


LOUISIANA BAR JOURNAL

August / September 2023

Volume 71, Number 2



Restorative Justice in Louisiana

Also Inside:

- **When Custom Collides with the Rule of Law: The Gender Disparity Created by Louisiana's Trustee Assignments**
- **LSBA's Practice Assistance and Improvement Program Reaches 25-Year Milestone**
- **Live in Louisiana? You Need a Simple Disaster Plan and Not Just for Hurricanes**

NO SUBSTITUTE



FOR EXPERIENCE

LEGIER



COMPANY

apac

Hire The Experts That Find Obscured Financial Facts.

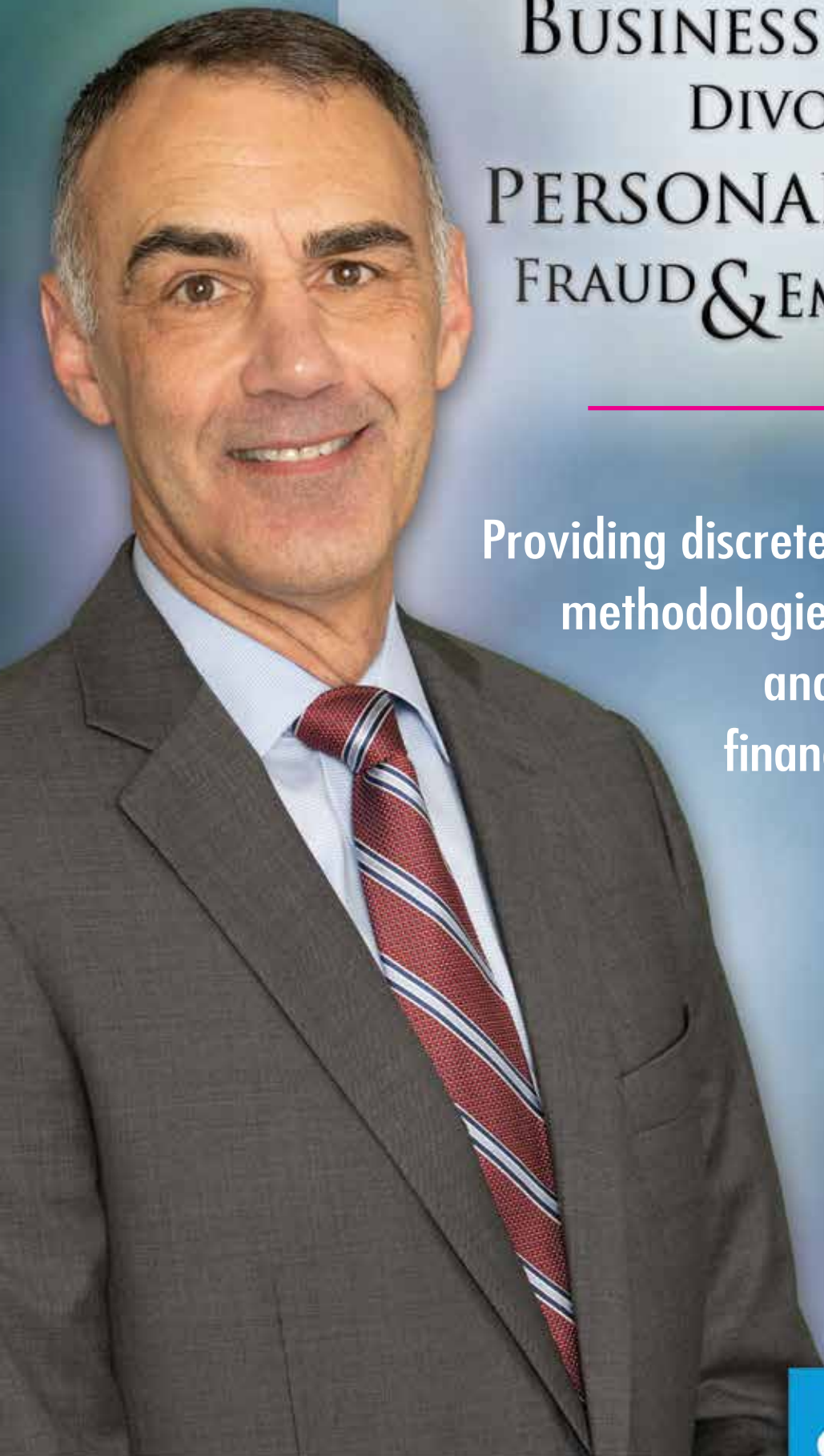
With Legier & Company's Forensic CPAs and Expert Witness Group on your team, you have a substantial advantage. **We find the facts that build and prove stronger cases.**

Expert Testimony • Lost Profits • Fraud • Forensic Accounting • Financial Damages • Business Valuations
Bankruptcies • Shareholder Disputes • Business Interruption • Lost Wages • Corporate Veil Piercing

504-599-8300 • www.legier.com

BUSINESS VALUATION
BUSINESS DAMAGES
DIVORCE
PERSONAL INJURY
FRAUD & EMBEZZLEMENT

Providing discrete and court accepted methodologies to assist attorneys and their clients in any financial litigation matter.



CHAD M.
GARLAND
CPA, LLC

LAWPAY[®]

AN AFFINIPAY SOLUTION



Serving the Public. Serving the Profession.

Member
Benefit
Provider

“I love LawPay! I’m not sure why I waited so long to get it set up.

– Law Firm in Ohio

Trusted by 50,000 law firms, LawPay is a simple, secure solution that allows you to easily accept credit and eCheck payments online, in person, or through your favorite practice management tools.



22% increase in cash flow with online payments



Vetted and approved by all 50 state bars, 70+ local and specialty bars, the ABA, and the ALA



62% of bills sent online are paid in 24 hours

YOUR FIRM LOGO HERE

Trust Payment
IOLTA Deposit

New Case Reference

**** * 9995 ***

TOTAL: \$1,500.00

VISA



POWERED BY
LAWPAY

eCheck

DISCOVER

PAY ATTORNEY

**PAYMENT
RECEIVED**



Get started at
lawpay.com/lspa
866-730-4140

Data based on an average of firm accounts receivables increases using online billing solutions.

LawPay is a registered agent of Synovus Bank, Columbus, GA., and Fifth Third Bank, N.A., Cincinnati, OH.



Departments

Editor's Message 86
President's Message 88
Association Actions..... 114
Practice Management..... 118
Lawyers Assistance 120
Focus on Diversity 122
Puzzle..... 124
Discipline Reports..... 126
Recent Developments 130
Young Lawyers 139
Judicial Notes 140
People 142
News..... 146
Classifieds 150
The Last Word 152

Also Inside

2024 Expert Witness, Consultant and Legal Services Directory 89
SOLACE 124
Special Assistant AG Minimum Qualifications..... 149
Advertisers' Index 151

Features

Restorative Justice in Louisiana
By Kristin M. Wenstrom..... 90

When Custom Collides with the Rule of Law:
The Gender Disparity Created by Louisiana's Trustee Assignments
By Theophile N. Kadia, Gabrielle A. Moore and Victoria I. Shillow..... 94

LSBA's Practice Assistance and Improvement Program Reaches 25-Year Milestone
By Cheri C. Grodsky and William N. King..... 98

Live in Louisiana? You Need a Simple Disaster Plan and Not Just for Hurricanes
By Shawn L. Holahan 102

Recap: 2023 Annual Meeting/ Summer School
Officers Installed; Awards Presented..... 106



90



94



98



102

Officers 2023-24

President

Shayna L. Sonnier • (337)436-1600

President-Elect

Patrick A. Talley, Jr. • (504)289-4289

Secretary

Valerie T. Schexnayder • (504)813-3633

Treasurer

Lawrence J. Centola III • (504)581-9065

Immediate Past President

Stephen I. Dwyer • (504)838-9090

Board of Governors 2023-24

First District

J. Christopher Zainey, Jr. • (504)581-1750

Graham H. Ryan • (504)582-8370

Second District

Jeffrey G. Lagarde • (985)605-0527

Third District

Melanie Chatagnier • (985)492-7268

Fourth District

Adam P. Johnson • (337)433-1414

Fifth District

Carrie LeBlanc Jones • (225)755-7575

Kelly M. Rabalais • (985)898-4131

Sixth District

Charles D. Elliott • (318)704-6511

Seventh District

W. Michael Street • (318)322-9700

Eighth District

Curtis R. Joseph, Jr. • (318)221-6858

Chair, Young Lawyers Division

Senae D. Hall • (318)226-6832

At-Large Members

Blake R. David • (337)233-2323

Jeffrey A. Riggs • (337)326-5777

L. Bradley Hancock • (713)244-6868

Loyola University College of Law

Monica Hof Wallace • (504)861-5670

Southern University Law Center

Donald W. North • (225)505-6714

Louisiana State Law Institute

André Doguet • (337)269-5736

House of Delegates Liaison Chair

Keenan K. Kelly • (318)352-2353

Editorial Staff

Executive Director

Loretta Larsen, CAE

Communications Director

Kelly Wells Ponder

Publications Coordinator/Managing Editor

Darlene M. LaBranche

Communications Coordinator/Graphic Design

Barbara D. Baldwin

Advertising & Communications Coordinator

Krystal Bellanger Rodriguez

Advertising Booking Questions?

Call (504)619-0131.

Editorial Board

▶ Valerie T. Schexnayder

Editor
(504)813-3633

▶ Roy H. (Hal) Odom, Jr.
(318)227-3762

▶ Adreja L.A. Boutté
(830)287-5148

▶ Kelly M. Rabalais
(985)898-5837

▶ Ashley M. Caruso
(225)465-5338

▶ Kimberly R. Silas
(504)702-1719

▶ Stephen I. Dwyer
(504)838-9090

▶ Maggie Trahan Simar
(337)394-6133

▶ Barry H. Grodsky
(504)599-8535

▶ Gail S. Stephenson
(225)771-3779, x 216

▶ C.A. (Hap) Martin III
(318)388-4700

▶ Patrick A. Talley, Jr.
(504)584-9220

▶ John E. McAuliffe, Jr.
(504)388-7710

▶ Joseph T.D. Tran
(504)841-5230

▶ Collin R. Melancon
(504)814-1496

▶ Jarrette J. Tuircuit
(985)359-4646

▶ Meghan Carter Moreau
(504)910-6262

▶ Edward J. Walters, Jr.
(225)236-3636

▶ John H. Musser V
(504)523-0400

▶ Jack K. Whitehead, Jr.
(225)303-8600

The Louisiana Bar Journal (ISSN 0459-8881) is published bimonthly by the Louisiana State Bar Association, 601 St. Charles Avenue, New Orleans, Louisiana 70130. Periodicals postage paid at New Orleans, Louisiana and additional offices. Annual subscription rate: members, \$5, included in dues; nonmembers, \$45 (domestic), \$55 (foreign). Canada Agreement No. PM 41450540. Return undeliverable Canadian addresses to: 4240 Harvester Rd #2, Burlington, ON L7L 0E8.

Postmaster: Send change of address to: Louisiana Bar Journal, 601 St. Charles Avenue, New Orleans, Louisiana 70130.

Subscriber Service: For the fastest service or questions, call Darlene M. LaBranche at (504)619-0112 or (800)421-5722, ext. 112.

DISCLAIMER:

Contributions to the *Louisiana Bar Journal* are welcomed, but the right is reserved to select material to be published. Publication of any article or statement is not to be deemed a statement or an endorsement of the views expressed therein by the LSBA or any member of the LSBA, nor shall publication of any advertisement be considered a statement or an endorsement of the product or service involved by the LSBA or any member of the LSBA. Views expressed are those of the authors and contributors only.

Submissions are welcome and will be considered for publication by the Editorial Board. For submission guidelines, go online at www.lsba.org, click on "Publications," then "Louisiana Bar Journal." Copyright © by Louisiana Bar Journal. All rights reserved. Reproduction in whole or part without permission is prohibited.

Luminary Award Winner

National Association of Bar Executives Communications Section
Excellence in Regular Publications



30TH ANNUAL LOUISIANA STATE BAR ASSOCIATION ADMIRALTY SYMPOSIUM SEPTEMBER 15, 2023 – NEW ORLEANS

Please join respected members of the Bench and Academia along with experienced admiralty practitioners from both sides of the “V” as they provide unique insight into key maritime issues.



Richard Arsenault
Symposium Chair

Richard Arsenault has chaired this symposium since inception. He has been recognized as one of America’s 50 Most Influential Trial Lawyers by Trial Lawyer magazine, nominated for the Trial Lawyer of the Year Award by the Public Justice Foundation, and recognized by the National Law Journal as one of America’s Elite Trial. He has also been an invited lecturer at various law schools including Baylor, Duke, Emory, Tulane, George Washington and LSU where he served on the Trial Advocacy Faculty. Admiralty scholar and LSU Professor Frank L. Maraist remarked that “Richard is one of the outstanding litigators in this part of the world.”

LAST YEAR’S SPEAKERS INCLUDED:



Hon. Jane Triche Milazzo • Hon. Daniel Knowles III (ret.) • Hon. Jay Zainey
Hon. Richard Haik, Sr. (ret.) Hon. Lynn Luker • Hon. John deGravelles • Dean David Meyer
Prof. Martin Davies • Lindsey Cheek • Blake David • Darleen Jacobs • Jeff Tillery • Alan Breaud
Jerome Moroux • Richard Haik, Jr. • J. Christopher Zainey, Jr. • Kenneth Engerrand • Wes Gralapp
Richard Stanley • Peggy Giglio • Leslie Schiff • Craig Morrow • Mike Koch • J. Neale deGravelles
Dustin Carter • Taylor Bassett • J. Michael Veron • Charles Plattsmier • Eric Holland
Dawn Chmielewski • Jeffrey Bassett • Kathryn Munson • Chase Gore • Matthew Crotty



By Valerie T. Schexnayder

Service and Professionalism

Two simple words, but two words that are of great significance to those of us in the legal profession. These words are the aspirations for our members to strive and achieve. There have been numerous articles in our publications focusing on these two words, and we have heard numerous speeches and seminars espousing the virtues of each.

During the past several months, we have witnessed lawyers and judges actively living out these aspirations.

On May 17, the Louisiana State Bar Association (LSBA) held its 38th annual Pro Bono Publico & Children's Law Awards Ceremony at the Louisiana Supreme Court in New Orleans to recognize our members for their service and commitment to the legal profession and access to justice. I want to thank the Louisiana Supreme Court Justices who presided over the ceremony to honor these amazing attorney volunteers. In addition, I want to thank and recognize all the award recipients for their tireless representation of the underserved in our community. (See pages 114-115 for the list of all award recipients.)

I personally know there are many other dedicated attorneys who provide pro bono legal services to our citizens who were not honored at this ceremony. I want to personally thank everyone for providing pro bono legal services to those less fortunate. The LSBA's Access to Justice Program supports and encourages the efforts of dedicated attorneys who provide these services.

As a reminder, the Louisiana Rule of Professional Conduct 6.1 provides the

encouragement for this important work:

Every lawyer should aspire to provide legal services to those unable to pay. A lawyer should aspire to render at least 50 hours of pro bono publico legal services per year. In fulfilling this aspirational goal, the lawyer should: (a) provide a substantial majority of the 50 hours of legal services without fee or expectation of fee to: (1) persons of limited means or (2) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means; and (b) provide any additional services through: (1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate; (2) delivery of legal services at a substantially reduced fee to persons of limited means; or (3) participation in activities for improving the law, legal system or the legal profession.

If you are interested in providing pro bono legal services in your local communities, contact the LSBA's Access to Justice Program or your local legal services provider for more details. Access the LSBA's Access to Justice Program online at: www.lsba.org/ATJ/.

Before and during our recent Annual Meeting, many of our dedicated members provided invaluable services to the LSBA. Kudos to the dedicated members of the Summer School CLE Committee for their hard work over the past year in planning and organizing the event. The CLE seminars on many diverse topics were informative and relevant. This could not be accomplished without the dedicated efforts of our Justices, judges and attorneys who presented the various seminars. Their hard work and dedication in providing top-notch CLE programming are truly appreciated by the members.

There is always room for you. If you are interested in serving the LSBA, volunteer for a committee. Review the committee list on the LSBA's website and find one that aligns with your interests. Go to: www.lsba.org/BarGovernance/Committees.aspx.

Service to your LSBA and your community can reap rewards. You will meet wonderful people and you will make a difference!

Valerie T. Schexnayder

NEW YORK, NEW YORK

SAVE THE DATES FOR A MULTI-TOPIC CLE SEMINAR

NOV. 18-21, 2023

INTERCONTINENTAL
NEW YORK TIMES SQUARE

New York is...

Kid Friendly

Great sightseeing

Museums and Galleries

World Class Music and Broadway Shows

Radio City Music Hall's Christmas Extravaganza

Festivals and Street Fairs

Macy's Thanksgiving Parade

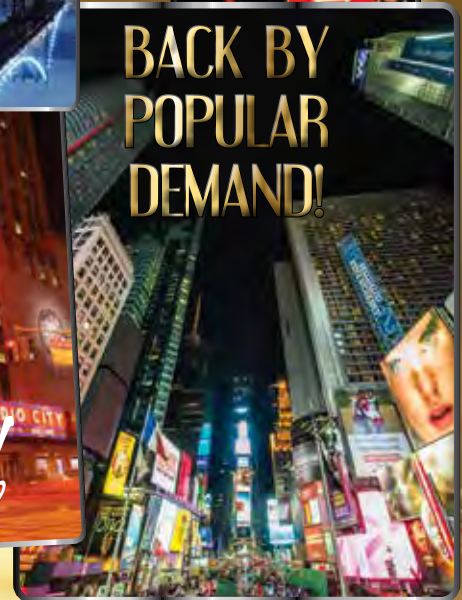
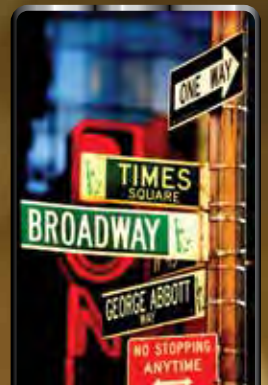
Awesome Dining

Spectacular Shopping

NEW YORK CITY
HAS IT ALL!

Experience it again!

BACK BY
POPULAR
DEMAND!



Visit for more information: www.lsba.org/cle



By Shayna L. Sonnier

Installation Message: It's All About Service

(Editor's Note: Excerpts from the June 8 Installation Speech delivered by 2023-24 Louisiana State Bar Association President Shayna L. Sonnier.)

What we do is all about service.

I am the 83rd president of the Louisiana State Bar Association. I'm one of 83. This title and this role are so much bigger than the person who holds it. It's something that I know, and that all of the previous presidents before me knew. This position is all about serving our members and our profession. Every single person who spoke to you today, every single person who was sworn in today, their entire goal, their entire objective is to serve the membership of the profession and thereby serve the public by increasing access to justice and by making sure that attorneys are at their best and have the resources that they need in order to perform at their best for their clients. We're ready to serve and ready to lead.

As lawyers, what we do truly matters. This profession gives us the opportunity to be successful and to live great lives, but it also gives us an opportunity to truly give back. It's not like someone ever wants to come and see us. They come to us because they need us, and we're in a unique position to help them through whatever it is they're going through. I think we always need to keep that thought in the forefront of our practices. Again, this is all about service.

I serve as president for one year. When outgoing LSBA President Steve Dwyer and I attended the ABA Bar Leadership Institute, a conference to help prepare future bar presidents, one of the presenters pointed out to us, "You know, you get that title and you're going to start getting invitations and you're going to have people coming up to you out of nowhere like you are special. You're not. That's all going to go away.



And you need to remember that." I feel truly blessed to hold this position for this one year to serve my members and to serve my profession, and I'm going to do the best that I can with it.

I also want to encourage you to reach out to me. I'm all about collaboration. I am all about feedback (but keep it constructive, please). I'm not someone who comes in thinking this is the way we've always done it, so this is the way it should continue to be done. I am not afraid of trying new things. I look forward to meeting and working with everyone. I want you to reach out and let me know where you think we can improve, where you think we need to grow. Keep me serving you because that is the entire reason that I'm here. If there is any person who was sworn in today who isn't ready to serve, then, we'll have a conversation. But I know that they all are on the same page so I am not worried. We're going to hit the ground running. We're going to do a great job. We have a great framework from which to do that as we've had presidents who have come before who have worked hard and created a strong foundation. We will build upon that foundation to keep us going in the right direction and keep climbing higher.

I'm so excited to be working with Young Lawyers Division Chair Senae Hall, the Young Lawyers Council and all of the young lawyers. As a past chair of the YLD, young

lawyers hold a special place for me. There are so many past YLD chairs and past Council members who are now on the Board of Governors. Steve Dwyer said that the young lawyers are our future leaders and he truly meant it because many of you are already achieving those goals. I encourage all young lawyers to keep doing what you're doing and to allow us to work with you and assist you.

I'm the sixth woman president of the LSBA and I want to point out that the last three LSBA presidents from District 3 have all been women — Alaina Mire prior to me and, before her, Dona Kay Renegar, both excellent leaders and past YLD chairs. I don't want you to ever feel discouraged or that you can't continue just because your term ends. This is not where it stops because you need to get involved and stay involved.

With that, I want to thank you all for attending the Annual Meeting and Summer School. We've had a great turnout and we've had great programming.

Feel free to find me, call me, email me, text me, but don't do voice memos because I have an Android so I probably won't get it for several days, if at all. Reach out to me in whatever way you can. I am looking forward to this year and I thank you for allowing me to be your president.

Shayna L. Sonnier

2024 EXPERT WITNESS, CONSULTANT AND LEGAL SERVICES DIRECTORY

The Louisiana State Bar Association is publishing its Expert Witness, Consultant and Legal Services Directory. The supplement to the *Louisiana Bar Journal* will be printed separately and shrink-wrapped for mailing with the December 2023/January 2024 *Louisiana Bar Journal*. The directory is published annually, guaranteeing a year's worth of exposure in print and on the LSBA Web site.

FREE
text listing in December
Louisiana Bar Journal
Service
Directory

\$85
Added
Value!

Act Now!

- ▶ Reach 21,000+ practicing attorneys
- ▶ Listings indexed **THREE** ways:
alphabetical, geographical & by category
- ▶ View last year's publication at
www.lsba.org/expertwitness



Technical Details

- ▶ **Publication size:** 8 1/2 inches wide x 10 7/8 inches tall
1/2-page display ad 3.5 inches wide x 9.5 inches tall
1/2-page CV ad 300 words max, not including contact info
Full-page display ad 7.25 inches wide x 9.5 inches tall (no bleeds!)
Full-page CV ad 600 words max, not including contact info
- ▶ Display ads must be provided camera-ready in PDF format.
- ▶ For text/CV ads, supply text in an editable word-processing format.
- ▶ For CV ads, submit original or digital headshot photos separately from the text, in .jpg or .tif format (high-resolution digital photos of at least 300 dpi work best).
- ▶ E-mail or mail ads on a disk to the addresses provided below.
- ▶ **DON'T FORGET TO PROVIDE YOUR 5 INDEXING CATEGORIES.**

Contact Info, Deadlines & Pricing

To reserve space in the directory, mail and/or e-mail your display ad or text listing/photo, contact Krystal Bellanger Rodriguez via email at kbellanger@lsba.org and mail check (payable to the Louisiana State Bar Association) to:


Communications Assistant Krystal Bellanger Rodriguez
Louisiana State Bar Association, 601 St. Charles Ave., New Orleans, LA 70130-3404

If you prefer to charge your listing (Visa, Mastercard or Discover only), please call (504)619-0131 or (800)421-5722, ext. 131.

	Early Bird Deadline Sept. 1, 2023	Final Deadline Oct. 18, 2023
1/2-page, black & white	\$425	\$525
1/2-page, color	\$475	\$785
Full-page, black & white	\$750	\$925
Full-page, color	\$850	\$1160

EARLY-BIRD SPECIAL!
Book your ad by Sept. 1
& add **FULL** color for only
\$100/Full page or \$50/Half page
Contact Krystal for details!

FOR MORE INFORMATION, VISIT www.lsba.org/expertwitness



Restorative Justice in Louisiana

By Kristin M. Wenstrom

Restorative justice is a means to address wrongdoing.

It can be used as an alternative to, or in conjunction with, the traditional justice system. Restorative justice is based on three principles. First, it focuses on the harm done to people and communities. Second, it acknowledges that harm results in obligations and emphasizes accountability and responsibility by whoever caused the harm. Unlike in the legal system where accountability is often in the form of punishment, in a restorative justice model, it means that the responsible parties must understand the full consequences of their behavior and that they have an obligation to repair the harm, as much as that is possible, both concretely and symbolically. Third, restorative justice promotes engagement and participation by those who were harmed and those who caused the harm. This often occurs in a facilitated face-to-face encounter that is preceded by screening and preparation.¹

This dialogue is an opportunity for the offender to be held accountable to the person harmed and to take responsibility for that harm. It allows victims to ask questions directly of the person who caused the harm. A restorative justice conference also may result in an agreement that the victim receive some form of restitution for the wrongs suffered. Restitution may be monetary or a service performed by the responsible party. Although full restitution may be impossible, victims often find that even partial restitution is symbolically important. Victims who participated in a face-to-face encounter were more likely to be satisfied with the justice process (79%) compared to similar victims who only go through the traditional legal system (57%). Victims who participated in this type of conference expressed feelings of empowerment in the justice process and

emotional healing. Notwithstanding the positive outcomes, there are also risks. Victims may be retraumatized by what they learn or disappointed in how the offender responds to what they say.²

As for offenders, a dialogue provides them with a better understanding of the implications of their offense. It also gives them the opportunity to express their remorse directly to the person harmed, make restitution and “put things right.” A victim-offender conference encourages offenders to take an active role in their future instead of passively responding to decisions made for them. It also gives offenders the opportunity to show they are more than the crime they committed — they are not “monsters,” but rather humans, too. This process is challenging for offenders as well. A restorative dialogue breaks down any cognitive distance they may have created between themselves and the harm they committed. They must sit and listen to the pain the victims suffered as a result of their actions. This experience can be more difficult than sitting in a courtroom without having a direct conversation with the victim. That said, despite the challenges, 91 percent of offenders expressed satisfaction with the facilitated conversation process.³

Restorative justice is not employed widely in Louisiana, but this article explores three programs that use this model. Perhaps with more knowledge and awareness about this framework for justice, new programs will be developed in Louisiana.

Center for Restorative Approaches⁴

The Center for Restorative Approaches (CRA)⁵ is a non-profit, community-based organization doing restorative justice work in the New Orleans area. The organization promotes not just accountability and repair within relationships, but also building and nurturing communities. CRA is the only community-based organization doing restorative justice work in Louisiana.

In 2008, CRA began by bringing restorative approaches to the charter school

system in New Orleans. The schools involved simultaneously lowered their suspension rate and incidents of violence by 40% to 50%. CRA also consults with workplaces to provide a one-time training on restorative approaches or to implement a formal restorative policy within the organization.

CRA is partnering with a national organization, Impact Justice,⁶ to bring restorative justice policies into prosecutors’ offices. CRA is currently in conversation with the Orleans Parish District Attorney’s Office about how to bring restorative approaches into juvenile diversion cases in New Orleans. Research has shown that restorative work is more beneficial when it is facilitated by an organization with ties to the community than when it is managed by an office within the criminal legal system. Therefore, CRA’s involvement is essential for its success. CRA also worked with the Jefferson Parish District Attorney’s Juvenile Diversion office to establish the use of restorative practices within the Jefferson Parish School System. The stated goal was to reduce suspensions, expulsions and arrests. (This program is discussed in more detail below.)

