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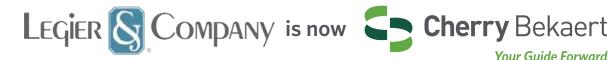
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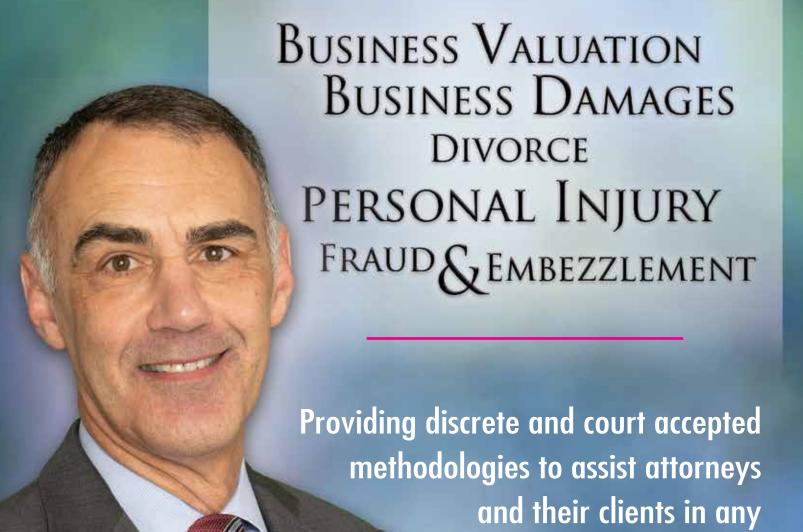
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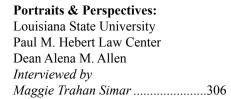
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### Editor's Message

### New Year, New Opportunities



By Valerie T. Schexnayder

ith the New Year comes new resolutions, hopes, dreams, aspirations and "to-do" lists. We have a few more suggestions for those "to-do" lists.

If you ever wanted to write and publish an article in the *Louisiana Bar Journal*, now is the perfect time. The *Journal* is always open to feature articles that are timely, relevant, germane to the practice of law and of interest to Louisiana attorneys. Also, published authors can earn CLE writing credits, too...up to 4.0 hours for each published feature article.

Attention our wonderful CLE presenters! You have taken the time to prepare insightful and riveting presentations for your CLE presentations. The research is done, so consider "downsizing" the content and offering the information as a Journal feature article (feature articles run from 1,800 to 2,400 words maximum). If you are interested in discussing this opportunity further, send me an email at valschex@gmail.com and I will send you a Feature Proposal Form. All feature articles (or feature article ideas) will be placed for review on the agenda of the next *Journal* Editorial Board meeting.

But features aren't the only publishing options available in the *Journal*. Recent Developments articles can earn up to 1.0 hours of CLE writing credit. If you are a member of one of the LSBA's 30 Sections, consider writing a submission for the Recent Developments section (articles up to 900 words in length). Recent Developments articles utilize the case/short explanation format (one case or more, up to the maximum word count).

The Section Chairs are responsible for choosing contributors for Recent

Developments articles. Some Sections allow one Section member to contribute material for every *Journal*. Other Sections use a rotating group of Section members. Review the list of the 30 Sections, along with contact information for the Chairs, online at: www.lsba.org/BarGovernance/Sections.aspx.

Section members are in a unique position to provide a wealth of information to the Bar's general membership. Section members develop a keen sense of the important jurisprudence in their respective practice areas. Contact the appropriate Section Chair and arrange to share that wealth of information with your colleagues. (If your Section does not lend itself to the case/explanation format, submit news articles and photos of your activities to keep the general membership up-to-date.)

Not a Section member yet? Or do you need to renew your membership? The Section membership period opens this month and will run through April 15. Learn more online: www.lsba.org/BarGovernance/Sections.aspx.

