JOUISIANA BAR JOURNAL

August / September 2024

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Lori Smith, CPA, MBA Partner, Forensic & Dispute Advisory Services lori.smith@cbh.com

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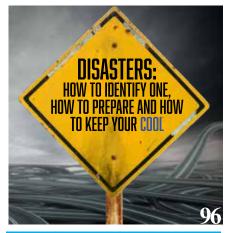
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2024 Annual Meeting/Summer School Officers Installed;

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Editor's Message



By Valerie T. Schexnayder

Congratulations All Around!

n this issue of the *Louisiana Bar Journal*, we are publishing a recap of the Louisiana State Bar Association's (LSBA) Annual Meeting, which included the swearing in of the Bar leadership (the officers and Board of Governors and the Young Lawyers Division's officers and Council) and recognition of several award winners.

I want to congratulate all new and returning members of the Bar leadership. I look forward to working with you in the upcoming year.

Congratulations to all the award recipients. Your hard work and dedication to the legal profession serves as an inspiration. (See pages 100-106 for all Annual Meeting updates.)

I have always enjoyed attending the Annual Meeting and joint Summer School. When you see your fellow attorneys dressed in casual attire, rather than their customary suits of armor, it produces a more collegial and friendly atmosphere. This, in turn, promotes networking and building relationships. I also enjoy networking with our judges and justices at the CLE seminars and the Law School Alumni events.

The dedicated members of the Summer School CLE Committee always do an excellent job in planning high-quality CLE programs with interesting speakers on many diverse topics, both informative and relevant. I want to personally thank the members of the Summer School CLE Committee for their hard work in planning and executing the event. I also want to thank the justices, judges and attorneys who presented the CLE seminars. Their hard work and dedication in providing topnotch CLE programming are truly appreciated by the members.

Also in this issue, we are publishing an article explaining updates to the Lawyer Advertising Filing System, which launched on July 1. This new portal will give members easier access to the lawyer advertising filing process and streamline some current procedures.

We also include an article about the Louisiana Supreme Court's Rule XVII Section 15, the "Temporary Admission of Military Spouse Attorneys," and the first attorney taking advantage of the new Rule. We also revisit the topic of disaster planning for law offices because, unfortunately, it's that time of year.

I hope you find these articles interesting and informative.

Not to be missed, we also highlight the individuals recognized at the 39th Annual Pro Bono Publico & Children's Law Awards Ceremony held on May 21 at the Louisiana Supreme Court in New Orleans. These dedicated individuals were honored for their service and commitment to the legal profession and access to justice. I want to thank the recipients of the David A. Hamilton Lifetime Achievement Award, the Career Public Interest Award, the Children's Law Award, the Pro Bono Publico Award, the LA.FreeLegalAnswers Award, the Friend of Pro Bono Award and the Pro Bono Century Club Award for their tireless representation of the underserved in our community. I want to thank the Louisiana Supreme Court justices who presided over the ceremony to honor these amazing attorney volunteers. (See pages 110-112 for the list of recipients and photos from the event.)

There are many other attorneys in our community who provide pro bono legal services throughout the year. I want to personally thank each and every one of you for providing these services to those who need them most. The LSBA's Access to Justice Program supports and encourages the efforts of dedicated attorneys who do pro bono work. The Louisiana Rules of Professional Conduct Rule 6.1 provides that every lawyer should aspire to render 50 hours of pro bono service each year. If you are interested in providing these services, there are many opportunities to make a difference. Contact your local legal services provider or your local bar association for more details. Or browse the LSBA's Access to Justice web page at www.lsba.org/atj/. There you will find information on pro bono opportunities and other resources.

Valerie T. Schernayder



President's Message

Installation Speech: Vision for the Future June 6, 2024



By Patrick A. Talley, Jr.

would like to thank Chief Justice John Weimer for administering the oath of office to me and all the incoming Bar leaders. I was elected to this position in 2022 but, first, you must serve as president-elect, so I've been waiting in the wings for this for almost two years now. But I have been very fortunate to have had Shayna Sonnier as my predecessor. I have learned a lot from her, and I consider her to be a dear friend. She also has been a very inspiring leader. With Shayna continuing her Bar service as immediate past president and Ed Walters beginning his position as president-elect (and our future president), I believe we will have an awesome leadership team, and we look forward to leading the LSBA this year.

As I begin my term as your president, I would like to discuss some of the plans and goals I have, as I think this will tell you where we are going as an organization.

But first, here's a little bit about me. I would like to thank my family and friends for their support. To my immediate family, my wife Sharon, our three children, our daughter Sarah, our two sons Peyton and Trey and his wife and our daughter-in-law Margaret, thank you for everything you have done to support me on the road to the LSBA presidency. To my two sisters from Savannah and my brother who lives in Charleston and their spouses, and to dear friends from college who have traveled long distances to be here, thank you for being here.

I would also like to thank my law school friends, some who also traveled long distances to be here. We had an unusually close-knit group in law school and have remained close since graduation more than 40 years ago. I wouldn't be here today as the LSBA president if it weren't for you all and I'd like to say thanks to you for your help along the way.

Finally, I would like to thank my law partners and colleagues at Phelps Dunbar for their support of me on this road to the LSBA presidency. I've been a partner in three outstanding law firms in my career. I sincerely believe that my tenure at Phelps is the most rewarding. I could not do this without the support of the firm. Thanks to all my partners and colleagues at Phelps!

Let's move on to discuss our plans and goals this coming year.

First, our theme for this year is "*I get* by with a little help from my friends." This theme has a double meaning (more on that later), but, foremost, it is a theme about access to justice, the first goal. I have a fundamental belief and commitment to access to justice because I believe that every citizen of this state should have the right to access the courts and have their grievances addressed by a judge or jury, regardless of their social status, economic background or any disability they might have.

Unfortunately in many parts of our state, access to justice remains a distant dream for many of our citizens. While I am quite proud of the accomplishments we have made to access to justice, the reality in our state today is that 1.8 million of our citizens are still unable to afford a lawyer when they need one. 1.8 million people! And we have tremendous swaths of legal deserts in our state.

This picture is even bleaker when it comes to criminal cases. This is particularly true in north Louisiana where most of our legal deserts exist and where, sadly, many defendants who are charged with a crime are unable to have legal representation. So they sit in jail.

Our job is not done, not yet, and we still have challenges that we need to address. We must do more. We will, first and foremost, continue our commitment to fund legal programs for the poor at the same level or higher than in the past.

In addition to the poor in our state, we must also focus on the neuro-diverse population in our state, which is growing every year and which has fallen through the cracks of our judicial system, particularly the children and youth who fall on the autism spectrum. A person who thinks differently and does not respond in a typical manner is likely to be subjected to bullying and harassment, and possibly discipline without due process, and that person may be expelled from school or terminated from a job. What happens to this child or young adult if his family is without means to obtain a lawyer or the legal support they need? Plain and simple, there is no access to the courts for these children and young adults, particularly if they are poor, and even if they can get into the legal system, our courts may not be adequately equipped to deal with the special problems, time and attention that the neurodiverse population presents. We must ensure that our judicial system is adequately funded and resourced, with enough judges, courtrooms and support staff to handle these special cases, irrespective of one's ability to pay.

Another aspect of access to justice that we will work on this year is pro bono service in our state, which, quite frankly, is not working as well as it should be. In Louisiana, every lawyer should strive to provide 50 hours of pro bono work each year. But therein lies the problem. The



Patrick A. Talley, Jr. during the installation luncheon delivering his installation speech, inset shows slide concerning Louisiana Pro Bono participation. *Photos by Matthew Hinton Photography.*

goal is only aspirational, and more than 82% of the lawyers in our state do not meet this goal. Aspiration is clearly not working for us.

In a state with more than 23,000 lawyers, there's really no excuse for someone to sit in a jail cell, day in and day out, because he can't afford a lawyer. We should be embarrassed when that happens. On the other hand, just think for a second where we would be if every lawyer in the state met this goal and performed 50 hours of pro bono work annually. We could go a long way toward making access to justice a reality in our state for the people who are unable to afford a lawyer.

In her President's speech last year, Shayna Sonnier said it's all about service to our profession, and I agree, and to Shayna's remarks I add, if not us, then who? Who will address these issues and ensure that access to justice is a reality and not just a dream? It is our responsibility as members of the LSBA to ensure that these barriers to access to justice are removed, and that all citizens in Louisiana, including the poor and neuro-diverse population, have an opportunity to seek justice and have their grievances addressed in the courts. *They can get by with a little help from their friends.*

Changing gears, we must also continue to focus on the mental health of our membership. We know from the numerous studies that we have a higherthan-normal percentage rate of burnout, anxiety and depression within our profession. This is true because, as lawyers, we are driven by perfectionism and the need to avoid failure. And forget about making a mistake, as mistakes are not countenanced in our profession. Our clients and our families count on us not making a mistake. Of course, perfection is an impossible goal and this leads to feelings of failure, which is a leading cause of the high levels of stress, anxiety and depression in our profession.



The mental health of our profession is also being addressed by bar leaders in other states so we are right in step with everyone in the country on this. *They can get by with a little help from their friends*.

We will also focus on two other areas during my presidency: Strategic Planning and Artificial Intelligence.

Our current Strategic Plan is more than seven years old, and we have completed all the goals we set out to complete. So, we will begin crafting a new Strategic Plan and establish new goals for the LSBA's future.

Artificial Intelligence (AI) will change the way we practice law in the future, and it is here to stay. Since AI is not without risks, we need to take a close look to determine what its best practices should be and make sure that we properly regulate and govern its use in our profession. At the first meeting of the new Board of Governors, I appointed a task force consisting of lawyers and judges, including Supreme Court representation, to consider where we need to go as a profession with AI.

In conclusion, I would like to say thank you to everyone for the confidence shown to me in electing me as your 84th LSBA president. The magnitude and responsibility of this position is not lost on me. I cannot, however, do it alone, "but I can get by with a little help from my friends." Friends, it is an honor and a privilege for me to serve our profession as LSBA president and I will do my best to be the best leader that I can be as your president this year.

Prany

Lawyer Advertising 2.0:

Updates Now in Place to Streamline the Ad Review Filing Process

he Louisiana State Bar Association (LSBA) launched the new Lawyer Advertising Filing Portal on July 1 to streamline the advertising filing procedures and to give lawyers and law firms easier ways to revise previous advertising filings, submit new ads for review and to pay for the process online via credit cards.

Chief among the updates is the method to submit ads via online means. Media links are now being accepted from file-sharing services such as Dropbox, Google Drive and others. Advertisers may provide links to their advertising material/media rather than sending the material via postal service, FedEx, UPS, etc. Note that media links provided must be publicly accessible and the media must be downloadable. It is the advertiser's responsibility to establish their own file-sharing service accounts. Dropbox is the LSBA's preferred sharing service.

It is important to note, however, that

ad submissions will still be allowed via the postal service and other delivery services, and payment can still be handled by paper checks.

Background

Under Rule 7.7 (effective Oct. 1, 2009), lawyers are obligated to file ALL non-exempt advertisements or unsolicited written communications with the LSBA prior to or concurrent with first use or dissemination of the advertisement or communication. A list of advertisements and communications exempt from the filing requirement can be found in Rule 7.8. It should be noted that "exempt" does not necessarily mean "compliant" with the Rules — "exempt" means merely that the Rules leave the evaluation of compliance with the Rules to the individual lawyer. In short, ALL advertisements and unsolicited written communications — exempt and non-exempt — must be compliant with the Rules, or the lawyer risks potential professional discipline.

The Rules policies prohibit evaluation of an actual or proposed specific advertisement or communication unless and until properly filed under the established procedure; as such, LSBA Ethics Counsel is unable to offer any form of informal or "off-the-record" pre-screening of specific advertisements and communications. However, the LSBA offers a "No Risk/No Doubt Filing Policy." Any lawyer who is uncertain or unclear about whether an advertisement or communication is exempt from the filing requirement is strongly encouraged to file the item properly with LSBA Ethics Counsel, who will, in turn, offer to terminate the filing, with full refund of the filing fee submitted, if the advertisement or communication is, in fact, exempt from filing. There is no risk of needlessly paying a filing fee for an exempt advertisement and no doubt left regarding whether something is required to be filed under the Rules.



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Amendments Effective in 2022

Subsequent amendments to the Louisiana Rules of Professional Conduct regarding lawyer advertising were made as a result of a study and recommendations to the Louisiana Supreme Court by the LSBA's Rules of Professional Conduct Committee in response to Senate Concurrent Resolution 57 of the 2020 Regular Legislative Session, which requested the implementation of a "lawyer advertisement review recognition program." These amendments became effective on Jan. 1, 2022. The changes to the rules included:

► A database of all advertisements and unsolicited written communications that have been filed with the LSBA shall be made readily available to and searchable by the public.

► All "non-exempt" advertisements and unsolicited written communications (as defined in the Rules) shall contain a "filing number." The number will be provided by the LSBA at the time of the filing required by Rule of Professional Conduct 7.7.

► Advertisements and unsolicited written communications that contain a reference or testimonial to past successes or results obtained must contain a disclaimer such as "Results May Vary" or "Past Results are not a Guarantee of Future Success."

Also, effective Nov. 11, 2022, dis-

counted filing fees for new lawyers were added. Members admitted to the LSBA for less than three years and not affiliated with a firm of five or more lawyers are eligible for a discounted filing fee of \$100 for each separate advertisement or unsolicited written communication filed prior to or concurrent with first use/dissemination. Late filings for eligible new lawyers will be assessed an additional \$100 late fee (for a total filing fee of \$200.)

Best Practices for Lawyer Advertising

For some guidance, here are a few "best practices" tips for lawyer advertising. Attorneys are encouraged to always do their due diligence and research fully the wealth of advertising rules and other information provided on the LSBA website.

► Avoid rushing to produce any advertisement to try and meet a publication/airing deadline imposed by the media salesperson or consultant. There is no such thing as an "advertising emergency." Advertising — which can be expensive — should be designed and created purposefully and with meaningful consideration by the lawyer.

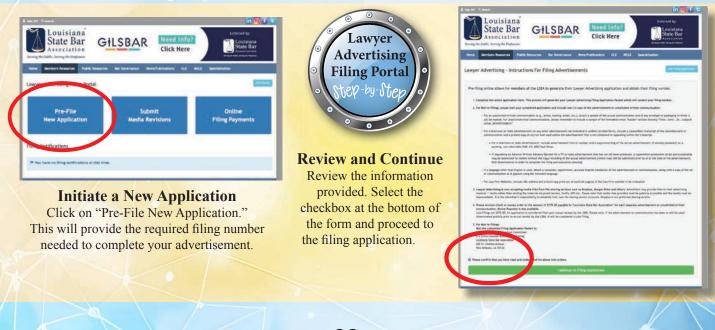
► Lawyers should review the Louisiana Rules of Professional Conduct and read all instructions on the lawyer advertising filing forms carefully before ever filing an advertisement with the LSBA. The instructions on the forms —

and those readily available on the LSBA website—have been worded thoughtfully and are primarily intended to help the lawyer to avoid issues with incorrect or missing items. Likewise, every question on the filing forms has been designed to elicit pertinent, important information needed by the LSBA to continue with the efficient processing of the filing; leaving a question unanswered or with a vague response can necessitate followup requests from the LSBA for additional information to proceed with the filing.

► Careful and thoughtful focus on the front end of the process may curtail potential disciplinary admonitions later. It appears that the majority of admonitions have resulted from failure to file advertisements at all or from a failure to follow the rules with respect to Rule 7.2(a), "required content", i.e., including within the advertisement: 1) the full name of at least one lawyer responsible for the content of the advertisement; 2) a city/town of one or more bona fide office location(s); and 3) the filing number assigned by the LSBA at the time of filing. These issues can likely easily be avoided by simply taking one's time and reviewing the proposed advertisement, the rules and the filing instructions and forms carefully prior to public dissemination of the advertisement

► Rather than spending extended periods of time wondering or worrying about whether an advertisement must be filed and evaluated by the LSBA, the

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Filing Portal tiev-by-Stier **Fill out Filing Application form** o generate Filing Number On the form, under the edia Submission Options, elect the checkbox that tes "I wish to mail in my nedia.." even if you are ing to use a sharing URL. his will generate a filing umber needed to submit advertisement. **Finalize the** Application

Check to make sure all information is accurate, then sign and date the form.

Advertising

Submit Your Application Click the "Submit Filing Application" button.

Download Your Application

Click the button that says "Download Your Application" for record keeping, review and verification. Save a copy on your system to help ensure documentation is preserved and accessible when needed.

Preliminary Ad Filing Number

Locate your Preliminary Ad Filing Number either on the PDF of the downloaded application or in an email sent to your address of record with the LSBA. The email will have the filing number in the subject line and will contain information on how to complete the ad filing process. lawyer should, when in doubt, simply file the advertisement with the LSBA. When an advertisement is actually exempt from required filing and evaluation, the LSBA will tell that lawyer that the advertisement is, after review of the filing, exempt and will offer to refund the entire filing fee that has been submitted with the filing. If the filing turns out not to be exempt, the lawyer has already started the process required by Rule 7.7 and, as such, is then not at risk of disciplinary consequences (like an admonition) for not filing.

► Whether filing online using the new advertising portal or via regular mail, lawyers need to remember to obtain the brandnew filing number for each filing by using the already-established "prefiling" process, making sure to insert that new filing number into the content of the advertisement *prior* to trying to upload the media link (e.g., a Dropbox link) for that advertisement to the LSBA advertising portal, or prior to submission of the filing by mail.

Observations and Suggestions Going Forward

Since July 1, 2008, the LSBA has received more than 17,300 new lawyer advertising filings. While the LSBA membership is currently slightly over 23,000 lawyers, in reality, there are only about a dozen or so lawyers who file their advertisements with the LSBA regularly and often. These "frequent filing" lawyers, through practical experience and necessity, learned the filing process and, most especially, the rules that apply to their own advertisements - resulting in relatively fast and easy processing and evaluation of their advertisement filings. Many of the advertisements for those lawyers are noticeably already compliant upon arrival at the LSBA and, as such, can be evaluated as compliant quickly and without any noticeable delay. The balance of the 23,000+ lawyers advertise much less regularly and, as a consequence, may have a bit more difficulty navigating through the exact same filing and evaluation process. Also, some of these lawyers may still be unaware of the filing and evaluation requirements of Rule 7.7 — even though the Rules have required filing and evaluation of most lawyer advertisements for more than 16 years. To boost awareness, the LSBA offers

comprehensive ad filing information online, easily accessible under several tabs.

The best advice the LSBA can provide is to take your time when considering producing/purchasing one or more advertisements. Do not rush - or allow yourself to be rushed — into purchasing and publicly disseminating an advertisement. Spending your hard-earned money to show others — including your peers and occasionally even the ODC — that you don't know the pertinent rules (or worse, that you don't "check your homework" before public dissemination) merely adds insult to risk of (disciplinary) injury.

Despite what some lawyers may believe, the LSBA lawyer advertising filing process is not intended to be an impediment or hurdle to advertising legal services; it is, in many ways, just the opposite. The filing and evaluation process, while required by Rule 7.7, is intended foremost to try and help the lawyer who wants to advertise to do so ethically and without risk of disciplinary consequences. The LSBA can best help a lawyer who is willing and interested in working to "get it right" before the advertisement goes public. That means reviewing the rules, reviewing the written information available on the LSBA website about filing, etc., asking for advice or assistance before filing and then filing the advertisement as far ahead of a publication deadline as possible. Requesting an "advance advisory opinion" is also the safest way to file an advertisement, as it ensures that the lawver will not publish the advertisement until compliance with the rules is achieved. In the event that the LSBA evaluation determines that the advertisement, as submitted, is not yet compliant with the rules, considering the advice and implementing the suggestions for achieving compliance would be the safest way to avoid exposing yourself to the risk of challenge and/or disciplinary consequences.

Lawyers should also endeavor to try and be "smart consumers" of lawyer

Continued next page



Google Drive, etc"

Add the URL

Click the "Add URL" button and make sure the sharing URL from your file storage system appears below the box.

Resubmit the Form and Download

Make sure all information is accurate and submit the form. Download the finalized form for your records.

Payment Options

There are two options for payment. To pay by check or money order, print out the downloaded application and follow the instructions provided in the email or on the screen. To pay by credit or debit card, click the "Online Filing Payments" button to proceed with the payment.

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Log into Your LSBA Member Account

Sign into your member account on www.lsba.org.

Navigate to the Lawyer Advertising Page

Visit the LSBA website, www.lsba.org/LawyerAdvertising

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	aber, and a copy/recording of the actual advertisement (if already produced) on a
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If a language other than English is used, attach a complete, typewritten, accu copy of the ad or communication as it appears using the intended language.	rate English translation of the advertisement or communication, along with a
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or Mati-In filings, please enclose check or money order in the amount of \$17 divertisement or unselficied written communication. Late l'Islags are \$270.00. 'the advertisement or communication has been or will be used/disseminated po flings can also be paid online through the filings first.	An application is considered filed upon actual receipt by the LSBA. Please note:
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Start a New Application Using Previous Information	Start a New Blank Application
Choose this option to generate another filing application and wish to maintain field data from previous submission.	Choose this option to generate another filing application and wish to clear all fields.
	Exit Filing Application

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advertising products, making sure that they are reasonably demanding and getting their money's worth for whatever services or assistance the media salesperson is presumably also selling along with the advertisement itself. That would include design and review opportunities for the lawyer, especially where the lawyer can ask questions of and/or make suggestions to the media designer about complying with the rules, and where the media designer will, hopefully, be honest about their own limitations or lack of knowledge with respect to what the rules may require. In the end, the rules require the lawyer to comply, so the media designer will not receive a disciplinary admonition even if that person has been wrong about what is required by the rules.

To that end, as lawyers have an ongoing requirement for continuing legal education, it would be helpful for lawyers to consider taking an occasional CLE pro-

gram or two regarding the lawyer advertising rules — especially those who are unfamiliar with the rules and the filing process. The LSBA has offered annually — and will continue to offer — "lawyer advertising workshops," which are two hours long, and designed to cover the fundamentals with respect to the rules, process for filing and evaluation, and some guidance and advice for advertising in compliance with the rules. The LSBA is here to help to make the process as painless and efficient as possible for all concerned. Future advertising workshops will be announced in various LSBA online and print publications. Stay tuned!

Comprehensive Web Support

The LSBA continues to maintain a comprehensive web page devoted to lawyer advertising procedures and processes, along with several educational

tools to guide lawyers and law firms in the process.

On the web page, members can gain information about pre-filing online, filing fees, application forms, the Filing Search area and several other important aspects of the filing procedure.

Staff support is also available.

All inquiries regarding the lawyer advertising rules (whether for lawyer advertising within LSBA publications or for lawyer advertising in outside media outlets) should be directed to LSBA Ethics Counsel Richard P. Lemmler, Jr., by phone (504)619-0144, by fax (504)598-6753, by email RLemmler@ lsba.org, or by mail to Louisiana State Bar Association, Rules of Professional Conduct Committee, c/o LSBA Ethics Counsel, 601 St. Charles Ave., New Orleans, LA 70130-3404.

For more information on the policy, filing procedures and filing forms, go to: www.lsba.org/lawyeradvertising/.

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First Military Attorney Spouse Admitted to Louisiana Bar Under Rule XVII, Section 15



Louisiana Supreme Court Justice Jay B. McCallum administered the oath of office to Katie Jo Miller, Esq., in May 2024. Miller is the first military spouse attorney to take advantage of the opportunity to practice law in Louisiana under Louisiana Supreme Court Rule XVII, Section 15, Temporary Admission of Military Spouse Attorneys.