While CRA’s focus has been primarily on youth, the organization has worked on a handful of cases in the adult legal system. However, restorative work in that realm is more difficult because it is, by definition, punitive, whereas the juvenile system is rehabilitative. For the restorative process to succeed, there must be “buy in” from prosecutors. Impact Justice promotes, and prosecutors nationwide have accepted, memoranda of understanding between community-based organizations and prosecutor’s offices that include confidentiality within the restorative conference and outline what information from these meetings is shared with the district attorney’s office. These boundaries allow for vulnerability and trust-building within the process. District attorneys who are interested in adding a restorative justice approach to their “tool kits” to address crime within their communities should contact CRA.

Jefferson Parish District Attorney's Juvenile Diversion Program⁷

In Jefferson Parish, when a child is accused of committing certain offenses, the case may be referred to the diversion program.⁸ If the offense involves harmed persons, the restorative justice coordinator reaches out to them to see if they are interested in participating in a community conference. If so, the coordinator then contacts the accused youths to determine whether they accept responsibility for the offense and would like to join the conference. After a few more in-depth conversations with the affected individuals, the coordinator organizes a conversation between the parties and their supporters at an agreed-upon location in the community.

The community conference is a facilitated, structured conversation that occurs between those harmed by the offense and the youths who committed the offense. The basic format is that the youth speaks first, then those harmed speak, then the community speaks, and then the youth responds to what was heard. The participants discuss what they want to come out of the conference. Often this is an agreement about how the youths can attempt to repair the harm they caused. After the conference is completed, the restorative justice coordinator monitors the progress of the youth's adherence to the agreement.

Victims benefit from the program because it provides an opportunity for them to get answers to their questions: Why did you do this? Why did you do this *to me*? Am I safe? Will you do this again? Victims appreciate that the youths who caused the harm accept responsibility for their actions, provides accountability and begins to demonstrate meaningful change that is not as observable in the traditional juvenile legal process. The juvenile diversion office has found that the accused youths also are grateful to participate in the program. They and their parents feel like they have some control over the process. They appreciate being able to do something to repair

the harm rather than just being punished. However, for many youths who have caused harm, admitting to the offense, expressing remorse, being held accountable, and then doing the repair work are more difficult than many traditional punishments that avoid the emotional aspects of the harm they caused. When they just "do the time" (in custody/probation) or even complete tasks within a diversion plan, they do not have to answer to those who were harmed or understand the full consequences of the pain they caused. Under the adopted restorative justice project, the community conference seeks to improve and correct behavior going forward and make lasting changes through these sometimes uncomfortable dialogues.

Department of Corrections Accountability Letter and Victim- Offender Dialogue Programs

The Department of Corrections has two programs in the restorative justice style — the accountability letter program and the victim-offender dialogue. Accountability letters are written by inmates in an attempt to communicate remorse and acknowledge the pain they caused by committing the offense. The inmates take a course in prison to help them understand a victim's perspective and then to write a letter to those they harmed. In the letters, the inmate admits committing the crime, recognizes the harm done to the victim/survivor, and expresses regret for the pain caused. The letters cannot be a means to ask for forgiveness or make excuses for the crime. When the letters are completed, they are stored in the accountability letter bank at the Crime Victim's Services Bureau Office. The letters are only provided to victims at their request and the inmates will not know if the victim requested to view the letter.⁹

The Victim-Offender Dialogue (VOD) Program involves more interaction between the inmate and the victim/survivor. After extensive preparation by all involved, this program culminates in a carefully prepared and facilitated face-

to-face meeting between the victim of the crime and the person who committed the crime. There is no single purpose to the meeting, but many victims have questions that are left unanswered through the criminal justice system process. They may tell the inmate about how the crime affected them and the harm it caused. They may seek assurance that the offender will never hurt anyone else.

The VOD process begins when a victim/survivor contacts the Victim Services Bureau and expresses a desire to participate. Two trained facilitators are assigned to the case and those facilitators have a series of separate meetings with the victim and inmate, a process which takes about a year. If and when the facilitators feel each side is prepared to meet in person and both sides are willing, the facilitated face-to-face meeting occurs at the prison. Below is a story of one man's experience with the VOD Program.¹⁰

Don Allison's Story

Don Allison¹¹ was leaving his office late one night in 1996. As he walked toward his car, a man jumped out of the bushes and put a gun in Don's face. Don handed over his wallet and keys and felt a wave of relief as the man began to walk away. Just then, the man returned and fired a shot, barely missing Don as he dove into the bushes. Again, Don thought he escaped harm as the man made his way toward his car, but he came back and fired another shot into the bushes before finally leaving. This time, Don was hit. The bullet traveled through his thigh and into his calf.

The man who shot Don, Marcus Cheffen, was caught and confessed to police, but pled not guilty. After a trial, Marcus was convicted of two counts of attempted second-degree murder and one count of armed robbery and sentenced to a total of 95 years imprisonment. Don was told that, even with good time, he would not be released for 47 and a half years. Don closed this chapter of his life and moved on with the peace of mind that Marcus would not be able to hurt anyone else.

But that ended in 2016 when Don received a call and learned that Marcus was up for parole due to a change in the law. At the parole hearing in July 2016, Marcus made a statement about being rehabilitated in prison. He was remorseful for what he had done to Don and he claimed he was no longer a threat to society. However, this had no effect on Don's opposition to his release and Marcus's parole was denied.

After the hearing, Don wondered whether he did the right thing by opposing Marcus's release. Don admitted that Marcus had told a compelling story of rehabilitation, but he assumed it was not true and Marcus was just a good actor. Yet, Don remained curious about Marcus — what kind of a person was he now? Don spoke with Gail Guerin, director of the Crime Victims Services Bureau within the Department of Corrections, and was frustrated to learn he could not simply visit Marcus in prison. Gail pointed Don to the Victim Offender Dialogue Program. Subsequently, Don was contacted by two VOD facilitators who met with him to hear his questions and concerns about Marcus. About a month later, the facilitators met with Marcus to see if he was interested in participating in a dialogue with Don. Marcus agreed. The facilitators carried on these back-and-forth meetings and, eventually, reported to Don their belief that Marcus was sincere in his remorse and rehabilitation.

These meetings continued through 2018. During this time, Don began taking theology classes and learning more about forgiveness as part of his training to become a deacon in the Catholic Church. At the start of the VOD process, Don was only interested in figuring out what his position would be at the next parole hearing, but now he was considering forgiving Marcus. Yet, Don still felt like he needed more information to make that decision. For that, he turned to Andrew Hundley, director of the Louisiana Parole Project (LPP).¹² Andrew spent two decades in prison himself and now runs a successful organization supporting prisoners through the parole process and upon release. After meeting with Marcus,

Andrew felt that he was genuine in his remorse and rehabilitation and LPP accepted him as a client.

With that assurance, Don was prepared to meet with Marcus. In August 2019, Don, his wife and two daughters drove to Dixon Prison to meet with the man who had tried to kill him two decades prior. Needless to say, it was an emotional meeting with many tears shed. Don prepared a list of questions that he asked Marcus that morning. Marcus's only expectation was that he would have a chance to apologize to Don, face-to-face. So, when Don accepted his apology and then told him he forgave him, Marcus was overcome with emotion. During the lunch break, Don decided that, based on what he had seen that morning, he wanted to support Marcus's next bid for parole. Don had considered it before the dialogue but could not feel confident that Marcus was genuine until he met with him in person. At that meeting, Don saw that Marcus, now in his 50s, was no longer the 24-year-old who shot him. He was a different person who was no longer a danger to others and deserved a second chance on freedom. That afternoon, Don revealed to Marcus his plan to help him be released on parole as soon as possible.

Marcus's second parole hearing was in February 2020. This time, Don wrote a letter to the parole board expressing his support for Marcus's release. Don also testified at the hearing. The board voted in favor of Marcus being granted parole and he was released into LPP's transitional housing a few days later. Since then, Don and Marcus have remained close — they speak on the phone regularly and meet occasionally for lunch.

Don and Marcus are extraordinary men, but they are not unique. While even Don warns it is not appropriate for everyone, VOD provides a mechanism for connection and healing that is not available through any other means.

Conclusion

The programs described in this article demonstrate how a restorative approach can support crime victims and survivors,

promote true accountability and growth for those who commit crimes, and create safer communities overall. Despite these benefits, restorative justice programs are rare in this state. Stakeholders in Louisiana's criminal legal system should consider incorporating restorative approaches into how they address crime in their communities.

FOOTNOTES

1. Howard Zehr, *The Big Book of Restorative Justice*, pp. 33-39 (Good Books 2015).
2. Zehr, *supra* n. 1, pp. 178-80.
3. Zehr, *supra* n. 1, pp. 180-82.
4. Interview with Troi Bechet and Kai Werder, Oct. 18, 2022, on file with author.
5. www.theecra.net/.
6. The Restorative Justice Project at Impact Justice aids in the expansion of restorative justice diversion programs nationwide through direct training, technical assistance and the development of its National Training and Innovation Center. The organization supports partners across the country to develop restorative justice programs in their communities. See, <https://impactjustice.org/>.
7. Interview with Blake Bascle, Marguerite M. Tyson and Douglas Rushton, Oct. 17, 2022, on file with author.
8. A diversion program addresses the offense committed without engaging the full criminal legal process. If an offender completes certain tasks and activities, the charges may be dismissed by the district attorney.
9. Interview with Francis Abbott, July 9, 2022; see also, "Facts about Accountability Letter Program" brochure, available at <https://s32082.pcdn.co/wp-content/uploads/2019/08/accountability.letter.program.brochure.pdf>.
10. Interview with Francis Abbott, July 9, 2022; see also, "Victim-Offender Dialogue" available at: <https://s32082.pcdn.co/wp-content/uploads/2019/08/VOD-Flyer-December-2015.pdf>.
11. Interview with Don Allison, Oct. 31, 2022, and Nov. 14, 2022, on file with author.
12. www.paroleproject.org/.

Kristin M. Wenstrom is a senior research attorney at the Louisiana Supreme Court. Before working at the Court, she was a lawyer at Innocence Project New Orleans and the Louisiana Center for Children's Rights. She received her BA degree from New York University and her JD degree from Tulane Law School. (kwenstrom@lasc.org; 400 Royal St., New Orleans, LA 70130)



WHEN CUSTOM COLLIDES WITH THE RULE OF LAW:

The Gender Disparity Created by Louisiana's Trustee Assignments

By Theophile N. Kadia, Gabrielle A. Moore and Victoria I. Shillow



While there are many things that make Louisiana's legal system unique, the rule of law is not one of them. The rule of law is a principle that holds all persons, including the government, accountable to the law. It ensures that the law is applied equally and gives no preference to any group or individual. Most importantly, the rule of law requires the law to be known and accessible to all. Even with our civil law tradition, we yield to virtues of the rule of law.

In Louisiana, the rule of law provides for two sources of law — legislation and custom.¹ Legislation, the solemn expression of legislative will, is easy to recognize because it is publicly debated and ultimately recorded in codes and on websites. Custom is as prominent in Louisiana's legal landscape as legislation, but it has a much more clandestine existence. Custom results from practice repeated for a long time and is generally accepted as having acquired the force of law.² In the absence of legislation, custom is controlling.³

Custom is not some ornamental fixture in law. It has settled legal disputes before. In *Welcker v. Welcker*, a former husband sued seeking injunctive relief to prohibit his divorced wife from using his surname.⁴ Because no express legislation existed to resolve this issue, the court turned to custom to equitably decide the case. The court found that it was customary for divorced women to be known by a combination of their Christian name, their family surname and their former husband's surname. This practice was generally acknowledged and accepted. Accordingly, the court held that the dissolution of marriage by divorce did not form a basis for the former husband's injunctive relief to prevent his former wife from using his last name. Thus, with custom and without legislation, the former wife could continue using her former husband's surname.

In *International River Center v. Kogos*, a hotel sued the bride to recover the unpaid balance of a wedding reception.⁵ The bride filed a peremptory exception of no right or cause of action, stating that the goods and services were contracted by her parents, suggesting she should

escape liability. Moreover, the bride contended that it was a common custom for the parents of the bride to pay for the wedding reception. In absence of express legislation, the court used custom to guide its decision, ultimately deciding that the bride's parents were liable for the costs of the reception.

But is there evidence of custom being used beyond judicial opinions? We conclude that there is.

As an extension of lessons on gender disparities and systemic discrimination, Professor Angela Allen-Bell assigned certain topics to students in her "Law and Racism" class at Southern University Law Center for further investigation. The students were asked to determine whether only justice-impacted males are allowed to act as trustees at certain governmental buildings, such as the State Capitol and the Governor's Mansion.⁶ If so, was it the result of legislation or custom? It was easily determined that no rule or law mandated these assignments, but, through interviews with a range of credible sources and through document reviews, it was confirmed that the practice exists. It was determined that the male trustees act as cooks, janitors and assistants while on these governmental properties. Meanwhile, justice-impacted women are largely relegated to tasks on the grounds of the women's prison, such as cooking, cleaning, doing laundry or maintaining the grounds. The investigation revealed this to be a consistent practice over a long period of time.

While the state Constitution expressly says that no law shall arbitrarily, capriciously or unreasonably discriminate against a person because of sex, and that every person shall be free from arbitrary, capricious or unreasonable discrimination based on sex in access to public areas, accommodations and facilities, this custom, which appears to discriminate against women, exists in plain sight.⁷

This practice disadvantages Louisiana's justice-impacted women. Louisiana's justice-impacted women are often mothers, grandmothers, wives, sisters and/or caregivers.⁸ Parole and pardons provide the pathway for them to return to those who need them. A male with references from governors, elected officials

or state actors is inherently advantaged before the parole or pardon board. Another consideration that is persuasive before a pardon or parole board is a person's ability to sustain himself or herself post-release. These assignments offer a justice-impacted person the opportunity to maintain social skills needed to re-enter society. All of this is at stake each time this custom continues.

Gloria (Mama Glo) Williams became known as the longest-serving female inmate in the state and the entire country. After 51 years in prison, the 76-year-old was granted parole in 2022. Perhaps Mama Glo would have seen freedom sooner if gender equality were practiced and not just written. She entered prison as a 25-year-old wife and mother of five. She was convicted and sentenced to life in prison in 1971, along with two other codefendants, for the murder of a shopkeeper in Opelousas, La. Williams' male codefendant was able to obtain a pardon in 1977 after working in the Governor's Mansion as a personal cook for Gov. Edwin Edwards. Mama Glo was never able to obtain such a position.

Louisiana's women lack the advantage these types of references present. As they fail to earn release through pardon or parole, they suffer, but so does the state. This custom contributes to mass incarceration by creating obstacles to the release of women who are not a threat to public safety. This means Louisiana's tax dollars are used to unnecessarily warehouse people instead of sustaining schools and roads and providing services that the public needs.

Moreover, this custom possibly conflicts with state and federal laws that do not allow state actors to engage in gender discrimination while acting under the color of law. Additionally, this custom undermines the rule of law and, in doing so, contributes to social unrest. Some officials offered fears of sexual abuse, sexual exploitation or sexual deviance as reasoning for limiting the justice-impacted women to the grounds of the prison and not giving them access to governmental buildings. The fear appears to arise from the thought that these women lack power to resist the powerful free person in these scenarios, or they hold

the power to entice a free person into a sexual tryst. This may be true, but just as true as when they are behind bars.

Statistics establish a high incidence of sexual or gender exploitation of female inmates at the hands of those employed inside correctional facilities.⁹ They can also be harmed by other justice-impacted persons. In 2022, a transgender female inmate impregnated two fellow inmates in a women's prison in New Jersey.¹⁰ Furthermore, male trustees can become involved in offenses of a sexual nature as they fulfill their trustee duties. In 2018, a Rapides Parish trustee was caught in the parish courthouse having intercourse with a courthouse employee.¹¹ Additionally, in 2012, a Louisiana trustee admitted to impregnating an 11-year-old girl while out on assignment.¹²

Instead of making gender inequality and gender disparity a custom, the better practice would be to make equity a custom. State officials could fashion a trustee policy that treats all justice-impacted people comparably, particularly considering Louisiana's status as the mass incarceration capital. That policy should properly vet potential trustees, strongly consider risks associated with assignments, attempt to mitigate or prevent them, and hold individual violators accountable. Until then, justice-impacted women will remain prisoners to custom, as the rule of law sits in the guard tower looking down with disapproval.

FOOTNOTES

1. La. Civ. C. arts. 1-2.
2. La. Civ. C. art. 3.
3. La. Civ. C. art. 4.
4. *See*, Welcker v. Welcker, 342 So.2d 251, 253 (La. App. 4 Cir. 1977), writ denied sub nom. Welker v. Little, 343 So.2d 1077 (La. 1977).
5. *See*, Int'l River Ctr. v. Kogos, 516 So.2d 1327, 1329 (La. App. 4 Cir. 1987).
6. This does not suggest all justice-impacted men are assigned to these buildings. It suggests it is an option for some men, but never an option for women.
7. La. Const. art. I, §§ 3, 12.
8. The Global Role of Women, Global Volunteers, <https://globalvolunteers.org/global-role-of-women> (last visited on Nov. 25, 2022).
9. *See*, e.g., Allen J. Beck and Ramona R. Rantala, Sexual Victimization Reported by Adult Correctional Authorities, 2009-11 (2014), Bur. Justice Statistics ("In 2011, correctional administrators reported 8,763 allegations of sexual victimization in prisons, jails and other adult correctional facilities. About half (51%) involved allegations of nonconsensual sexual acts or abusive sexual contacts of inmates with other inmates, and half (49%) involved staff sexual misconduct or sexual harassment directed toward inmates."); Stacy M. Brown, "Senate Finds Employee-on-Inmate Sex Abuse in Federal Prisons," Wash. Informer, www.washingtoninformer.com/senate-finds-employee-on-inmate-sex-abuse-in-federal-prisons/ (Dec. 21, 2022) ("Brenda V. Smith, a law professor at the American University's Washington College of Law, said women in every penal system in the United States, including the federal system, have experienced . . . physical and sexual abuse.");
10. Tat Bellamy Walker, "N.J. trans prisoner who impregnated 2 inmates transferred to men's facility," www.nbcnews.com/nbc-out/out-news/nj-trans-prisoner-impregnated-2-inmates-transferred-mens-facility-rcna38947 (last accessed Dec. 3, 2022).
11. KLFY 10 News. "Rapides Parish trustee, woman caught having sex in courthouse," www.klfy.com/top-stories-news/rapides-parish-trustee-woman-caught-having-sex-in-courthouse/

woman-caught-having-sex-in-courthouse/ (last accessed Nov. 26, 2022).

12. "Louisiana Trustee Impregnates 11-Year-Old," Prison Legal News. www.prisonlegalnews.org/news/2012/may/15/louisiana-trustee-impregnates-11-year-old-trustee-program-cancelled/ (last accessed Nov. 26, 2022).

Theophile N. Kadia is a 2023 JD candidate at Southern University Law Center and a Pro Bono Project intern at the Baton Rouge Bar Foundation. He is secretary of the Health Law Society and a research assistant for immigration law. (theophile.kadia@sulc.edu)



Gabrielle A. Moore is a 2023 JD candidate at Southern University Law Center. She is the SULC 3L Class president and an active member on the Board of Student Advisors, the Community Service Committee and the Wellness Committee. (gabrielle.moore01@sulc.edu)



Victoria I. Shillow is a 2023 JD candidate at Southern University Law Center. She is a member of the Black Law Students Association, the Tureaud Chapter of Phi Alpha Delta Law Fraternity International and the SULC Juvenile Law Clinic, and a law clerk at the Louisiana Department of Transportation and Development. (victoria.shillow@sulc.edu)



Become a Signatory

to the LSBA Statement of Diversity Principles

**For more information or to view the statement online, visit
www.lsba.org/Diversity/DiversityPrinciples.aspx**



43%

of small businesses get targeted for cyber attacks.

Source: Verizon 2019 Data Breach Investigations Report

STRIKE FIRST

Protect yourself with Gilsbar's Cyber Liability Insurance

Claims Frequency

Cyber attacks and losses are constant.

Business Security

Business is moving online - your insurance protection should move, too.

Right-Sized Insurance

Our specialist work with you to make sure your coverage matches your exposure and protection requirements.



GILSBAR

For protection you deserve go to gilsbar.com/getquote



LSBA's Practice Assistance and Improvement Program Reaches 25-Year Milestone

By Cheri C. Grodsky and William N. King

The Louisiana State Bar Association's (LSBA) Practice Assistance and Improvement Program is recognizing its 25-year milestone and continuing its mission to help Louisiana lawyers navigate their practices successfully, efficiently and ethically.

In June 1997, the LSBA's Practice Assistance and Improvement Committee (an LSBA standing committee) was formed to evaluate and formulate alternatives-to-discipline programs to address minor lawyer misconduct and assist members of the profession to increase their practical knowledge of legal ethics, client relations and law practice management.

The Supreme Court amended the Rules for Lawyer Disciplinary Enforcement (Rule XIX of the Louisiana Supreme Court Rules) by order dated Aug. 3, 1998, to allow for the referral of matters by disciplinary counsel to two approved programs — the Attorney-Client Assistance

“ Law schools have traditionally done a great job teaching future lawyers the principles of law, but not a particularly good job of how to practice law. When a lawyer's shortcomings reflect the need to brush up on the business of practicing law, in some instances discipline may not be the best answer. The LSBA's Practice Assistance and Improvement Program was born of the desire to steer appropriate cases away from the disciplinary system and into a well-run, meaningful program designed to educate and support the lawyer whose efforts have fallen short. The LSBA has proven to be a worthy and effective partner in achieving this goal and helping countless good men and women become better lawyers. ”

—Charles B. Plattsmier
Chief Disciplinary Counsel, Office of the Disciplinary Counsel

Program and the Diversion Program. The LSBA implemented the two programs in September 1998. The referral of matters to the two programs is discretionary. Louisiana Supreme Court Rule XIX, Section 32 provides:

Disciplinary Counsel may refer matters involving lesser misconduct to alternatives-to-discipline programs administered by the Louisiana State Bar Association and approved by the Supreme Court. Such programs may include, in addition to the lawyer/client fee arbitration program and the lawyer assistance program, arbitration, mediation, law office management assistance, psychological counseling, continuing legal education and ethics school.

Attorney-Client Assistance Program

The Attorney-Client Assistance Program is voluntary and aimed at facilitating the prompt resolution of referrals from the Office of Disciplinary Counsel involving lesser misconduct complaints or relational disputes not rising to a level of ethical violations. This program was created to resolve matters referred by disciplinary counsel to the satisfaction of lawyers and clients through brief facilitation outside of the disciplinary process. An attorney referred to the Attorney-Client Assistance Program is sent a notice of the referral via email or letter along with a request to sign a participation agreement within three business days. The program is intended to provide prompt facilitation. If an attorney chooses not to participate in the Attorney-Client Assistance Program in connection with a minor misconduct complaint, the matter will be referred back to the disciplinary counsel for further action. Lawyers have been enthusiastic about participating in this alternative-to-discipline program and matters are resolved more than 85% of the time without the need for a formal investigation.

Diversion Program

The Diversion Program allows lawyers who are guilty of minor breaches of the Rules of Professional Conduct to be diverted from the disciplinary process to an education/monitoring program. Diversions are not public record. Pursuant to Louisiana Supreme Court Rule XIX, Section 10A(9), diversions may be offered by the disciplinary counsel for minor breaches of the Rules of Professional Conduct. Diversion is offered in minor misconduct cases when there is little or no injury to the public, the profession or the legal system. Prior diversions and disciplinary history are factors considered in offering diversion. Minor offenses may include:

- 1) minor neglect or lack of diligence where the representation spans a relatively brief period, there is no pattern of neglect, and minimal, if any, harm to the client;
- 2) failure to return a client's files or



It is hard to believe that the Practice Assistance and Improvement Program (PAIP) is 25 years old. I am proud to have been invited to work with Marta-Ann Schnabel to get PAIP off the ground and to collaborate with the LSBA staff and Chuck Plattsmier of the Office of Disciplinary Counsel to develop the "alternatives to discipline" program. Perhaps our smartest decision was to recommend hiring Cheri Grodsky to lead the program staff. Congratulations to Cheri and her entire team on this 25th anniversary. Also, congratulations to the program participants who have benefitted from their efforts and gone on to provide exemplary services to their clients and the Bar.



—Wayne J. Lee

2003-04 President, Louisiana State Bar Association

documents entrusted to the attorney by the client;

3) failure to adequately communicate with the client;

4) minor commingling (without any evidence of conversion) due to poor law office management and a lack of understanding of the basic trust accounting principles;

5) minor conflicts of interest where there is no evidence of harm; and

6) minor failure to supervise attorney and non-attorney employees.

Per the procedures, the disciplinary counsel will notify the respondent in writing of the opportunity to be diverted. Participation in the Diversion Program is voluntary and lawyers who are offered and agree to diversion are required to sign a formal contract outlining the terms and conditions of diversion. The particular form of diversion will be worked out between the practice assistance counsel, the disciplinary counsel and the respondent. Ethics School is the primary element of the Diversion Program and participants in diversion typically will be required to attend the school. Additional conditions may be agreed upon by the parties and included in the diversion contract. An attorney might be required to engage an accountant for assistance if warranted. Depending on the misconduct involved, monitoring and facilitation with the complainant may also be required. Participants in diversion are responsible for all costs

associated with diversion such as Ethics School and monitoring costs.

Ethics School

The first Ethics School was held on Jan. 15, 1999, at the Louisiana Bar Center in New Orleans. The faculty typically includes practicing attorneys, law school faculty, the LSBA ethics counsel, the LSBA practice management counsel and the chief disciplinary counsel. The Ethics School, a full-day course, is aimed at correcting and preventing lawyer misconduct. At the conclusion of the school, an exam is given. Participants must pass the exam to receive a notice of satisfactory completion. There have been 48 Ethics Schools held since 1999 and more than 845 attorneys have attended as a condition of diversion or as a result of a disciplinary order.

The Ethics School curriculum is designed to assist attorneys in increasing their knowledge of legal ethics and law office management. The first hour of the school is a session on lawyer discipline. Participants are given materials and a presentation on Supreme Court Rule XIX, specific types of disciplinary cases and an overview of the lawyer disciplinary system. The attorney-client relationship, from beginning to termination, is another topic significantly addressed in the Ethics School curriculum. Rounding out

The Practice Assistance and Improvement Program began with two simple premises — (1) most lawyers want to be good practitioners, and (2) the LSBA and the Office of Disciplinary Counsel ought to work together to assist practitioners toward that goal. Wayne Lee and Chuck Plattsmier worked collaboratively to develop a meaningful way to offer this assistance and support lawyers so that a small misstep does not turn into a career-altering event. I am proud to say that I was involved in developing the initial “alternatives to discipline” program, but even prouder of those who have made it successful over the past 25 years, particularly

Cheri Grodsky, Billy King and Shawn Holahan.

—Marta-Ann Schnabel

2006-07 President, Louisiana State Bar Association

the session are discussions about law office management, the Judges and Lawyers Assistance Program and trust accounting.

The Ethics School has received positive feedback from its attendees. Many participants have said the material reviewed should be mandatory for new attorneys. As a result, the Bridging the Gap CLE program for new admittees now incorporates classes from the Ethics School into its curriculum.

More Programs and Assistance

The Practice Assistance and Improvement Committee continues to develop programs that assist Louisiana lawyers in practicing successfully. Over the past 25 years, several programs have been added, including a three-hour intensive Trust Accounting School, a free Stress Management Workshop for attorneys dealing with the contentious realities of practicing law, and an Advertising Workshop for attorneys interested in the ins and outs of advertising in Louisiana. The committee publishes regular articles in the *Louisiana Bar Journal*. The committee commissioned and completed the publication, *Practice Aid Guide, The Essentials of Law Office Management*. The committee produced a video on

“What to Expect When You Receive a Disciplinary Complaint.”

Additional programs, resources and services provided under the Practice Assistance umbrella include:

► **Ethics Advisory Service.** Two full-time ethics counsel provide public published ethics opinions and private ethics opinions.

► **Law Practice Management.** Full-time law practice management counsel assist lawyers on law practice management and legal technology.