As a recap, the LSBA's 30 sections cover a wide range of legal areas, including: Administrative Law; Alternative Dispute Resolution; Animal Law; Antitrust and Trade Regulation; Appellate; Art, Entertainment and Sports Law; Bankruptcy Law; Bench and Bar; Civil Law and Litigation; Class Action, Mass Tort and Complex Litigation; Consumer Protection Law; Corporate and Business Law; Criminal Law; Environmental Law; Family Law; Fidelity, Surety and Construction Law; Francophone; Government and Public Law; Health Law; Immigration Law; Insurance, Tort, Workers' Compensation

and Admiralty Law; Intellectual Property; International Law; Labor Relations and Employment Law; Mineral Law; Minority Involvement; Public Utility; Solo and Small Firms; Taxation; and Trusts, Estate, Probate and Immovable Property Law.

Would you prefer getting involved in one of the LSBA's many committees? Submit your Committee Preferences now to be considered for appointment. *Learn more on page 314 of this issue*.

If writing is not your forte, there are other ways to contribute to the Louisiana State Bar Association (LSBA). Consider volunteering to further access to justice. The LSBA's Access to Justice Committee provides many pro bono opportunities throughout the year. Review some options at: <a href="https://www.lsba.org/ATJ/">www.lsba.org/ATJ/</a>. Remember that your local bars have numerous pro bono opportunities during the year, too.

To close this message, I hope you enjoy this issue of the *Journal*. Feature articles include:

- ► Adrienne K. Wheeler's and Laura Tuggle's article on "Louisiana's Tangled Titles: Best Practices."
- ► Larry Feldman, Jr.'s perspectives on "Retirement: 'It Is Never Too Late to Be What You Might Have Been."
- ► Maggie Trahan Simar's interview with Louisiana State University Paul M. Hebert Law Center Dean Alena M. Allen.
- ► Stephanie M. Beaugh's recap of the successful Lawyers in Libraries Project, celebrating its 10-year anniversary.

We would love to have you on this list of contributors for a future issue of the *Journal*. Let me hear from you!

Valerie T. Schernayder

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# LSBA Events and Involvement:

### **Heading into the Home Stretch**



By Shayna L. Sonnier

t will soon be Spring, and we are heading into the home stretch of the Bar year.

I am pleased to report that we have just completed another successful Louisiana State Bar Association (LSBA) Midyear Meeting in Baton Rouge. Along with the usual schedule of meetings of the Board of Governors, the House of Delegates, the Young Lawyers Division, the Senior Lawyers Division, and several other groups and committees, we offered free CLE programs on topics including computer productivity, trust accounting and professional development. The Young Lawyers Division also held its annual Professional Development Seminar, open to young lawyers and offering networking opportunities and CLE hours on ethics, professionalism and law practice management.

Another of the Midyear Meeting stellar events was the ceremony recognizing the Bar's 50-, 60- and 70-year members, co-hosted by the LSBA and its Senior Lawyers Division. The turnout was phenomenal. There was a lot of successful experience, energy, and achievement contained in that one room, and I truly enjoyed personally greeting these legal professionals and congratulating them on all their accomplishments.

We have a lot of upcoming spring events, all culminating with the LSBA Annual Meeting and joint LSBA/Louisiana Judicial College Summer School set for June 2-7 in Destin, Fla. The Planning Committee has been working on programming for these events since the end of the Annual Meeting last year, and we will begin promoting the events soon. Be on the lookout for more

information in the Bar's print and online publications. Stay tuned!

On April 12, the LSBA Young Lawyers Division will host its annual Louisiana Young Lawyers Conference at the New Orleans Marriott Warehouse Arts District Hotel. This conference, geared to young lawyers, will offer a day of programming (and CLE hours) and a luncheon recognizing award winners, finalists and rising stars. More information on the conference will be provided via print and online publications.

Spring is also the time to get involved with your Bar via committees and sections. Committee assignment requests are now being accepted for the 2024-25 Bar year. The response deadline is April 10. To review all committees and to access and download the Committee Preferences Form, go to: www.lsba.org/BarGovernance/Committees.aspx.

The Section membership period will begin in mid-February and will run though April 15.

The Section application and brochure also will be available online by mid-February at: <a href="https://www.lsba.org/BarGovernance/Sections.aspx">www.lsba.org/BarGovernance/Sections.aspx</a>.

