Maximizing Mediation
Gender-Based Violence: Working with Victims and Offenders
Zoning and Land Use: Late Breaking Issues



Tuesday

Evidence
**Recent Developments in Successions
Law**
**Before I Go... A Lawyer's Duty to the Rule
of Law**
Criminal Law Recent Developments
Identifying Substance Abuse and Mental
Health Concerns within My Family, My
Workspace and My Community - How to
Assist Those Who Are In Need

Find out more! visit
WWW.LSBA.ORG/ANNUALMEETING





Tuesday *(continued)*

The CVC Case and Professionalism

Family Law: Recent Legislative Updates and More - Part I

Vicarious Trauma: Why the Practice of Law is So Draining - How to Identify and Cope with the Challenges

The United States Supreme Court - The Year in Review

Family Law: Recent Jurisprudential Updates and More - Part II

The Aging Process - What to Expect, What to Look For in Our Parents, Ourselves, Our Colleagues - How to Handle the Legal Challenges

wednesday

Louisiana Supreme Court - A Year in Review

What Do You Do When Your Civil Client Gets a Grand Jury Subpoena?

Kickbacks, False Statements and Health Care Fraud

Commercial Leases: What's New That You Need to Know

Federal Jurisprudence and Procedure Update

Calculating the Criminal Sentence: What Does It Actually Mean

Students for Fair Admissions v. Harvard: What Does It Portend for the Future?

Appellate Practices in Louisiana

Expropriation: What's Hot

He Ain't Heavy, He's My Brother—Reaching Out to Our Fellow Man

ODC Complaints This Year

The Fine Art of Compromise

Business Valuation: When and Why You Need It

Tom on Torts

Giving Back: Exploring Ways You Can Volunteer to Assist the Legal Profession

Objections

Your Corporate Client Has Been Hacked: What Now?

ERISA Update

Thursday

Professionalism for Lawyers and Judges

Friday

Great Debates: A Louisiana Constitutional Convention: C'est Bon?

Legislative Recap 2024 Review of Louisiana Legislature's work in this year's session



Registration Options	Charter <small>(by 4/5/24)</small>	Early <small>(by 5/3/24)</small>	Advance <small>(by 5/28/24)</small>	On-Site <small>(after 6/2/24)</small>
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Lawyers	\$850	\$895	\$950	\$995
Lawyers 4-Day	\$775	\$825	\$875	\$925
Judges	\$700	\$750	\$800	\$850
Judges 4-Day	\$650	\$700	\$720	\$750
Legal Services/Gov't/ Academia/ YLD member/Misc**	\$700	\$750	\$800	\$850
Legal Services/Gov't/Academia/ YLD member/Misc** 4-Day	\$650	\$700	\$720	\$750

In-person registration is for LSBA member and spouse/guest when indicated on Registration Form.

- ▶ Includes seminar registration, programs, business meetings and admission to Exhibit Hall;
- ▶ electronic version of the seminar materials for attendees to download;
- ▶ daily continental breakfast/coffee/refreshment breaks;
- ▶ up to two adult admission to receptions, dinners, installations and other events planned as part of the Annual Meeting & Joint Summer School. Check back on the website at www.lsba.org/AnnualMeeting for an up-to-date agenda.

Spouse/guest name must be indicated on the Registration Form for admission included in registration. Additional admissions for children and adult guests are available for purchase for the social functions. To purchase additional tickets for events, please contact: Kristin Durand, Program Coordinator - Meetings and Events, Louisiana State Bar Association, kristin.durand@lsba.org or call (504)619-0116 or call tollfree (800)421-LSBA, ext. 116. For registration questions, contact Annette Buras, LSBA CLE Coordinator, at aburas@lsba.org or call (504)619-0102 or call tollfree (800)421-LSBA, ext. 102.

**** Special Pricing applies to judges, lawyers employed full-time by local, state, or federal government, and lawyers employed full-time by legal aid agencies or indigent defense agencies or members of the House of Delegates or the Board of Governors or the LSBA Young Lawyers Division. YLD Member qualifications: Every member of the Louisiana State Bar Association who has not reached the age of forty (40) years or who has been admitted to the practice of law for less than five (5) years, whichever is later, is by virtue thereof a member of the Young Lawyers Division. (Article I, Section 1, Bylaws of the Louisiana State Bar Association, Young Lawyers Division).**

Cancellations, Refunds & Course Materials

Cancellation of registration must be received in writing by the LSBA no later than Friday, May 17, 2024. Cancellations will receive a full refund, less a \$30 administrative charge. Absolutely no refunds will be made after Friday, May 17, 2024. Requests should be mailed to the Louisiana State Bar Association, 601 St. Charles Ave., New Orleans, LA 70130-3404; faxed to (504)617-7050; or emailed to aburas@lsba.org. Any questions, contact Annette Buras, CLE Coordinator, (504)619-0102.

Important Note: A link to the seminar materials will be emailed prior to the event; it is suggested you print the materials in advance and bring them with you. The link will be sent to the email address of record provided to the LSBA. If you choose to review the materials from your laptop, we strongly suggest you charge your laptop battery, as electrical outlets may be limited. **PLEASE NOTE:** Printed materials will not be available.

2024 Registration Form

Judge Bar Roll Number _____ First Name for Badge _____

Ms. Mr. Name _____

Firm Name _____

Address _____

City/State/Zip _____

Office Phone _____ Fax _____

Please register my spouse/guest for social events at no additional charge. (*Spouse/guest must be registered to receive tickets.*)

Spouse/Guest Name (for Badge) _____

Check here or contact the LSBA if you have a disability which may require special accommodations at this conference. The LSBA is committed to ensuring full accessibility for all registrants.

Registration Options

	Charter (by 4/5/24)	Early (by 5/3/24)	Advance (by 5/28/24)	On-Site (after 6/2/24)	
<input type="checkbox"/> Lawyers	\$850.....	\$895.....	\$950.....	\$995.....	_____
<input type="checkbox"/> Lawyers 4-Day	\$775.....	\$825.....	\$875.....	\$925.....	_____
<input type="checkbox"/> Judges	\$700.....	\$750.....	\$800.....	\$850.....	_____
<input type="checkbox"/> Judges 4-Day	\$650.....	\$700.....	\$720.....	\$750.....	_____
<input type="checkbox"/> Legal Services / Gov't / Academia/ YLD Member / Misc.**	\$700.....	\$750.....	\$800.....	\$850.....	_____
<input type="checkbox"/> Legal Services/Gov't/Academia/ YLD Member / Misc.** 4-Day	\$650.....	\$700.....	\$720.....	\$750.....	_____

**Special Pricing applies to judges, lawyers employed full-time by local, state, or federal government, and lawyers employed full-time by legal aid agencies or indigent defense agencies or members of the House of Delegates or the Board of Governors or the LSBA Young Lawyers Division. YLD Member qualifications: Every member of the Louisiana State Bar Association who has not reached the age of forty (40) years or who has been admitted to the practice of law for less than five (5) years, whichever is later, is by virtue thereof a member of the Young Lawyers Division. (Article I, Section 1, Bylaws of the Louisiana State Bar Association, Young Lawyers Division).

*Important Note: A link to the seminar materials will be emailed prior to the event; it is suggested you print the materials in advance and bring them with you. The link will be sent to the email address of record you provided to the LSBA. If you choose to review the materials from your laptop, we strongly suggest you charge your laptop battery, as electrical outlets may be limited. **PLEASE NOTE: Printed materials will not be available.**

Pay by Check: Make checks payable to the Louisiana State Bar Association.

Pay by Credit Card: Please charge \$ _____ to my credit card VISA MC Discover

Last four (4) digits of credit card _____

Name as it Appears on Card _____

Billing Address _____

City/State/Zip _____

Signature _____

SEMINAR PAYMENT

The credit card information below will be destroyed after your credit card has been charged:

CLE REGISTRATION

Please charge \$ _____ to my credit card VISA MC Discover

Credit Card Account Number _____

Expiration _____ Security Code _____

The LSBA will no longer accept registration forms with credit card information via email. **REGISTRATION FORMS MUST BE MAILED OR FAXED.**

CREDIT CARD INFO

Please return this form with your remittance to:

**Seminar Registration – Louisiana State Bar Association • 601 St. Charles Ave. • New Orleans, LA 70130-3404
(504)619-0102 • (800)421-5722 • fax (504)617-7050**

2024-25 LSBA Dues, LADB Assessment Payment Cycle to Begin in May

The purpose of the Louisiana State Bar Association (LSBA) is set forth in Art. III § 1 of its Articles of Incorporation. The expenditure of funds by the LSBA is limited as set forth in the LSBA's Articles and Bylaws; Supreme Court Rule XVIII § 6; *Keller v. State Bar of California*, 496 U.S. 1 (1990); and *McDonald v. Longley*, 4 F.4th 229 (5th Cir. 2021).

A member may object to the use of any portion of the member's bar dues for activities he or she considers inconsistent with constitutional standards. Members can object to LSBA expenditures based on the preliminary budget, the audited financial statements, the email alerts, the "Bar Briefs," the *Louisiana Bar Journal*, or any other notice that they receive. Member objections must be filed within 45 days of the date of the Bar's publication of notice of the activity to which the member is objecting. Details on the objection, refund and arbitration procedures are set forth in Article XII of the LSBA By-Laws. To review the objection, refund and arbitration procedures in Article XII of the LSBA By-Laws, go to: www.lsba.org/BarGovernance/ByLawsAndArticles.aspx.

Additional information on annual LSBA expenditures will be made available for the May 2024 issue of "Bar Briefs." The LSBA's Annual Reports also are available at: www.lsba.org/NewsAndPublications/AnnualReports.aspx.

Payment of Dues and Assessment

LSBA members have the option to pay their 2024-25 LSBA dues and Louisiana Attorney Disciplinary Board (LADB) assessment by ACH electronic check, credit

card, or download and mail their Attorney Registration Statement and checks for the payment of fees. Members are encouraged to pay and file electronically, through the LSBA website, which is available during times when the Bar Center is closed or if mail service is disrupted due to inclement weather. Further, electronic payment gives members more control over their information in the database and allows for more timely updates to their member records. The website is unavailable nightly between 10 p.m.-1 a.m. CST.

Filing the Attorney Registration Statement is an important part of an LSBA member's annual requirement and can be completed by mail or electronically. Mailing in the Attorney Registration Statement with two separate payments of Dues and Assessment constitutes filing. When paying online, verifying and/or updating member demographic information serves as electronically filing the Attorney Registration Statement.

Emeritus Status is available for lawyers who only handle pro bono work or uncompensated work for family members (both subject to certain guidelines and restrictions) and who meet age and practice criteria. Lawyers should review the Emeritus Status guidelines and restrictions for possible election. Election of emeritus status MUST be made prior to payment of the Dues and Assessment and the election deadline for the 2024-25 membership year is June 30, 2024. Review the "Emeritus Status Guidelines and Restrictions and Notice of Application" at: www.lsba.org/Members/EmeritusStatus.aspx.

Filing electronically can be a quick and simple process, utilizing the online

member accounts that participants have relied on for years to register for CLE seminars and to access Fastcase. If an attorney has not yet set up a member account, one can easily be created at: www.lsba.org/Members/memberacct.aspx.

This webpage also allows members to edit their existing accounts and reset a lost or forgotten account password.

After member data is confirmed but before the payment/filing process begins, members will be advised that they also need to go to www.LADB.org to complete the Louisiana Supreme Court Trust Account Disclosure and Overdraft Notification Authorization Form and will be asked to confirm that they understand this requirement. The Louisiana Attorney Disciplinary Board is the certifying agency for the Trust filing for LSBA members' IOLTA accounts. Filing is quick and easy at www.ladb.org and any issues concerning trust accounts should be directed to LADB at (504)834-1488.

The collection schedule will be the same as in prior years. In lieu of mailing a statement to each member, in mid-May, the LSBA will mail a postcard to each member, which will provide instructions to go online to www.LSBA.org to complete the registration process, pay the annual dues and assessment, and go online to www.LADB.org to complete the Trust Account Form. ***This is the only mailing members will receive prior to the July 1, 2024, due date; attorney registration statements will NOT be mailed.***

Throughout the dues collection period, the LSBA will email reminders using the email address, compliance@lsbamembership.com.

Continued on page 404

*Thank you for
your trust!*

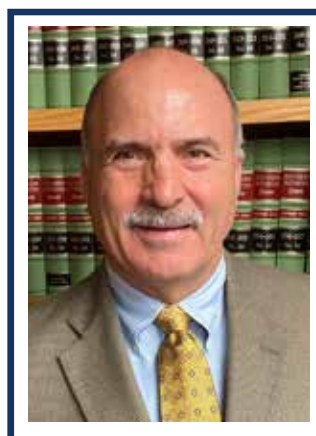


Joe Hassinger

maps welcomes 5 Superstars to your Panel of Neutrals



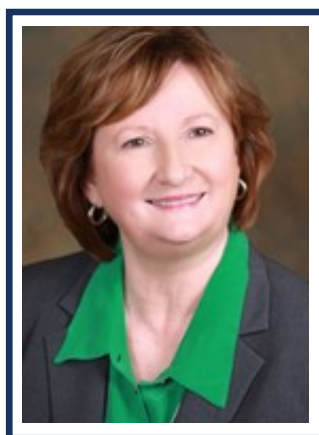
Hon. Bernette J. Johnson (ret.)



Gary J. Giepert



William "Billy" Justice



Mickey S. deLaup



John R. Walker

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Application Deadline is May 31 for Leadership LSBA 2024-25 Class

Louisiana State Bar Association (LSBA) President-Elect Patrick A. Talley, Jr. is currently seeking applications from young lawyers for the Leadership LSBA 2024-25 Class. Deadline for return of applications is May 31.

The program, created in 2002 by then-LSBA President Larry Feldman, Jr., provides exposure on how the LSBA functions as well as on the pressing issues facing the association and the legal profession. Participants also receive information on the responsibilities of volunteer leaders. Beginning in 2008, classes have been required to organize an individual class project to address needs in the profession and the community at large. The goal of the class project is to further develop young attorneys' leadership skills and to provide them with op-

portunities for statewide networking.

Prior to applying, the candidate should consider the commitment required. The candidate should have the time and ability to participate and fulfill the class requirements. By conclusion of the LSBA FY 24/25, class members will be required to:

- ▶ attend one meeting of the Board of Governors;
- ▶ attend one meeting of the House of Delegates;
- ▶ attend one meeting of the Young Lawyers Division Council;
- ▶ attend one Budget Committee meeting;
- ▶ attend one meeting of the Access to Justice Committee;
- ▶ attend one meeting of an LSBA committee of their choice;

▶ work with the class to develop and implement a class project with the help of staff; and

▶ commit to serve on an LSBA committee the year following completion of Leadership LSBA.

The class term begins in late August (orientation) and ends in June (Annual Meeting).

Expenses for attendance at meetings and activities will be reimbursed in accordance with LSBA policies.

Interested candidates should submit applications online by the May 31 deadline. Go to: www.lsba.org/goto/LeadershipLSBA.

To learn more about the program, go to: www.lsba.org/members/LSBALeadershipclass.aspx.

Dues continued from page 402

Members are encouraged to add this email address to their contact list to avoid missing important communications. Members should not reply to this email address, but rather direct questions to processing@lsba.org.

Once members have electronically filed their Attorney Registration Statements (including any necessary changes and/or updates) and made the required payments, they will receive email confirmations. The filing and payment deadline will remain July 1, 2024. The LSBA will continue to mail delinquency and ineligibility notices to those who fail to meet the deadlines.

Members who elect to pay by electronic check will continue to pay the following fees:

- ▶ LSBA dues (practicing more than three years): \$200;
- ▶ LSBA dues (Emeritus Status): \$100; and
- ▶ LSBA dues (practicing three years or less): \$80;
- ▶ LADB assessment (practicing more than three years): \$235;
- ▶ LADB assessment (Emeritus Status): \$117.50; and
- ▶ LADB assessment (practicing three years or less): \$170.

Those who are planning to pay by electronic check should contact their financial institutions to confirm that their accounts allow payment by this method. If your account is Positive Pay Protected, update the Company ID 1016207445.

As was the case last year, processing fees of 3%, plus a .20 transaction fee, will be assessed if choosing to pay by credit card. Total amounts, including assessed fees, are as follows:

- ▶ LSBA dues (practicing more than three years): \$206.20;
- ▶ LSBA dues (Emeritus Status): \$103.20; and
- ▶ LSBA dues (practicing three years or less): \$82.60;
- ▶ LADB assessment (practicing more than three years): \$242.25;
- ▶ LADB assessment (Emeritus Status): \$121.23; and
- ▶ LADB assessment (practicing three years or less): \$175.30.

Bar staff members will be available to answer questions and provide assistance to members. All questions and concerns should be directed to:

- ▶ Email — processing@LSBA.org
- ▶ Telephone — (504)566-1600 or (800)421-LSBA; ask for Payment Processing.

House Resolution Deadline is May 13 for Annual Meeting

The deadline for submitting resolutions for the next Louisiana State Bar Association's (LSBA) House of Delegates meeting is Monday, May 13.

The House will meet on Thursday, June 6, in conjunction with the LSBA's Annual Meeting at Sandestin Golf and Beach Resort in Destin, Fla.

Resolutions by House members and committee and section chairs should be mailed to LSBA Secretary Valerie T. Schexnayder, c/o Louisiana Bar Center, 601 St. Charles Ave., New Orleans, LA 70130-3404. All resolutions proposed to be considered at the meeting must be received on or before May 13. Resolutions must be signed by the author. Also, copies of all resolutions should be emailed (in MS Word format) to LSBA Executive Assistant Jen France at jen.france@lsba.org.

Access to Justice Leaders Highlight Public Interest Law During LSU Apprenticeship Week

Louisiana State University Paul M. Hebert Law Center offered upperclass students the opportunity to participate in its annual Apprenticeship Week, which began on Jan. 2, 2024. These hands-on mini courses provided law students with focused, practical training intended to mirror the actual experience of practicing law under various topics and practice areas. This year, Louisiana State Bar Association (LSBA) 2006-07 President Marta-Ann Schnabel, the LSBA's Access to Justice Program and a diverse group of access to justice leaders taught "Serving the Public and the Profession." The course posed the question "What is Justice?" and the curriculum focused on the civil legal needs of Louisiana's most vulnerable populations — exploring the challenges of representation, serving justice, and respecting the rule of law in today's legal system.

Schnabel, together with Louisiana Supreme Court Associate Justice Piper D. Griffin and Louisiana Bar Foundation President Deidre Deculus Robert, introduced the 2Ls and 3Ls to the intersection of poverty, justice and the rule of law. Discussions included a lawyer's obligation to uphold the rule of law; the role that access to the justice system plays in ensuring that the rule of law is upheld; the ways the legal profession facilitate legal representation for people who cannot afford an attorney; and the impact access to an attorney and the courts can have on multiple aspects of a litigant's life. Several guest speakers participated in the pro-



Discussing the intersection of poverty, justice and the rule of law at the Louisiana State University Paul M. Hebert Law Center's 2024 Apprenticeship Week were, from left, Louisiana Bar Foundation President Deidre Deculus Robert, Louisiana State Bar Association 2006-07 President Marta-Ann Schnabel and Louisiana Supreme Court Associate Justice Piper D. Griffin.

gram, including Janet Simmons and David Tidwell with HOPE Ministries; Caitlin P. Morgenstern and Caroline S. Newman with Emergency Legal Responders; Blake M. Allen, managing attorney at Southeast Louisiana Legal Services; Professor Virginia D. Listach of Southern University Law Center; and LSBA Access to Justice Projects Counsels Stephanie M. Beough and Rachael M. Mills.

On the practical side, students devoted the week of the program to thoughtful preparation and diligent completion of the individual and group projects assigned. Students spent an afternoon with Louisiana 1st Circuit Court of Appeal Chief Judge John Michael Guidry and Judge Christopher H. Hester and staff attorneys Caitlin Graham Fowlkes and Sherika J. Nelson. The judges and staff attorneys were generous with their time and attention to the law students, ex-

plaining procedures and commenting on the difficulties of pro se appeals. Students also participated in role-play exercises using self-represented litigant forms and hypotheticals for interview simulations with clients, including children, people with limited English proficiency and people with disabilities. The simulations were led by Kellie J. Johnson, Brittany R. Yoes and Joaquin M. Johnson with Mental Health Advocacy Service; Debra J. Weinberg and Shannon E. Barnes with Disability Rights Louisiana; Loyola University College of Law Professor Luz M. Molina; and Magaly Hayes, registered court interpreter. The simulations gave students the opportunity to understand the complexities, challenges and potential ethical dilemmas inherent in representing diverse clients. Through these simulations, students were assisted in developing the skills necessary to interview, work with and represent children, persons with disabilities and people with limited English proficiency.

