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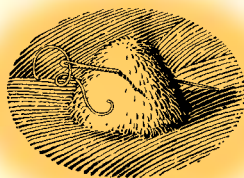
Volume 68, Number 2



Alainna R. Mire
80th LSBA President
Alexandria



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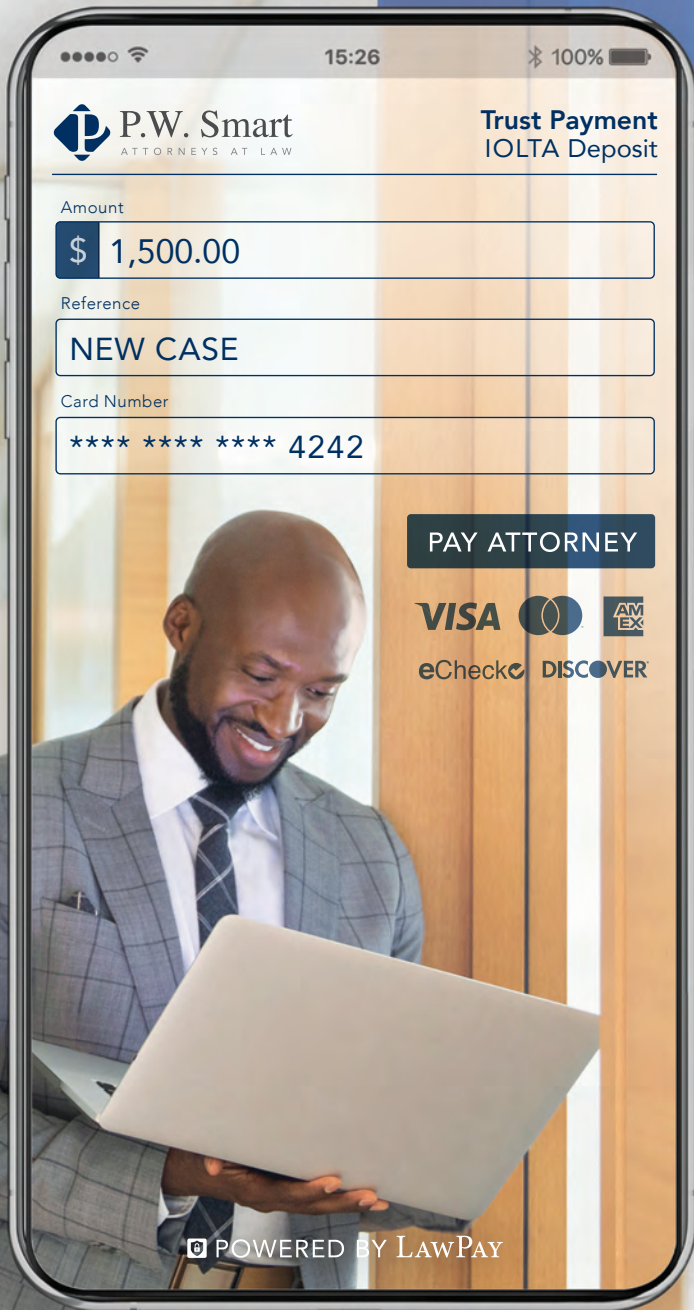
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By Patrick A. Talley, Jr.

A Truly Historic *Journal* for Women in Leadership

We've been planning for, and looking forward to, this issue of the *Louisiana Bar Journal* for some time now. Actually, we began planning this issue when I first became Louisiana State Bar Association (LSBA) secretary in June 2019, so for over a year now. I am still excited about it. Think about it — this year, for the first time in history, we have three Louisiana women leading the LSBA, the Louisiana judiciary and the American Bar Association, all contemporaneously converging during this year marking the 100th anniversary of the 19th Amendment. This is truly an historic moment for us and living proof that the 19th Amendment opened doors. As Louisiana lawyers, we all should be proud. I have the privilege of knowing each of these three women personally, and I can tell you that I could not be prouder to be a Louisiana lawyer at this moment in time.

In the article by Kelly M. Rabalais beginning on page 86, you will read more about the 19th Amendment and these very special women leaders, but suffice it to say for this introduction that we are indeed fortunate to have these three women in these important leadership roles this year.

In June, we swore in Alainna Mire to lead the LSBA this year, and I can assure you there is no one better suited and better prepared to take over as president of the Bar Association at this time.

Chief Justice Bernette Joshua Johnson is well-known to all of us, having been a judge for more than 40 years and chief justice of the Louisiana

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Supreme Court since 2013. Throughout this time, she has truly blazed the trail for women in law in Louisiana. Justice Johnson will retire from the Court at the end of this year and no doubt will blaze new trails, but, for now, she is still the Chief.

And finally, Judy Perry Martinez. I cannot even begin to say enough about her. To accomplish what she has done in her career — beginning in the 1980s as a leader in the LSBA's Young Lawyers Section, culminating in the presidency of the American Bar Association (ABA) in 2019-20 — is truly admirable.

For these three women — LSBA president, chief justice of the Louisiana Supreme Court and ABA president — to endure the long and arduous process to achieve these top leadership positions and the elections they faced to get there speaks volumes about their character, work ethic and leadership

skills. It also speaks to the success of the 19th Amendment. Truly, the 19th Amendment opened doors for them, and they, in turn, have opened doors to citizens throughout Louisiana to ensure access to justice for all, something they are all very passionate about. To top it off, they are probably three of the genuinely nicest people you'll ever meet!

And I could stop there, but the list goes on. We also feature in this issue perspectives from the five women presidents of the LSBA. We feature Alainna Mire in her President's Interview. We also hear from 2006-07 LSBA President Marta-Ann Schnabel; 2008-09 LSBA President Hon. Elizabeth Erny Foote, now federal judge for the Western District of Louisiana; 2009-10 LSBA President Kim M. Boyle; and 2017-18 LSBA President Dona Kay Renegar. In their leadership roles as presidents of the LSBA, they each faced challenging issues and made historic contributions to the role of women in the law profession and brought continued relevance and viability to the 19th Amendment. You will definitely enjoy reading their perspectives as LSBA presidents.

I think by now you understand my enthusiasm and why, as the editor of the *Journal* this year, I am so excited to bring you Volume 68, No. 2, a truly historic issue. It just occurred to me that, as a male, I am way outnumbered here, so I'm going to do the smart thing and end my comments so you can read on about the 19th Amendment and these important women in law who have brought it to life in Louisiana. Enjoy. . . and be proud Louisiana lawyers!

President's Interview



One on One with Alainna R. Mire, 80th LSBA President: *“2020 Vision for the Future” with Focus on Diversity, Inclusion and Technology for All*

Interviewed by Shayna L. Sonnier

Alainna R. Mire, chief resilience officer and an assistant attorney for the City of Alexandria, was installed June 11 as the 80th president of the Louisiana State Bar Association (LSBA) during a ceremony at the Louisiana Supreme Court. Administering her oath of office was Louisiana Supreme Court Chief Justice Bernette Joshua Johnson.

Mire received a BA degree in political science in 2000 from Louisiana State University and her JD/BCL degree in 2004 from LSU Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2004.

She served as LSBA president-elect in 2019-20 and was a member of the Executive Committee, the Budget Committee and the Bar Governance Committee. She is a member of the Access to Justice Commission. She served as secretary and Louisiana Bar Journal editor in 2015-17. She served as LSBA Young Lawyers Division chair, chair-elect, secretary and District 6 representative. She served on the LSBA's Board of Governors as House of Delegates



Liaison Committee chair and was a member of the LSBA's Legislation Committee, the Community Action Committee and the Public Information Committee. She served on the Louisiana Bar Foundation's (LBF) Board and its Budget Committee and co-chaired the LBF's Membership Committee.

A former officer of the Central Louisiana Pro Bono Project and chair of the Alexandria Bar Association's Young Lawyers Council, she is a member of the Alexandria Bar Association and the American Bar Association. She is a former chair of the United Way of Central Louisiana.

(Left) Alainna R. Mire, the 80th president of the Louisiana State Bar Association. Photo by Sarah Boehringer, Kinetix.

(Above) Shayna L. Sonnier presented Alainna R. Mire with an award commemorating her service as Young Lawyer Section chair for 2010-11 at the 2011 LSBA Annual Meeting in Las Vegas, Nevada. Photo from LSBA Archives.



At the 2019 Red Mass at the Louisiana Supreme Court, from left, S. Guy deLaup, Robert A. Kutcher, Alainna R. Mire and Patrick A. Talley, Jr.

Sonnier: You are now the 80th president of the Louisiana State Bar Association (LSBA). How do you feel about that?

Mire: I'm very excited to know there were 79 other wonderful individuals ahead of me and I get to be 80.

Sonnier: What are you looking forward to most this year?

Mire: Honestly, I'm looking forward to trying to just get back to basics as far as getting everyone together. I believe the foundation of any organization should be togetherness, unity and being on one page. That's something that we, as the LSBA, need right now, given our current climate with COVID and everything going on.

Sonnier: I know the LSBA has made huge strides in utilizing Zoom, webinars and other methods to allow people to do things face-to-face, albeit virtual. Will the Bar continue working on that if we're not allowed to meet as soon as we'd like?

Mire: Yes. That's very important. When I was running for this president's position, one of the things I wanted to focus on was technology and making sure that the entirety of our members and the

state had access. That's something that I know is really big right now, as far as in the Legislature with the rural broadband access on the local level and the federal level. In a way, COVID has actually helped all of us embrace technology. Some of our members have embraced it a little better than others, but we're going to work on that. We're going to work on everyone to be receptive to technology. That way, even though you're alone, we're still going to be together.

Sonnier: You've been involved with the LSBA in various forms for quite a long time. Since I've known you all that time (we're not going to go into how far back that goes because no one needs to date us), let's talk about your different leadership roles. You started out with the Young Lawyers Council and moved up through leadership. How do you think that's prepared you for the president's position?

Mire: When I started with the Young Lawyers, it wasn't even a Division yet. It was the Young Lawyers Section. So, I will date myself. Through that experience, I've met some really great people. To move up through the association, I ran for LSBA secretary and actually learned more about

the election process during that time. With all my leadership posts, it was always nice to meet people from outside of my area. Even though I'm from Scott, Louisiana, I live and work in Alexandria. Meeting people from all over the state is important because different areas have different ways of practice. The court rules are different, the courthouse is different, and there are always those unspoken rules. But, really, after I completed my service as past chair of the Young Lawyers Section, I honestly thought I was done and was going to take a break. But being involved in the LSBA is just in my blood. It's something that I really want to do. I next became involved through the House of Delegates, serving as House of Delegates liaison committee chair to the Board of Governors. Also previously I served on the Board of Governors as Young Lawyers Section chair, prior to running for secretary and here I am. During that time, there have definitely been different challenges for the association and membership has changed. Now, we have a lot more younger lawyers in the association, which we're super excited about. Even though I was "aged out" of the Young Lawyers Division not too long ago, I'm never going to let that go. But we've been able to embrace new things. The Young Lawyers Division and the Board of Governors have been able to work well together, so we can represent our entire state and its membership.

Sonnier: While speaking of that, a lot of what you've done for the LSBA you did while a young lawyer. Are you going to take that mantle to inspire our Young Lawyers Division and our younger members?

Mire: Yes, I believe you can get involved with the LSBA whenever you're ready to get involved. Don't let the fact of being a young lawyer hold you back. If someone had told me when I started on the Young Lawyers Council in my early to mid-20s that I would be in the position of LSBA president now at my age today, I would never have thought it possible. I meet people all the time who ask how I did it. My answer is it's something that I really wanted and I worked hard for it. It's just like when you're in a law firm. There are people who want to be partner. There are people who want to be solos and have their

own practice or those who want to be in-house counsel. If you want it bad enough, you work at it. Don't ever let anyone tell you that it's not your time or this is not for you. You know when it's your time. You know when it's for you. When you're ready, you work for it. I'm just super excited that I'm able to let other people know that you can do that, too. The only thing that will hold you back is yourself.

Sonnier: In being involved with the LSBA, what has truly inspired you? Clearly, you love it. Clearly, you're committed to it. But is there one particular thing that jumps out at you from your experiences with the LSBA that has really inspired you and solidified your attitude?

Mire: I know I tell people this all the time when they meet me. But the first LSBA president that I ever met was Guy deLaup. When I met Guy at my first orientation, he was so welcoming to me and all the other young lawyers, saying, "Get involved, you can do things." At that time, I really had no involvement. I was recently out of law school. I didn't really understand the association and what was going on. Because Guy was so welcoming and, every time he saw me, he was so nice to me, I thought, wow, I really do want to be involved here. Then, you continue to meet others who have that same vision. I remember when I met Wayne Lee, who was the first African-American president of the LSBA, at the Young Lawyers Section Diversity Luncheon. (The Diversity Committee actually started with the Young Lawyers.) I saw Wayne Lee there and I was super nervous to meet him. But I walked up to him, told him who I was, that I was on the Young Lawyers Council, and I just wanted to say hi and introduce myself. He was just so very nice to me. He is someone that I truly respect and admire. Since then, I've met so many wonderful presidents and, because of them, it's the reason that I am involved because they let me know that I can be involved. That's what I want everyone to understand. The LSBA is for all of us, whether you're younger, whether you're older, whether you're a plaintiff's lawyer, a defense lawyer, a prosecutor, a criminal defense attorney, or in-house counsel. It's for all of us. I'm a government lawyer. So, the LSBA is for me, too.



While practicing safe social distancing, Shayna L. Sonnier interviewed Alainna R. Mire at the closed Bar Center during the pandemic. Photo by Barbara Baldwin.

A Little Q&A on President Alainna R. Mire

Q: What's one thing you want LSBA members to know about you?

A: I have a little dog named Beaux and he's adorable!

Q: What are your plans for your term as LSBA president?

A: Although some of my plans for the year have changed, I am still interested in promoting technology for the rural members of our state and increasing membership activities for our diverse community.

Q: What is your favorite quote about leadership?

A: "The essence of a great leader is influence, not authority."

Q: What are you looking forward to during your term?

A: Even though things are different now, hey, at least we get to be alone together.



In 2011, Alainna Mire volunteers her time at a Wills for Heroes event, a program operated by the Young Lawyers Division that provides wills to first responders. Photo provided by LSBA archives.

Sonnier: In talking about the LSBA being for everyone, you know there's always discussion about how everything is focused south of I-10, with the rest of the state not included. Obviously, you live north of I-10. Have you developed any plans or do you have any strategies about how you're going to help our colleagues in the northern part of the state feel truly included?

Mire: I know there was some discussion many years ago when the LSBA was looking to open a satellite office in north Louisiana, which didn't really work for us as far as logistics and financing. In the area of CLEs, I am in the central part of the state and I will be very honest with you. There are no LSBA-sponsored CLEs in my part of the state. That's not OK. There has been some access in other parts of the state via the Four Corners CLEs. We have to move things to where the people are. The Louisiana Attorney Disciplinary Board has done a great job with hosting their free CLEs all over the state. There's no reason we can't do the same thing. So, we are going to do that. That is going to be one of my biggest pushes, in addition to the technology issues. We want our members involved and we want them to know we will come to you because you are a part of us. We're all one. I know people speak of diversity a lot, but they don't necessarily see it as actually living areas, whether it's rural versus urban, young versus old.



Alainna Mire, Edward Mire, Shayna Sonnier and Sarah Mire when Alainna Mire was sworn in as YLD Chair, at the 2010 Annual Meeting in Destin, Florida. Photo by Matthew Hinton Photography.

But diversity encompasses all of that. As the LSBA, we are one organization, one entity. We have to make sure our members understand that. At the same time, we need help from our members in south Louisiana. If we invite you to an event in north Louisiana, the drive works both ways. You can come see us. I used to hear all the time, if I didn't call somebody back, "Oh, well, you didn't call me." Well, guess what? The phone works both ways. So does the Interstate. If I can go to you, you can come to me.

Sonnier: You mentioned how the Diversity Committee started with the Young Lawyers Section. It's now its own committee within the LSBA. Everybody is familiar with the climate right now. Has that inspired you or altered in some way your plans for how the Diversity Committee is going to work this year or what it's going to do?

Mire: One of the things I've struggled with over the years is that people have looked at diversity only through the term of race. But that's not the only diversity. At times, we, as women, have been left behind. There's still work to be done for women. There's still work to be done for African-Americans, for Pacific Islanders, for Hispanic communities. There's still work to be done, now more than ever with everything that is going on, especially starting with COVID and its disproportionate and negative impact in the African-

American and Hispanic communities. At the same time, you have to think about diversity in the sense that it's not just jobs or creating different things. As far as the money or capitalism, it really is looking at it from a health perspective. You have access to justice, but we need access to everything. That's something I think we do need to focus on. Unfortunately, this year with COVID, our Conclave on Diversity has been negatively impacted, but we're going to work to change that next year.

Sonnier: You were saying you're the fifth woman president of the LSBA and the fourth African-American president. How do you feel about that?

Mire: I'm very proud that I am number five as far as females. I'm also proud that I am numbered among the African-American presidents. I hope one day, though, that it gets to a point where it's not so easy to count, where we actually have to Google it to reference the number because there have been so many. I know we have to take those steps but it shows that we can change if we want it bad enough. That all starts with inclusion. We just talked about diversity, but, at the same time, if you brought me a chair to the table, but if I can't eat with you, then why am I there? So you can't just have diversity in name only. You have to be included. That's something that I want people to know, that everyone is included. Everyone can be involved. We just have to



Richard K. Leefe, Barry H. Grodsky, Dona Kay Renegar, S. Guy deLaup, Alainna R. Mire and Robert A. Kutcher at the 2019 Annual Meeting. Photo by Matthew Hinton Photography.



At the 2017 Annual Meeting, Alainna Mire presented the Stephen T. Victory Memorial Award to the Leadership LSBA 2015-16 Class for their work coordinating a special issue of the LBJ commemorating the LSBA's 75th Anniversary. Photo provided by LSBA archives.

get you going. That's what happened with me. I was included in a lot of different things. That made me realize not only the value of the work of the association, but my worth to the association and what I can bring to the association.

Sonnier: Let's talk about your theme for this year, "2020: Vision for the Future." What made you choose that theme?

Mire: It was a play on 2020 because we always talk about 20/20 vision as being perfect vision. With it being 2020 and the start of a new decade, I thought we were going to formulate a vision for the future that encompassed tying in all of our members and the entire state. One of the things I was trying to let people know is that, even though we have the Interstate transportation system, which connects the state physically, it sometimes creates a disconnect between our people, which is one of our greatest assets and resources within our profession. That, to me, is very unfortunate. There should be no I-49 divide, no north Louisiana versus south Louisiana. One of the things that I wanted to focus on was bringing us together, whether that was through technology or increased member outreach. That's what I plan on doing, really getting out there and meeting people. I want them to know that you can call us, and we will show up. We will be there for you. We can do all these different things.

I want our members to see that the vision for the future involves all of us. We are the vision. We have to do what's necessary to create that. That's what I want to foster.

Sonnier: Considering everything going on and the uncertainty about our future, did this make you feel that your theme is actually more on target than you originally thought?

Mire: It does, because I will say this, it made me think this definitely wasn't the vision that I had. All of us being basically alone together, but it has fostered togetherness. I wanted us to focus on technology and bring in the rural communities and that's something that's happening on the legislative side as well. At the LSBA, we've had to use a lot of technology during COVID to provide free resources and seminars for our members. This is a great thing we've been able to do. We already had a Blue Jeans video conference platform for our local affiliate bar centers that had their own buildings. Technology had already started to be at the forefront, but now we really see how important it is with all of us having Go-To meetings, happy hours and other events virtually. This is something we need to bring us together. So, I think whether I saw it or not, or anyone did, the vision for the future is technology. It's bringing us together, even though we may be in different areas and different parts of the state, in our homes or in our of-

fices. We still need to be together in some kind of way. We have to foster that collegiality and this is how we're doing it.

Sonnier: A big thing you've talked about throughout this interview is bringing everyone together and being inclusive. Let's talk about your Board of Governors for the 2020-21 Bar year. That's a rather diverse board. Would you like to elaborate more on that?

Mire: This is actually the most diverse Board of Governors we've ever had. I think that's remarkable as the new 80th president, being a young African-American female and having such a diverse board from our voting members. The majority is female. I don't think we've ever had that before. That also is remarkable because our profession has changed so much to being predominantly female. A lot more women are graduating from law schools and they're now being able to see themselves in leadership roles. This is an amazing thing and I'm very proud of the diversity on our board. We have a diverse board as far as the makeup of African-Americans as well. This is definitely now reflecting our profession. One of the things some people have said is the LSBA is an "old boys" club and that's not so anymore. The association might have been back then, but times are changing. We're changing and I'm very proud of it.



At the 2011 Annual Meeting, Karelia Stewart, Lauren McKnight and Alainna Mire attended the president's dinner in Las Vegas, Nevada. Photo provided by LSBA archives.

Sonnier: You've commented that you're from south Louisiana, from Scott specifically, and you've moved to Alexandria for work. Can you give us a bit of insight into your day-to-day work with the city? What does your work life entail?

Mire: Coming from private practice many years ago, I handled plaintiff's work for a while and some defense work. I was a law clerk, which I thoroughly enjoyed, and I would've probably done that for the rest of my life. Working for Judge John Davidson, I was his first law clerk. We grew up together in that sense as far as the court system, which was amazing. Then I eventually transitioned to the city. I didn't fully know about the inner workings of local government, as far as being on the inside and being legal counsel. I am a political science major, so I knew politics. I know governmental structure and different things, but I wasn't from Alexandria. This definitely was a learning curve to see how things worked. With most of our members being so diverse at times, I feel like we forget about those individuals who work for federal, state or local governments. That work is different from other areas of practice and my day-to-day duties can change at the drop of a hat. Some days, I may be advising our utility director about issues that we're having or I'm working with someone about policies and procedure. Or I could be talking to outside counsel and discussing strategies for a case they're handling for us. It really is different every day. In Alexandria, it is truly all-hands-on-

deck. We have a very limited staff, as far as the number of attorneys in-house. We all do a little bit of everything and, to be quite honest, I wouldn't have it any other way. I'm never bored. I'm always learning something different. There are things I probably wouldn't be exposed to if I wasn't doing the work that I do. I'm very proud of that. I want other people to know that we government attorneys are out there and we hit the ground running just like everyone else. It's just that our day-to-day looks different than someone in private practice.

Sonnier: Did that all-hands-on-deck experience you've had with your job help prepare you for the ebbs and flows of the LSBA?

Mire: Quite frankly, I think it has. There are times with different elections where our leadership changes, not just the administration, but our city council, too. With the legal division I work in, we are the go-between for the administration and the city council. We always have to work with a diverse group of people. The LSBA is very similar. We are a very diverse group of people and you have to be able to collaborate and work with other people. I said this before that I prefer to work through influence and not authority. That's something you have to do when you're in government, when you have to work across different aisles, whether it's party lines or different districts. While some people may be concerned with potholes in their district, others are concerned with adding ad-



At the 2016 Annual Meeting, Alainna R. Mire addresses the House of Delegates as the LSBA Secretary. Photo by Matthew Hinton Photography.

ditional lighting. Well, guess what? Those concerns are both valid. We just have to figure out how to work through those. I think it's the same thing with the many issues that we face at the LSBA. So, yes, I truly believe that my work experience has helped me face the challenges in the LSBA president's role.

Sonnier: We've talked a lot about what's inspired you and your different activities with the LSBA. What are some things you enjoy doing in your personal time? Who is Alainna Renee Mire when she's not wearing her LSBA hat?

Mire: I spend time with my dog, Beaux. If at all possible, I love to be at the beach. I like to be by water. I like to hang out with my friends. I'm actually very simple. That's it, boring?

Sonnier: You've not mentioned anything about LSU, which kind of surprises me.

Mire: Well, that's not my personal time. That's just who I am. Geaux Tigers!

Shayna L. Sonnier, a partner in the Lake Charles firm of Hunter, Hunter & Sonnier, L.L.C., served as 2018-20 treasurer for the Louisiana State Bar Association (LSBA). She received a bachelor's degree in 2000 from the University of Louisiana-Lafayette and her law degree in 2003 from Dedman School of Law, Southern Methodist University. She also served as Fourth District representative on the LSBA's Board of Governors and served as chair, immediate past chair, chair-elect, secretary and District 4 representative on the LSBA's Young Lawyers Division Council. (ssonnier@hunterlaw.com; 1807 Lake St., Lake Charles, LA 70601)

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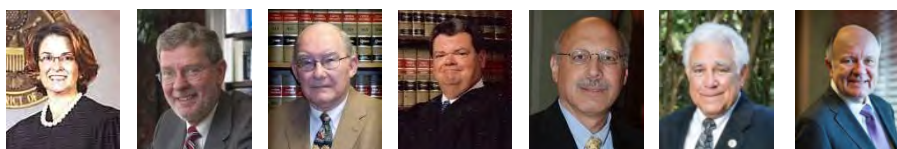
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Celebrating Women in Leadership and the 100th Anniversary of the 19th Amendment

By Kelly M. Rabalais



Celebrating women in leadership seems

fitting as we mark the 100th anniversary of the adoption of the 19th Amendment to the U.S. Constitution this month (ratified on Aug. 18, 1920). We honor the dedicated, steadfast women leaders who persevered through decades of protests to obtain the passage of the 19th Amendment, wherein women were granted the right to vote. The most notable figures in the women's suffrage movement were Susan B. Anthony, Elizabeth Cady Stanton and Lucy Stone. Some argue that the women's suffrage movement lasted 100 years but most agree the effort started in earnest at the 1848 Seneca Falls Convention. For

at least 72 years, many women leaders fought a peaceful but unrelenting fight for the right to vote, inspiring women for decades to come. Today's women leaders of our Bar are just as impressive.

As I thought about women in leadership throughout history, it did not take long to connect the many dots to the awe-inspiring accomplishments of the women of the Louisiana Bar, many of whom have held leadership positions while reaching these achievements. It is imperative to remember how far women have come since obtaining the right to vote. However, discussing the authentic trials and triumphs of current women leaders of our Bar is equally important. It is a privilege to pay homage to the following women who have heeded the

call of leadership and provide a real-life example of just how far women can go.

Attorneys across Louisiana and beyond have taken notice of the convergence of three particular women, who currently hold (or recently held) major leadership positions in our profession. Bernette Joshua Johnson continues to serve as chief justice of the Louisiana Supreme Court. Her legendary service remains to be the most concrete example of authentic leadership in our state. Judy Perry Martinez served as the 2019-20 president of the American Bar Association and Alainna R. Mire is the 2020-21 president of the Louisiana State Bar Association. These women are living, breathing examples of what it means to be distinguished leaders.

(Left) American Bar Association President Judy Perry Martinez, Louisiana Supreme Court Chief Justice Bernette Joshua Johnson and LSBA President Alainna R. Mire. Photo by Matthew Hinton Photography.



Three Louisiana Supreme Court Justices, from left, Justice Jeannette Theriot Knoll, now retired; Chief Justice Catherine D. Kimball, now retired; and current Chief Justice Bernette Joshua Johnson. Photo provided by Louisiana Supreme Court.

Chief Justice Bernette Joshua Johnson

Chief Justice Bernette Joshua Johnson is the first African-American chief justice of the Louisiana Supreme Court and only the second female chief justice to serve. She was the first woman elected to the bench of Orleans Parish Civil District Court in 1984. The word “trailblazer” does not even begin to embody the depths of her public service or the value of her success in the legal profession. The number of awards and honors bestowed upon her are voluminous and warranted. Two notable awards were bestowed by the American Bar Association (ABA). In 1998, she received the Margaret Brent Women Lawyers Achievement Award. She also was recognized with the 2010 Spirit of Excellence Award from the ABA’s Commission on Racial and Ethnic Diversity.

Several themes traverse Chief Justice Johnson’s career and accolades, such as her dedication to representing the underserved and ensuring fairness across many social justice arenas. Her ability to con-

nect and embed these moral foundations to the practice of law is one accomplishment that will last forever.

When I spoke to Chief Justice Johnson, she was passionate about how paramount the passage of the 19th Amendment was to setting women on a course of leadership. In her own words, she expressed how the work of women leaders is a marathon, a journey of steady work over many years. Further, she reiterated the importance of paying homage to the women who have stood up to fight for equal rights.

Chief Justice Johnson provided these inspiring words: “This 100th anniversary of women’s right to vote was not easily won. It was the result of a hard-fought battle in which many women sacrificed, suffered, yet succeeded in pursuit of having their voices heard and their votes counted. Voting is the most basic expression of participation and equality in our democracy. Our legal system is a key

component of our democracy, and the law plays a critical role in shaping our democracy. It forms the cornerstone of our civilization and helps to maintain order and ensure fairness. I joined the field of law in September 1969, a time when it was almost unthinkable that a black woman could not only become a lawyer, but to then be elected to the Civil District Court bench in Orleans Parish and to eventually become the 25th Chief Justice of the Louisiana Supreme Court. I am proud to say that, in my chosen profession, I am in excellent company with hundreds, even thousands, of women judges around Louisiana and the nation who believe that anything is possible if you are willing and obedient to fight the good fight of faith.”

Chief Justice Johnson acknowledged many historical women leaders and how they paved the way for her success today. She emphasized, “Without women such as suffragists and judges Susan B. Anthony, Constance Baker Motley, Catherine D. Kimball, Jeannette T. Knoll, Anna Veters Levy, Joan Bernard Armstrong, Sandra Day O’Connor, Gertrude B. Rush and U.S. Supreme Court Justice Ruth Bader Ginsburg, the last 100 years of progress would have looked strikingly different. Their work helped to change how women were viewed by society as a whole and, therefore, how they were treated under the law. It is undeniable that women have not only left their mark in the legal profession, but they have also created a victorious legacy of accomplishment. These are women who have not only *endured* but *were endowed* with the influence and innovation to not only conquer but also overcome every impeding obstacle. They ran the race, which some may have defined as a ‘sprint,’ but has proven to be a ‘marathon.’ We learned that we were predestined to not just survive but to thrive. I am humbled to stand alongside so many influential and accomplished women in law.”

From the sidelines, it is truly inspiring to observe our Chief Justice in action as a woman leader. I can only hope to gain some insight from her experiences in an effort to do my part.

Judy Perry Martinez



Judy Perry Martinez, ABA President.

Judy Perry Martinez served as 2019-20 president of the American Bar Association (ABA). Much attention has been given to her installation as president of the ABA and rightfully so. Representing the Louisiana legal profession in such a prestigious position is profound in and of itself. But, serving during the 100th anniversary of the adoption of the 19th Amendment is worthy of pause and acknowledgement of the significance. She also set the standard, serving as the first female ABA president from the state of Louisiana. A review of Martinez’s résumé reveals she has been a steady and successful practitioner in the civil arena with Simon, Peragine, Smith & Redfearn, L.L.P., and as counsel for Northrop Grumman for more than 30 years. In addition to the many leadership positions she has held with the ABA, she also has served in several positions with the Louisiana State Bar Association (LSBA) and the New Orleans Bar Association.

In 2017, Martinez received the LSBA’s David A. Hamilton Lifetime Achievement Award and the New Orleans Bar Association’s Presidents’ Award. In 2012, she received the Camille Gravel Pro Bono Award from the New Orleans Chapter of the Federal Bar Association. She is also the recipient of the 1998 Michaelle Pitard Wynne Professionalism Award from the Association of Women Attorneys. The awards are many and thread a common theme of dedication to social justice and equality for all. She illustrated this theme and her own personal social responsibility during her installation as president of the ABA. She said, “Our finest moments and most enduring contributions have been when we have used our voice and resources for causes about which we can act with authority, and which we can influence with impact. As lawyers, we know equality. We know liberty. And we know justice.” This specific quote emerged above all others when I read her speech. These words are inspiring and give insight into the type of leader the Louisiana Bar is honored to have in Martinez.

Alainna R. Mire



Alainna R. Mire, LSBA President. Photo by Sarah Boehringer, Kinetix.

Alainna R. Mire is another Louisiana woman leader worthy of recognition. Mire was installed as Louisiana State Bar Association (LSBA) president in June. She is the fifth woman to serve as president and the youngest woman to serve in LSBA history. She is the chief resilience officer and an assistant attorney for the City of Alexandria, where she was the former human resources director.

Anyone who knows Mire is very familiar with her many terms of service in various positions for the LSBA. She served as LSBA secretary and *Louisiana Bar Journal* editor from 2015-17. She also served as LSBA Young Lawyers Division chair, chair-elect, secretary and District 6 representative. She served on the LSBA's Board of Governors as House of Delegates Liaison Committee chair.