► **CLE programs** have been implemented, including the low-cost annual Solo, Small Firm and Tech Conference; Management Monday CLEs; Tech Tuesday CLEs; Ethics Friday CLEs; and the free Seven Points CLEs held statewide.

► **The LSBA Fee Arbitration Program** (voluntary) provides binding fee arbitration between attorneys and clients on fee issues.

► **The Lending Library** provides publications free of charge to interested attorneys.

► The committee worked with the legal research provider, Fastcase, to add all Hearing Committee and Louisiana Attorney Disciplinary Board opinions to its searchable database.

► **Additional E-publications**, including *Hanging Out Your Shingle – Louisiana*

Style, Disaster Planning, It's Not Just for Hurricanes – Are You Ready?, and the *Practice Transition Handbook – Shutting Down a Law Practice in Louisiana*, are all available online at: www.lsba.org/NewsandPublications/ebooks.aspx.

Conclusion

The Practice Assistance and Improvement Program continues to thrive. As of June 1, 2023, the Office of Disciplinary Counsel has referred 6,273 matters to the LSBA Attorney-Client Assistance Program and 618 matters to the LSBA Diversion Program. Thousands of complaints have been resolved WITHOUT formal discipline due to the Practice Assistance and Improvement Program. The program is a clear benefit to both attorneys and the public. Attorneys are educated through these alternatives-to-discipline programs, while the public receives better service in the future. The Practice Assistance and Improvement Committee looks forward to another 25 years helping lawyers be successful and discipline-free.

Cheri C. Grodsky is the associate executive director / loss prevention counsel of the Louisiana State Bar Association (LSBA). She assists with the overall management of the LSBA and oversees the association's professional programs. She works with the Client Assistance Foundation and the Committee on the Profession. She is responsible for the development, implementation and operation of the Practice Assistance and Improvement Program. (cgrodsky@lsba.org; 601 St. Charles Ave., New Orleans, LA 70130)



William N. King is the professional programs practice assistance / loss prevention counsel for the Louisiana State Bar Association. He works with the associate executive director in the administration of the Practice Assistance and Improvement Program. (bking@lsba.org; 601 St. Charles Ave., New Orleans, LA 70130)





PERRY DAMPF

DISPUTE SOLUTIONS

World-Class Dispute Resolution, Right Here at Home.

Perry Dampf is proud to call Louisiana home. Since 2002, our professionals have mediated more than 20,000 cases, and with offices in **Baton Rouge, Lafayette** and **New Orleans**, we take great pride in providing convenient I-10 corridor access to the most complete and experienced mediation and arbitration services in the region.

Although we're based in Louisiana, we'll also pack our bags and go anywhere to help settle disputes. Our team regularly travels for mediations throughout the Gulf South, across the United States and even overseas. Whether we're working for you here at home or halfway around the world, you can expect creative, cost-effective dispute resolution that gets the job done. Let us know how we can help.



Live in Louisiana?

**YOU NEED A
SIMPLE
DISASTER
PLAN
AND**

**NOT JUST
FOR HURRICANES**

By Shawn L. Holahan



Disaster Plan Elements

All Louisianians have nature's tropical crosshairs on their foreheads, particularly south of I-10. But you're fooling yourself if you think disasters are limited only to the occasional tropical event.

Disasters present in many forms. Fire, floods, hurricanes and tornadoes are easy "go-to" examples, but disasters can present in other beguiling ways, such as civil unrest; the sudden disability or illness of a key employee¹ (or you);² a newly discovered theft or burglary; a termination of a disgruntled employee;³ power outages;⁴ computer malfunction or hack; sudden staff changes; or even something mundane like a flat tire on a rural road with no battery left on your cellphone and you're borrowing a stranger's cellphone.

How many phone numbers do you know by memory? Do you know all online accounts affiliated with your law office and how to access them? Do you (not just staff) know those passwords? Is your data backed up?

And if the disaster *du jour* is not bad enough, there is this: A lawyer's professional and ethical obligations are not suspended during a disaster.

Given our geographic plight and how life plays out at times, is it reasonable for you not to have a disaster plan for your law office? I submit that it is not.

But don't get daunted by the prospect of creating a simple disaster plan. An effective simple plan does not attempt to address every issue that a disaster can kick up because each disaster has its own fingerprint and particular issues. Rather, the simple plan merely provides a solid headstart to recovery and increases your chances of business survival post-disaster, whatever that might be. Keeping it simple optimizes the chances that you and staff will actually implement the plan when needed.

So, let's dive in. The simple effective disaster plan prioritizes the two most important challenges after a disaster: re-establishing communication and access to your client's data.

It's Tuesday, and you are bebopping along, practicing law, and dispensing justice where you can. Life is good, or even if not, you are handling the familiar manageable chaos. Then, "it" happens, maybe suddenly, or with a few days' notice. Either way, you weren't anticipating "it," and of course, "it" is happening at the most inconvenient time. Now what? It's time to implement your simple disaster plan and get your feet back on the ground. But wait, this assumes you have a plan. Don't have one? Let's make one now and review it yearly.

Here are the elements of a good, simple disaster plan.

"No Tech" Critical Info Disaster Binder

The "no tech" disaster binder contains critical contact information. Review it once a year. It will be your lifeline in a power outage and/or impaired access to electronic data. The "no tech" disaster binder contains hard copies (yes, hard copies) of these items:

- ▶ Family member contact information.
- ▶ Staff contact information. Include alternative email addresses, personal and work cell numbers, emergency contact information, and a possible location where each may go if evacuating.
- ▶ Current list of active clients and opposing counsel contact information.
- ▶ State bar association contact information.
- ▶ Directory file list of active files.
- ▶ Trust accounts/other account numbers with banking contact information.
- ▶ Business and malpractice insurance policies with agent contact information.
- ▶ Photos and inventory of office equipment and furnishings. Follow up with a video of your office environment and sending video to the cloud.
- ▶ Passwords. List in a non-obvious manner passwords to firm social media, website, cloud subscription, bank and any other work-related Internet accounts.
- ▶ Vendor and supplier contact information.
- ▶ Other items. Additional charged cellphone batteries and cellphone charger (a solar cell charger).

Keep the "no tech" binder in a secure place in your office, with a copy in a safe place away from your office. Give a copy of the binder to a responsible person (preferably someone who does not live in the same general area as you or your office). Make electronic copies of the binder and:

- ▶ email it as an encrypted attachment to yourself and to someone whom you trust in an area away from you; and/or
- ▶ copy to an encrypted flash/thumb drive that you can keep in your wallet; and/or
- ▶ send to a secure cloud provider.

Laminated, Wallet-Sized Office Contact Card for You and Staff

Prepare a laminated, wallet-sized office contact card for you and staff with vital key contact information. One side of the card has key staff member contact information (personal cell numbers and email addresses as well as work contact information), and the other side has court contact information and community emergency numbers. Have staff enter each other's contact information into their cell phones as contacts.

Identification of Possible Temporary Office Locations

Create a list of possible temporary office relocations in case a disaster requires a sudden move. Talk to colleagues nearby and in another part of your state about a standing reciprocal agreement that each could use the other's office temporarily. Consider your home as a possible alternative place to work.

Inform staff ahead of time of these potential office relocations. This is especially important in large power outages when communications may be temporarily impossible. If locations are known ahead of time, your chances of quickly finding staff are optimized.

Money, Honey

In major disasters, local ATMs do not work; local banks are not open; and credit cards are useless. Have cash ready to sustain you for at least a month. Establish now with your bank an emergency line of credit that you can access any time after a disaster in case you need quick access to funds.

Adequate Insurance Coverage

Review your coverages yearly and know how your policy will respond in a disaster. Does your policy cover building contents as well as the structure? Examine your need for business interruption coverage and extra expenses. Adjust coverages where needed.

Communication Plan

Communication is often the first to go in a disaster. Be ready with your default communication plan. After a major disaster, all communication avenues should be used early and often (email, texts, social media, etc.). Especially with an areawide disaster, do not assume that you know the communication issues for your target audience. So, be prepared to send information in different ways to increase the chances that your intended recipient will receive it. Make sure that you or someone close to you can:

- ▶ post critical firm contact information on your firm's website, Facebook, Instagram, X (formerly known as Twitter), LinkedIn and/or other social media;
- ▶ contact by email or phone your clients, opposing counsel and courts; and
- ▶ post a simple, calm post-disaster message, informing clients and staff of alternative methods of reaching you.

If in an area prone to large disasters, consider an old-school wired phone that connects directly to a dedicated phone line without the need for another source of power. Sometimes in extensive power outages, a traditional landline provides the only available outside communication method. In extremis situations, the Red Cross will have satellite phones and

will allow you to place a call or two. Also, after a disaster, check your bar association website for court information and other communication tools. For example, the Louisiana State Bar Association will set up after regional disasters an open forum where individuals can post temporary location information and other contact information. Other local bar associations respond similarly in a disaster.

Accessing Client Files: Be Wise, Digitize!

Lawyers who digitize their data have the upper hand because access to client files can be easily restored with or without Internet access, depending on the method used. Lawyers should consider at least digitizing active files as part of their disaster plan. And at the very least, if a paper-file lawyer, store files in a cabinet away from areas that potentially could suffer water damage. A disadvantage of being paper only is it may not be possible for you to access paper files post-disaster due to damage to your office or roads leading to your office.

Electric file backup is the key to easy client file access after a disaster. Several easy electronic backup methods exist, and most are inexpensive. The most common methods are:

- ▶ **Online cloud storage.** Secure cloud storage providers offer cost-effective backup, either in real time or at set times of your choosing (e.g., at the end of the day or twice a day). A good cloud provider will have planned internally for its own disasters by making sure that multiple storage sites contain their customers' data to maximize chances of your being able to get at your data when you need it. Research

your provider before choosing. These very easy-to-use services are offered by subscription with the cost often depending on the amount of data stored.

- ▶ **Personal or private cloud.**⁵

Lawyers not wanting an online cloud arrangement can create their own cloud. If sharing files or often working remotely without a server, a private cloud is a relatively inexpensive way to set up remote file storage, sync and sharing. Such a device would allow you to access your documents from any device and collaborate with clients and colleagues while staying in control of your data.

- ▶ **Simple external hard drive.** This method is simple to use, easy to carry and inexpensive. However, be aware of the disadvantages. If the device is left at the office and the disaster has affected your office, the device may be damaged and/or you may be unable to retrieve it. Additionally, lawyers relying on this option often depend on only themselves to remember to do the backing up.

- ▶ **Other methods.** Data can also be backed up to a network server or even large-capacity USB thumb drives in your office. Just as with external hard drives, if the server or USB thumb drives are stored at the office, they may not be accessible to you in a disaster. Additionally, USB thumb drives are fragile and can be easily lost and/or mislabeled or not labeled. Further, these methods largely depend on your remembering to do the backup. Keep in mind that a disaster may cause you to move around frequently, risking damage or loss of these devices. Optimally, lawyers are digitizing and securely storing (encrypting when necessary) their client data and files by

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*

using a couple of methods online and offline and backing up electronic data in real time or at least once a day. Whichever method you use, ensure that the backup method is secure by testing it regularly.

Your Family and Loved Ones: Have a Plan Ahead of Time

Attend to family and loved ones. If a disaster affects an entire region, you will not be able to get your office operational again or be effective counsel to your clients unless your family is safe. Strategize with family ahead of time as to how you might respond in the case of a regional disaster. Keep in mind the type of accommodations that you and family might need if evacuation is necessary. Don't forget pets or elderly family members who might need to evacuate the area.

Your family disaster plan might also include a similar hardcopy, "no tech" binder as previously discussed, but with copies of essential papers, passports, birth certificates, passwords, children's school contact information and other contact information pertinent to your family. As with the binder for your office, scan your family plan binder's contents and save electronic copies in several places.

Implementation of Disaster Plan: Post-Disaster Tips

So, ok, now you have your simple plan. Let's go to back to your disaster. "It" has occurred, and it's time to get your simple basic disaster plan going. What do you do first? Depending on the size of the disaster, here are some implementation tips:

► Attend to family and yourself first. If family and loved ones are not safe, you are no good to anyone, much less to your firm, staff or clients. Encourage your partners and staff to take care of their own families as well.

► Keep a level head and find your "no tech" binder. Everything can go wrong all at once during a disaster, if big enough; and everyone will be at wit's end. Expect the unexpected. With your "no tech" binder and other plan strategies in place with your family safe and sound, you can be the level head to handle the next step, whatever that might be.

► Triage your issues. Resolve the one

having the biggest impact first.

► Reestablish communications with your clients and staff. This is most likely your biggest and most important task toward recovery after taking care of your family and loved ones.

► Implement your communication plan and get the word out through several channels as to how to contact you.

► Contact courts and visit their websites for disaster information.

► Contact opposing counsel and clients on any matters that require attention. Seek continuances as necessary.

► Take photos and videos of damage for your insurers.

While in recovery mode, as hard as it might be, regain and maintain your sense of humor. And as annoying as this phrase is ("disaster recovery is not like a sprint but more like a marathon"), embrace it because it is, unfortunately, true. Pace yourself. Be patient with yourself and others. Perfection can be an enemy of progress during disaster recovery, especially if "good enough for now" will suffice for the time being.

Dismiss using words like "resilience" when in the active phase of recovery. Imposing "resilience" on yourself and others when all, including you, are feeling exhausted and depleted only marginalizes what you and others are truly feeling. Resilience is one of those hindsight words, better uttered only after the passage of a significant amount of time, but never in the heat of disaster recovery.

And another tip, stay away from Fredrich Nietzsche's oft bandied-about quote, "That which does not kill us makes us stronger." If something has happened that reached the level of possibly killing you or ending the life you once had, the last thing you are feeling is stronger because of it. I'd be more satisfied with the expression if he had said instead, "That which does not kill us makes us different."

During disaster recovery, we may discover new skills that we didn't know we had. Or maybe we have been able to abandon ways of doing things that no longer work for us and adopt better new ways that better serve us. But are we truly stronger because of it? You're more likely not the same person as you were before the disaster. But how that difference plays out for any of us will be directly proportional to

how hard recovery is and was.

So, all you Louisiana lawyers with tropical crosshairs on your foreheads, save yourself some heartache and create that simple disaster plan! It will be your life-saver when starting your recovery roadmap. It's much easier to do it now when the lights are on, and oh so much harder to do in the fog of a disaster. You'll be happy that you did.

Deep breath! Create the plan. Prepare your recovery. You got this!

FOOTNOTES

1. Are you too reliant on a trusted staff member? Do you know all the online accounts and passwords for services used by your law office? Make sure that your simple disaster plan lists those accounts and passwords in the event that you need them later.

2. The possibility of your sudden disability is worth your attention. The simple disaster plan described in this article will provide a needed headstart in assisting others in keeping your office going until your return, or in closing your office, should that be necessary. For more information about closing your office, see the LSBA online publication, "Practice Transition Handbook: Shutting Down a Law Practice in Louisiana." Go to: www.lsba.org/NewsandPublications/ebooks.aspx.

3. Firing a disgruntled employee can open the door to quieter kind of disaster, particularly if that employee had access to your firm's online accounts and passwords. Plan terminations ahead of time and be ready to shut down access to online accounts by changing passwords. Ensure that at all times you have a list of all online accounts and passwords that your firm uses.

4. Power outages can be their own special kind of hell. They may be areawide and/or intermittent. Just because you have a generator doesn't mean you have dodged the bullet. Gas-powered generators require fuel but, in a power outage, gas stations aren't pumping, so eventually replenishing fuel will become an issue. Natural gas generators may provide a longer respite but realize that cellphone towers may be damaged as well as areas around you.

5. For more information about private clouds, see "The Power of Private Cloud," ABA TechReport 2019. Go to: www.americanbar.org/groups/law_practice/publications/techreport/abatechreport2019/abacusnextsponsored/?login.

Shawn L. Holahan is a member of the Louisiana State Bar Association's Professional Programs Department as practice management and loss prevention counsel. She is responsible for the administration of the Law Office Management Assistance Program and the administration of the Fee Dispute Resolution Program. (shawn.holahan@lsba.org; 601 St. Charles Ave., New Orleans, LA 70130)





Shayna L. Sonnier, an attorney in the Lake Charles firm of Veron Bice, LLC, gave her installation speech after becoming the 83rd LSBA president. Photo by Matthew Hinton Photography.

LSBA Installs 2023-24 Officers and Board of Governors

The Louisiana State Bar Association’s (LSBA) 2023-24 officers and members of the Board of Governors were installed June 8 at a ceremony at the LSBA’s Annual Meeting in Destin, Fla. Louisiana Supreme Court Chief Justice John L. Weimer administered the oath of office.

Shayna L. Sonnier, an attorney in the Lake Charles law firm of Veron Bice, LLC, was installed as the 83rd LSBA president.

Patrick A. Talley, Jr., a partner in the New Orleans office of the law firm Phelps Dunbar, LLP, was installed as the 2023-24 president-elect. He will assume the presidency in 2024-25.

Valerie T. Schexnayder, a mediator and arbitrator with Schexnayder Mediation Services, LLC, in Baton Rouge, is beginning her two-year term as secretary. She also serves as editor of the *Louisiana Bar Journal*.

Lawrence J. (Larry) Centola III, a principal member of the New Orleans law firm of Martzell, Bickford & Centola, is beginning his second year of a two-year term as treasurer.

Stephen I. Dwyer, a founding member and managing partner of the Metairie law firm of Dwyer, Cambre & Suffern, APLC, will continue his service to the LSBA as the 2023-24 immediate past president.

Senae D. Hall, an assistant district attorney in the Caddo Parish District Attorney’s Office in Shreveport, was installed as 2023-24 chair of the LSBA Young Lawyers Division.

Members of the 2023-24 Board of Governors also were installed by Chief Justice Weimer.

First District

► **J. Christopher Zainey, Jr.**, a partner in the New Orleans law firm Lambert Zainey Smith & Soso, PLC.

► **Graham H. Ryan**, a partner in the New Orleans office of the law firm Jones Walker, LLP.



The Louisiana State Bar Association's 2023-24 officers and members of the Board of Governors. Seated from left, Sandra K. Cosby, House of Delegates Liaison Committee member; Senae D. Hall, Young Lawyers Division chair; Valerie T. Schexnayder, secretary; Stephen I. Dwyer, immediate past president; Shayna L. Sonnier, president; Patrick A. Talley, Jr., president-elect; Lawrence J. Centola III, treasurer; Adam P. Johnson, District 4; Carrie LeBlanc Jones, District 5; and Graham H. Ryan, District 1. Standing from left, Melanie Chatagnier, District 3; Monica Hof Wallace, Loyola University College of Law; Jeffrey G. Lagarde, District 2; L. Bradley Hancock, at-large; André Doguet, Louisiana State Law Institute; Curtis R. Joseph, Jr., District 8; Keenan K. Kelly, House of Delegates Liaison Committee chair; Charles D. Elliott, District 6; Jeffrey A. Riggs, at-large; W. Michael Street, District 7; and J. Christopher Zainey, Jr., District 1. Not in photo, Kelly M. Rabalais, District 5; Blake R. David, at-large; Donald W. North, Southern University Law Center; and Shannon Seiler Dartez, House of Delegates Liaison Committee member. *Photo by Matthew Hinton Photography.*

Second District

► **Jeffrey G. Lagarde**, an attorney in the Slidell office of Lagarde Law.

Third District

► **Melanie Chatagnier**, the sole attorney and owner of Chatagnier Law Office in Thibodaux.

Fourth District

► **Adam P. Johnson**, a partner in The Johnson Firm in Lake Charles.

Fifth District

► **Carrie LeBlanc Jones**, the chief legal officer and general counsel for the Louisiana State Board of Nursing.

► **Kelly M. Rabalais**, assistant vice president of communications and strategy for St. Tammany Health System.

Sixth District

► **Charles D. Elliott**, a solo practitioner at the law firm of Charles Elliott & Associates, LLC, in Alexandria.

Seventh District

► **W. Michael Street**, a partner in the Monroe law firm of Watson, McMillin & Street, LLP, and a member of Marathon Title Co., LLC.

Eighth District

► **Curtis R. Joseph, Jr.**, a partner in the Shreveport law firm of Blanchard, Walker, O'Quin & Roberts, APLC.

At-Large Members

► **Blake R. David**, a founding partner of the Lafayette law firm of Broussard, David & Moroux, LLC.

► **Jeffrey A. Riggs**, a partner in the Lafayette office of the law firm Lewis Brisbois, LLP.

► **L. Bradley Hancock**, the executive partner in the Houston, TX, office of the law firm Holland & Knight, LLP.

Loyola University College of Law Faculty Representative

► **Prof. Monica Hof Wallace**, the Dean Marcel Garsaud, Jr. Distinguished

Professor of Law at Loyola University New Orleans College of Law.

Southern University Law Center/ Faculty Representative

► **Prof. Donald W. North**, vice chancellor of student affairs at Southern University Law Center.

Louisiana State Law Institute Representative

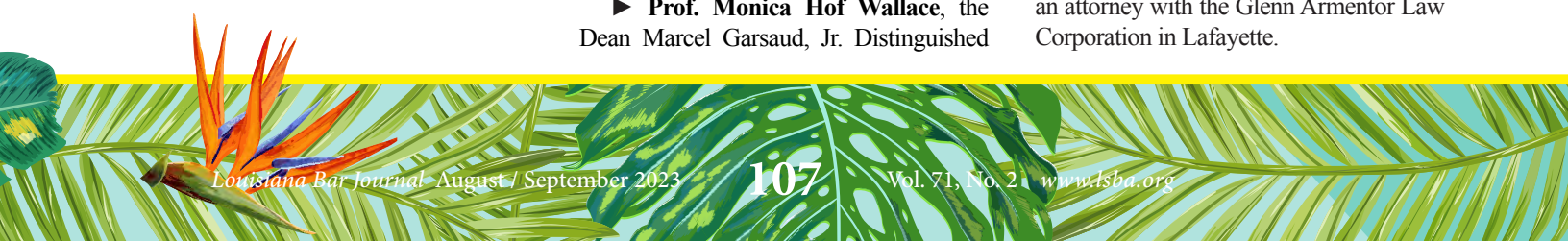
► **André Doguet**, commissioner for the 15th Judicial District Court in Lafayette.

House of Delegates Liaison Committee

► Chair **Keenan K. Kelly**, an attorney in the Natchitoches law firm of Kelly & Townsend, LLC.

► Member **Sandra K. Cosby**, an associate with Frederick A. Miller & Associates in Metairie.

► Member **Shannon Seiler Dartez**, an attorney with the Glenn Armentor Law Corporation in Lafayette.



Awards Presented to Members at LSBA Annual Meeting; Hall of Fame Inductee Recognized

Several Louisiana State Bar Association (LSBA) members received awards June 8 during the association's 2023 Annual Meeting in Destin, Fla. Also recognized was an inductee into the LSBA Hall of Fame.



Judge Eldon E. Fallon, left, was inducted into the LSBA Hall of Fame. Presenting the award is 2022-23 LSBA President Stephen I. Dwyer. All photos by Matthew Hinton Photography.

LSBA Hall of Fame

Judge Eldon E. Fallon of New Orleans was inducted into the LSBA Hall of Fame for his myriad contributions to the LSBA and his commitment to the legal profession and the public. He received his BA degree in 1960 from Tulane University and his JD degree in 1962 from Tulane Law School. He earned his LL.M. degree in 1963 from Yale Law School. In 1995, he was appointed by President Bill Clinton as a judge for the U.S. District Court, Eastern District of Louisiana. Under his leadership as LSBA president from 1985-86, he established several innovative programs which are still a major part of the legal profession, including the Lawyers Assistance Program (now the Judges and Lawyers Assistance Program, JLAP); the Louisiana Bar Foundation (of which he served as president in 1995) and which was instrumental in purchasing the building where the LSBA is housed; and mandatory continuing legal education which has been instrumental in educating Bar members. He also initiated, developed and coordinated IOLTA (Interest on Lawyers' Trust Accounts) funding.



Judge Jay C. Zainey, left, received the 2023 President's Award. Presenting the award is 2022-23 LSBA President Stephen I. Dwyer.



Monte T. Mollere, left, received the 2023 President's Award from 2022-23 LSBA President Stephen I. Dwyer.

LSBA President's Awards

Four LSBA members received 2023 President's Awards. Recipients were chosen by 2022-23 LSBA President Stephen I. Dwyer and were recognized for services to the association. Recognized were **Judge Jay C. Zainey** and **Judge Darrel J. Papillion**, U.S. District Court, Eastern District of Louisiana; LSBA Access to Justice Director **Monte T. Mollere**; and attorney **Richard C. Stanley**.

Judge Zainey was recognized for his ongoing commitment to and leadership of the SOLACE Program and overall commitment to the profession. He was appointed in 2002 to the U.S. District Court for the Eastern District of Louisiana by President George W. Bush. He is a former president of the LSBA and, during his term, he created the Community Action Committee



Judge Darrel J. Papillion, left, received the 2023 President's Award. Presenting the award is 2022-23 LSBA President Stephen I. Dwyer.

and the Legal Services for Persons with Disabilities Committee. He is co-founder of the SOLACE Program (Support of Lawyers/Legal Personnel, All Concern Encouraged). In 2004, he organized the Homeless Experience Legal Protection (H.E.L.P.) Program.

Judge Papillion was recognized for his ongoing commitment to the profession and his exemplary support of the LSBA. He was a partner in the Baton Rouge law firm of Walters, Papillion, Thomas, Cullens, LLC. He received his undergraduate and law degrees from Louisiana State University. He is a former president of the LSBA and the Baton Rouge Bar Association. President Joseph R. Biden, Jr. nominated him to the U.S. District Court for the Eastern District of Louisiana. The U.S. Senate confirmed his appointment on May 30 and he received his judicial commission on June 1.

Mollere was recognized for his ongoing commitment to the LSBA and his exemplary performance as director of the LSBA's Access to Justice Department for more than 25 years. He assisted in the creation of the Louisiana Access to Justice Commission. He received his BA degree from Louisiana State University and his JD degree from Loyola University College of Law.



Richard C. Stanley, left, received the 2023 President's Award. Presenting the award is 2022-23 LSBA President Stephen I. Dwyer.

Stanley was recognized for his ongoing commitment to the LSBA as chair of the Rules of Professional Conduct Committee and as lead counsel in the mandatory bar challenge case. He is a member of the New Orleans law firm of Stanley Reuter Thornton Alford, LLC. He graduated, *summa cum laude*, from Louisiana State University and *cum laude* from Harvard Law School. He is a member of the Louisiana Supreme Court's Committee on Class Actions and MDL Procedures and a member of the Louisiana Board of Legal Specialization's Appellate Practice Advisory Commission.

Stephen T. Victory Memorial Award

Eric M. Schorr of New Orleans received the 2023 Stephen T. Victory Memorial Award, recognizing outstanding contributions to the *Louisiana Bar Journal*. He was recognized for his article, "Oh, What a Tangled Web We Weave: Usufruct Untangled," published in the February/March 2023 issue. He is a managing partner for the New Orleans law firm of Sessions, Fishman & Nathan, LLC, and practices primarily in the areas of trusts, estate planning and probate. He is certified by the Louisiana Board of Legal Specialization as a specialist in Estate Planning and Estate Administration.



Eric M. Schorr

Catherine D. Kimball Award for Advancement of the Administration of Justice

Judge Marilyn C. Castle of Lafayette and Judge June Berry Darensburg of Gretna received the 2023 Catherine D. Kimball Award for Advancement of the Administration of Justice.

Judge Castle received her JD degree in 1976 from Louisiana State University Paul M. Hebert Law Center. She was elected to the 15th Judicial District Court bench in 1998. She served as chief judge of the 15th JDC and is a member of the Criminal Justice Coordinating Committee for Lafayette Parish. She was a member of the inaugural class of the Louisiana Judicial Leadership Institute. She is an active participant in the Judges in the Classroom Program.