"I am honored to continue to be allowed the opportunity to demonstrate to law students that service to the public and the profession is an integral aspect of the practice of law," Schnabel said. "More than anything, I am humbled by the many people who volunteer their time to contribute to this class. Justice Griffin and LBF President Robert, in particular, arrived bright and early on the morning after New Year's to share their insights with the students. It was a truly inspiring week."



Law students spent an afternoon with Louisiana 1st Circuit Court of Appeal Chief Judge John Michael Guidry and Judge Christopher H. Hester and staff attorneys Caitlin Graham Fowlkes and Sherika J. Nelson during the Louisiana State University Paul M. Hebert Law Center's 2024 Apprenticeship Week.



50-year members were honored on Jan. 19 in Baton Rouge during the 2024 Midyear Meeting. For a complete list of honorees, visit www.lsba.org/midyearmeeting/photos.aspx. Photo by Matthew Hinton Photography.

LSBA 70-, 60-, 50-Year Members Recognized

Louisiana State Bar Association (LSBA) members who have reached half a century and beyond in their professional careers were recognized at a reception on Jan. 19 in Baton Rouge, in conjunction with the LSBA's Midyear Meeting. During the reception, the honorees received medals presented by LSBA President Shayna L. Sonnier. The honorees also posed for photos with Sonnier and Louisiana Supreme Court Associate Justice James T. Genovese.

To review the list of the 70-year members (admitted in 1954), 60-year members (admitted in 1964) and 50-year members (admitted in 1974), go online to: www.lsba.org/midyearmeeting/photos.aspx.



From left, Justice James T. Genovese, a 50-year member and Louisiana Supreme Court Associate Justice; William G. Kelly, Jr., a 70-year member with LSBA President Shayna L. Sonnier on Jan. 19, 2024 in Baton Rouge during the 2024 Midyear Meeting. Photo by Matthew Hinton Photography.



60-year members were honored on Jan. 19 in Baton Rouge during the 2024 Midyear Meeting. From left, Walker H. Drake, Jr.; Donald F. deBoisblanc, Sr.; Hon. Donald M. Fendlason; James David McNeill III; Dale Edgar Branch; Joe E. Thompson; and James J. Davidson III. For a complete list of honorees, visit www.lsba.org/midyearmeeting/photos.aspx. Photo by Matthew Hinton Photography.

LBSL Accepting Bankruptcy Law Certification Applications Through Sept. 30

The Louisiana Board of Legal Specialization (LBSL) will be accepting applications for business bankruptcy law and consumer bankruptcy law certification from now through Sept. 30, 2024.

In accordance with the Plan of Legal Specialization, a Louisiana State Bar Association member in good standing who has been engaged in the practice of law on a full-time basis for a minimum of five years may apply for certification. Further requirements are that each year a minimum percentage of the attorney's practice must be devoted to the area of certification sought, passing a written examination to demonstrate sufficient knowledge, skills and proficiency in the area for which certification is sought, and five favorable references. Peer review shall be used to determine that an applicant has achieved

recognition as having a level of competence indicating proficient performance handling the usual matters in the specialty field. Refer to the LBSL standards for the applicable specialty for a detailed description of the requirements for application: www.lsba.org/documents/Specialization/LSBAPlanofLegalspecialization2017.pdf.

In addition to the above, applicants must meet a minimum CLE requirement for the year in which application is made and the examination is administered. Bankruptcy Law CLE is regulated by the American Board of Certification, the testing agency.

Approved specialization CLE courses can be viewed on the LBSL Approved Course Calendar at: www.lsba.org/MCLE/MCLECalendar.aspx?L=S. Check off your specialization and click on "Search Courses" to find approved specialization CLE.

With regard to applications for business bankruptcy law and consumer bankruptcy law certification, although the written test(s) is administered by the American Board of Certification, attorneys should apply for approval of the Louisiana Board of Legal Specialization simultaneously with the testing agency in order to avoid delay of board certification by the LBSL. Information concerning the American Board of Certification will be provided with the application form(s).

Anyone interested in applying for certification should contact LBSL Specialization Director Mary Ann Wegmann, email maryann.wegmann@lsba.org, or call (504)619-0128. For more information, go to the LBSL website: www.lsba.org/specialization/.



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monthly magazine and attending the association's outstanding CLE programs at a discounted rate.

Events like LAJ's always popular Annual Convention, Fall Conference and membership luncheons around the state provide additional opportunities to build relationships with colleagues.

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LOCAL Practice

By Thomas M. Hayes III | 4TH JUDICIAL DISTRICT COURT

Located in the northeast quadrant of Louisiana, the 4th Judicial District Court covers Ouachita and Morehouse parishes. La. R.S. 13:477(4). Both parishes are within the territorial jurisdiction of the Louisiana 2nd Circuit Court of Appeal and Supreme Court District 4.

The Ouachita Parish Courthouse is in the city of Monroe, two city blocks north of Interstate 20, on South Grand Street, facing west to the Ouachita River. The public entrance is from the west (river) side of the courthouse.

The Morehouse Parish Courthouse is in Bastrop, on the courthouse square at the junction of U.S. Highway 165, La. Highway 139 and U.S. Highway 425. It is about 27 miles north of the Ouachita Parish Courthouse. The courthouse can be entered from either the north or south side.

Both courthouses emphasize security and require that all people and their papers, purses, briefcases and materials pass through a metal detector. Cell phones are not permitted in the courtrooms, except those held by counsel and then only when silenced in airplane mode.

There are 11 judges of the 4th Judicial District Court. La. R.S. 13:621.4. By Local Court Rule 3.1, five judges are assigned to civil court sections, five judges are assigned to criminal court sections, and one judge is assigned to a juvenile/drug court section. There are also three



hearing officers who assist the civil judges in resolving and ruling on domestic disputes.

The court's website, www.4jdc.com, provides key information about the court, including addresses, telephone numbers, directions and histories; specific rules of the court extracted from the Appendices of the Rules for Louisiana District Courts; and a comprehensive "Court Schedule by Courtroom," identifying the courtrooms

in each parish in which every judge of every section will sit during each week of the year, along with the nature of the proceedings for each courtroom (*i.e.*, hearings, bench trial or jury trial). The court's website also publishes weekly dockets for the two parishes, schedules for hearing officers, a monthly calendar for the judge of each civil and criminal section, and various forms for use by counsel and pro se litigants.



City skyline at night in Monroe, LA



The Ouachita Parish Courthouse was built in the 1930s and is in Monroe. Photo by Billy Hathorn, Creative Commons Attribution license. In Wikipedia. https://en.wikipedia.org/wiki/Ouachita_Parish,_Louisiana



The Morehouse Parish Courthouse was built in 1914 and is located in the center of downtown Bastrop. Photo by Billy Hathorn, Creative Commons Attribution license. In Wikipedia. https://en.wikipedia.org/wiki/Morehouse_Parish_Courthouse

Of particular importance is a mandatory form titled “Return Date/Hearing Cover Sheet,” also known as the “Pink Slip” (a holdover from the time when the printed form was on pink paper). All motions, exceptions and requests for hearing officer conferences and pretrial conferences must be filed in the office of the clerk of court, along with a completed Return Date/Hearing Cover Sheet. After the filing of a pleading requiring an order, the clerk’s office will forward to the assigned judge or duty judge the filed pleading and the proposed order for signature by the judge. After the judge signs an order, the judge’s office will file the order with the clerk. The clerk’s office will serve signed orders and notices of hearings and conferences.

Local Rule 3.2 (as amended by standing COVID Orders) provides for a civil duty judge to preside at Motion Hour at 9:30 a.m. Monday through Friday, and for the signing of orders related to emergency matters when the judge to whom the case is assigned is unavailable. Importantly, the Return Date/Hearing Cover Sheet also must be completed and filed to obtain a hearing at Motion Hour.

Contact information for the two clerk’s offices is as follows:

► **Clerk of Court, Ouachita Parish Courthouse**, (318)327-1444; 300 St. John St., Monroe, LA 71201; P.O. Box 1862, Monroe, LA 71210-1862.

► **Clerk of Court, Morehouse Parish Courthouse**, (318)281-3343; 100 E. Madison Ave., Bastrop, LA 71220.

Other Courts in Ouachita and Morehouse Parishes

The Monroe Division of the U.S. District Court for the Western District of Louisiana is located at 201 Jackson St. in Monroe, one block east of the Ouachita Parish Courthouse.

The Louisiana Workers’ Compensation Court for District 1 East (Monroe) is located at Ste. 301, 1401 Hudson Lane, Monroe.

Monroe City Court is located at 600 Calypso St., Monroe. West Monroe City Court is located at 2303 North 7th St., West Monroe.

Bastrop City Court is located at 202 E. Jefferson Ave., Bastrop, on the corner of East Jefferson and South Franklin, across the street from the Morehouse Parish Courthouse.

Hotels and Restaurants

Many national hotels and restaurants can be found along Interstate 20 on the eastern side of Monroe and west of Thomas Road in West Monroe. Rooms for overnight or weekly stays can also be found in or near downtown Monroe and

West Monroe through VRBO or bed-and-breakfast facilities found on the Internet.

There are several restaurants in downtown Monroe and West Monroe near the Ouachita Parish Courthouse, including Standard Coffee, Warehouse No. 1, Parish Restaurant, Cotton, Doe’s Eat Place, Trapps and Kayla’s Kitchen. Restaurants near the courthouses in Bastrop include P.J.’s Eat-a-Bite, Slayden’s BBQ, The Fish Market Restaurant, Mack’s Bar-B-Cue and Sam’s Southern Eatery.

Thomas M. Hayes III has practiced law for 45 years in Monroe. He is a member of the Patterson Resolution Group, LLC, and now limits his practice to mediation and arbitration. He received a BA degree, with honors, in 1974 from the University of the South, Sewanee, TN, and his JD degree in 1977 from Louisiana State University Paul M. Hebert Law Center. A two-term member of the Louisiana State Bar Association’s Board of Governors and an officer and former president of the Louisiana State Law Institute, he received the Louisiana Bar Foundation’s Distinguished Attorney Award in 2016 and the LSU Paul M. Hebert Law Center’s Distinguished Achievement Award in 2018. (tomhayes3@outlook.com; 2509 Myrtle St., Monroe, LA 71201)



Have an idea for a “Local Practice” article or, better yet, want to write one? Email Publications Coordinator Darlene M. LaBranche with your ideas at dlabranche@lsba.org.

PRACTICE Management

By Andrea Brewington Owen

SOLE PRACTITIONERS: VIRTUAL OFFICE SPACE

Until recent years, solo practitioners had two options for their law practice. They could rent office space or share office space with another firm to save on overhead expenses. The COVID-19 pandemic solidified a third option, the virtual law office, which had begun to gain in popularity along with advances in technology. For a myriad of reasons, including rising economic pressures and a desire for flexibility, some solo attorneys are choosing to practice in non-traditional virtual office space. In the previous article (published in the February/March 2024 *Louisiana Bar Journal*), we discussed how attorneys can minimize risks when sharing office space with an unassociated firm. Similarly, a virtual practice can be successfully executed as long as proper risk management strategies are in place. The tips below are a non-exhaustive list of factors to weigh when determining whether virtual practice is right for you.

Consider your type of practice. Who is your target market? Practices focused on research and writing, like appellate brief writers, are well-suited to using a virtual law office. On the other hand, practices involving clients who expect face-to-face meetings are not well-suited for virtual practice. Think through how technologically competent your clients are and whether they will be able to electronically sign documents or would need to come to a physical location to sign, such as in an estate planning practice. Do you need the visibility of a physical office in a high-traffic area of town for marketing purposes? Small-town general practitioners often count on the physical office space for visibility and even gain

walk-in business. Make sure your clients understand your practice situation at the outset of the representation to set expectations.

Staff considerations. Will you need staff? Working in a virtual office space does not alleviate you from the supervisory responsibilities in Rule 5.3 of the Louisiana Rules of Professional Conduct, so you will need a plan in place to properly supervise any non-lawyer or lawyer. Consider using one of the vendors on the market to assist you if you do not need full-time staff. One particularly helpful one is a virtual receptionist service. Make sure to have a proper contract in place that helps to mitigate any outsourcing risk.

Technology needs. Most importantly, the virtual solo needs to have a secure Internet connection. Get a dedicated office virtual number (VoIP) and avoid using your personal cell phone to keep your personal life and professional life clearly separate. Have a videoconferencing platform that is reliable, secure and makes it simple for clients to connect to you and avoid frustration on their part. If you need to share documents with your client, a client portal is the safest way for you to transmit client information and allow clients to access that information. Review the terms of all IT vendors to make certain they are adequately protecting your confidential data. Cybersecurity and data protection should be on the forefront of every practitioner's business plan, but it's especially vital to consider when you don't have a firm IT department to do the heavy lifting. You also need to have antivirus protection, reliable modes of backup and a Cyber Insurance Policy.

"Office space." Have a dedicated office in your home that looks profes-

sional on video conferencing. Make a plan to obtain physical conference space when needed. There will be a time in every practice when you will need to meet with a client face-to-face. Some bar associations, for example, allow space rental. Some of your colleagues may rent their conference room to you. If you are considering a co-working space for use of a conference room, don't have client conversations or meetings in a place that they can be overheard. This also holds true for situations where you have spouse or roommate in your home. Working virtually does not alleviate you from following the Rules of Professional Conduct.

Other considerations. Become familiar with the physical office provision in the Rules if you plan to advertise. Be cautious about telecommuting and don't run afoul of the unauthorized practice of law rules in other states. Just because you don't have physical office space, make sure you have proper business and malpractice policies to protect your practice and minimize risk.

Andrea Brewington Owen is a professional liability loss prevention counsel for the Louisiana State Bar Association and is employed by Gilsbar in Covington. She received a BA degree from Auburn University and her JD degree in 2005 from Loyola University New Orleans College of Law.

She is licensed to practice law in Louisiana and Alabama. She assists the Louisiana practitioner in preventing legal malpractice, improving office practices and procedures, and lectures on ethics as part of MCLE requirements. Email her at anowen@gilsbar.com.



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Lawyers ASSISTANCE

By Dr. Angela White-Bazile, Esq.

BEST PRACTICES: ADEQUATE SLEEP

One sheep, two sheep, three sheep — another night of tossing and turning and not being able to silence the voice in your head.

What keeps you up at night? Is it the pressure of a looming deadline, heavy caseload, concerns about clients, or working towards partnership? Is it the loss of a loved one, loss of a job, marital and family breakups, or a frightening medical diagnosis?¹

We need sleep for our health and well-being, just as we need food, water and air. Yet, most of us are not getting the quality and quantity of sleep we need. We view getting good sleep as a luxury instead of a necessity.² Why is getting a good night's sleep a rarity when we are not built to operate on a few hours of sleep?

The practice of law is an adversarial process with tremendous levels of responsibility and mountains of work. We know our profession can be physically demanding and cause high levels of stress even outside of the work environment. Some of us even have an innate ability to thrive under pressure. However, have you ever considered the damaging and harmful impact working from dawn until dusk can have on your sleep patterns and overall health?³

Based on our work schedules and personal responsibilities, there are never enough hours in the day. To get by, many of us work late into the night or get up early — robbing our bodies and brains of much-needed time to rest, recover and reset. As a result of lack of sleep, our minds are not as sharp and focused; facts and information that were previously recalled easily now escape us; and we have trouble concentrating and must read and reread important case documents.

Lack of sleep is causing us to be physically worn out and often feel unwell.⁴ According to the American Academy of Sleep Medicine, attention deficits, increased



errors, forgetfulness and distractibility are some of the primary effects of sleep deprivation.⁵ Not getting enough sleep may be a sleep-related disorder such as:

- ▶ Insomnia, difficulty falling or staying asleep;
- ▶ Sleep Apnea, irregular breathing that causes multiple awakenings;
- ▶ Restless Leg Syndrome, an unpleasant sensation that prompts night fidgeting; or
- ▶ Narcolepsy, extreme sleepiness or falling asleep suddenly during the day.⁶

Various studies have shown that a lack of sleep has a similar effect to drinking too much alcohol. Did you know that being awake for 18 hours straight is equivalent to driving with a blood-alcohol concentration level of 0.05 percent? When you have been awake for 24 hours, that is equivalent to having a blood-alcohol concentration level of 0.10 percent.⁷ Recall that a blood-alcohol concentration level of 0.08 percent is the threshold for a DWI.

Sufficient sleep is important for our health and well-being and also for our cognitive performance and workplace productivity. Per Louisiana Rule of Professional Conduct 1.1, lawyers are obligated to provide competent representation to their clients.⁸ Is it possible to competently prepare

defenses for clients facing a lifetime in jail or handle other high-stakes matters while operating on only a few hours of sleep? Sleep loss and sleep-related disorders may lead to missing a deadline, overlooking important legal authority, or dozing off during a court appearance or while driving. Have you ever wondered how many wrongful convictions, dismissed cases or botched contracts are attributable to lack of sleep?⁹

How many hours do you sleep at night? To function at an optimal level, the average adult requires between seven to nine hours of sleep per night, according to the National Sleep Foundation. Serious mental, emotional and physical side effects, aside from decreased cognitive functioning, have been linked to getting too little sleep, including mood swings, weight gain, and an increased risk for heart disease, heart attack, heart failure, high blood pressure, stroke and diabetes.¹⁰

If you are not consistently getting at least seven hours of sleep and waking up feeling rested and alert, you are not alone. Are you aware that attorneys are among the most sleep-deprived group of professionals? Lack of sleep is a public health problem, according to the Centers for Disease Control and Prevention, which

reports that more than one-third of U.S. adults do not get enough sleep.¹¹ The compound effects of consistently sleeping less than seven hours a night affect an individual's ability to concentrate, reason and make sound decisions — all essential skills when practicing law.¹²

Undervaluing sleep and poor sleep habits often begin at the undergraduate level, with all-night cram sessions. This unhealthy habit continues through law school and into practice, with young associates sacrificing precious hours of slumber to prove their worth. One day, you stop and realize you have not enjoyed consistent or quality sleep in years. Whether you recognize it or not, you pay the price mentally, emotionally and physically. Lack of sleep takes a tremendous toll on your body and can lead to severe health conditions that diminish your quality of life.¹³

A life of sleep deprivation does not have to be your reality. Now is the time to change how we think about exhaustion and fatigue. We need to start adopting more healthy lifestyles and attitudes as rates of burnout, depression and anxiety in our profession continue to increase.¹⁴ Also, understand that sleep difficulties can contribute to and intensify the symptoms of mental health conditions like depression, anxiety and bipolar disorder.¹⁵ Make sleep a priority to live a better, healthier and happier life.

To create an inviting and relaxing space conducive to sleep, try these tips:

- ▶ The light from computer screens, cell phones and other electronic devices prevents our bodies from preparing for sleep. Stop screen time at least one hour before bed. Our brains need some time to adjust to a more restful state.

- ▶ Your bed should be a place for sleeping, not finalizing motions or responding to emails.

- ▶ Be careful with alcohol at the end of the evening. Alcohol may help you fall asleep, but it interferes with deep restorative sleep and can leave you tired.

- ▶ Move dinnertime up to allow your body to begin digesting before winding down for sleep. Going to bed too full can cause wakefulness.

- ▶ Moderate liquid consumption just before bed to minimize nighttime trips to



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the restroom.

- ▶ Work through worries. Carve out 10 to 15 minutes earlier in the day to think about work and personal matters so you are not lying awake thinking when you should be sleeping. Write down your to-do list to release your worries.

- ▶ Caffeine can stay in your system for hours. That cup of coffee you need to power through afternoon tasks can keep you up at night. Some teas, chocolates and soft drinks contain caffeine, too.

- ▶ Smokers are recommended to refrain from tobacco products close to bedtime as nicotine is a stimulant.

- ▶ Try to keep a consistent sleep schedule. Major discrepancies between your weekday and weekend sleep schedules can cause you to feel exhausted.

- ▶ Use blackout curtains or a white noise machine to help mute distracting visual and audio commotions.

- ▶ Studies show that people who regularly exercise fall asleep faster and stay asleep longer.

- ▶ Do not watch the clock. Looking at the clock when unable to sleep can exacerbate anxiety and make it harder to fall asleep. Our minds typically start calculating how many potential hours we have left to sleep.

- ▶ If you have problems falling asleep at the beginning of the night, avoid napping or nap earlier in the day.¹⁶

Reach out to your primary care physician or seek a referral to a sleep specialist if you are having trouble performing daily activities. Do not ignore sleep deprivation since the consequences can be devastating to your health, well-being and career.