Mire has already served in several LSBA leadership positions and is now serving amid the COVID-19 pandemic, which will present many challenges. From her proven track of service and leadership to our Bar, I know we are in good hands. It is important for our profession to have a woman president given that women still only make up a third of licensed attorneys in Louisiana. Hopefully, with Mire's leadership and success as an example, we will see more women enter the practice.

More Women Legal Leaders

These three women on their own paint a remarkable picture of leadership in the legal profession but they represent just the tip of the iceberg. As I began my research for this article, I learned about a plethora of other women leaders in our profession. I also became reacquainted with several familiar women leaders.

In the aftermath of the 2010 BP oil spill, I crossed paths with Judge Nannette Jolivet Brown, chief judge for the U.S. District Court for the Eastern District of Louisiana and the current president of the New Orleans Chapter of the Federal Bar Association. At that time, she was the city attorney for New Orleans. For the last 10 years, she has been gracious enough to spend her time working with local bar associations.

One of my most memorable experiences with Judge Brown was when she led a discussion with the Covington Bar Association's Women in Law Section, which I chaired. Judge Brown's insight into what it means to be a woman leader in the legal profession resonates with me today. I asked her about the qualities women possess that contribute to their success. She said, "I consider some attributes of women leaders that lead to their success to be the ability to develop positive and supportive relationships and partnerships with people across various industries, which support their field of expertise, and who are at various stages in their career. Another important attribute is the ability to communicate clearly and effectively with a variety of people, thereby gaining their trust, support and confidence."

Perhaps Judge Brown's most compelling example of what it takes to be a woman leader is not by her words but by her continued leadership and actions. We can learn a lot from her journey. When I asked her about lessons she learned throughout her career which prepared her for leadership, she explained, "I have learned the importance of being a good listener, planning ahead and not being

afraid of failure. I have learned to listen carefully to those around me, even when I disagree with a comment or complaint. I have learned to figure out whether it provides some insight into what I can do differently to further engage someone or incorporate their point of view in my decision making."

Judge Brown gave solid advice on recognizing and embracing leadership opportunities when they are presented. She said, "I am always thinking ahead and planning ahead. You can miss a lot of opportunities life may have to offer by being afraid to reach out because you think you might fail and dread the consequences of failure. Be prepared for opportunities you may feel are beyond you. You have to be open to opportunities and not be afraid to take some risks or you may not even see unconventional opportunities when they are right before your very eyes."

As women, we often find comfort in seeking guidance from other women for perspective on careers and leadership. I asked Judge Brown about the best advice she received about leadership and she told me, "If you find yourself having to tell people you are supposed to be leading that you are in charge, either by specifically articulating the words 'I'm the boss' or wielding your power over those you are supposed to be leading, you have failed as a leader. Some leadership roles take work to develop, particularly when you are leading high-level management personnel or peers in general. Do your job well. Treat people fairly. And communicate openly and clearly."

While on the topic of women leaders in the federal courts, it is worth noting that the current chief judge of the U.S. 5th Circuit Court of Appeals is Chief Judge Priscilla R. Owen.

Two of the three chief judges of the Louisiana United States District Courts are also female. Aside from Judge Brown, there is Chief Judge Shelly D.

Dick of the Middle District, who was the first female judge appointed to the Middle District.

Three of the five chief judges of the Louisiana Courts of Appeal are female. They are Chief Judge Vanessa Guidry-Whipple of the 1st Circuit, Chief Judge Felicia Toney Williams of the 2nd Circuit and Chief Judge Susan M. Chehardy of the 5th Circuit.

Also, 73 of the state district judges are women. Also of particular interest, Anne Simon sits on three of four designated Indian Nation courts in Louisiana.

In 2019, Judge Bernadette D'Souza of Orleans Parish Civil District Court served as the president of the National Association of Women Judges.

This record-breaking trend is consistent with women emerging in leadership on a national level. The 2016 congressional elections were dubbed "The Year of the Woman," with more women qualifying for office than any other year. Currently, more women hold seats in the House and Senate than ever before.

Women are making strides in the corporate arena as well. The number of female CEOs of Fortune 500 companies is the highest ever. There is no doubt that we are in the midst of an impressive movement and it is a thrilling time to be a woman in the professional sector.

Reflections on Leadership

Reflecting on the many women leaders who I have encountered in 20 years of practice, I would be remiss not to mention Patricia (Pat) LeBlanc. For years, she was one of just a few women to represent major automotive manufacturers and Japanese insurers in Louisiana. She was the lead defense attorney for products liability and vehicle warranty cases across the state. She was one of the founding members of the Jefferson Chamber and served as chair. She also served as chair of GNO, Inc. and remains on the board of directors. Jefferson Parish President Cynthia Lee Sheng asked LeBlanc to serve on her

campaign committee and LeBlanc assisted with the transition team. These are only a few highlights of LeBlanc's many accomplishments and leadership roles throughout her career.

LeBlanc hired me immediately out of law school as a "baby lawyer," or so she called me. Over eight years, she trained and mentored me with much patience and discipline. She was a mother of four and a full-time litigator, who was also deeply committed to many civic organizations. She is the most personal example I have of what it means to be a woman in leadership.

When I asked LeBlanc for her thoughts on women leaders in the legal profession, she did not hesitate to explain her perspective. Her philosophy was simple. She believed that the more you have to do, the more you get done. Women traditionally juggle the many duties associated with being a wife, mother and lawyer all at the same time. We classically take on too much and we have trouble saying "no." She concluded that, if the result of all of this juggling is that women make it to leadership positions, then that is *lagniappe*.

LeBlanc believes that women have a duty to be involved in our communities, and as lawyers, that duty is heightened. I think it is safe to say that the environment has changed a bit from the time of LeBlanc's early years as an attorney. One glaring observation about the legal profession today is that there is a broader sense of acceptance and collegiality of female lawyers, which was not prevalent when she entered the practice in 1983. This is in stark contrast to her early days. Often she was the only woman in court on rule day and the sole female trying cases. Over the course of her career, she has certainly illustrated what it means for women to pave a path to success while overcoming obstacles that are directly related to being a woman in our profession.

Conclusion

Women were given more than the right to vote with the adoption of the

19th Amendment. They were given the freedom to dream about a bigger and brighter future. With that, they were given the opportunity to become leaders. Without the actions taken by the leaders of the women's suffrage movement, we would not be able to celebrate the women leaders in this article.

Many of these women would say that becoming a leader was not their main motivation for devoting their time and passion to their profession and outside interests. Rather, achieving leadership roles was simply a culmination of their continued efforts over many years. Notoriety or fanfare doesn't drive these women. That is obvious. They are motivated by the satisfaction that comes from working hard, giving back to their community, and insisting on excellence in their profession. I think the leaders of women's suffrage would be proud that their efforts were so well worth it. More importantly, they would be grateful for the continued efforts of today's women leaders. I know I am!

As women, we share the responsibility and the honor of maintaining this progression. As Chief Justice Johnson aptly put it, women are on a marathon to breaking records and reaching new heights. We must all look within and ask ourselves if we are carrying the torch of leadership, whatever that means to each of us; if not, know that it is never too late to start. So, to all women attorneys and future leaders, here's to the next 100 years!

Kelly M. Rabalais represents the Fifth Board District on the Louisiana State Bar Association's Board of Governors. She received a BA degree in political science in 1996 from Louisiana State University and her JD degree in 1999 from LSU Paul M. Hebert Law Center. She is a member of the Louisiana Bar Journal's Editorial Board. She thanks Edie Martinez for her editing. (kmrabalais@stph.org; 1202 South Tyler St., Covington, LA 70433)



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LSBA's Women Presidents:

Perspectives on Leadership, the Legal Profession and the 19th Amendment

W

hen Alainna R. Mire was sworn in as the 80th president of the Louisiana State Bar Association (LSBA) in June, she became the fifth Louisiana woman attorney to serve in this leadership role.

In this year, as the nation celebrates the 100th anniversary of the ratification of the 19th Amendment to the U.S. Constitution (Aug. 18, 1920) — guaranteeing all women the right to vote — the *Louisiana Bar Journal* thought it fitting to gather perspectives from these

extraordinary women on leadership (in general), LSBA leadership (in particular), reflections on the 19th Amendment, or a combination of all three topics.

In her President's Interview (beginning on page 79), Mire discusses her progression through various leadership roles in the LSBA and credits those who contributed to her success along the way. She also talks about her "vision for the future," including a focus on diversity, inclusion and technology.

Read on for perspectives from Marta-Ann Schnabel, Hon. Elizabeth Emy Foote, Kim M. Boyle and Dona Kay Renegar.

**Just
for the
Past 14
Years...**



**By Marta-Ann
Schnabel
2006-07 LSBA
President**

Women have been voting for 100 years. Yet, women have only had the opportunity to be Louisiana State Bar Association (LSBA) president for the past 14 years.

My stint as LSBA president broke a ceiling, but it is worth remembering that the barrier was in place until 2006 — even with 86 years of alleged wholesale enfranchisement as a backdrop. This alone would seem to challenge the premise that the 100th anniversary of women's suffrage is a tribute to women leaders. Indeed, I was amused to learn that the first woman was elected (by Montana men) to the U.S. House of Representatives in 1917. She was prevented from voting for herself, but it did not stand in the way of serving her constituents, of taking on a role which she felt to be important, in short, of her leadership.

Running for LSBA president was the natural progression of my belief in our profession and my work on the Board of Governors. It was not a goal unto itself. I did not set out to be a "woman leader," much less the "first woman president." Still, I was not so naïve as to think nothing of being the "first." It was only as the point was emphasized by others that I realized the impact. When it was mentioned each time I was introduced, I felt less the "woman leader" and more the carnival attraction. But Kim Boyle admonished me to embrace the characterization — that my obligation was to those who came behind me. Nothing is worse, she said, than a "first" who fails. What I did not know as I accepted her advice was what would follow — that keeping the association from imploding over financial woes and management issues in the immediate aftermath of Katrina and Rita would test my reserves of willpower and tenacity.

Would there have been as many challenges had I been a man? More than likely. Would the solutions have been as effective? Maybe. But I was able to offer a viewpoint not shared by the 65 men who came before me. The Nobel Prize-winning author, Doris Lessing, in explanation/defense of her acclaimed 1962 novel, *The Golden Notebook*, wrote that "this attempt on my part assumed that that filter which is a woman's way of looking at life has the same validity as the filter which is a man's way." Mind you, I was all of 5 years old when her book was published, but I stumbled upon it 12 years later, and this lesson has never left me.

It seems unlikely that Alainna Mire's leadership has its origins in the history surrounding the 19th Amendment. Rather, in the context of historical struggles, it's a fair assumption that her forebears, male and female, would have been challenged with limited access to the voting booth until the mid-1960s (or later) and the advent of the Voting Rights Act. In honoring Alainna as a woman in the context of what is essentially white women's history, I wonder if we are not leaving a great deal unsaid about the struggle of women of color in Louisiana? Particularly small-town and rural Louisiana? I wonder, but I cannot say for sure. It is up to Alainna to tell us, to include this piece of her in her leadership.

Here is what I do know about Alainna: her life and practice experiences are unique, unlike those of any LSBA president who has come before her. She will grow the organization and its future leadership by example and experience.

And here is what I honor as I watch younger women rise in this profession: they do not need anyone to tell them that the filter with which they view the world is as valid as a man's. Occasionally I hear from younger women who think of me as a mentor, but mostly I am just a cheerleader. They are confident in themselves and in their talents. In truth, I have much to learn from them, and I relish the opportunity to do so.

Links Between the 19th and 13th Amendments



By Hon. Elizabeth Erny Foote
2008-09 LSBA President

What inspires me most about the 19th Amendment is the women who fought for that right. How brave must they have been in 1848 to put their names on the Declaration of Sentiments in Seneca Falls, NY. They faced personal attacks and public shaming. And it took another 70 years of brave women to finally achieve the amendment's ratification.

Of course, it takes a long time for societal attitudes to catch up to the law. One hundred years after the amendment's ratification, women and men are not treated equally in our country. And we are not talking about personal slights here. We are talking about discrimination that hurts a woman's pocketbook and her health.

Likewise, the 13th Amendment was ratified in 1865. But our society has yet to catch up with the concept that Black people are equal. And that discrimination is far worse than what a well-educated white woman like me endures or can imagine. For me to talk of discrimination must sound like childish whining.

But there is a link between the 19th Amendment and the 13th Amendment, not just conceptually but historically. Many of the women who attended the Seneca Falls Convention were abolitionists. Frederick Douglass was allowed entry on the second day (no men allowed on the first day!) and spoke passionately in favor of a woman's right to vote.

Lawyers are uniquely positioned to change not just the law, but society's attitudes. As president of your Bar, I witnessed firsthand the brave lawyers who fought for access to our courts for poor people and who tirelessly gave their services to the victims of those evil twin sisters Katrina and Rita. We must join the brave people who today risk those personal attacks and public shaming to help our country live up to the language of its laws.

Our new President Alainna Mire will provide the leadership for that challenge.

Standing on the Shoulders of Giants



By Kim M. Boyle
2009-10 LSBA President

In looking back to my election and swearing in as the first African-American female president of the Louisiana State Bar Association (LSBA), I remain honored by the privilege of representing the then-21,000 members of our association and meeting and working with so many of our members across the state.

However, in having the opportunity to serve in this role, I recognize that I stood, and continue to stand, on the shoulders of many giants, some known, but many unknown. These brilliant, exceptional and trail-blazing lawyers and judges who were precluded from participating as leaders in our bar association because of their gender and, in many instances, their race, have been the inspiration for so many of us to try to break down as many barriers as possible and to be leaders and contributors in the bar and in our communities. As the late, great Olympian Wilma Rudolph said, "Never underestimate the power of dreams and the influence of the human spirit. The potential for greatness lives within each of us."

In going back to my tenure as LSBA president in 2009-10, I would be remiss if I did not recognize Chief Justice Bernette Joshua Johnson, who is serving in her last year as Chief Justice of the Louisiana Supreme Court. Chief Justice Johnson has spent her entire legal career as a trailblazer and her career as a jurist has been marked with distinction and exemplary performance, thereby opening the doors to many minority and female attorneys to follow in her footsteps. As one of those "giants" upon whose shoulders I have stood, Chief Justice Johnson has served as a mentor and role model for hundreds of women and African-American lawyers in Louisiana as well as around the country; the list of lawyers and judges that the Chief has mentored is literally endless.

So in recognizing the phenomenal women who have served as LSBA president — Marta-Ann Schnabel, our dynamic first trail-blazing female president; Judge Beth Foote, a model of professionalism and is now a federal judge; Dona Renegar, who brought so much dedication to the bar; and now Alainna Mire, the second African-American female president of the LSBA, who is faced with leading the bar through a global pandemic, but will be a strong and courageous leader during this time — I am reminded of the words of Chief Justice Johnson in addressing what female judges in general and what a female Supreme Court Chief Justice bring to the judiciary. In 2013, Chief Justice Johnson said this and it still holds true seven years later: "Just diversity. I think we need women lawyers. We need representation from every sector. I think we benefit from a diverse legal profession. We benefit from a diverse judiciary because we all bring different experiences to the table."

I am honored to be a member of this association and look forward to serving under the leadership of our new LSBA President Alainna Mire.

Leadership Advice for Those Next in Line



By Dona Kay Renegar
2017-18 LSBA President

When describing a colleague, sometimes people use the phrase “natural leader.” That term is often associated with qualities possessed by those in power such as teachers, civic leaders, first responders, etc. “Natural leaders” are often described as such because they are determined, decisive, aggressive and focused. In my 27 years of practicing law, I have noticed that many young leaders tend to mimic those qualities, assuming they are necessary to be a successful leader, but this assumption is not necessarily grounded in fact. While many of the qualities listed above can be useful, depending on the situation, there are as many leadership styles as there are people on this planet and all of them can be equally successful.

The most successful leaders are passionate about their work, authentic and empathetic in their relation to people and goals, and they prioritize the best interests of the organization over themselves.

Find something that interests you

and have a purpose. The most persuasive leaders are those who feel passionately about the organization, its purpose and people. That passion helps you establish and articulate a reason for wanting to lead a change in direction of the organization, creating additional services, or meeting new needs. People look to leaders for direction, creativity and growth. If you clearly determine and communicate the reason and basis of the direction in which you see the group headed, you can better persuade and unify those around you to work toward the same goal. When people believe in the rationale behind your goals, they are motivated to work toward those goals with you.

Lead with energy, dedication and direction and others will follow. Engaging others to work with you toward a common goal creates and encourages ownership and fosters dedication in those who follow your example. Think less about telling people what to do and more about the goals to be achieved. The group is then engaged in the journey and may suggest ideas about how to reach that goal. Be open to discussions about different paths to success. There is more than one way to skin a cat.

Know your strengths and weaknesses and embrace them. Be self-aware as a leader and know where your talents are and know those skills that could use improvement. This allows you to more fairly assess your own performance as a leader and identify those individuals who can offer support in areas where you are weaker. Building a team fully equipped to move toward a common goal increases the chance of success and can help make you stronger in those areas in which you need to improve your effectiveness and performance as a leader.

Focus on your fiduciary duties and others will follow suit. Lead with an eye toward what is best for the organization and not what is best for any individual. Remind your team of the common goal and help focus discussions toward achieving that goal. This sometimes involves making difficult de-

cisions. Be ready to face those and have a well-founded reason for them, and others will follow suit.

Do not be afraid to use both sides of your brain to relate to people and issues. Listen carefully to the ideas, concerns and goals of the members of the organization. Relate to the leadership team and try to understand their motivation and empathize with their positions. Validate their efforts and sincerely appreciate their contributions. People need to feel heard. As a leader, listen more than talk. Collaborate with colleagues on moving the organization forward as opposed to telling them what to do and how to do it.

Keep your eyes open for potential leaders and nurture their efforts. The organization is best served when you cultivate and encourage new leadership. Keep an eye toward individuals who need to be invited to become a leader, not just those who gravitate toward leadership positions. Part of leading an organization means looking toward the future to ensure that those coming behind you can continue the path forward toward growth and accomplishment. When mentoring new leaders, constructively criticize in private and commend in public.

Recognize commitment, creativity and achievement in those around you. Do not hesitate to recognize the excellent work of your colleagues and do so publicly and frequently. People will become more motivated and engaged when their accomplishments are recognized. Leading by example encourages others in the organization to recognize outstanding contributions by employees and colleagues. Give credit where credit is due.

In sum, when it comes to leadership, there is more than one path to success. Playing to your strengths and knowing your weaknesses are the keys to truly effective leadership. And keeping an eye on the future and an open mind about the types of leaders who can carry the organization’s vision further is the best way to ensure continuing success.



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Much More Than Masks:

Legal Issues Facing
People with Disabilities
and Who Can Help

By Lauren E. Godshall



While the effects of the coronavirus pandemic and ensuing shutdown cannot be overstated, the impact of both on people affected by disability was immediate and sweeping.

Aisha Johnson, executive director of Families Helping Families NOLA, a nonprofit resource center for individuals with disabilities and their families in Orleans, Plaquemines and St. Bernard parishes, reported an almost overwhelming uptick in calls for help.¹ “Parents were having trouble with home schooling their children without computers or Internet; therapies weren’t being conducted. Parents with disabilities themselves couldn’t navigate online school issues or handle their own children’s therapy even if it was offered via Zoom, so kids were going without therapy. IEP (individualized education plan) services weren’t being delivered. Even the lack of masks, gloves, adult diapers and wipes became a problem for our families.” However, she continued, “we are adjusting to the new normal, finding supplies and reorganizing services, and the Governor’s office will be dropping off masks for us to distribute.”

Rising to meet the needs of this crisis, Louisiana organizations like Disability Rights Louisiana and Southeast Louisiana Legal Services — already providing legal services to this population on a daily basis, even before the added complications of a pandemic and shutdown — have responded, providing information and advocacy.

Benefits and Legal Rights in a Crisis

Disability Rights Louisiana

Disability Rights Louisiana (formerly the Advocacy Center of Louisiana) is a nonprofit organization that protects and advocates for the human and legal rights of all children, adults and seniors with disabilities. The group has been extremely active during the COVID-19 crisis in monitoring care facilities for individuals with developmental disabilities, while also responding to the immediate needs of their client population.

Disability Rights Louisiana has developed a detailed list, “Common COVID-19 (Coronavirus) Related Benefits Questions & Answers,” available at: <https://disabilityrightsla.org/common-covid-19-coronavirus-related-benefits-questions-answers/>.

This list answers common questions relating to existing benefits, and what new benefits people might be eligible for during the COVID-19 crisis. This document includes information related to stimulus payments, unemployment insurance, SNAP, SSI, Social Security, Medicaid and tax filing, along with links to numerous outside resources. The list is written in clear, step-by-step language and is regularly updated. For example, the unemployment insurance section begins with an explanation of who is eligible for federal Pandemic Unemployment Assistance and further explains how to apply and how unemployment assistance may (or may not) affect other benefits like Social Security disability insurance and Medicaid.

Several disability rights programs are offering direct assistance during the coronavirus crisis (and afterwards), including the Work Incentives Planning & Assistance (WIPA) program for people who are currently receiving Social Security disability benefits or SSI and who are currently

working, want to work, or were working and were laid off as a result of COVID-19. WIPA staff can help eligible people understand how different kinds of income impact their public benefits.

In addition, the Financial Access Inclusion & Resources (FAIR) program works with people who have disabilities, who have been released from incarceration in the last 10 years, who want to work, and who live in Orleans or Jefferson parishes. FAIR staff can help people address barriers to employment and financial security by helping with tasks like applying for public benefits, setting up bank accounts, understanding how different kinds of income impact public benefits, applying for jobs and learning how to manage bills.

Southeast Louisiana Legal Services

Southeast Louisiana Legal Services (SLLS) is a nonprofit organization that provides free, civil legal aid to low-income people in six offices across 22 parishes throughout southeast Louisiana. The offices are located in Baton Rouge, Covington, Hammond, Harvey, Houma and New Orleans. The SLLS client population, which includes many people with disabilities, has been hit hard by both the health care and economic issues proliferating in the wake of the pandemic, and SLLS has responded with help in many ways, beginning with a COVID-19 Legal Helpline (1-844-244-7871) so people with legal problems arising from COVID-19 can call for legal help.

SLLS also developed numerous “FAQs” responding to specific issues, such as “Stimulus Payments for SSI, Social Security and VA Recipients” (<https://slls.org/7716-2/>), “SNAP (Food Stamps)” (<https://slls.org/snap/>) and “What are my rights to a safe workplace with COVID-19 around?” (<https://slls.org/safeworkplaceincovid19/>). Given the changing legal landscape as agencies respond to the crisis, these FAQs are updated regularly.

The organization also regularly posts “Know your Rights” videos on its Facebook page, explaining eviction issues, tax filing, how to avoid tax scams, among other topics (https://www.facebook.com/SLLSHelps/?ref=page_internal).

SLLS is also looking immediately ahead at the lifting of local eviction moratorium,

noting that “as stay-at-home orders are lifting, SLLS is preparing to defend against an onslaught of eviction proceedings, to protect vulnerable workers whose unemployment benefits are threatened, to ensure that low-income families in our area can access health care, food, and other essentials.”²

Special Education When Schools Are Closed

When schools closed, 93,000 Louisiana students with varying disabilities — autism, Down syndrome, speech and vision impairments and others — were suddenly sent home.³

Federal law requires that schools providing educational opportunities to the general student population during a school closure also ensure that students with disabilities have equal access to the same opportunities.⁴ Schools have scrambled to react with varying success. According to Families Helping Families NOLA, the lack of home computers and tablets, reliable Internet and parental ability to handle online therapy and online learning have all presented barriers. The Louisiana Department of Education has attempted to fill the void with lists of resources for parents and schools, available at: <https://www.louisianabelieves.com/students-with-disabilities>.

On March 21, the U.S. Department of Education published a Supplemental Fact Sheet Addressing the Risk of COVID-19 While Serving Children with Disabilities.⁵ This fact sheet includes timelines for individual education programs (IEPs), eligibility determinations, reevaluations and due process hearings, and suggests that IEPs include contingency plans to anticipate how education goals will be met during school closures — a good idea moving forward, if unhelpful now. “Such contingent provisions may include the provision of special education and related services at an alternate location or the provision of online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities . . .”

Both Disability Rights Louisiana and Families Helping Families (there are 10 FHF organizations across Louisiana) can assist parents seeking to understand their legal rights to amend their child’s specialized educational plans once schools reopen and to plan ahead for potential future closures.

Legal Rights to Medical Care

One terrifying aspect of a pandemic for people with disabilities is the specter of care rationing — *i.e.*, how hospitals allocate life-saving equipment when demand overwhelms supply. Louisiana’s pre-coronavirus guidance document, “State Hospital Crisis Standard of Care Guidelines in Disasters,” written in 2009 amid swine flu fears, previously allowed hospitals, when stretched to their absolute limit in terms of supplies and care, to consider a patient’s pre-existing disability status in determining how care was allocated.⁶ However, when it became clear in the early days of the COVID-19 spread in Louisiana that a shortage of ventilators was a real possibility, disability rights advocates and civil rights attorneys mobilized, writing letters to the state department of health and filing suit to ensure that vital medical care could not be rationed on the basis of disability.⁷ Now those guidance documents have been revised to reflect that medical care decisions need to be based on objective medical evidence and “not based on generalized assumptions about a person’s disability.”⁸ Importantly, the guidance document concludes that: “Persons with disabilities should not be denied medical care on the basis of stereotypes, assessments of quality of life, or judgments about a person’s relative ‘worth’ based on the presence or absence of disabilities or age.”

Even better, the spread of the virus reversed course following the stay-at-home orders, keeping Louisiana out of the crisis point where the need for ventilators and other equipment overwhelms the supply.

Conclusion

As the outgoing co-chair of the Louisiana State Bar Association’s Legal Services for Persons with Disabilities Committee, I wanted to point out with pride that many of the organizations and civil rights attorneys mentioned in this article, those people on the frontlines and doing the hard work of meeting complicated needs in a crisis, are members of the Legal Services for Persons with Disabilities Committee. If you are interested in the legal needs of people with disabilities or

would like to meet subject matter experts in the area, consider joining us. If you assist clients with disabilities, add yourself to the Disabilities Assistance Network, <https://www.lsba.org/Members/DANJoin.aspx>, so we can more effectively meet the needs of this population.

FOOTNOTES

1. Families Helping Families NOLA, <https://www.fhfnola.org/>.
2. <https://slls.org/covid19legalresponse/>.
3. Will Sentell, “For students with disabilities, coronavirus school closings bring extra challenges,” *The Advocate*, April 4, 2020. https://www.theadvocate.com/baton_rouge/news/coronavirus/article_f59ed1ae-74e9-11ea-af8c-03be15a30eb7.html.
4. 34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA); see <https://www.wrightslaw.com/info/fape.svcs.covid-19.htm> for a fact sheet with information about schools’ legal requirements.
5. “Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak (March 2020),” at https://sites.ed.gov/idea/idea-files/q-and-a-providing-services-to-children-with-disabilities-during-the-coronavirus-disease-2019-outbreak/#citem_7096-289b.
6. Leslie Carde, “Disabilities rights group says state has remedied concerns about care rationing,” *The Lens*, April 10, 2020, <https://thelensnola.org/2020/04/10/disability-rights-group-says-state-has-remedied-concerns-about-care-rationing/>.
7. Andrea Gallo, “In doomsday coronavirus scenario, Louisiana hospitals would prioritize patients. See how it’d work,” *Nola.com*, April 24, 2020, https://www.nola.com/news/coronavirus/article_08230ed8-84a0-11ea-b04e-ff04bf5a5fd4.html.
8. LDH Guidance, April 16, 2020, <http://ldh.la.gov/assets/oph/Coronavirus/resources/providers/LDHMemo-bech.pdf>.

Lauren E. Godshall is a clinical instructor for the Tulane Environmental Law Clinic. She received a BA degree, high honors, in environmental sciences in 2000 from the University of California-Berkeley and her JD degree in 2003 from New York University School of Law. She is a former co-chair of the Louisiana State Bar Association’s Legal Services for Persons with Disabilities Committee. She has served as chair of the board of Families Helping Families of New Orleans, which provides services and advocacy for disabled people and their families, as well as on the board of the Down Syndrome Association of Greater New Orleans. (lgodshall@tulane.edu; 6329 Freret St., New Orleans, LA 70118)



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Nominating Committee to Meet Aug. 28

The Nominating Committee of the Louisiana State Bar Association (LSBA) will meet on Friday, Aug. 28, in New Orleans to nominate a president-elect for the 2021-22 term and a secretary for the 2021-23 term. The president-elect will automatically assume the presidency in 2022-23.

According to the president-elect rotation, the nominee must have his/her preferred mailing address in Nominating Committee District 2 (parishes of Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Pointe Coupee, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana).

According to the secretary rotation, the nominee must have his/her preferred mailing address in Nominating Committee District 3 (parishes of Acadia, Allen, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Cameron, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Evangeline, Franklin, Grant, Iberia, Jackson, Jefferson Davis, Lafayette, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, St. Landry, St. Martin, St. Mary, Tensas, Union, Vermilion, Vernon, Webster, West Carroll and Winn).

Any member interested in seeking the position of president-elect or secretary should contact members of the Nominating Committee. Go online to: www.lsba.org/GoTo/NominatingCommittee.

Election Schedule

For the 2020-21 election cycle, balloting will be conducted electronically only, as approved by the LSBA Board of Governors. No paper ballots will be provided.

The Nominating Committee report will be submitted to the Board of Governors on

Saturday, Aug. 29.

On Monday, Sept. 21, notice of the action of the Nominating Committee and self-qualification forms for positions on the Board of Governors, LSBA House of Delegates, Nominating Committee, Young Lawyers Division and American Bar Association House of Delegates will be provided to the membership.

Deadline for return of nominations by petition and qualification forms is Monday, Oct. 19. First election ballots will be available to members on Monday, Nov. 16. Deadline for electronically casting votes is Monday, Dec. 14.

Other Positions Open

Other positions to be filled in the 2020-21 elections are:

Board of Governors (three-year terms beginning at the adjournment of the 2021 LSBA Annual Meeting and ending at the adjournment of the 2024 LSBA Annual Meeting) — one member each from the Sixth, Seventh and Eighth Board Districts.

LSBA House of Delegates (two-year terms beginning at the commencement of the 2021 LSBA Annual Meeting and ending at the commencement of the 2023 LSBA Annual Meeting) — one delegate from each of the Twentieth through Forty-Second Judicial Districts, plus one additional delegate for every additional district judge in each district.

Nominating Committee (15 members, one-year terms beginning at the adjournment of the 2021 LSBA Annual Meeting and ending at the adjournment of the 2022 LSBA Annual Meeting) — District 1A, Orleans Parish, four members; District 1B, parishes of Plaquemines, St. Bernard and St. Tammany, one member; District 2A, East Baton Rouge Parish, two members; District 2B, Jefferson Parish, two members; District

2C, parishes of Ascension, Assumption, East Feliciana, Iberville, Lafourche, Livingston, Pointe Coupee, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana, one member; District 3A, Lafayette Parish, one member; District 3B, parishes of Acadia, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Martin, St. Mary and Vermilion, one member; District 3C, parishes of Allen, Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry and Vernon, one member; District 3D, parishes of Bossier and Caddo, one member; and District 3E, parishes of Bienville, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Red River, Richland, Tensas, Union, Webster, West Carroll and Winn, one member.

Young Lawyers Division. Secretary (2021-22 term), nominee **shall not** be a resident of or actively practicing law in the parishes of Orleans, Jefferson, St. Bernard or Plaquemines, based on preferred mailing address. Petitions for nomination must be signed by 15 members of the Young Lawyers Division. Also to be elected, one representative each from the First, Second, Fourth, Fifth, Sixth and Eighth districts (two-year terms).

American Bar Association House of Delegates (*must be members of the American Bar Association*) — one delegate from the membership at large. The delegate will serve a two-year term, beginning with the adjournment of the 2021 ABA Annual Meeting and expiring at the adjournment of the 2023 ABA Annual Meeting, as provided in Paragraph 6.4(e) of the ABA Constitution.

For more information on the election procedures and the schedule, go to: www.lsba.org/goto/elections.