Also add to your calendar the LSBA's free CLE series called "Seven Points LA." The CLE program, which can earn up to 6.0 CLE credits (including ethics and professionalism), will be presented in seven locations — New Orleans, Feb. 27; Baton Rouge, Feb. 29; Thibodaux, March 6; Lafayette, March 7; Covington, March 19; Shreveport/Bossier City, March 26; and West Monroe, March 27. For more information and to register, go online to: www.lsba.org/CLE.

In a previous President's Message, I

reported that the LSBA was honored with the 2023 Harrison Tweed Award, presented by the American Bar Association's Standing Committee on Legal Aid and Indigent Defense and the National Legal Aid and Defender Association. The LSBA was recognized for its creation of innovative Legal Help Access Points to significantly expand access to legal services in underserved areas of the state. Well, good news! The ribbon was cut in November 2023 on the fourth Legal Help Access Point in DeRidder. Read more on page 362 of this issue.

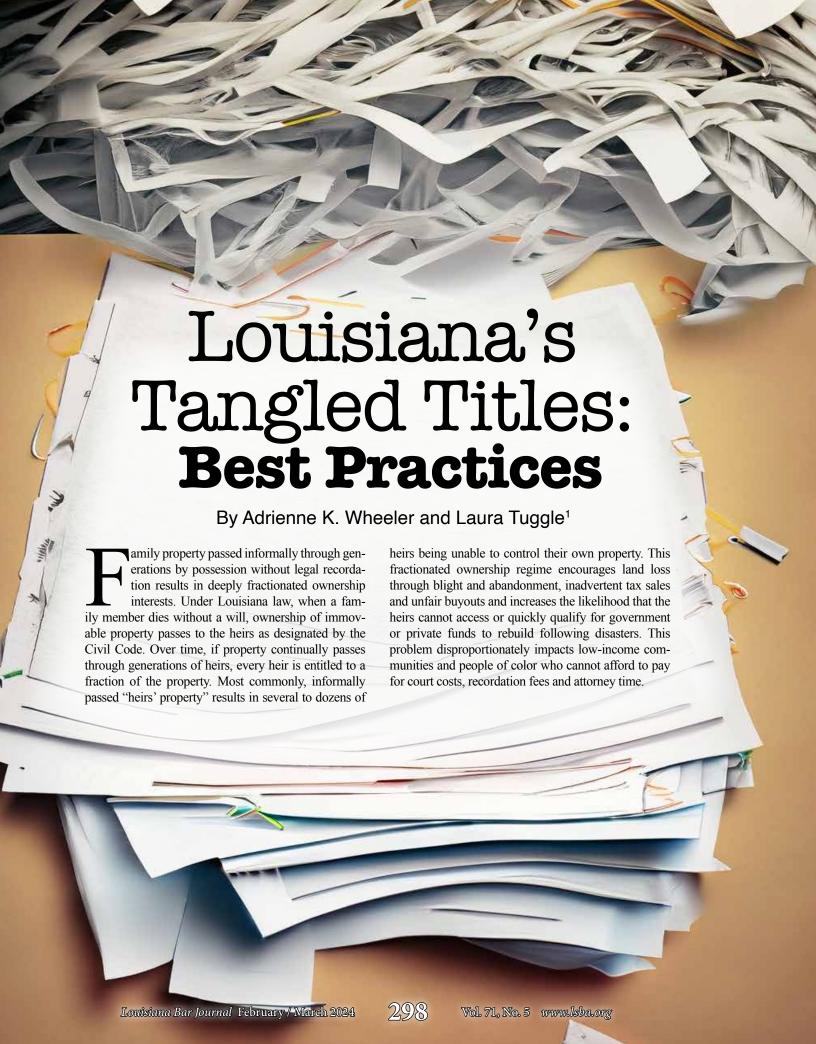
For the 10th year, the LSBA completed a successful Lawyers in Libraries Program (Oct. 23-28, 2023). During this week, many of our members volunteered their time and talent to present Ask-A-Lawyer consultation events (in person or by phone) or live presentations streamed through social media. We recap these events (and recognize these attorneys) on pages 308-310 of this issue.