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ouisiana Supreme Court Justice Jay B. McCallum administered the oath of office to Katie Jo Miller, Esq., in May 2024. Miller is the first military spouse attorney to take advantage of the opportunity to practice law in Louisiana under Louisiana Supreme Court Rule XVII, Section 15. This rule, effective Sept. 23, 2022, and titled "Temporary Admission of Military Spouse Attorneys," allows licensed attorney spouses of active-duty military members who reside with their service members in Louisiana to apply for a limited license to practice law.

According to Louisiana Rule XVII, Section 15, in consideration of attorneys with the need to frequently relocate due to the commitment of their spouses who are active-duty service members of the United States Uniformed Service stationed in Louisiana, the military spouse attorney is allowed to obtain a limited license to practice law without examination, provided that the military spouse attorney fully complies with the additional requirements and completion of procedures as outlined in the rule. (Review the rule, including its requirements and procedures, on page 94-95.)

Upon the Supreme Court's enactment of this rule in collaboration with the Louisiana State Bar Association, Louisiana joins several other states in affording this privilege to military spouses.

"The enacting of this rule assists the men and women who serve in the military and their attorney spouses. We hope it may ultimately provide a very welcome side benefit in drawing more people to the state of Louisiana by allowing both the active-duty service member and their spouse to be productive in careers that they each have worked fervently to maintain. Optimistically, the administration of this oath encourages many other military members with attorney spouses who are considering relocating to Louisiana," said Louisiana Supreme Court Chief Justice John L. Weimer.

"It was an honor to help usher Katie Jo Miller into the practice of law in Louisiana as the very first military spouse attorney under the new rule. It was particularly appropriate that this would occur during National Military Appreciation Month,"



Justice McCallum said. "It was the intention of the Louisiana Supreme Court and the Louisiana State Bar Association in crafting this rule to support military service members and their families by making seamless the transition for practicing attorneys who move to the state as the result of a spouse's call of duty for our country," he added.

Miller expressed her gratefulness for the new rule. "The State of Louisiana allowing military spouses to practice law within its borders without having to retake the bar examination is such a privilege and a blessing. My husband, Cpt. Trent Hall, is (in my humble opinion) the coolest person on the planet, and what he does for this country is equally impressive. I am more than happy to support him wherever that takes him. He reciprocates that support though, so while we were excited when we found out we got to move to Louisiana, we were worried about what that meant for my career. So, to say we were relieved when I found that Louisiana has a military spouse exception to practice law without examination is an understatement. It allowed my career to continue without interruption or derailment, which is not always the case for military spouses," she said.

"The entire process working with the Louisiana Bar Committee and the Supreme Court to make this happen was easy and efficient. From the time I submitted my application materials, I think it was

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a little over one month when I was sworn in and ready to keep practicing. Also, thanks to Justice McCallum for going out of his way to make my trip shorter to meet with him to get sworn in. I could not appreciate all the support my military family has received from the State of Louisiana more," she added.

Miller grew up in Minnesota, close to the North Dakota border. She earned her bachelor's degree from North Dakota State University and her JD degree from the University of North Dakota School of Law in 2018. After graduation, she clerked for a district court judge in Crookston, MN, for one year. Then, she worked for the Minot Public Defender's Office in North Dakota. She was a full-time public defender in that office for five years before moving to Louisiana and joining the Caddo Parish Public Defender's Office, where she advocates and provides legal representation for indigent clients accused of crimes.

Louisiana Supreme Court Rule XVII, Section 15

Section 15. Temporary Admission of Military Spouse Attorneys

(A) Due to the unique mobility requirements of military families who support the defense of our nation, an attorney who is the spouse of an active-duty service member of the United States Uniformed Services, as defined by the United States Department of Defense, and is stationed within Louisiana may obtain a limited license to practice law without examination pursuant to the terms of this Section.

(B) Requirements. An applicant temporarily admitted under this section must:

(1) have been admitted to practice law in another U.S. state, territory, or the District of Columbia;

(2) be a graduate of a law school located in the United States or its territories that is accredited by the American Bar Association as of the date on which a juris doctorate or its equivalent is conferred on the applicant. If an applicant is a graduate of a law school that is not located in the United States or its territories, such applicant must submit an application for an equivalency determination in accordance with Section 6 of this Rule.

(3) establish that the applicant is currently in good standing in all jurisdictions where admitted;

(4) be present in Louisiana as the spouse of an active-duty service member (i) assigned to duty in Louisiana, or (ii) assigned to duty outside the United States but whose last assignment within the United States was Louisiana;

(5) establish that the applicant is not the subject of a pending disciplinary matter in any jurisdiction;

(6) have not been disciplined for professional misconduct by any jurisdiction within the 10 years immediately preceding filing of the Louisiana application or been disbarred at any time by any jurisdiction; and

(7) be (i) employed and supervised by a Louisiana-licensed attorney who is in good standing and who is currently engaged in the practice of law in Louisiana; or (ii) employed by the state of Louisiana or a local government within Louisiana and supervised in that employment by a Louisiana-licensed attorney who is currently engaged in the practice of law in Louisiana.

(C) Procedure.

(1) An applicant who seeks admission pursuant to this rule must submit to the Committee on Bar Admissions an affidavit confirming that the applicant satisfies the requirements of Section 15(B) above; that the applicant agrees to supplement his or her application with any information that might arise during the limited admission to practice that bears on any of the requirements of Section 15(B); that the applicant agrees to notify the Clerk of the Louisiana Supreme Court of any information that might arise during the limited admission to practice that bears on any of the requirements of Section 15(B); that the applicant has read, is familiar with and agrees to abide by the Louisiana Rules of Professional Conduct and the Louisiana Rules for Disciplinary Enforcement; that the applicant will comply with any obligations imposed by the Rules for Continuing Legal Education; and that the applicant submits to the jurisdiction of the Louisiana Supreme Court with respect to any and all disciplinary matters.

(2) An applicant must submit to the Committee on Bar Admissions an affidavit of the Louisiana attorney who will, pursuant to Section 15(B)(6), supervise the applicant if the application is granted. The supervising lawyer must confirm in the affidavit that he or she will (A) supervise the applicant in the performance of the applicant's legal work and (B) notify the Office of Disciplinary Counsel in the event the applicant leaves the employ of the supervising attorney's law firm or government entity or is otherwise no longer being supervised by that attorney.

(3) The applicant must submit to the Committee on Bar Admissions the following:

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(a) certificates or offi-

cial transcripts evidencing compliance with the provisions of Section 15(B)(2) related to legal education;

(b) a certificate of good standing from the highest court or the admissions authority of a state, commonwealth, territory or the District of Columbia in which the applicant is currently licensed to practice law;

(c) a copy of the United States military orders of the applicant's spouse establishing that the spouse is present in Louisiana because of military orders; and

(d) any fee required by the Committee.

(4) If an applicant satisfactorily completes the steps required by this rule and the Committee determines that the applicant is qualified under this rule, the Committee shall provide to the applicant a letter recommending admission of a spouse of an active-duty service member.

(5) At any time within six months of the receipt of a letter recommending admission of a spouse of an active-duty service member, an applicant may file a Petition with the Court seeking limited admission to the Bar of the State of Louisiana. The applicant shall submit the Petition with the letter recommending admission of a spouse of an active-duty service member along with any fee the Court may assess.

(D) Termination. The limited admission provided by this rule shall terminate automatically upon the occurrence of any of the following:

(1) any of the provisions of Section 15(B) are no longer satisfied; or

(2) the attorney admitted under this rule is admitted to the Bar of the State of Louisiana under any other provision of this Rule.

In the event Section 15(D)(1)or (2) applies as a result of the death of the spouse of the attorney admitted under this rule, the termination of the limited admission provided by this rule will be subject to a sixmonth grace period.

DISASTERS: HOW TO IDENTIFY ONE, HOW TO PREPARE AND HOW TO KEEP YOUR COOL

By Shawn L. Holahan

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see your eyes rolling into the back of your head. You want to plan for disasters as much as you want to prepare your tax return. But it's that special time of year. Before turning a blind eye to disaster preparedness, consider expanding your definition of "disaster" beyond the usual earthquake, tropical and other cataclysmic climactic event. Disasters come in many forms and with different timelines (sudden, expected or even slow-moving).

Are you ready? As a small office practitioner, your recovery from the disaster *du jour* will be made unnecessarily tougher without a simple disaster plan. So, survive and thrive by creating one. The good news is that an effective disaster plan is easy to do, simple to implement and essential for recovery.

Effective planning will separate the survivors from those who throw in the towel. But don't overthink it. If you do, you won't do it. Keep it simple. The purpose of a simple disaster plan is only to provide a head start — it won't resolve, nor should it, every issue that you will face. Each disaster has its own fingerprint. But, regardless of the disaster type, the existence of a simple plan will determine how fast you recover and get your office up and humming again.

And, if all of this isn't anxiety-producing enough, keep in mind that, during a disaster, natural or otherwise, a lawyer's professional and ethical obligations are not suspended. So, it is incumbent on all of us to have a simple disaster plan in place *before* it happens.

What is a Disaster?

Yes, I'm going there briefly, just for those who still think that a disaster won't affect them. Start your disaster planning by taking a few moments to think about your small office's ability to survive these common "disaster" scenarios.

Fire/Hurricanes/Tornadoes/ Natural Disasters: If your office was damaged by fire or natural disaster like a hurricane or tornado, how long would it take you to contact your clients, recreate your computer data, contact your insurance company, process invoices, contact opposing counsel and generally get your practice operational again? Who would be responsible for performing each of these functions?

Illness: If you or a family member had a heart attack or illness necessitating you being out of the office unexpectedly or indefinitely, are your files organized such that someone could pick up your caseload without your clients suffering any disadvantage? Would you or someone in your office know the status of the matters in your office? Would your answers change if your assistant was out sick or away on vacation at the same time?

If a partner/associate is suddenly disabled or impaired, would you or someone in your office know his/her schedule for the next three months?

Sudden Personnel Changes: If key employees, such as a secretary/legal assistant/bookkeeper suddenly quit, would you or someone in your office know their filing systems so that you could find information in paper files and/or on their computers? Do you have copies, or know where they keep the keys, for filing cabinets, safes, etc.? Do you know their passwords for work-related accounts (including voice mail, computer login, email, the accounting package and any other software applications they use)?

Have a plan to prevent an unexpected termination from going awry. Do you have an employee with too much power over the information that you need?

Theft or Burglary: If a computer was lost or stolen, could you or someone in your office retrieve data, the serial numbers of the equipment and the original cost of the equipment?

Major Computer Malfunction: If your computer system was attacked by a virus and/or your data was rendered unusable or unavailable, would you be able to retrieve your data to start anew?

Trust Fund Theft: If a staff member disappeared with client trust funds, would you have sufficient records to determine what was taken and when?

Power Outages: Power outages, whether intermittent or longer term, are their own special kind of hell. You might think that, because everything is on your

phone or in the cloud, you're golden. Well, rethink that. You're golden only with dependable Internet access. You're not so golden if you've run out of power and depend on your being able to use *your* device to access contact information. If an area power outage is protracted, your ability to recharge devices may be limited. You may have to borrow someone else's phone because you ran out of juice. How many cell numbers or email addresses do you know from memory?

A power outage might be hyperlocal, as in a flat tire in a rural area with a dead smartphone and your having to borrow a good Samaritan's phone to make a call. Who can you call?

If unable to answer these questions as quickly or as adequately as you would like, it's time for simple disaster planning.

The Elements of a Simple Disaster Plan

Your simple disaster plan will give you a head start in overcoming two challenges: reestablishing communication and access to your client's data. All disaster recovery depends on these two items. Review your plan once a year to ensure that your information is accurate. Obviously, the disaster type will dictate the extent to which you implement your plan and need the information.

Element 1: The "No Tech" Critical Info Disaster Binder The "no tech" disaster binder is an actual physical binder with critical contact

information. It will be your lifeline in a power outage and/or impaired access to electronic data. The "no tech" binder contains these items:

► Family member contact information.

► Staff contact information including alternative email addresses, personal and work cell numbers, emergency contact information, and a possible location where each may go if evacuating.

Continued next page

► Contact information for current clients and opposing counsel.

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. Consider making a video of your office environment and sending it to the cloud.

▶ Passwords. List them in a nonobvious manner for firm social media. website, cloud subscription, bank, and any other work-related Internet accounts.

Vendor and supplier contact information.

► An additional cellphone charger (a solar cell charger); charger for your laptop.

Keep the 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 is not in the same general area as you or your office). Email encrypted copies of the binder to yourself and to someone whom you trust in an area away from you. Copy it to an encrypted flash/thumb drive for your wallet and send a copy to a secure cloud provider.

Element 2: Identification of Possible Temporary Office Locations

Create a list of possible temporary office relocations, including your home if not damaged, in case a disaster requires a temporary move. Nearby colleagues might agree to a standing reciprocal agreement that each could use the other's office temporarily.

Inform staff ahead of time of these potential office relocations. Large power outages may make communications temporarily impossible. If potential relocations are known ahead of time, your chances of quickly finding staff are optimized.



Element 3: Money for a

Large power outages are your nightmare because local ATMs do not work, local banks are not open, and credit cards are useless. Have a cash stash to sustain you for at least two months. Establish an emergency line of credit with your bank that you can access any time after a disaster should you need quick access to funds.

4: Element Adequate **Insurance** Coverage

Review coverages and be familiar with how your policy would respond in a disaster, es-

pecially with regard to building contents and structure. Examine your need for business interruption coverage and extra expenses. Adjust coverages where needed. Review yearly.

Element 5: Communication Plan

The primary purpose of the communication plan is to inform clients and staff how to

reach you in the fog after a disaster. Assume that in a big disaster, your intended recipient is having similar, if not worse, issues as to communication. Be redundant and resourceful. Repeat critical information (where you have relocated, how to reach you) wherever you can. Social media is your friend. Create a short paragraph that you can easily cut and paste to various platforms with your new contact information. Redundancy will increase the chances that your intended recipient will receive it. Make sure that you or someone can post critical firm information on your firm's website, Facebook, Instagram, Twitter, LinkedIn, and/or other social media; contact by email or phone your clients, opposing counsel and courts; and post a simple post-disaster message, informing clients and staff of alternative methods of reaching you.

Prepare a laminated, wallet-sized office contact card for yourself and staff with vital key contact information. One side of the card has key staff member contact information (personal cell numbers/alternative email addresses/work

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contact information/emergency contacts), 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.

If in an area prone to large disasters, an old-school wired phone that connects directly to a dedicated phone line without the need for other power may work even in a power outage and possibly provide the only available outside communication method. If all hell has broken out, the Red Cross will have satellite phones and will allow a call or two. Your bar association website will also be a resource for contact information and court information.



Element 6: Accessing **Client Files**

Be wise. digitize. Digitizing your data before

the disaster will give you the upper hand because access to client files can be restored easily with Internet access anywhere. If you're not committed to the cloud, consider at least digitizing active files as part of your disaster plan. At the very least, keep paper files in your office away from areas that potentially could suffer water damage.

Providing for file backup before a disaster is key to restoring client files after a disaster. Several easy electronic backup methods exist, and most are inexpensive.

Online Cloud Storage. A number of secure cloud providers offer costeffective backup which is easy to schedule, in real time or at set times of your choosing (e.g., at the end of the day or twice a day). A good provider will have multiple storage sites for their customers' data to maximize chances of data retrieval when you need it. This is offered as a subscription service with the cost often depending on the amount of data stored.

Personal or Private Cloud. If an online cloud subscription is not wanted, create your own cloud. If sharing files or working remotely without a server, a private cloud is a relatively inexpensive way to set up remote file storage, sync and sharing. Additionally, a private

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cloud would allow document access from any device and collaboration with clients and colleagues while staying in control of your data.

Simple External Hard Drive. The advantages are clear — simple to use, easy to carry and inexpensive. However, disadvantages exist. If the device is left at the office and the disaster has affected your office, the device may be irretrievable and/or damaged. Additionally, lawyers using this option often depend on only themselves to remember to back up data.

Other Methods. Data can also be backed up to a network server or even large-capacity USB thumb drives in your office. Again, if these devices are stored at the office, they may not be accessible to you in a disaster. Additionally, USB thumb drives are fragile, easily lost and/ or mislabeled. Further, backup with these methods largely depends 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 through a couple of methods online and offline, and backing up in real time or at least once a day. Whichever method you use, ensure that your backup method is secure by testing it regularly.

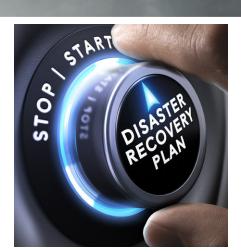


Element 7: Your Family and Loved Ones

Though listed last, this is the most important. After a di-

saster, attend to your family and loved ones first. With your family safe, only then will you have the mental reserves necessary to restore your office and/or to be effective counsel to your clients. Strategize with your family beforehand as to how you might respond in the case of a regional disaster and where your family might go should an evacuation be necessary. Include pets and elderly family members in your plans.

Just as you created for your office, your family disaster plan should also include a similar hard-copy "no tech" binder with essential papers, passport



and birth certificate copies, relevant passwords, and 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.

After the Disaster

Your simple disaster plan will help dissipate some of the mental fog after a disaster because it provides a clear road map for those first steps in restoring communication with family, staff and clients and accessing your client's data. But what do you do first?

Attend to Your Family First. If your family and loved ones are not safe, you will not be useful to yourself, your firm, your staff or your clients. Encourage your partners and your staff to take care of their own families as well.

Keep a Level Head. Everything goes wrong all at once during a disaster, if big enough, and everyone will be at wit's end. Expect the unexpected. With a basic disaster plan binder and other strategies in place, and your family safe and sound, you can be the level head to handle the next step, whatever that might be.

Triage Your Issues Like a Beast. Resolve the one having the biggest impact first and keep moving. Don't let the perfect be the enemy of the "good enough for now" approach.

Reestablish Communications with Clients and Staff. This is most likely going to be your biggest and most important first task toward recovery after

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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 Requiring Attention. Seek continuances as necessary.

Take Photos and Videos of Damage. Contact your insurer.

Conclusion

During Hurricane Katrina, I was practicing in a medium-sized firm in New Orleans. The flooding necessitated my firm's and family's relocation to another part of the state for several months, with us eventually returning to a severely damaged city. Recovery was long and hard. My most hated expression post-Katrina was that rebuilding was not going to be a sprint, but rather a marathon. And it was indeed. The word "resilience" bothered me, too. It was overused, or perhaps used too soon. Another hated expression was "that which does not kill you makes you stronger." The fact of the matter is when something approaches that level of danger (could kill you), you're not necessarily stronger for having survived and "resilient" is not exactly what you're feeling. You're different, and maybe, even better in some ways. After disaster strikes, pace yourself. Be patient with yourself and others. Take breaks, mental and physical. Look for silver linings, like being able to change things for the better. Those silver linings are easier to see with a simple disaster plan in place.

Shawn L. Holahan is a member of the Louisiana State Bar Association's Professional Programs Department as practice management counsel. She is responsible for the administration of the Law Office Management Assistance Program. She also is responsible for the administration of the Fee



Dispute Resolution Program. (shawn.holahan@lsba. org; 601 St. Charles Ave., New Orleans, LA 70130)

2024 LSBA ANNUAL MEETING & JC / LSBA JOINT SUMMER SCHOOL

JUNE 2-7, 2024 • DESTIN, FLORIDA



Chief Justice John L. Weimer administers the oath of office to Patrick A. Talley, Jr., 2024-25 LSBA President (left) and then to the 2024-25 Board of Governors.

LSBA Installs 2024-25 Officers and Board of Governors

he Louisiana State Bar Association's (LSBA) 2024-25 officers and members of the Board of Governors were installed June 6 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.

Patrick A. Talley, Jr., a partner in the New Orleans office of the law firm Phelps Dunbar, LLP, was installed as the 84th LSBA president (2024-25 term).



Patrick A. Talley, Jr., 2024-25 LSBA President, delivers his installation address.

Edward J. Walters, Jr., a partner in the Baton Rouge law firm Walters, Thomas, Cullens, LLC, was installed as the 2024-25 president-elect. He will assume the presidency in 2025-26.

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

C.A. (Hap) Martin III, a member in the Monroe law firm Shotwell, Brown & Sperry, APLC, is beginning the first year of his two-year term as treasurer.

Shayna L. Sonnier, an attorney in the Lake Charles law firm Veron Bice, LLC, will continue her service to the LSBA as the 2024-25 immediate past president.

Kristen D. Amond, an attorney in New Orleans (Kristen Amond LLC), was installed as 2024-25 chair of the LSBA Young Lawyers Division. Members of the 2024-25 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.

Second District

► Jeffrey G. Lagarde, an attorney in the Metairie office of the law firm Staines, Eppling & Kenney, LLC.

Third District

► Melanie W. 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.





The Louisiana State Bar Association's 2024-25 officers and members of the Board of Governors. Seated from left, Amy J. Miller, Carrie LeBlanc Jones, C.A. (Hap) Martin III, Edward J. Walters, Jr., Patrick A. Talley, Jr., Shayna L. Sonnier, Valerie T. Schexnayder, Melanie W. Chatagnier, Senáe D. Hall and Kristen D. Amond. Standing from left, André Doguet, L. Bradley Hancock, Jeffrey A. Riggs, Tina L. Suggs, Donald W. North, Adam P. Johnson, Graham H. Ryan, Shannon Seiler Dartez, Barry M. Barnett and Sandra K. Cosby. *All photos by Matthew Hinton Photography*.

Fifth District

► Carrie LeBlanc Jones, of counsel in the Baton Rouge office of the law firm Breazeale, Sachse & Wilson, LLP.

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

Sixth District

▶ Barry M. Barnett, a partner in the law firm LaCroix, Levy & Barnett, LLC, in Alexandria.

Seventh District

► Amy J. Miller, owner/attorney in Amy Miller Attorney at Law in Ruston.

Eighth District

► Senáe D. Hall, an assistant district attorney in the Caddo Parish District Attorney's Office in Shreveport.

At-Large Members

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

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

► Tina L. Suggs, in-house counsel for State Farm Insurance Co. in Metairie.

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 in Baton Rouge.

Louisiana State Law Institute Representative

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► André Doguet, commissioner for

the 15th Judicial District Court in Lafayette.

House of Delegates Liaison Committee

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

► Member Sandra K. Cosby, a solo practitioner in Metairie.

▶ Member Aaron R. Wilson, an attorney in Wilson & Wilson, APLC, in Bossier City.



Patrick A. Talley, Jr., 2024-25 LSBA President, is presented with the ceremonial gavel by Shayna L. Sonnier, 2023-24 LSBA President.





Awards Presented to Members at LSBA Annual Meeting

LSBA President's Awards



Robert A. Kutcher presented with the LSBA President's Award by Shayna L. Sonnier, 2023-24 LSBA President.

Two LSBA members received 2024 President's Awards. Recipients were chosen by 2023-24 LSBA President Shayna L. Sonnier and were recognized for services to the association. Recognized were attorney **Robert A. Kutcher** of Metairie and attorney **Edward J. Walters, Jr.** of Baton Rouge.

Kutcher was recognized for his leadership of the Judges and Lawyers Assistance Program (he is currently serving as president) and his overall support of the President and the LSBA. He is the managing partner in the law firm of Kutcher Tygier & Luminais, LLP, in Metairie. He received his undergraduate degree in 1972 from Cornell University and his JD degree, cum laude, in 1975 from Loyola University New Orleans College of Law. He served as 2019-20 LSBA president, president of the New Orleans Chapter of the Federal Bar Association and chair of the Louisiana Attorney Disciplinary Board.