2020-2021 Officers and Board of Governors

Officers 2020-21

Alainna R. Mire **President**

Alainna R. Mire is the chief resilience officer and an assistant attorney for the City of Alexandria and a former human resources director. She received a BA degree in political science in 2000 from Louisiana State University and her JD/BCL degree in 2004 from LSU Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2004.



Alainna R. Mire

Alainna served as Louisiana State Bar Association (LSBA) president-elect in 2019-20 and was a member of the Executive Committee, the Budget Committee and the Bar Governance Committee. She is a member of the Access to Justice Commission. She served as secretary and *Louisiana Bar Journal* editor in 2015-17. She served as LSBA Young Lawyers Division chair, chair-elect, secretary and District 6 representative. She served on the LSBA's Board of Governors as House of Delegates Liaison Committee chair and was a member of the LSBA's Legislation Committee, the Community Action Committee and the Public Information Committee.

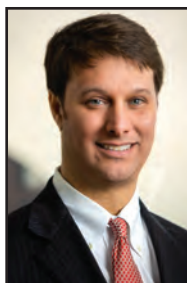
She served on the Louisiana Bar Foundation's (LBF) Board and its Budget Committee and co-chaired the LBF's Membership Committee.

A former officer of the Central Louisiana Pro Bono Project and chair of the Alexandria Bar Association's Young Lawyers Council, she is a member of the Alexandria Bar Association and the American Bar Association. She is a former chair of the United Way of Central Louisiana.

915 3rd St., Alexandria, LA 71301
(318)449-5046 • fax (318)449-5019
email: alainna.mire@cityofalex.com
website: www.cityofalexandrialala.com

H. Minor Pipes III **President-Elect**

H. Minor Pipes III is a founding member of the New Orleans firm of Pipes Miles Beckman, L.L.C. He received a BA degree in 1991 from Penn State University and his JD degree in 1996 from Louisiana State University Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 1996.



H. Minor Pipes III

Minor served as Louisiana State Bar Association (LSBA) treasurer from 2016-18. He represented the First District on the Board of Governors and has served in the House of Delegates. He has co-chaired the LSBA's Summer School for Lawyers. He was a member of the Leadership LSBA Class in 2002 and received the LSBA's President's Award in 2009. He served as 2015-16 president of the Louisiana Bar Foundation.

In his community, he volunteers his time with the Hogs for the Cause program, Kid Smart and Trinity Episcopal School.

Minor and his wife, Jill McKay Pipes, have been married for 21 years and are the parents of three children.

Ste. 1800, 1100 Poydras St.

New Orleans, LA 70163

(504)322-7101 • cell (504)453-8528

email: mpipes@pipesmiles.com

Patrick A. Talley, Jr. **Secretary**

Patrick A. Talley, Jr. is a partner in the New Orleans office of Phelps Dunbar, L.L.P. He received a BA degree in 1976 from Armstrong College (Georgia Southern University), his JD degree in 1982 from Louisiana State



Patrick A. Talley, Jr.

University Paul M. Hebert Law Center and an LLM in energy and environmental law in 1993 from Tulane University Law School. He was admitted to practice in Louisiana in 1980. He also is admitted in Texas.

Pat served on the Louisiana State Bar Association's (LSBA) Board of Governors from 2014-17 (First Board District). Prior to this service, he was a member of the LSBA's House of Delegates (since 1994) and was re-elected to the House in 2017. He also is a member of the Louisiana Bar Foundation.

He is a member of the New Orleans, American, Federal, 5th Circuit and Baton Rouge bar associations, the State Bar of Texas, the National Association of Railroad Trial Counsel (secretary and Executive Committee member), the Maritime Law Association of the United States (proctor), among others.

He is AV-rated by Martindale-Hubbell and has been recognized in several editions of *Best Lawyers in America*, including as the 2016 New Orleans Lawyer of the Year in railroad law. He also has been recognized in several editions of *Louisiana Super Lawyers* and in *New Orleans City Business*' "Leadership in Law."

In his community, Pat currently serves on the boards of the Louisiana Southeast Council Boy Scouts of America and Holy Name of Jesus School. He also was a member of the Louisiana Recovery Authority (Environmental Task Force member), the New Orleans Charter Schools Foundation (vice president), Pi Kappa Alpha Fraternity (international president), the Carrollton Boosters, Inc. (president), the Louisiana Children's Museum, St. George Episcopal School (trustee) and the Academy of the Sacred Heart (president).

Ste. 2000, 365 Canal St.

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(504)584-9220 • fax (504)568-9130

email: talleyp@phelps.com

website: www.phelpsdunbar.com

**John E. McAuliffe, Jr.
Treasurer**

John E. McAuliffe, Jr. is an attorney in the Metairie office of Frederick A. Miller & Associates. He received a BS degree in accounting in 1975 from the University of New Orleans and his JD degree in 1978 from Loyola University Law School. He was admitted to practice in Louisiana in 1978.



**John E.
McAuliffe, Jr.**

Eddie served as the Louisiana State Bar Association's secretary and *Louisiana Bar Journal* editor from 2017-19. He was the Second District representative on the Board of Governors from 2014-17. He chairs the LSBA's Unauthorized Practice of Law Committee, has presented programs on state court rules and motions for the Bridging the Gap CLE seminar and participated in the Law School Professionalism Orientations at Loyola University College of Law. He received the LSBA's President's Award in 2012 and 2019 and the LSBA's Pro Bono Publico Award in 2003.

He is a member of the Louisiana Association of Defense Counsel, the New Orleans Association of Defense Counsel (president, 1998-99) and the New Orleans Bar Association.

Eddie and his wife Jean have been married for 33 years and are the parents of two children.

*Ste. 1700, 3850 N. Causeway Blvd.
Metairie, LA 70002
(504)840-4909 • fax (504)835-3464
email: eddie.mcauliffe.hpqo@statefarm.com*

**Robert A. Kutcher
Immediate Past President**

Robert A. Kutcher is the managing partner in the Metairie firm of Kutcher Tygier & Luminais, L.L.P. He received his BS degree in 1972 from Cornell University and his JD degree, *cum laude*, in 1975 from Loyola University Law School. He



Robert A. Kutcher

was admitted to practice in Louisiana in 1976 and in New York in 1976.

Bob served as president of the Louisiana State Bar Association (LSBA) in 2019-20, president-elect in 2018-19 and treasurer in 2014-16. He served in the House of Delegates and on the House Liaison Committee for several terms. He is a member of the Legislation Committee and the Committee on the Profession. He was a member of the *Louisiana Bar Journal* Editorial Board and is a co-chair of the Summer School Planning Committee. He also served on the Nominating Committee and the Rules of Professional Conduct Committee. He chaired the Audit Committee in 2013 and received the LSBA President's Award in 2013.

He served as a board member of the Louisiana Civil Justice Center (2015-18) and the Pro Bono Project (2014-17). He was a member of the Louisiana Attorney Disciplinary Board from 1993-99, chairing the board in 1999. He was a member of the Federal Bar Association New Orleans Chapter from 1984-92, serving as president in 1991-92. He is a Fellow of the Louisiana Bar Foundation and the American Bar Foundation and is a master in the Thomas More Inn of Court.

Bob chaired the Louisiana State Advisory Committee to the U.S. Civil Rights Commission from 1990-94. He was an associate commissioner of the Anti-Defamation League National Commission from 1991-2002, regional chair of the Anti-Defamation League from 1992-96 and regional board member since 1984.

In his community, he served as president of Shir Chadash Conservative Synagogue and the Jewish Community Center of New Orleans. He also served as a board member of the Jewish Community Centers of North America in 1992-98.

He has been listed in *Best Lawyers* (2012-2019), including 2013 New Orleans Litigation-Real Estate Lawyer of the Year and Lawyer of the Year 2018 in the practice areas of closely held companies and family businesses law; and *Louisiana Super Lawyers* in business litigation (2008-2019).

Bob and his wife, Renee B. Kutcher, have been married for 35 years. They have

four children.

*Ste. 900, 3850 N. Causeway Blvd.
Metairie, LA 70002-8130
(504)830-3838 • fax (504)836-9540
email: rkutcher@nolacounsel.com
website: www.nolacounsel.com*

Board of Governors 2020-21

**Lawrence J. (Larry) Centola III
First Board District**

Lawrence J. (Larry) Centola III is a principal member of the New Orleans firm of Martzell, Bickford & Centola. He received a BA degree in political science in 1998 from Louisiana State University and his JD degree in 2001 from LSU Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 2001.



**Lawrence J. (Larry)
Centola III**

Larry serves on the Louisiana State Bar Association's (LSBA) Client Assistance Fund Committee and the Nominating Committee. He served as LSBA Young Lawyers Division chair in 2012-13. He received the LSBA Young Lawyers Division's Bat P. Sullivan, Jr. Chair's Award in 2007.

He serves on the board of directors of the Federal Bar Association New Orleans Chapter and on the Board of Governors for the Louisiana Association for Justice. He serves as the torts bar examiner for the Louisiana Bar exam.

In a ceremony at the United States Supreme Court, he was presented with the 2008 Sandra Day O'Connor Award for Professional Service from the American Inns of Court. The national award is presented to an attorney who has been practicing for fewer than 10 years.

He and his wife Amy have been married for 14 years and are the parents of three girls.

*338 Lafayette St.
New Orleans, LA 70130
(504)581-9065 • fax (504)581-7635
email: lcentola@mbfirm.com
website: www.mbfirm.com*

Scott L. Sternberg
First Board District

Scott L. Sternberg is the managing partner of Sternberg, Naccari & White, L.L.C., with offices in New Orleans and Baton Rouge, where he focuses on business, general litigation and media matters. **Scott L. Sternberg**



His media focus has involved litigation for newspapers, including *The Advocate*, and legal and legislative work for the Louisiana Press Association. He received a BA degree in journalism from Louisiana State University and his law degree from LSU Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 2010.

Scott has served as chair, chair-elect, secretary and District 1 representative on the Louisiana State Bar Association (LSBA) Young Lawyers Division (YLD) Council. As part of the YLD's strategic planning, he chaired the first Louisiana Young Lawyers Conference in 2019. In 2019, he received an LSBA Citizen Lawyer Award for his pro bono, professional and charitable activities. He has twice received the LSBA's Stephen T. Victory Memorial Award for most outstanding *Louisiana Bar Journal* article. He served on numerous LSBA committees and was a member of the 2012-13 Leadership LSBA Class.

He has taught at LSU and Loyola. He serves on the boards of the Federal Bar Association New Orleans Chapter, the American Red Cross for Southeast Louisiana, the Pro Bono Project and the Louisiana Center for Law and Civic Education. He has been recognized as one of *Gambit Weekly's* "40 Under 40," as a *Louisiana Super Lawyer* "Rising Star" and on *New Orleans Magazine's* "Top Lawyers" list. In 2020, he was named a "Leader in Law" by *New Orleans CityBusiness*.

Scott and his wife Breland are the parents of three children and are expecting a fourth child in July.

Ste. 2020, 935 Gravier St.

New Orleans, LA 70112

(504)324-2141 • fax (504)534-8961

email: scott@snw.law

Erin O. Braud
Second Board District

Erin O. Braud is staff counsel for The Hartford Insurance Co. (Law Offices of Julie E. Vaicius) in Metairie. She received a BA degree in mass communications in 2002 from Louisiana State University and her JD degree in 2005 from Loyola University College of Law. She was admitted to practice in Louisiana in 2005.



Erin O. Braud

Erin has served as chair, chair-elect, secretary and District 2 representative on the Louisiana State Bar Association's Young Lawyers Division Council. She has participated in several Law Day and Constitution Day presentations.

In her community, she serves as a board commissioner of the Plaquemines Medical Center.

Erin and her husband, S. Jacob Braud, are the parents of three children.

Ste. 1040, 3900 N. Causeway Blvd.

Metairie, LA 70002

(504)836-2780 • fax (877)369-4892

email: erin.braud@thehartford.com

Dwazendra J. Smith
Third Board District

Dwazendra J. Smith is a partner in the Opelousas office of Doran & Cawthorne, P.L.L.C. She received a BA degree in political science in 2006 from Louisiana State University-Shreveport and her JD degree in 2009 from Southern University Law Center. She was admitted to practice in Louisiana in 2009 and in Texas in 2015.



Dwazendra J. Smith

Dwazendra is currently an adjunct professor teaching criminal law at the University of Louisiana-Lafayette and teaching professional responsibility at Mitchell Hamline School of Law.

She served in the Louisiana State Bar Association's (LSBA) House of Delegates from 2014-20. She was a

member of the 2013-14 Leadership LSBA Class and served on the LSBA Continuing Legal Education Program Committee and the Access to Justice Subcommittee on Pro Bono Award Nominations.

Dwazendra is a member of the Lafayette Parish Bar Association (since 2009), the American Bar Association (since 2009) and the Lafayette Volunteer Lawyers (LVL) Committee (since 2013). She served as president of the Lafayette Young Lawyers Association in 2015-16. She was a member of the Louisiana Bar Foundation's Acadiana Community Partnership Panel in 2015-16.

She received the LSBA's Pro Bono Publico Award in 2012 and 2015; the LSBA's Pro Bono Century Award in 2011, 2013, 2014 and 2015; the Lafayette Bar Association's Outstanding Attorney Award every year from 2010-2019; and the Lafayette Bar Association's Top LVL Award in 2014 and 2015.

Dwazendra is the mother of one child.

521 E. Landry St., Opelousas, LA 70570

(337)948-8008 • fax (337)948-0098

email: dwa@doranlawfirm.com

Todd S. Clemons
Fourth Board District

Todd S. Clemons is the founder of Todd Clemons & Associates in Lake Charles. His primary areas of practice are criminal defense, post-conviction relief and general civil litigation. He received his undergraduate degree from the University of Louisiana-Lafayette and his JD degree, *magna cum laude*, from Southern University Law Center. He was admitted to practice in Louisiana in 1987.



Todd S. Clemons

Todd is a former assistant district attorney in Calcasieu Parish and a former federal prosecutor in the U.S. District Court, Western District of Louisiana. He also served as judge *pro tempore* in 14th Judicial District Court.

He currently serves on the Louisiana Supreme Court Committee on Bar Admissions as a bar examiner. He writes

the criminal law, procedure and evidence portion of the exam. He also is a member of the Judicial Council of the Louisiana Supreme Court.

In his community, he is a member of the Sowela Foundation which raises funds for Sowela Community College in Lake Charles. He also served as president of the board of directors of Big Brothers/Big Sisters of Southwest Louisiana. He is a life member of Omega Psi Phi Fraternity, Inc., serving as the four-state Ninth District representative. He is a member of Christian Baptist Church, serving as a moderator and on the board of directors.

Todd and his wife, Stefanie O. Clemons, have been married for 32 years and are the parents of two children.

1740 Ryan St., Lake Charles, LA 70601
(337)477-0000 • fax (337)477-4580
email: todd@toddclemons.com
website: www.toddclemons.com

Kelly M. Rabalais **Fifth Board District**

Kelly M. Rabalais is assistant vice president of strategic planning and implementation for St. Tammany Health System. She received a BA degree in political science in 1996 from Louisiana State University and her JD degree in 1999 from LSU Paul M. Hebert Law Center.



Kelly M. Rabalais

Kelly was elected to the Louisiana State Bar Association's Nominating Committee in 2018, 2019 and 2020 and is a member of the Committee on the Profession and the *Louisiana Bar Journal* Editorial Board.

She is a member of the Federal Bar Association New Orleans Chapter's board of directors and Government Relations Committee. She is serving a 2018-21 term on the Lawyer Disciplinary Committee of the U.S. District Court, Eastern District of Louisiana. She served as 2017 and 2018 Women in Law chair and 2019 Community Outreach chair for the 22nd JDC Bar Association. She received the 2016 BGR (Bureau of Governmental Research) Excellence in Government Merit Award.

In her community, she is a member of the Safe Haven Foundation.

Kelly and her husband, J. Michael Rabalais, Jr., have been married for 23 years and are the parents of two children.

1202 South Tyler St.
Covington, LA 70433
(985)871-5837
email: kmrabalais@stph.org

Adrian G. Nadeau **Fifth Board District**

Adrian G. Nadeau is an equity partner and member of the Management Committee for Long Law Firm, L.L.P., in Baton Rouge. He received a BA degree in political science and history in 1990 from Louisiana State University and his JD/BCL degree in 2002 from LSU Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 2003.



Adrian G. Nadeau

Adrian served in the Louisiana State Bar Association's (LSBA) House of Delegates and was a member of the 2008-09 Leadership LSBA Class and co-chair of the 2009-10 Leadership LSBA Class.

He is a member of the Baton Rouge Bar Association and a former chair of its Construction Law Section. He also is a member of the American Bar Association's Forum on the Construction Industry.

In his community, he is a member of the board of advisors for Heritage Ranch, a nonprofit Christian children's home in the Baton Rouge area for youth experiencing personal crises. He also is a Eucharistic minister at St. Jude the Apostle Catholic Church in Baton Rouge.

Adrian and his wife, Carol Ann Nadeau, have been married for 15 years and are the parents of four children.

1800 City Farm Dr., Bldg. 6
Baton Rouge, LA 70806
(225)922-5110 • fax (225)922-5105
email: agn@longlaw.com
website: www.longlaw.com

Edward L. Tarpley, Jr. **Sixth Board District**

Edward L. Tarpley, Jr. is the owner of Edward L. Tarpley, Jr., A.P.L.C., in Alexandria. He received a BA degree in history in 1976 from Louisiana State University and his JD degree in 1979 from LSU Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 1980.



Edward L. Tarpley, Jr.

Ed served in the Louisiana State Bar Association's House of Delegates from 1992-94 and 2016-18. He is a member of the Alexandria Bar Association, the Louisiana Association of Criminal Defense Lawyers and The Federalist Society.

He served as the district attorney for the 35th Judicial District, Grant Parish, from 1991-97.

In 2018, he received the Chief Justice Pascal F. Calogero, Jr. Lifetime Achievement Award from the Louisiana Association of Criminal Defense Lawyers and the Kevin Kane Justice Award from the Louisiana Family Forum.

In 2019, he was honored by the Urban League of Louisiana with an award for his work with the Unanimous Jury Coalition and his leadership in restoring the unanimous criminal jury verdict in Louisiana.

In his community, he is a member of the Alexandria Rotary Club and vice president and a board of trustees member for the Cenla Pregnancy Center. He attends Kingsville Baptist Church.

Ed and his wife, Deborah Campbell Tarpley, are the parents of seven children.

819 Johnston St.
Alexandria, LA 71301
(318)487-1460 • fax (318)487-1462
email: edwardtarpley@att.net
website: www.edtarpley.com

Paul L. Hurd **Seventh Board District**

Paul L. Hurd is the sole shareholder in Paul Loy Hurd, A.P.L.C., and Home Title Guaranty Co., a full-service real estate closing company. He received

his BA degree in philosophy in 1976 from Tulane University and his JD degree in 1978 from Tulane University Law School. He was admitted to practice in Louisiana in 1978. He has been admitted to practice before the U.S. 5th Circuit Court of Appeals since 1993 and before the U.S. Supreme Court since 1994.



Paul L. Hurd

Paul began his law practice as city prosecutor and assistant city attorney for the City of Monroe in 1978-79. In 1980, he practiced law as in-house counsel and compliance officer for Central Bank, a large regional commercial state bank headquartered in Northeast Louisiana. He left Central Bank as general counsel in 1989. Since 1990, he has been in private civil practice, primarily dealing with constitutional election redistricting, banking regulations and compliance, real estate transactions, residential purchases and refinancing, and business and property litigation.

He is a former member of the Louisiana State Bar Association's (LSBA) House of Delegates and a former member of the LSBA's Criminal Justice Committee.

Paul is a longtime member of Parkview Baptist Church in Monroe. He and his wife, Cathy Vines Hurd, have been married for 44 years and are the parents of three children.

*Ste. 1, 2483 Tower Dr.
Monroe, LA 71201
(318)323-3838*

email: paul@paulhurdlawoffice.com

Lauren B. McKnight Eighth Board District

Lauren B. McKnight, with McKnight Law Group, L.L.C., in Shreveport, has 16 years of experience representing clients in corporate transactions, commercial litigation and regulatory affairs in Louisiana,



Lauren B. McKnight

Texas, Oklahoma, Arkansas, Colorado, Mississippi, Ohio and Michigan. She represents start-ups, non-profits, small business owners and multi-million-dollar private and publicly traded companies. She previously served as the general counsel for JC Fodale Energy Services and as senior counsel at FFC Capital Advisors.

Lauren received a BA degree in 2001 from Centenary College of Louisiana and her JD/BCL degree in 2004 from Louisiana State University Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2004. She also was admitted to practice before the U.S. 5th Circuit Court of Appeals, 2006; the U.S. District Courts for the Eastern, Middle and Western Districts of Louisiana, 2006; the Mashantucket (Western) Pequot Tribal Court, 2014; and the U.S. District Court for the Western District of Texas, 2015.

She served in the Louisiana State Bar Association's (LSBA) House of Delegates from 2018-20 and was a member of the 2009-10 Leadership LSBA Class. She received the LSBA's Pro Bono Publico Award and the LSBA's Pro Bono Century Award, both in 2010.

In her community, she volunteers at local schools, assists at shelters for victims of domestic violence, mentors high school students and recent graduates interested in the legal profession, raises funds for various non-profits and serves as a resource promoting diversity in the legal profession and business community.

*Ste. 204, 624 Texas St.
Shreveport, LA 71101
(318)716-7923 • fax (318)716-3445
email: lauren@mcknightlaw.group*

Carrie LeBlanc Jones Chair, Young Lawyers Division

Carrie LeBlanc Jones is the chief legal officer and general counsel at the Louisiana State Board of Nursing (LSBN), where she focuses on administrative and regulatory law. She has successfully represented the LSBN in state and federal court, served as prosecuting attorney in disciplinary matters, and advised board members and staff on a variety of legal issues. Prior to joining the LSBN, she was a partner at the law firm of Shows, Cali & Walsh, L.L.P. She

received a BA degree in mass communication from Louisiana State University, her JD/BCL degree from LSU Paul M. Hebert Law Center and an MBA degree from Southeastern Louisiana University. She was admitted to practice in Louisiana in 2008.



Carrie LeBlanc Jones

Carrie has served as chair-elect, secretary and District 5 representative on the Louisiana State Bar Association's (LSBA) Young Lawyers Division (YLD) Council. She helped plan the inaugural Louisiana Young Lawyers Conference, co-chaired the Richard N. Ware High School Mock Trial Competition, served as the Professional Development Seminar coordinator, chaired the Bridging the Gap Committee and served on the Awards Committee. She received the LSBA YLD Chair's Award in 2016 in recognition of her ongoing commitment and service to the Richard N. Ware High School Mock Trial Competition. She served as a member of the *Louisiana Bar Journal* Editorial Board and was a member of the 2013-14 Leadership LSBA Class.

Her commitment to the legal profession includes two terms on the Louisiana Attorney Disciplinary Board. After the Louisiana Supreme Court appointed her to a second term, she served as the board's chair in 2017, the youngest board member to hold this position. She is a member of the Baton Rouge Bar Association and the Bar Association of the 5th Federal Circuit. She serves on the Louisiana Bar Foundation's Capital Area Community Partnership Panel.

In her community, she is a parishioner of St. George Catholic Church. She also serves on the board of directors for Livingston Parish SADD. She and her husband, Aaron Jones, have been married for nine years and are the parents of two children.

*17373 Perkins Rd.
Baton Rouge, LA 70810
(225)755-7575
email: jonesc@lsbn.state.la.us*

Lynn Luker
At-Large Member

Lynn Luker is of counsel in the New Orleans law firm of Stanley, Reuter, Ross, Thornton & Alford, L.L.C. She received a BA degree in psychology in 1978 from the University of New Orleans, her JD degree in 1981 from Tulane University Law School (Order of Barristers), an LLM (with distinction) in admiralty law in 1985 from Tulane Law School and an LLM in energy and environmental law in 1992 from Tulane Law School. She was admitted to practice in Louisiana in 1981 and in Massachusetts in 2007.

Lynn chairs the Louisiana State Bar Association's (LSBA) Civil Law and Litigation Section and is a member of the LSBA's Committee on the Profession and the CLE Committee.

She is also a mediator/arbitrator for Perry Dampf Dispute Solutions and a proctor in admiralty for the Maritime Law Association. She has served as judge *pro tempore* for Orleans Parish Civil District Court and is a former chair of the Louisiana Judiciary Commission. She is an adjunct professor at Tulane Law School, where she co-teaches eDiscovery and Digital Evidence, and is co-director of the Trial Advocacy program and the Civil Pre-Trial Boot Camp. She has received several awards, including the LSBA's Human Rights Award, the Tulane Law School Distinguished Teaching Award, the Tulane Environmental Law Distinguished Alumna Award, the LSBA President's Award and the Association of Women Attorneys' Michaelle Pitard Wynne Professionalism Award. She is a former president of the Tulane Inn of Court and is a regular speaker on professionalism, ethics and trial practice.

In her community, she mentors young people. She is a Sunday school teacher and lector for Trinity Episcopal Church. She is the mother of two children.

Ste. 2500, 909 Poydras St.
New Orleans, LA 70112
(504)669-0322 • fax (504)524-0069
email: lml@stanleyreuter.com
website: www.stanleyreuter.com



Lynn Luker

Tina L. Suggs
At-Large Member

Tina L. Suggs is in-house counsel for State Farm Insurance Co. in Metairie. She received a BS degree in medical technology in 1991 from the University of New Orleans and Louisiana State University School of Allied Health and her JD degree in 2004 from Loyola University College of Law. She was admitted to practice in Louisiana in 2005.

Tina served on the Louisiana State Bar Association's (LSBA) House of Delegates, representing the 24th Judicial District. She also is a member of the Committee on the Profession and the Legislation Committee.

She is a member of the New Orleans Association of Defense Counsel, the Jefferson Bar Association and State Farm's National Diversity and Inclusion Committee and Engagement Committee. She is the recipient of the Influential Pacesetter Award from the City of Jeanerette and the Living Legend Award from First Church of God in Christ.

In her community, she is a member of Delta Sigma Theta Sorority, involved in local and international community projects. She also assists in the Project H.E.L.P. program, providing notarial services to the homeless.

Tina and her husband, Everett C. Suggs, have been married for 26 years and are the parents of two children.

3850 N. Causeway Blvd., 1700 Lakeway II
Metairie, LA 70002
(504)442-8591 • fax (855)847-1379
email: tina.suggs.m2i8@statefarm.com



Tina L. Suggs

Adrejia L.A. Boutté Swafford
At-Large Member

Adrejia L.A. Boutté Swafford is a partner with Christovich & Kearney, L.L.P., in New Orleans. She practices commercial litigation defending cases on coverage disputes, homeowners' policies, automobile policies, toxic torts, premises liability claims, assisted living facility issues, creditor's rights and bankruptcy matters, construction law claims and workers'

compensation claims. As a licensed title insurance producer with C&K Title, L.L.C., she also performs real estate closings work.

Adrejia received a BS degree in psychology in 1999 from Xavier University School of Louisiana and her JD degree in 2003 from Southern University Law Center. She also has a LLM degree in business law, with a certificate in compliance studies, from Loyola University of Chicago Law Center. She is certified in basic mediation and conflict resolution and served as a co-arbitrator in Baton Rouge City Court in 2002.

She is a member of the *Louisiana Bar Journal's* Editorial Board. She served on the Louisiana State Bar Association's (LSBA) Committee on Diversity and co-chaired the Communications Subcommittee. She also served on the LSBA's Legal Services for Persons with Disabilities Committee.

Adrejia is a Fellow of the Louisiana Bar Foundation and a member of the Louisiana Association of Defense Counsel, the New Orleans Defense Association, the Federal Bar Association and the American Inn of Court. She is a 2010 graduate of the Committee for a Better New Orleans Leadership Program.

She and her husband, Richard Swafford, reside in Baton Rouge.

Ste. 2300, 601 Poydras St.
New Orleans, LA 70130-6078
(504)593-4315 • fax (504)544-6249
email: alboutte@christovich.com
website: www.christovich.com



Adrejia L.A. Boutté Swafford

Monica Hof Wallace
Faculty, Loyola University
College of Law

Monica Hof Wallace is the Dean Marcel Garsaud, Jr. Distinguished Professor of Law and executive director of the Advocacy Center at Loyola University College of Law. She received a BS de-



Monica Hof Wallace

gree, *cum laude*, in finance in 1993 from Louisiana State University and her JD degree, *summa cum laude*, in 1998 from Loyola University College of Law. She was admitted to practice in Louisiana in 1998. Before entering private practice, she clerked for Judge Jacques L. Wiener, Jr. of the U.S. 5th Circuit and Judge Barry Ted Moskowitz of the U.S. District Court in San Diego.

Monica is active on several committees for the Louisiana State Law Institute. She serves on the St. Thomas More Inn of Court Executive Committee and is a Fellow for the Louisiana Bar Foundation and Educating Tomorrow's Lawyers. She received the Gillis Long Poverty Law Center's Public Service Award and the Outstanding Research in Law Faculty Award and is a three-time honoree of Professor of the Year.

In her community, she is a board member for Cancer Crusaders and Louisiana Youth Seminar and was named a *New Orleans City Business* "Leader in Law."

Monica and her husband, Todd Wallace, have been married for 18 years and are the parents of two children.

526 Pine St., Room 448

New Orleans, LA 70115

(504)861-5670 • fax (504)861-5733

email: mwallace@loyno.edu

website: www.law.loyno.edu

Donald W. North **Faculty, Southern University Law Center**

Donald W. North is a law professor at Southern University Law Center. He joined the faculty in 1998. He received a BS degree in political science in 1980 from Grambling State University and his JD degree in 1983 from Southern University Law Center. He was admitted to practice in Louisiana in 1984. He also is admitted to the U.S. District Court for the Middle District of Louisiana and the U.S. 5th Circuit Court of Appeals.

Also, he is a 1988 graduate of the Combined Army and Services Staff College in Fort Leavenworth, Kan., and a 1997 graduate of the Command General



Donald W. North

Staff College, also in Fort Leavenworth.

He served on the Louisiana State Bar Association's (LSBA) Board of Governors for several terms and has served on the LSBA's Committee on the Profession and the Client Assistance Fund Committee. He is a member of the American Bar Association.

In his community, Donald is a church deacon, volunteers with the Zachary Food Bank and is a pro bono worker at Baton Rouge City Court.

He and his wife Jyotibala have been married for 33 years and are the parents of two children.

P.O. Box 9294, Baton Rouge, LA 70813

(225)505-6714 • fax (225)771-6296

email: dnorth@sulc.edu

Zelda W. Tucker **Louisiana State Law Institute**

Zelda W. Tucker is deputy city attorney for the City of Shreveport and a sole practitioner. She received a BA degree in English literature in 1983 from Louisiana State University and her JD degree in 1986 from Southern University Law Center. She was admitted to practice in Louisiana in 1986.

Zelda is a member of the Louisiana State Law Institute Council, the Shreveport Bar Association and the Louisiana Association of Insurance Defense Counsel. She is the recipient of the Shreveport Bar Association's Professionalism Award.

In her community, she is a member of the Shreveport Downtown Rotary and the Shreveport Women's Attorney Association.

Zelda and her husband, James Britt, have been married for 27 years.

3324 Line Ave.

Shreveport, LA 71104-4212

(318)861-0884 • fax (318)865-4041

email: ztucker@ztucker.com

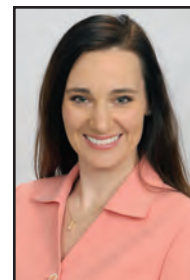


Zelda W. Tucker

Shayna Beevers Morvant **Chair, House of Delegates** **Liaison Committee**

Shayna Beevers Morvant is managing partner of the Gretna firm of Beevers &

Beevers, L.L.P. She received a BSM degree in 2009 from Tulane University's A.B. Freeman School of Business and her JD degree in 2012 from Tulane University Law School. She was admitted to practice in Louisiana in 2012.



Shayna Beevers Morvant

Shayna is a general practitioner with class action and civil litigation experience. Her practice areas include personal injury, criminal defense, family law and representation of local law enforcement organizations. She is currently a member of the adjunct faculty at Tulane Law School, teaching pre-trial litigation skills during the Boot Camp and Trial Advocacy Programs.

She has served two terms as the District 2 representative on the Louisiana State Bar Association's (LSBA) Young Lawyers Division Council. She also serves on the LSBA's Board of Governors, in the House of Delegates and is secretary of the Civil Law and Litigation Section. She was elected to the 2017, 2019 and 2020 Nominating Committee. She was a member of the 2015-16 Leadership LSBA Class.