If you or someone you know needs as-

sistance, contact JLAP at (985)778-0571, email jlap@louisianajlap.com or visit the website, www.louisianajlap.com. JLAP provides confidential services and support to judges, lawyers and law students. The call costs nothing but could make a life-changing difference.

We are a CONFIDENTIAL Safe Haven of Healing.

FOOTNOTES

1. Luisa Bazan, "How Sleep Affects Your Health," American Bar Association (April 25, 2019), https://www.americanbar.org/groups/young_lawyers/publications/tyl/topics/work-life/sleep-and-your-health/.

2. Dyan Williams, "Sleep Debt: A Cause of (and a Potential Mitigating Factor for) Lawyer Misconduct – Part 1," Dyan Williams Law (May 23, 2019), <https://dyanwilliamslaw.com/2019/05/sleep-debt-a-cause-of-and-a-potential-mitigating-factor-for-lawyer-misconduct/>.

3. "Why sleep is essential for attorneys' well-being and performance," Thomson Reuters, (Feb. 6, 2020), <https://legal.thomsonreuters.com/blog/why-sleep-is-essential-for-attorneys-well-being-and-performance/>.

4. *Id.*

5. John Marsella, "Go to Bed: The Ethics of Exhausted Lawyering," New York State Bar Association (Jan. 5, 2021), <https://nysba.org/go-to-bed-the-ethics-of-exhausted-lawyering/>.

6. Williams, *supra* note 2.

7. Bazan, *supra* note 1.

8. "Rules of Professional Conduct," Louisiana State Bar Association, <https://www.lsba.org/PracticeAssistance/ROPC.aspx>.

9. Marsella, *supra* note 5.

10. "Why sleep is essential for attorneys' well-being and performance," *supra* note 3.

11. Marsella, *supra* note 5.

12. "Why sleep is essential for attorneys' well-being and performance," *supra* note 3.

13. *Id.*

14. Marsella, *supra* note 5.

15. "Is Stress and Insomnia Affecting Your Law Practice?" Mind Over Law, (Aug. 6, 2019), <https://mindoverlaw.com/is-stress-and-insomnia-affecting-your-law-practice/>.

16. Bazan, *supra* note 1; "Why sleep is essential for attorneys' well-being and performance," *supra* note 3; Marsella, *supra* note 5; "Is Stress and Insomnia Affecting Your Law Practice?," *supra* note 15.

Dr. Angela White-Bazile, Esq., is the executive director of the Louisiana Judges and Lawyers Assistance Program, Inc. (JLAP) and can be reached at (985)778-0571, toll-free (866)354-9334 or by email at jlap@louisianajlap.com.



LSBA Hosts 15th Annual Conclave on Diversity

The Louisiana State Bar Association hosted the 15th Annual Conclave on Diversity in the Legal Profession on Aug. 11, 2023, in New Orleans. The theme was “From Theory to Practice.”



Conclave Corporate Breakfast speakers, from left, Robert (Jason) Burch, legal director, UBER, US Regulatory, New York, NY; Debra P. Coleman, association general counsel, Amazon, Seattle, WA; and Conclave Co-Chair Demarcus J. Gordon, moderator, Kelly Hart & Pitre, New Orleans.

The Conclave continues to serve as an opportunity for attorneys and judges to discuss the importance of diversity, equity and inclusion in the legal profession. The Conclave is a success because



Anne M. Brafford, JD, founder, Aspire, Los Angeles, CA, gave the keynote address on “DEI Mental Toolkit.”

of the attendees, speakers and sponsors.

Photos by Emily Scalf, Sunlit Studio Photography



Louisiana Supreme Court Chief Justice John L. Weimer III, left, presented the Committee on Diversity in the Legal Profession Award to Scherri N. Guidry, 15th Judicial District Public Defenders Office, Opelousas.



Professor D. Wendy Greene, right, director, Center for Law, Policy & Social Action, Drexel University Thomas R. Kline School of Law, Philadelphia, PA, presented Plenary Session One on “Diversity, Equity and Inclusion: What’s Hair Got to Do with It?” With her is Conclave Chair J. Dalton Courson, Disability Rights Louisiana.



Plenary Session Two, “The Future of Work: Corporations Accelerating Change in the Legal Profession,” was presented by, from left, Lacy Durham, Constellation Energy, Houston, TX; Joy Lyu Monahan, AbbVie, Chicago, IL; and Michael L. Binns, Meta, PLLC, New York, NY.



Meredith (Taylor) Brown, staff attorney, LGBT & HIV Project, American Civil Liberties Union, New York, NY, presented Plenary Session Four, “Intersectional Survey of LGBTQ+ Civil Rights in 2023: Transgender Civil Rights and Liberties in the Crosshairs.”



Plenary Session Three, “Gideon at 60: The Ethical Implications as the Legal Profession Evolves,” was presented by, from left, Daniel L. Engelberg, chief public defender, Orleans Public Defenders, New Orleans; Chanel D. Long, Morris Bart, LLC, New Orleans; and Judge (Ret.) Arthur L. Hunter, Jr. moderator, New Orleans.



From left, Conclave Co-Chair Demarcus J. Gordon, Kelly Hart & Pitre; Conclave Co-Chair Susan R. Laporte, Kuchler Polk Weiner, LLC; and Conclave Chair J. Dalton Courson, Disability Rights Louisiana.



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- Eminent domain

REPORT BY DISCIPLINARY COUNSEL

Public matters are reported to protect the public, inform the profession and deter misconduct. Reporting date Feb. 1, 2024.

Decisions

Janeane Gorcyca Abbott,
Prairieville, (2023-B-00852)
Suspended for three years by order
of the Louisiana Supreme Court on
Dec. 8, 2023. JUDGMENT FINAL and
EFFECTIVE on Dec. 22, 2023.

Jonathan Andry, Metairie, (2023-
B-0374) **Reciprocal discipline in the
form of a one-year suspension from
the practice of law by the United
States District Court for the Eastern
District of Louisiana** by order of the

Louisiana Supreme Court on Nov.
15, 2023. JUDGMENT FINAL and
EFFECTIVE on Nov. 29, 2023. *Gist:*
The respondent's conduct involved im-
proper referral payments to another at-
torney.

David Band, Jr., New Orleans,
(2023-B-00284) **Suspended for six
months, with all but 30 days deferred.
He must comply with additional or-
ders of the Court before being re-
instated to practice law**, by order of
the Louisiana Supreme Court on Nov.
17, 2023. Rehearing denied on Jan.

25, 2024. JUDGMENT FINAL and
EFFECTIVE on Jan. 25, 2024. *Gist:*
Respondent communicated with a per-
son known to be represented by counsel
and made a false statement to the ODC
during its investigation.

Albert A. Bensabat III, Hammond,
(2023-B-00620) **Suspended from the
practice of law for three years, fully
deferred, subject to probation with
conditions**, by order of the Louisiana
Supreme Court on Dec. 8, 2023.

Continued next page



Advice and Counsel Concerning Legal & Judicial Ethics

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damon@swmethicslaw.com

JUDGMENT FINAL and EFFECTIVE on Jan. 25, 2024. *Gist:* Arrested on charges of DWI and careless operation of a vehicle; and failure to reconcile trust account on a regular basis.

G. Karl Bernard, New Orleans, (2023-B-01134) **Consented to a one-year-and-one-day period of suspension, with all but 30 days deferred, followed by two years of probation**, by order of the Louisiana Supreme Court on Jan. 10, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 10, 2024. *Gist:* Respondent grossly mishandled his client trust account, resulting in the conversion of client and third-party funds, and represented a party although he realized that doing so would constitute a conflict of interest.

Nicole E. Burdett, New Orleans, (2023-B-1399) **Suspended by consent from the practice of law for two years, with six months deferred, retroactive to Sept. 15, 2022, the date of her interim suspension**, by order of the Louisiana Supreme Court on Dec. 19, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2023. *Gist:* Making and subscribing a false tax return; and violating or attempting to violate the Rules of Professional Conduct.

Kevin Matthew Dantzer, Alexandria, (2023-B-0966) **Permanently disbarred from the practice of law** by order of the Louisiana Supreme Court on Dec. 5, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2023. *Gist:* Respondent was arrested for issuing worthless checks and twice convicted of possession of illegal narcotics. Respondent also failed to cooperate with the ODC in its investigation.

Clifton M. Davis III, New Orleans, (2023-B-1222) **Suspended by consent for one year and one day from the practice of law** by order of the Louisiana Supreme Court on Dec. 19, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2023. *Gist:* Respondent practiced law during several periods in which he was ineligible to do so; mishandled his trust account, resulting in the conversion of client funds; and failed to disburse funds owed to third-party providers. Respondent then failed to cooperate with the ODC in its investigation.

Melissa Michelle Ramsey Eldridge, Walker, (2023-B-01391) **Disbarred from the practice of law** by order of the Louisiana Supreme Court on Jan. 10, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 24, 2024. *Gist:* Respondent engaged in a pattern of neglect, abandoned her law practice, failed to communicate, failed to return unearned fees and did not cooperate with the ODC in its investigations.

Tim L. Fields, Pass Christian, MS, (2023-B-0343) **Suspended for three years** by order of the Louisiana Supreme Court on Nov. 17, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 1, 2023. *Gist:* Respondent failed to properly supervise his non-lawyer staff, resulting in the conversion of approximately \$4.2 million belonging to third parties; intentionally continued to convert third-party funds totaling approximately \$1.8 million in order to pay older third-party debts; failed to maintain a trust account for several years; lied on his trust account disclosure statements that he did not handle client funds; allowed non-lawyers to sign trust account checks; charged clients for inappropriate office expenses; settled a client's personal injury claim without the client's knowledge or consent; and lied to the ODC during its investigation. Respondent acted negligently, knowingly and intentionally in violating duties owed to his clients, the public, the legal system and the legal profession. His conduct caused actual and potential harm to his clients, third-party providers and the legal profession.

J. Antonio Florence, Shreveport, (2023-B-0592) **Suspended for one year**

and one day by order of the Louisiana Supreme Court on Dec. 8, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 22, 2023. *Gist:* Neglected a legal matter; failed to address fee disputes; made false statements and provided false evidence to the ODC during an investigation; was found in contempt of court for challenging a judge's authority during a hearing; and engaged in dishonest conduct.

Tristan P. Gilley, Shreveport, (2023-B-00935) **Suspended from the practice of law for six months, with all but 90 days deferred, subject to a one-year period of probation**, by order of the Louisiana Supreme Court on Dec. 5, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2023. *Gist:* Respondent failed to provide competent representation to a client; neglected a legal matter; failed to communicate with a client; failed to make reasonable efforts to expedite litigation; failed to cooperate with ODC in its investigation; misled a client about the status of his matter; and engaged in conduct prejudicial to the administration of justice.

Jim S. Hall, Metairie, (2023-B-00935) **Suspended from the practice of law for a period of four months, deferred in its entirety**, by order of the Louisiana Supreme Court on Dec. 5, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2023. *Gist:* Respondent made false statements to a tribunal; failed to submit an advertisement for review by the LSBA; and engaged in other violations of the lawyer advertising rules.

Continued next page

CHRISTOVICH & KEARNEY, LLP
ATTORNEYS AT LAW

DEFENSE OF ETHICS COMPLAINTS AND CHARGES

KEVIN R. TULLY
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601 POYDRAS STREET, SUITE 2300
NEW ORLEANS, LA 70130

DISCIPLINARY REPORT: UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

The following is a verbatim report of the matters acted upon by the United States District Court for the Eastern District of Louisiana, pursuant to its Disciplinary Rules. This information is published at the request of that court, which is solely responsible for the accuracy of its content. This report is as of Jan. 31, 2024.

Respondent	Disposition	Date Filed	Docket No.
Ricardo A. Caballero	[Reciprocal] Suspension (partially deferred).	1/29/24	23-2778
Davd L. Coleman II	[Reciprocal] Suspension (fully deferred).	12/6/23	23-2779
Richard Collins Dalton	[Reciprocal] Public reprimand.	12/6/23	23-2781
Shannon Casey Rodriguez	[Reciprocal] Suspension.	1/3/24	23-5293
William A. Roe	[Reciprocal] Suspension.	1/3/24	23-2782
Chester J. Rothkamm, Jr.	[Reciprocal] Suspension (fully deferred).	1/3/24	23-1899
Paul J. Tellarico	[Reciprocal] Suspension (fully deferred).	12/6/23	23-2780

Discipline continued from page 417

Donovan Kenneth Hudson, Opelousas, (2023-B-01261) **Disbarred from the practice of law retroactive to his interim suspension in *In Re: Hudson*, 22-0942 (La. 6/23/22), 340 So.3d 879**, by order of the Louisiana Supreme Court on Dec. 19, 2023. JUDGMENT FINAL and EFFECTIVE on Jan. 2, 2024. *Gist*: Arrested on charges of resisting an officer by force of violence; arrested on two counts of forgery and two counts of presenting forged court orders; failure to communicate with clients; failure to refund an unearned fee; and failure to cooperate with disciplinary proceedings.

Bonnie B. Humphrey, New Orleans, (2023-OB-1268) **Readmitted to the practice of law with conditions** by order of the Louisiana Supreme Court on Dec. 5, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 5, 2023.

Benji J. Istre, Ragley, (2023-OB-01432) **Voluntarily permanently resigned in lieu of discipline from the practice of law** by order of the Louisiana Supreme Court on Jan. 10, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 10, 2024.

George R. Knox, Lafayette, (2023-B-01675) **Interimly suspended from the practice of law** by order of the Louisiana Supreme Court on Dec. 21, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 21, 2023.

Timothy James Martinez, Baton Rouge, (2023-B-1590) **Interimly suspended from the practice of law** by or-

der of the Louisiana Supreme Court on Dec. 6, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 6, 2023.

David J. Motter, Metairie, (2023-OB-01443) **Granted reinstatement to the practice of law** by order of the Louisiana Supreme Court on Jan. 17, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 17, 2024. *Gist*: Mr. Motter is to be immediately reinstated to the practice of law in Louisiana, subject to an 18-month period of probation with the conditions set forth in the Louisiana Supreme Court order.

Mark Jeffrey Neal, Monroe, (2023-B-0344) **Suspended from the practice of law for a period of one year and one day, with all but six months deferred, subject to probation with conditions**, by order of the Louisiana Supreme Court on Nov. 17, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 1, 2023. *Gist*: The commission of a criminal act (battery).

John William Norwood IV, New Orleans, (2023-B-01378) **Suspended by consent for six months, followed by a one-year period of probation and successful completion of the LSBA Ethics School**, by order of the Louisiana Supreme Court on Dec. 19, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2023. *Gist*: Respondent made false statements of material fact to the ODC and provided the ODC with falsified documentary evidence.

Gerald F. Palmer, New Orleans, (2023-OB-01545) **Readmitted to the practice of law** by order of the Louisiana Supreme Court on Jan.

24, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 24, 2024.

Andrew Clay Saltamachia, Baton Rouge, (2023-OB-1621) **Transferred to disability inactive status** by order of the Louisiana Supreme Court on Dec. 12, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 12, 2023.

Maxwell Peter Smitko, Houma, (2023-B-01208) **Suspended from the practice of law for a period of three years** by order of the Louisiana Supreme Court on Dec. 19, 2023. JUDGMENT FINAL and EFFECTIVE on Jan. 2, 2024. *Gist*: Respondent practiced law while ineligible to do so; neglected legal matters; failed to communicate with clients; failed to timely refund unearned fees; and failed to cooperate with the ODC in its investigations.

Cameron Sean Snowden, Baton Rouge, (2023-B-01398) **By consent, suspended for nine months from the practice of law** by order of the Louisiana Supreme Court on Dec. 5, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2023. *Gist*: Respondent failed to communicate with clients; neglected legal matters; engaged in dishonest conduct; and engaged in conduct prejudicial to the administration of justice.

Manfred Max Sternberg, Houston, TX, (2023-B-01345) **By consent, enjoined for a period of one year from seeking full admission to the Louisiana Bar or seeking admission to practice in Louisiana on any temporary or limited basis, including, but not limited to, seeking pro hac vice**

admission before a Louisiana court pursuant to Supreme Court Rule XVII, § 13 or seeking limited admission as an in-house counsel pursuant to Supreme Court Rule XVII, §14, by order of the Louisiana Supreme Court on Jan. 17, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 17, 2024. *Gist:* Respondent engaged in the unauthorized practice of law.

Blake G. Williams, Sr., Bessemer, AL, (2023-OB-01347) **Denied readmission to the practice of law** by order of the Louisiana Supreme Court on Jan. 10, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 24, 2024.

Marsha A. Willis, Baton Rouge, (2023-OB-01537) **Transferred to disability inactive status** by order of the Louisiana Supreme Court on Nov. 29, 2023. JUDGMENT FINAL and EFFECTIVE on Nov. 29, 2023.

Admonitions

1 Violation of Rule 1.5(a) — (Fees) A lawyer shall not make an agreement for,

charge or collect an unreasonable fee or an unreasonable amount for expenses.

1 Violation of Rule 1.5(f)(3) — (Fees) Payment of fees in advance of services shall remain the property of the client and must be placed in the lawyer's trust account.

1 Violation of Rule 1.5(f)(4) — (Fees) Payment to the lawyer of advance deposit to be used for expenses shall remain the property of the client and must be placed in the lawyer's trust account.

1 Violation of Rule 1.15(a) — (Client-Attorney Relationship) Safekeeping of client or third person's property.

2 Violations of Rule 7.2(a)(1) — (Communications Concerning a Lawyer's Services) Lawyer ran an advertisement that failed to include the full name of at least one lawyer responsible for the content.

3 Violations of Rule 7.2(a)(2) —

(Communications Concerning a Lawyer's Services) Lawyer ran an advertisement that failed to identify the city of a bona fide office location.

5 Violations of Rule 7.2(a)(3) — (Communications Concerning a Lawyer's Services) Lawyer ran an advertisement that failed to include the required LSBA registration number.

1 Violation of Rule 7.2(c)(1)(H) — (Prohibitions and General Rules Governing Content of Advertisements and Unsolicited Written Communications) Lawyer failed to disclose the status of someone as a compensated spokesperson.

4 Violations of Rule 7.7(c) — (Evaluation of Advertisements) Lawyer failed to pre-file an ad with the LSBA.

1 Violation of Rule 8.4(a) — (Misconduct) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.

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CLIENT ASSISTANCE FUND PAYMENTS - JANUARY, MARCH, MAY & OCTOBER 2023

Attorney	Amount Paid	Gist
Christopher Dowd Hatch	\$30,000.00	#2181 — Unearned fee in a criminal matter
Christopher Dowd Hatch	\$14,000.00	#2188 — Unearned fee in a criminal matter
Christopher Dowd Hatch	\$7,500.00	#2193 — Unearned fee in a criminal matter
Christopher Dowd Hatch	\$9,500.00	#2198 — Unearned fee in a criminal matter
Christopher Dowd Hatch	\$1,000.00	#2206 — Unearned fee in a criminal matter
Christopher Dowd Hatch	\$10,050.00	#2185 — Unearned fee in a criminal matter
Christopher Dowd Hatch	\$7,500.00	#2231 — Unearned fee in a criminal matter
Christopher Dowd Hatch	\$9,000.00	#2236 — Unearned fee in a criminal matter
Christopher Dowd Hatch	\$2,000.00	#2187 — Unearned fee in a criminal matter
Christopher Dowd Hatch	\$10,000.00	#2177 — Unearned fee in a criminal matter
Christopher Dowd Hatch	\$20,000.00	#2173 — Unearned fee in a criminal matter
Christopher Dowd Hatch	\$21,000.00	#2182 — Unearned fee in a criminal matter
Christopher Dowd Hatch	\$4,500.00	#2183 — Unearned fee in a criminal matter
Christopher Dowd Hatch	\$4,500.00	#2229 — Unearned fee in a criminal matter
Donovan K. Hudson	\$3,000.00	#2203 — Unearned fee in a civil matter
Scott W. McQuaig	\$12,000.00	#2239 — Conversion in a personal injury matter
Justin T. Merritt	\$11,531.43	#2102 — Conversion in a succession matter
Zachary R. Moffett	\$3,500.00	#2143 — Unearned fee in a succession matter
Zachary R. Moffett	\$5,000.00	#2144 — Unearned fee in an interdiction matter
Ned F. Sonnier, Sr.	\$4,000.00	#2152 — Unearned fee in an immigration matter
Ned F. Sonnier, Sr.	\$1,750.00	#2194 — Unearned fees in a succession and property matters
Ned F. Sonnier, Sr.	\$1,546.00	#2204 — Unearned fee in a business dispute matter
Stanley Stephen Spring II	\$2,500.00	#1763 — Conversion of advanced costs
Barron M. Whipple	\$1,540.00	#2150 — Unearned fee in a criminal matter

Q&A

LOUISIANA CLIENT ASSISTANCE FUND

What is the Louisiana Client Assistance Fund?