Edward J. Walters, Jr. presented with the LSBA President's Award by Shayna L. Sonnier, 2023-24 LSBA President.

Walters was recognized for his exceptional support of the President and the LSBA. He is a partner in the Baton Rouge firm of Walters, Thomas, Cullens, LLC. He received a BS degree in accounting in 1969 from Louisiana State University and his JD degree in 1975 from LSU Law Center. He is serving as the 2024-25 LSBA president-elect and will continue his service as 2025-26 LSBA president. In 2012-13, he served as the LSBA's secretary and editor-in-chief of the Louisiana Bar Journal. He was appointed by the Louisiana Supreme Court to serve as a member of the Judiciary Commission of Louisiana from 2017-21 (Commission chair in 2020). He received the LSU Law Center's Distinguished Alumnus Award in 2015, the LSBA's President's Award in 2011, the Louisiana Bar Foundation's Distinguished Attorney Award in 2008 and the Baton Rouge Bar Association's President's Award in 1995, 1998 and 2014.

Several Louisiana State Bar Association (LSBA) members received awards June 6 during the association's 2024 Annual Meeting in Destin, Fla.

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

Bernard F. Duhon

of Abbeville received the 2024 John A. "T-Jean" Hernandez III Memorial Award, presented for achievements in Francophone leadership.



Duhon, with Bernard F. Duhon,

Ltd. in Abbeville, graduated from Louisiana State University with a BS degree in political science in 1974 and a JD degree in 1977. His law practice is focused on successions, wills and estates, property, personal injury, health care, government and business. He is experienced in oil and gas matters and is licensed to practice law in all Louisiana state and federal courts. He has chaired and represented municipal Civil Service boards. He was a city magistrate from 1988-98 and a prosecutor from 1979-88. He is a member of the Million Dollar Advocate Society for achieving a jury verdict in excess of \$1 million. He is a sponsor and lecturer for "The Peoples Law School." He is a charter member and former board member of the Louisiana Society of Hospital Attorneys and a member of the Louisiana Association for Justice. He is a board member for the French-Acadian Music Festival and CODIFIL and is a former president of the Abbeville Rotary Club.



Chief Justice Bernette Joshua Johnson Trailblazer Award

Associate Justice Piper D. Griffin of New Orleans received the 2024 Chief Justice Bernette Joshua Johnson Trailblazer Award.

Justice Griffin was elected to serve on the Louisiana Supreme Court in 2020, representing District 7 (Orleans and Jefferson parishes). She received her undergraduate degree from the University of Notre Dame and her JD degree in 1987 from Louisiana State University Paul M. Hebert Law Center. She began her legal career in New Orleans, focusing on casualty litigation. In 2001, she was elected to the Orleans Parish Civil District Court and served as its chief judge from 2008-10. Prior to joining the court, she was active with the Juvenile Court's Teen Court Program, the Greater New Orleans Louis A. Martinet Legal Society, Inc. and the New Orleans Bar Association (the first African-American female chair of the Young Lawyers Section). She was appointed



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Chief Justice Bernette Joshua Johnson (Ret.), Justice Piper D. Griffin and Shayna L. Sonnier, 2023-24 LSBA President, during the General Assembly.

by the Louisiana Supreme Court as the Constitutional Law bar examiner for the Louisiana Bar Exam. She is the secretary of the American Judges Association (also chair of its Diversity Committee) and the secretary of the Louisiana Judicial Council Foundation/National Bar Association. She also serves on the Louisiana State Law Institute Council.

#### **Guardian of Diversity Award**

The U.S. District Court for the Eastern District of Louisiana in New Orleans received the 2024 Guardian of Diversity Award.

Led by the court's first African-American Chief Judge Nannette Jolivette Brown, the court presents thought-provoking programs about diversity, conducts naturalization ceremonies highlighting the diversity of new citizens, and has improved diversity in its workforce and jury pool. Recent programs featured the women leaders of local law enforcement agencies; Louisiana Supreme Court Chief Justice Bernette Joshua Johnson (Ret.) discussing the civil rights movement; and the lost community of Fazendeville and other threatened communities of color. The court holds other programs promoting diversity issues in the legal profession, including a dramatic reenactment of the legal events leading to the integration of the University of Mississippi. The court has



Hon. Jay C. Zainey and Hon. Nannette Jolivette Brown accept the Guardian of Diversity award on behalf of the U.S. District Court, Eastern District of Louisiana. Award presented by Shayna L. Sonnier, 2023-24 LSBA President, during the 2024 General Assembly.

expanded recruitment efforts to diversify its workforce. The Clerk's Office DE&I Committee presents celebrations of different cultures and holds events that spotlight court employees' diversity.

#### Stephen T. Victory Memorial Award



Adrienne K. Wheeler is presented with the Stephen T. Victory Memorial Award by 2023-2025 LSBA Secretary Valerie T. Schexnayder.

Adrienne K. Wheeler and Laura Tuggle, both of New Orleans, received the 2024 Stephen T. Victory Memorial Award, recognizing outstanding contributions to the *Louisiana Bar Journal*. They were recognized for their article, "Louisiana's Tangled Titles: Best Practices," published in the February/ March 2024 issue of the magazine.

Wheeler is the executive director of Louisiana Appleseed. She earned a BA degree from Sarah Lawrence College, a MA degree from New York University and her law degree from Loyola University New Orleans College of Law. In 2011, she founded the Justice & Accountability Center of Louisiana that focuses on reentry and the criminal justice system and currently serves on its board of directors.

**Tuggle** has served as the executive director of Southeast Louisiana Legal Services since 2014. She received her undergraduate degree in 1984 from Louisiana State University and her JD degree in 1987 from Tulane University Law School. She serves on the board of the New Orleans Family Justice Center and co-chairs the Legal Services Corp.'s National Disaster Task Force Relationship-Building and Integration of Legal Services into the Nation's Emergency Management Infrastructure Committee.



## 2024 LSBA ANNUAL MEETING & LJC / LSBA JOINT SUMMER SCHOOL

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Edward J. Walters, Jr., left, is presented with the Curtis R. Boisfontaine Trial Advocacy Award by Hon. John Davidson (Ret.) during the Annual Meeting. Photos by Matthew Hinton Photography.

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

**Edward J. Walters, Jr.** of Baton Rouge received the 2024 Louisiana Bar Foundation's Curtis R. Boisfontaine Trial Advocacy Award.

**Walters** is a partner in the Baton Rouge firm of Walters, Thomas, Cullens, LLC. He has been an active courtroom lawyer for more than 45 years. He received a BS degree in 1969 from Louisiana State University and his JD degree in 1975 from LSU Law Center, where he is a member of its Hall of Fame. He is board certified in Civil Trial Advocacy by the National Board of Trial Advocacy. As an adjunct professor of law at LSU Law Center, he has taught a trial skills course for more than 30 years. He has been a member of the faculty of the Law Center's yearly Trial Advocacy Program since its inception 25 years ago. He will serve as the LSBA's president-elect for the 2024-25 term and will become the LSBA president in 2025-26. He is the recipient of the Louisiana Bar Foundation's Distinguished Attorney Award.

### Louisiana Center for Law and Civic Education's Judge Benjamin Jones Judges in the Classroom Award

**Judge Karelia R. Stewart** of Shreveport received the 2024 Louisiana Center for Law and Civic Education's Judge Benjamin Jones Judges in the Classroom Award.

Judge Stewart was elected, without opposition, to Section 1, Division D of 1st Judicial District Court in August 2014 and took the bench in October 2014. She is currently serving in the Family Court Division. She is a 2001, cum laude, graduate of Dillard University and a merit scholar and 2004 honor graduate of Loyola University New Orleans College of Law. Prior to serving on the bench, she was an assistant district attorney for Caddo Parish and maintained a civil practice. At the time of her departure, she was section chief of the Drug Division and was instrumental in reviving the rehabilitation program of Drug Court and in implementing a Veterans Court. She is an active member and officer on the National Bar Association's Judicial Council and is an executive committee member for the Louisiana Judicial College. She is a member of the National Association of Women Judges and the American Judges Association, and is a Master of the Bench in the Harry V. Booth/Judge Henry A. Politz American Inn of Court. She is a mentor judge and works with New Judge Training as a member of the Louisiana Judicial College. She also teaches real estate



Hon. Karelia R. Stewart presented with the LCLCE Judge Benjamin Jones Judges in the Classroom Award by Lawrence J. (Larry) Centola III, LCLCE Board member, during the General Assembly.

law as an adjunct professor for the paralegal program at LSU-Shreveport. She was recognized by Louisiana Supreme Court Chief Justice John L. Weimer in his address to the Louisiana Legislature about the hours she has contributed to the Judges in the Classroom Program in Caddo and Bossier Parish Schools.



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

Quinn K. Brown of Baton Rouge and Jennifer Gordon Lampton of New Orleans received the 2024 LSBA Young Lawyers Division's Bat P. Sullivan, Jr. Chair's Award.

**Brown** was recognized for her work with the LSBA Young Lawyers Division's Wills for Heroes Program. She received her BA degree, *cum laude*, in 2013 from Louisiana State University and her JD degree and graduate diploma in comparative law in 2017 from LSU Paul M. Hebert Law Center. She served as the District 5 representative on the YLD Council and chaired the Wills for Heroes Committee.

Lampton was recognized for her work as chair of the YLD Louisiana Young Lawyers Conference. She is the research attorney for Judge Nakisha Ervin-Knott with the Louisiana 4th Circuit Court of Appeal, Division A, in New Orleans. She received a BS degree in management in 2009, with a focus on



Quinn K. Brown is presented with the Bat P. Sullivan Chair's Award by Senáe D. Hall, 2023-24 YLD Chair.

legal studies in business and political science, from the A.B. Freeman School of Business at Tulane University and her JD degree (Civil Law Division, Common Law Certificate) in 2012 from Loyola University College of Law. She is currently serving as one of the District 1 representatives on the YLD Council. She served on the LSBA's Diversity Committee and Outreach Committee



Jennifer Gordon Lampton is presented with the Bat P. Sullivan Chair's Award by Senáe D. Hall, 2023-24 YLD Chair.

and was a member of the 2019-20 Leadership LSBA Class. She is a member of the New Orleans Bar Association (current Young Lawyers Section vice chair; 2022-23 YLS secretary; and 2021-22 YLS treasurer), the Greater New Orleans Louis A. Martinet Legal Society, Inc. and the A.P. Tureaud American Inn of Court (current board member).

### LSBA Young Lawyers Division's 2024-25 Officers, Council Installed



The Louisiana State Bar Association Young Lawyers Division's 2024-25 officers and council. Seated from left, Rachal Cox Cassagne, Quinn K. Brown, Collin R. Melancon, Kristen D. Amond, Senáe D. Hall, Jennifer Gordon Lampton, Brooke A. Roach and Taylor B. Ashworth. Standing from left, Joseph T.D. Tran, Ashley U. Johnson-Firven, Jared E. Nelson, Josef P. Ventulan, Jana Robinson Tuma, Christina K. Guzman and Christopher J. Sellers, Jr.



# 2024 LSBA ANNUAL MEETING & JC / LSBA JOINT SUMMER SCHOOL

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## LSBA Young Lawyers Division's 2024-25 Officers, Council Installed

The Louisiana State Bar Association Young Lawyers Division's 2024-25 Officers and Council were installed June 6 at the LSBA Annual Meeting in Destin, Fla. Louisiana Supreme Court Chief Justice John L. Weimer administered the oath of office.

**Kristen D. Amond**, an attorney in New Orleans (Kristen Amond LLC), was installed as 2024-25 YLD chair.

Other officers sworn in include:

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

Secretary Quinn K. Brown, a lawyer in Baton Rouge.

► Immediate Past Chair Senáe D. Hall, an assistant district attorney in the Caddo Parish District Attorney's Office in Shreveport.

Installed as members of the 2024-25 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 Christopher J. Sellers, Jr., associate general counsel for Ochsner Health.

**District 2:** Rachal Cox Cassagne, an assistant United States attorney for the U.S. District Court, Eastern District of Louisiana, New Orleans; and Christina K. Guzman, an associate attorney at Jeffrey Hufft, Attorney at Law, LLC, Metairie.

**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 Josef P. Ventulan, a staff attorney with the Louisiana State Law Institute in Baton Rouge.

**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:** Jana Robinson Tuma, legal counsel of U.S. Operations at Drax, based 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: Joseph T.D. Tran, an associate general counsel for LAMMICO, based in Metairie.

Young Lawyer Member/American Bar Association House of Delegates: Taylor B. Ashworth, an associate in the Baton Rouge office of the law firm Kean Miller, LLP.



Top photo Chief Justice John L. Weimer administers the oath of office to the 2024-25 YLD Officers and Council.

Above 2024-25 YLD Chair Kristen D. Amond receives the gavel from 2023-24 YLD Chair Senáe D. Hall. Photos by Matthew Hinton Photography.





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## Nominating Committee to Meet Aug. 22 to Nominate President-Elect, Secretary

he Nominating Committee of the Louisiana State Bar Association (LSBA) will meet on Thursday, Aug. 22, in New Orleans to nominate a president-elect for the 2025-26 term and a secretary for the 2025-27 term. The president-elect will automatically assume the presidency in 2026-27.

According to the president-elect 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).

According to the secretary rotation, the nominee must have his/her preferred mailing address in Nominating Committee District 1 (parishes of Orleans, Plaquemines, St. Bernard and St. Tammany).

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

#### **Election Schedule**

For the 2024-25 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 Nominating Committee report will be submitted to the Board of Governors on Saturday, Aug. 24.

On Monday, Sept. 16, notice of the ac-

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

Deadline for return of nominations by petition and qualification forms is Monday, Oct. 14. First election ballots will be available to members on Monday, Nov. 4. Deadline for electronically casting votes is Monday, Nov. 18.

#### **Other Positions Open**

Other positions to be filled in the 2024-25 elections are:

**Board of Governors** (three-year terms beginning at the adjournment of the 2025 LSBA Annual Meeting and ending at the adjournment of the 2028 LSBA Annual Meeting) — one member each from the First, Fourth and Fifth Board Districts.

LSBA House of Delegates (two-year terms beginning at the commencement of the 2025 LSBA Annual Meeting and ending at the commencement of the 2027 LSBA Annual Meeting) — one delegate from each of the Twentieth through Forty-Second Judicial Districts, plus one additional delegate for every additional district judge in each district.

Nominating Committee (15 members, one-year terms beginning at the adjournment of the 2025 LSBA Annual Meeting and ending at the adjournment of the 2026 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 be a resident of or actively practicing law in the parishes of Orleans, Jefferson, St. Bernard or Plaquemines, based on preferred mailing address. Petitions for nomination must be signed by 15 members of the Young Lawyers Division. Also to be elected, one representative each from the First, Second, Fourth, Fifth, Sixth and Eighth districts (two-year terms).

American Bar Association House of Delegates (*must be members of the American Bar Association*) — one delegate from the membership at large. The delegate will serve a two-year term, beginning with the adjournment of the 2025 ABA Annual Meeting and expiring at the adjournment of the 2027 ABA Annual Meeting, as provided in Paragraph 6.4(e) of the ABA Constitution.

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

## Board Certified Specialists and 2024 Applicants: LASC Sets "Computer-Based CLE" Credits for 2024

For the 2024 compliance period ending Dec. 31, 2024, the Louisiana Supreme Court has set the limitation for "computerbased CLE" at 4.0 hours annually (as defined in Rule 3(d) of Louisiana Supreme Court Rule XXX. "Computer-based CLE" includes interactive live webcasts, webinars and on-demand recordings.

Louisiana Board of Legal Specialization (LBLS) Estate Planning and Administration specialists and Tax Law specialists (and 2024 applicants for these specialties) may earn up to 4.0 hours of approved specialization "computer-based CLE" credits on or before Dec. 31, 2024. The remaining 14 hours of the required 18 hours should be "in person attendance."

LBLS Appellate Practice specialists, Employment Law specialists, Family Law specialists, Health Law specialists and Labor Law specialists (and 2024 applicants for these specializes) may earn up to 4.0 approved specialization "computerbased CLE" credits on or before Dec. 31, 2024. The remaining 11 hours of the required 15 hours should be "in person attendance."

LBLS Business Bankruptcy Law specialists and Consumer Bankruptcy Law specialists must satisfy the continuing legal

## LBLS Accepting Bankruptcy Law Certification Applications Through Sept. 30

The Louisiana Board of Legal Specialization (LBLS) is accepting applications for certification in business bankruptcy law and consumer bankruptcy law through Sept. 30, 2024.

In accordance with the Plan of Legal Specialization, a Louisiana State Bar Association member in good standing who has been engaged in the practice of law on a full-time basis for a minimum of five years may apply for certification. Further requirements are that, each year, a minimum percentage of the attorney's practice must be devoted to the area of certification sought, 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. 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.abcworld.org*.

For more information on the benefits of board certification, go to:

#### www.lsba.org/specialization/

BusinessBankruptcy.aspx?Area=Letter.

Anyone interested in applying for certification should contact LBLS Specialization Director Mary Ann Wegmann, (504)619-0128, (800)421-5722, ext. 128, or email maryann.wegmann@lsba.org. For more information, go to the LBLS website: www.lsba.org/ specialization/.

education requirements of the American Board of Certification.

To access the LBLS Approved Course Calendar, go to: *www.lsba.org/MCLE/ MCLECalendar.aspx?L=S.* Check off the specialization and click "Search Courses" to find approved CLE in that specialization. Review the "Total Hours" column to confirm how many CLE hours, if any, were approved for that specialization.

For more information, con-Specialization Director Mary tact Ann Wegmann at (504)619-0128, (800)421-5722, ext. 128, or email maryann.wegmann@lsba.org.

## Interested in Creating a New Legal Specialty Area in Louisiana?

The Louisiana Board of Legal Specialization (LBLS) has adopted a written policy detailing how submissions must be made for the LBLS to consider a new legal specialty area. While new legal specialties must be approved by the Louisiana State Bar Association's (LSBA) House of Delegates, the LBLS is charged with recommending new specialties to the House of Delegates.

Currently, 10 legal specialties have been approved and are overseen by the LBLS — Tax Law, Family Law, Business Bankruptcy Law, Consumer Bankruptcy Law, Labor Law, Employment Law, Estate Planning and Administration, Appellate Practice, Environmental Law and Health Law. Learn more about these specializes and about board certified legal specialization online at: www.lsba.org/ specialization.

For more information about creating a new legal specialty area in Louisiana, contact Specialization Director Mary Ann Wegmann at (504)619-0128 or email maryann.wegmann@lsba.org.

## LSBA Honors Exceptional Louisiana Pro Bono Work

he Louisiana State Bar Association (LSBA) held its 39th annual Pro Bono Publico & Children's Law Awards Ceremony on May 21 at the Louisiana Supreme Court in New Orleans. All of the justices presided over the ceremony from the bench in an official court session to demonstrate their support for pro bono.

Following welcoming remarks by 2023-24 Louisiana State Bar Association (LSBA) President Shayna L. Sonnier and 2024-25 Louisiana Bar Foundation President Judge (Ret.) John C. Davidson, Chief Justice John L. Weimer 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."

Awards were presented in eight categories.

#### 2024 David A. Hamilton Lifetime Achievement Award

Recipient Scott P. Gaspard, a sole practitioner in Baton Rouge, has a civil litigation practice with an emphasis in the resolution of domestic conflicts. He received his undergraduate degree from Louisiana State University and his JD degree in 1992 from LSU Paul M. Hebert Law Center. He is a qualified domestic mediator and served as an adjunct clinical professor at LSU Law Center, teaching in the domestic mediation clinic from 2008-13. He is a collaborative divorce professional and was a member of the Louisiana Chapter of the Association of Family and Conciliation Court's formation committee, a past member of its board of directors and a past chapter president. For more than 30 years, he has participated in the Baton Rouge Bar Association's community outreach programs, working with its Ask-A-Lawyer, Thirst for Justice, Wills for Heroes and Pro Bono Project endeavors. He has assisted program participants with issues including consumer protection, property ownership, criminal proceedings, successions, mineral leases, employment disputes, divorce, child custody and support.

#### 2024 Career Public Interest Award

**Recipient Lewis M. Gladney**, a native of Baton Rouge, attended Louisiana State University Paul M. Hebert Law Center. He moved to Natchitoches upon graduation. Starting in 1979, he worked with the Kisatchie Legal Services Corp., which later merged with Legal Services of North Louisiana. He presently works at Acadiana Legal Services Corp. During his 45-year career in legal services, he has represented thousands of clients in a wide variety of legal matters, including family law, housing and consumer law, disability law and elder law. He has coordinated pro bono activities for several years. He has volunteered to participate in the Lawyers in Libraries initiative, often covering multiple locations in various parishes.

#### 2024 Children's Law Award

**Recipient Josephine C. Vanderhorst** of Denver, CO, an alumna of Tulane University Law School, Argosy University and Tuskegee University, joined the National Association of Counsel for Children in February 2024, bringing eight years of child welfare experience. Certified in Trust-Based Relational Intervention, she focuses on addressing the complex needs and trauma of children and families in the system. As a former managing attorney at Southeast Louisiana Legal Services, she expanded the unit and pioneered a multidisciplinary program, emphasizing comprehensive support.

#### 2024 Pro Bono Publico Awards

Recipient Carlesia Carmena Bibbins of Zachary is an attorney for the Louisiana Department of Health (LDH) Bureau of Legal Services. She serves on the board of directors for the Capital Area Agency on Aging, the Baton Rouge Bar Association's (BRBA) Pro Bono Committee and the Louisiana State Bar Association's (LSBA) Access to Justice Committee. She volunteers as a member of the LSBA's Modest Means Directory and with the BRBA Pro Bono Project's Self-Help Resource Center.

**Recipient Felicia M. Hamilton** of Shreveport is the principal attorney of The Law Offices of Felicia M. Hamilton. She regularly hosts workshops to educate the public on expungements, consumer credit, wills and successions. She is the president of the Black Lawyers Association of Shreveport-Bossier and the immediate past president of the Volunteers for Youth Justice board of directors.



David A. Hamilton Lifetime Achievement Award recipient Scott P. Gaspard, center, with, from left, Justice Jefferson D. Hughes, Justice James T. Genovese, Justice Jay B. McCallum, Chief Justice John L. Weimer, 2023-24 Louisiana State Bar Association President Shayna L. Sonnier, Justice Piper D. Griffin, Justice William J. Crain and Justice Scott J. Crichton. *Photo by Matthew Hinton Photography.* 

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Pro Bono award recipients with, from left, Justice Jay B. McCallum, Justice James T. Genovese, Justice Jefferson D. Hughes, Chief Justice John L. Weimer, Justice Scott J. Crichton, Justice William J. Crain and Justice Piper D. Griffin. *Photo by Matthew Hinton Photography.* 

**Recipient Deanna J. Hamilton-Lamz** of Slidell practices family law with her husband, retired Slidell City Court Judge Jim Lamz, at a small firm, Lamz Law Firm, LLC. She is a recognized nominee for her volunteer pro bono services through Southeast Louisiana Legal Services.

**Recipient Melanie Newkome Jones** of Baton Rouge has been practicing law since 1991. She also is an assistant city prosecutor for the City of Baton Rouge. She is a former president of the Baton Rouge Bar Association (BRBA). She has served on the BRBA pro bono panel for many years and has provided more than 1,000 hours of legal services to indigent litigants.