Shayna is the membership chair for the Tulane Inn of Court and is a former chair of the Jefferson Bar Association's Young Lawyers Division. She is currently serving as the treasurer for the Jefferson Bar Association board, after serving two terms as the representative at large. She is a frequent presenter of CLE topics and has been presenting programs for the LSBA since 2013, with a focus on social media, professionalism and trial litigation. She also has presented CLE programs for the New Orleans Bar Association, the Jefferson Bar Association and Tulane Law School.

In her community, she is a former chair of legislative affairs for the Junior League of New Orleans, a Louisiana Children's Museum campaign leader and a member of the Italian American Ladies Auxiliary.

Shayna and her husband Wesley are the parents of two children.

210 Huey P. Long Ave.

Gretna, LA 70053

(504)361-4287 • fax (504)362-1405

Ann S. Siddall
Member, House of Delegates
Liaison Committee

Ann S. Siddall is a sole practitioner in Vidalia. She also is first assistant district attorney for the 7th Judicial District and the city prosecutor for Vidalia. She received a BA degree in 1976 from Louisiana State University and her JD degree in 1979 from LSU Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 1979 and in Illinois in 1981.

Ann serves in the Louisiana State Bar Association's House of Delegates and is a member of the Legislation Committee. She is a recipient of the LSBA President's Award.

She is a member of the Louisiana District Attorneys Association and is president-elect of the ADA Board of Directors.



Ann S. Siddall

She is a recipient of the LSU Alumni Chapter Service Award. She is a member of Trinity Episcopal Church.

*Ste. D, 4001 Carter St.
Vidalia, LA 71373
(318)481-1059
email: annsiddall54@gmail.com*

D. Skylar Rosenbloom
Member, House of Delegates
Liaison Committee

D. Skylar Rosenbloom is senior counsel for Entergy Services, L.L.C., where he represents Entergy Louisiana in legal and regulatory matters before the Louisiana Public Service Commission and various courts. He received a BS degree in 2001 from Georgetown University's McDonough



D. Skylar Rosenbloom

School of Business and his JD degree in 2007 from Washington and Lee University School of Law. He was admitted to practice in Louisiana in 2007. He also is admitted in Washington, D.C. (2013) and in New York (2014).

Skylar is a member of the Louisiana State Bar Association's (LSBA) House of Delegates, the Committee on the Profession, the Practice Assistance and Improvement Committee and the Legislation Committee. Previously, he served as a member of the LSBA's Board of Governors (First District representative) and the Nominating Committee. He was a member of the 2012-13 Leadership LSBA Class.

He and his wife Brittany have been married for nine years and are the parents of three children.

*639 Loyola Ave., 26th Flr.
New Orleans, LA 70113
(504)576-2603 • fax (504)576-5579
email: drosenb@entergy.com
website: www.entergy.com*

La. Board of Legal Specialization Accepting Requests for Applications

The Louisiana Board of Legal Specialization (LBLS) is accepting applications for business bankruptcy law and consumer bankruptcy law certification from now through Sept. 30, 2020.

The LBLS will be accepting applications for certification in five additional areas — appellate practice, estate planning and administration, family law, health law and tax law — from Nov. 1, 2020, through March 1, 2021.

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 LBLS 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:

- ▶ Appellate Practice — 15 hours of approved appellate practice law.
- ▶ Estate Planning and Administration — 18 hours of approved estate planning law.
- ▶ Family Law — 15 hours of approved family law.
- ▶ Health Law — 15 hours of approved health law.
- ▶ Tax Law — 18 hours of approved tax law.
- ▶ Bankruptcy Law — CLE is regulat-

ed by the American Board of Certification, the testing agency.

Approved specialization CLE courses can be viewed on the LBLS Approved Course Calendar at: www.lsba.org/MCLE/MCLECalendar.aspx?L=S.

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 LBLS. Information concerning the American Board of Certification will be provided with the application form(s).

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

ATJ Developing Leadership Intern Program Goes Virtual Due to COVID-19

Four interns participated in the 2020 Louisiana State Bar Association's Access to Justice (ATJ) Developing Leadership Intern Program. The year 2020 marked the fifth year for the program and the first year the program was conducted virtually because of COVID-19.

The interns and their sponsoring firms/businesses are Tiberlee A. Barnum, Southern University Law Center, intern for Entergy Services, L.L.C.; K. Chance Carter, Louisiana State University Paul M. Hebert Law Center, intern for Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.; Emily N. Ketterer, Tulane University Law School, intern for Phelps Dunbar, L.L.P.; and Carly E. Jonakin, Loyola University College of Law, intern for Adams and Reese, L.L.P.

Despite the abrupt change in programming, the four interns adapted to the altered environment quickly. Instead



Tiberlee A. Barnum



K. Chance Carter



Emily N. Ketterer



Carly E. Jonakin

of shadowing judges and public interest attorneys, this year's interns completed projects for civil legal aid providers and attended hearings with judges via Zoom.

Among the many civil legal aid providers, judges and organizations involved with the internship program, the interns worked with Louisiana Appleseed, Louisiana Lagniappe, Southeast Louisiana Legal Services, the New Orleans Pro Bono Project

and the Parole Project and spent a day observing Judge Lisa M. Woodruff-White in the Family Court of East Baton Rouge Parish. The interns virtually attended meetings of the Louisiana Access to Justice Commission, the ATJ Committee's Disaster Response Subcommittee and the American Bar Association's Disaster Legal Services Program.

Louisiana Center for Law and Civic Education



Shayna Beevers Morvant, left, was sworn in as the 2020-21 president of the Louisiana Center for Law and Civic Education. Administering the oath was 5th Circuit Court of Appeal Judge John J. Molaison, Jr., right. Also in attendance was 5th Circuit Court of Appeal Chief Judge Susan M. Chehardy.

2020 John A. "T-Jean" Hernandez III Memorial Award



Robert B. Vincent, center, is the recipient of the 2020 John A. "T-Jean" Hernandez III Memorial Award, presented by the Louisiana State Bar Association and its Francophone Section for achievements in Francophone leadership. Vincent, an attorney from Erath, is of counsel with the firm Perrin, Landry, deLaunay. Vincent, a 2010 graduate of Southern University Law Center (SULC), also recently received the SULC's Distinguished Alumni Award. Warren A. Perrin, right, chair of the LSBA's Francophone Section, and his wife, Mary Perrin, presented the Hernandez Award to Vincent. Vincent helped Perrin found the Acadian Museum in Erath.

Leadership LSBA Class Distributes Care Packages to Healthcare Professionals Statewide

Young lawyers from the Louisiana State Bar Association's Leadership LSBA 2019-2020 Class distributed care packages to healthcare professionals across the state in response to the coronavirus pandemic.

Packages were delivered to medical staff working at the Ochsner Medical Center-Baton Rouge, the Willis Knighton Health Center in Bossier City, the CHRISTUS Ochsner St. Patrick's Hospital in Lake Charles and the COVID-19 screening site at the Cajundome in Lafayette. In addition, meals were provided to medical staff at Tulane Medical Center in New Orleans and to healthcare professionals at Willis Knighton Health Center.

"The medical staffs have been working tirelessly over the past few months, so we knew a generous expression of appreciation would show them how much we supported them and their life-saving work," said Leadership LSBA Class member Jeremy A. Bazile.

The care packages included an assortment of snacks like energy bars, fruit snacks, SkinnyPop Popcorn, pretzels, veggie straws, trail mix, Gatorade and Starbucks reusable lidded cups. Class members donated these items to provide healthcare professionals with healthier options during their long shifts.

Dr. Irene Evoleucha, DPM, volunteered her time to help facilitate the project and coordinate the delivery of the care packages to the Ochsner departments. "The frontline workers need you more than ever with our state opening back up," Dr. Evoleucha stated.

The Leadership LSBA Class members organize and execute an annual class project that addresses the needs of the legal profession and community at large.

Before the pandemic, this year's class had decided to work with local prisons to have inmates read recordable storybooks that would be delivered to their children.

"Due to the COVID-19 pandemic,



Leadership LSBA Class members Janet D. Madison, far left, and Justin S. Brashear, far right, delivered donations to CHRISTUS Ochsner St. Patrick's Hospital in Lake Charles.



Bently B. Senegal, left, Our Lady of Lourdes manager of community services, and Leadership LSBA Class member Jeremy A. Bazile at the Cajundome in Lafayette. Also attending was class member Jared E. Nelson.

we had to pause our original plans for the class project and chose to pivot to another pressing need," said Leadership LSBA Class member Melissa A. Pestalozzi. "Delivering the care packages was a simple way to express our gratitude to and help brighten the days of our local healthcare heroes for their commitment and sacrifice during this challenging time."

The Leadership LSBA Class program was created in 2002 to provide exposure for young lawyers on pressing issues that face the legal profession. The 2019-2020 Class is comprised of Amber B. Barlow, Jeremy A. Bazile, John W. Bihm, Justin S. Brashear, Rachel J. Caluda, Sarah R. Giglio, Justin A. Jack, Jennifer G. Lampton, Janet D. Madison, Sowmya Mandava, Kelsey L. Meeks, Jared E. Nelson, Melissa A. Pestalozzi, Thomas C. Wicker IV, Sherron P. Williams, and co-chairs Cortney M. Dunn and Teresa D. King.



A hospital healthcare worker stopped by for a donated meal at Tulane Medical Center in New Orleans.



A healthcare worker from Ochsner Medical Center-Baton Rouge accepted a care package coordinated by the Leadership LSBA Class.



Leadership LSBA Class members Sherron P. Williams, far left, and Sarah R. Giglio, far right, with Kimberly Gregory, Dr. Cheynita Metoyer and Allison Dryden, all with Willis Knighton Internal Medicine and Pediatrics in Bossier City.

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Stephen Herman has 25 years experience in class action
lawsuits, representing both plaintiffs and defendants.
Among his other qualifications, Steve also:

- Co-Lead Counsel in BP Oil Spill Litigation
- Teaches Complex Litigation courses at both Tulane and Loyola Law Schools
- Has served on LADB Hearing Committee from 2008-2013
- Selected by the National Association of Legal Fee Analyst as one of the "Nation's Top Attorney Fee Experts, 2018".
- Has been asked to serve as an expert on professional ethics and responsibilities
- Is in New Orleans CityBusiness Leadership-in-Law Hall of Fame



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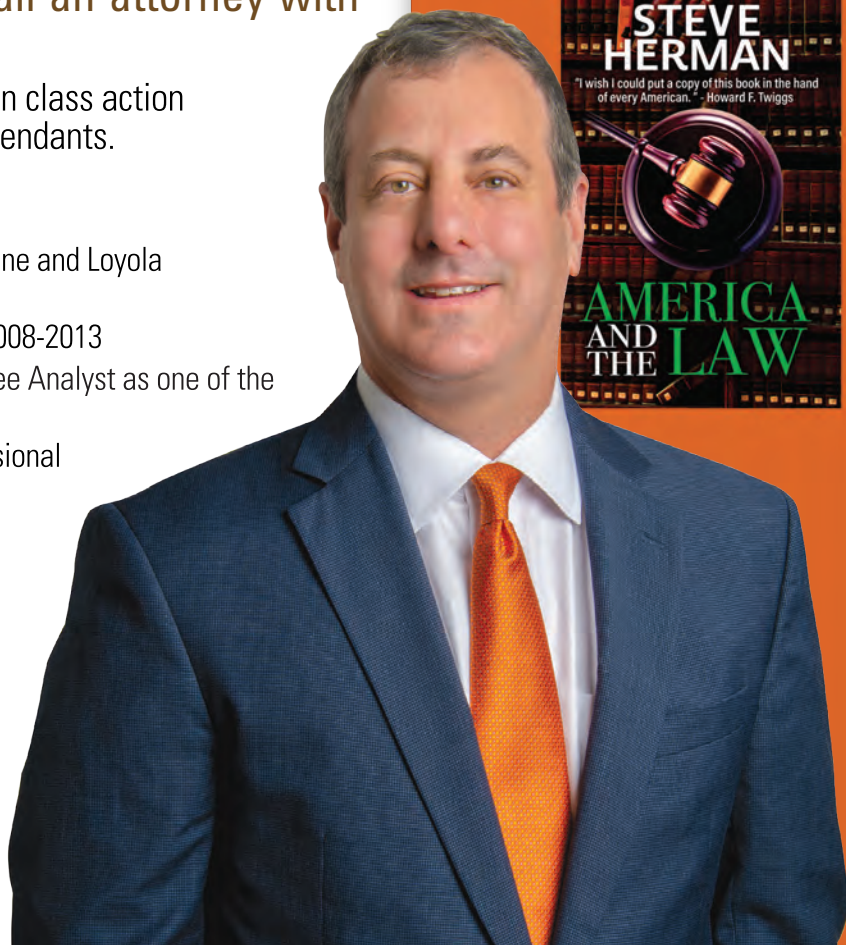
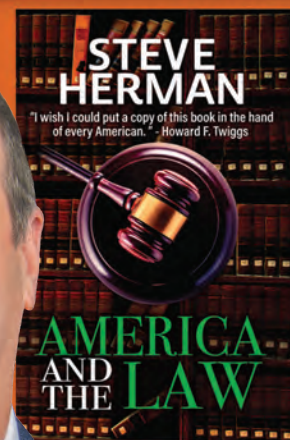
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**THE BLAWG:
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What's New in the Courts
Class Actions
Products Liability
Ethics & Professionalism

**THE BOOK:
IT'S NO
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By Kenzie Schott Cardella

GETTING HACKED: IT'S ONLY A MATTER OF TIME

A former FBI director, at an information security conference in 2012, said: “[There] are only two types of companies — those that have been hacked and those that will be.” Since 2012, more companies have joined the first group, and cyber criminals are finding better, more sophisticated ways to target the second.

In 2019, IBM published a report analyzing the cost of data breaches. According to this report, the average total cost of a data breach is \$8 million when looking at U.S. companies of all sizes. Worldwide, the average total cost is \$2.74 million for companies with fewer than 500 employees. Data breaches are expensive, if not financially devastating, for businesses.

In addition to the financial consequences, ethical implications may result from a cyber attack. Rule 1.6 of the Louisiana Rules of Professional Conduct imposes an ethical obligation on attorneys to protect against cyber crimes. Under section (a) of Rule 1.6, “A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by [Rule 1.6].” Client information unintentionally revealed to a third party as a result of a cyber attack could mean a violation of this Rule 1.6 provision. Section (c) further describes an attorney’s ethical obligation when it comes to protecting client data: “A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.” How far an attorney must go to meet the “reasonable efforts” threshold is up for interpretation. Nevertheless, the plain language of Rule 1.6 establishes that the consequences of a cyber security breach involving client data may be significant from an ethical standpoint.

“A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information related to the representation of a client.”

— Rule 1.6 Section (c)
Louisiana Rules of Professional Conduct

Knowing that it is not a question of *if* someone will try to hack your office but *when*, all attorneys should take proper precautions to mitigate risk. Encryption is one basic safeguard that could help protect stored data from cyber crimes. Many consider it a “no-brainer” when it comes to protecting against cyber attacks, making it more likely necessary to hit the “reasonable efforts” threshold. Attorneys should make sure to encrypt their servers and computers (desktops and laptops included) and any other device — like a smartphone or tablet — where they store client data or other sensitive information. Similarly, mandating that employees use a VPN (virtual private network) when working wirelessly is just as important. Using a VPN encrypts any data that is sent or received, reducing exposure as compared to sending data over an unsecured Internet connection.

Protecting data is important even when the data is stored on a device not owned by the firm. If the firm allows attorneys or other employees to store client or other firm data on their own personal devices, then setting rules for using those devices for work is crucial. The firm should encrypt the data and mandate that the device be password-

protected. Additionally, firms should make sure the data on the device can be wiped remotely in the event the employee’s iPhone, for example, is stolen or lost.

All attorneys and other employees at the firm should understand their role in preventing cyber crimes. IBM’s 2019 report provides that one-quarter of cyber attacks are caused by human error, which includes “inadvertent insiders.” An inadvertent insider is an employee who is fooled into providing sensitive information to the wrong person, ultimately falling victim to a cyber attack. The more sophisticated cyber attackers become, the more careful attorneys and firms need to be when providing sensitive information. Train employees to check a sender’s email address, review a link’s URL and verbally confirm any request for sensitive information with the true source (*e.g.*, the client, a bank or a vendor) using independent contact information from the initial request before providing it.

In addition to implementing safeguards, firms should confirm they have sufficient cyber liability coverage in place *before* suffering a cyber attack. It will provide peace of mind and financial support if — when — firms fall victim to a cyber crime. Unfortunately, if it is only a matter of time before we are all hacked, the time to act is today.

Kenzie Schott Cardella is an attorney at Gilsbar, L.L.C., and serves as business development manager of the professional liability division. She received her BBA degree in accounting from Southern Methodist University, is a CPA and earned her JD degree from Louisiana State University Paul M. Hebert Law Center, where she served as editor-in-chief of the Louisiana Law Review. Before joining Gilsbar, she worked in private practice for a New Orleans law firm, practicing in business and transactional law. Email her at kcardella@gilsbar.com.



By J.E. (Buddy) Stockwell

COVID & DANGERS OF COPING WITH ALCOHOL

It will be years before we fully understand the mental health impact of the COVID-19 pandemic shutdown and its ongoing phases of social isolation. The only thing we know for sure at the Louisiana Judges and Lawyers Assistance Program, Inc. (JLAP) is that something totally unexpected happened. During the shutdown, our phone lines went spookily quiet. We received the lowest number of confidential calls on record.

The pandemic is causing severe mental health issues for many people and impacting everyone to some degree. Even an innocuous change in one's routine is stressful. Add in isolation and the fear of contracting a deadly virus and it is a "perfect storm" for a tsunami of stress, anxiety and depression.

We know people are suffering and need mental health support. We are also beginning to understand that a large segment of the population is using alcohol in unhealthy amounts to cope. The stress of this pandemic and unhealthy coping skills involving alcohol will leave them with a chronic alcohol use disorder.

Washington Post contributor Melinda Fulmer published an interesting article on the topic of alcohol use during the COVID-19 shutdown, titled "Quarantinis are a meme of this crisis. But relying on alcohol could lead to serious problems."¹ The article examines the potential fallout from using alcohol to navigate fear and anxiety during the shutdown:

For many Americans, the days of the coronavirus quarantine have been bracketed by coffee at one end and happy hour at the other. Drinking memes and "Quarantini" recipes are everywhere, and off-premises booze sales surged by 55 percent in mid-March as people started turning to alcohol to deal with the stress, anxiety and grief brought on by isolation.

But weeks or even months of using alcohol to escape difficult emotions could

leave those who indulge with a problem that's hard to shake once the lockdown is over.

"Many people will, for the first time, develop an alcohol use disorder," said Julia Chester, associate professor of psychological sciences in the College of Health and Human Sciences at Purdue University, who studies the factors influencing alcohol and substance abuse disorders.

At JLAP, our professional clinical staff is fully equipped to provide confidential mental health support and resources necessary to manage the pressures of the pandemic. JLAP has been promoting these healthy coping skills:

► **Take a media break.** Prolonged exposure to the news and video "screens" can impact your mental health in a negative way. Ask yourself, do you feel *calmer* after watching the news? Turn the screens off and go for a walk or bicycle ride around your neighborhood, work in the garden, read a book outside, etc.

► **Take care of your body.** Fuel your body by eating a healthy, well-balanced diet and drinking plenty of water. Aim to get seven to eight hours of sleep each night. Exercise every day, even if it's just a walk around the block.

► **Take care of your mind.** Mental health conditions are by nature isolating so stay connected. Keep the routines that make you feel good and try to modify the ones that you can. Reach out to friends and schedule virtual hangouts. Find an accountability and support buddy. If you have a therapist, see if he/she offers telephone- or video-based sessions.

► **Catch up on your hobbies.** What hobbies have you been putting off because you are always too busy? What new hobbies would you like to learn? Instead of drinking alcohol every day, use some of that downtime instead to renew old hobbies or take up new ones.

► **Connect with others.** Social dis-

tancing does not mean social isolation. Check up on your extended family, friends and neighbors. Contact old friends you haven't spoken to in a while. Share your feelings with people you trust about how the pandemic is affecting you. Connecting with other people helps us feel safer.

► **Be thankful.** Maintain a viewpoint of *Gratitude*. Research shows that having a positive attitude can improve your health and help minimize negative thoughts and anxious feelings. Write a "Gratitude List" at the end of each day to help keep inventory of all the good things in your life.

This huge period of change and increased isolation is certainly stressful, but, if proper self-care tools are utilized (instead of damaging behavior such as numbing out with alcohol or drugs), this time of change can be a golden opportunity to make positive changes in self-care and life balance.

At JLAP, we encourage everyone to take full advantage of the "silver lining" opportunities of this pandemic. If you are experiencing negative mental health impacts, remember that JLAP offers confidential, professional mental health support to help turn negatives into positives. Call (985)778-0571, email JLAP@louisiana-jlap.com, or visit the website at: www.louisianajlap.com.

FOOTNOTE

1. https://www.washingtonpost.com/lifestyle/wellness/drinking-problem-home-coronavirus-lockdown/2020/04/27/69c45984-865e-11ea-a3eb-e9fc93160703_story.html.

J.E. (Buddy) Stockwell served as the executive director of the Louisiana Judges and Lawyers Assistance Program, Inc. (JLAP) through June 2020. Call (866)354-9334 or email jl原因@louisianajlap.com.



Newest Diversity Signatories Spotlighted

The Louisiana State Bar Association's (LSBA) Committee on Diversity in the Legal Profession would like to acknowledge and thank the newest signatories of the LSBA's Statement of Diversity Principles.

By executing the Statement, the leaders of a legal organization or court agree

to promote a culture that adopts best practices to improve retention of diverse talent and encourage the hiring and promotion of diverse talent.

2019-20 New Signatories

Mary C. Anderson

Danielle N. Brown

Jennifer B. Eagan

Barrios, Kingsdorf & Casteix, LLP
Hill Law Office

Law Offices of Steven B. Witman
Pecoraro Law

Hon. Lewis H. Pitman, Jr.

Allyson M. Prejean

Ayn W. Stehr

Martinet Holiday Social and Toy Drive

On Dec. 17, 2019, the Louis A. Martinet Legal Society, Inc. Greater Baton Rouge Chapter hosted a Holiday Social and Toy Drive at the Capitol Park Event Center in Baton Rouge.

In photo, Martinet Chapter members with Chief Judge Wilson E. Fields, 19th Judicial District Court, from left, ReAzalia Z. Allen, secretary; Ne'Shira D. Millender, first vice president; Judge Fields; Michael B. Victorian, president; and Harry Landry III, second vice president.



Black History Month CLE seminar

The Louisiana State Bar Association Diversity Committee's Pipeline to Diversity and Outreach Subcommittee and Adams and Reese LLP hosted the Black History Month CLE seminar on Feb. 13, 2020, at Adams and Reese LLP in Baton Rouge. Attorney Stephanie A. Finley, left, presented a program on "The Right to Vote," informing attendees about the history of voting rights from the Pre-American Revolution to present day. With her is Justin A. Jack, Adams and Reese LLP. Not in photo, Kellen J. Mathews, Adams and Reese LLP.



The National Bar Association's (NBA) Louisiana Judicial Council (LJC) hosted its 22nd Annual Meeting and CLE seminar from Feb. 27-March 1, 2020, in Bossier City. The event, with the theme "2020 Vision, Mind, Body and Soul," featured highly credentialed speakers, breakfast at the Peaceful Rest Missionary Baptist Church and a President's Reception and Party. Front row from left, Judge D. Nicole Sheppard, Orleans Parish Civil District Court; Judge (Ret.) Luke A. LaVergne; Judge Karelia R. Stewart, 1st Judicial District Court, 2020-22 LJC secretary; Judge Ethel S. Julien, Orleans Parish Civil District Court; Chief Judge Felicia T. Williams, Louisiana 2nd Circuit Court of Appeal; Judge Piper D. Griffin, Orleans Parish Civil District Court; Judge June Berry Darensburg, 24th Judicial District Court, 2020-22 LJC chair; Pastor Dr. R. Timothy Jones; Judge Shonda D. Stone, Louisiana 2nd Circuit Court of Appeal; Judge Ree J. Casey-Jones, Caddo Parish Juvenile Court; Chief Judge Madeline Jasmine, 40th Judicial District Court; Judge (Ret.) Curtis A. Calloway; Judge Ramona L. Emanuel, 1st Judicial District Court; and Judge Omar K. Mason, Orleans Parish Civil District Court. Back row from left, Judge Ronald R. Johnson, 19th Judicial District Court; Judge Steven M. Jupiter, Orleans Parish Traffic Court; Judge Tarvald A. Smith, Baton Rouge City Court; Chief Judge Alonzo Harris, 27th Judicial District Court; Judge John Mosley, Jr., 1st Judicial District Court; Judge Tammy D. Lee, Monroe City Court; and Judge (Ret.) Leon L. Emmanuel III.

Diversity Reception

The law firm of Stone Pigman Walther Wittmann, LLC, hosted a Diversity Reception for first-year law students from Tulane University Law School and Loyola University College of Law on Nov. 12, 2019. Attending the reception were, from left, Cory J. Vidal, Hancock Whitney Bank; Ashley J. Heilprin, Phelps Dunbar, LLP; Michael G. Bagneris, Bagneris, Piekse and Associates, LLC; Kim M. Boyle, Phelps Dunbar, LLP; and Wayne J. Lee, Stone Pigman Walther Wittmann, LLC.



Attending the Stone Pigman Walther Wittmann, LLC, Diversity Reception were, from left, J. Dalton Courson, Stone Pigman Walther Wittmann, LLC; Jeff Murphy, Megan Holt and Dylan Perry, all 1L students from Tulane University Law School.

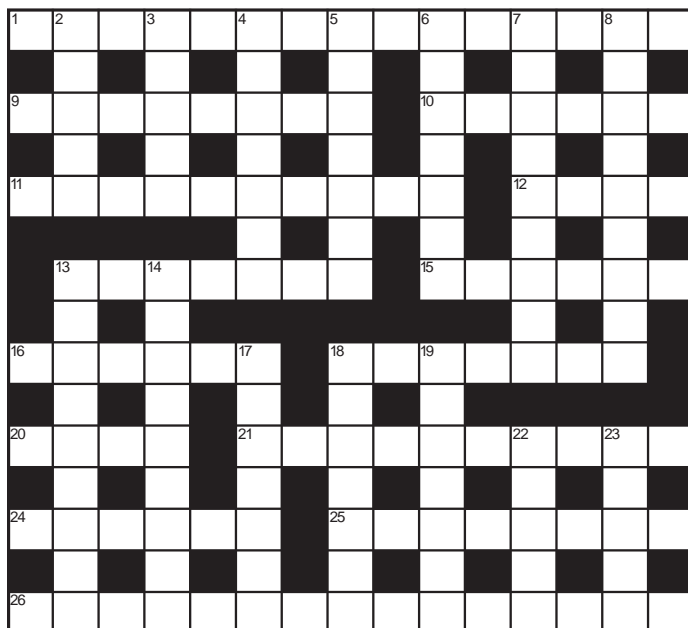


Attending the Stone Pigman Walther Wittmann, LLC, Diversity Reception were, from left, Sarah Hunt-Blackwell, Sydney Tucker and Diego Villalobos, all 1L students from Tulane University Law School; and Madison Torrey, 1L, Loyola University College of Law.

Crossword PUZZLE

By Hal Odom, Jr.

THE LOCKDOWN EDITION



ACROSS

- 1 Metaphor for to diminish the number of cases at any given time (7, 3, 5)
- 9 How to entertain, when you seek to impress (8)
- 10 In which bovine spongiform encephalopathy occurs (6)
- 11 Hospital appliance in short supply in early lockdown (10)
- 12 ___-At-Home order (4)
- 13 Boris ___, former president of Russia (7)
- 15 How many seconds to wash your hands (6)
- 16 The convalescent kind is a promising therapy (6)
- 18 Calendar square in which nothing is planned (4, 3)
- 20 Popular alternative to live meetings, during lockdown (4)
- 21 Mass ones are prohibited during lockdown (10)
- 24 Yoga poses (6)
- 25 Part of China excluding Taiwan and Hong Kong (8)

- 26 Paper rolls in short supply in early lockdown (8, 7)

DOWN

- 2 Permitted absence from work (5)
- 3 Contaminate (5)
- 4 Breathes out (7)
- 5 Only way you can know if a garment really fits (3, 2, 2)
- 6 Passage from a book, movie or song (7)
- 7 Fully informed; meeting standards (2, 2, 5)
- 8 In a brave or heroic manner (9)
- 13 It lies between China and Korea (6, 3)
- 14 Ultimo, updated (4, 5)
- 17 ___ Pinochet, former strongman of Chile (7)
- 18 Most favorable (7)
- 19 Retired professors (7)
- 22 Wastes time; sits at a red light (5)
- 23 Literary type (5)

Answers on page 159.

SOLACE: Support of Lawyers/Legal Personnel — All Concern Encouraged

The Louisiana State Bar Association/Louisiana Bar Foundation's Community Action Committee supports the SOLACE program. Through the program, the state's legal community is able to reach out in small, but meaningful and compassionate ways to judges, lawyers, court personnel, paralegals, legal secretaries and their families who experience a death or catastrophic illness, sickness or injury, or other catastrophic event. For assistance, contact a coordinator.

Area	Coordinator	Contact Info	Area	Coordinator	Contact Info
Alexandria Area	Richard J. Arsenaault	(318)487-9874 rarsenaault@nbawlawfirm.com	Monroe Area	John C. Roa	(318)387-2422 roa@hhsclaw.com
Baton Rouge Area	Ann K. Gregorie	(225)214-5563 ann@brba.org	Natchitoches Area	Peyton Cunningham, Jr.	(318)352-6314 peytonc1@suddenlink.net
Covington/ Mandeville Area	Suzanne E. Bayle	(504)524-3781 sebayle@bellsouth.net	New Orleans Area	Helena N. Henderson	(504)525-7453 hhenderson@neworleansbar.org
Denham Springs Area	Mary E. Heck Barrios	(225)664-9508 mary@barrioslaw.com	Opelousas/Ville Platte/ Sunset Area	John L. Olivier	(337)662-5242 johnolivier@centurytel.net
Houma/Thibodaux Area	Danna Schwab	(985)868-1342 dschwab@theschwablawfirm.com			(337)942-9836 (337)232-0874
Jefferson Parish Area	Pat M. Franz	(504)455-1986 patfranz@bellsouth.net	River Parishes Area	Judge Jude G. Gravois	(225)265-3923 judegravois@bellsouth.net
Lafayette Area	Pam Landaiche	(337)237-4700 director@lafayettebar.org			Cell (225)270-7705
Lake Charles Area	Melissa A. St. Mary	(337)942-1900 melissa@pitrelawfirm.com	Shreveport Area	Dana M. Southern	(318)222-3643 dsouthern@shreveportbar.com

For more information, go to: www.lsba.org/goto/solace.

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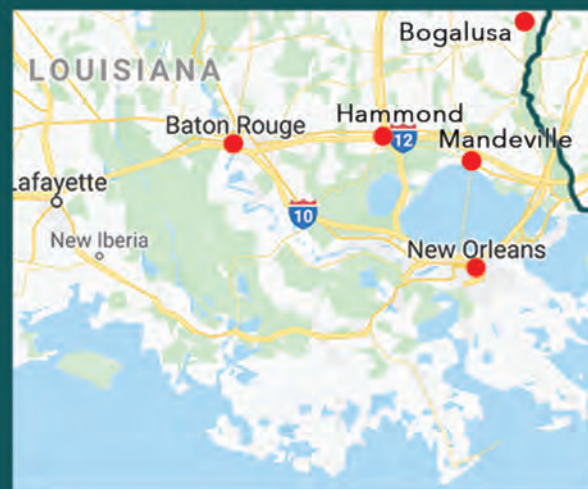
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REPORT BY DISCIPLINARY COUNSEL

Public matters are reported to protect the public, inform the profession and deter misconduct. Reporting date June 3, 2020.

Decisions

Andrew T. Adams, formerly of Shreveport, (2020-B-0369) **By consent, disbarred from the practice of law retroactive to his interim suspension of Oct. 29, 2018**, by order of the Louisiana Supreme Court on May 1, 2020. JUDGMENT FINAL and EFFECTIVE on May 1, 2020. *Gist:* Guilty plea to solicitation of prostitution; commission of a criminal act; and conduct prejudicial to the administration of justice.