Judge Darensburg was elected as judge for the 24th Judicial District Court, Division C, Jefferson Parish, in 2006, becoming the first African-American female elected to the



Judge June Berry Darensburg



Judge Marilyn C. Castle, left, received the 2023 Catherine D. Kimball Award for Advancement of the Administration of Justice. Presenting the award is 2022-23 LSBA President Stephen I. Dwyer. All photos by Matthew Hinton Photography.

court. She presides over civil and criminal cases and volunteers as an Intensive Probation Drug Court judge. She chairs the 24th JDC Specialty Treatment Court Committee. She was chief judge in 2014 and 2015. She received her BS degree in pharmacy from Xavier University in 1985 and her JD degree in 1994 from Loyola University College of Law.

Judge Benjamin Jones Judges in the Classroom Award

Judge Roger P. Hamilton, Jr. of New Iberia received the 2023 Judge Benjamin Jones Judges in the Classroom Award. He was elected as a judge for the 16th Judicial District Court, Division H, in 2020. He received his undergraduate degree, *cum laude*, in 1998 from Nicholls State University. He earned his JD degree in 2001 from Louisiana State University Paul M. Hebert Law Center. He was an adjunct professor at South Louisiana Community College and at Nicholls State University.



Judge Roger P. Hamilton, Jr., left, received the 2023 Judge Benjamin Jones Judges in the Classroom Award. Presenting the award is Louisiana Center for Law and Civic Education President Judge Shayna Beevers Morvant.



Kim M. Boyle, left, received the 2023 Chief Justice Bernette Joshua Johnson Trailblazer Award. Presenting the award is 2022-23 LSBA President Stephen I. Dwyer. All photos by Matthew Hinton Photography.

Chief Justice Bernette Joshua Johnson Trailblazer Award

Kim M. Boyle of New Orleans received the 2023 Chief Justice Bernette Joshua Johnson Trailblazer Award. She is the vice managing partner in the New Orleans office of the law firm Phelps Dunbar, LLP. She has successfully defended clients in federal court against claims of discrimination based on race, age, disability and pregnancy. She served as the first female African-American president of the LSBA. She is a member of the Executive Committee of the Lawyers Committee for Civil Rights Under the Law; a member of the Executive Committee of the Anti-Defamation League; a member of the advisory board of the United Negro College Fund; and a former board member of the ACLU of Louisiana.

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

Dr. Vernon V. Palmer of New Orleans and Alain A. Levasseur of Baton Rouge received the 2023 John A. "T-Jean" Hernandez III Memorial Award, presented for achievements in Francophone leadership.

Dr. Palmer is the Thomas Pickles Professor of Law at Tulane University Law School. He received a Doctor of Philosophy, 1985, Pembroke College, Oxford University; LL.M., 1966, Yale University; LL.B., 1965, Tulane University; and BA, 1962, Tulane University. He is president and founder of the World Society of Mixed Jurisdiction Jurists; director, Tulane Paris Institute of European Legal Studies; and co-director, Eason Weinmann Center for International and Comparative Law, Tulane University.



Dr. Vernon V. Palmer

Louisiana State University Paul M. Hebert Law Center Professor Levasseur obtained an MCL degree in 1966 from Tulane University. He joined the LSU Paul M. Hebert Law Center faculty in 1977. He is a member of the International Academy of Comparative Law, the Société de Législation Comparée and the International Association of Legal Methodology. He is a board member of the LSU Center for French and Francophone Studies.



Alain A. Levasseur



Henry C. (Hank) Perret, Jr., left, received the 2023 Louisiana Bar Foundation's Curtis R. Boisfontaine Trial Advocacy Award. Presenting the award is LBF President Deidre D. Robert.

Louisiana Bar Foundation's Curtis R. Boisfontaine Trial Advocacy Award

Henry C. (Hank) Perret, Jr. of Lafayette received the 2023 Louisiana Bar Foundation's Curtis R. Boisfontaine Trial Advocacy Award. He has been in the private practice of law in Lafayette (Perret Doise, LLC) for more than 40 years, with a concentration on commercial litigation and general business matters. He was a founding member of the Community Foundation of Acadiana and Miles Perret Cancer Services.

LSBA Young Lawyers Division Bat P. Sullivan, Jr. Chair's Award

Elizabeth P. (Liza Beth) Grozinger of Shreveport received the 2023 LSBA Young Lawyers Division's Bat P. Sullivan, Jr. Chair's Award. She is recognized for her work with the Young Lawyers Division's Wills for Heroes Program. She is an assistant attorney general with the Louisiana Department of Justice, based in the Shreveport office. She received a BS degree in psychology in 2005 from Louisiana State University and her JD degree in 2012 from Southern University Law Center.



Elizabeth P. (Liza Beth) Grozinger





Young Lawyers Division officers and members of the Council were sworn in by Louisiana Supreme Court Chief Justice John L. Weimer. Photo by Matthew Hinton Photography.

LSBA Young Lawyers Division's 2023-24 Officers, Council Installed

The Louisiana State Bar Association Young Lawyers Division's (LSBA YLD) 2023-24 officers and Council were installed June 8 at the LSBA Annual Meeting in Destin, Fla. Louisiana Supreme Court Chief Justice John L. Weimer administered the oath of office.

Senae D. Hall, an assistant district attorney in the Caddo Parish District Attorney's Office in Shreveport, was installed as 2023-24 YLD chair.

Other officers sworn in include:

► Chair-Elect **Kristen D. Amond**, an attorney in New Orleans.

► Secretary **Collin R. Melancon**, a partner/owner of Mansfield Melancon Injury Lawyers in New Orleans.

► Immediate Past Chair **Danielle L. Borel**, an equity partner in the Baton Rouge office of the law firm Breazeale, Sachse & Wilson, LLP.

Installed as members of the 2023-24 YLD Council were:

District 1: Jennifer Gordon Lampton, research attorney for Judge Nakisha Ervin-Knott, 4th Circuit Court of Appeal, Division A, New Orleans; and Margaret L. Manning, an associate in the New Orleans office of the law firm Phelps Dunbar, LLP.

District 2: Rory V. Bellina, a partner in the Metairie office of the law firm Chehardy, Sherman, Williams, Recile & Hayes, LLP; and Rachal Cox Cassagne, an assistant United States attorney for the U.S. District Court, Eastern District of Louisiana, in New Orleans.

District 3: Jared E. Nelson, an associate in the Lafayette office of the law firm

Liskow & Lewis, APLC.

District 4: Brooke A. Roach, an attorney in The Roach Law Firm, APLC, in Lake Charles.

District 5: Brad W. Cranmer, a partner in the Baton Rouge office of the law firm Mansfield, Melancon, Cranmer & Dick, LLC; and Quinn K. Brown, an associate in the Baton Rouge office of the law firm LaFleur Laborde, LLC.

District 6: Ashley U. Johnson-Firven, an associate in the Baton Rouge office of the law firm Hammonds, Sills, Adkins, Guice, Noah & Perkins, LLP.

District 7: Jasmyne A. McConnell, an attorney and owner of McConnell Law Group and Cajun Title Agency in Monroe.

District 8: Audrius M. Reed, a solo

practitioner with Audrius M. Reed, Attorney at Law, LLC, in Shreveport.

At-Large Representative: Jasmine C. Cooper, an assistant district attorney for the Caddo Parish District Attorney's Office in Shreveport.

American Bar Association Young Lawyers Division Representative: Josef P. Ventulan, a staff attorney with the Louisiana State Law Institute in Baton Rouge, a board attorney for the Louisiana Board of Tax Appeals and an adjunct professor with Southern University Law Center.

Young Lawyer Member/American Bar Association House of Delegates: Megan S. Peterson, a partner in the New Orleans law firm Simon, Peragine, Smith & Redfeam, LLP.



The Louisiana State Bar Association Young Lawyers Division's 2023-24 officers and Council members. Seated from left, Margaret L. Manning, District 1; Collin R. Melancon, secretary; Kristin D. Amond, chair-elect; Senae D. Hall, chair; Danielle L. Borel, immediate past chair; and Rachal Cox Cassagne, District 2. Standing from left, Jared E. Nelson, District 3; Brad W. Cranmer, District 5; Josef P. Ventulan, ABA YLD representative; Jennifer Gordon Lampton, District 1; Ashley U. Johnson-Firven, District 6; Megan S. Peterson, Young Lawyer member, ABA House of Delegates; Brooke A. Roach, District 4; Audrius M. Reed, District 8; Quinn K. Brown, District 5; and Rory V. Bellina, District 2. Not in photo, inset top, Jasmine C. Cooper, at-large member, and inset bottom, Jasmyne A. McConnell, District 7.





Above, top, Incoming LSBA President Shayna L. Sonnier, left, presented an award for service to outgoing President Stephen I. Dwyer.

Above, Patrick A. Talley, Jr., Stephen I. Dwyer, Shayna L. Sonnier and Robert A. Kutcher at a reception during the LSBA Annual Meeting and Joint Summer School.

Left column, Stephen I. Dwyer presents the Louisiana Supreme Court Justices in attendance with pins to thank them for their service to the bar and the profession, top Chief Justice John L. Weimer, Justice Scott J. Crichton, Justice Jay B. McCallum and Justice Piper D. Griffin. Pins will be presented at a later date to the Justices not in attendance.

Below, members of the Leadership LSBA Class in attendance at the LSBA Annual Meeting with LSBA President Shayna L. Sonnier: from left, Shermin S. Kahn, Joseph T.D. Tran, Taylor B. Ashworth, Ashley M. Caruso, Jasmine C. Cooper, Monette M. Davis, Candace B. Ford, Ashley Unique Johnson and Bianca N. Moore.



\$36.7 MILLION

Largest asbestos verdict for a single client in Louisiana history, surpassing the firm's previous asbestos record in Louisiana of

\$17.2 MILLION

Photo Dramatization

Ranked among the best law firms in the nation by *U.S. News - Best Lawyers*®, Baron & Budd has been helping Mesothelioma clients for more than 45 years. The trial team of David Cannella and Chris Colley in our Louisiana offices are ready to help you seek the best results for Mesothelioma and Lung Cancer victims throughout the state.

Contact us when considering the association of co-counsel for Mesothelioma or Lung Cancer cases. All counsel will provide meaningful legal services for the client. We look forward to working with your firm.

Past victories are no guarantee of future results. No recovery, no fees, no costs, no expenses.

Call (866) 936-9211

909 Poydras Street, Suite 2100, New Orleans, LA 70112
2600 CitiPlace Dr., Suite 400, Baton Rouge, LA 70808

LSBA Honors Exceptional Louisiana Pro Bono Work

The Louisiana State Bar Association (LSBA) held its 38th annual Pro Bono Publico & Children's Law Awards Ceremony on May 17 at the Louisiana Supreme Court in New Orleans. Louisiana's seven Supreme Court Justices presided over the ceremony in an official court session to demonstrate their fervent support for pro bono and the efforts of the volunteers being honored.

Opening remarks were given by LSBA 2022-23 President Stephen I. Dwyer, Louisiana Bar Foundation 2022-23 President Alan G. Brackett and Louisiana Supreme Court Chief Justice John L. Weimer, who commended the award recipients for going above and beyond their professional duties to ensure access to legal services for low-income Louisianans, calling them "shining stars in the galaxy of the legal profession."

2023 David A. Hamilton Lifetime Achievement Award

Recipient Catherine E. Lasky of New Orleans is the founder of Katie Lasky Law, a boutique law firm. Her passion for pro bono work dates back to her early days as a lawyer. She has accepted dozens of cases through the Pro Bono Project, represented numerous children in obtaining legal immigration status through the PB&J: Pro Bono & Juveniles initiative, and volunteered with various legal organizations in the aftermath of Hurricane Katrina. Her commitment to pro bono work led her to serve on the board of directors and as chair of the Pro Bono Project.

2023 Career Public Interest Award

Recipient Douglas F. Carey of New Orleans began working at New Orleans Legal Assistance Corporation (NOLAC) as



Catherine E. Lasky of New Orleans, fifth from left, received the 2023 David A. Hamilton Lifetime Achievement Award. With her are, from left, Justice Jay B. McCallum, Justice James T. Genovese, Justice Jefferson D. Hughes III, LSBA 2022-23 President Stephen I. Dwyer, Chief Justice John L. Weimer, Justice William J. Crain, Justice Piper D. Griffin and Justice Scott J. Crichton. Photo by Matthew Hinton Photography.

a summer intern and then as a law clerk. He has been employed by Southeast Louisiana Legal Services (SLLS) for more than 25 years and has served as a staff attorney, managing attorney of the Family Law Unit and interim supervising attorney for the New Orleans office. He is the director of pro bono programs for SLLS and co-chair of the firm's Professional Development Committee. He chaired the Louisiana Legal Services Statewide Task Force on Family Law. He served on the LSBA's Reentry Court Task Force and co-chaired the Reentry Court Subcommittee on Child Support Issues.

2023 Children's Law Award

Recipient Victor M. Jones of New Orleans is Education Counsel at the Legal Defense Fund (LDF), litigating school desegregation and other education-related civil rights cases in federal courts throughout the Deep South. Prior to his work at LDF, he was a senior supervising attorney



Douglas F. Carey of New Orleans, center, received the 2023 Career Public Interest Award. With him are Justice Piper D. Griffin and Laura Tuggle. Photo by Matthew Hinton Photography.

for children's rights at the Southern Poverty Law Center. He drafted legislation to improve the lives of disadvantaged children in Louisiana.

Recipient Loyola Law Clinic in New Orleans has trained the next generation of justice lawyers for more than 50 years. Within the clinic's children's rights, family and youth justice sections, Professors Ramona Fernandez, Cheryl Buchert and Héc-



The Louisiana State Bar Association held its 38th annual Pro Bono Publico & Children's Law Awards Ceremony on May 17 at the Louisiana Supreme Court. All award recipients with Louisiana's seven Supreme Court Justices. Photo by Matthew Hinton Photography.

tor Linares, along with clinic staff attorneys Sara Godchaux and Tobie Tranchina, train student practitioners to advocate for the interests of income-qualified youth and their families. These sections have handled child in need of care (CINC) cases, adoptions, unaccompanied minors, special education, delinquency representation, child support and continuing tutorship of minors.

2023 Pro Bono Publico Award

Recipient Cornelius Troy Hall of Baton Rouge is a staff attorney for Judge Gail H. Ray, 19th JDC Criminal Division. He volunteers with the Baton Rouge Bar Association's (BRBA) Pro Bono Project, drafting and notarizing small wills and answering questions about the succession process. He is a member of the 2023 BRBA Young Lawyers Section Council.

Recipient John Edward McAuliffe III of New Orleans is an attorney in the New Orleans law firm of Mouldoux, Bland, Legrand & Brackett, LLC. He remains involved in the criminal justice system and recently represented a victim in obtaining maximum restitution and a civil judgment against the driver responsible for her daughter's hit-and-run death. He also has organized programs focused on victims' rights.

Recipient Cynthia Mauroner Petry of Covington maintains a private practice, providing legal representation in family law, succession and criminal cases. She is currently serving as the magistrate for the City of Covington. She has volunteered

with the Pro Bono Project and continues to volunteer with Southeast Louisiana Legal Services in family law matters. She has extended her services to clients completing the 22nd JDC reentry program.

Recipient Stacey D. Williams of Shreveport practices at the Shreveport law firm of Blanchard, Walker, O'Quin & Roberts. Her dedication to pro bono began with her involvement as an ex-officio member of the Shreveport Bar Foundation board, later serving as president. She is an active volunteer for the Pro Bono Project, primarily handling divorce cases. One of her achievements was in an interdiction case where she successfully had her client appointed as the administratrix of her adult brother, who has Down's Syndrome.

2023 LA.FreeLegalAnswers.org Award

Recipient Kathleen M. Legendre of Mandeville began volunteering with La.FreeLegalAnswers.org in 2017. She is in training to be a CASA volunteer and volunteers with Southeast Louisiana Legal Services' Northshore location. She is an associate attorney for Zeringue & Associates Law Firm in Covington. She was managing attorney for The Pro Bono Project, outreach coordinator for the Louisiana Bar Foundation (LBF) and an Equal Justice Works Fellow for LBF.

2023 Friend of Pro Bono Award

Recipients are R. Gary Higgins, Jr., an attorney in Covington; the law firm of Jones

Walker LLP; the Lafayette Bar Association Young Lawyers Section; Dorothy C. Oliver of Harrisonburg, executive director of the LaSalle Community Action Association, Inc.; Lawrence W. Pettiette, Jr. of Shreveport, a founding member of the Shreveport law firm of Pettiette, Armand, Dunkelmann, Woodley & Cromwell, LLP; Krishanda Harrison Sanders of Lake Providence, director of the East Carroll Parish Library; Maggie Trahan Simar of St. Martinville, 16th Judicial District Family Court hearing officer; Amanda Tumminello Taylor of Ferriday, director of the Concordia Parish Library; Tulane Medicolegal Partnership in New Orleans; and David E. Verlander III, an attorney in Monroe.

2023 Law Student Pro Bono Award

Recipients are Madeline N. Meyer, Louisiana State University Paul M. Hebert Law Center; Max John, Loyola University College of Law; Theophile N. Kadia, Southern University Law Center; and Raquel D. White, Tulane University Law School.

2023 Pro Bono Century Club Award

Recipients are W. Scott Brown, New Orleans; Erinn W. Neyrey, Mandeville; Amber C. Sheppard, Slidell; James F. Shuey, New Orleans; Hugh R. Straub, New Orleans; and Christie L. Tournet, Mandeville.

More event photos are available online at: www.lsba.org/ProBono/.

Nominating Committee to Meet Aug. 24 to Nominate President-Elect, Treasurer

The Nominating Committee of the Louisiana State Bar Association (LSBA) will meet on Thursday, Aug. 24, in New Orleans to nominate a president-elect for the 2024-25 term and a treasurer for the 2024-26 term. The president-elect will automatically assume the presidency in 2025-26.

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 treasurer 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 treasurer should contact members of the Nominating Committee. Go online to: www.lsba.org/GoTo/NominatingCommittee.

Election Schedule

For the 2023-24 election cycle, balloting will be conducted electronically only, as approved by the LSBA Board of Governors and provided for in the Association's Articles of Incorporation. No paper ballots will be provided. The election schedule will be finalized by the Board of Governors in late August.

Other Positions Open

Other positions to be filled in the 2023-24 elections are:

Board of Governors (three-year terms beginning at the adjournment of the 2024 LSBA Annual Meeting and ending at the adjournment of the 2027 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 2024 LSBA Annual Meeting and ending at the commencement of the 2026 LSBA Annual Meeting) — one delegate from each of the First through Nineteenth 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 2024 LSBA Annual Meeting and ending at the adjournment of the 2025 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 (2024-25 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, Third, Fifth and Seventh districts (two-year terms).

American Bar Association House of Delegates (*must be members of the American Bar Association*) — two delegates from the membership at large and one delegate from that portion of the membership not having reached their 36th birthday by Sept. 1, 2024 (the Young Lawyer delegate). The delegates will serve two-year terms, beginning with the adjournment of the 2024 ABA Annual Meeting and expiring at the adjournment of the 2026 ABA Annual Meeting, as provided in Paragraph 6.4(e) of the ABA Constitution. All LSBA members may vote for both sets of candidates.

BOG Approves FY 2023-2024 Budget

The 2023-2024 Louisiana State Bar Association's Board of Governors, at its meeting on June 9, finalized and approved the FY 2023-2024 budget as preliminarily approved and recommended by the Budget Committee. Review the budget online at: www.lsba.org/documents/BOG/BudgetExpenditure.pdf.

LBLS Accepting Certification Applications in Business Bankruptcy Law, Consumer Bankruptcy Law Until Sept. 30

The Louisiana Board of Legal Specialization (LBLS) is accepting applications for certification in business bankruptcy law and consumer bankruptcy law until Sept. 30, 2023.

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, and the attorney must pass a written examination to demonstrate sufficient knowledge, skills and proficiency in the area for which certification is sought and provide five favorable references. Peer

review is 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 Bankruptcy Law Standards for a detailed description of the requirements: www.lsba.org/Specialization/BusinessBankruptcy.aspx?Area=Standards.

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. For bankruptcy law, CLE is regulated by the American Board of Certification, the testing agency.

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 LBLS simultaneously with the testing agency to avoid delay of board certification by the LBLS. Information concerning the American Board of Certification will be provided with the application form(s) and can be viewed at: www.abworld.org/.

Review a letter about bankruptcy law certification online at: www.lsba.org/specialization/BusinessBankruptcy.aspx?Area=Letter.

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: www.lsba.org/specialization/.

Bourgeois Bennett

CERTIFIED PUBLIC ACCOUNTANTS | CONSULTANTS
A LIMITED LIABILITY COMPANY

WHEN YOUR CASE
INVOLVES NUMBERS,

SEE HOW MUCH
WE CAN ADD.

While we are known as an accounting firm that is an important resource to many of the area's top companies, we are also recognized as a valuable asset to some of the top law firms. We have done this by adding specialized litigation support including financial damage analysis, discovery assistance, business valuations and commercial litigation to the services we offer. To add even more value to our clients, we also offer expert testimony, class action administration and even forensic accounting. Call today and see first hand what we can offer to you and your clients.

bourgeoisbennett.com

New Orleans 504.831.4949 | North Shore 985.246.3022 | Houma 985.868.0139 | Thibodaux 985.447.5243

PRACTICE Management

By Andrea Brewington Owen

MOVING ON: DISSOLUTION CONSIDERATIONS

Attorneys may choose to voluntarily dissolve their private practice for a plethora of reasons. You could be retiring from the practice of law, joining a different firm, taking a governmental job or appointment, facing a disability, choosing to move to a private company as in-house counsel, or even taking a job outside the legal field. Whatever the reason, you should take on this task methodically and make sure you have dotted your i's and crossed your t's. Closing a firm is more of a process than a clean break. The best way to wrap up your practice is to follow your firm's written succession plan. If you do not have a succession plan, you need to consider drafting one as it will protect your clients, your firm and yourself upon a dissolution, disability or death.

Here are a few things to consider when dissolving a law practice.

Case and client considerations. Will I bring my clients with me to my new firm or hand the files off to another attorney? Make sure to communicate all options with your clients in writing and get written authorization from the clients for any step you might take on their behalf. Will I close the files instead? Make sure to set your clients up for success by including any upcoming filing dates or court appearance dates. Rule 1.16(d) of the Louisiana Rules of Professional Conduct states, "Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. Upon written request by the client, the lawyer shall promptly release to the client or the client's new lawyer the entire

file relating to the matter. The lawyer may retain a copy of the file but shall not condition release over issues relating to the expense of copying the file or for any other reason." Be sure to resolve any outstanding billing and return any unearned funds. File a motion to withdraw with the court if you are in litigation and follow up to make sure the withdrawal and any extensions that you filed on behalf of your client are granted.

Business matters. Don't terminate your Lawyers Professional Liability policy until you've fully completed the dissolution process by concluding all client matters, terminating all client relationships and wrapping up all firm business matters. Contact your broker and inquire about purchasing a tail policy to protect yourself against claims made for acts or omissions that occurred during your firm's coverage period but reported after dissolution. Also, be aware that even after termination of the client relationship (and dissolution), certain ethical duties to former clients remain such as confidentiality and conflicts of interest. As there is no prescriptive period on disciplinary complaints, the Louisiana State Bar Association's (LSBA) Rules of Professional Conduct Committee gave retention guidance in PUBLIC Opinion 05-RPCC-001 by saying "disposing of some legal files may not be entirely prudent after termination of representation, as it would be difficult for the lawyer to defend complaints when the file is unavailable." You must notify the LSBA of changes in contact information within 30 days, per Supreme Court Rule XIX, Section 8C. Also, forward your mail, email and have phones forwarded to a representative so that clients can access their files if they request copies.

Document retention considerations. The Louisiana Rules of Professional Conduct do not prescribe a specific

document retention period. The lawyer should author a retention and destruction policy for closed files that considers the rules. The LSBA's Rules of Professional Conduct Committee PUBLIC Opinion 06-RPCC-0081 recommends that it would be "inadvisable for lawyers not to retain and keep safe client files for a minimum of five (5) years following the termination of the representation." Send the clients notice in writing of their right to their file and require that they sign a receipt acknowledging the retrieval of the file. Plan for storage of all files whether it be in physical or electronic format and continue paying those fees. Aside from legal files, ask your CPA for a recommendation on retention periods for business, financial and tax records for your practice. You will also want to retain a full record of business documents such as your articles of organization and business licenses. As far as trust accounting is concerned, under Supreme Court Rule XIX, Section 28(A)(2), lawyers are required to maintain and preserve all trust fund documentation including records, ledgers and disbursements for a period of at least five years after the disposal of the underlying matter. See the rule for an exhaustive list. Maintain an employee file including payroll documentation and employment records and agreements.

Andrea Brewington Owen is a professional liability loss prevention counsel for the Louisiana State Bar Association and is employed by Gilsbar in Covington. She received a BA degree from Auburn University and her JD degree in 2005 from Loyola University New Orleans College of Law. She is licensed to practice law in Louisiana and Alabama. She assists the Louisiana practitioner in preventing legal malpractice, improving office practices and procedures, and lectures on ethics as part of MCLE requirements. Email her at anowen@gilsbar.com.





Helping You Navigate Complex Wealth Issues.

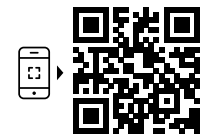


Wealth management is a journey, not a destination.

For over 30 years, the wealth management experts at Argent have helped clients navigate their unique journeys, making the experience easier and more enjoyable.

With responsibility for more than \$40 billion of our clients' assets, Argent provides a broad range of wealth management services, including investment management, estate planning, trust administration and oil and gas (mineral) management, as well as a variety of services for businesses and institutions.

Contact us today to discuss how we can assist with your clients' wealth journeys.



Scan To Learn More About Us

(800) 269-0076
ArgentTrust.com



Gary Moore
Louisiana President
Shreveport



David Thibodeaux
VP & Trust Officer
Baton Rouge



Jim Christman
VP & Trust Officer
Lake Charles



Jill Knight Nalty
Market President
New Orleans



Ann Marie Mills
Senior Vice President
Ruston



Timothy D. Quinn
Senior Vice President
Shreveport

In 2022, Argent Financial Group was presented the inaugural Growth Leader Legend award by Louisiana Economic Development. This award celebrates organizations who have exemplified continued success.



Lawyers ASSISTANCE

By Dr. Angela White-Bazile, Esq.

SUMMERTIME BLUES

Each year, many of us wait in anticipation for summer when work slows down, court dockets are lighter, traffic is not as heavy, snowball stands are open, school is out, and the vacations we have been looking forward to all year finally happen.

Summer, however, is not everyone's favorite time of year.

Do outdoor summer activities, long, sunny days, and warm weather make you feel emotionally drained and exhausted? Does being outside in the sun, hosting backyard barbecues, attending outdoor sports activities, or taking a trip to the beach not appeal to you? Or do you feel anxious or even depressed that Labor Day is approaching and summer is officially coming to an end?¹

Is the end of your vacation upsetting because you are returning to a job that no longer excites you?

Are you sad and anxious at the end of summer because you are a parent who has not finalized class schedules, bought school supplies, organized carpools, or completed financial aid for your college student?² Are you distressed because you know your new grandchild is due soon and you have no more vacation time to prepare for the big arrival? Are you frustrated because you had so many summer goals that have not been fulfilled?