**Recipient Kathleen M. Legendre** of Covington began volunteering with Southeast Louisiana Legal Services' Northshore location in 2021. She is an associate attorney for Zeringue & Associates Law Firm in Covington. Previously, she was managing attorney for The Pro Bono



Children's Law Award recipient Josephine C. Vanderhorst, third from left, with, from left, 2023-24 Louisiana State Bar Association President Shayna L. Sonnier, Louisiana Supreme Court Chief Justice John L. Weimer and Children's Law Committee Co-Chair Kellie J. Johnson. Photo by Matthew Hinton Photography.

Project, outreach coordinator for the Louisiana Bar Foundation and an Equal Justice Works Fellow for AmeriCorps.

**Recipient Derrick McCorey** of Pride is recognized for his many hours of pro bono work this past year, including handling several wills and successions cases. He also continues to work with the Ask-a-Lawyer clinic and the Self-Help Desk for the Baton Rouge Bar Association.

**Recipient Holland J. Miciotto**, an attorney from Shreveport, is a member of the Louisiana Bar Foundation, the Shreveport Bar Association (SBA), the Bossier Bar Association and the National Association of Criminal Defense Lawyers. He is active in assisting the SBA Pro Bono Project. This past year, he has volunteered at 11 of the 12 Ask-a-Lawyer clinics, providing legal advice to more than 46 people.

**Recipient Michael Dennis Smith, Jr.** of Metairie represents the City of New Orleans in Municipal Court and maintains a private criminal defense practice. He assists the Justice and Accountability Center. He has volunteered at expungement clinics and provided pro bono services to clinic attendees who had more complicated cases.

**Recipient Annie Hundley Torrans** of New Orleans is a senior tax attorney for Entergy. Since 2021, she has volunteered with Southeast Louisiana Legal Services. She has secured multiple victories in Tax Court for low-income clients, with a particular focus on cases involving the Earned Income Tax Credit.

**Recipient Josef P. Ventulan** of Baton Rouge is a staff attorney with the Louisiana State Law Institute. He has worked at the national, state and local levels to promote access to justice initiatives. He volunteers for various pro bono opportunities including Wills for Heroes and High School Mock Trial. As a former American Bar Association district representative, he assisted in implementing the Disaster Legal Services Hotline in response to Hurricane Ida.

**Recipient Zara L. Zeringue** of Covington has volunteered with Southeast Louisiana Legal Services for several years. She is the owner of Zara Zeringue, LLC d/b/a Zeringue & Associates Law Firm. She is a trained civil and family mediator. She has served as the chair of the Louisiana State Bar Association's Family Law Section and chair of the Family Law Section of the 22nd Judicial District Bar Association.

#### 2024 LA.FreeLegalAnswers Award

**Recipient Cornelia S. Ullmann** is a sole practitioner in Metairie. She has been a Free Legal Answers volunteer since 2016. She also received this award in 2019, after being one of the site's first volunteers, registering with the site in the very first month of its launch. She was recognized by the American Bar Association as a Free Legal Answers 2018 Pro Bono Leader for answering 50 questions on the site. In 2023, Ullmann answered 568 questions through the site.

#### 2024 Friend of Pro Bono Awards

Recipient Todd E. Gaudin with Gaudin Law Group, Inc., in Baton Rouge has presented classes for attorneys and the public in the areas of adoptions, legal custody of children and adults, and estate succession and administration. He is Continued next page

## Reminder: MCLE Compliance Deadline is Dec. 31, 2024

The deadline for earning mandatory continuing legal education credits is Dec. 31, 2024. The deadline for filing those credits or an exemption is Jan. 31, 2025.

For the 2024 compliance period ending Dec. 31, 2024, the limitation for computerbased CLE credits is set at 4 hours annually (as defined in Rule 3(d) of LASC Rule XXX). This includes interactive live webcasts, webinars and on-demand recordings.

Louisiana State Bar Association members may review their transcripts online at the weblink below. Members are encouraged to check their records throughout the year to keep track of their compliance needs. Compliance deadline email reminders will be sent periodically throughout the calendar year from the email address, compliance@lsbamembership.com.

Attorneys who are experiencing undue hardship should email MCLE Director Mindi Hunter, mindi.hunter@lsba.org, about the mitigating circumstances. An attorney experiencing serious medical or other issues may qualify for a waiver or some degree of relevant assistance to help reach



Career Public Interest Award recipient Lewis M. Gladney, center, with, from left, Justice Jefferson D. Hughes, Justice James T. Genovese, Justice Jay B. McCallum, Chief Justice John L. Weimer, 2023-24 Louisiana State Bar Association President Shayna L. Sonnier, Justice Piper D. Griffin, Justice William J. Crain and Justice Scott J. Crichton. *Photo by Matthew Hinton Photography.* 

#### Pro Bono continued from page 111

recognized for his pro bono work assisting grandparents and children to secure custody and to clarify legal issues that result in securing safety for children.

**Recipient Angela Hammett** of Baton Rouge is a driving force behind a patient navigation initiative, overseeing nurse navigators, social workers and dietitians across the Mary Bird Perkins Cancer Centers Network in Louisiana and Mississippi. She also provides leadership for the Palliative Care, Genetics, Psychotherapy and Support Services Programs. She is recognized for assisting cancer patients with their legal issues.

**Recipient Gabriel Liu** of New Orleans graduated from Tulane University in May 2024 with a dual degree in public health and political science. He is recognized for his pro bono work in the Family Law Unit at Southeast Louisiana Legal Services.

Recipient Gregory E. Tonore of Lafayette opened the Law Office of Gregory E. Tonore in 2007, after several years as an assistant district attorney and member in another law firm. He is recognized for his ongoing leadership role with Lafayette Volunteer Lawyers and efforts to ensure stability of the Lafayette Bar Association/ Foundation in securing a recent grant for infrastructure upgrades.

#### 2024 Law Student Pro Bono Awards

**Recipients** are Alaysia J. Johnson, Louisiana State University Paul M. Hebert Law Center; Alex J. Bellow, Loyola University New Orleans College of Law; Whitney Peters, Southern University Law Center; and Charlotte Phillips, Tulane University Law School.

#### 2024 Pro Bono Century Club Awards

**Recipients** are Regina Bartholomew-Woods, New Orleans; and Jesmin Basanti Finley, Covington.

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

the compliance requirement for the year.

Members who choose to take a course that is not already approved for Louisiana CLE credit should be certain that the sponsor of the course is able to verify attendance. But there is no guarantee that the course will be approved for Louisiana credit.

To review transcripts online, to search for Louisiana-approved CLE courses and for more information on Mandatory Continuing Legal Education, go to: *www. lsba.org/MCLE/.* 

### Board of Governors Approves FY 2024-2025 Budget

The 2024-2025 Louisiana State Bar Association's Board of Governors, at its meeting on June 7, finalized and approved the FY 2024-2025 budget as preliminarily approved and recommended by the Budget Committee. Review the Budget Expenditure Update online at: www.lsba.org/documents/BOG/ BudgetExpenditure.pdf.

## Fastcase is Now vLex Fastcase

On June 20, Fastcase merged with the European company vLex and the new name is vLex Fastcase. The service is still a free product for Louisiana State Bar Association (LSBA) members, but with a new format. Members can opt to keep the familiar format for the next few months. Or, members can jump into the new format. The Fastcase mobile app will stay the same.

In addition to the free Fastcase tool, vLex Fastcase is offering its new artificial intelligence product, Vincent. For more information on that product and its cost, go online: *https://vlex.com/vlex-fastcase*.

Whether subscribing to the AI tool Vincent or not, the free Fastcase product remains the same. This member benefit is unlimited — with no restrictions on time or number of transactions, unlimited printing, unlimited reference assistance and unlimited customer service included for free.

## LSBA and Louisiana ATJ Commission Hosts Second Annual Access to Justice Conclave

he Louisiana State Bar Association (LSBA) and the Louisiana Access to Justice Commission hosted the second annual Access to Justice (ATJ) Conclave on April 12 in New Orleans, highlighting the work being done since the first Conclave and focusing on community and court navigator programs.

The first ATJ Conclave in March 2023 brought together public interest and access to justice thought leaders who developed a set of strategic priorities to guide the efforts of the Louisiana Access to Justice Commission. Since the first Conclave, a group of dedicated individuals representing the courts, United Way, 2-1-1, legal aid organizations and access to justice advocates have formed the Community Outreach & Education Committee to carry forward these priorities.

Recognizing the important role community partners play in connecting lowand moderate-income litigants to legal help, and the important role courts play to ensure justice, this second Conclave focused on community and court navigator programs. Some of these programs operate physically within a court and provide direct "person-to-person" assistance to litigants, mainly self-represented litigants, while other programs operate within or akin to a trusted community organization, such as 2-1-1. Leading experts from Georgia, Ohio, Wisconsin, Maryland, Alaska and Washington D.C. shared information about how their various interdisciplinary programs support court efficiency and impact the effectiveness of community organizations by getting patrons to the most appropriate service.

In her opening remarks, 2023-24 LSBA President Shayna L. Sonnier introduced the concept of the event and the work of Louisiana's justice community. "The theme for this year's Conclave is 'Meeting Litigants Where They Are,' which means in terms of geography, legal knowledge base, and where income-challenged families turn to for help. Over the years, our LSBA Access to Justice Program has worked with members of Louisiana's jus-



Louisiana Supreme Court Chief Justice John L. Weimer and 2023-24 Louisiana State Bar Association President Shayna L. Sonnier delivered welcome remarks at the Access to Justice Conclave.



Participating in the Promising and Emerging Community Partnerships in Louisiana presentation were, from left, Access to Justice facilitator and consultant Tara Veazey; Sara V. Pixon, Law Library of Louisiana; Sarah Berthelot, Louisiana Association of United Ways; and Amanda Brown, Lagniappe Law Lab.



Participating in the Access to Justice Conclave was 2022-23 Louisiana State Bar Association President Stephen I. Dwyer.

tice community (both courts and legal aid providers) to develop resources that assist people in our court system. However, at our last conclave, (2022-23 LSBA President) Stephen I. Dwyer insisted that we focus on access to those resources by the people who need them most. It is there that we found the intersection of community organizations as starting points for many people with legal problems."

The Conclave brought together judges, officers of the court, legal aid providers and community partners from across the state. Special recognition goes to Sonnier, Dwyer,



Participating in the Access to Justice Conclave were 2023-24 Louisiana State Bar Association President Shayna L. Sonnier and 2024-25 Louisiana Bar Foundation President Judge (Ret.) John C. Davidson.

2024-25 LSBA President Patrick A. Talley, Jr., Louisiana Supreme Court Chief Justice and ATJ Commission Co-Chair John L. Weimer, Tara Veazey (ATJ Conclave facilitator and consultant), the National Center for State Courts, Jones Walker LLP, and all attendees for their commitment to access to justice in Louisiana.



By Damon S. Manning DISCOVERY PROCESS IN LAWYER DISCIPLINE

he discovery process in lawyer discipline matters is unlike standard discovery in other matters. This article provides a glimpse into the differences and the applicability of discovery rules in professional ethics cases.

Louisiana Supreme Court Rule XIX sets forth the procedural rules for lawyer discipline matters. The Louisiana Supreme Court established the Office of Disciplinary Counsel (ODC) to serve the investigative and prosecutorial function in matters of lawyer misconduct and discipline. Rule XIX, § 4(B). The lawyer accused of professional misconduct is called the "respondent." The ODC is not a state agency and is not subject to Louisiana Freedom of Information Act laws. When an ethics complaint is opened by the ODC, it is assigned for confidential investigation. Once ODC concludes its investigation, it must determine whether the complaint warrants formal disciplinary action. The following rules apply once formal charges alleging professional misconduct are filed and served on a respondent.

Formal charges and all subsequent filings and proceedings are public, with a few exceptions. Rule XIX, § 16(C). Pleadings and other documents are filed with the Louisiana Attorney Disciplinary Board (LADB). The LADB serves a Clerk of Court function and an appellate court function in formal charge matters.

Once formal charges are filed and served, a 20-day and a 60-day discovery period takes place. Rule XIX, § 15(A). Discovery in lawyer discipline cases is more restrictive than in other matters. With the exception of depositions and subpoenas, the Louisiana Code of Civil Procedure regarding discovery does not apply to disciplinary proceedings. For example, interrogatories, requests for production and requests for admissions



are prohibited. Rule XIX, § 15(C).

Within 20 days following the filing of an answer to formal charges, the ODC and respondent are required to exchange the names and addresses of all persons having knowledge of relevant facts in the case. Rule XIX, § 15(A). This is a proactive duty of the parties. Around this same time, the parties typically exchange copies of the exhibits each party expects to introduce into evidence.

Within 60 days following the filing of an answer to formal charges, the ODC and respondent may take depositions in accordance with the Louisiana Code of Civil Procedure. In addition, the ODC and respondent are required to comply with reasonable requests for (1) non-privileged information and evidence relevant to the charges or the respondent, and (2) other material upon good cause shown.

In a more recent clarification to the discovery rules, sworn statements of witnesses taken by the ODC during the investigative phase are not considered privileged and shall be disclosed by the ODC if requested, at the requesting party's cost, unless good cause is shown. Rule XIX, § 15(A).

The parties are required to file prehearing memoranda (the memo) with the LADB in all instances where hearings are to be held. The memo deadline is typically 10-15 days before the scheduled hearing date. The memo must include (a) the names of witnesses and whether the testimony will be in person or by deposition; (b) a list of exhibits that will likely be introduced at the hearing; (c) any anticipated evidentiary or legal issues which may be presented at the hearing; and (d) recommendations for sanctions with citations of relevant authority in the event that a clear and convincing case is presented against the respondent. Rule XIX, §18(E).

In my experience, the following discovery and procedural tools can be the most helpful in honing the defense in a discipline case. First, obtain a copy of the transcripts of all witnesses from whom the ODC took investigative sworn statements prior to filing formal charges. This allows the respondent an advance look at witness statements for information that may help or hurt his or her defense. Second, the pre-hearing memorandum allows the respondent to make his or her first, true impression on the hearing committee, and gives the respondent his or her first, real inside look at ODC's case.

Running afoul of discovery rules, or failing to take full advantage of discovery, in a lawyer discipline case can set the wrong tone. Lawyers facing formal allegations of professional misconduct should take the time to learn the procedural rules and should strongly consider retaining experienced ethics counsel to help them navigate this unique process.

Damon S. Manning is a partner in the Northshore office of Schiff White Manning, LLP, providing legal advice and representation on behalf of lawyers concerning matters of legal ethics and professional responsibility. He has more than 20 years of experience in the attorney discipline sys-



tem. (damon@swmethicslaw.com; Ste. 302, 201 NW Railroad Ave., Hammond, LA 70401)



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By Andrea Brewington Owen

CYBERSECURITY FOR FIRMS

ybersecurity threats to law firms are at an all-time high. It is critical to understand why law firms are at risk, what obligations exist, and what a firm can do to manage their risk. Law firms are prime targets of cyber criminals because they possess large quantities of sensitive client information (like medical records, Social Security numbers and bank account numbers) and highly sensitive business data (such as intellectual property and merger and acquisition details). Law firms also face less regulatory oversight over data storage than the healthcare, banking and finance sectors, yet possess much of the same data. These reasons make law firms easier targets. Choosing not to prioritize measures to protect electronic systems against unauthorized access can expose the firm to potentially large financial losses. Add in reputational damage, loss of clients, risk of malpractice claims and potential disciplinary actions, and a cyber incident can threaten the existence of a firm.

Lawyers have a duty under Rule 1.6 of the Louisiana Rules of Professional Conduct to protect client confidentialities and "shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of the client." This applies to client information stored electronically. Lawyers also have a duty under the rules to be competent. A lawyer must maintain the requisite knowledge and skill and keep abreast of evolving technologies. Lawyers have a duty of supervision over nonlawyers, so do not overlook employee and vendor access to client confidential data.

What can you do? Check your cyber readiness relative to your systems and staff. Don't just hire an IT vendor and



assume they are protecting you. Secure your network with firewalls, endpoint detection and data encryption and perform regular updates and timely patches. Maintain data backups in case your firm is attacked by ransomware. Ensure your practice enforces strong password policies for all devices, software and networks. Control and monitor which employees have access to certain data and software. Make use of multi-factor authentication to ensure that no unauthorized people can access your firm's network. Make sure that employees are using a VPN.

Do your due diligence when selecting vendors that may have access to your data. Thoroughly read and understand the terms and conditions of any technology vendor, like case management systems, cloud backup and IT providers. Set proper contractual controls to ensure that data is safe, both during the term of the contract and afterward, and language to mitigate any damage that a vendor could cause. Retain your IT vendor to regularly scan for and detect breaches. Finally, consider having regular audits performed on your system to ensure that you are as protected as you believe yourself to be.

Even firms with a strong cybersecuri-

ty program have cyber incidents. One of the most pervasive threats to firm cybersecurity is human error. Your firm needs to conduct regular training for attorneys and staff on the latest cybercrime trends. Phishing and business email compromise are two of the most prevalent types of threats to the cybersecurity of your firm. Training the attorneys and support staff on how to recognize the latest schemes could save your firm the headache of a future cyber breach.

Even with a robust data security and privacy program, you could find yourself overlooking something or you or a staff member falling prey to a phishing email. The average cost to remedy a cyberattack on a law firm is \$200,000, with breaches to large law firms costing millions. Cyber claims are rising. Many attorneys have the misconception that their Legal Professional Liability (LPL) policy covers any cyber incident they may encounter. Review your LPL policy with your broker to better understand your cyber incident coverage as most policies have limited coverage. Strongly consider purchasing a standalone cyber insurance policy to protect your firm.

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



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



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By Dr. Angela White-Bazile, Esq.

I will never forget the day I learned we lost all our savings and only had \$70 to our names. I spent six to eight hours gambling every single day for six years. I made a few dollars but lost hundreds of thousands more. I didn't do it for the money but for the rush. As most gambling addicts do, I was always looking for that "big win" — the one that would change everything. That big win never came in 13 years of gambling almost every day. Did I win big amounts of money? Yes, a few times, but a gambling addict is never happy with that. Winning more money just means more fuel to gamble with.

It has been a year and a half since I last placed a bet. That is 548 days, 78 weeks, 13,140 hours, and 788,400 minutes. When you are gripped by addiction, every minute counts. You can hit spin and win (or lose) on online slots within a second. Hit fast enough and you can win or lose dozens of times in one minute. You would think I only got a rush if, and when, I won, but even losing was a rush. Hitting that spin button was the thing. Winning was always the end goal. Winning felt like the only way to undo the damage. Winning was always a massive relief. Winning meant I would forget I had stayed up all night crying as I gambled every penny I had. Winning was not really winning. Winning just gave me the justification and, quite often, the means to keep going. I used gambling to run from myself and escape any uncomfortable feelings.

These statements could be you, your spouse, your law partner, a law school professor, a classmate or even the judge you had a hearing before last week. For many, gambling is harmless fun, but gambling can become a problem and lead to severe consequences in the practice of law.



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Everyone who gambles does not become a problem gambler; however, anyone can develop a gambling problem as gambling does not discriminate. Gambling can adversely impact anyone regardless of economic, social, cultural or educational level.<sup>1</sup>

Why is gambling a concern for the legal profession and may have an adverse impact on an attorney's law practice and the quality of legal services? Because attorneys have access to substantial amounts of money, such as client trust accounts, retainers and settlement proceeds. Research has shown that a lawyer struggling with this addiction may began commingling client's funds, steal from a client's estate or settlement, be more eager to settle a case for financial gain than to adequately represent a client, and even take an unreasonably high risk to obtain that "big reward." These behaviors may not be in the best interest of the client.

What most people, especially attorneys, do not realize is that gambling disorder is a disease — a mental health problem. Gambling disorder, also known as pathological gambling, compulsive gambling or gambling addiction, was previously classified in the Diagnostic and Statistical Manual of Mental Disorders as an impulse-control disorder before being reclassified as an addictive disorder. Gambling disorder is characterized by a pattern of continued gambling despite negative physical, psychological and social consequences.<sup>2</sup>

A compulsive gambler cannot control or resist the impulse to gamble. The growing popularity and availability of online gambling platforms provide easy access, anonymity and the potential for constant engagement, making one more susceptible to developing a gambling problem.

Gambling is an addiction with low visibility and is often referred to as a "hidden illness" because of the few outward signs and symptoms present.<sup>3</sup> Gambling also comes with much stigma. One reason for the stigma is the stereo-typical perception of those dealing with gambling disorder as being impulsive, irrational, irresponsible, greedy, untrust-worthy and downright foolish.<sup>4</sup>

As with any addiction, compulsive gamblers are often unaware of, or in denial about, having a problem. Still, gambling can destroy lives, just like drugs and alcohol. There also may come a point when gambling causes more losses than money. Gambling is a co-occurring addiction, meaning it often accompanies other addictions. Studies have revealed consequences, including higher rates of bankruptcy, divorce, substance abuse, depression or anxiety, among individuals with gaming-related problems. Compulsive gambling may be associated with bipolar disorder, obsessive-compulsive disorder and attention-deficit/hyperactivity disorder.5 Notably, individuals with gambling problems have a higher risk of suicidal thoughts and attempts than individuals without gambling problems, and some studies have found that individuals with gambling disorder have the highest suicide rate of any addiction.6

The American Psychiatric Association

has devised nine criteria regarding gambling disorder. If you, over a 12-month period, meet four of these nine criteria, there may be cause for concern:

▶ Need to gamble with increasing amounts of money to achieve the desired excitement;

► Are restless or irritable when attempting to cut down or stop gambling;

► Have made repeated unsuccessful efforts to control, cut back or stop gambling;

► Are often preoccupied with gambling (e.g., having persistent thoughts of reliving past gambling experiences or planning the next venture, thinking of ways to get money with which to gamble);

► Often gamble when feeling distressed (e.g., helpless, guilty, anxious, depressed);

► After losing money gambling, one often returns another day to get even ("chasing" one's losses);

► Lie to conceal the extent of involvement with gambling;

► Have jeopardized or lost a significant relationship, job or educational or career opportunity because of gambling; and

► Rely on others to provide money to relieve desperate financial situations caused by gambling.<sup>7</sup>

What are some of the known (and unknown) negative aspects of gambling that may affect an attorney's legal practice or the quality of legal services?

► Financial instability: The odds are typically stacked against the player, leading to significant financial losses and potential debt.

► Emotional and psychological consequences: Gambling addiction can result in emotional distress and mental health issues. It can strain relationships and cause isolation from loved ones.

► Time and energy drain: Excessive gambling can consume a person's time and energy, diverting attention from important responsibilities and activities, such as work, family and personal wellbeing.

► Unhealthy coping mechanism: Gambling can become a harmful way to cope with stress, anxiety or underlying issues. Instead of addressing the root causes, individuals may rely on gambling as an escape, hindering personal growth and development.

► Illusion of quick and easy money: The allure of instant wealth can be deceptive. In reality, gambling often leads to financial ruin rather than financial gain.

► Lack of control: Gambling addiction can spiral out of control, leading to compulsive behavior and an inability to stop despite negative consequences.

► Impact on mental health and selfesteem: Continuous losses and the rollercoaster of emotions associated with gambling can erode self-esteem, leading to feelings of shame, guilt and despair.<sup>8</sup>

How do you help someone with a gambling addiction?

► Approach with compassion: Avoid confrontational or judgmental language. Create a safe and non-judgmental space for open communication and understanding.

▶ Provide ongoing support: Be a compassionate listener and offer emotional support.