In this home stretch, I plan to continue visiting around the state, meeting more members and promoting all the benefits offered by the LSBA. If I am in your area, I encourage you to find me for some conversation and feedback. I'm all about collaboration.

We have a strong and active Bar — with a variety of programs and projects that help members at every stage of their practices, those just starting out, or those just ending — and this can only be made stronger with the participation of more of our members across the state.

Shayna L. Sonnier





Residents of the property are often unaware of any title issue or are uninformed regarding the urgency of taking legal action after a relative passes away. Homestead exemptions can be lost when the title owner passes away with taxes then becoming due on the property. Land loss can follow if the taxes are not paid. Municipalities then sell the overdue tax deed at auction; if the tax debt is not paid within three years by the property owner, title transfers to the tax deed buyer, who can evict anyone on the property. This has played out in some parts of Louisiana, especially after hurricanes, and has been dubbed "disaster gentrification." Fractionated properties are also susceptible to sheriff sales: co-owners can force a sheriff sale, with property being sold for a fraction of its market value. This process results in the loss of generational wealth in low-income families and takes a heavy emotional toll.

The prevalence of tangled title is often characterized by legal aid attorneys as "it's not a problem, until it's a problem." Approximately 5% of all applications for Federal Emergency Management Agency (FEMA) assistance following a disaster tend to be rejected due to lack of ownership — i.e., tangled title.<sup>2</sup> Property owners with tangled title often cannot access or quickly access recovery funding programs run by FEMA, the Small Business Association (SBA) or the State with longterm rebuilding funds. Likewise, banks typically require clear title as collateral for a loan. Without repairs, it is more likely the property will fall into disrepair, heirs will be unable to sell it and it may end up abandoned, leading to blight within communities. When communities are hard hit by a disaster such as a hurricane, flood, fire, etc., entire neighborhoods may become blighted.

Heirs' property issues are particularly acute in black rural communities. Law professor and preeminent scholar on heirs' property Thomas Mitchell captures it perfectly:

[T]he fifteen-million-acre land base that many black families built up in the South between the end of the Civil War and 1910 has been almost completely wiped out. In recent decades, thousands of black families have lost their land due to partition sales, many of which were initiated by outsiders who acquired an interest in a tenancy in common with the sole intention of forcing a sale.<sup>3</sup>

Completing a succession is the ideal method for avoiding heirs' property regimes. Louisiana's low-income legal service providers lend insights into the barriers people face with completing a succession. Of the 2,773 succession cases handled by Southeast Louisiana Legal Services since 2012, 49% were closed after an attorney provided advice as opposed to closure by judgment of possession. With nearly one-half of all wills and successions cases handled failing to reach the ideal outcome, attorneys provided the top reasons why cases were closed on advice. These included (1) the client unable to afford filing or recordation costs, (2) FEMA provided rebuilding funds without requiring clear title, (3) the client cannot locate documentation on the heirs, or too many heirs, (4) likely outcome was undesirable and (5) documents not returned by clients to proceed with the case. With these reasons top of mind, there are several conceivable best practices that emerge.

This article outlines five measures that Louisiana advocates could consider as best practices in preventing or otherwise avoiding land loss in low-income communities:

- 1. Proactively Identify Heirs' Properties.
- 2. Mitigate Issues and Preserve Wealth.
- 3. Protect Future Generations via Legislative Reform under the UPHPA.
- 4. Engage in Continuous Data-Driven Outreach.
- 5. Bridge the Gaps in Systems.

These best practices are not an exhaustive list. Nonetheless, they are drawn from the experiences of colleagues and advocates across Louisiana who have handled these matters in a variety of circumstances. Additionally, they take into account

nuances of Louisiana's civil law system and consider some innovations that could further protect generational land wealth in the state.