Maynard K. Batiste, Sr., Baton Rouge, (2020-B-0452) **By consent, suspended from the practice of law for one year and one day, fully deferred, followed by a two-year period of supervised probation**, by order of the Louisiana Supreme Court on May 26, 2020. ORDER FINAL and EFFECTIVE on May 26, 2020. *Gist:* Respondent mismanaged his client trust account and improperly entered into oral contingency fee agreements with his clients.

William Christopher Beary, New Orleans, (2020-B-00451) **By consent, suspended from the practice of law for one**

year and one day, retroactive to Feb. 25, 2019, the date of his interim suspension, ordered by the Court on May 14, 2020. JUDGMENT FINAL and EFFECTIVE on May 14, 2020. *Gist:* Committing a criminal act reflecting adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer; and violating the Rules of Professional Conduct.

P. Michael Doherty Breeden III, New Orleans, (2020-OB-00315) **Permanent resignation from the practice of law in lieu of discipline** ordered by the Court on April 27, 2020. JUDGMENT FINAL and EFFECTIVE on April 27, 2020. *Gist:* Failure to provide competent representation; scope of representation; lack of diligence; failure to communicate with client; failure to safekeep property of clients or third persons; knowingly making a false statement of material fact; failure to cooperate in a disciplinary investigation; violating the Rules of Professional Conduct; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and engaging in conduct prejudicial to the administration of justice.

Michael L. Cave, Baton Rouge,

(2020-B-0425) **By consent, suspended from the practice of law for a period of 30 months, retroactive to his interim suspension of July 27, 2017**, by order of the Louisiana Supreme Court on May 14, 2020. JUDGMENT FINAL and EFFECTIVE on May 14, 2020. *Gist:* Guilty plea to misdemeanor crime of stalking; commission of a criminal act; and conduct prejudicial to the administration of justice.

David G. deBlieux, Baton Rouge, (2019-B-1515) **Suspended from the practice of law for a period of one year** by order of the Louisiana Supreme Court on Jan. 29, 2020. Rehearing denied on April 9, 2020. ORDER FINAL and EFFECTIVE on April 9, 2020. *Gist:* Criminal conduct (entry into an inhabited dwelling, domestic abuse battery, simple battery and simple criminal damage to property).

Donald R. Dobbins, Baton Rouge, (2019-B-1346) **Suspended from the practice of law for one year and one day** by order of the Louisiana Supreme Court on Jan. 29, 2020. Rehearing denied on April 9, 2020. JUDGMENT FINAL and EFFECTIVE on April 9, 2020. *Gist:* Dobbins failed to provide competent representation to clients; neglected legal matters; failed to communicate with clients; failed to refund unearned fees and unused costs; failed to properly supervise his non-lawyer staff, resulting in false affidavits being filed in the court record; failed to reduce a contingency fee arrangement to writing; forged client signatures on settlement checks; and failed to place disputed funds in his trust account.

Richard C. Ellis, New Orleans, (2020-B-00440) **Consented to 18-month suspension from the practice of law** by

CHRISTOVICH & KEARNEY, LLP ATTORNEYS AT LAW

DEFENSE OF ETHICS COMPLAINTS AND CHARGES

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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 June 2, 2020.

Respondent	Disposition	Date Filed	Docket No.
Eric A. Bopp	[Reciprocal] Suspension, partially deferred.	6/1/20	20-1121
Chris L. Bowman	[Reciprocal] Suspension, fully deferred.	5/4/20	20-739
David Augustus Capasso	[Reciprocal] Public reprimand.	5/4/20	20-849
Michael T. Moore, Jr.	[Reciprocal] Suspension, fully deferred.	6/1/20	20-1120

Discipline continued from page 120

order of the Louisiana Supreme Court on May 14, 2020. ORDER FINAL and EFFECTIVE on May 14, 2020. *Gist:* Commission of multiple criminal acts and engaging in the practice of law while ineligible.

Tara F. Gilder, Carencro, (2020-B-00411) **By consent, suspended from the practice of law for one year and one day, with all but six months deferred, followed by probation for a period to coincide with the term of her recovery agreement with JLAP**, ordered by the Court

on May 26, 2020. JUDGMENT FINAL and EFFECTIVE on May 26, 2020. *Gist:* Lack of diligence; lack of communication; failure to return an unearned fee; failure to return client file; failure to expedite litigation; engaging in conduct prejudicial to the administration of justice; and violating the Rules of Professional Conduct.

Mark L. James II, Franklinton, (2020-OB-00460) **Readmitted to the practice of law, with conditions**, by order of the Louisiana Supreme Court on May 26, 2020. ORDER FINAL and EFFECTIVE on May 26, 2020. James has proved by clear and convincing evidence that he

satisfies the criteria for readmission to the practice of law in the state of Louisiana.

Brian Lee McCullough, Baton Rouge, (2020-B-0461) **By consent, suspended from the practice of law for a period of 18 months, with all but one year deferred, retroactive to his interim suspension of Feb. 11, 2019, subject to a period of probation**, by order of the Louisiana Supreme Court on May 26, 2020. JUDGMENT FINAL and EFFECTIVE on May 20, 2020. *Gist:* Commission of a criminal act (multiple DWIs).

David K. Nelson, Baton Rouge, (2020-Continued next page

STANLEY, REUTER, ROSS THORNTON & ALFORD, LLC

Legal & Judicial Ethics



William M. Ross
wmr@stanleyreuter.com

William “Billy” M. Ross has over 15 years of experience defending lawyers and judges in disciplinary matters, advising lawyers on their ethical duties, and providing representation in legal fee disputes and breakups of law firms. He is committed to advancing the legal profession through his work for clients, involvement with the LSBA, and participation in presentations on ethics and professional responsibility.

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Discipline continued from page 121

OB-0383) **Transferred to disability/inactive status** by order of the Louisiana Supreme Court on May 14, 2020. JUDGMENT FINAL and EFFECTIVE on May 14, 2020. Nelson may not practice law until further orders from the Court.

Keith Thomas Whiddon, Monroe, (2020-B-00428) **Consented to a public reprimand** by order of the Louisiana Supreme Court on May 14, 2020. JUDGMENT FINAL and EFFECTIVE on May 14, 2020. *Gist*: Respondent knowingly provided a false answer to an interrogatory during discovery in his pending divorce proceeding.

Alva L. Williams, Houma, (2020-B-00368) **Interimly suspended from the practice of law** by order of the Louisiana Supreme Court on March 16, 2020. JUDGMENT FINAL and EFFECTIVE on March 16, 2020.

Admonitions (private sanctions, often with notice to complainants, etc.) issued since the last report of misconduct involving:

Rule 1.15(f) — Non-lawyer signed checks drawn on trust account.

Rule 5.3 — Failure to supervise a non-lawyer.

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leslie@sswethicslaw.com

Steven Scheckman

Former Special Counsel
Judiciary Commission ('94-'08)
650 Poydras Street, Suite 2760
New Orleans, Louisiana 70130
Phone (504) 309-7888
Fax (504) 518-4831
steve@sswethicslaw.com

Julie Brown White

Former Prosecutor,
Disciplinary Counsel ('98-'06)
11715 Bricksome Ave, Suite B-5
Baton Rouge, Louisiana 70816
Phone (225) 293-4774
Fax (225) 292-6579
julie@sswethicslaw.com

Damon S. Manning

Former Investigator, Prosecutor
Disciplinary Counsel ('98-'14)
201 NW Railroad Ave, Suite 302
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◀ **S. Guy deLaup** is the owner of S. Guy deLaup, APLC in Metairie, LA. He was trained as a mediator at the Pepperdine University School of Law and the Mediation Institute of Oklahoma. After serving as an Assistant District Attorney in Jefferson Parish, LA, he has practiced extensively in the area of family law and has also represented clients in business, insurance, franchise, public entity and medical malpractice litigation. As a litigator representing both plaintiffs and defendants, Guy understands the importance of alternative dispute resolution. During the last year, all 25 cases Guy mediated were successfully concluded. He has earned an AV rating from Martindale Hubbel and was nominated as a “Top Lawyer” by his peers. Guy is a past president of both the Louisiana State and Jefferson Bar Associations. Guy is a former member of the Board of Directors of the New Orleans Legal Aid Clinic and the Jefferson Parish Child Advocacy Center. He is a past board member, past chair and active volunteer for the New Orleans Pro Bono Project. He was a recipient of the Louisiana State Bar Association’s Pro Bono Publico Award in 2002. He is a 1978 graduate of Louisiana State University and received his juris doctor from LSU Law School in 1981.

CLIENT ASSISTANCE FUND PAYMENTS - NOVEMBER 2019 & JANUARY 2020

Attorney	Amount Paid	Gist
Michael T. Bell	\$3,687.00	#1905 — Conversion in a personal injury matter
Arthur L. Harris, Sr.	\$4,000.00	#1953 — Unearned fee in a criminal matter
Arthur L. Harris, Sr.	\$7,500.00	#1898 — Unearned fee in a criminal matter
Zachary R. Moffett	\$2,500.00	#1986 — Unearned fee in a succession
Zachary R. Moffett	\$2,500.00	#1994 — Unearned fee in a succession
Zachary R. Moffett	\$1,500.00	#1972 — Unearned fee in a landlord/tenant matter
Zachary R. Moffett	\$500.00	#1973 — Unearned fee in a property matter
Zachary R. Moffett	\$3,000.00	#1961 — Unearned fee in a property matter
Harold D. Register	\$2,500.00	#1866 — Unearned fee

Q&A

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What is the Louisiana Client Assistance Fund?

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Because the Client Assistance Fund Committee requires proof that the lawyer dishonestly took your money or property, you should register a complaint against the lawyer with the Office of Disciplinary Counsel. The Disciplinary Counsel's office will investigate your complaint. To file a complaint with the Office of Disciplinary Counsel or to obtain a complaint form, write to: Disciplinary Counsel, 4000 South Sherwood Forest Blvd., Suite 607,

Baton Rouge, LA 70816-4388. Client Assistance Fund applications are available by calling or writing: The Client Assistance Fund, 601 St. Charles Ave., New Orleans, LA 70130-3427, (504)566-1600 or (800)421-5722. Applicants are requested to complete an Application for Relief and Financial Information Form.

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Creditors Have Low Bar to Meet “Reasonable Reliance” Standard Under § 523(a)(2)(B)

Veritex Comm. Bank v. Osborne (In re Osborne), 951 F.3d 691 (5 Cir. 2020).

The 5th Circuit addressed whether a debt was deemed non-dischargeable under Section 523(a)(2)(B) of the Bankruptcy Code due to a false statement made by the debtor. The court specifically addressed whether the creditor “reasonably relied” on the debtor’s written statement.

Under 11 U.S.C. § 523(a)(2)(B), a debt will not be discharged in bankruptcy if the debt was incurred by “use of a statement in writing (i) that is materially false; (ii) re-

specting the debtor’s or an insider’s financial condition; (iii) on which the creditor to whom the debtor is liable for such [debt] reasonably relied; and (iv) that the debtor caused to be made or published with intent to deceive”

In *Osborne*, Dr. Osborne was a well-respected cardiologist who opened his own practice, State of the Heart, P.L.L.C. (SOTHC), in 2012. Dr. Osborne took out a \$500,000 loan from Veritex Bank and, along with his wife, personally guaranteed the loan. Veritex required the Osbornes to provide a personal financial statement and further required them to update that financial statement with any unfavorable change in their financial situation. SOTHC also entered into a lease agreement with Philips Medical Capital (PMC) to lease \$1,000,000 worth of medical equipment, again with a personal guarantee from the Osbornes. The Osbornes did not notify Veritex of the personal guarantee to PMC.

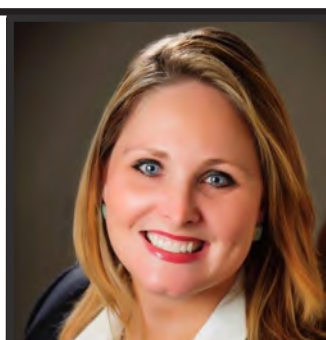
SOTHC defaulted on the lease with PMC and eventually had a judgment entered against both SOTHC and

the Osbornes for \$2,139,988.31. The Osbornes did not notify Veritex of the judgment. Instead, the Osbornes requested that Veritex extend the loan past the already expired maturity date. Veritex agreed to an initial 60-day extension, but requested updated financial information before agreeing to a longer-term extension. Mrs. Osborne provided a personal net-worth statement and a financial statement for SOTHC. The updated personal financial statement again failed to mention the personal guarantee on the PMC lease and the judgment rendered against the Osbornes. Nor did the Osbornes mention the guarantee or the judgment in several face-to-face meetings with Veritex representatives. For its part, Veritex obtained a credit report on the Osbornes, which, for whatever reason, did not list the judgment against the Osbornes, and sent follow-up emails to the Osbornes inquiring about their personal liquidity. At no point was Veritex made aware of the personal guarantee of the PMC lease or the judgment against the Osbornes.

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As a result, Veritex approved the renewal of the loan. A month later, SOTHC filed for Chapter 11 bankruptcy, quickly followed by the Osbornes filing for Chapter 7 relief. In the Chapter 7 proceeding, Veritex filed an adversary proceeding requesting that the Osbornes not be discharged from their personal guarantee based on Mrs. Osborne's materially false statements.

The bankruptcy court ruled that, as to the initial loan, Dr. Osborne did not intend to deceive Veritex when he failed to mention the personal guarantee and, as to the extension, Mrs. Osborne indeed intended to deceive Veritex by not mentioning the personal guarantee or the judgment in the updated financial statements, but Veritex did not *reasonably* rely on her false statements. Therefore, the debt could be discharged. The district court affirmed.

Veritex and Dr. Osborne both appealed to the 5th Circuit. The 5th Circuit agreed that, in the initial loan application, Dr. Osborne did not intend to deceive Veritex and upheld that portion. The court next turned to the renewal application, specifically whether Veritex reasonably relied on the false statements provided by Mrs. Osborne and whether Mrs. Osborne's false statements could be imputed to her husband.

As the 5th Circuit put it, Section 523(a)(2)(B) is "meant to target bad-faith creditors who ignore red flags with the knowledge that they can later avoid the debtor's discharge . . ." *Id.* at 699. As part of this inquiry, the court examines three factors — the existence of a "relationship of trust;" any apparent "red flags" that would alert an ordinarily prudent lender to falsehoods; and whether "minimal investigation" would reveal inaccurate representations. *Id.* at 698.

The 5th Circuit focused primarily on Veritex's investigative efforts during the renewal process and found that Veritex asking follow-up questions to the Osbornes and obtaining a credit report on the Osbornes qualified as a "minimal amount of investigation," which did not uncover Mrs. Osborne's deceit. *Id.* at 702. The credit report did not show the judgment against the Osbornes, and

Veritex's investigation actually showed that Dr. Osborne, in addition to his private practice, was earning annual speaking fees of \$325,000. None of this information amounted to any red flags that would have alerted Veritex that something was amiss.

Lastly, contrary to Dr. Osborne's arguments, the court held that, in keeping with past precedent, Mrs. Osborne's actions could be imputed to her husband. The 5th Circuit had previously held that false statements by one spouse under Section 523(a)(2)(A), which does not require a written statement, could be imputed to the other spouse and that it would be nonsensical to hold that the same rule did not apply when the false statement was made in writing. *Id.* at 703-04. Further, the record revealed that Dr. Osborne had expressly directed Mrs. Osborne to manage both their personal financial affairs and the finances of SOTHC, thereby making her Dr. Osborne's and SOTHC's agent.

The personal guarantee was not dischargeable because of Veritex's reasonable reliance on Mrs. Osborne's materially false statements in renewing the loan.

—**Michael E. Landis**

Member, LSBA Bankruptcy
Law Section
Heller, Draper, Patrick, Horn
& Manthey, L.L.C.
Ste. 2500, 650 Poydras St.
New Orleans, LA 70130

Chapter 13 Plan Cannot Pre-Emptively Prohibit Debtor from Seeking Plan Modification Consistent with 11 U.S.C. § 1329

Brown v. Viegelahn (Matter of Brown),
No. 19-50177, 2020 WL 3039046, at *8 (5
Cir. June 8, 2020).

The 5th Circuit determined whether conditional language inserted by the bankruptcy court in a Chapter 13 debtor's plan, restricting the debtor's ability to seek modification of his plan post-confirmation, was allowable given 11 U.S.C. § 1329's explicit authorization of debtors seeking certain modifications. The 5th Circuit held that the disputed language, stating "Debtors shall not seek modification of this Plan unless said modification also pays a 100% dividend to unsecured claim," *inter alia*, contravened section 1329's allowance for modification and was, therefore, impermissible. The 5th Circuit observed that its holding would have limited impact on Chapter 13 creditors because modifications of Chapter 13 plans pursuant to section 1329 must meet the same standards imposed at plan confirmation, 11 U.S.C. § 1329(b)(1), and a bankruptcy court may deny modification if it finds modification has not been sought in good faith. Accordingly, a bankruptcy court should not pre-emptively limit a debtor from seeking modification.

The debtor, Freddie Lee Brown,

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filed for Chapter 13 bankruptcy in the Bankruptcy Court for the Western District of Texas. Brown filed a five-year payment plan, which promised to pay “approximately 100%” of the claims of his unsecured creditors (amounting to \$7,728.18) and included monthly payments of \$1,080 to pay his secured creditors in full. The Chapter 13 trustee objected on the basis that the plan did not satisfy the requirements of 11 U.S.C. § 1325(a); specifically, the trustee appeared to object that the plan was not feasible and was not proposed in good faith. The trustee asked that the case be dismissed but proposed — if the bankruptcy court was inclined to confirm the plan — that one of two conditions be inserted into the plan.

At the debtor’s option, the plan could be required to divert all of the debtor’s disposable income for the first seven months to pay the unsecured creditors, at which point the debtor would begin paying a lesser amount. Or the debtor could elect to incorporate the following language:

The plan as currently proposed pays a 100% dividend to unsecured claims. The Debtors shall not seek modification of this Plan unless said modification also pays a 100% dividend to unsecured claims. Additionally, should this Plan ever fail to pay a 100% dividend to unsecured claims, the Debtors will modify the Plan to continue paying a 100% dividend. If the Plan fails to pay all allowed claims in full, the Debtors will not receive a discharge in this case.

This language was derived from *Molina v. Langehennig*, No. SA-14-CA-926, 2015 WL 8494012, at *1 (W.D. Tex. Dec. 10, 2015) (Hudspeth, J.), and the 5th Circuit referred to the inserted provision as *Molina* language.

The debtor reluctantly agreed to have the *Molina* restriction incorporated into the plan, and the bankruptcy court confirmed the re-payment plan. The debtor then appealed the confirmation order. On

appeal, the trustee argued to the 5th Circuit that the plan did not conform with section 1325(a) and, therefore, was not confirmable without the *Molina* language. The debtor countered that the plan fully complied with section 1325(a)’s requirements, therefore, confirmation was mandatory, and the court lacked the discretion to impose any additional, non-statutory conditions on the plan. The 5th Circuit agreed with the debtor that the plan satisfied all of section 1325’s requirements but stopped short of finding that a plan which meets section 1325(a) statutory requirements cannot be subjected to additional requirements pursuant to the bankruptcy court’s equitable powers granted by 11 U.S.C. § 105. Instead, the 5th Circuit held: “At a minimum, the [*Molina*] provision was not ‘necessary or appropriate to carry out’ any part of the Code identified in this appeal.”

The 5th Circuit then pivoted to section 1329 where the court felt it had “firmer footing” to resolve the case. That provision states, “At any time after confirmation of the plan but before the completion of pay-

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ments under such plan, the plan may be modified, upon request of the debtor, the trustee, or the holder of an allowed unsecured claim, to" adjust: payment amounts, schedules or the distribution of payments to the creditors. *See*, 11 U.S.C. § 1329(a) (1)-(4). The *Molina* language prevented future modifications from downwardly adjusting the amount to be paid to unsecured creditors. Accordingly, in the 5th Circuit's judgment, the *Molina* provision violated the plain language of section 1329. Noting that section 1329 would not give the debtor opportunity to seek a plan modification that would not be acceptable at confirmation, the 5th Circuit found the dispute over the *Molina* language to be "much ado about nothing." The 5th Circuit vacated the confirmation order and remanded to the bankruptcy court for further proceedings.

—**Benjamin W. Kadden**
Chair, LSBA Bankruptcy Law Section
Lugenbuhl, Wheaton, Peck, Rankin &
Hubbard
Ste. 2775, 601 Poydras St.
New Orleans, LA 70130



First Comes Lightning, Then the Thunder

Milton-Gustain v. Salvage Store, Inc.,
19-01854 (La. 2/10/20), 289 So.3d 48.

A previous article, "Lightning Strikes Twice in 5th Circuit, Creating Split with the 4th," (67 *Louisiana Bar Journal* 282, Dec. 19/Jan. 20), covered a pair of 5th Circuit decisions issued on the same day, discussing similar factual and procedural scenarios, with the same dispositions, resulting in a split between the 4th and 5th Circuit. One case, *Milton-Gustain v. Salvage Store, Inc.*, 19-0042 (La. App. 5 Cir. 10/2/19), 280 So.3d 315, reached the Louisiana Supreme Court on a writ of certiorari.

In short, plaintiffs had been unable to obtain the deposition of the only potential eyewitness to the incident because the witness had failed to appear at the properly noticed deposition. Plaintiffs filed a motion to compel, but, before it could be heard, the trial court granted

summary judgment for defendant.

The 5th Circuit affirmed the trial court's decision, seeming to state that the passage of time in a case was indicative as to whether a party facing summary judgment had sufficient time to conduct "adequate discovery" per La. C.C.P. art. 966(3). In a stringent dissent, Judge Wicker argued that the court should instead have referred to the multifactor test created in the 4th Circuit's decision in *Roadrunner Transportation System v. Brown*, 17-0040 (La. App. 4 Cir. 5/10/17), 219 So.3d 1265, 1272-73, ultimately arriving at the conclusion that summary judgment was premature because plaintiffs had not been able to obtain adequate discovery in time through no fault of their own.

In a brief *per curiam*, the Louisiana Supreme Court sided with Judge Wicker and the 4th Circuit, citing three 4th Circuit decisions that provide a general principle that the passage of time alone does not necessarily make summary judgment timely because parties must still receive a fair opportunity to present their case.

Justice Weimer dissented, relying on the 5th Circuit's reasoning and further finding the decision to be soundly within the trial court's discretion.



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Stevenson v. Progressive Sec. Ins. Co., 19-0637 (La. 4/3/20), 2020 WL 1671565.

The issue here is one of procedure — what the effect of a clerk of court's turning off of a fax machine has on litigants and, therefore, prescription. The Terrebonne Parish clerk of court maintained a policy of shutting off the office's fax machines at close of business (4:30 p.m.) because the unattended machines tended to malfunction overnight. Informally, the clerk's office would keep the machine on after hours by request and have a staff member remain.

Plaintiffs made several attempts to fax-file a petition on the very last day of the prescriptive period, but, because they did so after 4:30 p.m., the clerk's fax machine was not on to receive the signal. Plaintiff successfully filed the next morning, whereupon defendant responded with an exception of prescription, which was granted in the trial court and affirmed in the appellate court. The Louisiana Supreme Court granted certiorari to determine whether the attempted fax-filing interrupted prescription.

The Court's decision centered on the interpretation of La. C.C.P. art. 253 ("When a clerk of court establishes such a system, he shall adopt and implement procedures for the electronic filing . . .") and La. R.S. 13:850 ("All clerks of court shall make available for their use equipment to accommodate facsimile filing in civil actions."). The majority noted that the decree to make equipment "available" is not the same as keeping the clerk's office open, nor is it qualified by any time restrictions. The fax filing would have been successful but for the clerk's office shutting the machine off; thus, the clerk of court failed to make its machine "available" per the statute.

Furthermore, allowing each clerk of court's office to unilaterally make its own rules about the availability of the fax machines would result in inconsistencies from parish to parish about timely filing. Moreover, the "unpub-

lished exception" unfairly favored only those attorneys who were aware of it, thereby prejudicing the rest. Further, the majority found this "exception" was discretionary. The clerk's office policy effectively shortened prescriptive periods, which would conclude at midnight on the last day of the period, and was, therefore, invalid. Thus, the unsuccessful fax-filing interrupted prescription.

Justice Weimer concurred in the decision, and stated concern over the unpublished nature and lack of disclosure of the policy of turning the machine off but making it available upon request. It suggests that had the clerk published its policy, Justice Weimer would not have disturbed the clerk's discretion in implementing the policy.

Justice Crain dissented, interpreting the relevant statutes *in pari materia* to state that a clerk of court *must* make the fax machine available during mandated office hours, but only *may* make it available at other times; that the office policy of turning off the machines was not improper and did not shorten the prescriptive period under those rules; that the unpublished policy was not unfair because attorneys could easily apprise themselves of it by calling the office; that the clerk was only statutorily obligated to accept filings during mandated business hours; and that the issue more properly fell under *contra non valentem*.

For now, it appears that clerks around the state will be leaving their fax machines on providing all-hours opportunity to file.

—**Shayna Beevers Morvant**
Secretary, LSBA Civil Law
& Litigation Section
Beevers & Beevers, L.L.P.
210 Huey P. Long Ave.
Gretna, LA 70053
and

Ashton M. Robinson
JD 2020, Law Clerk
Beevers & Beevers, L.L.P.
210 Huey P. Long Ave.
Gretna, LA 70053



Writs of Mandamus Directed at Corporations

Bernard v. La. Testing & Inspection, Inc., 19-0575 (La. App. 3 Cir. 2/5/20), 290 So.3d 239.

On Aug. 19, 1968, Vernon Bernard (Vernon) purchased 1,500 shares of stock in Louisiana Testing and Inspection, Inc. (LTI) from an existing shareholder. When he died in 2015, ownership of the stock certificate representing the 1,500 shares was transferred to Alan Bernard (Bernard) under the terms of a settlement agreement. However, according to Bernard, he lost the physical stock certificate in a house fire. Bernard asserted that his ownership of these shares constituted a 15% ownership interest in LTI and had requested to inspect the records of LTI. After being denied access to the records by LTI and Joseph H. Guilbeaux, Bernard filed a petition for writ of mandamus to inspect and copy LTI's corporate books.

Under La. C.C.P. art. 3864, a writ of mandamus may be directed to a corporation to compel "the recognition of the rights of the corporation's members or shareholders." Bernard asserted the shareholder right pursuant to Section 1-602 of the Louisiana Business Corporation Act, which provides shareholders holding at least 5% of the outstanding shares of the corporation the right, if certain statutory conditions are met, "to inspect and copy, during regular business hours at a reasonable location specified by the corporation, any and all of the records of the corporation."

The trial court found that Bernard failed to meet the burden of proof for a writ of mandamus, based on the evidence submitted to the trial court by Bernard, namely his own testimony, the testimony of his brother, his sister and the succession attorney, and a copy of

the stock certificate. Bernard appealed.

The appellate court determined the standard of review for the trial court's denial of a writ of mandamus was manifest error. To prevail in obtaining his writ of mandamus, Bernard had to prove to the trial court by a preponderance that he was a shareholder of LTI. Regardless of the trial court's finding that certain testimony given by Bernard and his brother was not credible, the appellate court determined that Bernard met his burden of proof through other "unrefuted objective evidence of ownership" presented at trial. Specifically, the undisputed testimony of the sister and the succession attorney established that Vernon Bernard possessed the original stock certificate, which, after Vernon's death, was delivered to Bernard. In addition, Guilbeaux testified that Vernon purchased the shares, verified that the stock certificate was issued to Vernon and identified his own signature on the copy of the stock certificate.

However, the appellate court noted that while possession is prima facie evidence of corporate ownership, it is not "conclusive evidence, or actual ownership." Therefore, the court had to determine whether the defendants met the "heavy burden" of challenging Bernard's objective evidence of ownership. The defendants provided multiple arguments. The defendants asserted that Vernon failed to give proper consideration for the original purchase of the 1,500 shares. The court quickly dismissed this argument as the evidence "overwhelmingly refute[d]" it; namely, Vernon paid \$3,000 and offered his drilling rig for LTI's use on multiple occasions, all of which Guilbeaux admitted in his testimony. The defendants also asserted that Vernon terminated or resigned from his ownership sometime in the 1970s. According to Guilbeaux, LTI's procedures were for a shareholder to return his stock certificate and receive reimbursement of his capital contribution when he left the company; however, Vernon did not return his stock certificate and did not receive a reimbursement. Therefore, the court determined that Vernon had not resigned or terminated his ownership.

The appellate court also dismissed the defendants' peremptory exceptions of no right of action and acquisitive prescription. With respect to acquisitive prescription, prior case law confirmed that corporate stock is susceptible to acquisitive prescription. The court noted that the possession must be "continuous, uninterrupted, peaceable, public and unequivocal." To prove Guilbeaux acquired ownership of the stock through acquisitive prescription, he must have had possession of the stock sufficient to "disturb" Vernon and Bernard's ownership. The defendants rested their argument primarily on documents where Guilbeaux listed himself as sole owner of LTI that were filed with the Secretary of State and the IRS and in his wife's succession. The court found that these filings were insufficient to put Vernon "on notice that his dominion was being challenged, and, therefore, cannot amount to public or unequivocal pos-

session by Mr. Guilbeaux." Similarly, the court dismissed the exception of no right of action. Bernard's cause of action, a petition for a writ of mandamus to inspect and copy the corporate books of LTI, required that he be a shareholder of LTI. Because the defendants failed to prove that Bernard did not have an ownership interest in LTI, the court also dismissed this exception.

The appellate court reversed the trial court's decision and granted Bernard's writ of mandamus to inspect and copy LTI's corporate books. The decision is appealable.

—**Alexandra C. Layfield** and
Katherine E. Herbert
Members, LSBA Corporate and
Business Law Section
Jones Walker LLP
445 North Blvd.
Baton Rouge, LA 70802

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The attorney responsible for this advertisement is Steve Pizzo, who can be reached at 3421 N. Causeway Blvd., Ste. 900, Metairie, LA, 504.831.4091.



Clean Water Act Requires Permits for Certain Discharges into Groundwater

County of Maui, Hawaii v. Haw. Wildlife Fund, 140 S.Ct. 1462 (2020).

The Supreme Court issued a Clean Water Act (CWA) opinion concluding that a CWA permit is required when there is either a direct discharge from a point source into navigable waters or when there is the “functional equivalent” of a direct discharge.

The case involved Maui’s wastewater treatment system, which collects and partially treats sewage, then pumps four million gallons of it every day through a half mile of groundwater into the Pacific Ocean. Plaintiffs, environmental groups, brought a citizen’s suit under the CWA, arguing that this discharge through the groundwater system was the discharge of a pollutant into navigable waters without a permit. The Supreme Court agreed, explaining that this discharge to groundwater was “the functional equivalent” of a discharge from a point source; going from point source to groundwater to ocean did not change the underlying need for a permit.

The 6-3 opinion relied on legislative intent as well as EPA’s own historical record of requiring permits for groundwater-based discharges where there was a geologic and temporal connection between groundwater injections and the subsequent release into navigable waters. The Supreme Court opinion drew a line between the underlying 9th Circuit decision, which suggested that all groundwater discharges may require a permit, and the EPA’s newly issued Waters of the United States rule, which states that the CWA does not regulate discharges to groundwater, and came down somewhere in the middle with the

“functional equivalent of a direct discharge” language used in the holding.

Ongoing LDEQ Enforcement Action Doesn’t Bar a Tort Suit

Schaumburg v. Parish of Jefferson, 19-0140 (La. App. 5 Cir. 2/19/20), 292 So.3d 154.

Plaintiff, a property owner in Jefferson Parish, sued the parish over its operation of a landfill, alleging nuisance under La. Civ.C. art. 667 and requesting an injunction pursuant to La. C.C.P. art. 3601. Plaintiff alleged that “foul, noxious odors and/or substances have emanated from the JP Landfill into and onto the persons and properties of neighboring communities, including into and onto Petitioner’s immovable property.” Plaintiff further suggested that the nuisance might be a result of the landfill being operated with “inadequate and antiquated” leachate-collection and gas-collection systems.