► Highlight the consequences: Help them understand the detrimental impact of their addiction on various aspects of their life, such as finances, relationships, mental health and overall well-being.

► Introduce healthy alternatives: Encourage and assist them in exploring alternative activities and hobbies that can replace the time and energy previously spent on gambling. Help them discover healthier and more fulfilling pursuits.

► Recommend professional help: Suggest seeking professional assistance from therapists or addiction counselors who specialize in gambling addiction.<sup>9</sup>

It is never too late to seek help, make a fresh start, and take control of your well-being. If you or someone you know may have a gambling problem, help is available. The National Problem Gambling Helpline at 1-800-GAMBLER is available 24/7 or text 800GAM. The Louisiana Problem Gambling Helpline is 1-877-770-STOP (7867). The Louisiana Association on Compulsive Gambling can be reached at (318)227-0883 or www.helpforgambling.org.

To learn more or seek confidential,

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non-disciplinary help with any impairment that poses health or ethical issues, reach out to the professional clinical staff 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 huge difference. JLAP supports lawyers, judges, students and other legal professionals.

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#### FOOTNOTES

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3. Christine Gordon-Davis, "A Public Health Approach to Problem Gambling," Health Resources in Action (March 31, 2022), https://hria.org/2022/03/31/problemgambling/.

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6. Tony Salvatore, "Problem Gambling and Suicidal Behavior," FBI Law Enforcement Bulletin (June 13, 2017), https://leb.fbi.gov/ articles/featured-articles/problem-gamblingand-suicidal-behavior-a-primer-for-law-enforcement; Erica Sweeney, "A Ticking Time Bomb': Gambling Addiction Is at An All-Time High (and It's About to Get Worse)," Money (Feb. 9, 2023), https://money.com/gambling-addiction-all-timehigh/.

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8. Jessica Miller, "Effects of Gambling Addiction," AddictionHelp.com (last updated June 29, 2023), www.addictionhelp.com/gambling/effects/.

9. "How to Help Someone You Know That Has a Gambling Problem," Gateway Foundation (Jan. 12), www.gatewayfoundation.org/addiction-blog/how-to-help-someone-that-has-gambling-problem/.

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.





By David P. Vicknair

PRACTICAL STEPS: PROFESSIONAL DEVELOPMENT

Sometimes it can seem overwhelming to hear about certain aspirational topics like professionalism in practice and wondering where you should even begin to chart your firm and/or practice group on a more professional path. In that vein, below are seven concrete ideas as action items your firm could implement to help emphasize professionalism, both internally between your teams and externally in how your team treats third parties, opposing counsel and the court on a regular basis.

1. Prioritize the onboarding process. Consider the importance of onboarding each new attorney and non-attorney team member in a very specific manner to impart the way your team conducts itself professionally with one another and to the court/third parties. Ideas include a welcome breakfast and coffee, a "slow" onboarding schedule which allows the new employee to meet with each department/team member who performs different duties in your practice, and an initial meeting to discuss the expectations at your firm for professional behavior with other team members and the court/opposing counsel.

2. Focus on your team's professional training. "Lunch and learns" are easy and cheap. Many firms are already planning and executing lunch training sessions on various legal topics and the administrative aspects of the firm. Why not focus one on professionalism? Invite a judge or attorney to discuss professionalism tips and practices and create a PowerPoint with real-life examples for how to handle certain situations a lawyer, paralegal or legal assistant could find themselves in with a vendor, opposing counsel or the court, and discuss the best way to handle each. This effectively elicits open discus-

sion and input from everyone.

3. Create open lines of communication internally. Make sure you are utilizing up-to-date technology to facilitate open lines of communication which allows your team to communicate quickly and get feedback daily. One example is Slack. Slack provides instant online messaging in one centralized platform, which is free, and can get your team immediate answers and feedback on situations which arise day-to-day in practice yet minimizes interruptions to everyone's workflow.

4. Recognize your team members for their "wins" and performance. A bonus does not count, although it is important. When you recognize people for "small wins" and positive achievements in how they treat others internally and externally, it sends a message in your group that professional behavior is encouraged and prioritized. While it may seem "hokey" at first, it will catch on and become something everyone will strive to emulate.

5. Provide opportunities for your team to relax and have a flexible schedule. Vacations are great but consider workfrom-home days being a permanent fixture in your schedule and early-leave days from the office whenever possible. The more time team members have flexibility in their work environment, the more focused they will be when working and less susceptible to burnout which could result in more internal and external problems in how they communicate, and ultimately, their work product on behalf of your clients.

6. Provide regular positive feedback and constructive criticism with a path to advancement. Every person on your team needs feedback. Let them know what they are doing well and, inversely, not so well, in a professional and positive way. It is critical to reinforce the professional conduct internally in that feedback, and it will continue to grow within your team.

7. Build a unified, goal-oriented culture. Consider creating and sharing quarterly and annual goals with your team and include them in the process of achieving your group's goals. If your team is focused on goals and a positive culture which identifies problems with a solution mindset, and rewards positivity, creativity and professionalism, they will be more positive, creative and professional with others. It really seems basic, but law school removed certain basic things from our brains which are common sense and logical.

All the above are small, practical action items you could consider in creating a more professional team in your firm and practice group. Hopefully, they are of some value or provoked some thought on beginning or continuing your path to creating a more professional team in your practice.

David P. Vicknair (Loyola Law 2011) is one of the managing partners of the Scott Vicknair Law Firm, based in New Orleans. He practices in the areas of plaintiff personal injury litigation, plaintiff maritime injury litigation, and plaintiff property damage and casualty loss litigation. He is on the board



of directors for Volunteers of America Southeast Louisiana and is a member of the New Orleans Bar Association, the American Association for Justice and the Louisiana Association for Justice. (david@svlaw.law, Ste. 2025, 909 Poydras St., New Orleans, LA 70112)

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COMMITTEE RECOGNITION...CLE RECAP

## LSBA Acknowledges 2023-24 Committee on **Diversity in the Legal Profession**

The Louisiana State Bar Association thanks the members of the 2023-24 Committee on Diversity in the Legal Profession and its subcommittees.

Chair: Susan R. Laporte.

Co-Chairs: Demarcus J. Gordon and Monica M. Vela-Vick.

Members: Denia S. Aiyegbusi, Dean Alena M. Allen, Trey K. Bartholomew, Troy N. Bell, Hon. Roland L. Belsome, Jr., Talya J. Bergeron, Dominique R. Bright-Wheeler, George W. Britton III, J. Dalton Courson, Jovontee J. Curlee, Monette M.

Davis, Tiffany L. Delery, Sandra Diggs-Miller, John C. Enochs, Scherri N. Guidry, Senae D. Hall, Felicia M. Hamilton, Justin A. Jack, Chief Justice Bernette Joshua Johnson (Ret.), Megan C. Kiefer, Arlene D. Knighten, Jennifer G. Lampton, Dean Madeleine M. Landrieu, Quintillis K. Lawrence, Hieu (Scott) Trung Le, Thuy-Duyen N. Le, Wayne J. Lee, Luis A. Leitzelar, Patrick J. Lorio, Lynn Luker, Sowmya Mandava, Kellen J. Mathews, Janell M. McFarland-Forges, Rickey W. Miniex, Bianca N. Moore, Jared E.A. Nelson, Courtney H. Payton, Ezra Pettis, Jr., Chancellor John K. Pierre, Thailund T. Porter-Green, Denice Redd-Robinette, Interim Dean Sally B. Richardson, Deidre D. Robert, Rachel M. Scarafia, Elizabeth S. Sconzert, Rebecca Sha, Ronald J. Sholes, Jr., Justin W. Stephens, Hon. Karelia R. Stewart, Hon. Max N. Tobias (Ret.), Joseph T.D. Tran, Michael B. Victorian, Chief Justice John L. Weimer, Angela White-Bazile, Sharonda R. Williams, John A. Womble and Gina Zapanta.

## LSBA Diversity and Outreach Committees Host **Specialty Bars CLE Conference**

The Louisiana State Bar Association's Diversity Committee and Outreach Committee hosted the Specialty Bars CLE Conference on May 23.

Hieu (Scott) Trung Le, with Mouledoux, Bland, Legrand & Brackett, LLC, in New Orleans, presented "When Competency Isn't Enough: Embracing Cultural Differences to Become a Truly Competent Lawyer."

Vickie S. Evans, founder and CEO of RedCape in Austin, TX, presented "Microsoft Productivity Tips for Attorneys: Windows, PowerPoint and Outlook."





Nicholas J. Hite, with Lambda Legal in Dallas, TX, presented "Advocacy for Transgender Clients."

Leah Spivey, with Gasparian Spivey Immigration in New Orleans, and Roman J. Maney, with the Department of Homeland Security in New Orleans, presented "Immigration Basics for Criminal Lawyers."

Debra J. Weinberg and Sarah H. Bacot, both with Disability Rights Louisiana in New Orleans, presented "Navigating Disability in Legal Practice: Breaking Stereotypes and Building Respect."



Κ Barefield Professional Fric Programs Ethics Counsel for the Louisiana State Bar Association in New Orleans, presented "Ethics Hodge Podge."





# PERRY DAMPF

## SALT Mediation Panel

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William Morvant



Jay Dardenne



Coleman Ridley, Jr.



Scott Love

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REPORTING DATES 5/31/24 & 6/3/24

#### **REPORT BY DISCIPLINARY COUNSEL**

Public matters are reported to protect the public, inform the profession and deter misconduct. Reporting date May 31, 2024.

#### Decisions

John D. Acomb, New Orleans, (2024-B-0224) By consent, suspended from the practice of law for a period of six months, fully deferred, subject to a one-year period of supervised probation with conditions, by order of the Louisiana Supreme Court on April 3, 2024. JUDGMENT FINAL and EFFECTIVE on April 3, 2024. *Gist:* Mismanagement of client trust account, which resulted in the negligent commingling and conversion of funds. Samuel Robert Aucoin, Patterson, (2023-B-01513) Suspended for three years, which suspension shall run concurrently to the suspension imposed in *In re: Aucoin*, 21-0847 (La. 12/7/21), 328 So.3d 409, by order of the Louisiana Supreme Court on March 12, 2024. JUDGMENT FINAL and EFFECTIVE on March 26, 2024. *Gist:* Respondent neglected legal matters; failed to communicate with clients; failed to refund an unearned fee; knowingly disobeyed an obligation under the rules of a tribunal; engaged in criminal and dishonest conduct; and failed to cooperate with the ODC in its investigations. He further violated duties owed to his clients, the public, the legal system and the legal profession. He acted knowingly and intentionally, and his conduct caused actual harm.

David Band, Jr., New Orleans, (2023-B-0284) Conditionally reinstated to the practice of law, subject to a one-year period of probation with specific requirements, by order of the Louisiana Supreme Court on May 7, 2024. JUDGMENT FINAL and



Advice and Counsel Concerning Legal & Judicial Ethics Defense of Lawyer & Judicial Discipline Matters Representation in Bar Admissions Proceedings

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## Leslie J. Schiff

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### 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 EFFECTIVE on May 7, 2024.

Leo Caillier III, Gretna, (2023-B-00420) By consent, issued a public reprimand, by order of the Louisiana Supreme Court on May 21, 2024. JUDGMENT FINAL and EFFECTIVE on May 21, 2024. *Gist:* Failure to obtain clients' written informed consent to limit the scope of representation with co-counsel in a contingency fee agreement; failure to communicate with clients over a period of several months; and failure to take reasonable steps to protect clients' interests upon termination of the representations.

Irvin Joseph Celestine, Jr., Lafayette, (2024-B-00187) Suspended from the practice of law for a period of one year and one day by order of the Louisiana Supreme Court on April 30, 2024. JUDGMENT FINAL and EFFECTIVE on May 14, 2024. Gist: Celestine failed to fulfill his professional obligations; failed to communicate with clients; neglected legal matters; failed to expedite litigation; caused the unnecessary delay and use of court resources in a proceeding; failed to cooperate with the Office of Disciplinary Counsel in its investigations; and engaged in conduct prejudicial to the administration of justice.

Yasha Latrice Clark, New Orleans, (2024-B-0663) Immediately suspended from the practice of law on an interim basis by order of the Louisiana Supreme Court on May 30, 2024. JUDGMENT FINAL and EFFECTIVE on May 30, 2024.

Sonya Eloyace Hall, Baton Rouge, (2024-B-00029) Suspended from the practice of law for six months by order of the Louisiana Supreme Court on April 3, 2024. The Court's order further provides that the suspension shall run consecutively to the suspension previously imposed in the matter of In re: Hall, 2023-1081 (La. 9/26/23), 370 So.3d 714 (per curiam). JUDGMENT FINAL and EFFECTIVE on April 17, 2024. Gist: Respondent neglected a legal matter; failed to communicate with a client; improperly terminated a representation; and failed to cooperate with the Office of Disciplinary Counsel in its investigation.

**Ravinder P. Khinda**, Texas, (2024-B-0271) **By consent, issued a public**  **reprimand**, by order of the Louisiana Supreme Court on April 16, 2024. JUDGMENT FINAL and EFFECTIVE on April 16, 2024. *Gist:* Failure to cooperate with ODC investigation.

Ella Douglas Kliebert, Thibodaux, (2024-B-00178) By consent, suspended from the practice of law for one year and one day, with all but 30 days deferred, by order of the Louisiana Supreme Court on March 19, 2024. JUDGMENT FINAL and EFFECTIVE on March 19, 2024. *Gist:* Respondent was convicted of driving while intoxicated.

William E. LeBlanc, Baton Rouge, (2024-OB-00209) Permanently retired by order of the Louisiana Supreme Court on April 3, 2024. JUDGMENT FINAL and EFFECTIVE on April 3, 2024.

**Erica Marchand**, Baton Rouge, (2024-B-00228) **By consent, issued a public reprimand**, by order of the Louisiana Supreme Court on April 9, 2024. JUDGMENT FINAL and EFFECTIVE on April 9, 2024. *Gist:* Neglected a legal matter; failed to communicate with a client; and practiced law while ineligible to do so.

Keelus Renardo Miles, Prairieville, (2024-B-00470) Disbarred, retroactive to April 25, 2023, the date of the imposition of suspension in *In re: Miles*, 2023-0028 (La. 4/25/23), 359 So.3d 960, by order of the Louisiana Supreme Court on May 29, 2024. JUDGMENT FINAL and EFFECTIVE on May 29, 2024. *Gist:* Respondent failed to reduce a contingency fee agreement to writing; neglected a legal matter; failed to adequately communicate with a client; made false statements to a client and the Office of Disciplinary Counsel; and engaged in the unauthorized practice of law during a period of suspension.

Aaron P. Mollere, Reserve, (2024-B-0160) Disbarred from the practice of law, retroactive to his Dec. 7, 2021, interim suspension and ordered to pay restitution, by order of the Louisiana Supreme Court on April 9, 2024. Order FINAL and EFFECTIVE on April 23, 2024. *Gist:* Arrested for possession of cocaine and for possession of a firearm while in possession of a controlled dangerous substance; neglected a legal matter; failed to communicate with a client; failed to refund unearned fees; converted third-party funds; and failure to cooperate with the ODC in its investigations.

Dedrick Arvell Moore, Baton Rouge, (2023-B-1689) By consent, suspended from the practice of law for a period of one year and one day, fully deferred, subject to respondent's successful completion of a one-year period of unsupervised probation conditioned upon attendance at the Louisiana State Bar Association's Trust Accounting School during the probationary period, by order of the Louisiana Supreme Court on April 9, 2024. JUDGMENT FINAL and EFFECTIVE on April 9, 2024. Gist: Failure to communicate with client; failure to reduce contingency fee agreement to writing; failure to deposit the client's settlement check into client trust account; and failure to disburse \$1,500.00 owed to client.

#### Continued next page



#### 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 3, 2024.

| Respondent              | Disposition                              | Date Filed | Docket No. |
|-------------------------|------------------------------------------|------------|------------|
| Clifton M. Davis III    | [Reciprocal] Suspension.                 | 4/9/24     | 24-73      |
| Jim S. Hall             | [Reciprocal] Suspension, fully deferred. | 4/9/24     | 24-71      |
| Benji J. Istre          | Permanent resignation.                   | 5/13/24    | 24-295     |
| Sophia Juliana Johnson  | [Reciprocal] Suspension.                 | 5/7/24     | 23-6987    |
| George R. Knox          | [Reciprocal] Interim suspension.         | 5/13/24    | 24-294     |
| Frank John Labruzzo     | [Reciprocal] Interim suspension.         | 5/13/24    | 24-293     |
| John William Norwood IV | [Reciprocal] Suspension.                 | 4/9/24     | 24-74      |
| Maxwell Peter Smitko    | [Reciprocal] Suspension.                 | 5/13/24    | 24-292     |

Discipline continued from page 125

**David R. Opperman**, St. Francisville, (2024-B-00148) **Permanently disbarred** by order of the Louisiana Supreme Court on April 23, 2024. JUDGMENT FINAL and EFFECTIVE on May 7, 2024. *Gist:* Respondent stands convicted of two counts of indecency with juveniles.

**Gregory James Sauzer**, New Orleans, (2024-B-00125) **Suspended from the practice of law for six months, with all but 30 days deferred. Prior to seeking reinstatement, Sauzer shall show evidence that he completed the community service ordered in the federal criminal proceeding. Following reinstatement, Sauzer shall be placed on probation for a period of one year.** By order of the Louisiana Supreme Court on April 9, 2024. JUDGMENT FINAL

and EFFECTIVE on April 23, 2024. *Gist:* Sauzer willfully failed to file four years of federal income tax returns.

Kevin Michael Steel, Gretna, (2024-B-0481; 2024-B-0482) Reinstated to active status and immediately suspended from the practice of law on an interim basis by order of the Louisiana Supreme Court on April 24, 2024. JUDGMENT FINAL and EFFECTIVE on April 24, 2024.

**Russell S. Stegeman**, Madisonville, **Public reprimand** by order of the Louisiana Attorney Disciplinary Board on March 13, 2024. JUDGMENT FINAL and EFFECTIVE on March 13, 2024. *Gist:* Respondent's misconduct included a failure to diligently represent his client and conduct prejudicial to the administration of justice when he failed to appear in court, leaving his client unrepresented, in one matter, and caused unnecessary

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Chaffe McCall Chehardy Sherman Williams Irwin Fritchie Kean Miller Lugenbuhl McGlinchey Stafford Phelps Dunbar Sher Garner continuance of a trial in a second matter.

Gregory Swafford, New Orleans, (2023-B-01497) Suspended from the practice of law for a period of one year and one day and ordered to pay restitution by order of the Louisiana Supreme Court on Feb. 6, 2024. Rehearing denied on April 9, 2024. JUDGMENT FINAL and EFFECTIVE on April 9, 2024. Gist: Swafford entered into a joint venture agreement for the renovation of property, received \$50,000 from an investor, failed to inform the investor that he sold the property, failed to repay the investor the amount of her investment, and failed to pay the investor a profit in accordance with the terms of the agreement. Swafford also failed to respond to a lawful demand for information from, and failed to cooperate with, the ODC in its investigation.

George Allen Roth Walsh, Baton Rouge, (2024-B-00026) Permanently disbarred by order of the Louisiana Supreme Court on March 5, 2024. Rehearing denied on April 30, 2024. JUDGMENT FINAL and EFFECTIVE on April 30, 2024. *Gist:* Respondent intentionally violated duties owed to his client, the public and the legal profession, causing actual and potential harm.

#### Admonitions

1 Violation of Rule of Professional Conduct 1.15(a) — Commingling (failure to safekeep client funds).

## Patterson Resolution GROUP

## Mediation and Arbitration





## Get to Know THOMAS HAYES

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*Monroe, LA.* Trained as a mediator at Pepperdine's Straus Institute for Dispute Resolution, he joined Patterson in 2015. Hayes mediates various disputes and arbitrates professional liability, contract, and construction cases. Thomas is a Senior Officer at the Louisiana State Law Institute.



## Get to Know GUY DELAUP

#### S. Guy deLaup was trained as a mediator at

the Pepperdine University School of Law and the Mediation Institute of Oklahoma. After serving as an Assistant District Attorney in Jefferson Parish, LA, he has practiced extensively in the area of family law and has also represented clients in business, insurance, franchise, public entity and medical malpractice litigation.

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#### FAMILY LAW TO TRUSTS AND ESTATE LAW



#### **Res Judicata**

Edmond v. Edmond, 23-1270 (La. App. 1 Cir. 5/29/24), 2024 WL 2746497 (unpublished).

Ms. Edmond and Mr. Edmond were engaged in protracted litigation stemming from their divorce, including numerous motions for modification of custody, rules for contempt and petitions for protection from abuse, in which Ms. Edmond sought protection on behalf of the parties' daughter, J.E., based on unsubstantiated claims of sexual abuse of the child.

In April 2021, Ms. Edmond moved to modify custody, requesting sole custody of J.E. based on a purported material change in circumstances. Specifically, she alleged that J.E. had mental-health issues that stemmed from the resumption of visitation with Mr. Edmond, whom she claimed "presented an environment of sexual abuse." In response, Mr. Edmond filed an answer and exceptions of res judicata

and no cause of action. The trial court rendered judgment in October 2022, sustaining Mr. Edmond's exceptions and dismissing Ms. Edmond's motion to modify custody.

Ms. Edmond appealed the trial court's judgment, arguing that the trial court erred in sustaining Mr. Edmond's exception of res judicata to her motion to modify custody because (1) custody judgments are never final, and (2) the issues in her motion to modify custody were never litigated. However, in designating the record, Ms. Edmond failed to include transcripts from various hearings.

The 1st Circuit Court of Appeal affirmed the trial court's judgment, finding that the doctrine of issue preclusion/collateral estoppel applied because:

(1) a presumption of correctness of the trial court's judgment arose from the inadequacy of the record, which did not enable the appellate court to adequately review the matter;

(2) the pertinent judgments were valid and final:

(3) the parties were identical; and

(4) a review of the designated record that was available showed that the issues raised and allegations made in her motion to modify custody were the same ones relied on and resolved by prior judgments for contempt and dismissal of petitions for protection from abuse.

#### -Elizabeth K. Fox

Member, LSBA Family Law Section and LSBA Appellate Practice Section Fox Law Firm, LLC 23422 Cypress Cove Springfield, LA 70462



Supreme Court Finds No Tort Duty by **Design Professional** to Subcontractor's **Employee Injured on** Project

Bonilla v. Verges Rome Architects, 23-0928 (La. 3/22/24), 382 So.3d 62.

An employee of a subcontractor sued the project architect as a result of injuries



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he sustained on a construction project. The architect in question was under contract with the owner to perform professional design and contract administration services. The employee had been directed by his supervisor to demolish a vault that was located on the second floor of the project site. He was further instructed to stand on top of the vault's concrete ceiling and demolish it with a jackhammer. While performing this activity, the structure collapsed, and the worker was seriously injured. He ultimately filed a lawsuit against the project architect alleging negligence in the preparation of the designs and plans, for failure to design and/or require support for the area being demolished and, critically, for failure to monitor and supervise the execution of the plans to ensure safety at the jobsite.