The Louisiana Client Assistance Fund was created to compensate clients who lose money due to a lawyer's dishonest conduct. The Fund can reimburse clients up to \$25,000 for thefts by a lawyer. It covers money or property lost because a lawyer was dishonest

(not because the lawyer acted incompetently or failed to take certain action). The fund does not pay interest nor does it pay for any damages done as a result of losing your money.

How do I qualify for the Fund?

Clients must be able to show that the money or property came into the lawyer's hands.

Who can, or cannot, qualify for the Fund?

Almost anyone who has lost money due to a lawyer's dishonesty can apply for reimbursement. You do not have to be a United States citizen. However, if you are the spouse or other close relative of the lawyer in question, or the lawyer's business partner, employer or employee, or in a business controlled by the lawyer, the Fund will not pay you reimbursement. Also, the Fund will not reimburse for losses suffered by government entities or agencies.



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Custody and Child Support: UCCJEA and UIFSA

Spears v. McClaine, 23-0664 (La. App. 4 Cir. 1/10/2024), 2024 WL 108850.

Mr. Spears appealed the trial court’s judgment denying his motion to retain jurisdiction and granting Ms. McClaine’s motion to transfer. Mr. Spears argued that the trial court committed legal error in (1) declaring the jurisdictional provision of the parties’ consent judgment null and unenforceable; (2) declining to exercise its subject matter jurisdiction on the basis that Texas is the more appropriate forum for the custody proceeding; and (3) transferring jurisdiction of the corresponding child support matter to Texas.

The 4th Circuit Court of Appeal affirmed the trial court’s judgment, noting that:

(1) The trial court did not err in declaring the jurisdictional provision of the parties’ consent judgment null and unenforceable because, as set forth in *Holdsworth v. Holdsworth*, 621 So.2d 71 (La. App. 2 Cir. 1993), “[s]ubject matter jurisdiction, such as that exercised in resolving child custody disputes, cannot be conferred by the consent of the parties”;

(2) The trial court did not err in declining to exercise its subject matter jurisdiction on the basis that Texas is the more appropriate forum for the custody proceeding; rather, a review of the trial court’s reasons for judgment revealed that it properly considered each factor; and

(3) The trial court did not err in transferring jurisdiction of the corresponding child support matter to Texas, even though it retained exclusive and continuing jurisdiction over the child support matter under UIFSA, specifically, La. R.S. 1302.5(A)(1), because there was not then any justiciable controversy over child support between the parties that would warrant consideration of the potential impact of jurisdictional bifurcation of child

custody and child support issues.

—**Elizabeth K. Fox**
Member, LSBA Family Law Section and
LSBA Appellate Practice Section
Fox Law Firm, LLC
23422 Cypress Cove
Springfield, LA 70462



World Trade Organization

WTO 13th Ministerial Conference (Abu Dhabi, UAE).

The WTO’s 13th Ministerial Conference was held Feb. 26-29 in Abu Dhabi, United Arab Emirates. The Ministerial Conference is the highest decision-making authority in the WTO and meets every two years. This meeting takes place with the trade body’s dispute-settlement function essentially



Ronald E.
Corkern, Jr.

Brian E.
Crawford

Steven D.
Crews

J. Chris
Guillet

Randall B.
Keiser

R. Chris
Nevils

Herschel E.
Richard

Kay Stothart
Rector

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Williams

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inoperative. The United States refuses to provide consent for the appointment of new Appellate Body judges, preventing the quorum necessary to conduct judicial business. The United States and other members are demanding significant dispute-settlement reforms before a restart. A sixth draft text on WTO reform was circulated on Jan. 29, 2024. Other items on the conference agenda included fisheries subsidies, agriculture reform and sustainability.

U.S. Court of Appeals for the Federal Circuit

Jilin Forest Indus. Jinqiao Flooring Grp. Co. v. United States, 617 F.Supp.3d 1343 (Ct. Int'l Trade 2023), appeal No. 2023-2245 (Fed. Cir.) filed Aug. 7, 2023.

The U.S. Court of Appeals for the Federal Circuit is considering an appeal from the Court of International Trade involving the Commerce Department's long-standing non-market-economy policy in antidumping cases. In this case, appellant failed to rebut the Commerce Department's presumption that a firm from a nonmarket-economy country is controlled by that country's government. Consequently, appellant received the antidumping duty rate for the China-wide entity. The Court of International Trade initially set aside Commerce's application of the China-wide antidumping duty rate because appellant did not have a meaningful opportunity to respond to information regarding the Chinese Communist Party's control over

its labor union. After remand, the Court of International Trade upheld Commerce's conclusion that appellant failed to rebut the presumption of government control but also ruled that Commerce's nonmarket-economy policy does not support application of a China-wide dumping rate to a known exporter supplying sufficient sales data to reach a separate duty rate.

The issue before the appeals court could have wide implications for the U.S. trade remedy laws. For almost 30 years, Commerce has applied its nonmarket-economy policy to impose country-wide rates on entities that cannot rebut the presumption of government control. The relevant statute, 19 U.S.C. § 1673(d), provides that Commerce shall set estimated weighted-average dumping margins for all individually investigated producers. The statute does not, however, dictate how Commerce should address nonmarket-economy countries, and the agency's practice of deploying a rebuttable presumption of state control will be addressed by the court in this case.

U.S. Customs and Border Protection

Your Special Delivery Services Specialty Logistics (HQ H324098).

U.S. Customs and Border Protection (CBP) recently published an earlier ruling regarding whether a logistics provider can act as an importer of record. Your Special Delivery Services Specialty Logistics

(YSDS) provides "logistical consultation services" to foreign and domestic shippers of Wi-Fi components such as wireless routers. YSDS is not a licensed customs broker but provides damage control, insurance, packing control, export permit applications, brokering freight, warehousing, origination, valuation and classification services.

YSDS contends that it should be eligible to act as an importer of record because it maintains an ongoing security interest in the imported merchandise by way of contractual lien for non-payment. By statute, importers of record may include owners or purchasers of goods, including non-owners with a financial interest in the transaction. See 19 U.S.C. § 1484(a) & Customs Directive 3530-002A (June 27, 2001). However, nominal consignees with no real right, title or interest in the goods do not qualify as importers of record.

The issue before CBP was whether YSDS's contractual lien financial interest permits YSDS to act as importer of record. CBP concluded that YSDS cannot properly act as importer of record because it never possesses title, ownership or risk of loss, and there is no evidence that YSDS' financial interest in the goods is anything more than cursory. The ruling is important as many logistics providers diversify their services to include issues in the customs-broker space.

—Edward T. Hayes

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Fair Labor Standards Act

On Jan. 9, 2024, the U.S. Department of Labor announced its final rule on classifying workers as employees or independent contractors under the Fair Labor Standards Act (FLSA). This new rule became effective on March 11, 2024.

The final rule, 89 FR 1638, rescinds the 2021 Independent Contractor Rule so that the analysis for determining employee or independent contractor classification under the FLSA is more consistent with judicial precedent and the FLSA's purpose. More particularly, this rule reverts to the economic-reality test employed by courts throughout the country for the last 60-plus years. The Department also hopes the change will provide proper guidance to employers on proper classification and seeks to combat employee misclassification, which the Department of Labor has stated is a serious issue. Misclassification of employees as independent contractors may deny the workers minimum wage, overtime pay and other FLSA protections.

The final rule refers to independent contractors "as workers who, as a matter of economic reality, are not economically dependent on an employer for work

and are in business for themselves." The rule encompasses those also known as "self-employed" or "freelancers." The FLSA defines employer to include "any person acting directly or indirectly in the interest of an employer in relation to an employee." Employee is defined as "any individual employed by the employer." Employ is defined as "to suffer or permit work." Independent contractors are not encompassed in these definitions.

Prior to the 2021 Independent Contractor Rule, the main test the Department and courts used for classifying someone as an independent contractor or employee was the economic-reality test. Under this application, the ultimate question was economic dependence, i.e., whether the worker is economically dependent on the employer for work or was the worker in business for himself or herself. To assess economic dependence of the worker, the Department and courts like Louisiana applied a totality-of-the-circumstances test and used multiple factors without predetermined weight. Such factors included opportunity for profit or loss, investment, permanency, control, whether the work is an integral part of the employer's business, and skill and initiative. The 2021 Independent Contractor Rule departed from this longstanding and consistent economic-reality test and instead imposed five economic-reality factors, two of which were designated as core factors—nature and degree of control and opportunity for profit and loss—but even these were significantly narrowed by the 2021 rule. Thereafter, in 2022, the Department decided to rescind

the 2021 Independent Contractor Rule because it did not comply with the FLSA text as interpreted by courts over the last several decades.

The final rule now provides that a worker is *not* an independent contractor if he or she is, as a matter of economic reality, economically dependent on an employer for work. The final rule applies six factors to determine if a worker is an employee or independent contractor under the FLSA:

- (1) opportunity for profit or loss depending on managerial skill;
- (2) investments by the worker and the potential employer;
- (3) degree of permanence of the work relationship;
- (4) nature and degree of control;
- (5) extent to which the work performed is an integral part of the potential employer's business; and
- (6) skill and initiative.

Considering that Louisiana courts have consistently applied the economic-dependency test and the totality-of-the-circumstances test to determine when a worker is either an employee or independent contractor, this final rule should not result in any changes to Louisiana's jurisprudence but rather support what Louisiana courts have always applied.

—Elizabeth Bailly Bloch

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EPA Grants Primacy to Louisiana for Class VI Wells

On Jan. 5, 2024, the U.S. Environmental Protection Agency (EPA) published a notice in the Federal Register of a final rule that grants primacy to the Louisiana Office of Conservation for Class VI wells under the Safe Drinking Water Act. 89 Fed. Reg. 703 (Jan. 5, 2024). This grant of primacy was effective Feb. 5, 2024.

Background

Congress enacted the Safe Drinking Water Act (SDWA) in 1974 “to assure that water supply systems serving the public meet minimum national standards for protection of public health.” H.R. Rep. No. 93-1185 (1974). The SDWA protects drinking water systems in various ways. For example, Part C of the SDWA seeks to protect underground sources of drinking water (USDW) by directing the EPA to develop regulations for state underground injection control (UIC) regulations, including “minimum requirements for effective programs to prevent underground injection which endangers drinking water sources.” 42 U.S.C. § 300h(a)-(b).

Federal regulations promulgated to implement the SDWA establish six classes of injection wells and provide regulations for each class. 40 C.F.R. § 144.6. Class VI wells are wells used for injection of carbon dioxide for carbon capture and storage (CCS).

Primacy

Part C of the SDWA provides a process for states to seek primary enforcement authority — commonly called “primacy” — to implement and enforce the SDWA within their jurisdictions. When primacy for UIC regulations is granted, it is granted on a class-by-class basis. Thus, a state can receive primacy for one or more classes of injection wells, without receiving primacy

for all classes. Indeed, a majority of states have primacy for some classes of injection wells, without having primacy for all classes.

Section 1422 of the SDWA (42 U.S.C. § 300h-1) provides that a state may obtain primacy for a class of wells by demonstrating to the EPA that the state has implemented UIC rules for that class of wells that meet the federal standard for protecting USDWs. Pursuant to Section 1422, Louisiana obtained primacy for Class I, III, IV and V wells in 1982. The year before, in 1981, Louisiana obtained primacy for Class II wells pursuant to Section 1425 of the SDWA (42 U.S.C. § 300h-4), which provides an alternative standard for a state to obtain primacy for Class II wells (though a state may use the Section 1422 process to obtain primacy for Class II wells if the state wishes). At the time Louisiana was obtaining primacy for Classes I through V, federal SDWA regulations did not yet recognize CCS injection wells as a separate class of wells.

Louisiana’s Primacy Application

In 2009, Louisiana enacted the “Louisiana Geologic Sequestration of Carbon Dioxide Act,” which authorized the Louisiana Office of Conservation to promulgate rules for CCS. La. R.S. 30:1104. The legislation also contemplated that Louisiana would seek primacy for Class VI wells. *See* La. R.S. 30:1104(F). The Office of Conservation promulgated regulations for Class VI wells, and, in September 2021, Louisiana applied for primacy for Class VI wells.

The EPA conducted a comprehensive technical and legal evaluation of Louisiana’s Class VI application. After that, the EPA published a proposed rule in the Federal Register on May 4, 2023, to approve Louisiana’s primacy application. The EPA held a three-day, in-person public comment period in June 2023, as well as a virtual hearing the same month, and accepted written comments for several weeks.

At the end of June 2023, Louisiana supplemented its application by noting that Louisiana Acts 2023 No. 378 strengthened Louisiana’s Class VI rules by amending a portion of state statutes that previously would have allowed a CCS operator to ap-

ply to turn over liability for a CCS facility to the state 10 years after injections had ceased. Under the amended statute, a CCS operator generally cannot seek to hand over liability to the state until 50 years after injections cease, and after also demonstrating that the operator has complied with all facility-closure rules.

In addition to increasing the waiting period that a company must wait before seeking to hand over liability to the state, Louisiana also entered a memorandum of agreement with the EPA, in which Louisiana agreed not to approve a hand-off of liability from a CCS operator to the state until coordinating with the EPA.

EPA Grants Primacy

On Jan. 5, 2024, the EPA published a final rule granting primacy to Louisiana for Class VI wells, effective Feb. 5, 2024. 89 Fed. Reg. 703 (Jan. 5, 2024). The final rule states that “[t]he EPA has determined that the application meets all applicable requirements for approval . . . and the state is capable of administering a Class VI program in a manner consistent with the terms and purposes of SDWA and applicable UIC regulations.” The EPA also stated that the Louisiana Department of Natural Resources has the expertise needed to implement and administer a Class VI regulatory program. The EPA stated, “The LDNR UIC program is comprised of staff with expertise in the variety of technical specialties needed to issue and oversee Class VI permits, including site characterization, modeling, well construction and testing, and finance.” The EPA’s final rule also stated that Louisiana’s Class VI rules for monitoring and emergency response are as stringent as EPA’s own rules.

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Loss of a Chance

Farooqui v. BRFHH Shreveport, LLC, 55,081 (La. App. 2 Cir. 11/15/23), 374 So.3d 364.

Louisiana courts have held that, in medical malpractice cases, “any lost chance of a better outcome [is] compensable,” whereas, in death cases, the issue on compensability is whether the patient had “some chance — any chance — of survival” due to a defendant’s negligence. *Id.* at 366-67, citing *Smith v. State, Dep’t of Health & Hosps.*, 95-0038 (La. 6/25/96), 676 So.2d 543, 546. Thus, a claimant must prove that the “action or inaction deprived the victim of all or part of that chance.” *Id.* at 367.

Fourteen years after *Smith*, the Louisiana Supreme Court in *Burchfield v. Wright* declared that the “loss of a chance of a better outcome” (distinct from lost chance of survival) is a compensable injury for malpractice cases if “the defendant’s negligence was a substantial factor in depriving the patient of

some chance of life, recovery, or . . . a better outcome.” Consequently, a plaintiff need not prove the patient “would have survived if properly treated; he need only demonstrate the decedent had a chance of survival or recovery that was denied him as a result of the defendant’s negligence.” 17-1488 (La. 6/27/18), 275 So.3d 855, 863 (emphasis added).

In *Farooqui*, a patient’s family filed a medical malpractice suit against several defendants following her death, and the defendants moved for summary judgment to dismiss the plaintiffs’ claims. In opposition, the plaintiffs cited the testimony of a physician who opined that the decedent was deprived of a “possible better outcome” as a result of the defendants’ malpractice. The same physician later testified that he was unable to say the patient’s better outcome was *probable*. The trial court denied the motion, and the defendants sought supervisory writs.

The appellate court observed that the dispositive issue was whether the malpractice caused the decedent to lose any chance of a better outcome, particularly analyzing the physician’s testimony. Considering the entirety of the testimony presented to the trial court, the appellate court reasoned that the physician’s “subsequent admission that he could not say it was a *probable* better outcome

does not contradict his prior affirmation of a chance — any chance — of a better outcome.” *Farooqui*, 374 So.3d at 367.

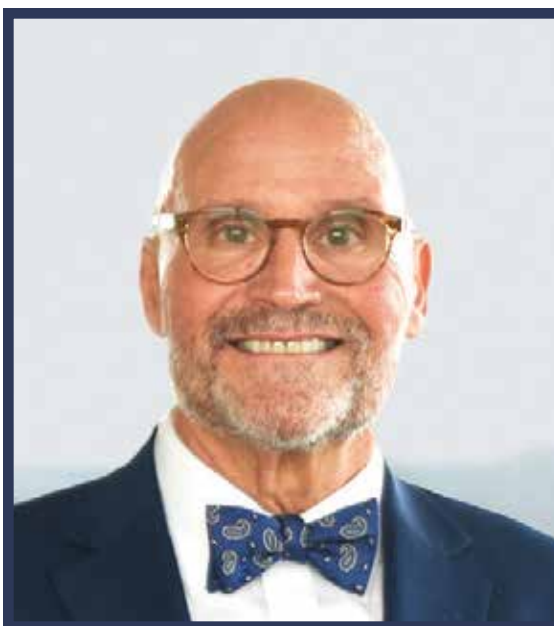
In noting that “[t]he defense’s main argument amounts to conflation of the cause of action for *lost chance* with that of *wrongful death*,” the court explained:

This fallacy is encapsulated on page 8 of the defense brief to this court, wherein the defense cites the following testimony as a refusal to testify affirmatively as to [the decedent’s] lost chance:

Q: Do you have an opinion more probably than not as to whether Ms. Farhat *would have survived* this surgery had it been performed two to three days earlier?

A: I don’t know.

The court affirmed the trial court’s decision to deny the defendants’ motion and concluded that testimony regarding whether the patient “would have survived” would have provided evidence of wrongful death, “which is unnecessary for establishing lost chance. A plaintiff claiming that medical malpractice caused the loss of a chance of a better outcome need not prove that the malpractice caused the patient’s death.” *Id.* (footnote omitted).



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Consent Form

French v. Quality Nighthawk Teleradiology Grp., Inc., 23-1534 (La. 11/30/23), 373 So.3d 690.

A patient and his wife filed suit against a surgeon and the State of Louisiana after the patient sustained a ureteral injury following a colectomy. The plaintiffs alleged that the surgeon negligently performed the surgery and that the State failed to appropriately assess him for intra-operative injury and failed to timely diagnose and treat his injury.

The parties did not dispute that the patient signed a consent form prior to the procedure and that ureteral injury was a known risk. The plaintiffs filed a motion in limine to exclude the signed consent form under Louisiana Code of Evidence article 403 as substantially more prejudicial than probative, considering that the plaintiffs were not alleging a claim for lack of informed consent. The defendants opposed the motion, arguing that the

signed consent form was relevant to show the patient's knowledge of the risks of the surgery. The trial court granted the plaintiffs' motion to exclude the evidence, and the defendants sought supervisory writs to the Louisiana 4th Circuit.

The appellate court found that the trial court abused its discretion in excluding the signed consent form without conducting a proper balancing test under Rule 403: "We acknowledge that [the plaintiffs'] claim is not based upon a lack of informed consent. However, to create a blanket prohibition on introduction of all evidence regarding consent and informed risks is highly prejudicial." *French v. Quality Nighthawk Teleradiology Grp., Inc.*, 23-0630 (La. App. 4 Cir. 10/26/23), 2023 WL 7037620, at 3-4. The appellate court advised the trial court to "observe the context in which the issue of informed consent is presented and determine admissibility at that phase of the proceeding," noting that any prejudice could be cured with "a properly curated jury instruction." *Id.* at 4.

The plaintiffs sought supervisory review from the Louisiana Supreme Court, which reversed the appellate court and reinstated the trial court's decision, simply stating in a memorandum opinion that the trial court had not abused its discretion "in excluding the evidence at issue on the ground its probative value was substantially outweighed by its prejudicial effect." *French v. Quality Nighthawk Teleradiology Grp., Inc.*, 23-1534 (La. 11/30/23), 373 So.3d 690, 690.

—**Robert J. David** and
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District Court Lacked Jurisdiction to Consider Solar Tax Credit Claims

Gross v. Robinson, 23-0142 (La. App. 1 Cir. 9/15/23), ___ So.3d ___, 2023 WL 6014144.