During this time of year, if you start to experience a low mood, lack of motivation and general dissatisfaction, you may suffer from post-summer depression — a seasonal depression, also known as seasonal affective disorder (SAD). SAD is commonly referred to as the “winter blues” because it is a subtype of depression or bipolar disorder that occurs and ends around the same time every year, typically beginning in the fall and continuing into the winter months. However, seasonal depression can occur in the summer or spring as well.³

The symptoms of winter SAD include feeling more tired, oversleeping and putting on weight, while summer SAD often

leads to trouble sleeping, losing your appetite and feeling more agitated.⁴

As schools reopen, the court docket picks up and the season changes, you may experience increased anxiety and depression. Regardless of whether you experience SAD in the winter or summer, the depression — which can last for weeks or months — typically lifts, and you experience normal moods for the rest of the year.⁵

Your primary care doctor may diagnose you with SAD if you experience symptoms of major depression; depressive episodes that occur during specific seasons for at least two consecutive years; and depressive episodes happening more frequently during a particular season than during the rest of the year.⁶

According to the National Institute of Mental Health, the risk of developing SAD is greater if you are a woman; have a relative with a mental illness; or have major depressive disorder, bipolar disorder or another mental illness.⁷

As the timing of SAD is predictable, there are positive steps you can take that you are likely already familiar with:

- ▶ exercise regularly;
- ▶ eat a healthy diet;
- ▶ spend time with family and friends who make you feel like you matter;
- ▶ get enough sleep; and
- ▶ volunteer at a hospital, library or shelter to focus on others.⁸

Although it is normal to occasionally feel down, if the feeling persists for days or weeks and you are not interested in the activities you usually enjoy, it may be time to seek professional help. Reaching out to someone is especially important if your sleep patterns and appetite have changed, you turn to alcohol or drugs for comfort or relaxation, or you feel hopeless or think about suicide.⁹

There is nothing to be ashamed of. We are here to encourage and support you in being the best version of yourself.

To seek confidential, non-disciplinary help, contact the quality team of profes-

sionals at JLAP at (985)778-0571, email jlap@louisianajlap.com, or visit the website at: www.louisianajlap.com. The call costs nothing but could make a life-changing difference.

We are a CONFIDENTIAL Safe Haven of Healing committed to fostering healthy and competent lawyers, judges, law students and legal professionals.

FOOTNOTES

1. Mary Lauren O’Crowley, “Feeling the Summer Blues? Here’s What It Is and How to Deal,” *Elevate Counseling* (Aug. 12, 2022), <https://www.elevatecounseling.com/blog-post/feeling-the-summer-blues-heres-what-it-is-and-how-to-deal>; Valmira Rashiti, “What is the Summertime Blues & Can You Be Experiencing It?” *YouthTime* (Aug. 29, 2022), <https://youthtimemag.com/what-is-the-summertime-blues-can-you-be-experiencing-it/>.

2. Stephen Johnson, “How to Cope with End-of-Summer Blues,” *Lifehacker* (Aug. 23, 2022), <https://lifehacker.com/how-to-cope-with-end-of-summer-blues-1849444331>.

3. O’Crowley, *supra* note 1; Caitlin Harper, “How to Beat the End-of-Summer Blues,” *MyWellbeing*, <https://mywellbeing.com/therapy-101/how-to-beat-the-end-of-summer-blues-august-anxiety-sunday-scaries>.

4. Sally Sapega, “The Summertime Blues,” *Penn Medicine News* (Aug. 2, 2018), <https://www.pennmedicine.org/news/news-blog/2018/august/the-summertime-blues>.

5. O’Crowley, *supra* note 1; “Summertime blues are really a thing,” *UCI Health* (July 30, 2019), <https://www.ucihealth.org/blog/2019/07/summer-sad>.

6. Harper, *supra* note 3.

7. “Seasonal Affective Disorder,” *National Institute of Mental Health*, https://www.nimh.nih.gov/health/publications/seasonal-affective-disorder#part_6691.

8. Johnson, *supra* note 2; “The Summer Blues is Real – Here’s How to Beat It,” *Plymouth Psych Group*, <https://www.plymouthpsychgroup.com/blog/the-summer-blues-is-real-heres-how-to-beat-it>.

9. Harper, *supra* note 3.

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



Forensic and Valuation Services



Holly Sharp, CPA, CFE, CFF

Ryan Kelley, CPA

Michele Avery, CPA/ABV,
MBA, CVA, MAFF

Gilbert Herrera

Our team of consulting professionals has decades of experience addressing complex accounting, financial and business issues in litigation matters and other disputes. We provide attorneys and their clients with high quality analysis and expert witness testimony in trials and depositions.

Our Services Include:

Economic Damages

- Business interruption
- Breach of contract
- Bankruptcy
- Lost profits
- Personal injury
- Wrongful death
- Wrongful termination
- Estate and trust disputes

Fraud and Investigative Services

- Asset tracing
- Embezzlement loss quantification
- Fraud detection and investigation
- Internal control design and implementation

Business Valuation Services

- Owner disputes
- Lost business value
- Community property partitions
- Mergers and acquisitions
- Business planning and succession
- Estate and gift tax
- Deferred compensation
- Eminent domain



LAPORTE
CPAs & BUSINESS ADVISORS

LaPorte.com

METAIRIE
504.835.5522

HOUSTON
713.963.8008

BATON ROUGE
225.296.5150

COVINGTON
985.892.5850

HOUMA
985.851.2433

Focus on DIVERSITY

SPECIALTY BARS CLE SEMINAR

LSBA Presents Specialty Bars CLE Seminar in May

The Louisiana State Bar Association presented the Specialty Bars CLE Seminar on May 25 at the Louisiana Bar Center. Participants earned up to 7.0 hours of continuing legal education credits. Presenters included:

► Rebecca E. Duggan, with Gieger, Laborde & Laperouse, LLC, in New Orleans, discussed Member Outreach initiatives.

► Camille R. Bryant, with McGlinchey Stafford, PLLC, in New Orleans, discussed Social Media topics.

► Damon S. Manning, with Schiff, White, Manning, LLP, in Hammond, and William N. (Billy) King, with the

Louisiana State Bar Association, discussed Discipline issues.

► Paul (Woody) Scott, with The Scott Law Firm in Baton Rouge, and Erin C. Hebert, with Ware Immigration in Metairie, discussed Immigration issues.

► Melanie M. Mulcahy, with Mulcahy Law LLC in Metairie, presented a session on Business Divorces.

► Micah J. Fincher, with Jones Walker, LLP, in New Orleans, discussed Cyber Security.

► Abid M. Hussain, with Hussain Law, LLC, in Metairie, and Jarred P. Bradley, with The Bradley Law Firm, PLLC, in Metairie, discussed Crypto issues.



Camille R. Bryant



Rebecca E. Duggan



Damon S. Manning



William N. King



Abid M Hussain
(left) and
Jarred P. Bradley



Micah J. Fincher



Melanie M. Mulcahy



Paul (Woody) Scott
and
Erin C. Hebert

Louisiana's most popular CLE event

LAST CHANCE CLE Conference

December 7-8, 2023

Four Seasons Hotel, New Orleans

**TWO HIGH-QUALITY PROGRAMS IN A GREAT CITY;
FOUR DAYS OF EXCELLENT LEARNING OPPORTUNITIES**

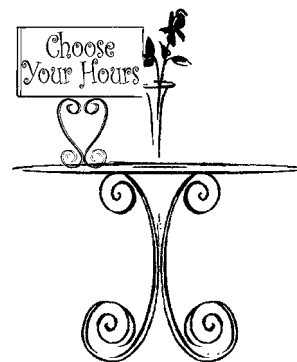
The Ultimate CLE Experience

With more than 20 dynamic CLE credit courses from which to choose, it's no wonder that LAJ's Last Chance CLE Conference is Louisiana's ultimate CLE experience. You will be impressed with the highly acclaimed national and Louisiana faculty that's assembling for this conference. You choose the courses you want and earn at least 13 CLE credits, including Ethics and Professionalism.

The last week of the year ...

CLE à la Carte

December 28-29, 2023
Windsor Court Hotel, New Orleans



Finish 2023 with this flexible CLE program

A tradition for some attorneys, this seminar is the most convenient way to squeeze in those last few remaining CLE requirements for 2023 or to get a jump start on 2024. Two-day, one-day and by-the-hour registration options are available, and the program includes Ethics and Professionalism. Flexibility, great speakers and pertinent topics: This LAJ program has it all!

For additional information about either conference, visit www.lafj.org or call 225-383-5554.

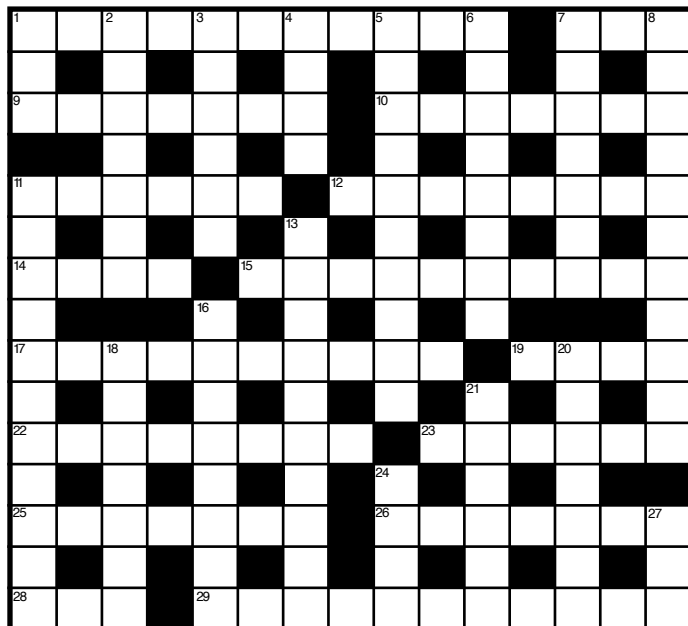


442 Europe Street • Baton Rouge, Louisiana 70802-6406 • 225-383-5554 • www.lafj.org • info@lafj.org

Crossword PUZZLE

By Hal Odom, Jr.

THEMELESS



ACROSS

- 1 Kind of intent sometimes useful in statutory interpretation (11)
- 7 Offer to buy (3)
- 9 Capacity of a ship (7)
- 10 "The ___ Verses," infamous novel by Salman Rushdie (7)
- 11 Additional levy, unpopular in Vietnam War era (6)
- 12 Marinated Japanese entrée (8)
- 14 Not in use (4)
- 15 Suddenly understand (3, 3, 4)
- 17 Second-in-command, in managing a minor's estate (10)
- 19 Old name for ExxonMobil (4)
- 22 Introduce; get to know (8)
- 23 One who attests signatures (6)
- 25 Allen ___, Hall-of-Fame guard for the '76ers (7)
- 26 Bodily height; social prominence (7)
- 28 Negative reply, for Nanette (3)
- 29 Kind of default no longer authorized (11)

DOWN

- 1 Parcel of land (3)
- 2 Kind of intent, in criminal law (7)
- 3 Maritime route (6)
- 4 Assist in a criminal enterprise (4)
- 5 What a reasonably prudent buyer must perform presale (10)
- 6 Limited to specified heirs; necessarily involved (8)
- 7 Item of first aid (4-3)
- 8 Kind of exception raising a jurisdictional issue (11)
- 11 ___ pour autrui (11)
- 13 Incompatibility, as with the Constitution (10)
- 16 Fabricates, imagines (6, 2)
- 18 Regal-sounding town in southwest Arkansas (2, 5)
- 20 Implement for mixing, spreading or flipping (7)
- 21 Native of Mogadishu (6)
- 24 ___ spumante (4)
- 27 Big name in ice cream (3)

Answers on page 151.

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/Sunset Area	Richard J. Arsenaault rarsenaault@nbalawfirm.com	(318)487-9874 Cell (318)452-5700	Lake Charles Area	Melissa A. St. Mary melissa@pitrelawfirm.com	(337)942-1900
Baton Rouge Area	Ann K. Gregorie ann@brba.org	(225)214-5563	Monroe Area	John C. Roa roa@hhsclaw.com	(318)387-2422
Covington/ Mandeville Area	Suzanne E. Bayle sebayle@bellsouth.net	(504)524-3781	New Orleans Area	Helena N. Henderson hhenderson@neworleansbar.org	(504)525-7453
Denham Springs Area	Mary E. Heck Barrios mary@barrioslaw.com	(225)664-9508	River Parishes Area	Judge Jude G. Gravois judegravois@bellsouth.net	(225)265-3923 (225)265-9828 Cell (225)270-7705
Houma/Thibodaux Area	Danna Schwab dschwab@theschwablawfirm.com	(985)868-1342	Shreveport Area	Dana M. Southern dsouthern@shreveportbar.com	(318)222-3643
Jefferson Parish Area	Pat M. Franz patfranz@bellsouth.net	(504)455-1986			
Lafayette Area	Pam Landaiche director@lafayettebar.org	(337)237-4700			

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

23RD ANNUAL LOUISIANA STATE BAR ASSOCIATION COMPLEX LITIGATION SYMPOSIUM NOVEMBER 10, 2023 – NEW ORLEANS

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.



Richard Arsenault
Symposium Chair

Richard Arsenault has been recognized as one of America’s Top 50 Influential Trial Lawyers. He will become one of the first practitioners in the nation to become Board Certified in Complex Litigation. The Louisiana Supreme Court appointed him to serve on the Rules of Professional Conduct Class Action, Bench Book, and State MDL Exploratory Committees. He has been involved in over 25 Multidistrict litigation proceedings, often serving in leadership capacities. In the Actos MDL where he was lead counsel, a \$9 billion verdict was followed by a \$2.4 billion settlement. In the Pinnacle MDL where he served in a leadership capacity, Bellwether Trials resulted in \$502 million, \$247 million, and \$1 billion verdicts.”

LAST YEAR’S SPEAKERS INCLUDED:



- Hon. Eldon Fallon • Hon. Carl Barbier • Hon. Jennifer Medley • Hon. Karen Caldwell • Hon. John Garvey
 Hon. Ed Kinkeade • Hon. James Stanton • Prof. Stephen Rispoli • Scott Freeman • Aaron Heckaman
 Prof. Elizabeth Fraley • Aimee Wagstaff • Mark Lanier • Rachel Lanier • Tony Clayton • James Murdica
 Joe Rice • Lindsey Cheek • Erin Copeland • Gary Goldberg • Hunter Shkolnik
 Paul Pennock • Shannon Pennock • Gale Pearson • Jayne Conroy
 John Rabiej • Khaldoun Baghdadi • Don Barrett • Michael London • Grant Davis • Lana Varney
 Rhon Jones • Raymond Silverman • Melanie Muhlstock • Dustin Carter

REPORT BY DISCIPLINARY COUNSEL

Public matters are reported to protect the public, inform the profession and deter misconduct. Reporting date May 27, 2023.

Decisions

Meredith Wiggins Benoit, New Orleans, (2023-B-0342) **Suspended from the practice of law for a period of three years** by order of the Louisiana Supreme Court on May 2, 2023. JUDGMENT FINAL and EFFECTIVE on May 16, 2023. *Gist:* Arrested for shoplifting with warrants outstanding for failure to appear and/or pay fines in connection with moving violations.

Tonya Francelle Courson, West

Monroe, (2023-B-00365) **Public reprimand** by order of the Louisiana Supreme Court on April 25, 2023. JUDGMENT FINAL and EFFECTIVE on April 25, 2023. *Gist:* Respondent neglected a legal matter and failed to promptly return unearned fees.

Glenn E. Diaz, Arabi, (2023-B-0618) **Transferred to interim suspension status** by order of the Louisiana Supreme Court on May 18, 2023. JUDGMENT FINAL and EFFECTIVE on May 18, 2023.

Mary Holly Hammett, Hattiesburg, MS, (2023-B-00222) **Order of one-year suspension imposed by the Supreme Court of Mississippi made reciprocal in the State of Louisiana** by order of the Louisiana Supreme Court on April 25, 2023. JUDGMENT FINAL and EFFECTIVE on April 25, 2023. *Gist:* Respondent intentionally engaged in conduct intended to cause a judge to recuse herself from a case over which she was presiding.

Continued next page



Advice and Counsel Concerning Legal & Judicial Ethics

Defense of Lawyer & Judicial Discipline Matters

Representation in Bar Admissions Proceedings

SCHIFF WHITE MANNING LLP

www.swmethicslaw.com

LSBA Filing No. LA-22-13379

Leslie J. Schiff

Over 30 Years Experience
Disciplinary Defense Counsel
117 W. Landry Street
Opelousas, Louisiana 70570
Phone (337) 942-9771
Fax (337) 942-2821
leslie@swmethicslaw.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@swmethicslaw.com

Damon S. Manning

Former Investigator, Prosecutor
Disciplinary Counsel ('98-'14)
201 NW Railroad Ave, Suite 302
Hammond, Louisiana 70401
Phone (985) 602-9201
Fax (985) 393-1130
damon@swmethicslaw.com

Henry B. King, Jr., Baton Rouge, (2023-B-00074) **Consented to period of suspension for one year and one day, with all but 90 days deferred, subject to a two-year period of supervised probation**, by order of the Louisiana Supreme Court on April 25, 2023. JUDGMENT FINAL and EFFECTIVE on April 25, 2023. *Gist:* Respondent mishandled his client trust account, resulting in the commingling and conversion of funds; and failed to properly withdraw from a representation.

Heather C. McCallister, Houma, (2023-B-0208) **Public reprimand** by order of the Louisiana Supreme Court on March 28, 2023. JUDGMENT FINAL and EFFECTIVE on March 28, 2023. *Gist:* Respondent failed to promptly return an unearned fee.

Edward J. McCloskey, Metairie, (2022-B-1680) **Suspended for two years, with one year deferred, followed by a one-year period of probation**, by order of the Louisiana Supreme Court on March 14, 2023. JUDGMENT FINAL and EFFECTIVE on March 28, 2023. *Gist:* Respondent violated duties owed to his clients, the public and the legal profession by knowingly converting clerk of court refunds to his own use, causing actual harm, and by negligently mishandling his client trust account.

Keelus Renardo Miles, Baton Rouge, (2023-B-00028) **Suspended from the practice of law for three years** by order of the Louisiana Supreme Court on April 25, 2023. JUDGMENT FINAL and EFFECTIVE on May 9, 2023. *Gist:* Respondent failed to maintain necessary client and financial records; misused his client trust account; converted client funds; failed to timely remit funds to his clients and their third-party medical providers; and signed his clients' names to the back of settlement checks and releases without their authority and then notarized the signatures.

Philip Montelepre, Kenner, (2023-B-0072) **Suspended from the practice of law for a period of 30 months, with all but one year and one day deferred**, by order of the Louisiana Supreme

Court on March 7, 2023. JUDGMENT FINAL and EFFECTIVE on March 7, 2023. *Gist:* Respondent engaged in a pattern of filing frivolous lawsuits; propounded frivolous and irrelevant discovery; misrepresented that he was a certified public accountant in a judicial campaign advertisement; violated state and federal law; made fraudulent misrepresentations; engaged in conduct prejudicial to the administration of justice; and failed to cooperate with the ODC in its investigation.

Neil Dennis William Montgomery, Geismar, (2022-OB-1756) **Reinstated to the practice of law, with conditions**, by order of the Louisiana Supreme Court on Feb. 14, 2023. JUDGMENT FINAL and EFFECTIVE on Feb. 14, 2023.

Preston G. Sutherland, New Orleans, (2023-B-00316) **Consented to one-year-and-one-day suspension, fully deferred, subject to a two-year period of probation**, by order of the Louisiana Supreme Court on April 25, 2023. JUDGMENT FINAL and EFFECTIVE on April 25, 2023. *Gist:* Respondent mishandled his client trust account, resulting in the commingling and conversion of funds; and allowed a non-attorney employee to write checks on the trust account.

J. Maurice Thomas, Baton Rouge, (2023-B-00136) **Permanently disbarred from the practice of law** by order of the Louisiana Supreme Court on April 25, 2023. JUDGMENT FINAL and EFFECTIVE on May 9, 2023. *Gist:* Respondent practiced law during his period of suspension order in *Thomas I*;

misled a client about his status as a suspended attorney; and failed to cooperate with the ODC in its investigation.

Vernon Wesley Thomas, Baton Rouge, (2023-B-0038) **Public reprimand** by order of the Louisiana Supreme Court on April 12, 2023. JUDGMENT FINAL and EFFECTIVE on April 12, 2023. *Gist:* Respondent mishandled his client trust account.

Erin L. Tyrer, formerly of Baton Rouge, (2022-B-1632) **Suspended from the practice of law for a period of 18 months, with all but one year deferred, retroactive to her interim suspension of Nov. 4, 2020, and subject to conditions**, by order of the Louisiana Supreme Court on Feb. 14, 2023. JUDGMENT FINAL and EFFECTIVE on Feb. 28, 2023. *Gist:* Commission of a criminal act (DWI).

Todd Michael Tyson, Baton Rouge, (2022-B-1607) **Suspended from the practice of law for one year and one day** by order of the Louisiana Supreme Court on Jan. 18, 2023. JUDGMENT FINAL and EFFECTIVE on Feb. 1, 2023. *Gist:* Neglect of a legal matter; failure to communicate with a client; failure to promptly refund an unearned fee; and failure to cooperate with a disciplinary investigation.

Admonitions

1 Violation of Rule 1.7 — Conflict of Interest involving Current Clients.

1 Violation of Rule 3.4(e) — Fairness
Continued next page

CHRISTOVICH & KEARNEY, LLP
ATTORNEYS AT LAW

DEFENSE OF ETHICS COMPLAINTS AND CHARGES

KEVIN R. TULLY
H. CARTER MARSHALL

(504) 561-5700
601 POYDRAS STREET, SUITE 2300
NEW ORLEANS, LA 70130

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

The following is a verbatim report of the matters acted upon by the United States District Court for the Eastern District of Louisiana, pursuant to its Disciplinary Rules. This information is published at the request of that court, which is solely responsible for the accuracy of its content. This report is as of June 2, 2023.

Respondent	Disposition	Date Filed	Docket No.
Donovan Raymond Francis	[Reciprocal] Public reprimand.	5/1/2023	23-80
Michael L. Hebert	[Reciprocal] Public reprimand.	4/3/2023	22-3995
Richard William Huye III	Interim suspension.	4/3/2023	23-97
Stavros Panagouloupoulos	[Reciprocal] Suspension partially deferred.	5/30/2023	23-87
Michael Isaias Rodriguez, Jr.	[Reciprocal] Disbarment.	4/3/2023	22-3997
Richard L. Root	[Reciprocal] Suspension partially deferred.	5/30/2023	23-88
Claudia I. Rush	[Reciprocal] Public reprimand.	5/1/2023	22-83

Discipline continued from page 127

to Opposing Party and Counsel. In trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused.

1 Violation of Rule 7.2(a)(2) — Communications Concerning a Lawyer’s Services. Advertisement that failed to disclose, by city or town, a bona fide office location of the lawyers who will perform the services advertised.

1 Violation of Rule 7.2(a)(3) — Communications Concerning a Lawyer’s Services. Advertisement that failed to include the required LSBA registration number.

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

1 Violation of Rule 8.4(d) — Misconduct, engage in conduct that is prejudicial to the administration of justice.

TULANE LAW SCHOOL CONGRATULATES

**Chaffe McCall
Irwin Fritchie
Phelps Dunbar
Sher Garner**

FOR REACHING 100% PARTICIPATION
IN THIS YEAR’S LAW FIRM CHALLENGE!

**An Online
Pro Bono
Program**

Volunteers needed!

LA.FreeLegalAnswers.org

Louisiana State Bar Association
Access to Justice

American Bar Association
FREE LEGAL ANSWERS™
LA.FreeLegalAnswers.org

Louisiana State Bar Association
Serving the Public. Serving the Profession.



THE Patterson RESOLUTION GROUP

RESOLUTION IS THE SOLUTION



Robert W. **Barton** ■



Martin **Coady** ■



Guy **deLaup** ■



Mary **Devereux** ■



W. Ross **Foote** ■



E. Phelps **Gay** ■



Thomas **Hayes, III** ■



Tim **Kelley** ■



C.A. "Hap" **Martin, III** ■



Mike **McKay** ■



Patrick **Ottinger** ■



Mike **Patterson** ■



Larry **Roedel** ■



Marta-Ann **Schnabel** ■



- **Tim Kelley**, former District Judge in the 19th Judicial District Court, is the newest member of the Patterson Resolution Group. Kelley held two separate terms as Chief Judge and was Senior Judge at the time of his recent retirement. Prior to being elected to the bench and serving for 26 years, he was a Certified Mediator and Arbitrator for the American Arbitration Association, handling several major cases in different areas of the country. He was appointed by the Louisiana Supreme Court to be a Commissioner on the Supreme Court's Judiciary Commission. Kelley also served on the Capital Area Law Enforcement Planning Commission for several years and has been a speaker and taught courses at many CLE seminars for various groups including most of the state and local bar associations. ■

MEDIATION AND ARBITRATION OF COMPLEX DISPUTES

BATON ROUGE ■ LAFAYETTE ■ MONROE ■ NEW ORLEANS ■ NORTH SHORE ■ SHREVEPORT

P: 866.367.8620 E: info@pattersonresolution.com W: pattersonresolution.com



5th Circuit Rejects States' Greenhouse Gas Suit for Lack of Standing

In *Louisiana ex rel. Landry v. Biden*, 64 F.4th 674 (5 Cir. 2023), the 5th Circuit was called upon to consider cross-motions for summary judgment in a suit brought by several state governments to strike down the work of the federal government's interagency working group on the social cost of greenhouse gases. In January 2021, the Biden Administration issued Executive Order 13990 to re-establish the working group and direct it to produce "dollar estimates quantifying changes in carbon, methane and nitrous oxide emissions." In March 2021, the State of Louisiana joined nine other

state governments in suing the federal government to challenge E.O. 13990 and prevent any actions based on the working group's "interim estimates." The state governments claimed that the interim estimates were "procedurally invalid, arbitrary and capricious, inconsistent with various agency-specific statutes, and *ultra vires*." The state governments did not "directly challenge any specific regulation resulting from the interim estimates." They obtained a preliminary injunction in the Western District of Louisiana that barred the federal government from adopting, employing the estimates of, or relying in any manner on the interim estimates. The federal government appealed. A panel of the 5th Circuit stayed the injunction, and the parties filed cross-motions for summary judgment.

In a unanimous decision, the 5th Circuit vacated the preliminary injunction and dismissed the case for lack of standing. Noting that the state governments' "allegations of 'injury in fact' rely on a chain of hypotheticals," the court held that the record was not sufficiently developed to support judicial review. The state governments argued that financial harm would befall their oil-and-gas leasing projects as a result of the interim estimates but failed to identify "any specific lease or project that was rejected" as a result. Reasoning that the

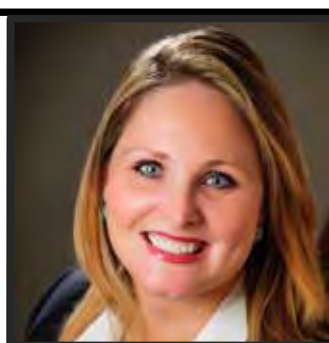
interim estimates "alone and without further action from an agency will not cause concrete harm," the 5th Circuit concluded that the state governments had not established standing. The 5th Circuit also rejected the state governments' attempts to claim "special solicitude in the standing analysis," finding that E.O. 13990 and the interim estimates do not have a "direct effect on [state-level] law or policy." The plaintiffs failed to articulate a concrete injury. The 5th Circuit dismissed for lack of jurisdiction.

Louisiana 3rd Circuit Reduces Multi-Million-Dollar Fee Award in Legacy Oil Well Lawsuit

In *Sweet Lake Land Oil Co. v. Oleum Operating Co.*, 21-0169 (La. App. 3 Cir. 12/7/22), 354 So.3d 740, writ denied, 23-0034 (La. 3/7/23), 357 So.3d 349, the Louisiana 3rd Circuit considered whether to grant \$5.3 million in attorney and expert fees pursuant to La. R.S. 30:29(E), as well as whether those fees should continue to accrue after defendant oil producers made an offer to remediate. In relevant part, La. R.S. 30:29(E) provides for an

Jessica D. LeBlanc, CPA, CFF

**Expert Witness Testimony
Forensic Accounting
Economic Damages
Insurance Claims
Personal Injury
Marital Dissolution
Successions**



Jessica D. LeBlanc, CPA, LLC 504.812.7105 JessicaL@JessicaLeBlanc.cpa
JessicaLeBlanc.cpa

award of fees for “all costs attributable to producing that portion of the evidence that directly relates to the establishment of environmental damage.” This can include “expert witness fees, environmental evaluation, investigation, and testing, the cost of developing a plan of remediation” and associated attorney’s fees.