Plaintiff concluded that art. 667, which prohibits a landowner from using his or her property in such a way as to “deprive his neighbor of the liberty of enjoying his own, or which may be the cause of any damage to him,” provided a cause of action. The parish, however, responded that the suit should be barred because La. R.S. 30:2026(B)(4)(a) precludes citizen suits against any party that is “[u]nder any order issued pursuant to [the Louisiana Environmental Quality Act (LEQA)] to enforce any provision of [the LEQA].” Here, the parish had been issued a compliance order from LDEQ directly addressing the inadequate leachate-collection system and the failure to cover the waste — similar to the issues identified by the plaintiff in his petition.

The court sided with the plaintiff and disagreed with the parish, which had asserted that the nuisance claims under art. 667 were essentially an attempt to bring a citizen’s suit to enforce LDEQ regulations. The court noted that while it was indeed true that the statute bars citizen suits where LDEQ is already taking

action, that statute (La. R.S. 30:2026) specifically allows for the possibility of other kinds of lawsuits outside the realm of citizen suits under LEQA. Plaintiff’s suit clearly alleged tort claims under art. 667 and did not seek to enforce environmental laws. There was a distinction between asserting a nuisance claim that was caused by a probable violation of environmental laws and a claim seeking to enforce a probable violation of environmental laws.

The 5th Circuit accordingly reversed a lower court ruling on the parish’s exception of no right of action and remanded for further proceedings.

Bayou Bridge Pipeline Moves Forward

Atchafalaya Basinkeeper v. U.S. Army Corps of Engineers, No. CV 18-23-SDD-EWD, 2020 WL 1450750 (M.D. La. March 25, 2020).

In the continuing legal and political saga of the Bayou Bridge pipeline development, the Middle District granted motions for summary judgment by the Army Corps of Engineers and Bayou Bridge, and denied a motion for summary judgment filed by various environmental plaintiffs. The Corps issued permits to Bayou Bridge for a pipeline across the Atchafalaya Basin capable of carrying nearly half a million barrels a day of crude oil.

Plaintiffs claimed that the Corps’ pre-permit review failed to assess critical environmental impacts arising from project construction and operations and a long history of alleged noncompliance of prior Corps pipeline permits in violation of the National Environmental Policy Act and that the Corps failed to consider oil spill risks in violation of the Clean Water Act. The Corps disagreed, pointing to its lengthy and in-depth inquiry with Bayou Bridge, requiring substantial revisions and updates to draft environmental analyses and requesting and obtaining additional data and information, as well as requesting comments and information from the public and other agencies.

The court, in reviewing the adminis-

trative record, determined that there was no basis for a finding that the Corps neglected its legal obligations to perform an independent review of the oil spill risks from the project and that this record of lengthy review was sufficient to satisfy the requirements for the issuance of the permits to the pipeline.

—**Lauren E. Godshall**

Member, LSBA Environmental
Law Section
Tulane Environmental Law Clinic
6329 Freret St.
New Orleans, LA 70118



Property

Fairbanks Dev., L.L.C. v. Johnson, 53,427 (La. App. 2 Cir. 4/22/20), 2020 WL 1933214.

Prior to their marriage, Jessica Peterson and Charles Johnson bought two tracts of immovable property, using Peterson's separate property, but placing both parties' names on the act of sale as purchasers. Subsequently, Peterson sold her interest to Fairbanks Development and granted Fairbanks an option to purchase any interest she might have in Johnson's presumptive interest if she were found to be the sole owner. Fairbanks then sued Johnson to determine ownership of the remaining tract of land, which it sought to partition by licitation.

The trial court found that both properties were Peterson's separate property, as Johnson did not contribute to the purchase price. The court of appeal reversed, finding that the law, which it found to be clear, required the property to be classified based on the parties' intent at acquisition, which was presumed to be equal co-ownership. Because Peterson did not rebut the presumption of co-ownership, but, in fact, testified that the parties intended to acquire the

property together, the property was acquired by them as equal, undivided co-owners.

The appellate court emphasized that the issue was the parties' intent at the time of acquisition, as the acquisition document evidenced that they were acquiring it as co-owners. The trial court erred in focusing on the disagreements between the parties at the end of their subsequent marriage. However, the court affirmed the trial court's order that the property, which was now owned in indivision between Fairbanks and Johnson, had to be partitioned by licitation, as it could not be equally divided so as to be partitioned in kind.

Regarding potential reimbursement claims that Peterson may have had against Johnson for improvements made to the property with her separate funds, the court found that while she sought reimbursement from him in a cross-claim, little evidence was presented at trial, and "because Peterson transferred her

interest in the property to Fairbanks, it is unclear whether any rights she had to reimbursement remained hers, passed to Fairbanks, or were extinguished." The court concluded that as those matters were not raised on the appeal before it, they were "issues for another day."

UCCJEA

Harvey v. Harvey, 19-1635 (La. App. 1 Cir. 5/11/20), 2020 WL 2319755.

While residing in Florida, the parties divorced and entered into a judgment in Florida addressing custody and child support. The entire family then moved to Louisiana for over one year, and, subsequently, the mother and two of the children moved back to Florida. After she returned to Florida, the father filed a petition to modify custody and support in Louisiana, which the district court granted. The court of appeal reversed, finding that Louisiana lacked subject

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matter jurisdiction under the UCCJEA to modify the Florida custody judgment.

Although Louisiana may have been the home state for an initial custody determination, it lacked subject matter jurisdiction to modify the pre-existing Florida judgment as there was no evidence showing that Florida had relinquished its jurisdiction or that Louisiana would be a more convenient forum and the mother and the children now resided in Florida. Louisiana also lacked jurisdiction under the Uniform Interstate Family Support Act (UIFSA) to modify the Florida support order because the obligee resided in Florida, not Louisiana, and Louisiana did not have jurisdiction under the UIFSA provisions.

Donations

Didier v. Simmons, 19-1100 (La. App. 1 Cir. 5/11/20), 2020 WL 2319140.

Mr. and Mrs. Didier filed a petition to revoke a donation to their son-in-law after he admitted having an extramarital affair. They argued that his lying to them and their daughter about the affair and the humiliation and embarrassment caused to them as a result, including the betrayal of their trust, was grounds to revoke the donation to him because of cruel treatment toward them. The trial court granted the son-in-law's exception of no cause of action. The court of appeal affirmed the granting of the exception of no cause of action. It found that the allegations were "too general and vague to state a cause of action against Appellee for cruel treatment *towards* Appellants" but found that appellants were entitled to an opportunity to amend their petition to attempt to state a cause of action. It, therefore, dismissed that part of the judgment dismissing their suit and remanded to allow them the opportunity to amend. One judge dissented, stating that he would have found that the plaintiffs sufficiently alleged a cause of action on the grounds that the son-in-law's actions were "'naturally offensive' to them, not just to their daughter." He would have denied the exception and allowed evidence to be presented at trial.

Use and Occupancy

Anthony v. Anthony, 19-1198 (La. App. 1 Cir. 5/26/20), 2020 WL 2730813.

In both parties' initial petitions, they sought use and occupancy of the matrimonial domicile, and, alternatively, rental value for the other's use. However, those rules were not heard until the partition trial itself. Ms. Anthony resided in the home from the time of the filing of her initial petition for divorce until the home was destroyed by a flood. The trial court, at the partition trial, awarded her use and occupancy retroactively from the date of the filing of her petition until the date the home was destroyed. It also awarded Mr. Anthony, retroactively, rent for her use. The court of appeal reversed, finding that the court could not retroactively award use and occupancy or rent. Moreover, rental value could be awarded only at the time use and occupancy was awarded, unless the rental value was deferred to the partition.

—David M. Prados

Member, LSBA Family Law Section
Lowe, Stein, Hoffman, Allweiss
& Hauver, L.L.P.
Ste. 3600, 701 Poydras St.
New Orleans, LA 70139-7735



Circuit Split on Proper Procedure for Determining Liquidated Damages Under Public Works Contract

Law Industries, L.L.C. v. Bd. of Supervisors, LSU, No. 2018-CA-1756 (La. App. 1 Cir. 3/2/20), ____ So.3d ____.

The Louisiana 1st Circuit Court of Appeal in *Law Industries, L.L.C. v. Bd. of Supervisors of LSU* held that, in the event a plaintiff utilizes the mandamus

procedure under La. R.S. § 38:2191, then the trial court must determine what sum is owed under the parties' contract, including the amount of liquidated damages payable under the contract. This decision was recently reaffirmed in *Coast 2 Coast Construction, L.L.C. v. Parish of St. Tammany*, 2019-CA-1311 (La App. 1. Cir. 6/16/20), ____ So.3d ____.

In *Law Industries*, the 1st Circuit was asked to determine whether, in a mandamus proceeding, "the trial court may deduct the amount of liquidated damages provided for in a public contract from the total amount due under that contract" In that case, Law Industries had entered into a contract with LSU for Law Industries to renovate the Beach Volleyball Team Shower Facilities at LSU in Baton Rouge. The project was required to be completed within 60 days or Law Industries would be subject to \$500 per day in liquidated damages. After Law Industries failed to timely complete the project, LSU put Law Industries on notice of its intent to assess liquidated damages due to the failure to timely complete the project. Upon acceptance of the project by LSU, Law Industries provided LSU with a final invoice which LSU refused to pay.

Subsequently, Law Industries filed a mandamus action against LSU seeking the final amount due under the contract and argued that even if liquidated damages were due that defendant was required to remit the "total amount due" under the contract without assessing liquidated damages. In turn, the court heard argument on the mandamus petition and denied Law Industries' writ of mandamus and dismissed Law Industries' claim with prejudice determining the defendant had the right to withhold liquidated damages under the contract and had an offset to the amount owed to Law Industries.

On appeal, Law Industries, relying on the Louisiana 4th Circuit Court of Appeal decision in *Woodrow Wilson Construction Co., L.L.C. v. Orleans Parish School Board*, argued that the trial court erred in its interpretation and application of the mandamus statute. Specifically, Law Industries argued that *Woodrow Wilson* provides "that as a public entity, the defendant cannot rely on

the liquidated damages clause in the parties' contract to avoid paying the plaintiff because defendant is statutorily required to do so under La. R.S. 38:2191(D)." In addition, *Woodrow Wilson* requires that disputes over liquidated damages are required to be litigated in an ordinary proceeding.

In response, the 1st Circuit explained that "[Law Industries'] reliance on *Woodrow Wilson* is misplaced, and we respectfully choose to not follow its ruling." It went on to hold that La. R.S. 38:2191 mandates that Law Industries may utilize a mandamus proceeding to order a public entity to pay any sums owed under a public contract, but in such an event, the trial court must determine in the summary proceeding, "what sum is owed under the parties' contract, including the amount of liquidated damages payable under the contract's provisions."

—**Luke P. LaRocca**

Member, LSBA Fidelity, Surety and Construction Law Section
Simon, Peragine, Smith & Redfearn, L.L.P.
1100 Poydras St., 30th Flr.
New Orleans, LA 70163



Supreme Court Holds LGBT Employment Discrimination Unlawful

Bostock v. Clayton Cty., Georgia, ____ S.Ct. ____, 2020 WL 3146686 (2020).

The U.S. Supreme Court on June 15, 2020, issued arguably the most significant decision in employment law history — and certainly the most consequential employment decision ever concerning LGBT rights — *Bostock v. Clayton County, Georgia*. The textualist opinion, resolving a trilogy of cases, clarifies the scope of Title VII of the Civil Rights Act of 1964 (Title VII) in regard to LGBT issues. Thirty-four years

ago, in *Bowers v. Hardwick*, 478 U.S. 186 (1986), the Supreme Court upheld a Georgia law which imprisoned LGBT persons for intimate conduct in the privacy of their homes. In 2015, the Court ruled in *Obergefell v. Hodges*, 576 U.S. 644 (2015), that same-sex couples have a fundamental right to marry. LGBT rights came full circle in 2020, back to Georgia, where the County of Clayton fired Mr. Bostock for being gay.

The Court heard oral argument in the three cases in October 2019 — *Altitude Express Inc. v. Zarda* (*Zarda*), *Bostock v. Clayton County* (*Bostock*) and *R.G. & G.R. Harris Funeral Homes v. EEOC* (*Harris Funeral Homes*). The overarching question presented is whether Title VII's prohibition against sex discrimination encompasses sexual orientation or transgender status. More simply, does Title VII protect LGBT persons?

In *Zarda*, the plaintiff, a skydiving instructor, alleged that the employer fired him because he was gay. The 2nd Circuit Court of Appeals ruled that sex orientation discrimination is "because of sex" under Title VII. In *Bostock*, the employer fired a long-term employee because he joined a gay softball league. The 11th Circuit Court of Appeals held that sexual orientation is not covered by Title VII. In *Harris Funeral Homes*, the EEOC and private plaintiff alleged that the employer fired the plaintiff because she informed the employer she was a transgender woman and intended to present as such at work. The 6th Circuit ruled that discrimination against a person based on transgender status violates Title VII.

In 2012, the EEOC held, in *Macy v.*

Holder — articulating in detail the reasons supporting its new position — that transgender discrimination violated Title VII. In 2015, the EEOC held in *Baldwin v. Foxx* that discrimination on the basis of sexual orientation violates Title VII. *Baldwin* cited the 5th Circuit Court of Appeals' decision in *EEOC v. Boh Brothers*, 731 F.3d 444, 459-60 (5 Cir. 2013) (*en banc*), which held that same-sex harassment because of non-conformity to sex stereotypes — including through use of homophobic epithets — is actionable under Title VII, per the Supreme Court's decision in *Price Waterhouse*. There, the Court ruled unlawful an employer's discriminating against a female partner because she was insufficiently "feminine." The Court emphasized that Title VII was "intended to strike at the entire spectrum of disparate treatment of men and women resulting from sex stereotypes." *Price Waterhouse v. Hopkins*, 490 U.S. 228, 251 (1989). In *Oncale*, Justice Scalia wrote for the majority holding that same-sex harassment violates Title VII, notwithstanding the fact that it was not the principal evil that Congress had envisioned. *Oncale v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75, 79 (1998). Instead, Justice Scalia emphasized, "It is ultimately the provisions of our laws rather than the principal concerns of our legislators by which we are governed." *Id.*

Justice Gorsuch, writing for the majority, joined by Justices Roberts, Breyer, Ginsberg, Kagan and Sotomayor, held that LGBT discrimination is inherently "because of sex" and violates Title VII, under its plain meaning. Justices Alito,



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Thomas and Kavanaugh dissented. From the outset, Justice Gorsuch cut to the chase:

Today, we must decide whether an employer can fire someone simply for being homosexual or transgender. The answer is clear. An employer who fires an individual for being homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids.

Bostock v. Clayton Cty., Georgia, 2020 WL 3146686, at *3 (U.S. June 15, 2020).

Analytically, the opinion is straightforward: “It is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.” *Id.* at *7.

Justice Gorsuch addressed and unequivocally rejected each of the dissents’ arguments. The Court rejected the notions that Title VII cannot cover LGBT discrimination because it doesn’t name that characteristic explicitly, or that Congress has failed to pass other legislation aimed at protecting LGBT rights. The Court also rejected the argument that if an employer discriminates against male and female LGBT persons alike, there is no Title VII violation. The Court noted that religious defenses were not presented, and there were no issues presented concerning bathrooms or grooming codes, and, therefore, such disputes would be for another day.

Justice Gorsuch cogently concluded:

Ours is a society of written laws. Judges are not free to overlook plain statutory commands on the strength of nothing more than suppositions about intentions or guesswork about expectations. In Title VII, Congress adopted broad language making it illegal for an employer to rely on an employee’s sex when deciding to fire that employee. We do not hesitate

to recognize today a necessary consequence of that legislative choice: An employer who fires an individual merely for being gay or transgender defies the law.

Id. at *18.

—**Gregory T. Juge**
U.S. Equal Employment
Opportunity Commission
Hale Boggs Federal Building
Ste. 809, 500 Poydras St.
New Orleans, LA 70130



Company Had Duty to Correct Inaccurate Production Reports Sent to Federal Government

Statoil USA E&P, Inc. v. U.S. Dep’t of Interior, 801 Fed. Appx. 232 (5 Cir. 2020).

Statoil USA E&P, Inc. held an oil-and-gas lease on the Outer Continental Shelf. In August 2010, the federal government’s Office of Natural Resources Revenue (ONRR) found “significant volume variances” when comparing natural-gas-production information reported by Statoil to information supplied by gas-plant operators. ONRR sent an order to Statoil instructing Statoil to correct its reports within 30 days. Statoil did not do so.

ONRR contacted Statoil about the variances again in January 2011 and May 2011. Statoil acknowledged that its prior reports were inaccurate, but it failed to correct them. In August 2011, ONRR threatened to impose penalties for a “knowing or willful failure to maintain accurate information.” *Id.* at 235. Statoil still failed to correct its reports.

In February 2012, ONRR sent a no-

tice of civil penalty to Statoil. ONRR relied on 30 U.S.C. § 17119(d), which authorizes the imposition of a penalty against any person who “knowingly or willfully prepares, maintains, or submits false, inaccurate, or misleading reports, notices, affidavits, records, data, or other written information.” ONRR stated that the penalty was being imposed for a “knowing and willful maintenance of incorrect information on gas sales volumes reported.”

Statoil challenged the penalty, arguing to an administrative law judge that the company had not “maintained” inaccurate reports because the reports were stored in ONRR’s online database. Thus, ONRR had “maintained” the data. Statoil had not. The administrative law judge rejected that argument. Statoil appealed to the Department of Interior’s Board of Land Appeals, but the board affirmed. Statoil appealed to the U.S. District Court for the Southern District of Texas, but the district court affirmed. Statoil then appealed to the U.S. 5th Circuit.

The 5th Circuit also rejected Statoil’s arguments and affirmed. The court noted that, in the Webster’s Third New International Dictionary, one meaning of “maintain” is “to keep in a state of repair, efficiency, or validity.” The court concluded that, for purposes of 30 U.S.C. § 1719(d), a lessee must correct reports that it knows are false, inaccurate or misleading in order to avoid liability for having maintained inaccurate records. The court stated that it makes little sense to interpret § 1719(d)’s sanctions for maintaining inaccurate records to apply only when a company has physical possession of the inaccurate information. Indeed, stated the 5th Circuit, “[i]n the context of an *online* record-keeping system, a distinction based on physical possession makes even less sense.” *Id.* at 236-37.

The 5th Circuit also stated that Statoil’s interpretation of § 1719(d) would “lead to bizarre results” because it would only penalize a company for maintaining inaccurate internal records and would not penalize a company for failing to correct inaccurate data supplied to the federal government, even though that data is the information that the government is most likely to use. *Id.* at 237.

Significant Improvement in Management of Active, Orphan Wells, But Additional Improvement Desirable

In 2014, the Louisiana Legislative Auditor issued a report on the Louisiana Office of Conservation's management of active and orphan wells. The auditor concluded that Conservation was not conducting a sufficient number of inspections of wells; there were too many wells for which Conservation did not require financial assurance (security to ensure the proper plugging and abandonment of wells at the end of the wells' lives); when financial assurance was required, the amount often was too low; and Conservation lacked an effective program for dealing with operators' failures to comply with regulations. The auditor made 21 recommendations.

In March 2020, the auditor released a report that examined Conservation's progress toward complying with the recommendations the auditor made in 2014. The auditor found that Conservation has fully or partially implemented all 21 recommendations. For example, the fraction of wells for which Conservation requires financial assurance has increased from 25% of wells to 66.3% of wells, and Conservation has increased the amount of financial assurance required. Conservation has improved its inspection process and developed procedures that specify when the agency should issue compliance orders and impose penalties for active wells failing inspection and when Conservation should conduct re-inspections. Further, Conservation has amended its regulations to help ensure that operators schedule the plugging and abandonment of inactive wells that have no future utility, rather than delaying the plugging and abandonment by stating the wells have future utility.

However, the auditor found that Conservation's management of wells should be improved further. For example, although Conservation has increased the amount of financial assurance required, the amount of financial assurance is still

below the typical cost to plug and abandon a well. The auditor found that in 2019 the average cost to plug and abandon an onshore well less than 3,000 feet deep was about \$4.76 per foot, but that the required financial assurance was only \$2 per foot. The average cost to plug and abandon deeper onshore wells was approximately \$35.84 per foot, but the required financial assurance was \$4 per foot. In addition, the auditor found that Conservation was not conducting enough re-inspections. The auditor's full report is available online at: [http://app.lla.state.la.us/PublicReports.nsf/0/C9D7297FEA93568D86258528006BA4F8/\\$FILE/0001FA2E.pdf?OpenElement&.7773098](http://app.lla.state.la.us/PublicReports.nsf/0/C9D7297FEA93568D86258528006BA4F8/$FILE/0001FA2E.pdf?OpenElement&.7773098).

—**Keith B. Hall**

Member, LSBA Mineral Law Section
Director, Mineral Law Institute
LSU Law Center
1 E. Campus Dr.
Baton Rouge, LA 70803-1000
and

Colleen C. Jarrott

Member, LSBA Mineral Law Section
Baker, Donelson, Bearman,
Caldwell & Berkowitz, P.C.
Ste. 3600, 201 St. Charles Ave.
New Orleans, LA 70170-3600



Filing Fees Per Qualified Defendant

Kirt v. Metzinger, 19-1162 (La. 4/3/20),
___ So.3d ___, 2020 WL 1671571.

The plaintiffs filed a medical-review-panel request in which they named three defendants. The plaintiffs were notified that a \$100 filing fee for each defendant was required. Two weeks later, the plaintiffs amended the panel request to add defendants Taquino and an "Unidentifiable CRNA." A check for \$500 was enclosed with this amendment "to cover the filing of this request for medical review panel." One month later, the plaintiffs filed a second amended panel request in which they advised that they were unable to identify the unknown CRNA, and they added as a new defendant Parish Anesthesia. The PCF responded that Parish Anesthesia was a qualified healthcare provider and that verification was being obtained on Taquino, but there was no mention of an additional filing fee. Months later, the plaintiffs identified Martin as the formerly unknown CRNA. The PCF responded, confirming that Martin and Taquino were PCF qualified and requesting an additional \$100 filing fee. The plaintiffs did not timely pay the additional \$100 filing fee, whereupon the PCF advised



Capt. Gregory Daley
International Maritime Consultancy
Marine Safety & Operations Expert

M.S. Mechanical Engineering, MIT
USCG Ocean Master Unlimited
Certified Safety Professional
Experienced Expert Witness
imc@captaingreg.net ♦ (337) 456-5661



that the request to add Martin as a defendant was “invalid and without effect.”

The medical-review panel found no breach of the standard of care by any party, including Martin. The plaintiffs then filed suit against all defendants. Soon thereafter, summary judgment was granted for the three first-named defendants. Thereafter Taquino, Martin and Parish Anesthesia filed exceptions of prescription in which they contended that the panel requests were invalid because of the failure to pay the final filing fee of \$100. Prescription, they contended, had not been suspended for any claim. The plaintiffs argued that several requests for panel review were filed, including a separate request for Taquino and Parish Anesthesia respectively, and the filing fees for those requests were timely paid. The plaintiffs conceded that their failure to pay the \$100 fee to add Martin invalidated the claim against her but contended that this “should not retroactively invalidate claims already perfected against Taquino and Parish Anesthesia.”

The trial court decided that, because there were six qualified providers named, a filing fee of \$600 was required. The plaintiffs paid only \$500, and the failure to pay the full amount rendered the plaintiffs’ entire complaint invalid and all claims prescribed. The court of appeal affirmed.

The Supreme Court noted the trial court’s ruling that the PCF is obligated to advise which claimants are “qualified” and the amount of the filing fee. The Court acknowledged that untimely payments render a request for review invalid. The defendants again argued that the plaintiffs’ failure to pay the additional \$100 filing fee for their claims against Martin rendered “the entire request for review,” including the original and all amended panel requests, “invalid and without effect ‘as to all defendants.’ Therefore, prescription was never suspended as to any defendant.” The Court wrote:

Finding the lower courts’ interpretation inconsistent with the statutory language, we hold the failure to timely pay a filing fee invalidates only the request to review a malpractice claim against the specific qualified healthcare provider for whom no fee was timely paid.

This interpretation gives effect to all parts of the statute, particularly Subparagraphs (c), (e), and (g), which provide a claim-based, “per qualified defendant” filing fee . . .

The Court noted that these plaintiffs failed to pay a fee only for a claim against one defendant, which led the Court to ask and answer:

Under these circumstances, when Subparagraph(e) declares “the request for review of a malpractice claim” invalid and without effect, the question is *which* request for review, and more specifically, *which* malpractice claim? The language of Subparagraphs (c) and (e) reveals the answer: the claim against the specific qualified healthcare provider for whom no filing fee was paid.

Since the statute requires payment of “a filing fee . . . per named defendant,” the language “suggests a distinct charge for each qualified defendant, not a global fee for the entire proceeding.” The Court further reasoned that “[t]he statute does not assess a fee ‘per panel proceeding’ or ‘per request for review.’ Rather, it imposes a fee of a specific amount for each named defendant . . .”

The statutory language requiring a filing fee for “each identified qualified healthcare provider” convinced the Court to decide that the “notion of one ‘filing fee’ for every panel proceeding cannot be reconciled with the different payment deadlines that arise when the PCF sends separate letters confirming defendants’ qualified status. A single filing fee cannot be subject to different payment deadlines.” The Court “reject[ed] the overgeneralization in prior appellate court decisions that when a claimant in a multi-defendant proceeding fails to timely pay the ‘full filing fee,’ the ‘entire request for review’ is invalid and without effect as to all named providers.” The PCF’s duties are “mandatory and ministerial in nature to facilitate the medical review process. In that regard, the PCF stands in the same position as clerks of court.” In this case, “the PCF was specifically instructed to use the \$500 check to cover the filing fee for the defendants named in the proceeding at that

time,” including Taquino — which it did — whereas the plaintiffs’ failure to pay the additional \$100 to add Martin resulted in only that claim prescribing.

—Robert J. David

Gainsburgh, Benjamin, David,
Meunier & Warshauer, L.L.C.

Ste. 2800, 1100 Poydras St.
New Orleans, LA 70163-2800



COVID-19’s Impact on State Taxation

Due to the COVID-19 public health emergency, the Louisiana Department of Revenue (LDR) extended the filing and payment due dates for several state taxes. The Department issued Revenue Information Bulletins 20-008, 20-009 and 20-011, and Revenue Ruling 20-002 to provide guidance.

Revenue Information Bulletin 20-008

► Provided an extension for the February 2020 sales tax returns for a filing and payment extension to May 20, 2020. This extension includes General Sales Tax, Automotive Rental Excise Tax, Hotel Occupancy Tax and other local sales taxes administered by LDR. It also provided that electronic filing and payments specific to sales tax returns are temporarily suspended.

► Provided an extension for the February 2020 excise tax returns for a filing and payment extension to May 20, 2020. This extension includes wine shipped direct to consumers and Louisiana and Parish and Municipal Beer Tax.

► Provided an extension for audits and litigation. No manual formal assessments would be issued on audited accounts. Extensions available upon request for cases in field audit, review or litigation stages at LDR.

► Provided an extension of prescription of tax assessments. Suspension effective beginning March 16, 2020, through at least June 5, 2020. Extension is specific to the time delays for appeals to the Louisiana Board of Tax Appeals and courts.

Revenue Information Bulletin 20-009

► Provided an extension for the 2019 income and franchise tax returns for a filing and payment extension to July 15, 2020. This extension includes partnership, individual, fiduciary and corporation tax types. It provided fiscal year filers with a due date between March 1 and May 30, a 60-calendar-day extension from the original due date. These are automatic extensions; no extension requests are necessary.

Revenue Information Bulletin 20-011

► Provided an extension for the February 2020 severance tax returns for a filing and payment extension to June 25, 2020.

Revenue Ruling 20-002

► Provided guidance on first and second quarter 2020 declaration payments. Payment extension unavailable, but safe-harbor payment calculation granted to avoid underpayment of estimated tax penalty. Payments must be made by statutory due date, and the payments must be at least 90% of the amount paid on the corresponding previous year payments.

► Provided guidance on late filed elections of pass-through entity tax. LDR will treat late filed elections as timely if filed before July 16, 2020.

► Provided guidance on an extension of time to acquire tax credit or execute a binding agreement to transfer a tax credit. In order for a taxpayer who purchases a credit to use the credit on a return, Louisiana law requires that either (1) the effective date of the transfer of the tax credit or (2) the execution of a binding agreement to transfer the tax credit must occur on or before the due date of the return, without regard to any extension granted. The deadline has been extended for a credit transfer or for the execution of a binding agreement to transfer such credit by 30 days for income and franchise-tax returns with an original due date between March 1 and May 30, 2020.

—**Antonio Charles Ferachi**
Member, LSBA Taxation Section
Director, Litigation Division
Louisiana Department of Revenue
617 North Third St.
Baton Rouge, LA 70821

Does the Governor's Suspension of Legal Deadlines in Title 47 Relate to Legal Proceedings Alone?

On March 16, 2020, Gov. John Bel Edwards issued Proclamation JBE 2020-30, which, among other things, provides that “[l]egal deadlines, including liberative prescription and peremptive periods applicable to legal proceedings . . . are hereby suspended . . . including, but not limited to . . . Title 47 of the Louisiana Revised States, Revenue and Taxation” The suspension was originally in effect until Monday, April 13, 2020, and was further extended through subsequent proclamations until June 5, 2020.

In previous emergency/disaster declarations, including those issued in the aftermath of Hurricanes Katrina and Rita and the flooding in East Baton Rouge and surrounding parishes in 2016, the governor's proclamations simply suspended liberative prescription and peremptive periods and “deadlines in legal proceedings.” Those proclamations' language was not as expansive as the most recent suspensions of all legal deadlines within a particular statutory title. Title 47 of the Louisiana Revised Statutes imposes many legal deadlines not directly related to active legal proceedings, including deadlines to file returns and pay/remit taxes; protest proposed assessments; pay taxes under protest; file

claims for refund or credit; and respond to a tax assessment. The title not only includes deadlines for taxes levied and administered by the state of Louisiana, but also for local ad valorem; sales/use; and occupational license taxes. These deadlines impact, among other things, interest and penalties and the dates on which they begin to accrue — which makes the interpretation of Gov. Edwards' suspension particularly important.

The Louisiana Department of Revenue (LDR) and local collectors interpret the proclamation consistent with earlier emergency proclamations, as applying solely to deadlines in legal proceedings. Indeed, the LDR issued several policy documents purporting to extend certain filing and payment deadlines, taking the position that the governor's proclamations did not extend those deadlines. But the Louisiana Tax Commission, which administers property taxes, appears to interpret the suspension as applying to all deadlines, including filing/payment deadlines. The issue of whether the governor's proclamation suspends all deadlines, including those not directly related to legal proceedings, is an important one for Louisiana taxpayers and will likely be tested in future proceedings.

—**Jason R. Brown** and
William J. Kolarik II
Members, LSBA Taxation Section
Kean Miller LLP
Ste. 700, 400 Convention St.
Baton Rouge, LA 70802



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CHAIR'S MESSAGE

Navigating a New Normal: Involvement in YLD Projects

By Carrie LeBlanc Jones

It was a privilege and honor to be sworn in as a member of the Louisiana State Bar Association's (LSBA) Board of Governors on June 11 by Chief Justice Bernette Joshua Johnson at the Louisiana Supreme Court, alongside LSBA President Alainna Mire and the other LSBA officers and members of the Board of Governors. On the following day, I was sworn in as chair of the LSBA's Young Lawyers Division (YLD) by Judge Guy P. Holdridge, alongside the YLD Executive Committee (Scott Sternberg via Zoom, Graham Ryan and Dani Borel). The swearing-in ceremonies were the most "normal" thing I've done in quite a long time thanks to COVID-19. Life is slowly regaining some semblance of normalcy. The last time I wrote my Chair's Message, I was working almost exclusively from home in the company of my two young

children. I'm glad to be back in the office several days a week. It has been a season of chaos (and I know it's not over), but it is nice to start finding a new normal.

Getting back to normal also means navigating my new role as YLD chair. I served on the YLD Council under the leadership of past YLD Chairs Erin Braud, Scotty Chabert, Bradley Tate, Dylan Thriffiley and Scott Sternberg. I learned valuable leadership lessons from each of my predecessors while also watching the YLD Council transform and find ways to improve upon itself each year.