In March 2015, Sarah Gross contracted with a solar panel company to purchase and install a solar-energy system for \$25,000. According to Gross, she was incentivized by the solar-energy-systems tax credit afforded in La. R.S. 47:6030. At the time, that statute allowed a solar-tax credit for the purchase of a system equal to 50% of the first \$25,000 of the cost of a system purchased and installed between Jan. 1, 2008, and Jan. 1, 2018.

Subsequently, the Legislature capped the total amount of solar-tax credits. Gross submitted her 2015 tax return seeking a solar-tax credit for the System. The Louisiana Department of Revenue notified Gross that the cap limits had already been met for the years at issue.

In response, Gross, individually and as a representative of a proposed class, filed a class-action petition in the 19th Judicial District Court. Gross alleged that, at the time of purchase and installation of the system, she obtained the right to a solar-tax credit, and the subsequent legislation to cap the solar-tax credit was unconstitutional and in violation of her due process rights. She sought a declaration that the subsequent legislation was unconstitutional. Gross sought recovery of the full amount of the solar tax credit of \$12,500, plus interest, consequential damages due to the delay or denial, and attorney's fees and costs. The Department filed various exceptions, which have been litigated.

The Department moved for summary judgment for mootness, based on the Louisiana Supreme Court's ruling in *Ulrich v. Robinson*, 17-1119 (La. App. 1

Cir. 11/1/18), 265 So.3d 108, which held the statutory amendment cured the constitutional issue and rendered the solar-tax credit controversy moot. Specifically, in 2017, the Louisiana Legislature enacted 2017 La. Acts, No. 413, § 1, which provided additional funding for solar tax credits. The court held Act 413 remediated the alleged unconstitutional aspect of Act 131. The district court denied the Department's motion for summary judgment.

In January 2022, Gross filed an amended class-action petition seeking consequential damages allegedly suffered due to the delayed payment including interest, costs and attorney's fees. The Department again challenged the district court's subject matter jurisdiction. The district court granted Gross' motion to certify a class. The Department appealed, asserting that the district court was divested of subject matter jurisdiction and that Gross failed to satisfy her burden of proof on the essential elements of both

Louisiana Code of Civil Procedure article 591(A) and (B) regarding class certification.

The court held that La. R.S. 47:1407 as amended in 2019 vested the Louisiana Board of Tax Appeals (BTA) with jurisdiction over all matters related to state taxes or fees and related disputes on the constitutionality of such laws. The court held the amended statute vested exclusive subject matter jurisdiction for the matters brought by Gross in the class-action petition with the BTA. The court held the district court was without subject matter jurisdiction to consider Gross' claims, the judgment must be vacated, and Gross' appeal must be dismissed.

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Continued next page

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SCP is used by the employer to correct minor errors and certain document errors. EPCRS has historically provided limits on the use of SCP, such as the number of participants affected, the dollar amount of the failures, the frequency of the failures and the time during which

failures can be corrected. Employers greatly prefer the use of SCP because employers do not have to pay a fee to the IRS and do not generally need to inform the IRS of the error and its correction, as would be required under VCP or audit CAP. Another excellent use of SCP applies when the employer is uncertain whether an error has occurred; VCP cannot be used in such circumstances since one of the requirements of VCP is that the employer acknowledge that an error has occurred. With SCP, the employer can make the “correction,” whether it is required or not.

The SECURE 2.0 Act § 305 expanded the scope of SCP under EPCRS by allowing the use of SCP for correcting significant inadvertent failures, i.e., large-scale failures. In Notice 2023-43, the IRS provided additional guidance on eligible inadvertent failures and specifically permitted correction of significant failures and permitted completion of the correction within a “reasonable period” that did not include a specified date following the failure, but which did include a requirement that the correction

be completed by a specified date following the *discovery* of the failure (i.e., 18 months). Further, the employer under SCP is permitted to correct an insignificant failure even after the plan is under examination.

Act § 350 permits an employer to correct a reasonable administrative error in implementing an automatic enrollment feature, i.e., the withholding of deferrals in a 401(k) plan in the absence of an election offered to the employee. The IRS issued Notice 2024-2 under which the employer may correct such an error by permitting the employee to make deferrals and by contributing any matching contributions that would have been made had the automatic deferrals been made. The correction must be made within 9.5 months after the close of the year or earlier if the employer is notified of the error by an employee.

—Robert C. Schmidt

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CHAIR'S MESSAGE

The Future Belongs to Those Who Prepare for It Today

By Senae D. Hall

Growing up, I was always fascinated with numbers. So much so that my math teacher in high school begged me to become a mathematician instead of a lawyer. Although I had a strong love and appreciation for numbers and math, like any other kid, when it came to age, I had things all confused. Of course, I had all the major age milestones planned out and, at the age of 7, I thought 34 was "old." How wrong I was. I still remember every time I brought up an adult's age my grandmother would say, "Just keep living." When I would talk about my plans for all of my milestone ages, she would say, "If you start walking now, you just may make it when that time comes." My response was always "OK" because neither of those statements made sense to me as a child. Especially not to a number-loving child who thought she had it all figured out.

As I got older, my grandmother's statements resonated with me more and more. I began to realize that the future belongs to those who prepare for it today. As cliché as it sounds, the young lawyers today ARE the future of this profession. That's a fact that we know. In knowing that, it's imperative that we utilize this time in our careers to prepare ourselves for that future. That preparation includes perfecting our current skills, stepping outside of our comfort zone by learning new skills, and being of service to our community and profession. The activities and programs presented by the Young Lawyers Division

(YLD) Council this year have accomplished just that. Let's take a look at how we have prepared for the future.

Level Up Learning

This amazing program is offered to young lawyers for free. Each session focuses on teaching young lawyers a practical skill, with an in-depth training presentation taught by some of our state's most experienced attorneys. This year, the YLD CLE Committee hosted a session in partnership with the Louisiana State Bar Association's (LSBA) Family Law Section titled "Uncontested Divorce Basics." The committee has prepared a three-part series in partnership with the Greater New Orleans Louis A. Martinet Legal Society, Inc. and the LSBA's Civil Law and Litigation Section. Part one of this series involved "Taking and Defending Depositions." These sessions have allowed young lawyers to enhance their skills and learn new ones while in a relaxed and intimate setting. It's not every day you can sit in a smaller learning session with some of the state's most experienced attorneys and pick their brain . . . for free!

Barristers for Boards

This program aims to help young lawyers stay involved in their local communities through placement on nonprofit



Senae D. Hall

boards and committees. The event begins with a one-hour CLE board training presented by the Louisiana Alliance for Nonprofits. After the CLE, attendees and nonprofit organizations have a meet-and-greet where the organizations share their missions, insights about their work and information about how young lawyers can be involved. The Barristers for Boards Committee hosted successful events in both New Orleans and Baton Rouge this year.

Professional Development Seminar

This innovative event offers a virtual half-day of learning and networking for young lawyers to invest in themselves to make positive, professional connections and help their businesses thrive. On Jan. 19, 2024, the CLE Committee held a successful event which consisted of two hours of professionalism credit, one hour of law practice management credit and one hour of ethics credit.

Mock Trial

On March 23, 2024, the 2024 Richard N. Ware IV State High School Mock Trial Competition was held at the U.S. District Court, Middle District of Louisiana, Courthouse in Baton Rouge. The Mock Trial Committee did an amazing job to ensure that the competition was a success. All of the mock trial teams did a great job. It truly is a rewarding experience to volunteer as a judge for this competition. If you weren't able to volunteer this year, join us next year. Lastly, good luck to our winners as they represent us in the National High School Mock Trial Competition.

Young Lawyers Conference

On April 12, 2024, the YLD held its annual Louisiana Young Lawyers Conference at the New Orleans Marriott Warehouse Arts District. This year's theme was "Saved By The Bar."

During the lunch hour, we had a keynote speaker followed by the presentation of several awards, including Outstanding Young Lawyer, Outstanding Local Affiliate, Program of the Year, the Hon. Michaelle Pitard Wynne Professionalism Award, the Pro Bono Award and the Top Attorneys. Congratulations to all of the winners and honorees. (See profiles on pages 434-442.) Our keynote speaker was Judge Dana M. Douglas with the U.S. 5th Circuit Court of Appeals in New Orleans. She was phenomenal.

This innovative conference was a day of learning and networking where young lawyers could invest in themselves and renew their own excitement about the legal profession. If you missed this year's conference, join us next year. It gets better every year!

Wills for Heroes

The Wills for Heroes program provides free legal services to first responders in the preparation of basic estate planning documents. Attorney volunteers draft basic wills, powers of attorney and health care directives for eligible first responders and their spouses across the state. The YLD hosted Louisiana's first Wills for Heroes event in October 2008 for the Calcasieu Parish Fire Department in Lake Charles. Thanks to LSBA President and former YLD Chair Shayna L. Sonnier and LSBA Board of Governors member Adam P. Johnson, the YLD chairs were able to celebrate the 15-year anniversary of Wills for Heroes by having another event in Lake Charles. The attorneys prepared 56 wills and other estate-planning documents. This was an amazing way to celebrate the 15-year anniversary. To date, the YLD and attorney volunteers have prepared more than 200 wills this year.

If you missed out on any of these events, don't worry. We have a few more events before the Bar year concludes. Stay tuned for more information!

"Never doubt that a small group of thoughtful, concerned citizens can change the world. Indeed, it is the only thing that ever has."
—Margaret Mead



*Whatever you choose to do, leave tracks.
That means don't do it just for yourself.
You will want to leave the world a little
better for your having lived.*



— Ruth Bader Ginsburg

All of these programs would not be possible if it wasn't for the hard work of the LSBA YLD Council. I have had the honor and privilege to work with these amazing young lawyers over this Bar year. Their dedication and commitment to serving the community and serving the Bar are unmatched. They take time from their jobs and their families, and even spend their birthdays and anniversaries in planning meetings, to make sure these events are a success. Join me in thanking each of them for making this a great year for the YLD.

► Jennifer G. Lampton, District 1 representative and YLD Conference chair.

► Margaret L. Manning, District 1 representative and High School Mock Trial co-chair.

► Rory V. Bellina, District 2 representative and CLE co-chair.

► Rachal Cox Cassagne, District 2 representative and Awards chair.

► Jared E. Nelson, District 3 representative and CLE co-chair.

► Brooke A. Roach, District 4 representative and Barristers for Boards co-chair.

► Brad W. Cranmer, District 5 representative and High School Mock Trial chair.

► Quinn K. Brown, District 5 representative and Wills for Heroes chair.

► Ashley U. Johnson, District 6 representative and YLD Conference co-chair.

► Jasmyne A. McConnell, District 7 representative and CLE co-chair.

► Audrius M. Reed, District 8 representative and Wills for Heroes co-chair.

► Jasmine C. Cooper, At-Large representative and Affiliates and ABA co-chair.

► Megan S. Peterson, YLD representative to the ABA House of Delegates and

CLE chair.

► Josef P. Ventulan, ABA YLD representative and Barristers for Boards chair.

I have to give a special shout out to the Executive Committee. These young lawyers are amazing beyond words! I couldn't have done it without them. Be on the lookout for all the great things they have coming. Thank you!

► Chair-Elect Kristen D. Amond.

► Secretary Collin R. Melancon.

► Immediate Past Chair Danielle L. (Dani) Borel.

If you ask any member on the Council, they will tell you that the backbone to our Council is Kelly W. Ponder, LSBA director of communications and the YLD staff liaison. I like to call her our "Superwoman" because she is just that. I don't know how she gets it done but she does every time. She is literally my YLD lifeline. Sometimes she is a mom, sometimes she is a sister, sometimes she is a friend and sometimes she is all of them at once. No matter what "hat" she wears, she always has the YLD's best interest in mind. Thank you, Kelly, for answering every call, text, facetime or email, no matter how busy you were. We truly appreciate you!

Lastly, I want to thank YOU for embarking on this journey with me. It has been a pleasure and honor to serve as your YLD chair. The YLD is forever committed to the advancement of young lawyers in our state. We thank everyone who continues to support us as we try to make a difference through our service to the Bar and our service to the community. Continue to join us because it will only get better!

Young Lawyers Division

YLD Award Recipients

Presentation of Awards

2024 Louisiana Young Lawyers Conference | April 12, 2024

Outstanding Young Lawyer

Victor M. Jones • New Orleans

Victor M. Jones is senior counsel at the NAACP Legal Defense Fund, where he litigates school desegregation cases in federal courts. He has helped thousands of schoolchildren in Louisiana, Mississippi and Alabama obtain the equal educational opportunities they are constitutionally entitled to receive as recognized by the U.S. Supreme Court in *Brown v. Board of Education*. He received a BA degree in literature in 2007 from Xavier University of Louisiana, a master of education degree in 2008 from Harvard University and his JD degree in 2012 from Loyola University New Orleans College of Law. He was admitted to practice in Louisiana in 2013. He is a member of the Louisiana State Bar Association's Children's Law Committee, a constitutional law examiner for the Louisiana Supreme Court's Committee on Bar Admissions, president-elect of the Greater New Orleans Louis A. Martinet Legal Society, Inc. and a member of the 2022 Class of the Presidential Leadership Scholars Program.



Victor M. Jones

Hon. Michaele Pitard Wynne Professionalism Award

Jimmie C. Herring, Jr. • Monroe

Jimmie C. Herring, Jr. is a federal judicial law clerk for U.S. District Judge Jerry Edwards, Jr. of the Western District of Louisiana. He previously served as a permanent attorney advisor for the Oakdale, La. Immigration Court and Executive Office for Immigration Review, entering duty through the U.S. Department of Justice's Attorney General's Honors Program. He received a BA degree, with honors, in political science in 2013 from Southern University and A&M College in Baton Rouge; his master's degree in public administration, with a concentration in public policy, in 2015 from Louisiana State University; and his JD degree, with honors, in 2019 from Southern University Law Center. He was admitted to practice in Louisiana in 2019 and approved for admission to practice in Washington, DC (2024). He is a member of the Louisiana State Bar Association's Criminal Justice Committee, the National Bar Association, the Federal Bar Association and the American Bar Association.



Jimmie C. Herring, Jr.

Outstanding Local Affiliate

New Orleans Bar Association's Young Lawyers Section

The New Orleans Bar Association's Young Lawyers Section (YLS) offers new lawyers the opportunity to network with experienced professionals and others in the legal community and to offer valuable community service in the New Orleans area, particularly with programs benefiting Southeast Louisiana Legal Services and The Pro Bono Project. The YLS programs are diverse and underscore a commitment to professional development and service.

Program of the Year

New Orleans Chapter of the Federal Bar Association's Justice Camp

Since 2018, the New Orleans Chapter of the Federal Bar Association has taken the concept of summer camp into the Eastern District of Louisiana Courthouse, imparting civics education and advocacy skills that prepare students for college, careers and civic engagement. The program encourages rising ninth and 10th graders to learn about the legal system, including careers within that system, and to develop basic advocacy skills. After visits to the Louisiana Supreme Court, the U.S. 5th Circuit Court of Appeals and the World War II Museum, along with presentations by legal professionals, the camp concludes in a mock trial.

YLD Pro Bono Award

Phillip M. Smith • Lafayette

Phillip M. Smith is a partner at NeunerPate in Lafayette. His practice is focused primarily on maritime law and personal injury litigation. He received a bachelor's degree in political science in 2012 from the University of Louisiana-Lafayette and his JD degree in 2016 from Louisiana State University Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 2016. He volunteers as a coach for the LSU Paul M. Hebert Law Center's Admiralty Moot Court Team and works with the Lafayette Bar Foundation to represent survivors of domestic abuse in obtaining protective orders. He also volunteers to assist unaccompanied immigrant children in obtaining legal protection in the United States from abuse, abandonment and violence in their home countries. He is a member of the Lafayette Bar Association, the Louisiana Association of Defense Counsel and the Maritime Law Association of the United States.



Phillip M. Smith

Young Lawyers Division

LSBA YOUNG LAWYERS DIVISION

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ReAzalia Z. Allen • Baton Rouge

ReAzalia Z. Allen is managing partner of The Allen Law Firm, LLC, in Baton Rouge. She is an adjunct professor at Southern University Law Center. She received a BA degree in English from Louisiana State University, a master of science degree in organizational development from Abilene Christian University and her JD degree and graduate diploma in comparative law from LSU Paul M. Hebert Law Center.



ReAzalia Z. Allen

She was admitted to practice in Louisiana in 2015. She was co-chair of the Leadership LSBA 2021-22 Class and was a member of the Leadership LSBA 2020-21 Class. She is vice president of the Greater Baton Rouge Chapter of the Louis A. Martinet Legal Society, Inc. and a member of the Baton Rouge Bar Association.

Hailey A. Barnett • Lake Charles

Hailey A. Barnett is the managing attorney of the Disaster Unit at Acadiana Legal Service Corp. She focuses her practice on assisting low-income survivors with legal issues stemming from Louisiana's 2020-21 disasters. She conducts presentations and outreach in 42 parishes. She received her BA degree in communication in 2017 from Texas A&M University and her JD degree in 2020 from Tulane University Law School. She was admitted to practice in Louisiana in 2020. She is a co-chair of the Louisiana State Bar Association's Access to Justice Disaster Response Task Force and the vice president of the Southwest Louisiana Bar Association's Women's Section.



Hailey A. Barnett

Brandi A. Barze • Baton Rouge

Brandi A. Barze is an associate at Keogh, Cox & Wilson, Ltd., in Baton Rouge. She represents local and national clients in merchant and premises liability, complex automobile liability, general liability and other commercial litigation. She received a BA degree in political science in 2015 from Louisiana State University and her JD degree and graduate diploma in comparative law in 2018 from LSU Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2018. She serves in the Louisiana State Bar Association's House of Delegates, is an



Brandi A. Barze

assistant examiner for the Committee on Bar Admissions and a member of the LSBA Young Lawyers Division's High School Mock Trial Committee. She is a member of the Dean Henry George McMahon American Inn of Court and the Greater Baton Rouge Chapter of the Louis A. Martinet Legal Society, Inc.

Emily Edwards Bertholl • Marksville

Emily Edwards Bertholl is an attorney in the Salario Law Firm in Marksville, an assistant district attorney for the 12th Judicial District and an attorney for the Family Justice Center. She received a BA degree in criminal justice in 2014 from Northwestern State University and her JD degree in 2017 from Southern University Law Center. She was admitted to practice in Louisiana in 2017. She is a member of the Avoyelles Parish Bar Association and the American Bar Association.



Emily Edwards Bertholl

Benjamin J. Biller • Metairie

Benjamin J. Biller is a trial attorney with LAMMICO's in-house law firm, Schroeder & Trahan, where he practices medical malpractice defense litigation. Previously, he defended health care providers as a partner in the New Orleans office of Bradley Murchison Kelly & Shea, LLC. He received an undergraduate degree in 2009 from the University of Notre Dame and his JD degree in 2012 from Loyola University New Orleans College of Law. He was admitted to practice in Louisiana in 2012. He is a board member of the Louisiana Association of Defense Counsel and a member of the Federalist Society, the Louisiana State Bar Association's Medical/Legal Interprofessional Committee and the Medical Professional Liability Association.



Benjamin J. Biller

Ani H. Boudreaux • Lafayette

Ani H. Boudreaux is an associate at NeunerPate in Lafayette, focusing on government entity liability defense and personal injury defense. She received her undergraduate degree from Louisiana State University and her JD degree from LSU Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2021.



Ani H. Boudreaux

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Boudreaux has volunteered for the Louisiana State Bar Association Young Lawyers Division's Wills for Heroes Program. She is a member of the Lafayette Bar Association and co-chair of the Region 2 Richard M. Ware Memorial High School Mock Trial Competition this year. She is involved with pro bono programs, including obtaining protective orders for those facing hardships with intimate relationships. She is a member of the Louisiana Association of Defense Counsel and a 2023 nominee for LADC's Frank L. Maraist Award. She is a member of the John Duhe American Inn of Court.

Taylor M. Burnham • New Orleans

Taylor M. Burnham is owner of the Burnham Law Firm in New Orleans. He received a BBA degree in marketing in 2011 from the University of Georgia and his JD degree in 2014 from Loyola University New Orleans College of Law. He was admitted to practice in Louisiana in 2014, in Georgia in 2016 and in Texas in 2023.



Taylor M. Burnham

He has volunteered for the Louisiana State Bar Association Young Lawyers Division's Wills for Heroes Program and is a member of the LSBA's Solo and Small Firms Section. He is executive treasurer of the New Orleans Bar Association's Young Lawyers Section and is a member of the Louisiana Association for Justice and the A.P. Tureaud American Inn of Court.

Catherine Smith Carrier • Lafayette

Catherine Smith Carrier is an associate in the Lafayette office of Galloway, Johnson, Tompkins, Burr & Smith, APLC. She received a BS degree in general business in 2018 from Louisiana State University and her JD degree in 2021 from Southern University Law Center. She was admitted to practice in Louisiana in 2021.