### Best Practice 1: Proactively Identify Heirs' Properties

First, recognize the volume of the problem. For example, a 2021 study from Tuskegee University with support from the U.S. Department of Agriculture (USDA) of select counties across the southern region estimated there was over 1 million acres of heirs' property valued at over \$2.5 billion.4 A study led by the Atlanta Federal Reserve Bank and the University of Georgia (UGA) found heirs' property across four counties in Georgia was valued at \$1.4 billion.5 Based on these two studies, the geographic breadth of the problem guides the scope of the proposed solution. For example, the cross-section of a handful of states in the Tuskegee study provides the USDA with broad estimates for the volume of USDA or federal resources required to address the problem. Meanwhile, the UGA study helps to target specific state resources to the areas of highest need. Neither study is exhaustive, and they do not cover Louisiana in detail. Louisiana advocates must identify the volume of heirs' properties in the state and target resources accordingly.

One approach would be to evaluate recorded properties in a state or geolocate potential heirs' properties. A USDA report from 2017 spelled out a methodology for estimating the prevalence of heirs' property in a given region by using computerassisted mass appraisal (CAMA) data.6 The CAMA method is currently the best practice for exhibiting the prevalence of heirs' property, but it does not translate well as the ideal method for Louisiana. As recently as 2021, authors<sup>7</sup> have noted that identifying heirs' properties here presented "challenges in data accessibility."8 Louisiana's decentralized recordation systems seems to deter researchers who are not already situated in and familiar with Louisiana. Louisiana should consider GIS Parcel and Tax Roll data property by property to estimate the volume of heirs' property in the state.

### Best Practice 2: Mitigate Issues and Preserve Wealth

To avoid blight, abandonment, tax sales and buyouts that would deprive families of their generational wealth, individual heirs may want to consider consolidating ownership through acts of donations or creating a business entity to stabilize ownership. The best practice in heirs' property advocacy is to connect individuals and families considering these solutions to legal resources that can help to mitigate issues and preserve family wealth. For families who can afford it, private attorneys in Louisiana are readily available to assist with estate planning and in clearing tangled titles. Thus, the primary focus of best practices for legal assistance is identifying what is available to low-income families in need.

In Louisiana, civil legal aid is the most widely available resource for heirs' property owners. Low-income individuals and the elderly are served by two legal aid entities whose largest funders are the Legal Service Corporation and the Louisiana Bar Foundation.

In 2021, legal aid handled a collective 705 cases involving wills and estates, which was approximately 4.35% of their total caseload. This figure likely captures a mere fraction of the total need because many families who require assistance are unable to afford the court filing costs or unaware of local legal aid programs. Nonetheless, legal aid remains Louisiana's best practice and resource for heirs' property owners, although these programs are chronically underfunded.

Besides the ability to afford an attorney, the cost to open a succession or to record court documents that could resolve tangled titles is often the biggest barrier to relief for heirs' property owners in the state. While not prohibited by statute, courts customarily will not grant a request to file petitions in forma pauperis when a suit is filed in court. Pauper status typically allows a low-income petitioner (measured by federal poverty guidelines) to proceed with filing a case at no upfront cost, with final costs typically passed onto the losing party or split in a case resolved by consent. But succession cases do not

generally have an "adverse" or "losing" party, so there is no such party from whom to collect costs. With recordation costs of at least \$150 and court costs ranging from \$400 to several thousand dollars, advocates for vulnerable populations who engage in this work should be armed with sufficient financial resources necessary to file documents with court, clerk and other administrative offices.

In other instances, barriers to clear title may arise from family dynamics. In Louisiana, all property owners, such as all legal heirs, must agree on how to manage the property. Generally, if the parties were to petition the court for a resolution, the most likely outcome is an extreme one a partition by licitation9 or a sheriff's auction. In an auction, the property is likely to sell for a fraction of fair market value and the proceeds divided evenly among heirs. When families disagree on how to maintain, use or sell a property, mediation can be a valuable tool, lessening the likelihood for forced sales at a sheriff's auction. In Louisiana, the Federation of Southern Cooperatives offers free mediation for heirs, but other free mediation options are rare through legal aid or pro bono programs. This is another area for future investment.

Finally, some agencies have become more responsive to heirs' property regimes but have simultaneously made resolving the problems more difficult. Specifically, FEMA changed its policy from one of denying assistance owing to tangled titles, to one of providing financial assistance. This change has positively impacted heirs but has increased the likelihood that tangled titles will persist by removing this particular incentive to clear them. Again, legal aid is the single best resource for facilitating clear titles.