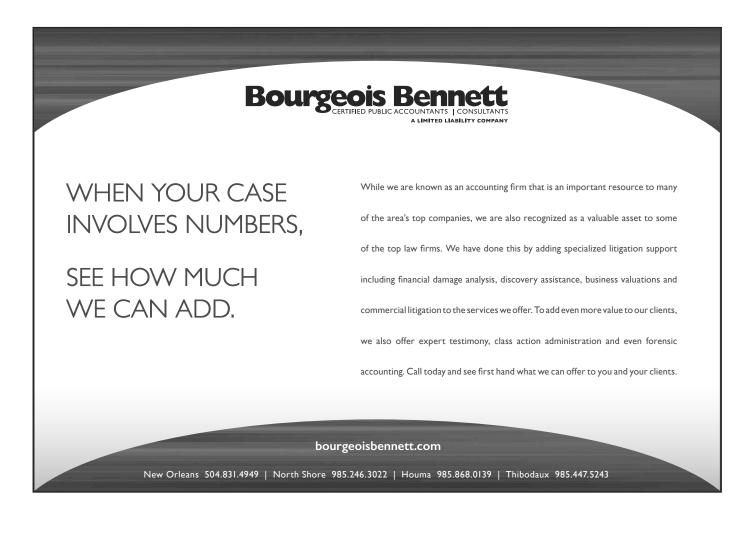
At the trial court level, the architect argued, successfully, that it did not have a contractual duty to ensure a safe worksite, reasoning that this responsibility rested with either the general contractor or owner. On appeal, however, the 4th Circuit found that such a duty on the part of the architect did exist, pointing to certain language in the architect's contract with the owner. Specifically, the contract required the architect to make weekly site visits and report deviations from the contract observed in the construction to the owner. The 4th Circuit found that this was enough to give rise to a duty owed by the architect for the safety of the project site.

The Louisiana Supreme Court disagreed, finding that it was clear from the contract language at issue that the purpose of the weekly site visits was to ensure the work was being performed according to specifications, and not that the architect would be assuming oversight over the means and methods of construction or project safety. The Court noted further that there was language in the contract's General Conditions that specified that the site visits by the architect should not be construed as "supervision of actual construction." As such, the Court found that the contract as written did not give rise to a duty on the part of the architect to monitor or supervise the safety of the jobsite. As such, the only remaining question for the Court to resolve was whether such a duty arose from another source, *i.e.*, in tort.

The Court rejected this idea, declining to

find that any extra-contractual duty was owed by the project architect to the subcontractor's employee. The Court noted that while some lower courts have extended a duty of care to third parties, such cases were distinguishable as they involved economic harm to contractors resulting from deficient performance of a service, not an injury to a subcontractor's employee for a failure to warn of a hazardous condition. In conclusion, the Court observed that the architect "cannot therefore be held liable for failing to perform duties it had no responsibility or authority to undertake." *Id.* at 68-69.

—Joshua D. Ecuyer Member, LSBA Fidelity, Surety & Construction Law Section Simon, Peragine, Smith & Redfearn, LLP 1100 Poydras St., 30th Flr. New Orleans, LA 70163



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Louisiana Bar Journal August / September 2024



#### Violation of NCAA Bylaws Constitutes Grounds for Termination

*Cregg v. Board of Supervisors of Louisiana State University*, 23-0127 (La. App. 1 Cir. 3/1/24), \_\_\_\_\_ So.3d \_\_\_\_, 2024 WL 879696, *writ denied*, 24-0409 (La. 6/5/24), \_\_\_\_\_ So.3d \_\_\_\_, 2024 WL 2842975.

A former Louisiana State University (LSU) assistant football coach filed suit for wrongful termination after the coach conceded he had contact with a potential recruit in violation of NCAA rules. The Louisiana 1st Circuit Court of Appeal reversed a trial court's decision that LSU wrongfully terminated Cregg without cause. The appellate court concluded that (1) LSU did not act arbitrarily and capriciously in breach of the employment contract by hiring a replacement before the completion of the coach's appeal process; and (2) the university was entitled under the employment contract to fire the coach for cause for violation of an NCAA bylaw before the NCAA made a final decision on the infraction.

In 2019, Cregg met a prospective student athlete attending a football camp at LSU and began recruiting him for LSU's offensive line. In 2020, during the COVID "dead period" whereby coaches were not allowed contact with prospective recruits, the student and his mother attended Tiger Turnout, an event coordinated by the prospective recruits and their parents on LSU's campus. At the end of the weekend, the student athlete's mother contacted Cregg and inquired about his neighborhood because she intended on relocating to where her son attended college. Cregg provided his address and told them that they could "stop by." They subsequently drove to Cregg's neighborhood where he greeted them while on a golf cart and gave the student recruit a bag of LSU gear. The recruit and his mother met with Cregg at his home a second time the following weekend.

The NCAA subsequently conducted an investigation of rule violations stemming from Cregg's in-person contact with the prospective student athlete and gifting of LSU gear to the student. In an initial interview with NCAA investigators, Cregg denied having contact with the student. In a subsequent interview conducted one week later, Cregg confessed that he was untruthful in the first interview and admitted to having contact with the prospective student and his mother and giving the student gear, in violation of NCAA rules.

Two weeks later, LSU informed Cregg of the university's intent to terminate his employment agreement for cause for knowingly violating NCAA rules given his admissions to the NCAA. Cregg was given five days to respond to the notice of intent to terminate. Ten days later, LSU notified Cregg that his employment was terminated for cause.

Cregg filed suit against the university,

alleging that LSU breached his employment agreement when it terminated him. Following a bench trial in the 19th Judicial District Court, East Baton Rouge Parish, Judge Wilson Fields entered judgment for the coach awarding him \$492,945 in liquidated damages. LSU appealed the decision.

The university raised two primary issues on appeal. First, LSU argued that the trial court erred in determining that the employment agreement was terminated without cause because LSU did not allow Cregg's appeal process "to run its course" before hiring a new offensive line coach. After reviewing the employment agreement, the 1st Circuit noted that it could find no language, nor could Cregg identify any language, prohibiting or restricting LSU from hiring a replacement coach during the pendency of an appeal of the agreement's termination or otherwise requiring that his position remain vacant during the pendency of an appeal. The court concluded "the hiring of a new offensive line coach does not interdict the process of identifying and establishing cause for termination. Moreover, LSU's decision to hire a new offensive line coach is not subject to an arbitrary or capricious finding in the context of this process." Id. at \*7. The 1st Circuit further noted that, "in the interim, LSU was without an offensive line coach. Hiring a coach to fill the vacancy in this coaching staff position prior to its 2021 football season only seems prudent." Id.

Second, LSU contended that the trial court erred in finding that LSU breached the employment agreement by terminating Cregg before allowing for a final decision by the NCAA to conclude that Cregg committed an



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NCAA infraction. The 1st Circuit first noted that Section 11(A) provides that the employment agreement may be terminated for cause by LSU at any time prior to its expiration, upon written notice to the employee. The agreement defines "cause" and sets forth 20 enumerated circumstances that constitute cause for termination. LSU relied on Section 11(A)(1)(a) of the contract, which provides that the following conduct constitutes cause: "Commission of a Level I or II violation under NCAA bylaws or commission of a material and substantial violation (or repeated Level III and/or IV violations) of other Governing Athletics Regulations, or failing to promptly report any such violation . . . ." Id. at \*8.

Applying the principles governing interpretation of contracts set forth above, the 1st Circuit determined that the trial court erred in requiring a final decision from the NCAA as a prerequisite to a finding of cause because nothing in the agreement requires or contemplates a final decision by the NCAA that its bylaws were violated. While the parties could have agreed to allow the NCAA to serve as the arbiter of whether Cregg committed a violation, the parties did not choose to do so. Once an allegation of a violation is made, the NCAA employs its own procedure to commence an investigation by its enforcement staff prior to making any such determination.

The clear and explicit words of the agreement provide that cause exists for terminating the employment agreement when an individual or the institution commits a violation under NCAA bylaws — not when the NCAA determines the employee committed a violation. As the 1st Circuit concluded:

[T]he employment agreement contains no language requiring that the actions that constitute violations under the NCAA bylaws be deemed as such by virtue of a final decision of the NCAA. Any interpretation of the employment agreement language that conditions a finding of cause based on a final decision of the NCAA, which may be rendered years later, when the agreement contains no such requirement, is simply nonsensical.

Id. at \*9.

—**K. Todd Wallace** Secretary-Treasurer, LSBA Labor Relations and Employment Law Section Wallace Meyaski, LLC Ste. 102, 5190 Canal Blvd. New Orleans, LA 70119



#### 2nd Circuit Interprets "Exclusive" Pipeline Servitude

*ETC Tiger Pipeline, LLC v. DT Midstream, Inc.*, 55,534 (La. App. 2 Cir. 4/10/24), 384 So.3d 458.

The case considers whether the plaintiff's "exclusive" pipeline servitude precluded the defendant from constructing a pipeline that runs in a perpendicular direction to the plaintiff's pipeline and crosses under it.

In 2010, Red River Louisiana I LP, as landowner, granted a servitude of use to ETC Tiger Pipeline, LLC to construct and operate a natural gas pipeline across Red River's land in DeSoto Parish. ETC recorded the servitude in the public records and then constructed and began operating a 42-inchdiameter, high-pressure natural-gas pipeline. The servitude agreement stated, in part:

Grantor . . . does hereby grant and convey to Grantee an exclusive servitude of use sixty feet (60') in width and eighteen thousand three hundred seventy-six and one-tenth (18,376.10') linear feet . . . for the purposes of constructing . . . [and] operating . . . one (1) pipeline for the transmission of natural gas . . . across . . . the . . . described property[.]

. . .

BUT ONLY as to the location specified for such servitude on the sketch attached hereto as Exhibit A[.]

Grantor may not use any part of the servitude if such use may unreasonably damage, destroy, injure, and/ or interfere with the Grantee's use of the servitude for the purposes for which this servitude is being sought by Grantee. Grantor reserves the right to use the servitude for any and all purposes not inconsistent with



the purposes set forth in this servitude. Grantor's uses may include but shall not be limited to right to cross the servitude and to construct roads, highways and bridges across it and the right to erect, install and construct over and across the servitude power lines, railroads, tram roads, switch tracks, dams, roads, fences and such other similar facilities . . . . [These] shall be erected, installed, constructed and maintained so as not ... to interfere unreasonably with the rights granted herein. Such roads, highways, bridges, and other facilities that will cross the servitude must cross the servitude at any angle of not less than forty-five (45) degrees to Grantee's pipelines, provided that all of Grantee's required and applicable spacings, including depth separation limits and other protective requirements are met by Grantor.

Several years later, DT Midstream, Inc. obtained a pipeline servitude from the landowner. In 2022, DTM contacted ETC about constructing a natural gas pipeline that would run across Red River's land in a direction perpendicular to ETC's pipeline and cross beneath ETC's pipeline with a safe vertical separation. ETC refused to consent to such a crossing. When it appeared that DTM still planned to cross underneath ETC's pipeline, ETC sought injunctive relief in the 42nd Judicial District Court in DeSoto Parish. ETC argued that its exclusive servitude covered all depths and that DTM's planned crossing would violate ETC's existing, recorded servitude. ETC also argued that DTM's planned crossing could not be done safely.

The district court found that DTM's planned crossing could be safely done and that ETC did not have a right to block the crossing on safety grounds. However, the court agreed with ETC's argument that ETC had an exclusive servitude that allowed it to prevent DTM's planned crossing. For this reason, the district court issued a preliminary injunction pursuant to La. C.C.P. art. 3663, which authorizes injunctive relief to protect a party's possession of a real right in immovable property. DTM appealed the district court's order.

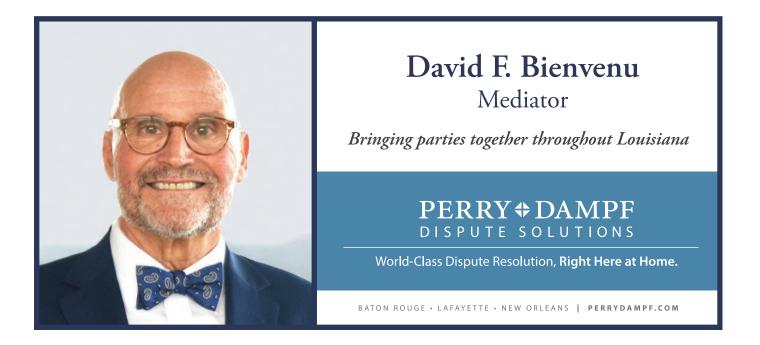
The 2nd Circuit rejected ETC's argument that its "exclusive" servitude gave it an exclusive right as to all depths. The appellate court noted that the servitude did not specify a depth for the pipeline, and that the servitude allowed ETC to construct only one pipeline. The court reasoned that "the purpose of the servitude supports the finding" that, once ETC constructed the pipeline, the depth of the servitude was limited to the depth "used for the current pipeline and does not extend to an infinite depth."

Further, the 2nd Circuit concluded that no other provision in the servitude agreement precluded DTM's proposed crossing of ETC's pipeline. The agreement did not, for example, expressly prohibit Red River from making or authorizing underground crossings of ETC's pipeline. The agreement provided that Red River could not interfere with ETC's exercise of its rights, but the servitude agreement expressly contemplated that Red River could make constructions that would cross ETC's servitude and expressly referred to construction of pipelines that cross ETC's servitude. Rather than prohibiting such crossings, the agreement merely stated that the angle of crossing had to be at least 45 degrees and that an "appropriate depth" separation had to be maintained between the construction and ETC's pipeline. Here, the district court concluded that a crossing could be done safely, with an appropriate depth separation. Thus, neither safety nor interference with ETC's exercise of its rights was an issue

Accordingly, the 2nd Circuit unanimously reversed the district court's order granting a preliminary injunction. Two of the three judges on the appellate panel (Cox and Ellender) joined the majority opinion. The third (Thompson) wrote separately, expressing reasoning similar to that in the majority opinion.

#### -Keith B. Hall

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





#### Future Medical Expenses

*Cannady v. Yates*, 55,471 (La. App. 2 Cir. 4/10/24), 383 So.3d 1115.

A jury awarded the plaintiff the statutory maximum of \$500,000 in general damages, \$250,000 in past medical expenses and \$13,500,000 in future medical expenses. The court ruled that the two physician defendants each were liable for a \$100,000 statutory cap and the remainder of the damages were owed by the PCF; it signed a judgment in accordance with the jury's verdict. The court then signed another judgment, adding: "Pursuant to La. R.S. 40:231.2(B)(2), the liability of Defendants, Dr. William Yates and Mary Stell, NP, is reduced to the statutory cap of \$100,000.00 per Defendant, for a total of \$200,000.00, with the remainder to be paid in accordance with La. R.S. 40:1231.2(B)(3)

(a)." Id. at 1117-18.

The plaintiff then filed a "Partial Satisfaction of Judgments" and reserved the right to seek claims for future medical care. The PCF acknowledged the reservation of rights with this language:

Nothing in this Partial Satisfaction of Judgment alters or waives Cynthia Cannady's right to collect or otherwise seek reimbursement for future medical care and related benefits from the Patient Compensation Fund in accordance with the verdict and related judgments rendered in this matter to be submitted, processed, and paid in accordance with the Louisiana Medical Malpractice Act and any applicable provisions including, but not limited to, La. Admin. Code Title 37, Part III, § 1901, et seq.

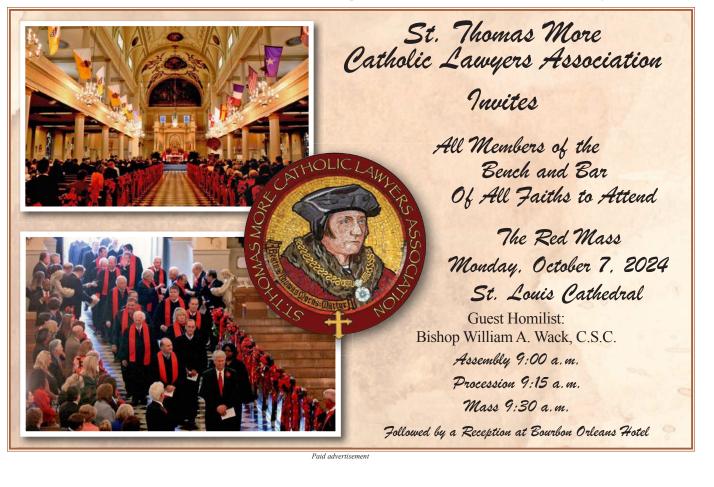
#### Id. at 1118.

Months later, the plaintiff sent the PCF a document titled "Notice of Claim for Future Medical Care and Related Benefits," requesting payment of \$496,179.09 for future expenses to be incurred in the following year, including handicap renovations, attendant and nursing care, a handicap-accessible van and medical transportation, all of which

had been recommended by an expert during trial. The PCF responded that it "pays medical expenses as incurred. Providers normally bill us directly . . . ." *Id.* The PCF added that it required a physician's order for certain requests and that the plaintiff's expert's report did not meet the criteria for the advanced payment. The PCF later denied the plaintiff's claim because it was "premature."

A doctor who testified at trial then signed 26 prescriptions for the requests made by the plaintiff. The PCF responded that it wished to exercise the right to have the plaintiff undergo an independent medical examination (IME) before it would comply with the plaintiff's requests. The PCF then filed a Motion to Compel a Physical Exam pursuant to La. Admin. Code Title 37, Part III, § 1911, alternatively, praying for declaratory judgment that it not be "compelled to reimburse or pay for any future medical expenses until an IME" had been conducted. *Id.* at 1120. The trial court agreed and ordered that the IME be conducted.

The plaintiff appealed the order, arguing that requiring an IME violated her constitutional rights given that causation was stipulated prior to trial, and that the PCF was attempting to "redetermine whether her condition was caused by medical malpractice," and was further violating her constitutional



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rights by making the "PCF the sole authority on what it means to act as a 'prudent administrator." *Id.* at 1121.

The appellate court rejected the plaintiff's claim that an IME would violate her constitutional rights because the PCF had acknowledged the verdict in its pleadings, and it was now "merely seeking to fulfill its obligation to 'ensure that all future medical care costs and related benefits are reasonable and commensurate with the usual and customary costs of such care in the patient's community." *Id.* at 1123.

The court commented that the center of the dispute included the plaintiff's "failure to adhere to the proper procedures as set forth in the MMA and the Administrative Code" when she requested a lump-sum payment for future benefits contrary to the MMA and the Louisiana Administrative Code. "Such lump sum payment is contrary to La. R.S. 40:1231.3 and 37 La. Admin. Code Pt. III, 1907(A), which specifically states patients may make a claim to the fund 'for future medical care and related benefits *as incurred by the patient.'" Id.* at 1124.

The court ruled that the PCF was acting as "a prudent administrator of the fund" and noted that the plaintiff had conceded that the PCF was from "time to time" entitled to determine patient's need for medical care; thus, the PCF request for an IME was not "unreasonable or outside the scope of the PCF's statutory responsibility." *Id.* 

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



#### Sales Tax on Apple Music Streaming Service Barred by Internet Tax Freedom Act

*Apple, Inc. v. Samuel*, BTA Docket No. L01283 (5/2/24).

Apple, Inc. filed suit at the Louisiana Board of Tax Appeals (BTA) seeking to overturn a Notice of Assessment issued by Romy S. Samuel, in her capacity as the Collector of Revenue of the City of New Orleans. Department of Finance; and the City of New Orleans, Department of Finance, in its capacity as Orleans Parish Tax Collector (City). The Notice of Assessment sought to impose sales tax on Apple's sales of Apple Music streaming subscriptions. Apple asserted this was an illegal discriminatory tax on electronic commerce barred by  $\S$  1101(a)(2) of the Internet Tax Freedom Act (ITFA), codified in the notes to 47 U.S.C. § 151. Apple filed a motion for summary judgment in support of its position. The City did not file an opposition.

Apple's motion for summary judgment listed three purportedly undisputed material facts concerning Apple Music. First, Apple Music is a service that uses the Internet to stream audio content, such as music, to devices connected to the Internet. Second, satellite radio is a service that allows the streaming of audio content, such as music, using satellites to devices capable of receiving satellite signals. Third, the audio content streamed using the Internet to Apple Music subscribers is similar to the audio content streamed by satellite radio providers to subscribers using satellite signals.

The attachments to the affidavit of Apple's senior tax director showed that Apple Music offers subscribers access to music categories similar to music channels offered by SiriusXM and that SiriusXM provides its music streaming service via satellite. The BTA noted there was no evidence in the record that Apple Music offers any services that are substantially different from the services that SiriusXM offers. The only evidence before the BTA was that Apple Music and SiriusXM are essentially the same service. The only difference between Apple Music and SiriusXM is the medium by which the services are provided (via Internet or via satellite).

The ITFA prohibits a state or a political subdivision from imposing discriminatory taxes on electronic commerce. The ITFA defines "electronic commerce" as any transaction conducted over the Internet or through Internet access, comprising the sale, lease, license, offer or delivery of property, goods, services or information, whether or not for consideration, and includes the provision of Internet access.

The BTA noted it was undisputed that Apple Music streaming services are sold over the Internet and that such sales meet the definition of "electronic commerce" in the ITFA. The BTA held the City applied its sales tax in a discriminatory manner that is prohibited by the ITFA. The BTA granted the motion for summary judgment as prayed for by Apple.

> —Antonio Charles Ferachi Chair, LSBA Taxation Section Director of Litigation-General Counsel Louisiana Department of Revenue 617 North Third St. Baton Rouge, LA 70802

#### Online Booking Sites Determined to Not Be Dealers for Purposes of Sales Taxation

*Robinson v. Priceline.com, Inc.*, 23-0069 (La. App. 1 Cir. 4/17/24), So.3d \_\_\_\_, 2024 WL 1670588.

On Aug. 24, 2016, the Louisiana Department of Revenue (LDR) and the City of New Orleans (later joined by several other local taxing authorities) filed suit for collection of sales-and-use taxes and declaratory judgment against major online travel



agencies, including Expedia, Priceline, Travelocity and Orbitz (collectively, the booking sites). LDR argued that the booking sites were "dealers," as defined by La. R.S. 47:301(4)(f), who sold hotel rooms and other similar lodgings to guests and thus owed sales taxes to LDR and the local taxing authorities. The booking sites contended that they do not furnish hotel rooms, but merely facilitate reservations through online marketplaces, which is not a taxable service. The trial court agreed with the booking sites, and LDR appealed.

LDR first alleged that the fees charged by the booking sites are taxable sales of services. The court noted that only certain services are taxable, including the furnishing of rooms by hotels. La. R.S. 47:301(14)(a) (emphasis added). Hotels are defined in La. R.S. 47:301(6)(a), which requires an establishment that consists of sleeping rooms, cottages or cabins. The booking sites successfully contended that, being online websites, they were not establishments consisting of sleeping rooms. Because the law clearly states the furnishing of rooms must be done by hotels, the appellate court affirmed the lower court's reasoning that the booking sites' services were not taxable sales of services.

LDR then argued that the booking sites were "dealers" under La. R.S. 47:301(4)(f) (i) and should be remitting sales tax for selling or furnishing a taxable service because the sites sell or furnish the taxable service of "furnishing of sleeping rooms . . . by hotels." Relying on Normand v. Wal-Mart, 19-0263 (La. 1/29/20), 340 So.3d 615, the appellate court found that the bookings sites were not dealers because they only facilitated the furnishing of rooms by hotels, rather than being a party to the underlying transaction between customer and hotel. The court also found that, under Lopinto v. Expedia, Inc. (WA), 21-0132 (La. App. 5 Cir. 12/23/21), 335 So.3d 432, just because the sites collected the sales taxes for the hotels did not mean they were responsible for remitting the taxes. The court reaffirmed that there can be only one "dealer" in a transaction, and in this case, it is the hotel, not the booking site, that is responsible for sales tax.