Catherine Smith Carrier

She is a member of the Leadership LSBA 2023-24 Class, a member of the Louisiana State Bar Association's Public Utility Section and has volunteered for the LSBA Young Lawyers Division's Wills for Heroes Program. She is a member of the Lafayette Bar Association and the Louisiana Association of Defense Counsel.

M. Rebecca Cooper • New Orleans

M. Rebecca Cooper is an associate in the New Orleans office of Ogletree, Deakins, Nash, Smoak & Stewart, PC. She

represents clients in employment and labor matters. She defends clients in litigation involving claims of race, sex, disability, age and national origin discrimination. She counsels employers on the best practices to stay compliant with the American with Disabilities Act, Title VII, the Fair Labor Standards Act and other regulations. She received a BA degree in 2009 from Yale University, a master's degree in 2011 from Xavier University of Louisiana and her JD degree in 2016 from Duke University School of Law. She was admitted to practice in Louisiana in 2016. She is vice chair of the Federal Bar Association New Orleans Chapter's Younger Lawyers Division and an assistant bar examiner for federal civil procedure (Louisiana Bar Exam).



M. Rebecca Cooper

Samuel S. Crichton • Shreveport

Samuel S. Crichton is Section 3 chief of the Caddo Parish District Attorney's Office. He received his undergraduate degree from Wake Forest University and his JD degree from Louisiana State University Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 2014. He is a member of the Executive Committee of the Shreveport Bar Association.



Samuel S. Crichton

Kennard Davis • Baltimore, MD

Kennard Davis is an associate at Beveridge & Diamond, PC, in Baltimore, MD. A dedicated defense lawyer, he practices in environmental and commercial litigation. He received an undergraduate degree from the University of New Orleans and his JD degree from Loyola University New Orleans College of Law. He was admitted to practice in Louisiana in 2018 and is admitted to the DC Bar. He is a member of the New Orleans Bar Association and the A.P. Tureaud American Inn of Court. He serves on the Defense Research Institute's Diversity and Inclusion Committee and is a member of the Leadership Academy for the Young Lawyers Division of the American Bar Association.



Kennard Davis

Young Lawyers Division

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Monette M. Davis • New Orleans

Monette M. Davis is an associate in the New Orleans office of Stone Pigman Walther Wittmann, LLC. She concentrates her practice on insurance defense and commercial litigation matters. She received a BA degree in sociology and criminal justice in 2013 from Dillard University and her JD degree in 2019 from Southern University Law Center. She was admitted to practice in Louisiana in 2019. She was a member of the Leadership LSBA 2022-23 Class and is a member of the Louisiana State Bar Association's Diversity Committee and Pipeline Subcommittee. She is a member of the American Bar Association's Pretrial Practice and Discovery Committee and the co-chair of the Young Lawyer Committee of the Greater New Orleans Louis A. Martinet Legal Society, Inc. She is a member of the New Orleans Bar Association American Inn of Court.

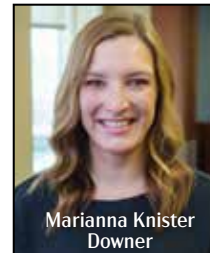


Monette M. Davis

the Electronic Traffic Enforcement Program. She received a bachelor's degree in political science from Louisiana State University and her JD degree from Southern University Law Center. She was admitted to practice in Louisiana in 2020. She was a judicial law clerk at the 1st Judicial District Court for Judge John D. Mosely, Jr. and Judge Ramon Lafitte. She serves on the Executive Committee for the Louisiana City Attorneys Association and is a member of the Leadership LSBA 2023-24 Class. She is a member of the Shreveport Bar Association and the Harry V. Booth/Judge Henry A. Politz American Inn of Court.

Marianna Knister Downer • New Orleans

Marianna Knister Downer is an associate in the New Orleans office of Gordon, Arata, Montgomery, Barnett, McCollam, Duplantis & Eagan, LLC. She practices in the areas of complex litigation, appeals, civil procedure, commercial litigation and risk management. She received a BA degree in mass communications in 2012 from Louisiana State University and her JD degree and graduate diploma in comparative law in 2019 from LSU Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2019. Prior to law school, she spent four years in Washington, D.C., working with former Sen. Mary L. Landrieu. She is involved with the Louisiana State Bar Association Young Lawyers Division's Wills for Heroes Program.



Marianna Knister Downer

Karly Kyzar Dorr • Lafayette

Karly Kyzar Dorr is an associate at NeunerPate in Lafayette. Her primary practice areas are commercial and business transactions, corporate advice, mergers and acquisitions, successions and probate, estate planning, and commercial litigation. She completed her undergraduate studies at Louisiana State University in 2019 with degrees in political science, criminology and history. She received her JD degree (Order of the Coif) in 2022 from LSU Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2022. She is involved with the Louisiana State Bar Association Young Lawyers Division's Wills for Heroes Program and is a member of the LSBA's Corporate and Business Law Section and Trusts, Estate, Probate & Immovable Property Law Section. She is a member of the Lafayette Bar Association's Young Lawyers Section (CLE chair), the production editor of the *Journal of Energy Law and Resources* Vol. X, and a pro bono lawyer volunteer for the Lafayette Bar Foundation.



Karly Kyzar Dorr

Daniel J. Dysart • New Orleans

Daniel J. Dysart is a partner at Fishman Haygood, LLP, in New Orleans, where he represents clients in mass tort, environmental and other complex civil litigation matters. He also is an assistant district attorney in the 34th Judicial District (St. Bernard Parish). He received a BS degree in 2008 from Louisiana State University and his JD degree in 2011 from Loyola University New Orleans College of Law. He was admitted to practice in Louisiana in 2011. He is a member of the Louisiana State Bar Association's Class Action, Mass Tort and Complex Litigation Section. He is the current president of the St. Bernard Bar Association and a member of the Louisiana District Attorneys Association.



Daniel J. Dysart

Kristina F. Douglas • Shreveport

Kristina F. Douglas is the assistant city attorney for the City of Shreveport. She also is a special assistant district attorney and a hearing officer for



Kristina F. Douglas

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Brittany R. Wolf Freedman • New Orleans

Brittany R. Wolf Freedman is a member in the New Orleans office of Gainsburgh, Benjamin, David, Meunier & Warshauer, LLC, where she focuses in medical malpractice, personal injury, advocacy for survivors of sexual abuse, and appellate litigation. She received her undergraduate degree from the University of Florida and her JD degree, cum laude, in 2015 from Tulane University Law School. She was admitted to practice in Louisiana in 2015. She has served as a staff attorney in the Central Staff Office of the Louisiana Supreme Court and as a law clerk to Judge John W. deGravelles in the U.S. District Court for the Middle District of Louisiana. She is a member of the Louisiana State Bar Association's Appellate Section, the Federal Bar Association's New Orleans Chapter and the Anti-Defamation League. She is an advisory board member for Southeast Louisiana Legal Services.



Brittany R. Wolf
Freedman

was admitted to practice in Louisiana in 2012. Before joining Flanagan Partners, she clerked for Judge W. Eugene Davis on the U.S. 5th Circuit Court of Appeals. She serves on the *Tulane Law Review* Board of Advisory Editors and on the board of directors of the Younger Lawyers Division of the Federal Bar Association New Orleans Chapter. She is an adjunct faculty member for Tulane University Law School's Civil Litigation Bootcamp.

John Philip (J.P.) Graf • Lafayette

John Philip (J.P.) Graf is an associate in the Lafayette office of Gordon, Arata, Montgomery, Barnett, McCollam, Duplantis & Eagan, LLC. He received a BA degree in political science/pre-law in 2013 from the University of Louisiana-Lafayette and his JD degree and graduate diploma in comparative law in 2017 from Louisiana State University Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 2017. He is a volunteer for the Louisiana State Bar Association Young Lawyers Division's Wills for Heroes Program and has served as a judge for the Mock Trial program. He is a member of the Lafayette Bar Association and is the treasurer of the Lafayette Young Lawyers Section. He is a member of the International Society of Primerus Law Firms and was recognized as a "Top 40 Under 40" by the National Trial Lawyers.



John Philip (J.P.) Graf

Cassie Preston Gailmor • New Orleans

Cassie Preston Gailmor is the managing partner and owner of the personal injury firm, Gailmor Law Group, LLC, in New Orleans, founded in 2024 with the goal of providing injured clients with a unique, personalized and results-driven approach to their cases. She received a BS degree in political science from Louisiana State University and her JD degree from Loyola University New Orleans College of Law. She was admitted to practice in Louisiana in 2010. She is serving on the Board of Governors for the Louisiana Association for Justice, is the chair of the New Orleans Bar Association's Personal Injury Section and is a barrister in the St. Thomas More American Inn of Court. She is a top-rated civil litigation attorney by *Louisiana Super Lawyers*.



Cassie Preston Gailmor

Bradley C. Guin • Baton Rouge

Bradley C. Guin is a shareholder in the Baton Rouge office of Roedel Parsons Blache Fontana Piontek & Pisano, ALC. His practice focuses on appellate and complex commercial litigation. He handles appeals, writ applications, amicus briefs and dispositive motions before Louisiana state and federal courts. He received a BA degree in political science in 2015 from Louisiana State University and his JD degree and graduate diploma in comparative law, cum laude, in 2019 from LSU Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 2019 and is admitted to the U.S. 5th Circuit Court of Appeals and the U.S. District Courts for the Eastern, Middle and Western Districts of Louisiana. He is a member of the Louisiana State Bar Association's Appellate Section, the Baton Rouge Bar Association and the Scribes: The American Society of Legal Writers.



Bradley C. Guin

Camille E. Gauthier • New Orleans

Camille E. Gauthier is a partner at Flanagan Partners, LLP, in New Orleans. Her practice focuses on appeals and commercial litigation. She received a BA degree, summa cum laude, in 2009 from the University of Louisiana-Lafayette and her JD degree, summa cum laude, in 2012 from Tulane University Law School. She



Camille E. Gauthier

Young Lawyers Division

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Madeline Smith Hebert • New Orleans

Madeline Smith Hebert is an associate in the New Orleans office of Galloway, Johnson, Tompkins, Burr & Smith, APLC. Her practice focuses on the defense of automobile accidents, slip and fall, products liability, EEOC, Louisiana Workers' Compensation Act and Longshore and Harbor Workers' Compensation Act. She received a BA degree in energy commerce in 2015 from Texas Tech University and her JD degree and graduate diploma in comparative law in 2018 from Louisiana State University Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2018. She is a member of the Lafayette Bar Association, the Women's International Shipping and Trading Association, the Federal Bar Association and the New Orleans Bar Association.



Madeline Smith Hebert

Jami Lacour Ishee • Lafayette

Jami Lacour Ishee is a partner with Davidson, Meaux, Sonnier, McElligott, Fontenot, Gideon & Edwards, LLP, in Lafayette and has a litigation defense practice focused in premises liability, products liability, general insurance defense, and the defense of railroads in personal injury, property damage, derailment and FELA claims. She received her undergraduate degree from Louisiana State University and her JD degree from Loyola University New Orleans College of Law. She was admitted to practice in Louisiana in 2014 and is also admitted in Texas. She was the 2023 recipient of the Louisiana State Bar Association Young Lawyers Division's Hon. Michaelle Pitard Wynne Professionalism Award and was a two-time Louisiana Association of Defense Counsel (LADC) Frank L. Maraist Award finalist. She currently serves as president of the Lafayette Bar Association's Young Lawyers Section, on the board of directors for the LADC and as chair of the Young Lawyers Section of the Defense Research Institute.



Jami Lacour Ishee

Michael H. Ishee • Lafayette

Michael H. Ishee is a shareholder in the Lafayette office of Liskow & Lewis, APLC. He maintains a diverse litigation practice and has experience litigating disputes related to oil and gas operations, disputes arising out of the organization and management of closely



Michael H. Ishee

held companies, and disputes involving trusts, estates and successions. He also advises oil and gas companies on best practices and pre-litigation matters. He received a BS degree in economics in 2011 from Louisiana State University, a master of business administration degree in 2015 from LSU and his JD degree in 2015 from LSU Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 2015. He is a member of the Lafayette Bar Association and the Institute for Energy Law.

Deanna C. Johnson • Baton Rouge

Deanna C. Johnson is the owner-operator of Magnolia Law, LLC, a family law firm in Baton Rouge. She received a BA degree in mass communications in 2012 from Louisiana State University and her JD degree in 2017 from Loyola University New Orleans College of Law. She was admitted to practice in Louisiana in 2017. Her greatest fulfillment is collaborating with her team to devise effective litigation approaches and ensuring the firm caters to all, including those seeking assistance through the Louisiana State Bar Association's Modest Means Program and the Baton Rouge Bar Association's Pro Bono Project. She is a member of the Baton Rouge Bar Association and its Family Law Section.



Deanna C. Johnson

Victor M. Jones • New Orleans

Victor M. Jones is senior counsel at the NAACP Legal Defense Fund, where he litigates school desegregation cases in federal courts. He has helped thousands of schoolchildren in Louisiana, Mississippi and Alabama obtain the equal educational opportunities they are constitutionally entitled to receive as recognized by the U.S. Supreme Court in *Brown v. Board of Education*. He received a BA degree in literature in 2007 from Xavier University of Louisiana, a master of education degree in 2008 from Harvard University and his JD degree in 2012 from Loyola University New Orleans College of Law. He was admitted to practice in Louisiana in 2013. He is a member of the Louisiana State Bar Association's Children's Law Committee, a constitutional law examiner for the Louisiana Supreme Court's Committee on Bar Admissions, president-elect of the Greater New Orleans Louis A. Martinet Legal Society, Inc. and a member of the 2022 Class of the Presidential Leadership Scholars Program.



Victor M. Jones

Young Lawyers Division

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Bianca N. Moore • Gretna

Bianca N. Moore is a solo practitioner and operates her own law firm, The BMoore Law Firm, LLC, in Gretna, focusing in criminal defense, estate planning and commercial litigation. She received a BA degree in political science and Spanish language and literature in 2016 from Xavier University of Louisiana and her JD degree and certificate in social justice in 2019 from Loyola University New Orleans College of Law. She was admitted to practice in Louisiana in 2019 and in the District of Columbia in 2023. She was a member of the Leadership LSBA 2022-23 Class and volunteers for the Wills for Heroes Program, the Lawyers in Libraries Program and the Modest Means Program. She currently serves as president of the Greater New Orleans Louis A. Martinet Legal Society, Inc. and Foundation and is a board member for Southeast Louisiana Legal Services and Leaders of Color.



Bianca N. Moore

gree in 2011 from Louisiana State University Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2011. She serves in the Louisiana State Bar Association's House of Delegates, represented District 3 on the LSBA Young Lawyers Division Council from 2018-22 and chaired the YLD High School Mock Trial Committee in 2019-22. She is a member of the Lafayette Bar Association and the Bar Association of the Federal 5th Circuit.

Scott M. Richard • Lafayette

Scott M. Richard is an attorney at Broussard, David & Moroux in Lafayette. His practice is exclusively devoted to helping those who have been seriously injured. He received a BA degree, magna cum laude, in 2011 from the University of Louisiana-Lafayette and his JD degree, cum laude, in 2015 from Loyola University New Orleans College of Law. He was admitted to practice in Louisiana in 2015. He is the Lafayette Bar Association (LBA) Young Lawyers Section's historian and served as a Law Day panelist and guest mock trial judge. He is a member of the Order of the Barristers, the Louisiana Association for Justice and the Federal Bar Association.



Scott M. Richard

Trevor C. Mosby • New Orleans

Trevor C. Mosby is an associate in the New Orleans office of Hinshaw & Culbertson, LLP, advising national and regional financial institutions on resolving distressed commercial lending relationships. He advocates for financial institutions in bankruptcy proceedings, and in state and federal cases involving claims of lender liability and breach of contract. He received his undergraduate degree in finance and economics in 2009 from Lamar University, a degree in higher education administration in 2013 from Sam Houston State University and his JD degree in 2018 from Southern University Law Center. He was admitted to practice in Louisiana in 2019. He is a member of the American Bankruptcy Institute, the National Bar Association and the National Conference of Bankruptcy Judges.



Trevor C. Mosby

Ross F. Roubion • Lafayette

Ross F. Roubion is an associate in the Lafayette office of Kean Miller, LLP, where his practice includes a variety of casualty defense litigation. He received a BA degree in history in 2010 from Louisiana State University and his JD degree in 2014 from LSU Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 2014. In 2023, he was awarded the Frank L. Maraist Award by the Louisiana Association of Defense Counsel (LADC). He is a board member of the LADC, the Federal Bar Association's Acadiana Chapter and the Lafayette Bar Association's Young Lawyers Committee. He was recognized as a "Top Lawyer" by *Acadiana Profile Magazine* and is listed in *Best Lawyers in America 2024 (One to Watch)* in energy law and in *Louisiana Super Lawyers 2024 (Rising Star)* in transportation/maritime.



Ross F. Roubion

Megan E. Réaux • Lafayette

Megan E. Réaux is an associate at Hill & Beyer, APLC, in Lafayette. She practices primarily in civil litigation and represents clients on both sides of the aisle from intake through trial and appeal. She received her undergraduate degree from the University of Louisiana-Lafayette and her JD de-



Megan E. Réaux

Young Lawyers Division



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Jose R. Ruiz • New Orleans

Jose R. Ruiz is a partner in the civil litigation department in the New Orleans office of Deutsch Kerrigan, LLP. He practices in Louisiana state and federal courts in trucking and transportation, energy, retail and hospitality, and insurance. He received his undergraduate degree from the University of Alabama and his JD degree from Tulane University Law School. He was admitted to practice in Louisiana in 2017. He is a member of the New Orleans Bar Association Young Lawyers Section's Executive Committee and serves on the board of directors of the Younger Lawyers Division of the Federal Bar Association's New Orleans Chapter.



Jose R. Ruiz

Matthew R. Slaughter • New Orleans

Matthew R. Slaughter is senior counsel at Flanagan Partners, LLP, in New Orleans. He practices in the areas of complex and commercial litigation. He received his undergraduate degree from the University of Alabama and his JD degree from the University of Alabama School of Law. He was admitted to practice in Louisiana in 2017 and in Alabama in 2015. He is a member of the Louisiana State Bar Association's Intellectual Property Section. He currently serves on the board of directors for The Pro Bono Project and as treasurer for the New Orleans Bar Association's Young Lawyers Section. He is a member of the Younger Lawyers Division of the Federal Bar Association's New Orleans Chapter.



Matthew R. Slaughter

Grant R. Schexnaider • Lafayette

Grant R. Schexnaider is an associate at Borne, Wilkes & Rabalais, LLC, in Lafayette, where he focuses in municipal defense litigation. He received his undergraduate degree from Louisiana State University and his JD degree from Southern University Law Center. He was admitted to practice in Louisiana in 2021. He is a member of the Lafayette Bar Association and the Louisiana Association of Defense Counsel.



Grant R. Schexnaider

Sarah Simmons Sonnier • Lafayette

Sarah Simmons Sonnier is an associate at NeunerPate in Lafayette, handling primarily insurance defense. She received a BA degree in political science in 2016 from Louisiana State University and her JD degree and graduate diploma in comparative law, cum laude, in 2020 from LSU Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2020. She received the Lafayette Bar Association's Outstanding Attorney Award in 2021 and the Louisiana State Bar Association's Pro Bono Publico Award in 2022, both in recognition of her pro bono domestic violence volunteer work. She is a member of the Lafayette Bar Association's Young Lawyers Section and the Louisiana Association of Defense Counsel.



Sarah Simmons Sonnier

E. Blair Schilling • New Orleans

E. Blair Schilling is a partner at Fishman Haygood, LLP, in New Orleans, where she represents clients in coastal land loss and restoration, land and groundwater contamination, land use, clean water, brownfield sites and other regulatory and permitting issues in federal and state court. She received a BA degree in integrated strategic marketing in 2007 from the University of Kentucky and her JD degree, magna cum laude, in 2013 from Loyola University New Orleans College of Law. She was admitted to practice in Louisiana in 2013 and is admitted to the U.S. District Courts for the Eastern, Middle and Western Districts of Louisiana and the U.S. 5th Circuit Court of Appeals. She currently serves as vice chair of the American Bar Association (ABA) Young Lawyers Division's Environment, Energy & Resources Committee, and is a member of the ABA Disaster Legal Services Team. She is a Fellow of the American Bar Foundation.