Two years ago, the YLD Council had the opportunity to participate in strategic



Carrie LeBlanc
Jones

planning under the leadership of Dylan Thriffiley. We took a deep dive into the YLD's programming and role in the bar association and reflected on what the YLD Council really wanted to achieve as a Council. It was unanimous that we wanted to be considered an essential part of the young lawyer's journey. In keeping with our new vision, in 2019, we planned and hosted the inaugural Louisiana Young Lawyers' Conference in connection with the LSBA's Midyear Meeting. Our Immediate Past Chair Scott Sternberg furthered this mission by finding ways to increase young lawyer involvement and growing the Young Lawyers' Conference into a unique learning and networking event specifically designed for and planned by young lawyers.

Many of the current Council members are returning members. It's always nice to see familiar faces, but, more importantly, these young women and men are outstanding leaders who have been integral to the success of the YLD's programming and initiatives. I'm equally excited to welcome our new members and their fresh perspectives, enthusiasm and ideas. In a year from now, I hope we can say we grew as a Council and found ways to improve upon ourselves to better serve the profession and the public.

As chair, I challenge the Council to maintain its positive momentum and to

Continued next page



YOUNG LAWYERS DIVISION NEWS

Get the latest Young Lawyers Division news online

Go to: www.lsba.org/YLD

The Young Lawyers Division Web site is a public service of the LSBA-YLD Council, providing YLD information to the public and communicating with YLD members.

assist young lawyers in navigating their professional journeys. The Professional Development Seminar is coming out of hiatus for the Midyear Meeting in January and the 2021 Young Lawyers' Conference is going to be a stand-alone event in New Orleans in late spring/early summer. Follow us on Facebook, Instagram or Twitter for updates on these great events, as well as networking and volunteer opportunities such as the High School Mock Trial Competition, Wills for Heroes and Barristers for Boards. These are all excellent opportunities to grow as attorneys (and to have a little fun, too)!

The Richard N. Ware IV High School Mock Trial Competition is a statewide mock trial competition. The state is divided into four regions, each hosting a competition and sending the top two teams to the state competition. The winning team earns the opportunity to compete in the national competition. Attorney volunteers are needed to coach teams and to judge the regional and state competitions. The students are eager to learn, work hard and do an amazing job. It is by far one of my most rewarding volunteer experiences.

The Wills for Heroes Program offers free legal services to first responders in the preparation of basic estate planning documents. The Wills for Heroes Committee coordinates with local affiliates and/or first responder groups to set up one-day clinics where attorney volunteers draft basic wills, powers of attorney and health care directives for eligible first responders and their spouses. The program was created shortly after the Sept. 11, 2001, terrorist attacks. Volunteers receive a free one hour of CLE credit prior to the clinic as part of their training.

The Barristers for Boards project places young lawyers on nonprofit boards and committees throughout the state. The YLD Council connects young lawyers and Louisiana nonprofits and facilitates training sessions.

I look forward to seeing both new and familiar faces at YLD events this year. If you are interested in serving on a committee or if you are interested in a specific networking or volunteer opportunity, visit our web page at www.lsba.org/YLD/ or feel free to email me at jonesc@lsbn.state.la.us.

YOUNG LAWYERS SPOTLIGHT

Sherron Phae Williams Shreveport

The Louisiana State Bar Association's Young Lawyers Division Council is spotlighting Shreveport attorney Sherron Phae Williams.

Williams is the director of human resources for the City of Shreveport. Prior to assuming this position, she served as an assistant city attorney and prosecutor for the City of Shreveport. In this capacity, she served as custodian of records for the city, attorney adviser to the city's Department of Human Resources, supervisor of the city's Americans with Disabilities (ADA) Office, handled EEOC claims, conducted workplace investigations, and engaged in civil litigation.

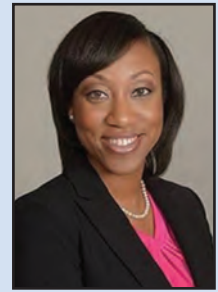
In the community, she serves as co-chair of legislative affairs for Northwest Louisiana Society for Human Resource Management (NWLA SHRM), a board member for Goodwill Industries of North Louisiana, a member and former Law Week co-chair for the Shreveport Bar Association's Young Lawyers Section, and outreach chair of the Harry V. Booth/Judge Henry A. Politz American Inn of Court. Last year, she organized a new outreach program for the Inn, Wills for Heroes. Modeled after the Louisiana State Bar Association's (LSBA) Wills for Heroes effort, the event was a collaborative effort with

the LSBA and the Shreveport Bar Association. The program provided approximately 45 first responders with wills and/or powers of attorney. More than 20 lawyers volunteered to provide the legal services.

Williams has received various accolades and recognition for her service in the community. In 2019, she received the Hidden Gem Award from the City of Shreveport. She is a recipient of the 2019 Member Recognition Award for Distinguished Service from the Harry V. Booth/Judge Henry A. Politz American Inn of Court. She was chosen to participate in the LSBA's 2019-20 Leadership Class.

As a community leader and public servant, she is often called on to speak at conferences and on panels on matters relating to human resources and community events to motivate youth.

Williams received her BS degree, *magna cum laude*, from Southern University A&M College and her law degree from Southern University Law Center. She is married to Maurice Williams and they have one daughter.



Sherron Phae
Williams

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*

2020-2021 YLD Officers and Council

YLD Officers 2020-21

Carrie LeBlanc Jones Chair

Carrie LeBlanc Jones is the chief legal officer and general counsel at the Louisiana State Board of Nursing (LSBN), where she focuses on administrative and regulatory law. She has successfully represented the LSBN in state and federal court, served as prosecuting attorney in disciplinary matters, and advised board members and staff on a variety of legal issues. Prior to joining the LSBN, she was a partner at the law firm of Shows, Cali & Walsh, L.L.P. She received a BA degree in mass communication from Louisiana State University, her JD/BCL degree from LSU Paul M. Hebert Law Center and an MBA degree from Southeastern Louisiana University. She was admitted to practice in Louisiana in 2008.



Carrie LeBlanc
Jones

Carrie has served as chair-elect, secretary and District 5 representative on the Louisiana State Bar Association's (LSBA) Young Lawyers Division (YLD) Council. She helped plan the inaugural Louisiana Young Lawyers Conference, co-chaired the Richard N. Ware High School Mock Trial Competition, served as the Professional Development Seminar coordinator, chaired the Bridging the Gap Committee and served on the Awards Committee. She received the LSBA YLD Chair's Award in 2016 in recognition of her ongoing commitment and service to the Richard N. Ware High School Mock Trial Competition. She served as a member of the *Louisiana Bar Journal* Editorial Board and was a member of the 2013-14 Leadership LSBA Class.

Her commitment to the legal profession includes two terms on the Louisiana Attorney Disciplinary Board. After the Louisiana Supreme Court appointed

her to a second term, she served as the board's chair in 2017, the youngest board member to hold this position. She is a member of the Baton Rouge Bar Association and the Bar Association of the 5th Federal Circuit. She serves on the Louisiana Bar Foundation's Capital Area Community Partnership Panel.

In her community, she is a parishioner of St. George Catholic Church. She also serves on the board of directors for Livingston Parish SADD. She and her husband, Aaron Jones, have been married for nine years and are the parents of two children.

17373 Perkins Rd.
Baton Rouge, LA 70810
(225)755-7575
email: jonesc@lsbn.state.la.us

Graham H. Ryan Chair-Elect

Graham H. Ryan is a partner in the New Orleans office of Jones Walker LLP, where he resolves complex business and contract disputes through litigation. He graduated, *summa cum laude*, in finance from Louisiana State University, received his law degree from LSU Paul M. Hebert Law Center (*Louisiana Law Review*) and is an alumnus of the Harvard Negotiation Institute's dispute resolution program.

Graham has served on the Louisiana State Bar Association (LSBA) Young Lawyers Division (YLD) Council as 2019-20 secretary and as the young lawyer member on the American Bar Association (ABA) House of Delegates. He currently serves on the LSBA's Legislation Committee and Access to Justice Committee. He was a member of the 2014-15 Leadership LSBA Class. He received the 2016 LSBA YLD Chair's Award and was named as a 2017 Louisiana Bar Foundation Fellow for his commitment to increasing access to jus-



Graham H. Ryan

tice. He has served as a council member for the Louisiana State Law Institute, the ABA YLD, the New Orleans Association of Defense Counsel and the Jefferson Bar Association YLD. He co-chaired the ABA YLD Litigation Committee.

He was honored as a "Top 40 Young Lawyer" nationally by the ABA and as a member of the 2020 Leadership in Law Class by *New Orleans CityBusiness*.

In his community, Graham is a board member of Lakeview Civic and Lakeview Crime Prevention District and is a former chair of HandsOn New Orleans, a non-profit volunteer center founded after Hurricane Katrina that engaged more than 60,000 volunteers to rebuild south Louisiana. He also is an attorney volunteer and board member of the Pro Bono Project and several other community organizations.

Graham and his wife Erin are the parents of two sons.

Ste. 5100, 201 St. Charles Ave.
New Orleans, LA 70170
(504)582-8370 • fax (504)589-8370
email: gryan@joneswalker.com
website: www.joneswalker.com/professionals/graham-h-ryan

Danielle L. Borel Secretary

Danielle L. Borel is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. She received a BS degree, *magna cum laude*, in 2011 from Louisiana State University and her JD degree, *magna cum laude*, in 2014 from LSU Paul M. Hebert Law Center (*Louisiana Law Review*, 2012-14; Order of the Coif). She was admitted to practice in Louisiana in 2014.

Danielle served on the Louisiana State Bar Association (LSBA) Young Lawyers Division (YLD) Council as the American Bar Association's (ABA) Young Lawyers Division representative and received the LSBA YLD's Bat P. Sullivan, Jr. Chair's



Danielle L. Borel

Award in 2019. She is a leader in the ABA's Young Lawyers Division and the ABA Health Law Section. She was recognized as an Emerging Young Lawyer in Healthcare by the ABA Health Law Section in 2019 and as an ABA Young Lawyers Division Star of the Quarter in spring and fall 2017 and fall 2019. She also is a member of the Louisiana Hospital Association and has participated in the Baton Rouge Bar Association's Holiday Star Program.

In her community, she is a member of the board of directors and chairs the advisory board for Lighthouse Louisiana. She was twice recognized with the Lighthouse Louisiana Door Knocker Award for her service. She also volunteers for PulseBR (American Heart Association) and as a judge for the LSU Law Center.

Dani and her husband, Nathan Judice, have been married for nine years.

Ste. 2300, 301 Main St.

Baton Rouge, LA 70801

(225)387-4000 • fax (225)381-8029

email: danielle.borel@bswllp.com

website: www.bswllp.com/danielle-l-borel

Scott L. Sternberg **Immediate Past Chair**

Scott L. Sternberg is the managing partner of Sternberg, Naccari & White, L.L.C., with offices in New Orleans and Baton Rouge, where he focuses on business, general litigation and media matters. His media focus has involved litigation for newspapers, including *The Advocate*, and legal and legislative work for the Louisiana Press Association. He received a BA degree in journalism from Louisiana State University and his law degree from LSU Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 2010.

Scott has served as chair, chair-elect, secretary and District 1 representative on the Louisiana State Bar Association (LSBA) Young Lawyers Division (YLD) Council. As part of the YLD's strategic planning, he chaired the first Louisiana Young Lawyers Conference in 2019. In



Scott L. Sternberg

2019, he received an LSBACitizen Lawyer Award for his pro bono, professional and charitable activities. He has twice received the LSBA's Stephen T. Victory Memorial Award for most outstanding *Louisiana Bar Journal* article. He served on numerous LSBA committees and was a member of the 2012-13 Leadership LSBA Class.

He has taught at LSU and Loyola. He serves on the boards of the Federal Bar Association New Orleans Chapter, the American Red Cross for Southeast Louisiana, the Pro Bono Project and the Louisiana Center for Law and Civic Education. He has been recognized as one of *Gambit Weekly's* "40 Under 40," as a *Louisiana Super Lawyer* "Rising Star" and on *New Orleans Magazine's* "Top Lawyers" list. In 2020, he was named a "Leader in Law" by *New Orleans CityBusiness*.

Scott and his wife Breland are the parents of three children and are expecting a fourth child in July.

Ste. 2020, 935 Gravier St.

New Orleans, LA 70112

(504)324-2141 • fax (504)534-8961

email: scott@snw.law

YLD Council 2020-21

Kristen D. Amond **District One Representative**

Kristen D. Amond is an associate in the New Orleans office of Fishman Haygood, L.L.P. She previously clerked for U.S. District Court Judge Susie Morgan, Eastern District of Louisiana. In law school, she served as an intern for U.S. District Court Judge Brian A. Jackson, Middle District of Louisiana. She received a BS degree in management in 2010 from Tulane University and her JD degree, *magna cum laude*, in 2016 from Louisiana State University Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2016. Before law school, she taught second and third grade in charter schools in New Orleans.

Kristen serves on the boards of the New Orleans Federal Bar Association



Kristen D. Amond

Younger Lawyers Division and Emerging Philanthropists of New Orleans. She is part of the CABL's Leadership Louisiana Class of 2019 and teaches media law at Tulane University.

She loves all things New Orleans and looks forward to traveling the world with her wife, Nancia Sterling.

Ste. 4600, 201 St. Charles Ave.

New Orleans, LA 70170

(504)556-5523 • fax (504)310-0281

email: kamond@fishmanhaygood.com

website: www.fishmanhaygood.com

Collin R. Melancon **District One Representative**

Collin R. Melancon is a partner/owner of Mansfield, Melancon, Cranmer & Dick, L.L.C., in New Orleans. He received a bachelor degree in international studies in 2011 from Louisiana State University and his JD degree in 2015 from Loyola University College of Law. He was admitted to practice in Louisiana in 2015.

Collin served as the Louisiana State Bar Association (LSBA) Young Lawyers Division's (YLD) representative on the Louisiana Judicial Council and was a speaker for the LSBA Young Lawyers Conference. He is a member of the New Orleans Bar Association and the Louisiana Association of Justice. He served on the Planning Committee for the Pro Bono Project's Justice for All Ball. He was recognized as a *Louisiana Super Lawyer* "Rising Star" in 2020.

He received the Spirit of St. Ignatius Award for Outstanding Law Graduate (highest award given to a graduating law student) at Loyola Law School. He also received the LSBA Civil Code Award at Loyola Law School.

Collin and his wife, Jillian Melancon, have been married for two years.

318 Harrison Ave.

New Orleans, LA 70124

(504)814-1496 • fax (504)208-3427

email: collin@mmdclaw.com

website: www.mansfieldmelancon.com



Collin R. Melancon

Continued next page

Shayna Beevers Morvant
District Two Representative

Shayna Beevers Morvant is managing partner of the Gretna firm of Beevers & Beevers, L.L.P. She received a BSM degree in 2009 from Tulane University's A.B. Freeman School of Business and her JD degree in 2012 from Tulane University Law School. She was admitted to practice in Louisiana in 2012.



Shayna Beevers Morvant

Shayna is a general practitioner with class action and civil litigation experience. Her practice areas include personal injury, criminal defense, family law and representation of local law enforcement organizations. She is currently a member of the adjunct faculty at Tulane Law School, teaching pre-trial litigation skills during the Boot Camp and Trial Advocacy Programs.

She has served two terms as the District 2 representative on the Louisiana State Bar Association's (LSBA) Young Lawyers Division Council. She also serves on the LSBA's Board of Governors, in the House of Delegates and is secretary of the Civil Law and Litigation Section. She was elected to the 2017, 2019 and 2020 Nominating Committee. She was a member of the 2015-16 Leadership LSBA Class.

Shayna is the membership chair for the Tulane Inn of Court and is a former chair of the Jefferson Bar Association's Young Lawyers Division. She is currently serving as the treasurer for the Jefferson Bar Association board, after serving two terms as the representative at large. She is a frequent presenter of CLE topics and has been presenting programs for the LSBA since 2013, with a focus on social media, professionalism and trial litigation. She also has presented CLE programs for the New Orleans Bar Association, the Jefferson Bar Association and Tulane Law School.

In her community, she is a former chair of legislative affairs for the Junior League of New Orleans, a Louisiana Children's Museum campaign leader and a member of the Italian American Ladies Auxiliary.

Shayna and her husband Wesley are the

parents of two children.

210 Huey P. Long Ave.
Gretna, LA 70053
(504)361-4287 • fax (504)362-1405

Betty A. Maury
District Two Representative

Betty A. Maury is the judicial law clerk for Judge Lee V. Faulkner, Jr., Division P, 24th Judicial District Court, Gretna. She received a BA degree, *summa cum laude*, in management of criminal justice in 2008 from Concordia University of Wisconsin and her JD degree in 2013 from Loyola University College of Law. She was admitted to practice in Louisiana in 2013.



Betty A. Maury

Betty is serving in the Louisiana State Bar Association's (LSBA) House of Delegates, representing the 24th Judicial District (2017-21). She is co-chair of the LSBA Young Lawyers Division's (YLD) Wills for Heroes Program. She was a member of the 2017-18 Leadership LSBA Class and served as the co-chair to the 2018-19 Leadership LSBA Class.

She is a member of the Jefferson Bar Association, serving as webmaster and on the CLE Committee, and was the 2017 chair of the Young Lawyers Division. She has served on the board of the Louisiana Center for Law and Civic Education since 2016 and participated in several Lawyers in the Classroom programs. She has volunteered to assist in expungement events coordinated by the Justice and Accountability Center of Louisiana.

Betty is the recipient of the New Orleans Children's Advocacy Center Trees of Life Award, 2018; the LSBA YLD's Outstanding Young Lawyer Award, 2017; the Gillis Long Poverty Law Center Public Service Award, 2016; and the New Orleans Association of Women Attorneys' Outstanding Loyola Family Law Clinic Student, 2013.

In her community, she was a member of the CASA Jefferson Event Planning Committee, 2013-18; a Fellow of the Institute of Politics, 2017-18; and a member of the Sigma Kappa Greater New

Orleans Alumnae Chapter.

Betty is married to her husband, Thomas J. Maury, Jr., and they are the parents of two sons.

Ste. 4600, 200 Derbigny St.
Gretna, LA 70053
(504)715-6348 • fax (504)365-3344
email: bettym@24jdc.us

Megan E. Réaux
District Three Representative

Megan E. Réaux is an associate in the Lafayette firm of Hill & Beyer, A.P.L.C. She handles both plaintiff and defense litigation. She received a BA degree, *magna cum laude*, in English literature and Spanish in 2008 from the University of Louisiana-Lafayette and her JD/DCL degree in 2011 from Louisiana State University Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2011.



Megan E. Réaux

Megan is a member of the Louisiana State Bar Association's Insurance, Tort, Workers' Compensation and Admiralty Law Section. She is a frequent contributor to the *LAFreeLegalAnswers* online program.

She is a member of the Lafayette Bar Association and the Louisiana Association for Justice. In 2010, she received the Public Interest Law Society Fellowship for work with Hearts of Hope in Lafayette.

Ste. 502, 101 La Rue France
Lafayette, LA 70508
(337)232-9733
email: mreaux@hillandbeyer.com

Elizabeth F. Shea
District Four Representative

Elizabeth F. Shea is an associate in the Lake Charles firm of Stockwell, Sievert, Viccaglio, Clements & Shaddock, L.L.P. She received a BA degree, *summa cum laude*, in English literature in 2008 from Louisiana State University and her JD/DCL degree in 2011 from LSU Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2011.

Elizabeth was a member of the 2017-

18 Leadership LSBA Class. She co-chaired a High School Mock Trial Regional Competition in 2013 and volunteered for the Wills for Heroes program in 2012 and 2015.



Elizabeth F. Shea

She is a member of the Executive Council for the Southwest Louisiana Bar Association (SWLBA) and is a former president of the SWLBA's Young Lawyers Section. She also is president and a charter member of the SWLBA's Women's Section. She was named a "Top Lawyer" by *Acadiana Profile Magazine* in 2018.

In her community, she is a bimonthly volunteer/server for Abraham's Tent and an annual volunteer for the Holiday Helping Hands project.

Elizabeth and her husband, Tom Shea, have been married for seven years and have one child.

127 W. Broad St., 4th Flr.

Lake Charles, LA 70601

(337)436-9491 • fax (337)312-2918

email: efshea@ssvcs.com

website: www.ssvcs.com

Rachal Cox Cassagne District Five Representative

Rachal Cox Cassagne is a judicial law clerk for U.S. District Court Judge Greg G. Guidry, Eastern District of Louisiana. She received a BA degree in English in 2011 from Louisiana State University-Shreveport, an MA



**Rachal Cox
Cassagne**

degree in literary studies in 2013 from Universiteit van Amsterdam and her JD degree, *magna cum laude*, in 2016 from Southern University Law Center. She was admitted to practice in Louisiana in 2016.

Rachal is a member of the Baton Rouge Bar Association's Belly Up with the Bar Committee and the Teen Court Committee. She is a member of the Federal Bar Association and an observer with the

Louisiana State Law Institute. She participated in Forum 35's John W. Barton, Sr. Community Leadership Program in 2018.

In her community, she is a member of Rotaract of Baton Rouge and St. Aloysius Church. Rachal and her husband, Craig Cassagne, Jr., have been married for one year.

500 Poydras St., Room C556

New Orleans, LA 70130

(504)589-7517

email: rachal_cassagne@laed.uscourts.gov

Loren Shanklin Fleshman District Five Representative

Loren Shanklin Fleshman is a partner in the Baton Rouge firm of Smith Shanklin Sosa, L.L.C. She received a BS degree in secondary education (concentration in history) in 2005 from Louisiana State University and her JD/GDCL in 2010 from LSU Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2010.



**Loren Shanklin
Fleshman**

Loren participated in the Louisiana State Bar Association's Young Lawyers Division (YLD) Symposium in 2016 and 2017. She is the 2018 recipient of the YLD's Outstanding Young Lawyer Award.

She is a former chair of the Baton Rouge Bar Association's (BRBA) Young Lawyers Section and, since 2019, has served as a director-at-large for the BRBA's board of directors. She is a member of the Louisiana Association for Justice. She received the Volunteers in Public School's Exceptional Volunteer Award in 2006 while she was a teacher and program coordinator of an after-school program. In 2010, she was recognized for volunteering more than 100 hours of pro bono services.

In her community, she is involved in the K.I.D.S. (Karing is Doing Something) Program and is a member of St. Aloysius Catholic Church.

Loren and her husband, David C. Fleshman, have been married for five years and are the parents of three children.

Ste. 7C, 16851 Jefferson Hwy.

Baton Rouge, LA 70817

(225)223-6333 • fax (888)413-8345

email: loren@smithshanklin.com

website: www.smithshanklin.com

Joshua J. Dara, Jr. District Six Representative

Joshua J. Dara, Jr. is an associate in the Alexandria firm of Gold, Weems, Bruser, Sues & Rundell, A.P.L.C. He received a BS degree in finance in 2010 from Louisiana State University and a JD/GDCL degree in 2014 from LSU Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 2014.



Joshua J. Dara, Jr.

Josh is a member of the Crossroads American Inn of Court of Alexandria/Pineville, the Louisiana Association of Defense Counsel, the Defense Research Institute and the Alexandria Bar Association. He recently served as president of the Kiwanis Club of Pineville.

In law school, he was a member of the Christian Legal Society and the Black Law Students Association. He also received recognition for outstanding advocacy skills in LSU's NITA Trial Advocacy Program.

Josh and his wife, Aziza Dara, have been married for four years.

2001 MacArthur Dr.

Alexandria, LA 71307-6118

(318)445-6471 • fax (318)445-6476

email: jdara@goldweems.com

website: www.goldweems.com/joshua-j-dara-jr

Ana Lynette Gregory District Seven Representative

Ana Lynette Gregory is the owner of The Gregory Law Firm in Monroe and provides legal services in and around northeast Louisiana. Her practice areas include plaintiff personal injury, automobile accidents and injuries, family law, child custody, divorce, civil litigation, wills and successions.



**Ana Lynette
Gregory**

She received her BA degree in

Continued next page

2011 from the University of Louisiana-Monroe, where she founded the Pre-Law Association. She earned her JD degree in 2014 from Southern University Law Center, where she was a member of Phi Alpha Delta and the Louisiana Association for Justice. She was admitted to practice in Louisiana in 2014.

Lynette and her husband, Tyler Eldridge, are expecting the first child this summer.

3006 Armand St., Monroe, LA 71201
(318)281-6364 • fax (318)319-0163
email: law@thegregoryfirm.com
website: www.thegregoryfirm.com

Joshua K. Williams **District Eight Representative**

Joshua K. Williams is a sole practitioner with Joshua K. Williams Attorney at Law, L.L.C., in Shreveport. He handles plaintiffs' injury work. He received a BS degree in business in 2009 from the University of New Orleans and his JD degree in 2013 from Southern University Law Center. He was admitted to practice in Louisiana in 2014.

Joshua was a member of the 2016-17 Leadership LSBA Class. He is a member of the Shreveport Bar Association, the Louisiana District Attorneys Association and the National Association of Bond Lawyers. He was recognized by *SB Magazine* as a "Top Attorney" in 2017, 2018 and 2020.

He and his wife Samerrial have been married for three years.

9284 Linwood Ave.
Shreveport, LA 71106
(318)562-1140 • fax (318)562-1141
email: jwilliams@shreveportcomlawyer.com

Senae D. Hall **At-Large Representative**

Senae D. Hall is an assistant district attorney in the Caddo Parish District Attorney's Office in Shreveport. She also is the Human Trafficking Victims Diversion coordinator. She received a BA degree in mass communications in 2008 from Dillard University and her JD degree in 2011 from Southern University Law Center. She was admitted to practice in

Louisiana in 2011.

Senae was a member of the 2018-19 Leadership LSBA Class and a member of the Class Awards Committee. She also volunteered as a mock trial competition judge from 2017-20.

She is a member of the Shreveport Bar Association, the Louisiana District Attorneys Association and the Harry V. Booth/Judge Henry A. Politz American Inn of Court. She is currently the Social Media chair for the Shreveport Bar Association's Young Lawyers Section.

She was recognized as the Teen Court Volunteer of the Year in 2018 and the Abounding Faith Temple Youth Leader Volunteer of the Year in 2017. She was featured as the February 2019 Member Spotlight by the Shreveport Bar Association Women's Division and was a 2019 panelist for Macy's Black History Month Historical Black Colleges and Universities Program.

501 Texas St., 5th Flr.
Shreveport LA 71101
(318)272-1321 • fax (318)841-5533
email: shall@caddoda.com

Thomas C. (T.C.) Wicker IV **ABA YLD Representative**

Thomas C. (T.C.) Wicker IV is an associate in the New Orleans office of Jones Walker LLP. He received a BA degree, *cum laude*, in English and government in 2012 from Georgetown University and his JD degree, *cum laude*, and certificate in civil law in 2017 from Tulane University. He was admitted to practice in Louisiana in March 2018.

T.C. was a member of the 2019-20 Leadership LSBA Class. He is a member of the Jefferson Bar Association, the Federal Bar Association and the Louisiana Association of Criminal Defense Lawyers.

In his community, he is a member of the Georgetown Club of New Orleans and



Senae D. Hall



Joshua K. Williams



Thomas C. (T.C.)
Wicker IV

the ForeKids Foundation and is a Teach for America alumnus.

Ste. 5100, 201 St. Charles Ave.
New Orleans, LA 70170
(504)582-8150 • fax (504)589-8150
email: twicker@joneswalker.com

Megan S. Peterson **Young Lawyer Member/ ABA House of Delegates**

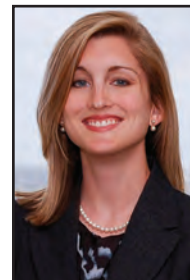
Megan S. Peterson is a partner at Simon, Peragine, Smith & Redfeam, L.L.P., in New Orleans, where she represents local, regional and national clients in litigation and alternative dispute resolution. She is licensed in all state and federal courts in Louisiana and Mississippi.

Megan received her BA degree in political science and business administration from Louisiana State University, where she was a member of Student Government and several honor societies. She earned her JD degree, *magna cum laude*, from Loyola University College of Law and was honored as a William L. Crowe, Sr. Scholar. At Loyola, she served as print managing editor of the *Loyola Law Review*. She also studied cultural property and arts law in Siena, Italy, with Tulane University Law School. She was admitted to practice in Louisiana in 2011 and also is licensed in Mississippi.

She is a member of the Defense Research Institute, serving on the steering committees for both the Young Lawyers Division and the Retail and Hospitality Committee. She is active in the American Bar Association, serving as a Louisiana delegate in the Young Lawyers Division. She is a former president of the Association for Women Attorneys and has consistently been selected as a *Louisiana Super Lawyers* "Rising Star" in civil litigation defense since 2014.

Megan and her husband, Matt McCluer, have been married for seven years and are the parents of one child.

1100 Poydras St., 30th Flr.
New Orleans, LA 70163
(504)569-2030 • fax (504)569-2999
email: meganp@spsr-law.com
website: www.spsr-law.com



Megan S. Peterson

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By Trina S. Vincent, Louisiana Supreme Court

IN MEMORIAM

Deaths

► Retired 5th Circuit Court of Appeal Judge James L. Cannella, 76, died May 22. He earned his bachelor's degree in 1964 from the University of New Orleans and his JD degree in 1967 from Loyola University College of Law. He was elected 24th Judicial District Court judge, Division N, in 1982 and served as chief judge. He served at the 24th JDC until his election to the 5th Circuit Court of Appeal in 1991. Prior to his service on the bench, he worked as an attorney at the law firm of Exnicios & Kelly and later became a partner at Donelon, Cannella & Donelon Law Firm. After retiring from the bench in 2006, he worked as a city attorney in Kenner. In 2007, he began serving as a

judge *ad hoc*.

► Retired Caddo Parish Juvenile Court, Division B, Judge Andrew B. Gallagher, 90, died April 11. He earned his bachelor's degree in 1951 from Washington & Lee University in Lexington, Va., and his JD degree in 1955 from Washington & Lee University School of Law. After serving in the U.S. Army during the Korean War, he attended Louisiana State University Paul M. Hebert Law Center. Beginning in 1961, he practiced law in Shreveport at Gallagher, Alexander & Gallagher. From 1965-79, the firm became Gallagher & Gallagher during which time he served as legal officer of the Caddo Parish Juvenile Court. He was elected as Caddo Parish Juvenile Court judge, Division B, in 1979 and was reelected without opposition in

1985 and 1991. He served as Juvenile Court judge until his retirement in 1999.

► Retired 24th Judicial District Court, Division M, Judge Henry G. Sullivan, Jr., 72, died May 17. He earned his bachelor's degree in 1969 from Southeastern Louisiana University and his JD degree in 1974 from Loyola University College of Law. He was elected to serve on the 24th Judicial District Court in 1997, serving as chief judge in 2008-09. Before serving on the bench, he worked as an assistant parish attorney for Jefferson Parish, legal advisor to the Jefferson Parish Sheriff's Office and as an assistant district attorney for Jefferson Parish. He retired from the bench on April 15.



St. Thomas More Catholic Lawyers Association

Invites

All Members of the
Bench and Bar
Of All Faiths to Attend

The Red Mass
Monday, October 5, 2020
St. Louis Cathedral

Assembly 9:00 a.m.

Procession 9:15 a.m.

Mass 9:30 a.m.

For those unable to attend, the Red Mass will be broadcast live on WLAE-TV Channel 32 and will be simulcast on TheDailyMass.com

Virtual
Broadcast
will be
available

20TH ANNUAL LOUISIANA STATE BAR ASSOCIATION COMPLEX LITIGATION SYMPOSIUM

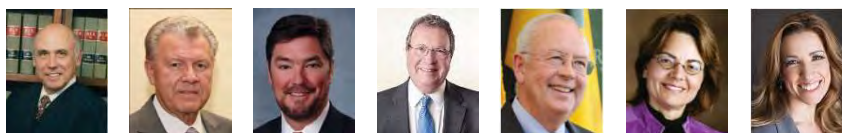
NOVEMBER 6, 2020 – NEW ORLEANS



Richard J. Arsenault, Seminar Chair

Our speakers include the nation's leading complex litigation academicians, jurists, and members of the bar from both sides of the "V." These are the folks that are presiding over, writing about, and litigating the most significant cases in the country. They are the who's who of the complex litigation bench and bar.