This case arose when Sweet Lake filed tort and contract claims against British Petroleum (BP), Oleum Operating Co. and AKSM for environmental damages to a parcel of land leased for oil production. The trial court found BP solely responsible for environmental damages to the property and awarded interim costs and fees to the plaintiff while the Louisiana Department of Natural Resources developed a remediation plan. BP appealed to the Louisiana 3rd Circuit, which upheld the costs and fees. BP then appealed to the Louisiana Supreme Court, which granted its writ application and remanded to the 3rd Circuit to “determine what costs and fees were attributable to producing that portion of the evidence that directly relates to the establishment of environmental damage.”

Considering the trial court’s evidentiary record regarding attorney fees, expert fees and court costs, the 3rd Circuit amended the trial court’s award of fees only to those incurred by Sweet Lake “in its successful pursuit of the establishment of environmental damages and the remediation of that damage,” reducing the total award from \$5.3 million to \$4.1 million. The 3rd Circuit reduced the trial court’s award to avoid granting attorney fees “incurred for prosecution of claims outside the establishment of environmental damage and the statutory remediation available under La. R.S. 30:29.” Sweet Lake’s four major pieces of expert testimony were accepted as tending to establish the environmental damages, so the \$1.4 million portion of the award earmarked for expert witnesses survived scrutiny. Finally, the 3rd Circuit found no support for the proposition that fees under La. R.S. 30:29(E) stop accruing if and when the defendant offers its own remediation plan, even if that remediation plan is ultimately accepted. The 3rd Circuit entered judgment reducing the award but granting Sweet Lake the right to assess further costs and fees related to future remediation efforts.

—Charles C. Lally
Student, Tulane Law School
Under the Supervision of
Lauren E. Godshall
Chair, LSBA Environmental
Law Section
Tulane Law School
6329 Freret St.
New Orleans, LA 70118



Adoption

In Re A.A., 23-0045 (La. App. 5 Cir. 5/24/23), ___ So.3d ___, 2023 WL 3615246.

Mr. Alkasajy, A.A.’s biological father, appealed the trial court’s judgment granting a petition for intrafamily adoption of A.A. in St. Charles Parish. The appellate court, *sua sponte*, found that the St. Charles Parish trial court lacked subject matter jurisdiction to consider the adoption of A.A., pursuant to Louisiana Children’s Code article 1245, while custody litigation was pending in Jefferson Parish. As the St. Charles Parish trial court lacked subject matter jurisdiction to render judgment on the petition for intrafamily adoption, the appellate court vacated the trial court’s judgment.

Child Support

Cahn v. Cahn, 22-0801 (La. App. 4 Cir. 6/14/23), ___ So.3d ___, 2023 WL 3991962.

Ms. Cahn appealed the trial court’s judgment that granted, in part, Mr. Cahn’s motions for contempt and motions to make past-due child support executory. Specifically, Ms. Cahn argued that the trial court committed legal error in (1) applying the Equal Dignity Rule, rather than the jurisprudential rule, to determine whether a valid and enforceable extrajudicial agreement existed between the parties; and (2) granting Mr. Cahn’s second motion for contempt, by finding that the is-

sue before the court was whether Ms. Cahn failed to reimburse, rather than to pay, her pro-rata share of extraordinary expenses.

On appeal, Ms. Cahn also urged an exception of no right of action, or, alternatively, exception of no cause of action, arguing that (1) pursuant to La. R.S. 9:315.8 and La. C.C.P. art. 3946, Mr. Cahn was not entitled to bring an action for child support arrearages; and (2) pursuant to La. C.C.P. art. 224, Mr. Cahn was not entitled to bring an action for contempt for failure to pay child support. Specifically, Ms. Cahn asserted that because Mr. Cahn is the non-domiciliary parent who owes child support as a money judgment, she has the right only to bring an action for arrearages and for contempt.

The appellate court denied Ms. Cahn’s exceptions, finding that Mr. Cahn had a right of action to seek child-support arrearages and contempt by virtue of the consent judgment, in which the parties had a joint custody arrangement requiring them both to pay a set percentage of tuition and medical expenses as an additional component of the total child-support obligation.

Moreover, although the appellate court agreed with Ms. Cahn that the trial court committed legal error that interdicted the fact-finding process by erroneously applying the Equal Dignity Rule, the appellate court nevertheless found that Ms. Cahn failed to carry her burden of proving the existence of an extrajudicial agreement. Additionally, although the appellate court agreed with Ms. Cahn that the contempt proceeding was criminal in nature, as it sought to punish her by ordering her to perform community service, the appellate court found that because Ms. Cahn failed to provide a justifiable excuse for willfully disobeying the consent judgment, the trial court did not abuse its discretion in holding her in contempt.

UPSTATE MEDIATION GROUP

Resolving Disputes in Central and North Louisiana

is pleased to announce the addition of
Kay Stothart Rector to its mediation panel.

Kay is a Certified Civil and Family Mediator with a wealth of experience as a family law practitioner and domestic Hearing Officer. She is uniquely qualified to assist in the resolution of family disputes, ranging from complex community property partitions to child custody plans and support calculations.

616 FRONT ST., NATCHITOCHE | **KAYSTOHTHARTLAW@GMAIL.COM** | **318.238.9072**

Custody

Jenkins v. Jenkins, 23-0087 (La. App. 1 Cir. 6/2/23), ___ So.2d ___, 2023 WL 3863507.

Ms. Thomas (formerly Jenkins) appealed the trial court's judgment that, *inter alia*, found her in contempt of court for withholding the parties' child from Mr. Jenkins in violation of an interim judgment. On appeal, Ms. Thomas argued that the trial court erred in finding her in contempt of court for violating the interim judgment because she had a justifiable excuse for doing so. The appellate court affirmed the trial court's judgment finding Ms. Thomas in contempt of court, noting that Ms. Thomas's excuse — that she wanted to keep the child safe and healthy from COVID — was unjustifiable.

—Elizabeth K. Fox

Member, LSBA Family Law Section
and Appellate Practice Section
Hoffman Nguyen & Kuehl, LLC
Ste. 401, 643 Magazine St.
New Orleans, LA 70130



President Biden Vetoes Bill to Reverse Solar Panel Tariff Relief

On May 3, 2023, the U.S. Congress passed a bipartisan bill to eliminate President Biden's two-year delay on the imposition of antidumping and countervailing duties (AD/CVD) on imports of solar panels from Cambodia, Malaysia, Thailand and Vietnam. Two weeks later, President Biden vetoed the legislation (May 16), stating that the two-year delay is necessary to facilitate America's expansion of solar energy.

The AD/CVD measures targeting imported solar panels from Cambodia, Malaysia, Thailand and Vietnam involve allegations that those countries are sourcing materials from China and circumventing the AD/CVD measures already in place against Chinese manufac-

turers. The Department of Commerce's preliminary investigation identified several companies circumventing the duties on Chinese manufacturers. However, President Biden in effect stayed the investigation through Proclamation 10414, which imposed a 24-month delay on the circumvention inquiry.

A bipartisan group of Congressional leaders seeking to separate the United States' green-energy supply chain from Chinese manufacturers utilized the Congressional Review Act to try to reverse Proclamation 10414. If the bill's supporters want to override the veto, they will need a two-thirds majority vote, which is unlikely despite the bipartisan effort.

U.S. Supreme Court

Loper Bright Enters. v. Raimondo, No. 22-451 (U.S. 5/1/23).

On May 1, 2023, the U.S. Supreme Court agreed to review *Loper Bright Enterprises v. Raimondo*, a case that directly challenges the long-standing *Chevron* deference standard. The Court's ruling may overrule *Chevron* altogether or provide clarification about whether statutory silence constitutes an ambiguity requiring deference to the administrative agency.

Chevron deference is the administrative law principle derived from the U.S. Supreme Court

HISTORIC DEEP SOUTHERN MISSISSIPPI QUAIL COUNTRY

ALL INCLUSIVE, CUSTOMIZABLE QUAIL & PHEASANT HUNTING, LODGING, SOUTHERN DINING, AND HOSPITALITY AWAITS YOU IN THIS DEEP SOUTH SPORTSMAN'S PARADISE.

HUNT BOBWHITE QUAIL IN UPLAND PINE PLANTATIONS, SMALL GRAIN MILLET, MILO, SORGHUM FIELDS AND HIGH-ROLLING FORAGE GRASS PASTURES. HARD-FLYING COVEYS, PROFESSIONALLY BRED AND TRAINED ENGLISH POINTERS AND COCKER FLUSHERS AND RETRIEVERS ARE THE MAGIC OF RUNNING CREEK RANCH HUNTING GROUNDS.



RUNNING CREEK RANCH

TheRunningCreekRanch.com • (601)215-4313 or (601)795-9158 • 773 Old Camp Road, Poplarville, MS 39470



case, *Chevron U.S.A., Inc. v. Natural Resources Defense Council Inc.*, 104 S.Ct. 2778 (1984). It provides that courts should defer to the implementing administrative agency's interpretation of an ambiguous statute, rather than allowing the court to interpret the statute on its own. The court defers to the agency's interpretation, reviewing only whether the agency's action was reasonable rather than whether it was the correct interpretation or the best interpretation. This high level of deference has allowed administrative agencies to craft regulations related to issues on which the statute is silent.

Loper involves a challenge to a rule imposed by the National Marine Fisheries Service, part of the National Oceanic and Atmospheric Administration within the Department of Commerce. The rule requires the fishing industry to pay for the costs of government-compliance observers on commercial-fishing boats, even though the authorizing statute says nothing about cost reimbursement. The Court's decision could bring a major change to a long-standing principle of administrative law. Overturning or limiting *Chevron* would restrict administrative agencies' ability to create administrative regulations.

The principle is not only up for discussion at the Supreme Court, but also on the Congressional radar. On June 15, 2023, the U.S. House of Representatives passed the Separation of Powers Act by a partisan line vote of 220-211 to legislatively overturn *Chevron*.

—Edward T. Hayes

Chair, LSBA International Law Section
Leake & Andersson, LLP
Ste. 1700, 1100 Poydras St.
New Orleans, LA 70163



New Federal Legal Protections for Pregnant Workers Go into Effect June 27

The Pregnant Workers Fairness Act (PWFA) became effective on June 27, 2023. This federal law fills an important gap in legal protections by requiring employers with more than 15 employees to grant accommodations to workers affected by pregnancy, childbirth or related medical conditions regardless of whether they have a disability. The law also prohibits (1) discriminating against workers or applicants affected by pregnancy who need an accommodation, (2) retaliating against those who request or use an accommodation or (3) forcing them to take leave (paid or unpaid) or accept accommodations that they do not want or need.

Before PWFA's enactment, federal pregnancy protections included Title VII of the Civil Rights Act, as amended by the Pregnancy Discrimination Act (PDA) of 1978 and the Americans with Disabilities Act (ADA). Title VII prohibits discrimination because of sex, including discrimination based on pregnancy, childbirth or related medical conditions. It requires that employ-

ers treat pregnant workers (or those affected by childbirth or related medical conditions) the same as non-pregnant workers similar in their ability or inability to work. Although the PDA prohibits pregnancy discrimination, it does not require employers to make workplace changes to accommodate pregnant employees' needs, unless it would do so for similarly situated non-pregnant employees. For example, if a pregnant employee with an uncomplicated pregnancy needs frequent breaks because of fatigue, the PDA does not require the employer to accommodate her request unless that employer allows non-pregnant employees with similar limitations to take such breaks.

Although the ADA requires employers to grant reasonable accommodations to individuals with disabilities, the ADA does not define "disability" to include pregnancy. Therefore, the ADA requires employees to accommodate pregnant workers only if they have a pregnancy-related medical condition that constitutes a disability. An ADA disability is a "physical or mental impairment" that "substantially limits a major life activity" or "major bodily function." 42 USC § 12102. If a pregnant worker has an ADA "disability" — for example, she suffers from pregnancy-related anemia that causes significant fatigue — the ADA requires the employer to reasonably accommodate her.

PWFA fills the gap in legal protections for pregnant women with uncomplicated pregnancies. Unlike the ADA, any "known" physical or mental "limitation" related to, affected by or arising out of pregnancy, childbirth or related medical condition — regardless of whether such limitation is a disability



Ronald E. Corkern, Jr.

Brian E. Crawford

Steven D. Crews

J. Chris Guillet

Randall B. Keiser

R. Chris Nevils

Herschel E. Richard

Kay Stothart Rector

Joseph Payne Williams

UPSTATE MEDIATION GROUP

Panel experience in personal injury, insurance, medical malpractice, construction law, commercial litigation, real estate litigation and workers' compensation.

Resolving Disputes in Central and North Louisiana

To schedule a mediation with Brian Crawford, please call Faye McMichael at 318-325-3200 or email Faye at Faye@bcrawfordlaw.com. For other panelists, please call Tina Coffey at the Natchitoches location (318-352-2302) or email Tina at tbc Coffey@ccglawfirm.com.

— must be accommodated by the employer, absent undue hardship. Sec. 103(1). PWFA also explicitly prohibits employers from requiring employees to accept accommodations other than those arrived at through an interactive process, Sec. 103(2), and bars employers from requiring that an employee take paid or unpaid leave if another accommodation is available. Sec. 103(4).

PWFA's accommodation provisions are similar to the ADA's. Employers need not grant PWFA accommodations that present an "undue hardship." PWFA Section 102(7) defines "undue hardship" as having the same meaning as under the ADA (*i.e.*, a significant difficulty or expense, 42 U.S.C. § 12111(10) (A), (B)). Although defined identically, PWFA accommodations' impact on employers will likely be smaller than accommodations under the ADA because PWFA accommodations are more likely to be temporary — and therefore less difficult or expensive. Like the ADA, Section 102(7) of the PWFA also contemplates that if an accommodation request is unreasonable or would present an undue hardship, an employer will engage in an interactive process with the requester to find a suitable alternative accommodation.

There are notable differences between

the two statutes' reasonable accommodation provisions, however. While there are no obligations under either statute for an employer to accommodate an unknown need, the ADA does not require that individuals inform their employer of their disability or need for accommodation if the disability or need is obvious. In contrast, PWFA defines "known" limitations as those that the employee (or her representative) communicates to her employer. Sec. 102(4).

Additionally, the PWFA defines a "qualified individual" more broadly than the ADA. Under the ADA, a person is "qualified" if he or she can perform the essential functions of the position, with or without a reasonable accommodation. *See*, 42 USC § 2111(8). Therefore, if workers' disabilities prevent them from performing their essential job functions, and no reasonable accommodation is available, they are not protected by the ADA. PWFA, in contrast, provides that a pregnant worker is "qualified" even if she cannot perform an essential job function, so long as the inability to perform the function "is for a temporary period," "could be performed in the near future" and "can be reasonably accommodated." Sec. 102(4). This provision recognizes that, although preg-

nancy might temporarily impair a worker's ability to do her job, a short-term inability to perform job functions should not keep pregnant workers from the workforce.

About 72% of working women become pregnant during their career. PWFA will promote equality, reduce discrimination and create a healthier, more inclusive work environment. Examples of PWFA accommodations will likely include changes to workplace rules for pregnant employees (*e.g.*, more restroom breaks, permission to sit, eat or drink at duty posts); requests to temporarily remove job responsibilities (*e.g.*, provide light duty, remove travel or lifting requirements, reduce hazard exposure); and leave or schedule adjustments (*e.g.*, to attend doctor's appointments, recover from childbirth or accommodate morning sickness). Although these are common-sense accommodations that ensure accessible workplaces for those dealing with pregnancy or childbirth, the law did not previously require them.

Employees who believe their rights have been violated under PWFA can file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC anticipates issuing regulations interpreting PWFA on Dec. 29, 2023.

This article represents the views of the author. She is not a spokesperson for the EEOC. This article is not an official statement by, or the official position of, the EEOC.

—Elizabeth J. Owen

On behalf of the LSBA Labor and Employment Law Section
Equal Employment Opportunity Commission
New Orleans Field Office
Ste. 809, 500 Poydras St.
New Orleans, LA 70130

Dexcomm is Introducing...

Clio

CLIO MANAGE + CLIO GROW
API Integration and Virtual Receptionist Services

Unleash Your Law Firm's Full Potential!

- Personalized account setup
- Account management and appointment scheduling
- Efficient intake process
- Lead routing and call management
- Automated lead notifications
- 24/7/365 service

LEARN MORE TODAY!
www.dexcomm.com/clio
(877) 339-2666

Dexcomm
ANSWERING AND COMMUNICATIONS SERVICES
YOUR VOICE. HEARD.

Limited Time Free Trial! Visit Our Website for Details!

J.L.A.P.
JUDGES AND LAWYERS ASSISTANCE PROGRAM, INC.

Your call is absolutely confidential as a matter of law.

Toll-free (866)354-9334

www.louisianajlap.com
Email: jlap@louisianajlap.com



4th Circuit Affirms Defense Judgment in Legacy Lawsuit

Hero Lands Co. v. Chevron U.S.A. Inc., 22-0224 (La. App. 4 Cir. 3/7/23), 359 So.3d 130.

A landowner in Plaquemines Parish — Hero Lands Co., LLC — sued Chevron U.S.A. Inc. and several other defendants in tort and contract, claiming defendants’ oil-and-gas operations contaminated its land, which was divided into four tracts. Beginning in 1939, Hero’s predecessor-in-interest granted multiple oil-and-gas leases to Chevron’s predecessor-in-interest. Chevron thereafter constructed and used unlined pits to direct produced water into Bayou Barriere and the Intercoastal Waterway. In 1943 and 1967, accidental oil spills occurred on the land. After Chevron assigned its lease interests in 1971, new regulations prohibited the discharge of produced water into waterways of the state, as well as the use of unlined pits for produced water, and Louisiana regulators issued compliance orders to Chevron’s assignees.

The case was governed by La. R.S. 30:29 (Act 312) — a provision that establishes procedures for use in oilfield-contamination claims. As allowed by the act, Chevron made a limited admission, conceding environmental damage existed on all tracts except the “Northwest Tract” and that Chevron was responsible to fund the “most feasible plan” to remediate the property. The parties filed numerous motions, including motions regarding the admissibility of evidence relating to Act 312 itself, and Hero’s motion for partial summary judgment to recover additional remediation damages under Subpart M of Act 312 based on Chevron’s (and its assignees’ and lessees’) breach of the leases. The trial court granted Hero’s motion “to the extent that [Act 312] does, under specified circumstances, permit recovery of damages beyond what the ‘feasible plan’ allows,” but held that genuine issues of material fact precluded summary judgment as to whether Chevron operated excessively or unreasonably.

Following a jury trial, the court rendered judgment, holding the Northwest Tract did not contain “environmental damage” pursuant to Act 312, and neither Chevron nor its assignees or lessees operated excessively or unreasonably on any of the four tracts for purposes of Hero’s private claims. While Hero filed a mo-

tion for judgment notwithstanding the verdict/motion for new trial (JNOV), the trial court denied it given that the competing expert testimony could lead reasonable jurors to reach a verdict in favor of either party.

Hero appealed, and the Louisiana 4th Circuit affirmed. Hero first argued the trial court erred in denying its motions for partial summary judgment and JNOV, as well as rendering judgment consistent with the jury’s findings, because (1) compliance orders were issued to Chevron’s assignees, confirming their violations of law and thus breach of the leases; and (2) Chevron’s corporate representative and operations expert conceded operations were unreasonable and excessive (at least from 1983 to 1985).

As to the first issue, the 4th Circuit agreed with the trial court that purported regulatory violations are not necessarily breaches of lease. Regulatory violations are only one factor in determining whether “an oil and gas production entity may be found to have conducted its operations in an unreasonable or excessive ma[nn]er.” *Id.* at 145. Other factors, like the lease terms and industry standards, are relevant, and substantial testimony in favor of Chevron was introduced on those points. In short, while the compliance orders supported Hero’s position, they were not dispositive, and the court refused to conclude operations “were *per se* unreasonable or excessive based solely on the fact that the environmental compliance orders were issued.”

As for the statements by Chevron’s representatives, the court found they were not binding judicial confessions. Instead, under La. Civ.C. art. 1853 and related jurisprudence, the statements were merely “disserving testimony.” *Id.* at 148. The court, therefore, affirmed the denial of Hero’s motion for partial summary judgment, given the existence of genuine issues of material fact, and affirmed the trial court’s denial of Hero’s motion for JNOV, given the competing expert testimony introduced at trial.

Second, Hero argued the trial court erred in

allowing jury instructions, evidence and argument related to the Act 312 process and “most feasible plan.” The 4th Circuit, however, found La. C.C.P. art. 1563(A)(3) specifically requires a jury instruction on those issues if requested by the other party and makes evidence of a limited admission, plan and written comments to agencies pursuant to Act 312 admissible for certain purposes. The court also noted instructions related to Act 312 were necessary to explain the jury’s role in determining whether to award private claims damages under Subpart M and whether environmental damage existed on the Northwest Tract, which was excluded from the limited admission.

Last, Hero claimed the trial court erred in denying its motion for JNOV, which asked the court to reject the jury’s findings regarding the absence of environmental damage on the Northwest Tract because sampling by both experts showed contaminants also found on the other tracts (and in greater amounts in some cases). The 4th Circuit disagreed given (1) evidence that the tract was suitable for its use as an oilfield; and (2) expert testimony that there were no adverse effects to the ecology, conditions were safe for industrial and residential use, property remediation was unnecessary for human health purposes and groundwater remediation was unnecessary given its classification as Class 3 non-drinking water under Louisiana’s RECAP remediation standards.

—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

Lauren Brink Adams


Baker, Donelson, Bearman,
Caldwell & Berkowitz, PC
Ste. 3600, 201 St. Charles Ave.
New Orleans, LA 70170-3600

**UPSTATE
MEDIATION GROUP**

Resolving Disputes in Central and North Louisiana

is pleased to announce the addition of
R. Chris Nevils to its mediation panel.

Chris Nevils is a highly experienced mediator with a 26-year career in Louisiana’s civil and criminal litigation. He has earned a reputation for his practical approach to dispute resolution, serving as a prosecutor and focusing on insurance defense and construction law. Chris serves as DA for the 8th JDC, Winn Parish. He regularly speaks at CLE seminars, volunteers for the Louisiana Law Institute and various state boards and commissions. His diverse experience coupled with his ability to break down the most complex legal matters into a commonsense understanding, gives him practical insight into dispute resolution.





Medical Review Panel Opinion

Valenzuela v. Danj, 23-0198 (La. 5/16/23), ___ So.3d ___, 2023 WL 3475749.

The trial court granted the plaintiffs’ motion to exclude the opinion of a medical-review panel “based on evidence the defendant was occasionally supervised by one or more of the panel members during her medical residency.” The Louisiana Supreme Court reversed the trial court’s judgment, ruling that panel opinions are “subject to mandatory admission unless the panel exceeded its statutory authority,” adding that the plaintiffs could later challenge the bias of panelists during cross examination. The court cited La. R.S. 40:1231.8H and its earlier opinion in *Sanderson v. Tulane University Hospital & Clinic*, 18-0588, (La. 6/15/18), 245 So.3d 1043, and



When you need a forensic accountant, call on a professional.

“Knowledge of business, finance and accounting may be needed at any stage of the litigation process. Therefore, we can be an important member of any successful litigation team.



From contemplation of action to expert testimony, we can complement attorneys in ways that increase the likelihood of a desired outcome. We can support your litigation efforts to save you time and strengthen your case.”

—Kernion T. Schaffer, CPA

SOUTH SHORE OFFICE

METAIRIE
701 Aurora Avenue • Suite A
Metairie, Louisiana 70005
504.837.6573

Forensic Accounting • Emerging Issues • Financial Services
Valuation Services • Legal Services • Emerging Business

added that to the extent a contrary opinion was rendered in *Fanguy v. Lexington Ins. Co.*, 13-0114 (La. 4/1/13), 110 So.3d 127, *Fanguy* “was implicitly overruled by *Sanderson* and is expressly overruled herein.”

Loss of Dignity

Wendling v. Riverview Care Ctr., LLC, 54,479 (La. App. 2 Cir. 4/5/23), ___ So.3d ___, 2023 WL 2777997.

A nursing home patient died from sepsis allegedly caused by ill-treated decubitus wounds. His widow filed a claim under the Medical Malpractice Act and a lawsuit under the Nursing Home Residents’ Bill of Rights (NHRBR), contending in the suit that the nursing home staff was negligent in not adequately tending to Mr. Wendling’s cleanliness and allowing him “to remain in his own waste due to negligent diapering,” which she said supported a claim of loss of dignity. The nursing home filed an exception of prematurity, claiming that all negligence allegations made by Wendling had to first be presented to a medical-review panel. The trial court granted the exception. Mrs. Wendling appealed the judgment concerning the dismissal of the NHRBR claims for the negligent “diapering, changing, and hygiene.”

The appellate court discussed multiple cases, including *Coleman v. Deno*, 01-1517 (La. 1/25/02), 813 So.2d 303, and its earlier opinion in *Henry v. West Monroe Guest House, Inc.*, 39,442 (La. App. 2 Cir. 3/2/05), 895 So.2d 680. In *Henry*, the appellate court addressed only a “dignity claim” and ruled that changing a diaper was not medical treatment but, instead, was an act “routinely performed” in nursing homes without direction from doctors. The court also noted that expert evidence is not required to weigh in on the standard of care to determine whether a diaper needs to be changed.

Riverview argued that Wendling’s claim under the NHRBR was “inextricably dependent on and interwoven with the underlying malpractice claims” and required a medical-panel review. The appellate court disagreed, commenting that “[t]he mere fact that the claims share a factual basis . . . does not preclude . . . recovery for dignity-type claims without first submitting them to the MRP.” Thus, malpractice and NHRBR claims can be tried “separately and simultaneously.”

Prescription

Johnson v. Ruston La. Hosp. Co., 54,258 (La. App. 2 Cir. 8/10/22), 345 So.3d 464, *writ denied*, 22-1378 (La. 11/22/22), 350 So.3d 503.

The plaintiffs timely filed a medical-

review panel request on Jan. 4, 2016, against a hospital “and its employees,” claiming that the hospital and its employees failed to correctly administer anesthesia and that the anesthesiologist was not properly trained by the hospital to competently administer the anesthesia medication. The anesthesiologist was not named in the original panel proceeding. On Oct. 12, 2017, the MRP request was amended to include the anesthesiologist (Dr. Arena).

The medical-review panel found no fault on the part of the hospital, with two panelists finding that Dr. Arena was not negligent and the third panelist finding breach and causation by Dr. Arena for the patient’s death.

The plaintiffs’ subsequent lawsuit included the hospital and Dr. Arena, alleging Dr. Arena’s joint and solidary liability with the hospital, “but the prayer requested judgment against the [h]ospital alone.”

The hospital responded with a motion for summary judgment, arguing that the patient’s death was caused by the fault of a third party for which it was not responsible. The motion was granted. Dr. Arena then claimed that the case against him had prescribed because the plaintiffs’ panel request naming him was not amended until more than two years after their father’s death. Once the hospital was dismissed on summary judgment, there was no “timely-named defendant with whom he would be a joint or solidary obligor,” and thus there had been no interruption of prescription. The plaintiffs responded that they amended their panel request to add Dr. Arena within one year of discovering his name and that he was not a hospital employee. They contended the amendment was within three years of their father’s death, making them entitled to the “discovery” protections of La. R.S. 9:5628.