E. Blair Schilling

Yasha L. Clark Walker • New Orleans

Yasha L. Clark Walker is of counsel with Talbot, Carmouche & Marcello. Her practice is focused on auto collisions, personal injury and 18-wheeler accidents. She received a BS degree in criminal justice from the University of Houston-Downtown and her JD degree in 2018 from Southern University Law Center. She was admitted to practice in Louisiana in 2019 and in Washington, DC, in 2019. She was a 2023 Louisiana Young Lawyers Conference speaker and a 2022 volunteer for the Lawyers in Libraries Program.



Yasha L. Clark Walker

Young Lawyers Division

LSBA YOUNG LAWYERS DIVISION

2023 TOP 40

The TOP 40 award is given to Louisiana's top young lawyers who have made exceptional contributions to the legal profession.

Clark-Walker is the recipient of the 2021 Outstanding Young Lawyer Award presented by the Louisiana State Bar Association's Young Lawyers Division. She is a member of the New Orleans Bar Association and the Greater New Orleans Louis A. Martinet Legal Society, Inc.

Allison Morrow Weaver • Lafayette

Allison Morrow Weaver is an associate in The Law Offices of Blaine J. Barrilleaux, LLC, in Lafayette. She practices in the areas of workers' compensation and personal injury claims. She received her undergraduate degree in 2012 from Louisiana State University and her JD degree, magna cum laude, in 2015 from Southern University Law Center. She was admitted to practice in Louisiana in 2015. She began her legal career as a judicial law clerk for Judge James P. Doherty, 27th Judicial District Court. She is a member of the Lafayette Bar Association (Community Outreach chair, Young Lawyers Division) and the Louisiana Association for Justice.



Allison Morrow Weaver

Brittany McKeel Young • Shreveport

Brittany McKeel Young is managing attorney of her firm, The Law Office of Brittany M. Young in Shreveport, opened in 2023. She represents clients in personal injury, medical mal-

practice, wrongful death and products liability cases. She received her undergraduate degree from the University of Louisiana-Monroe and her JD degree in 2015 from Southern University Law Center. She was admitted to practice in Louisiana in 2016 and is admitted in the U.S. District Courts in the Middle and Western Districts of Louisiana. She is a member of the Louisiana Association for Justice and the American Inn of Court.



Brittany McKeel Young

Rashid A. Young • Homer

Rashid A. Young is an attorney at Young Law Firm, PLLC, in Homer. He practices in the areas of commercial litigation, personal injury, and property and government law. He received his undergraduate degree from Arkansas Baptist College and his JD degree from Southern University Law Center. He was admitted to practice in Louisiana in 2022 and is admitted in the U.S. District Court, Western District of Louisiana. He is an elected member of the Louisiana House of Representatives, serving as a freshman member of the House Ways and Means Committee. He is a member of the National Bar Association and the Community of Legal Innovators.



Rashid A. Young

SPOT

MENTORING

Experienced Lawyers Sharing Knowledge

As a young attorney, there will be many circumstances where you will find yourself faced with questions and difficulties. Without enough practice under your belt, you may not have the answers, or the resources, to find the solutions. The LSBA is here to help!

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By Trina S. Vincent, Louisiana Supreme Court

JUDGES... RETIREMENTS... MEMORIAM

New Judges

Cynthia Simon Spadoni was elected 15th Judicial District Court Division L judge, effective Dec. 27, 2023. She earned her bachelor's degree in 1996 from Louisiana State University and her JD degree in 1999 from LSU Paul M. Hebert Law Center. From 1998-99, she was a law clerk at the Louisiana Department of Justice, Attorney General's Office, Civil Division. From 1999-2000, she worked as a judicial clerk for 15th Judicial District Court Judge Durwood W. Conque. From 2000-02, she was an associate attorney at Judice & Adley, APLC. From 2002-05, she was an assistant district attorney for the Orleans Parish District Attorney's Office. From 2005-20, she was an assistant district attorney in the District Attorney's Office for the 15th Judicial District. From 2021 until her election to the bench, she was an assistant district attorney in the District Attorney's Office for the 16th Judicial District. Judge Spadoni is married to Craig Spadoni and they are the parents of two children.



Lauren Davey Rogers was elected 29th Judicial District Court Division E judge, effective Jan. 1, 2024. She earned her bachelor's degree in 2002 from Louisiana State University and her JD degree in 2005 from Loyola University New Orleans College of Law. She was a judicial assistant and law clerk at the 29th Judicial District Court, Division D, for Judge Kirk R. Granier during the summers of 2001-03. From 2003-05, she worked as a law clerk at Bohannan & Associates, LLC, and was an attorney at Bohannan & Rogers from 2005-23. She worked as a contract attorney at the 29th Judicial District Public Defender's Office from 2011-23. Judge Rogers is married to Kade Rogers and they are the parents of two children.



Judges

23rd Judicial District Court Judge Katherine Tess Percy Stromberg was elected 1st Circuit Court of Appeal judge, effective Jan. 21, 2024. Judge Stromberg earned her bachelor's degree in 1995 from Louisiana State University and her JD degree in 2001 from Cumberland School of Law, Samford University. She was an investigator for the Louisiana Board of Ethics and Campaign Finance from 1995-98. She was a partner at the law firm of Percy, Stromberg, Bush & Lanoux from 2002-12 and was an administrator/hearing officer at the 23rd Judicial District Court from 2012-14. She was elected to the 23rd Judicial District Court bench in 2015 and served until her election to the 1st Circuit. Judge Stromberg is married to Lee Stromberg and they are the parents of three children.



Retirements

► Orleans Parish Civil District Court Judge Robin M. Giarrusso retired, effective April 30, 2023. Judge Giarrusso earned her bachelor's degree in 1974 from Newcomb College of Tulane University and her JD degree in 1978 from Tulane University Law School. She worked as an assistant city attorney at the City Attorney's Office, New Orleans, from 1978-84 and as a deputy city attorney from 1984-88. She was elected to the Orleans Parish Civil District Court bench in 1988 and served as chief judge from 1998-2000. She was appointed by the Louisiana Supreme Court to the Judiciary Commission of Louisiana and served as chair during the last year of her appointment.

► 29th Judicial District Court Judge M. Lauren Lemmon retired, effective Jan. 5, 2024. Judge Lemmon earned her bachelor's degree in 1985 from Spring Hill College and her JD degree in 1990 from Loyola University New Orleans College of Law. She worked as a law clerk the summers of 1989 and 1990 at Sutherland, Juge & Keevers and at the Murray Law Firm in 1990. She was a student practitioner from 1989-90 at Loyola

Law Clinic. From 1990-92, she was a judicial clerk for Louisiana 4th Circuit Court of Appeal Judge Robert J. Klees. She worked as an attorney at Montgomery, Barnett, Brown, Read, Hammond & Mintz from 1992-95 and at Lyons, Pipes & Cook, PC, from 1995-97. She was employed by Carr, Alford, Clausen & McDonald, LLC, as an attorney from 1999-2000 and worked in private practice from 2000-08. She was elected to the 29th Judicial District Court bench in 2009 and served until her retirement.

► Shreveport City Court Senior Judge Pammela S. Lattier retired, effective Dec. 31, 2023. Judge Lattier earned her bachelor's degree in 1985 from the University of Georgia and her JD degree in 1989 from Southern University Law Center. She served as an administrative law judge for the State of Louisiana and as an election judicial hearing officer for the 1st Judicial District Court. She worked as a staff attorney for the Louisiana Department of Social Services, Support Enforcement Services, and as an assistant district attorney for the Orleans Parish District Attorney's Office. In 2009, she was elected Shreveport City Court judge, where she served until her retirement.

Death

► Retired 2nd Circuit Court of Appeal Judge Richard Harmon Drew, Jr., 77, died Dec. 17, 2023. He received his bachelor's degree in 1968 from Louisiana State University and his JD degree in 1971 from LSU Paul M. Hebert Law Center. He served as an assistant district attorney from 1975-85. Judge Drew served on a concerned citizens' task force, representing seven north Louisiana parishes, charged with constructing a juvenile detention center. He drafted legislation, which passed the Louisiana Legislature in 1986, founding the Northwest Louisiana Juvenile Detention Center Authority. He was elected Minden City Court judge and served from 1985-88. During his tenure on the city court bench, Judge Drew instituted night court sessions and innovative juvenile programs in Webster Parish. In 1988, he was elected without opposition to the 26th Judicial District Court and was reelected without opposition in 1990, serving until 1998. In 1999, he was elected to the 2nd Circuit Court of Appeal and served until his retirement in 2017.

PEOPLE

LAWYERS ON THE MOVE . . . NEWSMAKERS

LAWYERS ON THE MOVE

Adams and Reese, LLP, announces that Taylor E. Brett was elected partner in the New Orleans office and Hunter J. Schoen was elected partner in the Baton Rouge office. Matthew C. Guy was appointed partner-in-charge of the New Orleans office. Also, New Orleans partner Edwin C. Laizer was elected to the firm's Executive Committee. New Orleans partners Johnny L. Domiano, Jr. and Lee C. Reid were appointed as Practice Group leaders (Litigation and Business/Government, respectively).

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, announces that Maxwell C. Hadley and William E. Wildman III joined the New Orleans office as associates. Also, Matthew A. Woolf, a shareholder in the firm's New Orleans office, was named chair of the Complex Litigation and Class Actions Group.

Christovich & Kearney, LLP, in New Orleans announces that **John K. Nieset** has been named managing partner and **Mindy Brickman** has been elected to the Management Committee.

The Derbes Law Firm, LLC, in Metairie announces that **Eric J. Derbes** has returned as a member of the firm and **McKenna D. Dorais** has joined the firm as an associate.

Flanagan Partners, LLP, in New Orleans announces that **Matthew R. Slaughter** has joined the firm as senior counsel.

Hinshaw & Culbertson, LLP, announces that **Michele Hale DeShazo** has joined the firm's New Orleans office as of counsel.

Continued next page



Richard J. Arsenaud



Allyson M. Billeaud



Wilton E. Bland III



Alan G. Brackett



Mindy Brickman



Dominic J. Carmello



Arthur J.
Chassignac



Justin M. Chopin



Brigid E. Collins



Blake R. David



Eric J. Derbes



Patrick D. DeRouen



Michele Hale
DeShazo



McKenna D. Dorais



Stephen E. Downer



Gerard J. Dragna



Lillian E. Eyrich



Jason M. Freas

Long Law Firm, LLP, in Baton Rouge announces that **Seth F. Lawrence** has been elected as a partner.

McGlinchey Stafford, PLLC, announces that Brad M. Barback has been named a member in the Baton Rouge office and Lauren N. Baudot and Timothy G. Byrd, Jr. have been named members in the New Orleans office.

Mouledoux, Bland, Legrand & Brackett, LLC, in New Orleans announces that **Dominic J. Carmello, Arthur J. Chassignac, Stephen E. Downer, Tyffani A. Lauve, Natalie M. Morris** and **Lauren L. Paysse** have joined the firm as associates.

Perrier & Lacoste, LLC, announces that **Jason M. Freas** has joined the firm's New Orleans office as special counsel. **Megan B. Jacqmin** has become a member in the firm's New Orleans office. Also, **Allyson M. Billeaud** has joined the firm's New

Orleans office as an associate.

Perry Dampf Dispute Solutions, with offices in Baton Rouge, Lafayette and New Orleans, announces that several new members have joined its panel of neutrals — **Brigid E. Collins, Patrick D. DeRouen, Joseph I. Giarrusso III, Ernest P. Gieger, Jr., Joseph Maselli, Jr., Eric R. Nowak, Coleman D. Ridley, Jr., Richard J. (Rick) Ward III, Andrew D. (Andy) Weinstock** and **Lance B. Williams**.

Roedel Parsons Blache Fontana Piontek & Pisano, ALC, announces that **Bradley C. Guin** has been elected as a shareholder in the Baton Rouge office.

Schonekas, Evans, McGoey & McEachin, LLC, in New Orleans announces that **McClain R. Schonekas** has been named a partner in the firm. Also, the firm announces that it is celebrating its 25th anniversary in 2024.

NEWSMAKERS

Richard J. Arsenault, a partner in the Alexandria firm of Neblett, Beard & Arsenault, was a speaker at a Mass Torts Conference in West Palm Beach, Fla.

Blake R. David, senior partner at Broussard, David & Moroux, LLC, in Lafayette, was appointed to the Louisiana State Law Institute Council as a practicing attorney.

Michael D. Ferachi, managing member in the Baton Rouge office of McGlinchey Stafford, PLLC, was named a Fellow in the Litigation Counsel of America.

E. Blair Schilling, a partner in the New Orleans office of Fishman Haygood, LLP, was appointed to a two-year term as general counsel of the Young Leadership Council's board of directors.

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Joseph I. Giarrusso III



Ernest P. Gieger, Jr.



Bradley C. Guin



Mark E. Hanna



Daniel J. Hoerner



Megan B. Jacqmin



Tyffani A. Lauve



Seth F. Lawrence



Philip D. Lorio IV



Lindsay F. Louapre



Joseph Maselli, Jr.



J. Edward McAuliffe III



Natalie M. Morris



André J. Mouledoux



Michael T. Neuner



John K. Nieset



Eric R. Nowak



C. Michael Parks

PUBLICATIONS

Best Lawyers in America 2024

Carver, Darden, Koretzky, Tessier, Finn, Blossman & Areaux, LLC (New Orleans): Raymond G. Areaux, Lawyer of the Year; M. Taylor Darden, Lawyer of the Year; William T. Finn, Lawyer of the Year; Roy E. Blossman, M. Hampton Carver, Susan J. Santa Cruz, Brandon T. Darden, Matthew J. Fantaci, Russell L. Foster, David S. Landry, Leann Opotowsky Moses, Philip D. Nizialek, Theodore S. Owers III, Robert S. Stassi, Frank A. Tessier and David F. Waguespack; and Rebecca D. Areaux, Conor T. Lutkewitte and Haley E. Nix, Ones to Watch.

Riess LeMieux (New Orleans): Christopher K. LeMieux, Jonathan S. Forester, Michael R.C. Riess and Michael S. Blackwell; and M. Robert C. Riess, Ones to Watch.

Strauss Massey Dinneen, LLC (New Orleans): David A. Strauss; and Robin D. Cassidy, Alexander A. Lauricella and Marco J. Salgado, Ones to Watch.

Louisiana Super Lawyers 2024

Breazeale, Sachse & Wilson, LLP (Baton Rouge, New Orleans): Thomas M. Benjamin, Peter J. Butler, Jr., David R. Cassidy, Murphy J. Foster III, Alan H. Goodman, Scott N. Hensgens, Eve B.

Masinter, Richard G. Passler and Thomas R. Temple, Jr.; and Danielle L. Borel, Alexa N. Candelora, Joseph J. Cefalu III, David C. Fleshman, Candace B. Ford, Philip J. Giorlando, Alexandra C. Hains, Kayla M. Jacob, Rachael A. Jeanfreau, Kelsey C. Luckett and Catherine B. Moore, Rising Stars.

Broussard, David & Moroux (Lafayette): **Blake R. David**, Top 50.

Chopin Law Firm, LLC (New Orleans): **Adam P. Sanderson**; and **Philip D. Lorio IV**, Rising Star.

Fishman Haygood, LLP (Baton Rouge, New Orleans): Brent B. Barriere, Harvey S. (Tad) Bartlett III, Jason W. Burge, Scott D. Chenevert, Charles A. Landry, Tristan E. Manthey, J. Tyler Marquette, Lance C. McCardle, Kerry J. Miller, Lori G. Mince, Cherie D. Nobles, William H. Patrick, Albert O. (Chip) Saulsbury, E. Blair Schilling, Steven C. Serio, James R. Swanson, John D. Werner and S. Scott Willis; and Tyler M. Andrews, Monica L. Bergeron, Kaja S. Elmer, Meghan D. Montgomery, C. Hogan Paschal, Matthieu P. Robert, Danielle C. Teutonico, Rebekka C. Veith and Molly L. Wells, Rising Stars.

Gordon, Arata, Montgomery, Barnett, McCollam, Duplantis & Eagan, LLC (Lafayette, New Orleans): Phillip J. Antis, Jr., Michael E. Botnick, Steven W. Copley, Ewell E. (Tim) Eagan,

Jr., A. Gregory Grimsal, C. Peck Hayne, Jr., Terrence K. Knister, Caroline D. Lafourcade, Martin E. Landrieu, Samuel E. Masur, Cynthia A. Nicholson, Scott A. O'Connor, John Y. Pearce, Paul B. Simon, Howard E. Sinor, Jr., Marion W. Weinstock and Stephen L. Williamson; and Marianna K. Downer, Bryan M. Dupree, John Philip (J.P.) Graf, James D. (Doug) Rhorer, Micah C. Zeno and R. Ethan Zubic, Rising Stars.

McGlinchey Stafford, PLLC (Baton Rouge, New Orleans): Rodolfo J. (Rudy) Aguilar; Magdalen Blessey Bickford, Top 25 Women Attorneys, Louisiana; Rudy J. Cerone, Top 50 Attorneys, New Orleans; Katherine Conklin, Michael D. Ferachi, R. Marshall Grodner, Christine Lipsey, Kathleen A. Manning, Colvin G. Norwood, Jr.; and Michael H. Rubin, Top 100 Attorneys, Louisiana; and Andrew M. Albritton, Remington M. Angelle, Brad M. Barback, Lauren N. Baudot, Camille R. Bryant, Allyson C. Byrd, Timothy G. Byrd, Jr., Farren L. Davis and Morgan E. Kelley, Rising Stars.

Simon, Peragine, Smith & Redfearn, LLP (New Orleans): David F. Bienvenu, Benjamin R. Grau, Jay H. Kern, Susan B. Kohn, Judy Perry Martinez, Denise C. Puente, H. Bruce Shreves, John F. Shreves and Douglass F. Wynne, Jr.; and Alexandra E. Celio and Windsor V. Richmond, Rising Stars.

Continued next page



Lauren L. Paysse



Robert N. Popich



Coleman D. Ridley, Jr.



Adam P. Sanderson



McClain R. Schonekas



Matthew R. Slaughter



Robert M. Steeg



Charles L. Stern, Jr.



Richard J. Ward III



Andrew D. Weinstock



Lance B. Williams



Simone H. Yoder

Louisiana Super Lawyers 2024

Steeg Law Firm, LLC (New Orleans): Lillian E. Eyrich, Robert M. Steeg and Charles L. Stern, Jr.

New Orleans Magazine 2023

Chopin Law Firm, LLC (New Orleans): Justin M. Chopin and Philip D. Lorio IV, Top Lawyers.

Mouledoux, Bland, Legrand & Brackett, LLC (New Orleans): Wilton E. Bland III, Alan G. Brackett, Gerard J. Dragna, Mark E. Hanna, Daniel J. Hoerner, Lindsay F. Louapre, J. Edward McAuliffe III, André J. Mouledoux, Michael T. Neuner, C. Michael Parks, Robert N. Popich and Simone H. Yoder, Top Lawyers.

Steeg Law Firm, LLC (New Orleans): Lillian E. Eyrich and Robert M. Steeg, Top Lawyers.

IN MEMORIAM

Attorney **Guy O. (Mitch) Mitchell III**, a resident of Ville Platte, died on Nov. 10, 2023. He was 77. After graduating from Louisiana State University Law School, he started his practice with Paul Tate in Mamou. In 1973, he relocated his practice to Ville Platte where he was still practicing until his death. He also was a former city prosecutor of Ville Platte and served on the Indigent Board for several years. He is survived by his wife, Glenda B. Mitchell of Ville Platte; his brother Robert Mitchell; his sister Joan Garcia; nieces, nephews and other relatives.



Guy O. (Mitch) Mitchell III

LSBA Encourages Notification about Deceased Members

As a means to keep the membership database accurate and up-to-date, the Louisiana State Bar Association is encouraging members to notify staff about deceased members (either from colleagues or the families of the deceased members). Members who become aware of a deceased colleague who may still be listed in the membership rolls as eligible are encouraged to email the LSBA Membership Department at processing@lsba.org.

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UPDATES

Judiciary Commission of Louisiana Announces Officers, Appointments

The Judiciary Commission of Louisiana announces the election of Orleans Parish Criminal District Court Judge Robin D. Pittman as commission chair and Suzanne H. Stinson as vice chair. Appointed to the commission are attorneys Thomas C. Wicker IV of Orleans Parish and David W. Ardoin of Lafourche Parish. Attorney Kelly T. Blackwell was appointed as Judiciary Commission counsel.

Judge Pittman was elected by commission members to serve as chair for a one-year term. She received her BA degree, *cum laude*, from Loyola University New Orleans in 1991 and her JD degree in 1996 from Loyola University New Orleans College of Law. Prior to taking the bench, she served as an assistant district attorney for the Orleans Parish District Attorney's Office, a deputy disciplinary counsel with the Office of Disciplinary Counsel and an associate in the litigation section of Baldwin Haspel Burke & Mayer, LLC,

where she worked until her election to the Orleans Parish Criminal District Court bench in 2009.