Featured Speakers Have Included:



Hon. Eldon Fallon • Hon. Carl Barbier • Hon. Patrick Hanna • Hon. Glenn Norton • Hon. Ken Starr
Prof. Lynn Baker • Prof. Jaime Dodge • Prof. Arthur Miller • Prof. James Wren
Thomas Anapol • Khaldoun Baghdadi • Jeff Bassett • Dustin Carter • Dawn Chmielewski
Tony Clayton • Lori Cohen • Special Master Kenny DeJean • Brian Devine • Bob Drakulich
Nick Drakulich • Val Exnicios • Yvonne Flaherty • John Hooper • Jane Lamberti • Mark Lanier
Rachel Lanier • Lynn Luker • Hunter Lundy • Todd Mathews • Jennifer Moore
Melanie Muhlstock • James Murdica • Joe Rice • Special Master Gary Russo • John Sherk
Raymond Silverman • Joe Thorpe • Aimee Wagstaff • James Williams

For more information and to register online, please visit: www.lsba.org/CLE

PEOPLE

LAWYERS ON THE MOVE . . . NEWSMAKERS

LAWYERS ON THE MOVE

Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., announces that Paula J. Estrada de Martin, Ph.D., and Leopoldo J. Yanez have been elected as shareholders in the New Orleans office. Also, Rebecca S. Miller and Andrew G. Novak II have joined the New Orleans office as of counsel.

Baldwin Haspel Burke & Mayer, L.L.C.,



W. Raley Alford III



Norman E. Anseman III

announces that **P. Michael (Mike) Boyd** has joined the firm's New Orleans office as an associate.

Breazeale, Sachse & Wilson, L.L.P., announces that **Alexandra C. Hains**, **Christine M. (C.C.) Colwell** and **Joseph B. Odom** have joined the Baton Rouge office as associates. Also, **Peter J. Butler, Jr.**, a partner in the New Orleans office, and **Eric B. Landry**, a partner in the Baton Rouge office, were elected to the firm's Management Committee.

Chehardy, Sherman, Williams, Murray, Recile, Stakelum & Hayes, L.L.P., with offices in Metairie and Hammond, announces that **Jonathan M. Lee** has joined the firm as an associate.

Condon, Wood & Burkhart, L.L.C., in Baton Rouge announces that Allison N. Beasley has joined the firm as managing attorney of real estate, foreclosure and default.

Flanagan Partners, L.L.P., in New Orleans announces that Camille E. Gauthier and Anders F. Holmgren have become partners in the firm.

Gotcha Covered HR, L.L.C., in New Orleans announces that **Michelle T. Butler** has joined the firm as a consultant, mediator and investigator.

The Louisiana State Bar Association announces that **Stephanie M. Beaugh** has joined the staff as projects counsel in the Access to Justice (ATJ) Department. She is staff liaison to the Children's Law, Legal Services for Persons with Disabilities and ATJ Commission's Self-Represented Litigation committees. She also helps implement court-based Self-Help Resources Centers. She earned her law degree from Loyola University College of Law and, most recently, was program director at Louisiana Appleseed.



Richard J. Arsenault



Judy Y. Barrasso



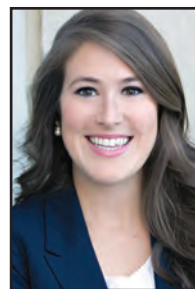
Stephanie M. Beaugh



Michael S. Blackwell



Patrick M. Bollman



Danielle L. Borel



P. Michael Boyd



Michelle T. Butler



Peter J. Butler, Jr.



Celeste R. Coco-Ewing



Christine M. Colwell



John P. D'Avello

Perrier & Lacoste, L.L.C., announces that **Norman E. (Skeet) Anseman III** has joined the firm in its new Lafayette office.

Phelps Dunbar, L.L.P., announces that Errol J. King, Jr. has joined the firm's Baton Rouge office as a partner and Katherine Cicardo Mannino has joined the Baton Rouge office as an associate. Craig L. Caesar and Patrick M. (Rick) Shelby have joined the firm's New Orleans office as counsel. Also named to the firm's partnership are Michael F. Held, Jr., Katie W. Myers and Michael S. Williams, all in the New Orleans office, and Jeffrey E. Tomlinson in the Baton Rouge office.

Riess LeMieux, L.L.C., in New Orleans announces that **Michael S. Blackwell** has joined the firm as of counsel.

Stanley, Reuter, Ross, Thornton & Alford, L.L.C., in New Orleans announces that **Patrick M. Bollman** and **John P. D'Avello** has joined the firm as associates.

NEWSMAKERS

Richard J. Arsenault, a partner in the Alexandria firm of Neblett, Beard & Arsenault, has been asked by the American Bar Association to author two

chapters in *A Practitioner's Guide to Class Action: Multi-District Litigation* with Louisiana State University President Thomas C. Galligan, Jr. and *Bellwether Trials* with Emory Law School Professor Jaime L. Dodge. He was nominated for 2020 membership in the Premier Lawyers of America. He discussed the topic of plaintiff steering committees at the Masters of Mass Tort Symposium in Cancun, Mexico.

Danielle L. Borel, a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P., received the American Bar Association's 2020 On the Rise: Top 40 Young Lawyers Award.

Blake R. David, senior partner at Broussard & David in Lafayette, was again named Maritime Section chair for the Louisiana Association for Justice.

Sarah Edwards, an associate in the New Orleans office of McGlinchey Stafford, P.L.L.C., was selected to participate in the Leadership Council on Legal Diversity's Pathfinders Program for diverse, high-potential, early-career attorneys.

Thomas M. Flanagan, founder of Flanagan Partners, L.L.P., in New Orleans, was selected to serve on the

board of directors for The Pro Bono Project in New Orleans.

Nicole Gould Frey, of counsel in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P., has become a certified member of the Institute for Professionals in Taxation.

Emily Black Grey, a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P., and manager of the firm's health care section, was reappointed as chair of the American Health Lawyers Association's Hospitals and Health Systems Practice Group.

Jan M. Hayden, a shareholder in the New Orleans office of Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., was elected to a second term on the American College of Bankruptcy's board of directors.

Cherrell Simms Taplin, a shareholder in the New Orleans office of Liskow & Lewis, A.P.L.C., was selected for the National Black Lawyers' Top 100.

Chauntelle R. Wood, an associate in the Houston, Texas, office of Liskow & Lewis, A.P.L.C., was selected for the National Black Lawyers' Top 40 Under 40.



Blake R. David



Eva J. Dossier



Nicole Gould Frey



Alexandra C. Hains



Eric B. Landry



Jonathan M. Lee



Christopher K.
LeMieux



Lynn M. Luker



Kathryn W. Munson



Joseph B. Odom



Thomas P. Owen, Jr.



Matthew J. Paul

PUBLICATIONS

Best Lawyers in America 2020

Flanagan Partners, L.L.P. (New Orleans): Thomas M. Flanagan, Harold J. Flanagan and Sean P. Brady.

Stanley, Reuter, Ross, Thornton & Alford, L.L.C. (New Orleans): **W. Raley Alford III, Lynn M. Luker, Thomas P. Owen, Jr., Bryan C. Reuter, William M. Ross, Richard C. Stanley** (Litigation-Real Estate Lawyer of the Year) and **Jennifer L. Thornton**.

Chambers USA 2020

Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C. (Baton Rouge, Mandeville, New Orleans): Jennifer L. Anderson, Edward H. Arnold III, Phyllis G. Cancienne, Roy C. Cheatwood, Nancy Scott Degan, Matthew R. Emmons, Sean L. Finan, Mark W. Frilot, Steven F. Griffith, Jr., Jan M. Hayden, Kenneth M. Klemm, Amelia Williams Koch, Noah B. Kressler, M. David Kurtz, Kent A. Lambert, Jon F. Leyens, Jr., Mark W. Mercante, Lacey E. Rochester, Robert L. Wolfarth, Jr. and Adam B. Zuckerman.

Barrasso Usdin Kupperman Freeman & Sarver, L.L.C. (New Orleans): Judy Y. Barrasso, Celeste R. Coco-Ewing, George C. Freeman III, Stephen H. Kupperman, Richard E. Sarver and Steven W. Usdin.

Carver, Darden, Koretzky, Tessier, Finn, Blossman & Areaux, L.L.C. (New Orleans): M. Taylor Darden, William T. Finn, Frank A. Tessier and David F. Waguespack.

Riess LeMieux, L.L.C. (New Orleans): **Michael R.C. Riess** and **Christopher K. LeMieux**.

Louisiana Super Lawyers 2020

Flanagan Partners, L.L.P. (New Orleans): Thomas M. Flanagan, Harold J. Flanagan and Sean P. Brady; and Anders F. Holmgren, Camille E. Gauthier, Caitlin J. Flanagan, Meghan F. Grant and Sarah E. Stogner, all Rising Stars.

Scofield & Rivera, L.L.C. (Lafayette): Bryan D. Scofield, Top 50.

Stanley, Reuter, Ross, Thornton & Alford, L.L.C. (New Orleans): **W. Raley Alford III, Lynn M. Luker, Thomas P. Owen, Jr., Bryan C. Reuter, William M. Ross, Richard C. Stanley** and **Jennifer L. Thornton**; **Eva J. Dossier, Kathryn W. Munson** and **Matthew J. Paul**, Rising Stars.

Benchmark Litigation

Barrasso Usdin Kupperman Freeman & Sarver, L.L.C. (New Orleans): **Judy Y. Barrasso** and **Celeste R. Coco-Ewing**, Top 250 Women in Litigation.

Lawdragon 2020

Barrasso Usdin Kupperman Freeman & Sarver, L.L.C. (New Orleans): Judy Y. Barrasso and Richard E. Sarver.

Herman, Herman & Katz, L.L.C. (New Orleans): Russ M. Herman, Stephen J. Herman, Brian D. Katz and Steven J. Lane.

New Orleans Magazine 2019

Stanley, Reuter, Ross, Thornton & Alford, L.L.C. (New Orleans): **Lynn M. Luker, Thomas P. Owen, Jr., Bryan C. Reuter, William M. Ross** and **Richard C. Stanley**, all Top Lawyers.

People Deadlines & Notes

**Deadlines for submitting
People announcements
(and photos):**

Publication Deadline

Dec. 2020/Jan. 2021	Oct. 4, 2020
Feb./March 2021	Dec. 4, 2020
April/May 2021	Feb. 4, 2021
June/July 2021	April 4, 2021
August/Sept. 2021	July 3, 2021

Announcements are published free of charge for members of the Louisiana State Bar Association. Members may publish photos with their announcements at a cost of **\$50 per photo**. Send announcements, photos and photo payments (checks payable to Louisiana State Bar Association) to:

Publications Coordinator

Darlene M. LaBranche

Louisiana Bar Journal

601 St. Charles Ave.

New Orleans, LA 70130-3404

or email dlabranche@lsba.org.



Bryan C. Reuter



Michael R.C. Riess



William M. Ross



Bryan D. Scofield



Richard C. Stanley



Jennifer L.
Thornton

UPDATE

LASC Launches Improved Website

The Louisiana Supreme Court launched an improved website in May with expanded digital technology for a more user-friendly experience across a range of devices such as laptops, desktops and mobile devices. The website, www.lasc.org, is used by the Court to share information of interest to Louisiana citizens.

The website provides information on the Supreme Court's work in the form of news releases containing opinions and other actions of the Court, links to the Clerk of Court's Office, the Court's docket, access to live-streaming of oral arguments, Court publications, as well as links to the justices' biographies, legal resources via the Law Library of Louisiana, Court Rules, and information on Court programs such as Drug and Specialty Courts, the Children and Families Division, the Office of Language Access and the Louisiana Protective Order Registry.

The new website also includes a searchable page containing judicial financial disclosure statements. Learn more about the statements at www.lasc.org or directly at www.lasc.org/JudicialFinancialDisclosure.

The new website was designed by staff of the Supreme Court's Information Technology Department in coordination with the Court's Community Relations Department.



The Louisiana State Bar Association's (LSBA) Outreach Committee and the Lafayette Bar Association (LBA) hosted a Member Outreach CLE Seminar on Jan. 9, 2020, in Lafayette. Speakers included, from left, Stuart R. Breaux, Southern Lifestyle Development Company, LLC, 2019-20 LBA Young Lawyers Section president; Yolanda Cezar, Louisiana Attorney Disciplinary Board; and Dwazendra J. Smith, Doran & Cawthorne, PLLC, LSBA Outreach Committee member. The LSBA Member Outreach CLE series, "LSBA: Who We Are and How We Serve Our Members," informs members about LSBA services included with membership.



The Louisiana State Bar Association's (LSBA) Outreach Committee and the Louis A. Martinet Legal Society, Inc. Lake Charles Chapter hosted a Member Outreach CLE Seminar on Dec. 19, 2019 in Lake Charles. The seminar featured Louisiana State Bar Association Ethics Counsel Eric K. Barefield and, from left, Rebecca J. Hunter, The Sanchez Law Firm; Yolanda Cezar, Louisiana Attorney Disciplinary Board; and Shayna L. Sonnier, Hunter, Hunter & Sonnier.



The Louisiana State Bar Association's (LSBA) Outreach Committee and the Inn on the Teche American Inn of Court hosted a Member Outreach CLE Seminar on Feb. 6, 2020, in St. Martinville. The seminar featured Maggie T. Simar, 16th Judicial District Court Family Court hearing officer, and Shannon S. Dartez, Glenn Armentor Law Corporation, LSBA Board of Governors, Third Board District. From left, Dartez; Simar; and Judges Suzanne M. de Mahy, Vincent J. Borne and Anthony Thibodeaux, all 16th Judicial District.



The Louisiana State Bar Association's (LSBA) Outreach Committee and Terrebonne Parish Bar Association hosted a Member Outreach CLE Seminar on Oct. 30, 2019. The seminar featured Teresa D. King, immediate past president of the Terrebonne Parish Bar Association.

SEND YOUR NEWS!

The *Louisiana Bar Journal* would like to publish news and photos of your activities and accomplishments.

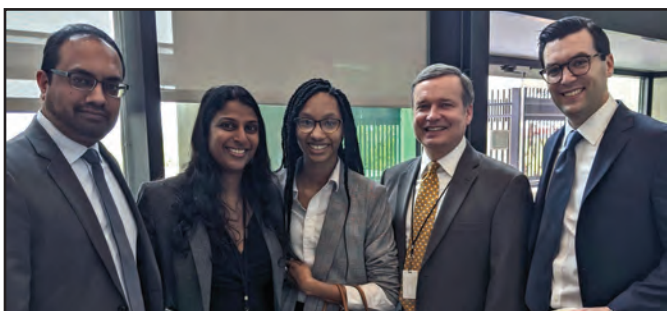
Email your news items and photos to:

LSBA Publications
Coordinator Darlene
LaBranche at
dlabranche@lsba.org.

Or mail
press releases to:

Darlene LaBranche
Publications Coordinator
601 St. Charles Ave.
New Orleans, LA
70130-3404

LOCAL / SPECIALTY BARS



The Jefferson Bar Association (JBA) Young Lawyers Division (YLD) hosted "Coffee with the Louisiana 5th Circuit Court" on March 10 at the Louisiana 5th Circuit Court of Appeal in Gretna. Attending, from left, Sree Mandava, JBA YLD Loyola University College of Law student ambassador; Sowmya Mandava, JBA YLD representative-at-large; Jywana Moore, undergraduate mentee; Judge Robert A. Chaisson, Div. I, Louisiana 5th Circuit; and Thomas C. Wicker IV.



The Jefferson Bar Association (JBA) Young Lawyers Division (YLD) hosted "Coffee with the Louisiana 5th Circuit Court" on March 10 at the Louisiana 5th Circuit Court of Appeal in Gretna. Attending, from left, Rachel C. Schmidt, JBA YLD chair-elect; Betty A. Maury, Louisiana State Bar Association Young Lawyers Division District 2 representative; Judge Jude G. Gravois, Div. H, Louisiana 5th Circuit; and Lauren R. Bridges, JBA YLD chair.



The Baton Rouge Bar Association (BRBA) hosted a Black History Month luncheon and celebration on Feb. 12, 2020. The luncheon was co-sponsored by the Louis A. Martinet Legal Society, Inc., Baton Rouge Chapter; the Federal Bar Association, Baton Rouge Chapter; and the Baton Rouge Association of Women Attorneys. Marcus V. Brown, executive vice president and general counsel for Entergy Corp., served as speaker. From left, Valerie B. Bargas, Kinchen Walker Bienvenu Bargas Reed & Helm, LLC; Shelton Dennis Blunt, Phelps Dunbar, LLP, 2020-21 BRBA president; Brown; and Linda J. Law Clark, DeCuir, Clark & Adams, LLP, 2018-19 BRBA president.

CONNECT WITH THE LSBA ON SOCIAL MEDIA, VISIT

www.lsba.org/goto/socialmedia





Members of the Greater New Orleans Louis A. Martinet Legal Society, Inc. board include, from left, April D. Davenport, vice president of external communications; Wayne P. Connor, Social Committee co-chair; Misha M. Logan, Social Committee co-chair; and Kimberly Silas, 2019-20 president.



Judge Nakisha Ervin-Knott, Orleans Parish Civil District Court, far right, with law students attending the Greater New Orleans Louis A. Martinet Legal Society, Inc. Pathways and Pipelines to Success Program.

GNO Martinet Society Hosts 5th Annual Pathways and Pipelines Program

The Greater New Orleans Louis A. Martinet Legal Society, Inc. hosted its fifth annual Pathways and Pipelines to Success Program at Tulane University

Law School on Feb. 8, 2020. The program provides Louisiana law students with career-building tools and networking opportunities. During the day-long

event, law students had the opportunity to learn from prominent judges and lawyers and gained essential skills to navigate within the legal profession.

LOUISIANA BAR FOUNDATION

LBF Announces 2020-21 Board of Directors

The Louisiana Bar Foundation welcomed the 2020-21 board of directors — President Harry J. (Skip) Philips, Jr., Baton Rouge; Vice President Christopher K. Ralston, New Orleans; Treasurer Alan G. Brackett, New Orleans; and Secretary Deidre Deculus Robert, Baton Rouge.

New board members are Wendy E.W. Giovingo, Monroe; H. Minor Pipes III, New Orleans; Maggie T. Simar, St. Martinville; Shayna L. Sonnier, Lake Charles; and Hon. Ray S. Steib, Jr., Gretna.

Other members of the 2020-21 board of directors include Amanda W. Barnett, Alexandria; Patricia R. Bonneau, Mandeville; Charles C. (Chuck) Bourque, Jr., Houma; Hon. Guy E. Bradberry, Lake Charles; Hon. John C. Davidson, Alexandria; Edmund J. Giering IV, Baton Rouge; Eugene G. Gouaux, Jr., Lockport; Karleen J. Green, Baton Rouge; Camille R. Jackson, Alexandria; Julie M. Lafargue, New Orleans; Alaina R. Mire, Alexandria; John C. Nickelson, Shreveport; David E. Verlander III, Monroe; and Zebulon M. Winstead, Alexandria.

LBF Awards \$35,000 in 2020-21 Kids' Chance Scholarships; Awareness Week Set

The Louisiana Bar Foundation's (LBF) Kids' Chance Scholarship program awarded \$35,000 in scholarships to seven students. Scholarships are awarded to dependent children of Louisiana workers killed or permanently and totally disabled in an accident compensable under a state or federal Workers' Compensation Act or law.

The LBF Kids' Chance Program was started in 2004 and is administered by the LBF and governed by a committee representing a cross-section of the state's legal and workers' compensation communities. Since 2004, the LBF has awarded 313 scholarships totaling \$754,000.

The 2020-21 scholarship recipients are Tyler Byrd, Pearl River; Matthew Garrett, Montegut; Mason Graham,

Luling; Blake Ledet, Houma; Breanna Leleaux, Lafayette; Hallie Rogers, Patterson; and Derek Trouard, Baton Rouge.

Kids' Chance Awareness Week, Nov. 9-13, is designed to increase visibility through special outreach events to spread the word about Kids' Chance scholarship opportunities. Stay tuned for more information as the week draws closer.

For more information about Kids' Chance or to donate to the scholarship fund, contact Dee Jones at the LBF office, (504)561-1046, email dee@raisingthebar.org. Or go to: <https://raisingthebar.org/kids-chance-scholarship-program/become-a-kids-chance-sponsor>.

President's Message

Looking to the Future with Gala and Other Projects

By 2020-21 President Harry J. (Skip) Philips, Jr.

During the public health emergency, the Louisiana Bar Foundation (LBF) has maintained relatively normal operations, including making important decisions about grants for the coming year. We are very excited that we were able to maintain funding for our grants in this time of pandemic. As civil legal aid is a vital component of the public response to, and recovery from, the current public health crisis, support for civil legal aid will become an even more urgent necessity as civil legal problems continue to multiply in the long-term fallout from the pandemic.

We conducted a survey of our grantees to identify service disruptions and other COVID-19 impacts. We identified several programs that had technology/remote access software needs. Emergency grants were approved for software and equipment needs — Acadiana Legal Service Corporation, \$3,545; Baton Rouge Children's Advocacy Center, \$1,500; Faith House, \$500; Frontline Legal Services, \$1,000; Innocence Project New Orleans, \$1,000; Louisiana CASA Association,

\$500; Southeast Louisiana legal Services, \$3,545; and The Pro Bono Project, \$1,500.

Although this year's Gala was cancelled, many LBF donors made their 2020 Gala sponsorships charitable/business donations. (See Gala donors below.) We appreciate your generosity and support. These donations allow the LBF to continue funding the work of our grantee partners to help those of limited means avoid eviction and disputes over medical and consumer debt, provide protection from domestic violence, and myriad other legal problems as a result of this pandemic.

We held a very successful virtual auction in June. The big-ticket items this year were "A Number One Tiger Fan" by artist George Rodrigue and signed by Coach Ed Orgeron; a Venice day trip for offshore and rig fishing for four donated by Phil Wittmann; and a football signed by New



Harry J. (Skip) Philips, Jr.

Orleans Saints quarterback Drew Brees and running back Alvin Kamara. Thanks to all who participated in the auction.

Even though events are being cancelled now and meetings are moving to virtual, we do want everyone to mark their calendars for the annual Fellows Gala on Friday, April 23, 2021, at the Hyatt Regency New Orleans. This will be one to remember! In addition to recognizing the 2019 honorees — Distinguished Jurist Robert H. Morrison III; Distinguished Attorney Marcus V. Brown; Distinguished Attorney Mary Terrell Joseph; Distinguished Professor John M. Church; and Calogero Justice Award recipient Chief Justice Bernette Joshua Johnson — we also will recognize the 2020 honorees, announced in November. Nominations are currently being accepted for these awards. If you are an LBF Fellow in good standing, go to www.raisingthebar.org for nomination forms.

Remember to support the LBF financially. Go to www.raisingthebar.org to make a donation. We have an opportunity to make Louisiana's civil justice system more accessible to all, and we need your help.

34th Annual Gala Donors

Pinnacle: Entergy Corporation.

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Gala Supporter: Jennifer Jones; Teresa King; Gregory Landry; Ivan Orihuela; and Rick Stanley.

Minimum Qualifications, Conditions and Procedures for Appointment as Special Assistant Attorney General in Risk Litigation

The minimum qualifications, conditions and procedures for appointment as a Special Assistant Attorney General in risk litigation are listed below.

1. The attorney shall be admitted to practice law in the state of Louisiana, unless the action is pending in another state, in which event the attorney shall be admitted to practice in the state where the action is pending.
2. If the action is pending before a federal court or other court with special admission requirements, the attorney shall be admitted to practice before such court.
3. The attorney shall not be under suspension by the Louisiana Supreme Court or any court in which the action is pending.
4. The attorney and any attorney with whom he is engaged in the practice of law shall not represent any plaintiff in any tort claim against the state and/or its departments, commissions, boards, agencies, officers, officials or employees unless specifically waived in writing by the Attorney General and the Office of Risk Management, or, if applicable, the institutions exempted from the state risk management program pursuant to La. R.S. 17:3139.5(e)(i) (hereinafter exempted institutions).
5. The attorney shall not have a conflict of interest as provided by the Rules of Professional Conduct of the Louisiana State Bar Association.
6. The attorney shall have and maintain professional malpractice insurance with minimum coverage of \$1 million per claim with an aggregate of \$1 million.
7. The attorney must be a subscriber to an electronic billing program designated by the Office of Risk Management or, if applicable, the exempted institutions.
8. The attorney should have a Martindale-Hubbell rating of "distinguished" or better.

9. The attorney should have been admitted to and engaged in the practice of law for a minimum of three years.
10. The requirements set forth in 8 and 9 may be waived by the Attorney General, in which event the attorney will be placed in a probationary status for a period of three years. During the period of probation, the attorney's performance will be evaluated annually by the State Risk Administrator-Claims and the Assistant Director for Litigation Management of the Office of Risk Management or, if applicable, the Director for the Office of Risk Management of the exempted institutions, and the Director of the Litigation Program of the Louisiana Department of Justice.

In the event that the attorney's performance is acceptable during the three-year probationary period, he shall be removed from probationary status. In the event the attorney's performance is unsatisfactory, he may be removed from the probationary list or, at the discretion of the State Risk Administrator-Claims, the Assistant Director for Litigation Management of the Office of Risk Management or, if applicable, the Director for the Office of Risk Management of the exempted institutions, and the Director of the Litigation Program of the Louisiana Department of Justice, the probationary period may be extended.

Additional Requirements for the Defense of Medical Malpractice Claims

11. The attorney should have three years' experience in the defense of medical malpractice claims.
12. The attorney should have participated as counsel of record in at least two medical malpractice trials.
13. Professional malpractice limits shall be at least \$1 million per claim with an aggregate of \$1 million.

14. Requirements 11 and 12 may be waived by the Attorney General, in which event the attorney will be placed on probation as to medical malpractice defense as provided in paragraph 10 above.

Conditions

1. Any attorney appointed by the Attorney General serves at the pleasure of the Attorney General and may be removed by the Attorney General at any time without cause.
2. The Office of Risk Management or, if applicable, the exempted institutions, may only remove an attorney for cause.
3. All contracts must comply with the Ethical Standards for Public Servants, Title 42, Section 15, Part II of the Louisiana Revised Statutes, including, but not limited to, La. R.S. 42:1113.

Procedures

1. In order to be considered for appointment as a Special Assistant Attorney General in risk litigation, an attorney must provide proof to the satisfaction of the Attorney General that the firm meets the minimum qualifications.
2. The Attorney General shall notify in writing the Office of Risk Management or the exempted institutions, if applicable, of the attorney assigned in all risk litigation. The Office of Risk Management, or the exempted institutions, if applicable, shall advise the Attorney General of its concurrence of the attorney assignment in writing. Written concurrence by the Office of Risk Management or the exempted institutions, if applicable, constitutes notification of the contract attorney assignment to the Attorney. The Attorney General shall send a letter to the attorney stating that the firm has been assigned as defense counsel. The Attorney General's appointment letter shall serve as signatory evidence of the Attorney General's approval for any contract for legal services resulting from the appointment.

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For the December issue of the Journal, all classified notices must be received with payment by Oct. 16, 2020. Check and ad copy should be sent to:
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Commercial litigation attorney with at least two-three years of active litigation experience needed to join the Baton Rouge office. Candidate's litigation experience is not required to have been in commercial litigation. Candidates should have strong academic credentials and excellent communication and writing skills. The position offers a competitive salary and comprehensive benefits. If interested, email a résumé and a writing sample to: careers@bswllp.com.

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Insurance associate. Phelps Dunbar, L.L.P., is seeking an associate for the Insurance and Reinsurance Practice Group in the New Orleans office. The preferred candidate will have one-two years of experience handling complex coverage matters. Litigation experience a plus. Must have strong writing and research skills with excellent academic credentials (top 25% required). Interested candidates should send a cover letter, résumé and

transcript to Sophia Hotard, Ste. 2000, 365 Canal St., New Orleans, LA 70130, or email sophia.hotard@phelps.com.

SERVICES

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Member benefits. The Louisiana State Bar Association works with businesses and service providers to offer a variety of discounted services to our members. The LSBA discount program is not a "daily deals" site. Members are offered permanently negotiated, amazing rates with national and local vendors. For general business, technology or travel discounts, we have you covered. Learn more: www.lsba.org/Members/DiscountBusinessServices.aspx.

Need tech help? The Louisiana State Bar Association's online Tech Center has myriad resources, many of which are relevant in this time of working remotely and relying more than ever on technology-focused business tools. Take advantage of these resources at: www.lsba.org/PracticeManagement/TechCenter.aspx.

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NOTICE

William F. Henderson intends to file a petition seeking reinstatement of his license to practice law in Louisiana. Any person(s) concurring with or opposing this petition must file notice of same within 30 days with the Louisiana Attorney Disciplinary Board, Ste. 310, 2800 Veterans Memorial Blvd., Metairie, LA 70002.

LSBA PUBLICATIONS

Bookings are now open for advertising in the 2021 Expert Witness, Consultant & Legal Services Directory. This annual advertising supplement assists attorneys in obtaining services they require in their day-to-day practices. The directory is mailed with the December/January issue of the *Louisiana Bar Journal* and uploaded to the LSBA's website. The directory offers half-page and full-page color or black/white ads. Early-bird deadline is Sept 2. Download 2021 information or review the 2020 directory at: www.lsba.org/NewsAndPublications/ExpertWitness.aspx.

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ANSWERS for puzzle on page 118.



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A Month Without the Clock

By Scott L. Sternberg

A month without the clock.

As we careen toward phase two, I find myself at a realization that this will never happen again.

In Louisiana, we were hurtling toward Jazz Fest and our legislative session, generally my firm's busiest time of year, when COVID stopped us all in our tracks. Thousands were infected after Mardi Gras and many lost their lives.

Through all of that, and the stress of helping manage a small business, I have been told several times by more senior lawyers I admire that I should cherish this time at home.

In my own ignorance, I played those off. Cherish was a strange word, I thought. People are dying and, for all I know, we could be infected next.

The life of a litigator is one of constant deadlines, moving the docket. If you're doing this job right, there's never a moment with nothing to do. Lots of jobs are like this, but, when I take the day off, I feel a heavy clock ticking.

That clock — deadlines for return of discovery, prescription on a case, for depositions to be completed, or for a case to be settled — is like a great weight hanging over every day, including every vacation, every lazy Sunday and every soccer game. It weighs heavier in slack messages, or texts or calls sent to voice mail.

In March and April, the economy shut down and the Governor ordered legal deadlines suspended. Courts closed. The clock literally stopped ticking. It was a relief I was not prepared for and one I was ashamed to appreciate.

And I began my mornings with coffee and my children. We would watch television, work on their assignments or play. As the work began to slowly rejuvenate, I would attend video status conferences with my son's video games in the background. I watched legislative hearings with my daughters bringing me fake food to eat from their toy kitchen. My wife and I switched off as to who oversaw the crazy kid cabal/school so that we could Zoom one place or another.

My practice is tech-forward, and everyone at my firm relishes the ability to work from anywhere. But for the first time in a long time, I forgot the feel of the clock. Or the weight. I felt other stress, sure, and concern, even despair for the loss of life, including friends and lots of folks I had never met. I felt fear when I left the house and went to the store or forgot to wash my hands. But I



found myself cherishing the time, just like those mentors had said.

It was uninterrupted, non-holiday time. Except for supply runs, we didn't leave for fear of getting sick. We had power, so it wasn't like a hurricane. Our time together went on for weeks but felt like moments.

I know, now that I have lived it and emerged relatively unscathed, that there is unlikely to be any time like this again.

In Louisiana, and around the country, we were so unprepared for COVID that it took weeks for the systems and pace to adjust. Now, with a faint light at the end of the tunnel, no matter when this happens again, I believe it will feel a bit more like we are ready. Like taking off your shoes to get through airport security. There will be bumps in the road, but we will adjust. Because we will have done this before.

In late May, as I packed up some of my home office to move it back to my *actual* office, my 4-year-old daughter asked how long I would be at work that day. She was disappointed she wouldn't be making me "lunch." Just a few hours, I said with a smile. It was bittersweet.

Even with the phase-in, and a prayer for health and a vigorous restart, I knew that it will never be like this again, and so now I am going to appreciate this time for what it was. As lawyers, we are fortunate to practice in a profession that lets us work from everywhere. In the future, I have taken an important lesson from COVID: I will be more cognizant of the clock.



Scott L. Sternberg is the managing partner of Sternberg, Naccari & White, L.L.C., with offices in New Orleans and Baton Rouge. He received a BA degree in journalism from Louisiana State University and his law degree from LSU Paul M. Hebert Law Center. He has served as chair, chair-elect, secretary and District 1 representative on the Louisiana State Bar Association (LSBA) Young Lawyers Division Council. He is currently serving on the LSBA's Board of Governors as a First Board District representative. (scott@snw.law; Ste. 2020, 935 Gravier St., New Orleans, LA 70112)

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