The appellate court decided that the “discovery” rule did not apply to the plaintiffs’ claim. La. R.S. 9:5628 gives parties “the time from the discovery of ‘the act, omission or neglect,’ not the name of the person who performed the act or whether he was an employee of the hospital. Those are facts that could have been discovered with reasonable diligence.” The exception of prescription was granted.

—Robert J. David

Gainsburgh, Benjamin, David,
Meunier & Warshauer, LLC
Ste. 2800, 1100 Poydras St.
New Orleans, LA 70163-2800



Detrimental Reliance Held Not Applicable to a Misrepresentation of Law

NOHC, Inc. v. Williams, 22-0248 (La. App. 4 Cir. 12/6/22 & 3/23/23 (on rehearing)), ____ So.3d ____, 2022 WL 17425228.

NOHC, Inc. is an Internal Revenue Code Section 501(c)(3) nonprofit corporation that operates the Healing Center in New Orleans. In 2019, NOHC obtained its 501(c)(3) designation from the Internal Revenue Service exempting it from the payment of federal income taxes. NOHC then applied to Erroll G. Williams, the Orleans Parish assessor, for an exemption from the payment of its 2020 ad valorem taxes. The assessor denied the exemption request on Dec. 16, 2019, and sent a tax bill that indicated NOHC's taxes would become delinquent on Feb. 1, 2020. On Feb. 12, 2020, NOHC paid its taxes under protest. On March 10, 2020, NOHC filed suit in Orleans Parish Civil District Court seeking the return of the amounts paid under protest.

The assessor filed exceptions of prescription and no cause of action asserting that NOHC must have timely paid its disputed taxes under protest by Jan. 31, 2020. The assessor asserted NOHC paid the taxes under protest on Feb. 12, 2020, which was not timely. NOHC countered that the payment was timely because, in 2020, the City of New Orleans (City) had extended the payment deadline to Feb. 14. NOHC asserted it had detrimentally relied on the extension, and the doctrine of *contra non valentem* should apply to extend the due date. The district court denied the exceptions. The assessor appealed. Originally, on appeal, the court denied the exceptions. The court granted rehearing to review its decision on the exceptions.

On rehearing, the assessor contended that the district court should have granted his exceptions of prescription and no cause of action. Regarding the application of detrimental reliance to the exception of prescription, the assessor argued that detrimental reliance cannot apply to a misrepresentation of law. Further, the assessor argued that the doctrine of detrimental reliance does not apply if the

application leads to a result contrary to positive law. In addition, the assessor asserted that the standard for establishing detrimental reliance is higher if a governmental entity makes the alleged representation; he asserted that this higher standard had not been met.

The court held that this matter does not allow for the application of the doctrine of detrimental reliance. The misunderstanding concerned the application of the laws pertaining to the deadline to file taxes under protest. The court held that to the City's misrepresentation that there was an extension of the deadline to pay taxes under protest, as NOHC contended, constituted a misrepresentation of law, specifically a misrepresentation of the deadline established by La. R.S. 47:2134(B) (1) and La. R.S. 47:1997(B). In addition, the court held NOHC cannot meet the heightened burden necessary to apply the doctrine of detrimental reliance to a government entity. The court held NOHC could not establish there had been unequivocal advice. While the City extended the deadline to pay taxes in the year 2020, the court held NOHC had not offered any evidence to establish that the City announced that this extension also applied to taxes paid under protest. On rehearing, the court granted the assessor's exception of prescription.

—Antonio Charles Ferachi

Vice Chair, LSBA Taxation Section
Director of Litigation-General Counsel
Louisiana Department of Revenue
617 North Third St.
Baton Rouge, LA 70802

SECURE 2.0 Act

The SECURE 2.0 Act was signed into law on Dec. 29, 2022. SECURE 2.0 builds on changes made by the setting Every Com-

munity Up for Retirement Enhancement Act of 2019 (SECURE Act) to increase the ability of employers and employees to set funds aside for retirement. To that end, it provided tax credits to employers and to certain employees for making retirement contributions.

Another change made by SECURE 2.0 was to require and to make easier auto enrollment for 401(k) plans. All new 401(k) and 403(b) plans after Dec. 31, 2024, must provide for automatic enrollment. Automatic enrollment means that the employee will have his or her salary reduced (make "elective deferrals"), which salary reduction amounts will go into the 401(k) plan. The elective deferrals will be 100% vested and will be subject to certain limitations on distribution. The initial deferral rate must be at least 3% of compensation and increase by 1% each year up to 10% of compensation. The employer can require greater contribution rates. The idea behind automatic enrollment is that, if the employee takes no action, then the amount will be withheld from his or her salary and placed into the plan. The employees do, however, have the right to choose to have none of their salary reduced and contributed to the plan. The idea behind the automatic enrollment is that most employees will not take any action at all, and because of inertia they will allow the default method of elective deferrals to take place.

The SECURE Act created a class of employees called long-term, part-time employees. That included employees who had three consecutive years in which they completed at least 500 hours of service but who were not eligible for the employer's 401(k) plan because they had not completed a year of service as required by the plan. Plans are required to permit such long-term, part-time employees to make elective deferrals to the plan; however, the SECURE Act did not require that employer contributions or matching contributions be made on behalf of long-term,

ARE ANY OF THESE TOP COMPLAINTS YOURS?

"I've been passed up for partner too many times." "I'm not getting noticed."

"My matters aren't 'sexy' enough." "My firm is old-fashioned."

My coaching programs are designed to guide you toward building a book of clients, leveraging for your next position, creating your brand, defining your niche, and collaborating for wealth building.

SCHEDULE A CALL WITH ME AND LET'S GET STARTED!
DAYA J. NAEF | PROFESSIONAL BUSINESS COACH

✉ daya@thesuccesspartner.com 🌐 www.thesuccesspartner.net

part-time employees.

SECURE 2.0 modified the definition of long-term, part-time employees so that two consecutive years of service in which the employee had at least 500 hours of service were required for the employee to be a long-time, part-time employee. The provision is basically effective for 2024 for long-term, part-time employees under the three-year rule and or 2025 for long-term, part-time employees under the two-year rule.

SECURE 2.0 raised the required begin-

ning date for participants who are obligated to take required minimum distributions. It also reduced the penalty for not taking required minimum distributions.

Significantly, SECURE 2.0 eliminated the rule that an IRA that engages in a prohibited transaction will be deemed distributed in its entirety because of the prohibited transaction. Instead, only the amount involved in the prohibited transaction will be considered to be distributed by the IRA in the year that the prohibited transaction takes place.

SECURE 2.0 has nearly 100 different provisions that affect retirement plans, employers and employees. Congress hoped to encourage employers to adopt such plans and for employers and employees to contribute more to such plans.

—**Robert C. Schmidt**
Member, LSBA Taxation Section
Kean Miller, LLP
Ste. 700, 400 Convention St.
Baton Rouge, LA 70821

YOUNG LAWYERS SPOTLIGHT

Casey C. DeReus New Orleans

The Louisiana State Bar Association's Young Lawyers Division Council is spotlighting New Orleans attorney **Casey C. DeReus**.

DeReus is an attorney at Bragar, Egel & Squire, PC, where she handles consumer class actions and complex litigation. She received a BA degree, *cum laude*, in 2010 from the College of William and Mary, a MA degree in 2012 from Tulane University, and her JD degree, *magna cum laude*, in 2016 from Loyola University New Orleans College of Law.

Recently, she launched a successful

campaign to amend the Louisiana Rules of Professional Conduct regarding imputation of conflicts of interest. Under former Rule 1.10, Louisiana attorneys could not be screened for conflicts of interest. This meant that any attorney with a conflict within a firm prevented the entire firm from working on a case. She realized that the Louisiana rule deviated from majority rule — which allows for timely screening — so she submitted a proposal to the Louisiana State Bar Association to revise the rule. The Louisiana Supreme



Casey C. DeReus

Court recently approved changes to the rule to allow for timely screening. She considers this her greatest contribution to the legal profession.

DeReus has handled more than 1,000 first-party property insurance claims, successfully appealed dismissal of a facially prescribed case on *contra non valentum* grounds, and filed the first class action lawsuit in the nation against TikTok for BIPA violations, resulting in a \$92 million settlement. More recently, she has been involved in consumer protection cases against vehicle manufacturers, including a suit against Hyundai and Kia for theft-prone defects that made the news due to a TikTok challenge.

DISPUTE OVER LEGAL FEES?



The LSBA Lawyer Fee Dispute Resolution Program may be able to help.

Avoid the pitfalls of legal fee disputes such as disciplinary complaints or civil litigation by submitting your legal fee to binding low-cost fee arbitration with the LSBA. For more information on the process, go to www.lsba.org/goto/FeeDispute or contact Shawn L. Holahan, Practice Management Counsel/Loss Prevention Counsel, at 504-619-0153 or by email shawn.holahan@lsba.org.

Quick, Inexpensive, Informal, and Final resolution of attorney/client and attorney/attorney fee disputes.

CHAIR'S MESSAGE

Expanding Your Reach Through Learning

By Senae D. Hall

Whether you are a brand-new attorney or have been practicing for years, it never hurts to learn something new. One of the most unique things about being a lawyer is that you can learn to practice in any area of your choosing. Sure, if you were like me at some point and “knew” early on exactly what type of law you wanted to practice, you might be thinking, why on earth would you waste your time learning about other areas? Well, from my experience, to put it simply, “*Life is like a box of chocolates.*”

During high school, I volunteered at the Volunteers for Youth Justice’s Teen Court Program where I mainly served as the prosecuting attorney. Initially, I volunteered to gain exposure to the law. Throughout college and law school, I continued to volunteer in some capacity at Teen Court and even had the opportunity to job-shadow a prosecuting attorney. Although I preferred volunteering as a prosecutor over the defense attorney position, I was convinced that I would be an entertainment lawyer. Therefore, naturally, I joined the Sports and Entertainment Law Club in law school. After about one year and a half of attending their programs and seminars, I realized that entertainment law did not suit my passion fully. So, what area would?

I spent my first few years as an attorney learning and practicing in several different areas. I attended CLE programs geared towards my main areas of practice, but I always tried to add some unfamiliar courses. Specifically, while I had NO intentions of practicing criminal law, I always man-

aged to squeeze in a few courses. After a few years, it was to no one’s surprise, except my own, that I found my way to the Caddo Parish District Attorney’s Office. Starting off in a new area of practice, I was thankful for the criminal law CLE courses I squeezed in over the years.

As a new attorney, one of my favorite CLE programs was the Louisiana State Bar Association’s (LSBA) Bridging the Gap Seminar, held biannually. The seminar acquaints recent law school graduates with many of the practical aspects of a law practice and affords newly admitted active members of the Louisiana Bar the opportunity to obtain mandatory CLE credits. It’s a one-stop shop.

Additionally, I aimed to attend the LSBA’s “Four Corners” CLE program every year. It’s a free, full-day CLE program offered in the four corners of the state. It has now expanded to the “Seven Corners” CLE program and covers a variety of interesting topics. As a new attorney with student loans to pay back, this CLE seminar definitely came in handy. It is super convenient because the LSBA brings the CLE programs to you!

Now I must say that my new favorite CLE seminar is the Young Lawyers Conference, planned by the LSBA Young Lawyers Division (YLD) Council. It is open to young lawyers only and is held in the spring. This event allows young lawyers



Senae D. Hall

the opportunity to obtain CLE credits while connecting with other young lawyers from across the state. It provides amazing networking opportunities with the judges and lawyers who serve as speakers for the event.

Every January, the YLD presents a virtual Professional Development Seminar. In this four-hour seminar, young lawyers are able to obtain professionalism, ethics and law practice management credits.

Additionally, the YLD now offers the Level Up Learning Series. Each session focuses on teaching young lawyers a practical skill, with an in-depth training presentation taught by some of Louisiana’s most experienced attorneys. The sessions are free to attend virtually or in person and have provided invaluable information. The most recent session, “Deal Pitfalls: Your Client’s Point of View,” was presented by the LSBA’s Corporate and Business Law Section. We have also had a Criminal Writ Practice session presented by the LSBA’s Criminal Law Section and a session on Recording and Agent Agreements presented by the LSBA’s Arts, Entertainment and Sports Law Section.

With all of these amazing opportunities to learn, it is easy to be introduced to a variety of practice areas. Who knows where the future will lead you?

To learn more about CLE opportunities, click on the CLE tab at www.lsba.org. To receive more information about the upcoming YLD activities, follow us on Twitter and Instagram, [lsba_yld](https://twitter.com/lsba_yld) and [facebook - LSBA Young Lawyers Division](https://www.facebook.com/lsba.yld). We look forward to seeing you at our next event.

JUDICIAL Notes

By Trina S. Vincent, Louisiana Supreme Court

JUDGES... APPOINTMENTS... RETIREMENTS

New Judges

Louise P. Hines was elected 19th Judicial District Court Division F judge, effective May 15. She earned her bachelor's degree in 2006 from Louisiana State University and her JD degree in 2010 from LSU Paul M. Hebert Law Center. She worked as an investigator/legal assistant from 2010-11. From 2011-23, she was an assistant district attorney in the 19th JDC District Attorney's Office, serving as a misdemeanor prosecutor from 2011-13, a felony prosecutor from 2013-15 and a sex crimes prosecutor from 2015-18. From 2017-23, she was the creator, leader and handler of the Courthouse Facility Dog Program. In late 2018, she became a senior felony prosecutor/violent crime prosecutor until her election to the 19th JDC bench. Judge Hines is married to Robert (Michael) Myers and they are the parents of two children.



Jennifer Guillot Womble was elected Jefferson Parish Juvenile Court Division A judge, effective May 10. She earned her bachelor's degree in 1994 from Newcomb College of Tulane University and her JD degree in 1997 from Tulane University Law School. She worked as a law clerk for retired 24th Judicial District Court Judge Kernan A. (Skip) Hand and for retired Jefferson Parish Juvenile Court Judge Ann Murry Keller until 2003 when she began working as a hearing officer and *ad hoc* judge. From 2021-23, she worked as a supervisor of the Juvenile Division of the 29th Judicial District Court's Public Defender's Office in St. Charles Parish. Judge Womble is



married to and they are the parents of four children.

Appointments

► Ron Christopher Stamps was reappointed, by order of the Louisiana Supreme Court, to the Louisiana Judicial Campaign Oversight Committee for a four-year term of office which began April 27 and will end on Feb. 28, 2027.

► Professor Raymond T. Diamond was reappointed, by order of the Louisiana Supreme Court, to the Louisiana Judicial Campaign Oversight Committee for a four-year term of office which will begin on Oct. 15, 2023, and will end on Oct. 14, 2027.

► Joseph M. Placer, Jr. was appointed, by order of the Louisiana Supreme Court, to the Committee on Bar Admissions for a five-year term of office which began May 10 and will end on May 9, 2028.

Retirements

► Jefferson Parish Juvenile Court Judge Ann Murry Keller retired, effective May 10. Judge Keller earned her bachelor's degree in 1974 from McNeese State University and her JD degree in 1978 from Tulane Law School. She was elected to the Jefferson Parish Juvenile Court bench in 1987 and served as a chief judge.

► 19th Judicial District Court Judge Trudy M. White retired, effective April 1. She earned her bachelor's degree in 1978 from Howard University and her JD degree in 1981 from Louisiana State University Paul M. Hebert Law Center. Prior to her election to the 19th JDC bench, she served as an executive director for the Louis A. Martinet Foundation's pro bono program. She worked as a general and deputy general counsel of the Department of Revenue, assistant secretary and deputy secretary of the Department of Revenue and chief attorney of the Child Support Enforcement Program. In 1999, Judge White was elected to the Baton Rouge City Court bench, where she served until her election to the 19th JDC in

2008. On the 19th JDC bench, she became the court's first Reentry Court judge.

Deaths

► Retired 1st Judicial District Court Judge Gayle K. Hamilton, 97, died April 8. He earned his bachelor's degree in 1949 from Southern Methodist University and, upon completion of classes at George Washington University and Centenary College, he passed the Bar exam in 1955. From 1943-46, during World War II, he served in the U.S. Marine Corps and was assigned to the West Coast of the United States and the Far East, including as a member of the First Marine Division which helped to invade Okinawa and as a Marine Guard at the old U.S. Embassy in Beijing, China. From 1949-52, he was a treaty affairs analyst at the U.S. Department of State. After returning to Shreveport, he worked as an oil scout and landman with Pan American Production Co. while studying law at night with attorney Horace M. Holder and other attorneys. In 1976, after practicing law for 20 years, he was elected as 1st JDC judge. He served as a chief judge at the 1st JDC and was re-elected without opposition in 1979, 1985 and 1991. He retired in 1993.

► Retired 4th Judicial District Court Judge Jimmy N. Dimos, 84, died May 18. He earned his bachelor's degree in 1960 from the University of Louisiana-Monroe and his JD degree in 1963 from Tulane University Law School. In 1964, he joined the McKeithen, Mouser & McKinley law firm. From 1971-72, he was the executive director of the Miss Louisiana Pageant. From 1976-99, he served in the Louisiana House of Representatives. From 1988-92, he was Speaker of the House during Gov. Buddy Roemer's administration. He served on the 4th JDC bench from 1999 until his retirement in 2006. In 2017, Judge Dimos was inducted into the Louisiana Political Hall of Fame and the Louisiana Judicial Hall of Fame.

MEDIATION ARBITRATION
maps
 PROFESSIONAL SYSTEMS, INC.
 LEADER IN RESOLUTION

*Thank you for
 your trust!*



Joe Hassinger



Joe Hassinger



Robert Jenks



Rocky Seydel, Jr.



Martin Simone, Jr.



Thomas Usdin



Glenda Barkate



Brad Luminais



Harold Adkins



Hon. Carolyn Gill-Jefferson (ret)



Kathy Wiedorn



Hon. Paul Bonin (ret)



T. Peter Breslin



Hon. Wm. "Rusty" Knight (ret)



Bobby Harges



Roger Javier



Hon. Conn Regan (ret)



Michele Crosby



Steven Rabalais



Hon. Franz Ziblich (ret)



Nicholas Gristina



Stephanie Roberts



Randy Russell



Grady Hurley



Cherrell Taplin



Joe Messina



Kevin Phayer



Hon. Nadine Ramsey (ret)



John Young



Tiffany Davis



Nicholas Zeringue



Melanie Mulcahy



Elizabeth Ryan



Hon. Glenn Ansardi (ret)



Lourdes Martinez



Dominic Gianna



Colby Wenck



F. M. (Rae) Turner



Robert Baudouin



Hon. Suzan Ponder (ret)



Albert Dale Clary



Gary Zwain



Charles Minyard



Hon. Marc Amy (ret)



Ashley Bass



Harold Koretzky



Jay Ginsberg



Billy Stark



John Lawrence, Jr.



Nat Kiefer, Jr.



Gabriel Feldman



Harvey Godofsky



Hon. Glennon Everett (ret)



Frank Fertitta



Keith Giardina

Metairie – Mandeville – Baton Rouge – Virtual – Nationwide

800.443.7351 | maps-adr.com | resolutions@maps-adr.com

PEOPLE

LAWYERS ON THE MOVE . . . NEWSMAKERS

LAWYERS ON THE MOVE

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, announces that Gregory E. Bodin has been named the managing shareholder in the Baton Rouge office. New Orleans office shareholder Steven F. Griffith, Jr. has been named chair of the firm's Advocacy Department and New Orleans office shareholder Matthew A. Woolf has been named chair of the firm's Business Litigation Group. Also, the firm elected new shareholders — Melissa M. Grand and Christopher M. Vitenas in the Baton Rouge office, and Lacey E. Rochester and Patrick H. Willis in the New Orleans office. Also, Mary E. Gentry joined the firm as an associate in the Baton Rouge office.

Breazeale, Sachse & Wilson, LLP, announces that Seth E. Bagwell has joined the firm as a partner, working in both the

New Orleans and Baton Rouge offices.

Broussard & David, LLC, in Lafayette announces that it has changed its firm name to Broussard, David & Moroux, including longtime partner Jerome H. Moroux. The firm also expanded its offices to Covington.

Chaffe McCall, LLP, announces that Douglas R. Holmes is the new firm managing partner, based in the New Orleans office. Also, Joseph R. Dronet has joined the Baton Rouge office as an associate.

Chehardy, Sherman, Williams, Recile & Hayes, LLP, and the Conroy Law Firm announce a merger between the two firms. Stephen K. Conroy has joined Chehardy's Metairie office as a partner and Amanda D. Hogue has joined the Metairie office as an associate.

Clayton Law Firm, LLC, with offices

in Slidell and Bogalusa, announces that **Brett P. Percle** has joined the firm as an associate.

Dunlap Fiore, LLC, announces it has opened a Mississippi office located at 300 Davis Ave., Pass Christian, MS 39571. **Michelle P. Cumberland** has joined the firm as the partner in charge of the Mississippi office.

Gainsburgh, Benjamin, David, Meunier & Warshauer, LLC, announces that former associates **Claire E. Kreider**, **Rachel M. Naquin** and **Brittany R. Wolf-Freedman** have been named as members of the firm in the New Orleans office.

King & Jurgens, LLC, announces that W. Spencer King has been named a member of the firm in the New Orleans office.

The Kullman Firm announces that

Continued next page



Raymond G. Areaux



Kathleen M. Aromi



Richard J. Arsenault



Matthew J. Braquet



Sara Lynn Braslow



Katie C. Cambre



Caitlin B. Carrigan



Robin D. Cassedy



J.E. Cullens



Michelle P. Cumberland



Michael S. Danon



M. Taylor Darden

Allison A. Fish was named as a shareholder in the New Orleans office. Also, **Matthew J. Braquet** has joined the New Orleans office as an associate and **Molly J. Gunnels** has joined the Baton Rouge office as an associate.

McGlinchey Stafford, PLLC, announces that Lauren N. Baudot has joined the firm as of counsel in the New Orleans office. Also, Courtney T. Joiner has joined the firm as a member (partner) in the Baton Rouge office.

Elizabeth S. Meneray, of Meneray Family Law, LLC, in New Orleans, has been appointed by the judges of the 24th Judicial District Court to the position of domestic hearing officer.

Pipes Miles Beckman, LLC, in New Orleans announces that seven new attorneys have joined the firm. **Sara Lynn Braslow**, **Katie C. Cambre**, **Michael S. Danon**, **Sarah M. Day**, **Deandra N. De Napoli** and **Elizabeth R. Higdon** have joined the firm as associates. **Lisa L. Fitzpatrick** has joined the firm as of counsel.

Kathleen M. Aromi and **Claude F. Reynaud III** have opened the firm

Reynaud Aromi Law, LLC, located at 9 Killdeer St., New Orleans, LA 70124; (225)241-1804, website www.reynaudaromilaw.com.

Riess LeMieux, LLC, in New Orleans announces that **James W. Vitrano** has joined the firm as of counsel. Also, **Jennifer L. Mura** has joined the firm as an associate.

Roedel Parsons Blache Fontana Piontek & Pisano, ALC, announces that Raven A. Bourque has joined the Baton Rouge office as an associate.

Sessions, Israel & Shartle, LLC, announces that Michael C. Ledet has joined the firm's Metairie office as an associate.

Strauss Massey Dinneen, LLC, in New Orleans announces that **Robin D. Casedy** has been promoted as a new member of the firm. Also, **Michael S. Heier** has joined the firm as an associate.

Veazey, Felder & Renegar, LLC, in Lafayette announces that **Kevin W. Fouquier II** has joined the firm as an associate.

Walters, Papillion, Thomas, Cullens,

LLC, in Baton Rouge announces that it has changed its firm name to Walters, Thomas, Cullens, LLC.

NEWSMAKERS

Richard J. Arsenault, a partner in the Alexandria firm of Neblett, Beard & Arsenault, chaired the HarrisMartin's MDL Conference "Managing Mass Torts, Key Litigation Updates and Lessons Learned" in Tucson, AZ. He also moderated two panels on Critical Tools for Navigating Mass Torts and spoke on a panel on Exit Strategies at the Mass Torts Puerto Rico Conference.

Caitlin B. Carrigan, an attorney in the firm of Scott Vicknair, LLC, in New Orleans, served on a panel at a maritime symposium at Loyola University.

J.E. Cullens, a founding attorney and member of Walters, Thomas, Cullens, LLC, in Baton Rouge, was inducted into the American College of Trial Lawyers.

Blake R. David, senior partner at Broussard, David & Moroux, LLC, in Lafayette, was reappointed to the Louisiana Board of Regents and is cur-



Blake R. David



Sarah M. Day



Deandra N. De Napoli



Allison A. Fish



Lisa L. Fitzpatrick



Jonathan S. Forester



Kevin W. Fouquier II



Emily L. Gummer



Molly J. Gunnels



Michael S. Heier



Elizabeth R. Higdon



Claire E. Kreider

rently serving as immediate past chair.

Zelma Murray Frederick, managing member of the Baton Rouge office of McGlinchey Stafford, PLLC, was named the 2023 Sustaining Member of the Year by the Junior League of Baton Rouge.

Ashley J. Heilprin, a partner in the New Orleans office of Phelps Dunbar, LLP, was selected as the Louisiana affiliate representative for the American Civil Liberties Union National Board.

Kristi W. Richard, a member (partner) in the Baton Rouge office of McGlinchey Stafford, PLLC, will participate in the Leadership Council on Legal Diversity's 2023 Class of Fellows.

Michael H. Rubin, a member (partner) in the Baton Rouge office of McGlinchey

Stafford, PLLC, and chair of the firm's Appellate Team, has published his third novel, *A White Hot Plan*. The book, co-authored with his wife, Ayan, was published by the University of Louisiana-Lafayette.

Robert E. Shadoin of Baton Rouge was appointed by Gov. John Bel Edwards as secretary of the Louisiana Department of Wildlife and Fisheries, effective April 14.

PUBLICATIONS

Best Lawyers in America 2023

Gertler Law Firm (New Orleans): Louis L. Gertler, M.H. Gertler and Helen H. Babin.

Flanagan Partners, LLP (New Orleans): Harold J. Flanagan, Thomas M. Flanagan, Sean P. Brady and Caitlin J. Flanagan; and Camille E. Gauthier, Meghan F. Grant, John R. Guenard and Gabrielle A. Ball, Ones to Watch.

Chambers USA 2023

Adams and Reese, LLP (Baton Rouge, New Orleans): Richard A. Aguilar, Mark R. Beebe, Robin B. Cheatham, John M. Duck, Brooke Duncan, Leslie A. Lanusse, Glen M. Pilie, Elizabeth A. Roussel, William D.

Shea and Martin A. Stern.

Barrasso Usdin Kupperman Freeman & Sarver, LLC (New Orleans): Judy Y. Barrasso, Jamie L. Berger, George C. Freeman III, Craig R. Isenberg, Stephen H. Kupperman, Richard E. Sarver and Steven W. Usdin; and Kyle W. Siegel, Up and Coming.

Breazeale, Sachse & Wilson, LLP (Baton Rouge, New Orleans): Thomas M. Benjamin, David R. Cassidy, V. Thomas Clark, Jr., Clay J. Countryman, Murphy J. Foster III, Nicole Gould Frey, Gregory D. Frost, Alan H. Goodman, Emily Black Grey, David R. Kelly, John B. King, Steven B. Loeb, Catherine M. Maraist, Eve B. Masinter, Van R. Mayhall, Jr., Catherine B. Moore, E. Fredrick Preis, Jr., Claude F. Reynaud, Jr. and Jacob Simpson.