Stinson, a citizen member of the commission, was elected to serve as commission vice chair for a one-year term. She received a bachelor's degree, *magna cum laude*, in 1988, a master's degree in business administration in 1992 and a second master's degree in industrial/organizational psychology in 1994, all from Louisiana Tech University. She received her Certificate of Judicial Administration from Michigan State University.

Wicker was appointed to serve on the commission as the young lawyer member for a four-year term. He earned his bachelor's degree in 2012 from Georgetown University, majoring in English and gov-



ernment. He earned his JD degree in 2017 from Tulane University Law School. He is affiliated with the law firm of Capitelli & Wicker.

Ardoin was appointed to serve on the commission for a four-year term. He earned his bachelor's degree in 1993 from Louisiana State University and his JD degree in 1996 from Tulane University Law School, with an Environmental Law Certificate.

Blackwell was appointed commission counsel by the Louisiana Supreme Court. She earned her BA degree, *high honors*, in government and Spanish in 2003 from the University of Texas at Austin and her JD degree in 2007 from Loyola University New Orleans College of Law. Prior to her appointment as counsel, she served for eight years as an assistant special counsel in the Office of Special Counsel to the Judiciary Commission.



The 2023-24 Leadership LSBA Class was recognized during the House of Delegates meeting on Jan. 20, in conjunction with the LSBA Midyear Meeting in Baton Rouge. From left, Brian J. Lindsey, Kean Miller, LLP, Lafayette; Tiyantha D. Lords, McGlinchey Stafford, PLLC, New Orleans; Reed K. Ellis, Broussard, David & Moroux, Lafayette; Karina Shareen, Deutsch Kerrigan, LLP, New Orleans; Kristina F. Douglas, City of Shreveport, Shreveport; Stephanie M. Poucher, Phelps Dunbar, LLP, New Orleans; Brittany E. Bell Chavis, Chavis Law, LLC, Lake Charles; Trinity C. Goines, attorney at law, Shreveport; Andrew M. Albritton, McGlinchey Stafford, PLLC, New Orleans; Josef P. Ventulan, Louisiana State Law Institute, Baton Rouge; Catherine S. Carrier, Long Law Firm, LLP, Baton Rouge; Bailey E. Anderson, attorney at law, Lake Charles; Micah O. Clemons, Todd Clemons & Associates, APLC, Lake Charles; and Candace B. Ford, 2023-24 Leadership LSBA Class co-chair, attorney at law, Baton Rouge. Not in photo are Nicholas S. Bergeron, Gieger, Laborde & Laperouse, LLC, New Orleans; and R. Clayton Christian, 2023-24 Leadership LSBA Class co-chair, Nelson & Hammons, APLC, Shreveport.

Chief Justice Weimer Named to Board of National Conference of Chief Justices

Louisiana Supreme Court Chief Justice John L. Weimer was named as a board member of the Conference of Chief Justices at its Annual Meeting last year. His term will expire in 2025.

Chief Justice Weimer became the 26th chief justice of the Louisiana Supreme Court on Jan. 1, 2021. He began his service on the Supreme Court in 2001 when he was elected to serve as an associate justice for District 6, comprised of the parishes of Assumption, Iberia, Lafourche,



Chief Justice John L. Weimer

Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin, St. Mary, Terrebonne and a portion of the west bank of Jefferson Parish. In 2002, 2012 and 2022, he was reelected to a 10-year term without opposition.

Judge Guidry Elected to National Courts of Appeal Organization

Chief Judge John Michael Guidry of the Louisiana 1st Circuit Court of Appeal was elected as secretary-treasurer and chair of the Finance Committee of the Council of Chief Judges of the State Courts of Appeal for a one-year term. He was elected in October 2023 during the organization's Annual Conference.

Chief Judge Guidry has served on the Louisiana 1st Circuit since 1997 and became the chief judge on Jan. 1, 2023. Before joining the bench, he was a member of the Louisiana State Senate and the Louisiana House of Representatives. He is an adjunct professor at Southern University Law Center. He received his law degree from Southern University Law Center.



Chief Judge John Michael Guidry

Waguespack Receives NOBA's Distinguished Maritime Lawyer Award

Jason P. Waguespack, managing director of the New Orleans law firm Galloway, Johnson, Tompkins, Burr & Smith, APLC, received the New Orleans Bar Association's Distinguished Maritime Lawyer Award. The award ceremony was Oct. 20, 2023.

The Distinguished Maritime Lawyer is chosen by the members of the Maritime & International

Law Committee. Recipients are longstanding members of the Maritime & International Law Committee and are significant contributors to the local admiralty bar.



Jason P. Waguespack

LSBA Member Outreach and Diversity Department Presents CLE Seminar

The Louisiana State Bar Association's (LSBA) Member Outreach and Diversity Department hosted a CLE seminar on Jan. 18, in conjunction with the LSBA's Midyear Meeting in Baton Rouge. Legal professionals had the opportunity to earn CLE credit hours, obtain a new Photo Bar ID card and network with other attorneys.

Vickie S. Evans, founder, RedCape, Austin, TX, presented a CLE program on "Microsoft Productivity Tips for Attorneys: Windows, PowerPoint and Outlook."

Christopher D. Kiesel, Office of Disciplinary Counsel, Baton Rouge, presented a CLE program on "Trust Accounting: Basics and Best Practices."

Judge Rachael D. Johnson, Judge



CLE program presenter Vickie S. Evans.



CLE program presenter Christopher D. Kiesel.

Nakisha Ervin-Knott and Judge Paula A. Brown, all with the Louisiana 4th Circuit Court of Appeal, presented a CLE program in the Professional Development Workshop Series titled "Take Command, Be Empowered and Own Your Future."



CLE program presenters, from left, Judge Rachael D. Johnson, Judge Nakisha Ervin-Knott and Judge Paula A. Brown, all with the Louisiana 4th Circuit Court of Appeal.

LOCAL / SPECIALTY BARS



Dwazendra J. Smith, with D. Smith Legal, LLC, in Lafayette, presented the CLE seminar, “LSBA: Who We Are and How We Serve Our Members,” on Oct. 4, 2023, at the Lafayette Bar Center. The seminar was co-hosted by the Lafayette Bar Association. Attendees earned one professional CLE credit hour and learned about the benefits of being a member of the Louisiana State Bar Association.



The Baton Rouge Bar Association (BRBA) held its November Bar Luncheon and CLE seminar on Nov. 30, 2023. Louisiana State University Paul M. Hebert Law Center Dean Alena M. Allen, center, presented a CLE seminar on “The Impact of *SFFA v. UNC* and *SFFA v. Harvard College* on Legal Education.” From left, Melanie Newkome Jones, 2023-24 BRBA president; Allen; and K. Luke Williamson, 2023-24 BRBA president-elect.



A CLE session, “LSBA: Who We Are and How We Serve Our Members,” was presented in conjunction with the Southwest Louisiana Bar Association’s CLE by the Hour on Dec. 7, 2023. The featured speakers were Justin S. Brashear, right, Brashear Law, LLC, Lake Charles, and Ezra Pettis, Jr., Delphin Law Offices, PLC, Lake Charles. Attendees learned about the benefits of being a member of the Louisiana State Bar Association.

LSBA eBooks available for FREE download



Visit www.lsba.org/NewsAndPublications/eBooks.aspx for a list of LSBA books available for free download. These valuable resources are full of practical tips, step-by-step tutorials and various necessary forms and valuable checklists.

Currently, four books are featured:

- *Practice Aid Guide: The Essentials of Law Office Management*
- *Hanging Out Your Shingle Louisiana Style*
- *Disaster Planning: It's Not Just for Hurricanes - Are You Ready?*
- *Practice Transition Handbook: Shutting Down a Law Practice in Louisiana*

President's Message

Q&A with 2024-25 LBF President Judge (Ret.) John C. Davidson

Interviewed by 2024-25 Secretary Charles C. Bourque

Bourque: Tell us about yourself and your family.

Davidson: I was born in Baker, La., the oldest of three boys. After attending Baker High School, I attended Louisiana State University for both undergraduate and law school. While attending Baker High School, I met my wife. We married after high school and have three children, two boys and one girl. Upon graduating from law school, I practiced in New Orleans for a few years, before ending up in Alexandria. I was elected as a district court judge in 2004, retiring in September 2023. Currently, I stay busy with judicial assignments along with nonprofit and community projects, in between traveling and spending time with my grandchildren.

Bourque: How did you get involved with the Louisiana Bar Foundation (LBF)?

Davidson: I became a member in 1999 simply because I received an invitation to join an organization that performed important work. I was then appointed to the LBF Board as the district court representative. As a board member, I had the opportunity to observe the work and became personally invested in the purpose, mission and importance of the work of the LBF. I am truly grateful that I joined, even though it took a few years to grasp the breadth and importance of the LBF work.

Bourque: Why do you think the LBF is important to the law profession?

Davidson: As lawyers, we are consumed with solving problems for our clients, and I find that many lawyers, myself included, do not balance the demands of our profession with our personal life. Part of that balance is the recognition of the importance of our profession in the lives of the public we serve. As lawyers, we are in a unique position to champion those who desperately need a champion. The LBF helps lawyers support a system that

serves those citizens who need a champion but cannot afford a champion. The LBF helps us continue to build a lasting legacy for equal justice under the law in our state.

Bourque: Why do you think the LBF is important to Louisiana?

Davidson: Every person in our state should be provided equal access to legal assistance when confronted with a legal matter. Only those accused of criminal conduct are constitutionally entitled to an attorney. The vast majority of our citizens cannot afford legal representation. The LBF works to close the gap between those who can afford legal representation and those who cannot in an effort to build a true system of justice.

Bourque: What role does the LBF play in the Louisiana civil legal aid network?

Davidson: The LBF is the largest funder of civil legal aid in Louisiana and constantly explores opportunities to continue to strengthen and support an equal system of justice in our state.

Bourque: What do you see as the biggest challenges facing civil legal aid in Louisiana?

Davidson: One of the biggest challenges we face is the lack of public service attorneys. Without public service attorneys, the needs of those people who cannot afford an attorney cannot be met. Unfortunately, the public service attorneys tend to be at the low end of the pay scale. As a result, many of our dedicated public service attorneys have to maintain an outside practice to pay their bills. The ongoing challenge is to attempt to close the economic pay gap. Additionally, I want to



Judge (Ret.) John C. Davidson

focus on supporting the pro bono efforts of lawyers and organizations that volunteer their time and effort to assist in providing legal services.

Bourque: What do you hope to accomplish this year as LBF president?

Davidson: I am going to work hard to empower our outstanding LBF staff to continue to help build a level playing field for the low-income citizens in our state. We have many groups and individuals throughout the state who work hard on this issue every day. We will continue to form partnerships and collaborations to support and advance their work.

Bourque: What is your favorite memory with the LBF so far?

Davidson: I have a collection of favorite memories as part of the LBF. I love hearing directly from our grantees about their incredible work and ideas for more progress. I love meeting people in every corner of the state as they work to create a lasting legacy of a justice system that serves our citizens in a fair and impartial manner. My biggest regret is that I did not get more involved much earlier in my career. There is so much important and rewarding work to be done.

Bourque: What advice do you have on improving the practice of law for young lawyers?

Davidson: While law schools prepare lawyers to understand the study of law, application of the law to real-life legal problems is something that requires much more practice. Our field is one that requires constant study and application of knowledge to the legal problems encountered in the practice. Unfortunately, many of my best lessons were learned from mistakes. Use mistakes as a learning tool. Do not be afraid to ask for help

Continued next page

LBF Honors Distinguished Award Recipients at Gala

The Louisiana Bar Foundation (LBF) will celebrate its 38th Annual Fellows Gala on April 19 in honor of the 2023 Distinguished Jurist Elizabeth Erny Foote, Distinguished Attorney Harry J. (Skip) Philips, Jr., Distinguished Professor John K. Pierre and Calogero Justice Award recipient Bernard E. (Bernie) Boudreaux, Jr.

Distinguished Jurist Elizabeth Erny Foote is a U.S. District Court judge for the Western District of Louisiana, with her duty seat in Shreveport. Appointed by U.S. Supreme Court Chief Justice John Roberts, Judge Foote serves on the Judicial Security Committee of the Judicial Conference of the United States. Until her appointment to the bench in 2010, she was a partner in the Smith Foote Law Firm, LLP, in Alexandria, where she had been engaged in active practice since 1979. She received her undergraduate degree from Louisiana State University with college honors, her master of arts degree from Duke University and her law degree from the LSU Paul M. Hebert Law Center. She served as an adjunct professor at LSU Law Center in appellate advocacy and as an instructor on motion practice in the law school's "intersession" program. She was the first woman to serve as an officer in the Louisiana State Bar Association (LSBA), serving as treasurer, and later served as LSBA president in 2008-09.



Judge Elizabeth Erny Foote



Harry J. Philips, Jr.



John K. Pierre



Bernard E. Boudreaux, Jr.

Distinguished Attorney Harry J. (Skip) Philips, Jr. is of counsel at Taylor, Porter, Brooks & Phillips, LLP, in Baton Rouge where he has practiced since graduating from Louisiana State University Paul M. Hebert Law Center in 1983. He was managing partner of Taylor Porter for nine years. He is a former president and member of the LBF's Board of Directors and currently serves on the Grants and Governance committees. He is a member of the Louisiana State Law Institute Council.


Distinguished Professor John K. Pierre has been serving as Southern University Law Center's chancellor since 2016. Previously, he became a faculty member in 1990 and later became vice chancellor of institutional accountability and the evening division in 2006. He received a bachelor's degree in accounting from Southern University in 1980, a master's degree in tax accounting from Texas Tech University in 1982 and a JD degree from Southern Methodist University

School of Law in 1985.

Calogero Justice Award recipient Bernard E. (Bernie) Boudreaux, Jr. has been an associate with the law firm of Jones Swanson & Huddell, LLC, since 2013. He received a BA degree from the University of Louisiana at Lafayette and his JD degree from Louisiana State University Paul M. Hebert Law Center in 1961. In 1964, he began practicing law in Franklin, La., later becoming district attorney in the 16th Judicial District. He and Judge William Hunter created the first drug court in Louisiana. He retired as district attorney in 2000 to become executive counsel for Louisiana Gov. M.J. (Mike) Foster. He initiated and coordinated the effort to renovate the current Louisiana Supreme Court building. He co-authored a book published by West Publishing Company, *Sentencing Guidelines Manual*. He continues to serve on the Louisiana State Law Institute's committee to enact the Louisiana Code of Evidence.

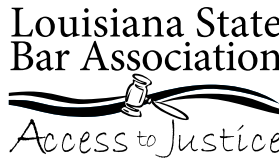
LBF Q&A continued from page 452

from more experienced attorneys. Additionally, talk to the opposing counsel and let your word matter. Much of the backlog I saw as a judge was a direct result of attorneys failing to communicate before a matter was heard. Judges set conferences with attorneys to assist with communication in cases. Reach out before a matter is heard to see if issues can be resolved without judicial involvement. You build your reputation every day with every interaction. Guard your reputation with your actions. Lastly, try to live a balanced life focused on your emotional and physical health. It is easy to lose sight of life outside our profession with the demands of our profession.




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Direct and Cross at the MOVIES

By E. Phelps Gay

To the moviegoer or TV watcher, it's all about the dramatic moment when the witness withers under ruthless cross-examination. This occurs in almost every episode of the old Perry Mason TV shows and in movies like *Witness for the Prosecution*, *Legally Blonde* and the compulsively watchable *My Cousin Vinny*.

Perhaps no better example is found than in Rob Reiner's 1992 film *A Few Good Men*, written by Aaron Sorkin, about the court-martial of two U.S. Marines charged with murdering a fellow Marine at Guantanamo Naval Base in Cuba. After getting nowhere during his initial cross-examination of Jack Nicholson's Colonel Nathan Jessep, Tom Cruise, as Lt. Daniel Kaffee, goes for broke.

Q. If you gave an order that Santiago was not to be touched, and your orders are always followed, then why would Santiago be in danger? Why would it be necessary to transfer him off the base?

Nicholson waffles by saying Private Santiago was a "substandard marine" and "sometimes men take matters into their own hands," but Cruise bores in, saying, "I want the truth." Nicholson famously responds, "You can't handle the truth!" launching into a diatribe about having "a greater responsibility than you can possibly fathom," concluding "I have neither the time nor the inclination to explain myself to a man who rises and sleeps under the blanket of the very freedom I provide, then questions the manner in which I provide it."

Undaunted, Cruise bears down:

Q. Did you order the code red?

A. I did the job you sent me to do.

Q. Did you order the code red?

A. You're goddamn right I did!

All good stuff — thoroughly enjoyable, and, of course, to any practicing lawyer completely unrealistic. Good litigators prepare carefully for cross-examination, seeking to score a few points and cast doubt on the witness's credibility, but the idea that our questioning will produce a total meltdown wherein the other side's key witness admits he or she is guilty of the crime or negligently caused the accident is beyond fanciful.

All this brings to mind something my late mentor, William K. Christovich, himself a highly skilled cross-examiner, told me years ago: "If you have to make your case through cross-examination, you must have a pretty crappy case." His message was that trial lawyers should focus on the less dramatized side of this equation — namely, direct examination, where the spotlight is on the witness, not the lawyer.

Like Lt. Kaffee, judges and jurors "want the truth." More often than not, they find it when the witness tells a story "in her own words" and, in the process, establishes an emotional bond with the judge and jury.¹ Evidence professor Wes Porter has characterized direct examination as "hosting a conversation." This includes more than simply asking "what happened next?" It involves techniques such as "setting the scene," "looping" (where the lawyer adds a portion of the previous answer to the next question, as in: "After the car hit the baby carriage, what happened next?") and "bookends," defined as transitional statements marking the end of one phase of the story and the beginning of another.²

In *My Cousin Vinny*, the direct examination by Joe Pesci's character Vincent Gambini, of his fiancé, Ms. Mona Lisa Vito, played by Marisa

Tomei, has passed into legend. Noting he has argued that "two sets of guys met up at the Sack O' Suds at the same time, driving identical metallic mint green 1964 Buick Skylark convertibles," he asks her: "Does the Defense's case hold water?"

Looking closely at a photograph of the scene, she responds: "No, the Defense is wrong."

Q. Are you sure?

A. I'm positive.

Q. How could you be so sure?

A. Because there is no way that these tire marks were made by a 1964 Buick Skylark. These marks were made by a 1963 Pontiac Tempest."

Later, Pesci asks:

Q. I find it hard to believe that this kind of information could be ascertained simply by looking at a picture."

A. Would you like me to explain?

Q. I would love to hear this.

Judge: So would I.

Through short, non-lawyerly, non-leading questions, Pesci has created drama and suspense. Everyone's attention is fixed on Ms. Vito, so much so that even the Judge has been hooked.

My not-too-original observation is that, despite the dramatic cross-examinations we love to watch in movies and TV shows, real-life lawyers may be better off abandoning the fantasy that they are going to "dismantle" or "destroy" the opposing side's witnesses through cross-examination. Instead, presenting their case through carefully planned direct examination of credible and sympathetic witnesses may offer a more likely road to victory.

But, of course, in the world of trial practice, there are no guarantees. I close with the story of a young lawyer representing the defendant-employer in a worker's compensation case. The plaintiff contended he was so badly hurt in the accident he could hardly walk without pain or lift anything over five pounds. However, the employer had obtained surveillance film showing the plaintiff working in his garage, lifting heavy machinery and walking around briskly with no sign of pain. At trial, the lawyer listened to the plaintiff testify as to his severely injured condition, and then pounced, on cross-examination, by playing the incriminating film.

Q. So, Mr. Smith, do you still contend you were badly injured in this accident?

A. Yes, sir.

Q. How can you possibly make such a contention in view of the evidence in this film?

A. Because that's not me.

Q. What do you mean that's not you?

A. That's my twin brother.

FOOTNOTES

1. In a famous *Seinfeld* episode, Newman asks Kramer to tell the court what happened "in your own words." Kramer replies: "What do you mean in my own words? Whose words are they going to be?"

2. These techniques are described by F. Dennis Saylor IV and Daniel I. Small in the May 11, 2017, edition of *Massachusetts Lawyers Weekly*.



E. Phelps Gay is an arbitrator and mediator with the Patterson Resolution Group. He served as 2000-01 president of the Louisiana State Bar Association and currently serves as board chair of the Supreme Court of Louisiana Historical Society. (ephelphsgay@gmail.com)



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