The court also held that the booking fees charged alongside the hotel room price do not become taxable simply because they are bundled together with a taxable sale of services. Finally, the court rejected the argument that the booking sites had a fiduciary duty to remit sales tax when they presented an amount at checkout labeled "Taxes and Fees."

Ultimately, the appellate court affirmed the lower court decision and held that book-

ing sites are not "dealers" engaged in furnishing hotel rooms, but merely facilitate reservations for hotels, and are therefore not responsible for collecting and remitting sales tax on those services.

> —Jaye A. Calhoun Member, LSBA Taxation Section Kean Miller, LLP Ste. 3600, 909 Poydras St. New Orleans, LA 70112 and Thomas J. Celles, CPA JD Candidate, Tulane Law School Summer Associate, Kean Miller, LLP



#### Act No. 90 and Changes to Small Succession Law

Act No. 90, passed in the recent Louisiana legislative session, makes several substantive and procedural changes to small succession law for deaths occurring on or after Aug. 1, 2024. Notable revisions include:

 clarifying the circumstances under which a Louisiana domiciliary, dying testate, can qualify for the procedure;

► increasing the time delays to notify an heir who cannot be located;

 eliminating recording delays related to estates with immovable property;

► a new article clarifying the procedure to be used by an out-of-state domiciliary dying testate and owning immovable property situated in Louisiana; and

► emphasizing the date of execution of the affidavit rather than the date of filing for determining time delays.

La. C.C.P. art. 3421, defining small succession law, is clarified to apply to any property of a deceased Louisiana domiciliary, assuming all other statutory requirements are met. It changes the law to allow a Louisiana decedent who dies testate with immovable property to qualify for a small succession, but only for purposes of reduction of court costs to "one half of the court costs in similar proceedings." La. C.C.P. art. 3422(1). The affidavit process cannot be used if such a decedent owns immovable property.

La. C.C.P. art. 3431, referencing when a judicial opening is unnecessary, is modified to impose new statutory directives when a Louisiana domiciliary decedent dies testate with no immovable property. Under previous law, a Louisiana domiciliary dying testate could qualify for a small succession, assuming all other requirements set forth in the law are met, "if they died leaving no immovable property and probate of the testament of the deceased would have the same effect as if the deceased had died testate." It further required that a court order of "probate of the testament" be attached.

The revisions now require that the surviving spouse and "all persons who would inherit under the testament, and all other persons who would inherit in the absence of a testament, agree to waive probate of the testament." La. C.C.P. art. 3431(A)(2). Rather than "certified copies of the testament" and the probate order if the testament was probated in another state, only "a copy of the testament" is now required. La. C.C.P. art. 3432.1(A)(8). The affidavit must include an affirmation by all affiants "that the deceased died owning no immovable property in Louisiana," La. C.C.P. art. 3432.1(A)(5), as well as an affirmation expressly waiving "any right to challenge the



validity of the testament or any of its provisions," La. C.C.P. art. 3432.1(A)(10).

La. C.C.P. art. 3432 clarifies the application of small succession law to any person (Louisiana domiciliary or non-domiciliary) who dies intestate and meets the statutory requirements. Other than minor semantic changes, the revision extends the notice period given to heirs not signing the affidavit to 30 days from 10 days. La. C.C.P. art. 3432(A) (4)(b). Section C adds that "a curator may also execute the affidavit on behalf of an interdict without the necessity of court authorization." This revision is included in La. C.C.P. art. 3432.1 and art. 3433(C) as well.

La. C.C.P. art. 3433 is reenacted and clarifies the law applying to an out-of-state domiciliary who owns property in Louisiana, previously addressed in La. C.C.P. art. 3432.1. It differs from La. C.C.P. art. 3432.1 in that only two persons (including a surviving spouse, if any) must sign the affidavit. This article continues to allow for utilizing small successions even if the decedent owns immovable property but requires attachment of both a copy of the testament and probate order.

Procedural revisions include removing the previous law requiring a 90-day waiting period from decedent's death to file an affidavit relating to immovable property. La. C.C.P. art. 3434(C). The affidavit may be filed as soon as it is executed by all relevant heirs. The revisions eliminate the requirement to file a death certificate with the affidavit. Certified copies of the executed affidavit may also be provided to the clerk of court or entities owning property of the decedent. Previous law required "multiple originals" only.

For deaths occurring at least 20 years ago, La. C.C.P. art. 3421(3) changes the calculation for the time period to the date of executing the affidavit rather than the date of filing. The monetary maximums to qualify for small successions are retained, being \$125,000 gross value of the deceased's property in most circumstances, or any value if the deceased died more than 20 years ago.

The revisions clarify the circumstances where small successions can be used and make some changes the practitioner should note.

#### -Fred W. Davis

On Behalf of the LSBA Trusts, Estate, Probate and Immovable Property Law Section Rabalais, Hebert & Couvillion, LLC Master Instructor of Business Law, University of La.-Lafayette Ste. 210, 701 Robley Dr. Lafayette, LA 70503



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CHAIR'S MESSAGE ... SPOTLIGHT

#### CHAIR'S MESSAGE

## Navigating Diverse Career Paths and Developing a Personal Brand

By Kristen D. Amond

n my previous message, I discussed the evolving landscape of professional fulfillment among young lawyers and how we are redefining success in the legal profession. This time, I want to delve deeper into one of the central themes: embracing unconventional career paths and staying true to ourselves.

The conventional path of law school, associate, partner, and possibly judge is no longer the only route to success and fulfillment. We are exploring diverse career trajectories and building strong professional identities to thrive in a competitive industry.

#### **Embracing Diverse Career Paths**

The legal profession is evolving, and so

are our career paths. Unconventional trajectories are becoming more common as young lawyers seek fulfillment and growth in various areas. Here are some ways to navigate these paths:



► Embrace change and be open to new opportunities. Whether considering a new specialization, a different role within the legal field, or venturing into entrepreneurship, staying open to new possibilities is key. Change can be daunting, but it often brings significant growth and learning opportunities. ► Leverage your skills, experience, and interests. The analytical, research, and negotiation skills learned in the legal practice are valuable in many contexts. By applying these skills in new areas, you can create a seamless transition and add value to your new role.

► Seek mentorship and build a support network. Mentors provide valuable guidance, share their experiences, and help identify opportunities. A strong support network of peers and colleagues can offer encouragement and advice as you explore new directions.

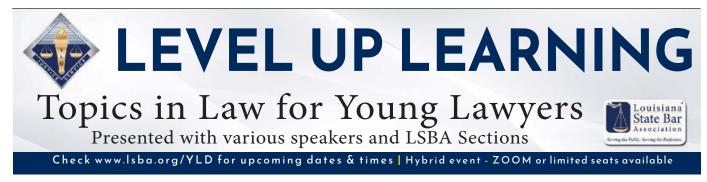
► Stay committed and flexible. Unconventional career paths can be challenging, with times of uncertainty and self-doubt. Persistence and staying true to yourself and your goals will help you overcome obstacles and achieve success.

#### **Building a Strong Personal Brand**

How do you stay true to yourself and your goals? By building your brand. Your personal brand reflects your professional identity and how clients, colleagues, and the broader community perceive you. Here are some ways to build and maintain a strong professional presence:

► Define your unique value proposition. Identify your strengths, skills, and areas of experience that set you apart. Consider what you are passionate about and how you can bring value to your clients, the legal profession, and the

#### Continued next page



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#### YLD Chair continued from page 138

community. This clarity will help you communicate your brand effectively.

▶ Build an online presence. Sharing insights, publishing articles, and participating in discussions can establish you as a thought leader in your field.

► Network and engage with the legal community. Get out of the office! Ask another lawyer to coffee or lunch, join professional organizations, and participate in local bar association activities. Building meaningful relationships with peers, mentors, and potential clients can enhance your professional reputation and

open new opportunities.

▶ Be consistent and authentic. Ensure that your actions, communications, and professional conduct align with the values and image you want to portray. Build trust and credibility by showing up, doing good work, and being kind.

#### Leveraging the LSBA's Resources

No matter your path, the Louisiana State Bar Association has resources to help. If you're looking to explore different aspects of law practice, get involved in the LSBA's committees. To sharpen your skills and grow your network, check out the Young Lawyers Division's Level Up Learning training series. These sessions, offered exclusively to young lawyers, provide in-depth training on practical skills. The next training session will cover corporate depositions (Sept. 11). Attend in person or by Zoom, learn from the best, and get CLE credit. The cherry on top? It's free!

Navigating your chosen career path and building your brand are key to finding fulfillment and success. Embrace change, leverage your skills, seek mentorship, and cultivate a strong professional presence to forge a rewarding and impactful career.

#### YOUNG LAWYERS SPOTLIGHT

#### Marissa A. Batiste Baton Rouge

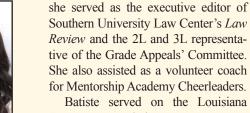
The Louisiana State Bar Association's Young Lawyers Division Council is spotlighting Baton Rouge attorney Marissa A. Batiste.

Batiste, a native of Plaquemine, is a civil defense attorney in the Baton Rouge office of Hammonds, Sills, Adkins, Guice, Noah & Perkins, LLP. Her focus is federal litigation, labor and employment, and education law. Prior to joining the firm, she served as a federal law clerk for Judge Richard L. Bourgeois of the U.S. District Court, Middle District of Louisiana.

Upon graduating high school, Batiste was awarded an athletic scholarship for the Southern University A&M track team.

She received a BA degree in political science, *cum laude*, in 2016 from Southern University (graduating in the top 5% of her class). She received her JD degree, *magna cum laude*, in 2019 from Southern University Law Center (ranked 1/105). During law school,

Mari



State Bar Association Young Lawyers Division's Awards Committee for the 2023-24 bar year. She is a member of the Louis A. Martinet Legal Society, Inc. and Alpha Kappa Alpha Sorority, Inc.

Outside of the office, she enjoys spending time with her two boys and giving back to her community.



Louisiana Bar Journal August / September 2024



By Trina S. Vincent, Louisiana Supreme Court

JUDGES... APPOINTMENTS... MEMORIAM

#### New Judges

Loren M. Lampert was elected 9th Judicial District Court Division D judge, effective April 12, 2024. He earned his bachelor's degree in 1993 from Louisiana



College and his JD degree in 1996 from Oklahoma City University School of Law. From 1986-93, he worked as a law enforcement officer for the Rapides Parish Sheriff/Alexandria Police Department. From 1997-2011, he was a Rapides Parish assistant district attorney. From 2011-17, he was chief of police of the Alexandria Police Department. From 2017-18, he was the executive first assistant district attorney of the 14th Judicial District. From 2018-23, he served as executive director of the Louisiana District Attorneys Association. Judge Lampert is married to Lisa and they are the parents of four children.

Jacqueline F. (Jackie) Maloney was

elected 24th Judicial District Court Division D judge, effective May 17, 2024. She earned her bachelor's degree in 1995 from the University of New Orleans and her JD degree in 1998 from Tulane



University Law School. From 1998-2002 and 2006-07, she was an assistant district attorney at the Orleans Parish District Attorney's Office. From 2002-06 and 2008-12, she was an assistant district attorney at the Jefferson Parish District Attorney's Office. She was engaged in the private practice of law from 2012

until her election to the 24th JDC. Judge Maloney is the mother of two children.

Laura Rougeau Garcille was elected 27th Judicial District Court Division

B judge, effective April 24, 2024. She earned her bachelor's degree in 2003 from Louisiana State University and her JD degree in 2007 from LSU Paul M. Hebert Law Center. In 2005, she was a law clerk at



Breazeale, Sachse & Wilson, LLP, and at Kean, Miller, Hawthorne, D'Armond, McCowan & Jarman, LLP. In 2006, she was a law clerk at Keogh, Cox & Wilson, Ltd., Laborde & Neuner, and Voorhies & Labbe. From 2007-09, she was an associate at Laborde & Neuner. From 2009-24, she was in the private practice of law. She served as a 27th JDC public defender from 2009-20, as a 27th JDC ad hoc hearing officer from 2016-24, and as a felony prosecutor at the St. Landry Parish District Attorney's Office from 2021-24. Judge Garcille is married to Brett Garcille and they are the parents of three children.

#### **Appointments**

► Celeste R. Coco-Ewing was reappointed, by order of the Louisiana Supreme Court, to the Committee on Bar Admissions for a term of office which began July 1, 2024, and will conclude on June 30, 2029.

▶ Margaret M. Welsh was appointed, by order of the Louisiana Supreme Court, to the Committee on Bar Admissions for a term of office which began May 30, 2024, and will conclude on May 29, 2029.

#### Death

Retired New Orleans Municipal Court Judge Eddie L. Sapir, 86, died Feb. 6, 2024. He received his bachelor's degree in 1958 from the University of Alabama and his JD degree in 1962 from Loyola University New Orleans College of Law. He served two years in the Louisiana House of Representatives before his election to the New Orleans City Council in 1967, where he served until 1974. In 1975, he was elected New Orleans Municipal Court judge and was reelected without opposition in 1982 and 1990. After retiring from the court in 1994, he was reelected to the New Orleans City Council, where he served until 2006.



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

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## Wealth Management, Asset Management, and Asset Servicing

Argent Financial Group is a leading, independent client asset services firm supporting individuals, families, businesses, and institutions. Formed in 1990 in Ruston, Louisiana, Argent can trace its roots back to 1930. Today, Argent is responsible for more than \$85 billion in client assets.



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LAWYERS ON THE MOVE . . . NEWSMAKERS

#### LAWYERS ON THE MOVE

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, announces that Joseph P. Briggett has joined the New Orleans office as a shareholder. Charles F. Schexnaildre has joined the Baton Rouge office as of counsel. Also, Melissa Ramsey Carter, Peyton H. Lacoste and Francie Trimble have joined the New Orleans office as associates.

Barrasso, Usdin, Kupperman, Freeman & Sarver, LLC, announces that **Sara Gail Prudenti** has joined the firm as an associate in the New Orleans office.

Bienvenu, Foco & Viator, LLC, in Baton Rouge announces that **Colin P. O'Rourke** has been elected partner and **Katherine E. Roberts** has joined the firm as an associate. Breazeale, Sachse & Wilson, LLP, announces that Connor J. Krone has joined the firm's Baton Rouge office as an associate. Also, Alyse Richard Latiolais has joined the firm's Baton Rouge office as of counsel.

Chaffe McCall, LLP, announces that Ryan C. Toups has joined the firm as a partner and Estelle C. Eiserloh has joined the firm as an associate, both in the New Orleans office.

Chopin Law Firm, LLC, in New Orleans announces that attorney **Jacques P. DeGruy** has joined the firm.

Fishman Haygood, LLP, announces that Michael T. Durham has joined the Baton Rouge office as special counsel.

Flanagan Partners, LLP, in New Orleans announces that **James H. Gilbert** has joined the firm as senior counsel. Gordon, Arata, Montgomery, Barnett, McCollam, Duplantis & Eagan, LLC, announces that **Meaghan M. Anderson** has joined the Lafayette office as a member attorney and **Anthony C.** (Tony) Marino and Jefferson B. (Jeff) Goldman have joined the New Orleans office as member attorneys.

Hammonds, Sills, Adkins, Guice, Noah & Perkins, LLP, announces that Carlar M. Alexander has joined the firm's Baton Rouge office as an associate.

Mouledoux, Bland, Legrand & Brackett, LLC, in New Orleans announces that Jennifer D. Le Carpentier has joined the firm as of counsel. Also, Hieu T. Le, Noah R. Borer and Courtney E.A. Sylvester have joined the firm as associates.



Meaghan M. Anderson



Harold J. Flanagan



**Richard J. Arsenault** 



Thomas M. Flanagan



Noah R. Borer



Susan W. Furr



Blake R. David



James H. Gilbert



Robert J. David, Jr.



Jefferson B. Goldman



Jacques P. DeGruy



C. Michael Hill

Perry Dampf Dispute Solutions announces that Susan W. (Susie) Furr, C. Michael Hill and Guy P. Holdridge have joined its panel of neutrals.

Regions Bank announces that **Anna Brown Priestley** has joined the Wealth Management's newly launched Philanthropic Solutions group as an advisor serving Louisiana and Texas.

Simon, Peragine, Smith & Redfearn, LLP, in New Orleans announces that Abbey C. Barton has joined the firm as an associate.

Strauss Massey Dinneen, LLC, announces that Cherish A. Kenner and Tyler M. Landrieu have joined the New Orleans office as associates. Also, the firm opened a new office in Gulfport, MS, located at Ste. 203, 1310 27th Ave., phone (601)895-1600.

#### NEWSMAKERS

**Richard J. Arsenault**, a partner in the Alexandria firm of Neblett, Beard & Arsenault, was selected as a member of the Nation's Top One Percent by the National Association of Distinguished Counsel. **Blake R. David**, senior partner at Broussard, David & Moroux, LLC, in Lafayette, was named to the Executive Committee and is finance chair of the Louisiana Board of Regents.

**Robert J. David, Jr.**, a mediator with Perry Dampf Dispute Solutions, has been appointed to the Alternative Dispute Resolution Committee of the Louisiana State Law Institute.

John Bel Edwards, special counsel in the New Orleans office of Fishman Haygood, LLP, was named a 2024 Louisiana Legend by the Friends of Louisiana Public Broadcasting.

Louis Y. Fishman, co-founding partner and counsel in the New Orleans office of Fishman Haygood, LLP, was inducted into the 2024 Tulane University Law School Hall of Fame.

**Harold J. Flanagan**, a partner in Flanagan Partners, LLP, in New Orleans, announced his retirement as an adjunct professor at Tulane University Law School, where he taught insurance law for more than 20 years. He twice received the Monte M. Lemann Distinguished Teaching Award. **Thomas M. Flanagan**, a partner in Flanagan Partners, LLP, in New Orleans, was inducted into the American Academy of Appellate Lawyers.

Grady S. Hurley, a partner in the New Orleans office of Jones Walker LLP, was elected president of the Maritime Law Association of the United States.

Jerald N. (Jerry) Jones, a partner in the Baton Rouge office of Bradley Murchison Kelly & Shea, LLC, was reappointed to the Louisiana Board of Commerce and Industry by Gov. Jeff Landry.

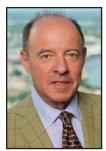
Matthew R. Lee, a partner in the Shreveport office of Bradley Murchison Kelly & Shea, LLC, and Lance V. Licciardi, Jr., an associate in the New Orleans office of the firm, were chosen as finalists for the Frank L. Maraist Award by the Louisiana Association of Defense Counsel.

Louisiana Supreme Court Justice Jay B. McCallum was appointed by his fellow justices as the Court's ex officio appointee to the Louisiana State Law Institute Council.

Continued next page



Guy P. Holdridge



Anthony C. Marino



Jerald N. Jones



Colin P. O'Rourke



Hieu T. Le

Anna Brown

Priestley



Jennifer D. Le Carpentier



Sara Gail Prudenti



Matthew R. Lee



Katherine E. Roberts



Lance V. Licciardi, Jr.



Courtney E.A. Sylvester

#### PUBLICATIONS

#### Best Lawyers in America 2024

Bradley Murchison Kelly & Shea, LLC (Baton Rouge, New Orleans, Shreveport): Bradley R. Belsome, C. William Bradley, Jr. (New Orleans" Lawyer of the Year," Medical Malpractice Law-Defendants), Richard S. Crisler, Darryl J. Foster, Leland G. Horton, T. Haller Jackson III, Jerald N. (Jerry) Jones, Leslie I. Kalmbach, Kay Cowden Medlin, Micholle Walker Mordock, Malcolm S. Murchison (Shreveport "Lawyer of the Year," Real Estate Law), Dwight C. (Trey) Paulsen III, David E. Redmann, Jr., F. John Reeks, Jr., Joseph L. Shea, Jr. and Natalie J. Taylor.; and L. David Adams, Joshua S. Chevallier, Ashley G. Gable, Matthew R. Lee and Lance V. Licciardi, Jr., Ones to Watch.

#### Chambers USA 2024

Barrasso Usdin Kupperman Freeman & Sarver, LLC (New Orleans): Judy Y. Barrasso, Jamie L. Berger, George C. Freeman III, Craig R. Isenberg, Richard E. Sarver and Steven W. Usdin; Richard E. Sarver, Nationwide Product Liability & Mass Torts; and Kyle W. Siegel, Up & 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, Emily Black Grey, John B. King, Catherine M. Maraist, Eve B. Masinter, Van R. Mayhall, Jr., Catherine B. Moore, E. Fredrick Preis, Jr., Claude F. Reynaud, Jr., Jacob E. Roussel and Jacob Simpson.

**Flanagan Partners, LLP** (New Orleans): **Thomas M. Flanagan**.

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., Armistead M. Long, Samuel E. Masur, Cynthia A. Nicholson, Scott A. O'Connor and Marion W. Weinstock.

Herman, Herman & Katz, LLC (New Orleans): Brian D. Katz.

Phelps Dunbar LLP (New Orleans): Lee R. Adler, M. Nan Alessandra, Bart C. Bacigalupi, Jeffrey M. Barbin, William R. Bishop, Shelton Dennis Blunt, Kim M. Boyle, Philip deV. Claverie, Sr., Philip deV. Claverie, Jr., Warner J. Delaune, Virginia Y. Dodd, Mark A. Fullmer, Kelsey Kornick Funes, Susan W. Furr, Karleen J. Green, Walt Green, J. Alan Harrell, David D. (Beau) Haynes, Gary A. Hemphill, Nathan G. Huntwork, Thomas H. Kiggans, Errol J. King, Jr., David M. Korn, Kevin J. LaVie, Steve J. Levine, Daniel Lund III, Daniel T. Pancamo, David L. Patrón, R. Andrew Patty II, Erik C. Piazza, Christopher K. Ralston, Patrick Ragan Richard, Harry Rosenberg, Randy P. Roussel, Mary Ellen Roy, Rick M. Shelby, John O. Shirley, James A. Stuckey, David J. Topping and Michael S. Williams.

#### Louisiana Super Lawyers 2024

**Bradley Murchison Kelly & Shea, LLC** (Baton Rouge, New Orleans, Shreveport): Bradley R. Belsome, C. William Bradley, Jr., Richard S. Crisler, Leland G. Horton, Malcolm S. Murchison, Dwight C. (Trey) Paulsen III, David E. Redmann, Jr., and Joseph L. Shea, Jr.; and L. David Adams, Brittanie Wagnon Carpenter, Dakota S. Hawkins, Matthew R. Lee, Lance V. Licciardi, Jr. and Brandon G. Pang, Rising Stars.

#### **Baton Rouge Business Report**

**Fishman Haygood, LLP** (Baton Rouge): Charles A. Landry and Scott D. Chenevert, 2024 edition of the Capital Region 500.

#### New Orleans Magazine 2023

Bradley Murchison Kelly & Shea, LLC (New Orleans): Bradley R. Belsome, C. William Bradley, Jr., Richard S. Crisler and Lance V. Licciardi, Jr., Top Lawyers.

#### SB Magazine 2024

**Bradley Murchison Kelly & Shea, LLC** (Shreveport): Joshua S. Chevallier, Dakota S. Hawkins and Jerald N. (Jerry) Jones, Top Attorneys.

#### 2024 Lawdragon 500

**Fishman Haygood, LLP** (New Orleans): James R. Swanson.



## 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).
- The attorney shall not have a conflict of interest as provided by the Rules of Professional Conduct of the Louisiana State Bar Association.
- The attorney shall have and maintain professional malpractice insurance with minimum coverage of \$1 million per claim with an aggregate of \$1 million.
- 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 writingtheOfficeofRiskManagementor 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.