Carver Darden Koretzky Tessier Finn Blossman & Areaux, LLC (New Orleans): **Raymond G. Areaux, M. Taylor Darden, Emily L. Gummer, Frank A. Tessier and David F. Waguespack.**

Fishman Haygood, LLP (Baton Rouge, New Orleans): Brent B. Barriere, Scott D. Chenevert, Louis Y. Fishman, Maureen B. Gershanik, Charles A. Landry, Tristan E. Manthey, Lance



Johanna E. Lambert



Christopher K. LeMieux



Stephen L. Miles



Jennifer L. Mura



Rachel M. Naquin



Brett P. Percle



H. Minor Pipes III



Claude F. Reynaud III



Michael R.C. Riess



Michael H. Rubin



Frank A. Tessier



James W. Vitrano



David F. Waguespack



Brittany R. Wolf-Freedman

C. McCardle, Kerry J. Miller, Lori G. Mince, William H. Patrick, Louis S. Quinn, Albert O. Saulsbury, E. Blair Schilling, Steven C. Serio, James R. Swanson, John D. Werner and S. Scott Willis; and J. Tyler Marquette and Cherie D. Nobles, Up and Coming.

Gordon, Arata, Montgomery, Barnett, McCollam, Duplantis & Eagan, LLC (Lafayette, New Orleans): Michael E. Botnick, Bob J. Duplantis, Ewell E. (Tim) Eagan, C. Peck Hayne, Jr. Samuel E. Masur, Cynthia A. Nicholson, Scott A. O'Connor, Howard E. Sinor, Jr. and Marion W. Weinstock.

Phelps Dunbar, LLP (Baton Rouge, New Orleans, Houston, TX): Lee R. Adler, M. Nan Alessandra, Bart C. Bacigalupi, Jeffrey M. Barbin, William R. Bishop, Shelton Dennis Blunt, Kim M. Boyle, Shaun G. Clarke, Philip deV. Claverie, Sr., Philip DeV. Claverie, Jr., Warner J. Delaune, Jr., Virginia Y. Dodd, Mark A. Fullmer, Kelsey K. Funes, Susan W. Furr, Cecile L. Gordon, Karleen J. Green, J. Alan Harrell, David D. Haynes, Jr., Gary A. Hemphill, Michael D. Hunt, Nathan G. Huntwork, Thomas H. Kiggans, Errol J. King, Jr., David M. Korn, Kevin J. LaVie, Steven J. Levine,

Daniel Lund III, Daniel T. Pancamo, David L. Patron, R. Andrew Patty II, Erik C. Piazza, Christopher K. Ralston, P. Ragan Richard, Ivan M. Rodriguez, Harry Rosenberg, Randy P. Roussel, Mary Ellen Roy, Patrick M. Shelby, John O. Shirley, James A. Stuckey, Michael S. Williams and Alan C. Wolf.

Pipes Miles Beckman, LLC (New Orleans): **H. Minor Pipes III** and **Stephen L. Miles**.

Riess LeMieux, LLC (New Orleans): **Michael R.C. Riess, Christopher K. LeMieux, Jonathan S. Forester** and **Johanna E. (Liz) Lambert**.

mercial finance and business transactions. A scholar and life-long learner, he obtained a BBA degree in 1981 from Loyola University and earned his JD degree in 1984 from Loyola University College of Law. At Loyola Law School, he served on the *Loyola Law Review* and authored a publication titled "Securities Fraud: A Supreme Court Prospectus of the 10(b) Action." He was a member of the New Orleans Bar Association, the American Bar Association, the Louisiana Chapter of the American Planning Association, the Louisiana Association of Affordable Housing Providers and the Sierra Club of East Jefferson. He also was a member of Phi Eta Sigma, Beta Gamma Sigma and Phi Alpha Delta. Colleagues will remember him for his legal acumen, integrity and unwavering dedication to his clients. He is survived by his wife of 39 years, Patricia Hand Suffern, a daughter, a son, two grandchildren, five siblings and several other relatives.



Edward Thomas Suffern, Jr.

IN MEMORIAM

Edward Thomas Suffern, Jr., a native of Metairie and a resident of Mandeville, died on May 14 at the age of 64. He practiced law at the law firms of Baldwin & Haspel and The Middleberg Riddle Group before joining the Metairie law firm of Dwyer, Cambre & Suffern, APLC, in 2000. He was a respected member of the legal community and known for his work in real estate law, affordable housing development, zoning and land use matters, governmental relations, com-



MENTORING

Experienced Lawyers Sharing Knowledge

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

Spot mentoring is an episodic or on-demand mentoring program that allows eligible LSBA attorneys to initiate contact with a volunteer spot mentor on the numerous questions a lawyer out in the practice 2-7 years may encounter. Examples of questions you can post include issues about Career Development, Legal Practice Skills, Professionalism, Practice Development, Client Service/Management, or Family/Work Integration.

There is no need to register for the program. You are already eligible based on your years of admission. Just log into your LSBA account to get started!

www.lsba.org/mentoring

UPDATE



Attending the Louisiana Supreme Court Historical Society meeting included, from left, Miriam Childs, Judge (Ret.) Mary Hotard Becnel, Benjamin W. Janke, E. Phelps Gay, Louisiana Supreme Court Chief Justice John L. Weimer, Donna D. Fraiche, Judge Eldon E. Fallon, Chief Justice (Ret.) Bernette Joshua Johnson, Alan G. Brackett, Catherine J. Newsome, John T. Olivier, Ned Diefenthal and Sandra A. Vujnovich.

Louisiana Supreme Court Historical Society Honors Outgoing President

The Louisiana Supreme Court Historical Society, at its May 15 board meeting, honored outgoing president Donna D. Fraiche for her 13 years of service. Among those attending the event at the Louisiana Supreme Court were Chief Justice John L. Weimer, former Chief Justice Bernette Joshua Johnson and U.S. District Court Judge Eldon E. Fallon, who helped found the Historical Society in 1992.

Chief Justice Weimer presented Fraiche with a resolution signed by the entire Louisiana Supreme Court, expressing its gratitude for her accomplishments. These include the Historical Society's sponsorship of high-quality continuing legal education programs; creation of the Society's website; commissioning of portraits of Chief Justice Johnson and Chief Justice Catherine D. Kimball; commemorating the bicentennial of the Supreme Court in 2013; and leading the effort to rename the Court's mu-

seum, opened in 2007, to the Chief Justice Bernette Joshua Johnson Supreme Court Museum. Former Chief Justice Kimball, who could not be present, expressed her appreciation in a letter: "Donna was foundational in laying the groundwork upon which the Historical Society has established itself as a crucial resource for preservation of the legacy of Louisiana law."

The 2023 officers of the Historical Society are E. Phelps Gay, board chair; John T. Olivier, vice chair; Catherine J. Newsome, secretary; and Benjamin W. Janke, treasurer. Members of the board of directors are Chief Justice Weimer, Paul Newman Murphy, Judge Brady D. O'Callaghan, Isaac H. Ryan, Jean Jones, Judge (Ret.) Mary H. Becnel, Professor Sharlene A. Sinegal-DeCuir, Professor Warren H. Billings, Professor Raphael Cassimere, Jr., Edward (Ned) Diefenthal, Edwin R. Murray, Judge Tiffany G. Chase,



Donna D. Fraiche, left, was honored as the outgoing president of the Louisiana Supreme Court Historical Society at the Board meeting in May. With her is E. Phelps Gay, 2023 Board chair.

Judy Perry Martinez, Harry J. (Skip) Philips, Dean Madeleine M. Landrieu, Interim Dean Sally Brown Richardson, Dean Alena Allen, Rachel L. Emanuel, Ph.D. (designee of Chancellor John K. Pierre), Deidre D. Robert and Shayna L. Sonnier.



The Louisiana State Bar Association hosted the 63rd Biannual Bridging the Gap Program in October 2022. New admittees attending the reception included, from left, Pamela D. Hall, Peyton T. Gascon, Lauren S. Bennett, Dylan T. Scully, Cameron A. Murray, Tevieca L. Andrews, Andre P. Bellefontaine, Lauren V. Abington, Kenneth T. Hingle and Christopher J. Vidrine.



Southern University Law Center unveiled new portraits to its Judicial Wall of Fame. Recognized, from left, were Judge Erika L. Green, East Baton Rouge Parish Family Court; Judge Tonya S. Lurry, 18th Judicial District Court; and Judge Briana Westry-Robinson, 4th Judicial Circuit Court of Alabama.

SULC Hosts Annual Alumni & Friends Round-Up

Southern University Law Center (SULC) hosted its annual Alumni & Friends Round-Up on March 29-April 1. The event featured the Judicial Wall of Fame portraits unveiling ceremony, the Chancellor's scramble golf tournament, the Distinguished Alumni and Friends reception and the Alumni Hall of Fame Gala.



Southern University Law Center Chancellor John K. Pierre, fourth from left, recognized new members of the SULC Hall of Fame. From left, André P. Gauthier, The Law Offices of Gauthier & Amedee; Kimberly S. Holmes, Spencer Fane; Trey Morris, Morris and Dewett, LLC; Chancellor Pierre; Dewun R. Settle, attorney at law; and Edwin M. Shorty, Jr., attorney at law.



Southern University Law Center recognized several Distinguished Alumni. From left, Bill D. Shea, Adams and Reese, LLP; Petrina R. Johns, attorney at law; Patrick Celestin, Allstate, Government and Industry Relations Department; LaToya Jones Burrell, attorney at law; Cory P. Roy, Cory P. Roy, Attorney at Law, LLC; and Anthony (Tony) Heidelberg, Heidelberg Law Firm, PLLC.

LOCAL / SPECIALTY BARS



The Jefferson Bar Association held its 34th annual CLE by the Sea from March 22-25, with the theme "Farewell to Beau Rivage." Attendees enjoyed CLE sessions, the President's Reception and Grand Gala, the Young Lawyers Division reception and a crawfish boil. Attending the event included, from left, Judge John J. Molaison, Louisiana 5th Circuit Court of Appeal; Blair C. Constant, Couhig Partners, LLC; and Scott C. Stansbury, Law Office of David I. Courcelle, LLC.



Attending the Jefferson Bar Association's March CLE by the Sea included, from left, Sharlayne J. Prevost, Nsoro Mastec, LLC; Judge Frank A. Brindisi, 24th Judicial District Court (JDC); Judge June B. Darensburg, 24th JDC; Judge Michael P. Mentz, 24th JDC; Judge Steven D. Enright, 24th JDC; Judge Lee V. Faulkner, Jr., 24th JDC; Judge Danyelle M. Taylor, 24th JDC; and Judge Ellen S. Kovach, 24th JDC.

Continued next page

President's Message

LBF a Champion for Justice, Inclusivity and Equality for All

By Deidre Deculus Robert, 2023-24 President

As lawyers, we swore an oath to “never reject, from any consideration personal to [ourselves], the cause of the defenseless or oppressed or delay any person’s cause for [monetary gain] or malice.” At the Louisiana Bar Foundation (LBF), our vision is to ensure that all Louisiana citizens regardless of their background or income level have access to civil legal services that they need.

The LBF brings members of our profession together, maximizing our efforts to better the profession, our communities and ourselves. When we support our marginalized communities, we all benefit. I am a proud member of the LBF, the visible public service organization of Louisiana attorneys.

Membership in the LBF is a statement of commitment to fairness and equal access for all in the justice system. This distinguished professional network will also allow you to enrich your careers through professional development and networking opportunities and apply your skill sets toward something meaningful.

Every member of the Bar should be a LBF Fellow! LBF reflects the social conscience and public responsibility of our profession and our allegiance to effective action.



Lawyers do great service work every day by helping others. Because you are driven by a firm belief that all Louisianans deserve a fair and equal justice system, regardless of income, join us in our work as a champion for justice, inclusivity and equality.

Contact the LBF at (504)561-1046 or visit the website, www.RaisingTheBar.org, and find out how you can join today.

LBF’s dedicated members are judges, lawyers, academics and individuals, whom we call Fellows. Fellows are critical to our mission to increase Louisianan’s access to civil legal aid. Fellows receive:

- ▶ association with an organization directly impacting the legal profession;

According to the 2022 census, Louisiana is:

- ▶ 1st in the percentage of its population living below the poverty level in this country;
- ▶ 2nd in the number of children living in poverty;
- ▶ 3rd in the lowest household median income; and
- ▶ 3rd lowest in income inequality.

- ▶ recognition of one’s contribution to the profession, alliance with the Foundation’s mission;

- ▶ professional development and networking;

- ▶ invitations to special events and meetings;

- ▶ participation in annual nominations for Louisiana’s distinguished jurist, attorney, professor and Calogero Justice awards; and

- ▶ committee participation and leadership.

Southwest Louisiana Bar Association (SWLBA) Bench Bar Conference



The Southwest Louisiana Bar Association (SWLBA) hosted its Bench Bar Conference March 16-18 in Houston. Participating, from left, Adam P. Johnson, SWLBA president; Judge Robert L. Wyatt, speaker, 14th Judicial District Court; Judge Tony Fazzio, speaker, 14th Judicial District Court; Judge Kendrick J. Guidry, speaker, 14th Judicial District Court; J. Lee Hoffoss, Jr., SWLBA president-elect; Judge David A. Ritchie, speaker, 14th Judicial District Court; and Judge Clayton Davis, speaker, 14th Judicial District Court.



The Southwest Louisiana Bar Association hosted its Bench Bar Conference March 16-18 in Houston. Several attendees participated in the Basketball Classic. From left, Jackson T. Brown, Russ J. Stutes, Michel S. Ogden, Jr., Christopher S. Lacombe, Fred C. Lebleu, Derrick D. Kee, Damon Beard, Joseph B. Williams III, Adam P. Johnson, Ezra Pettis, Jr., Justin T. Morales, Quinn Walker, David G. Castillo, Jackson T. Ritchie, Judge David A. Ritchie, Gary L. Blanchard and Kiefer G. Ackley.

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(B)(2)(e)(i) and/or 17:3393(A)(2)(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 shall advise the Attorney General of its concurrence in the attorney assignment in writing. The exempted institutions, if applicable, shall advise the Attorney General of its acknowledgement of the attorney assignment in writing. Written concurrence by the Office of Risk Management or written acknowledgement by the exempted institutions, if applicable, constitutes notification of the contract attorney assignment. 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.

CLASSIFIED NOTICES

Standard classified advertising in our regular typeface and format may now be placed in the *Louisiana Bar Journal* and on the LSBA Web site, LSBA.org/classifieds. All requests for classified notices must be submitted in writing and are subject to approval. Copy must be typewritten and payment must accompany request. Our low rates for placement in both are as follows:

RATES

CLASSIFIED ADS

Contact Krystal L. Bellanger at (504)619-0131 or (800)421-LSBA, ext. 131.

Non-members of LSBA

\$85 per insertion of 50 words or less
\$1 per each additional word
\$20 for Classy-Box number

Members of the LSBA

\$60 per insertion for 50 words or less
\$1 per each additional word
No additional charge for Classy-Box number

Screens: \$25

Headings: \$15 initial headings/large type

BOXED ADS

Boxed ads must be submitted camera ready by the advertiser. The ads should be boxed and 2¼" by 2" high. The boxed ads are \$70 per insertion and must be paid at the time of placement. No discounts apply.

DEADLINE

For the December issue of the Journal, all classified notices must be received with payment by Oct. 18, 2023. Check and ad copy should be sent to:

LOUISIANA BAR JOURNAL
Classified Notices
601 St. Charles Avenue
New Orleans, LA 70130

RESPONSES

To respond to a box number, please address your envelope to:

Journal Classy Box No. _____
c/o Louisiana State Bar Association
601 St. Charles Avenue
New Orleans, LA 70130

POSITIONS OFFERED

Experienced commercial litigation attorney. King & Jurgens, LLC, is seeking a commercial litigation attorney with substantial trial experience. This position, located in its downtown New Orleans office, offers a highly competitive salary and bonus structure and generous benefits. All applications will be handled in the strictest confidence. Email résumé to: srossi@kingjurgens.com.

Commercial litigation attorney. Onebane Law Firm, an established firm in Lafayette, is seeking a full-time attorney. Five+ years of experience in commercial litigation and business transactions required. Compensation is commensurate with experience and includes a full benefits package. For more position details and to submit résumés online, go to: www.onebane.com/employment-opportunities/.

Great opportunity for lateral placement with potential for growth and advancement. Duplass APLC is seeking attorneys licensed in Louisiana with three to seven years of insurance defense and litigation experience. Opportunities are available in the Metairie and Mandeville offices. A robust suite of benefits includes

training and development programs, including monthly presentations, CLE and bar admission expense reimbursement, cell phone allowance, and client development expense account. In addition to salary based on experience, the compensation package includes a competitive annual bonus program, health, life and long-term disability insurance, flexible spending accounts, parking, a generous 401(k) retirement plan and a wide array of optional benefits. See additional information and apply at: www.duplass.com/career-opportunities/.

The Cassie Felder Law Firm, a boutique law firm in Baton Rouge, has an opening for a legal assistant. The basic requirements are: working experience in law firm; experience with Apple computers and G-suite (Google mail, etc.) a plus; responsible for attorney's calendar; ability to deal with clients, draft letters, emails and basic pleadings; friendly attitude and a sentiment that would not be "that's not my job;" ability to maximize attorney's time; may be asked to run errands. An acceptable candidate is smart, organized and trainable. He or she would enjoy an environment of a comfortable small business. Opening available immediately. Email: cassie@cassiefelderlaw.com.

VOCATIONAL EXPERT

Vocational testing / Evaluation
Labor Market Surveys

Expert Witness Testimony
Qualified in state and federal courts
and administrative law hearings

Jeff Peterson, M.Ed., CRC, CVE, CLCP
337-625-2526
www.jp-a.com

THE WRITE CONSULTANTS

Adele A. Thonn, BCDE
Board Certified Forensic Document Examiner

Services include document examination, analysis and opinions including, but not limited to, questioned writing and alleged alterations

Happily servicing the Greater New Orleans area and surrounding parishes

Phone: (504) 430-5117
Email: adele.thonn@cox.net
www.thewriteconsultants.com

POSITIONS WANTED

Semi-retired plaintiff's attorney seeks "gig" work. Plaintiff party preferred. Terms negotiable. (504)832-0585.

SERVICES

Texas attorney, LSU Law 1985. Admitted in Louisiana and Texas. I am available to attend hearings, conduct depositions, act as local counsel and accept referrals for general civil litigation in the Houston area. Contact Manfred Sternberg, Jr. at (713)622-4300; email manfred@msternberg.com.

Brief writing/legal research. Columbia Law School graduate; former U.S. 5th Circuit staff attorney; former U.S. District Court, Western District of Louisiana, law clerk; more than 20 years of legal experience; available for brief writing and legal research; references and résumé available on request. Appellate Practice specialist, certified by the Louisiana Board of Legal Specialization. Douglas Lee Harville, lee.harville@theharvillelawfirm.com, (318)470-9582 (Shreveport).

Appellate/brief writing services. LBLS certified Appellate Practice specialist; appellate briefs and consulting; trial motions and memoranda; research complicated issues of law; 18 years' experience; civil and criminal; federal and statewide services; former Louisiana 5th Circuit law clerk; former assistant district attorney. Desirée Valenti, Andrews Valenti, LLC, desiree@andrewsvalenti.com, (504)799-2585 (New Orleans).

FORENSIC DOCUMENT EXAMINER

ROBERT G. FOLEY

Handwriting Examination & Comparison and Related Matters

Certified & Court Qualified since 1972.
Diplomat of the American Board of Forensic Document Examiners.

Phone: (318) 355-9586
bobbyfoley@aol.com
www.robertgfoley.com

Briefs/Legal Research/Analysis of Unusual or Problem Cases

JD with honors, federal judicial clerk, graduate of top 10 law school, 25 years' experience federal and state litigation, creative legal thinker. Available for briefs, research, court appearances, analysis of unusual or problem cases. References on request. Catherine Leary, (504)436-9648, statewide services, registered office Jefferson Parish. Email CatherineLeary2021@gmail.com.

FOR RENT - MANDEVILLE

For rent. Large office on Lakefront in Mandeville. Rental includes copier, fax, Internet, utilities, receptionist, use of common areas and referrals. Call (985)626-4419 for inquiries or email thefirm@wimberlylaw.com.

FOR RENT - NEW ORLEANS

Tastefully renovated office space suitable for lawyers, accountants, engineers or other professionals, one block from Channel 6 studios. Includes secretarial space, receptionist, telephones, voice mail, conference rooms, kitchen, office equipment and parking. Walking distance to all downtown courts and many fine restaurants. Rents range from \$450-\$1,000 per month depending on size. Contact Cliff Cardone, (504)522-3333.

SEND YOUR NEWS!

Email your news items and photos to:

LSBA Publications Coordinator
Darlene LaBranche at
dlabranche@lsba.org

ADVERTISE YOUR LEGAL SERVICE OR CLASSIFIED AD HERE!

**Any questions? Contact
Krystal Bellanger-Rodriguez
at (504)619-0131
or via email
kbellanger@lsba.org**

ANSWERS for puzzle on page 124.

L	E	G	I	S	L	A	T	I	V	E	B	I	D
O	E	E	B	N	A	E							
T	O	N	N	A	G	E	S	A	T	A	N	I	C
			E	W	T	P	A	A	D	L			
S	U	R	T	A	X	T	E	R	I	Y	A	K	I
T	A	Y	R	C	L	I	N						
I	D	L	E	G	E	T	T	H	E	I	D	E	A
P			D	P	I	D							
U	N	D	E	R	T	T	O	R	E	S	S	O	
L	E	E	G	N	S	P	R						
A	C	Q	U	A	I	N	T	N	O	T	A	R	Y
T	U	M	A	A	M	T							
I	V	E	R	S	O	N	S	T	A	T	U	R	E
O	E	U	C	T	L	L							
N	O	N	P	R	E	L	I	M	I	N	A	R	Y

INDEX TO ADVERTISERS

Admiralty Symposium.....	85
Argent Trust.....	119
Bourgeois Bennett.....	117
Baron & Budd.....	113
Broussard David & Moroux.....	OBC
Christovich & Kearney, LLP.....	127
Complex Litigation Symposium.....	125
Dexcomm & Clío.....	134
Expert Communications.....	150
Robert G. Foley.....	151
Chad M. Garland, CPA, LLC.....	81
Gilsbar, Inc.....	97, IBC
LawPay.....	82
LaPorte CPAs & Business Advisers ..	121
Jessica LeBlanc, CPA.....	130
Legier & Company, apac.....	IFC
Louisiana Association for Justice....	123
Maps, Inc.....	141
Daya J. Naef / Professional Business Coach.....	137
The Patterson Resolution Group.....	129
Perry Dampf Dispute Solutions.....	101
Running Creek Ranch.....	132
Schafer Group, Ltd.....	136
Schiff White Manning, LLP.....	126
Tulane Law Firm Challenge.....	128
Upstate Mediation Group.....	133
Upstate Mediation Group / R. Chris Nevils.....	135
Upstate Mediation Group / Kay Stothart Rector.....	131
The Write Consultants.....	150

AI Bombs in Court

By E. Phelps Gay

By now we all know the story of the New York lawyer who asked ChatGPT to write a brief. He was representing a man who, while sitting on an airplane, got struck in the knee by a metal cart pushed by a flight attendant. When the airline’s counsel filed a well-supported motion to dismiss the claim, the lawyer sought help from ChatGPT. It cranked out what appeared to be a solid work product, citing several cases supporting the plaintiff’s position. The lawyer grew confident the court was going to reject the airline’s motion.

But then . . . reality rudely intervened. It seems all these ostensibly strong legal authorities were wrong or wholly imaginary. According to Judge Kevin Castel, “six of the submitted cases appear to be bogus judicial decisions with bogus quotes and bogus internal citations.” Highly displeased, the judge asked for an explanation. The lawyer fessed up to what he had done, explaining (perhaps to dig his hole a little deeper) that upon receiving the AI brief he asked ChatGPT if these were real legal authorities. ChatGPT, which some maintain is “prone to hallucinations,” assured him they were. The lawyer acknowledged his office did not maintain a subscription to Westlaw or LexisNexis, and his firm’s Fastcase access to federal cases had been “inadvertently deactivated.” Hoodwinked by ChatGPT, he threw himself upon the mercy of the court and braced for sanctions.

A few days after reading this story, I shared it with one of my tennis friends. I told him Artificial Intelligence was not yet in a position to replace the good hard work done by lawyers every day. My friend smiled and said, “Give it 90 days.”

All this got me thinking: Although I have no doubt AI will soon be able correctly to hunt down all legal authorities relating to a specific issue, will it ever learn to write well? Will the day come when you ask AI to write a brief, and it produces one better than you could have written at your best? For that matter, if asked to write a sonnet, will AI seriously compete with Shakespeare and Keats? For novels, can it rise to the level of Melville, Dickens, Tolstoy and Morrison? For essays, can it surpass Emerson, Montaigne, George Orwell or James Baldwin? In the songwriting department, could it possibly match Cole Porter, Irving Berlin, Paul Simon, Smokey Robinson, Bob Dylan or Lennon-McCartney?

As a non-techie, I am in no position to say that day won’t come, but as Tom Cruise said to Ed Harris in the movie *Top Gun: Maverick*, “Maybe so . . . but not today.”

Recently, my daughter, knowing I’m a Lincoln guy who also loves popular music, told me she asked ChatGPT to “create a pop song about Abraham Lincoln.” Here, in large part, is what she received:



First Verse:
*He came from humble beginnings
In a log cabin, his life beginning
Honesty and hard work, his creed
He rose to be the man in the lead*

Chorus:
*Oh, Abraham Lincoln
Our 16th President
He fought for unity and freedom
And left a legacy that will never end*

Outro:
*His legacy lives on, in the hearts of us all
A beacon of hope, standing ever so tall
Oh, Abraham Lincoln we’ll always remember
The man who made a nation whole again*

Now, if I am a Creative Writing professor or a high school English teacher receiving this submission, I could not in good conscience give it a mark higher than a B-minus. “*He rose to be a man in the lead?*” “*In a log cabin, his life beginning?*” “*Honesty and hard work, his creed?*” The rhymes are clumsy, the images clichéd (*beacon of hope*), the sentiments perhaps worthy but expressed without any trace of artistic originality.¹

So, at least for now, I maintain AI is no substitute for the quirky imagination of a sentient human being. We may not all be Shakespeare, but we each have our own idiosyncratic means of communicating our thoughts (and arguments) in well-wrought sentences, grouped in logically organized paragraphs. Put another way, we are people, not machines, and our writing has a distinct imprint, just as our genes have their own DNA.

With barbarians at the gate, I say: Let’s not give way to the conveniently artificial, but instead celebrate — and always strive to do better with — the gifts God gave us.

FOOTNOTE

1. According to Wikipedia, generative AI can generate text, images or other media in response to prompts. It learns the patterns and structure of “input training data” and generates new data with similar characteristics. Some maintain it may prove useful to lawyers in conducting technical research or even producing first drafts of documents. But . . . *caveat emptor*.



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

Give life to
those you
love.



**UNDER
50?**

Automatically qualify for Term Life Coverage* with purchase of an endorsed malpractice policy from Gilsbar. A guaranteed term life policy is waiting for LSBA members.

*Guarantee issue requires LSBA member is actively at work and has not been previously declined coverage by carrier.

Visit gilsbar.com/lsba-members-insurance-program to apply today!



GILSBAR

 Louisiana
State Bar
Association
Serving the Public. Serving the Profession.



Same dedication. New name.

Broussard & David's reputation for advocacy continues to grow across Louisiana. And so is our name. Broussard, David & Moroux embodies the same expertise and commitment to fighting for just compensation and protecting the rights of injured people.

For 13 years, partner Jerome Moroux has fought for our clients in the courtroom litigating serious personal injury and wrongful death cases. Today, Broussard, David & Moroux is 10 attorneys strong with offices in Lafayette and Covington.

Adding his name brings our firm's story full circle. His father, Anthony "Tony" Moroux, was the former law partner of Richard Broussard.

Now, as ever, the names Broussard, David & Moroux mean representation you can trust.

BROUSSARD DAVID & MOROUX

Tried and Trusted.

Nationally renowned in personal injury law, the attorneys of Broussard, David & Moroux are proven trial lawyers. We believe that justice is obtained by looking at the big picture of each case and focusing on every detail to secure maximum compensation for our clients.

www.BDM.Law