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UPDATES... LOCAL BARS... LBF

#### **UPDATES**







Timothy R.W. Kappe

### Entertainment Law CLE Conference

The Louisiana State Bar Association's (LSBA) Member Outreach and Diversity Department and the LSBA's Art, Entertainment and Sports Law Section hosted the Entertainment Law CLE Conference on April 12 with the theme "Music and the Law." This conference highlighted the work of lawyers who help protect artists.

Eugene J. Radcliff, with Radcliff Law Firm in Baton Rouge, presented "Creating an Entertainment Law Practice: Building, Maintenance and Responsibilities."

Brian Mencher, general counsel with Global Citizen in New York, NY, presented "Get in Sync: An Intro to Music Copyrights and Licensing."

N. Kordell Caldwell, with Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, in New Orleans, presented "Did (A)I Do That?"

Timothy R.W. Kappel, with Wells & Kappel, LLP, in New Orleans, presented "The Case Against Work-for-Hire Language in Sound Recording Agreements."

## Supreme Court Historical Society to Hold Annual Meeting, Celebrate Bicentennial of 1825 Civil Code

The Supreme Court of Louisiana Historical Society (SCLAHS) will hold its Annual Membership Meeting beginning at 6 p.m. Thursday, Sept. 12, at the Petroleum Club of Lafayette. The featured speaker is Louisiana Supreme Court Associate Justice James T. Genovese. Dinner will be served and one hour of professionalism CLE credit is available. The event is open to SCLAHS members, non-members and the public. Registration information is posted on the website at *www.sclahs.org*.

Beginning in October 2024, the SCLAHS will sponsor a series of events commemorating the bicentennial of the 1825 Louisiana Civil Code. Led by co-chairs John T. Olivier and Alan G. Brackett, the Steering Committee to Commemorate the Bicentennial of the Code plans to kick off its calendar of events with a reception and program during the Fall Judges Conference on Oct. 7 at the Chief Justice Pascal F. Calogero, Jr. Courthouse on Royal Street in New Orleans. Over the ensuing months, the SCLAHS will coordinate with Louisiana law schools to sponsor lectures by prominent civil law scholars, and the Law Library of Louisiana will display educational exhibits at venues around the state, illustrating the events leading up to, and the personalities involved in, drafting the Code and getting it passed by the Legislature. This "rolling celebration" will continue into next year, culminating in a closing gala on June 20, 2025, at the National World War II Museum in New Orleans. Further details will be posted on the SCLAHS website.

SCLAHS membership dues are \$100 every two years. Benefits include access to the Society's educational programs and a free subscription to *De Novo*, *the Newsletter of the Law Library of Louisiana*. New members will also receive the updated edition of *The Chief Justices of Louisiana: Life Sketches*, published this year by the Law Library and the SCLAHS. Learn more at: *www. sclahs.org*.

#### Shreveport Law Day 2024

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The Shreveport Bar Association (SBA) held its Law Day ceremony on May 1, with the theme "Voices of Democracy." Shreveport Mayor M. Thomas Arceneaux was the event's keynote speaker. Karen Soileau, second from left, faculty advisor for Caddo Parish Magnet High School's award-winning mock trial team, was this year's Liberty Bell Award recipient. From left, Kenneth P. Haines, 2024 SBA president; Soileau; J. Ashby Davis, SBA Law Day Committee co-chair; and L. Gordon Mosley, SBA Law Day Committee co-chair.

#### Leadership LSBA Class



Micah O. Clemons, right, with Todd Clemons & Associates, APLC, in Lake Charles and a member of the 2023-24 Leadership LSBA Class, presented the class project "Demystifying the Legal Profession" to students at Washington-Marion Magnet High School in Lake Charles on April 9. The purpose of the project is to inform high school students of the path to, and benefits of, a career in the legal profession. With him is teacher Michael Snyder, AP U.S. History, World History and Law Studies at the high school.



Stephanie M. Poucher, left, with the New Orleans office of Phelps Dunbar LLP and a member of the 2023-24 Leadership LSBA Class, presented the class project "Demystifying the Legal Profession" to students at Sophie B. Wright Charter High School in New Orleans on April 16. The purpose of the project is to inform high school students of the path to, and benefits of, a career in the legal profession. With her is Darius Taplet, Student Support, Sophie B. Wright Charter High School.



The Baton Rouge Bar Association (BRBA) Judge Joseph Keogh Memorial Award was presented on May 9 to Danielle L. (Dani) Borel, right, Breazeale, Sachse & Wilson, LLP, Baton Rouge. The award is presented to an outstanding young lawyer. Presenting the award was Kelsey C. Luckett, immediate past chair, BRBA Young Lawyers Section.

### Southern University Law Center Holds Alumni Hall of Fame Gala

The Southern University Law Center (SULC) held its Alumni Hall of Fame Gala on April 6 in Baton Rouge. The event honored distinguished alumni, alumni members of the judiciary and SULC Hall of Fame inductees.



The 2024 Southern University Law Center Alumni Hall of Fame inductees included, from left, Lee J. (Jody) Amedee III, Gauthier Amedee, APLC, Gonzales; Monique M. Edwards, The Edwards Law Group, LLC, Baton Rouge; Keith E. Gammage, solicitor-general, Atlanta Judicial Circuit, Atlanta, GA; Edward B. Jones, attorney at law, Patterson; Tedrick K. Knightshead, Knightshead Law Firm, LLC, Baton Rouge; Erin D. Monroe, market vice president, Cox Communications, Inc., Baton Rouge; and Dennis D. Spurling, Dennis Spurling, PLLC, Houston, TX.



The 2024 Southern University Law Center (SULC) Distinguished Alumni honorees, with SULC Chancellor John K. Pierre, center, included, from left, Booker T. Carmichael, vice president and assistant general counsel, JPMorgan Chase & Co., Plano, TX; Gregory Brumfield, Jr., labor relations manager, Starbucks, Dallas, TX; Pierre; Samuel J. Spurgeon, Spurgeon Law Firm, LLC, Alexandria; and Courtney T. Joiner, partner, McGlinchey Stafford, PLLC, Baton Rouge.



The 2024 Southern University Law Center (SULC) Alumni Judicial Wall of Fame honorees, with SULC Chancellor John K. Pierre, far left, included, from left, Hon. Kimya M. Holmes, Orleans Parish Criminal District Court, New Orleans; Hon. Collette M. Greggs, 19th Judicial District Court, Baton Rouge; Hon. Wilford D. Carter, Sr. (Ret.), 14th Judicial District Court, Lake Charles; and Hon. Charles T. Cravins, 27th Judicial District Court, Opelousas.

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## Avoyelles Parish Bar Association Hosts Law Day Scholarship Event

The Avoyelles Parish Bar Association held its annual Law Day and scholarship event on May 3. The event featured an essay contest for Avoyelles Parish school seniors on the Law Day theme "Voices of Democracy." Essay contest and scholarship winners were Jean Pierre Bordelon, first place; and runners-up Lance Mose, Jr., Maddie Milligan and Molly Venable.



Attending the Avoyelles Parish Bar Association's Law Day event were, from left, Chad P. Guillot, Sr., Avoyelles Parish Bar Association president; Peter J. Lemoine, Jr., Avoyelles Parish Bar Association secretary; Maddie Milligan and Molly Venable, essay contest runners-up; Elizabeth E. Williams, Avoyelles Parish Bar Association vice president; and Charles A. Riddle III, Avoyelles Parish district attorney. Not in photo, Jean Pierre Bordelon, essay contest first place winner; and Lance Mose, Jr., essay contest runner-up.

#### SWLBA Law Day



The Southwest Louisiana Bar Association held its annual Law Day event on May 10, with the theme "Voices of Democracy." During the event, Brent A. Hawkins, with The Hawkins Law Group, LLC, in Lake Charles, presented the Martinet Service Award posthumously to Chantell M. Smith.

## 40th Judicial District Court Celebrates 2024 Law Day

The 40th Judicial District Court hosted its annual Law Day celebration on May 3 at the courthouse in Edgard. Sixth and seventh grade students from Emily C. Watkins Elementary School, LaPlace Elementary School, Lake Pontchartrain Elementary School, John L. Ory Magnet School, East St. John Preparatory Academy, Garyville Math and Science Magnet School and West St. John High School attended the presentation. The 2024 Law Day theme, "Voices of Democracy," showcased the importance of voting and the electoral process.

During this program, one student from each participating school was asked to participate in a mock election for "President of Law Day." This fictitious office gives students the opportunity to participate in the electoral process and served as a reminder that each vote matters. Students elected Devrin Baptiste from LaPlace Elementary School as President of Law Day 2024.

During the presentation, attorney Newton T. Savoie spoke about the



Attorney Newton T. Savoie discussed "Why Voting Matters" to sixth and seventh grade students from St. John the Baptist Parish during the 40th Judicial District Court's Law Day celebration.

history of voting rights in the United States. He encouraged students to take an interest in elections now so they can be informed voters in the future. Judges Vercell F. Fiffie, Nghana Lewis and J. Sterling Snowdy of the 40th Judicial District Court, joined by their former colleague Judge Madeline Jasmine, provided words of encouragement to the students, reiterating the importance of elections and emphasizing that each citizen's vote is an opportunity to effectuate change.

## Baton Rouge Bar Foundation Hosts Law Day Events

The Baton Rouge Bar Foundation held its Law Day ceremony on May 1, with the theme "Voices of Democracy." The program featured a keynote speech



The Baton Rouge Bar Foundation held its Law Day ceremony on May 1. Judges of the U.S. District Court, Middle District of Louisiana, presided over the Naturalization Ceremony. From left, Magistrate Judge Richard L. Bourgeois, Jr., Judge John W. deGravelles, Chief Judge Shelly D. Dick and Judge Brian A. Jackson.

by 2024 Baton Rouge Bar Association President K. Luke Williamson and was held in conjunction with a Naturalization Ceremony and a mock trial competition.



Members of the Baton Rouge Bar Association (BRBA) Law Day Committee are, from left, Jamie A. Flowers, Jr., U.S. Attorney' Office, Middle District of Louisiana, Baton Rouge; Lori E. Palmintier, BRBA Law Day Committee co-chair, Brock & Palmintier Law, LLC, Baton Rouge; Valerie A. Black, BRBA Law Day Committee cochair, Water Institute of the Gulf, Baton Rouge; and K. Luke Williamson, 2024 BRBA president, Williamson Campbell & Whittington, LLC.

#### **President's Message**

### Highlighting LBF Programs Helping Children and Families

By Judge (Ret.) John C. Davidson, 2024-25 LBF President

or some, summer in Louisiana evokes memories of vacations, crawfish boils and local festivals. For some of our most vulnerable citizens, it does not. As a former District Court judge, I spent the last five years of my career handling juvenile cases. This experience highlighted the challenges faced by our children in need. The disruption of structure and services during the summer can greatly intensify their daily struggles.

One of the many reasons I am so proud to be a part of the Louisiana Bar Foundation (LBF) is the unwavering dedication, time and attention given to providing free legal assistance and services to disadvantaged children. As the state's largest funder of free civil legal aid, the LBF provides funding to many organizations that work to protect children in areas of law affecting their safety, well-being, education and future development.

One of our more recent projects, one that is very near and dear to my heart, is our partnership with the My Community Cares Project (MCC). MCC is a community-driven, neighborhood-based approach to strengthening families and preventing child abuse and neglect, thereby preventing the need for foster care in Louisiana. MCC brings together children and families with lived experience in the child welfare system, community members, judges, child advocates, attorneys, the Department of Children and Families Services, service providers, schools, businesses, emergency responders, healthcare providers, churches and non-profit agen-



families to a network of quality services and support.

The LBF supports MCC's commitment to strengthen families and support communities by dedicating funding for the second year for a full-time attorney position fully dedicated to MCC work at the following agencies: Shreveport Bar Foundation, Caddo; The Extra Mile, Lafayette; Loyola University New Orleans College of Law, Orleans; The Wellspring Alliance for Families, Ouachita; and Fostering Community, Rapides.

Other funding programs we administer which directly impact children and families are:

The LBF **Children's Legal Services grant program** awards funding to organizations providing direct legal representation of children, in matters ranging from delinquency to access to special education, mental health and foster care services; organizations engaging in impact litigation and/or systemic legal reform efforts on behalf of children; organizations that provide lay advocacy for children in legal proceedings; and organizations that assist with the administration of justice with respect to children.

The LBF serves as administrator for the **Child in Need of Care** program providing free legal representation to children in foster care in partnership with the legal services corporations, the Louisiana Department of Child and Family Services and the Louisiana Supreme Court.

The LBF's **Kids' Chance Scholarship Program** awards scholarships to the children of Louisiana workers who have been killed or permanently and totally disabled in an accident compensable under a state or federal Workers' Compensation Act or law. To these children, the future can appear frightening. Already confronting difficult emotions, they often must confront the hurdle of funding their education beyond high school.

Our children's legal services programs are an example of the many LBF programs through which we are committed to providing access to free civil legal services to those in need. Please Visit our website at *www.raisingthebar.org* or contact us at (504)561-1046 if you are interested in finding out how you can help be a part of restoring broken families in need.

### LBF Seeking Content Creators for Speak Out for Justice! Projects

The Louisiana Bar Foundation (LBF) is seeking content creators/contributors for 2024-25 Speak Out for Justice! Focus on Civil Legal Aid projects. Project proposals in two areas (Public Awareness and Research) will be accepted through Sept. 20.

Speak Out for Justice! Focus on Civil Legal Aid is a program of the LBF's Education Committee. The purpose of this program is to support the LBF's educational goals and show how vital the need for civil legal aid is to those who need it most.

The LBF seeks to simultaneously en-

gage with multiple content creators for this program. Each selected author/content creator will receive a \$500-\$2,500 honorarium, depending on content.

Project proposals for Public Awareness should show the vital need for civil legal aid services and may include (but are not limited to) podcasts; series of written content such as stories, articles, interviews, blog posts, publications, video, public service announcements, social media content, and/or art.

Project proposals for Research should measure the effectiveness of ongoing civil

legal aid programs and may include (but are not limited to) economic analyses; series of written content (blogs, news articles, interviews, reports); publications; extrapolations from census data and related materials; social science articles; hypotheses and surveys affirming or disproving current beliefs and approaches; and other formats to effectively discuss civil legal aid with those less familiar with it.

Learn more about the projects and proposal submissions online at: https://raisingthebar.org/ speak-out-for-justice-focus-on-civil-legal-aid.



#### **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:

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

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Boxed ads must be submitted camera ready by the advertiser. The ads should be boxed and  $2\frac{1}{4}$ " 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. 16, 2024. Check and ad copy should be sent to:

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#### 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

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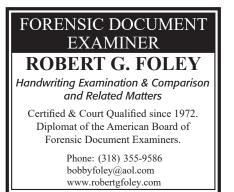
#### **POSITIONS OFFERED**

Assistant district attorney, Civil Division in the 22nd Judicial District, Mandeville, LA. This position is responsible for providing legal counsel on all civil legal matters assigned, including advising St. Tammany Parish Government, Parish code enforcement cases, litigation and appeals. Minimum five years' experience as a licensed attorney. Prior government experience a plus. For further details, click link: https://recruiting. paylocity.com/recruiting/jobs/List/5750/ District-Attorney-Office. Or go to the website: https://DAMontgomery.org.

Seeking merger. Thriving Baton Rouge law firm with three attorneys focusing in estate planning, Medicaid planning, tax problem resolution, elder and disability law, and special needs trusts wishes to merge with larger law firm with senior partner to retire in two to five years. For more information, send email in confidence to brelderlaw@yahoo.com.

#### SERVICES

**Contract services and/or referrals**. Aspiring appellate advocate seeking opportunities to grow new solo boutique family law firm. Former law clerk intern in 22nd JDC Family Court and 4th Circuit; former associate at Lowe Stein and HNK. Elizabeth Fox, Fox Law Firm, LLC, (Springfield), email beth@ekffamilylaw. com; (225)465-7138.



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#### 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.

**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).

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#### NOTICE

**Trent A. Garrett** intends to file a petition seeking reinstatement of his license to practice law in Louisiana. Any person(s) concurring with or opposing this petition must file such within 30 days with the Louisiana Attorney Disciplinary Board, Ste. 310, 2800 Veterans Memorial Blvd., Metairie, LA 70002.

**Notice is hereby given** that Kevin Douglas McCleary intends on petitioning for reinstatement/readmission to the practice of law. Any person(s) concurring with or opposing this petition must file notice of same within 30 days with the Louisiana Attorney Disciplinary Board, Ste. 310, 2800 Veterans Memorial Blvd., Metairie, LA 70002.

**Notice is hereby given** that Brian Dominic Williams intends on petitioning for reinstatement/readmission to the practice of law. Any person(s) concurring with or opposing this petition must file notice of same within 30 days with the Louisiana Attorney Disciplinary Board, Ste. 310, 2800 Veterans Memorial Blvd., Metairie, LA 70002.

**Byron C. Williams** intends to file a petition for reinstatement/readmission to the Louisiana State Bar Association. Any person(s) concurring with or opposing said petition must file notice of said concurrence or opposition within 30 days with the Louisiana Attorney Disciplinary Board, Ste. 310, 2800 Veterans Memorial Blvd., Metairie, La 70002.



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#### **LEGAL NOTICE**

Notice of Appointment of Receiver Lawyer. (24th Judicial District Court, Parish of Jefferson, State of Louisiana, No. 854-721, Division B, In Re: Julie Anne Gardner, Attorney at Law, LLC.) On May 30, 2024, the Court appointed attorney John K. Etter as Receiver Lawyer for the law firm titled Julie Anne Gardner, Attorney at Law, LLC. Due to the untimely death of Ms. Gardner, that law firm is unable to continue operating. Mr. Etter has been appointed to handle the reasonable and orderly shutdown of Julie Anne Gardner, Attorney at Law, LLC, including inventorying files, delivering/surrendering files, original documents, property and any funds held in trust, to the client, new counsel, or to third parties. If you are or were a client of Julie Anne Gardner, Attorney at Law, LLC, you may contact Receiver Lawyer John K. Etter by mail at 6221 South Claiborne Ave., Suite 574, New Orleans, LA 70125, regarding your case, files, property or funds. Contact Mr. Etter at 6221 South Claiborne Ave., Suite 574, New Orleans, LA 70125, if you believe you have a claim against the Julie Anne Gardner, Attorney at Law, LLC, law firm, or contend that the firm has custody of property, documents or funds to which you are entitled. Receiver Lawyer John K. Etter can also be contacted via email at john.k.etter.esq@gmail.com.

Notice of Appointment of Receiver Lawyer. (24th Judicial District Court, Parish of Jefferson, State of Louisiana, No. 854-719, Division M, In Re: Gardner & Steib, LLC, Julie Anne Gardner and Myles B. Steib.) On May 30, 2024, the Court appointed attorney John K. Etter as Receiver Lawyer for the law firm titled Gardner & Steib, LLC, including the law practices of Myles B. Steib and Julie Anne Gardner. Due to the untimely deaths of Ms. Gardner and Mr. Steib, that law firm is unable to continue operating. Mr. Etter has been appointed to handle the reasonable and orderly shutdown of Gardner & Steib, LLC, and the law practices of Julie Anne Gardner and Myles B. Steib, including inventorying files, delivering/surrendering files, original documents, property and any funds held in trust, to the client, new counsel, or to third parties.

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If you are or were a client of the Gardner & Steib, LLC, law firm, including the law practices of Myles B. Steib and Julie Anne Gardner, you may contact Receiver Lawyer John K. Etter by mail at 6221 South Claiborne Ave., Suite 574, New Orleans, LA 70125, regarding your case, files, property or funds. Contact Mr. Etter at 6221 South Claiborne Ave., Suite 574, New Orleans, LA 70125, if you believe you have a claim against the Gardner & Steib, LLC, law firm, including the law practices of Myles B. Steib and Julie Anne Gardner, or contend that the firm has custody of property, documents or funds to which you are entitled. Receiver Lawyer John K. Etter can also be contacted via email at john.k.etter.esq@gmail.com.

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### The Last Word

## **Ipse Dixit:** "With All Due Respect" -How Did These Phrases Get into Our Vernacular . . . and How Do We Get Rid of Them?

By Edward J. Walters, Jr.

ou've heard them over and over. You cringe every time you hear them. You may have used them yourself, and you probably did, but you should stop.

Here's what you say, and here's what the listener hears:

**Just Sayin':** I don't really believe what I just said, but I just wanted to say it and then try to distance myself from it as much as possible.

**Yada, Yada:** I don't really have a creative word for "useless banter," so I use this because I heard it on a television show and I thought it was cool.

Just Briefly, Your Honor: You are about to lie.

**To be Clear:** You are about to be unclear. If it was so clear, you would not have to tell the listener it is clear.

**Just for the Record:** It's not important . . . but I have to get it in the record because I think I am going to lose and I may need to use this on appeal.

This is a Fishing Expedition: Your opponents are getting into areas you don't want them to.

**This is a "Red Herring":** Your opponent is convincing the listener that what they are saying is hurting your case.

**Object to the Form. Object to the Form. Object to the Form. Object to the Form. Object to the Form:** You don't know how to take a deposition.

**Plethora:** You know a big word. What IS a plethora? Actually . . . it is a larger amount than what you need. It came from Latin "to be full," so, "too muchness or overfullness." Like your ego.

A Second Bite at the Apple: I like this one.

... for All Intents and Purposes: Frequently mispronounced and misused as "for all intensive purposes," which means nothing. "For all intents and purposes" is used to say that something has the same outcome or result as something else.

**Dictated But Not Read:** Whaaaaaaat??!?!?!?! Why in the world would you EVER put this in words? You are an



advocate because of your expertise, training and experience. Don't you READ what you are sending? Aren't you paid to read what you are sending? And, when it bites you, saying "I did not read it" will not help you.

Assuming *Arguendo*: Means "assuming they are right." Do you really want the listener to assume your opponent's argument has merit? Or do you just want to use another big word?

**Strike That:** Write this down. Now. Louisiana law does not include the ability to strike testimony. We have a "Motion to Strike Pleadings," but beyond pleadings, there IS no Motion to Strike. You hear it all the time.

With All Due Respect: Judge, I think you are wrong and no respect is due.

I Would Argue . . .: If you WOULD argue it, why don't you just ARGUE IT? This is weak language which shows that you don't believe in your position. You are an advocate. Use strong language.

**I Would Like To . . .:** If you would **LIKE** to, why not just **DO IT**? More weak language which shows you don't believe your position is very strong. Use strong language that shows that you believe in your position.

And So On and So Forth: See yada, yada above.

At the End of the Day: Trite. How about, "At the conclusion of this matter . . ." How often have you heard "at the end of the day"? At the end of the day, this is not a very original or useful phrase.

If You Really Want to Know the Truth . . .: Well, what in the hell are we doing here?

**Honestly . . .:** Well, was everything you just said before this a LIE and NOT honest?

Honestly, just briefly, at the end of the day, with all due respect, I would like to say, for all intents and purposes, that this article has a plethora of good advice . . . just sayin'. Dictated but not read.



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Edward J. Walters, Jr., a partner in the Baton Rouge firm of Walters, Thomas, Cullens, LLC, is the Louisiana State Bar Association president-elect and a former secretary and editor-in-chief of the Louisiana Bar Journal. He is a member of the Journal's Editorial Board and a former chair of the LSBA Senior Lawyers Division. (walters@lawbr.net; 12345 Perkins Rd., Bldg. 1, Baton Rouge, LA 70810)

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