### Best Practice 3: Protect Future Generations via the UPHPA

Adoption of the Uniform Partition of Heirs Property Act (UPHPA) would protect family wealth when court disputes arise related to heirs' property. The UPHPA is a national best practice for resolving heirs' property matters before

the court. It has been adopted in 21 states and the recommendation for adoption in Louisiana is pending with the Louisiana State Law Institute. The UPHPA primarily focuses on mitigating the threat of land loss, which would otherwise fall to licitation. Adoption of the UPHPA is both a best practice in preserving wealth for future generations as well as a mitigation strategy for current heirs' property owners that would better serve Louisiana families than the current legal regime.

In brief, there are five pillars of the UPHPA:

- 1. Enhanced notice provisions, including notice by posting on the property if notice by publication is requested. (UPHPA Section 4.)
- 2. Independent appraisal of the property, unless all the owners in indivision agree to another method of determining value. (UPHPA Section 6.)
- 3. One-way buyout provisions based on the remedies requested, including reasonable time periods for potential buyers to arrange financing. (UPHPA Section 7.)
- 4. Enhanced preference for partition in kind, including consideration of non-economic factors in determining partition-in-kind resolutions. (UPHPA Sections 8 & 9.)
- 5. Open-market listing and sale by default, with other methods permissible only when the court finds it would be economically advantageous to the owners in indivision as a group. (UPHPA Section 10.)

Pillar 3 may present a problem for low-income families; for instance, a property may be inherited by three elderly heirs: one sells his/her interest to a non-family member, one lives out-of-state and has no attachment or interest in the property, and the last heir lives on the property with a fixed income. Alone, this heir pays the taxes and otherwise maintains the property. If the non-family member seeks partition, the third elderly heir would have to secure financing to purchase the property from the non-family member, which was

probably not feasible on his/her fixed income. A topic for future discussion should include whether current financial products frustrate or facilitate the goal of preserving family wealth under Pillar 3 of the UPHPA.

Even if financial products do not yet exist to support buyouts within low-income families, the UPHPA remains a best practice. A case from northern Louisiana proves illustrative. Heirs living on a property going through partition by licitation lost their rights to the land after auction, even though the extended family had collectively raised over half a million dollars. Had the UPHPA been in effect at the time, the amount raised would likely have facilitated a Pillar 3 buyout. Instead, the family was evicted after auction.

### Best Practice 4: Engage in Continuous Data-Driven Outreach

The most salient best practice according to Louisiana advocates is how to encourage heirs whose current situation does not require clear title, but future events may demand it. Given the importance of outreach to long-term systemic change, it is essential to allocate funding for professional media and public relations activities to advise, plan and execute an ongoing print, radio and television strategy. Outreach is also critical in helping heirs' property owners realize the importance of taking legal action and protecting their generational wealth through estate planning since so few property owners realize how critical this can be to protecting their

The intended audience for an outreach strategy should be the general public in both rural and urban areas. It could utilize public schools, faith-based institutions, libraries or any other venue where people access trusted information.

Even if every acre of Louisiana were accounted for with clear title, it is imperative that outreach continue as the next generation takes ownership. With each passing generation, there remains a danger of creating new heirs' property regimes. Persistent outreach is imperative.

### Best Practice 5: Bridge the Gaps in Systems

Louisiana law requires consistent attention and responses from directly impacted community members or their advocates. The dialogue between law and society will reveal whether law meets the intended results. For example, Louisiana Appleseed was successful in raising the state's small succession threshold from \$75,000 to \$125,000 and including successions when the owner died 20 or more years prior to filing. The continuous monitoring of emerging gaps in law and these responses enabled more families the option to prevent the proliferation of tangled title.

There are also gaps that emerge in the course of legal service delivery that require ongoing support. There have been several instances in which heirs unexpectedly decided not to complete their successions because inheriting this asset would adversely impact a disabled heir's continued eligibility for Supplemental Security Income (SSI) and/or Medicaid.11 An ownership interest in a home that the disabled heir does not live in can render that heir ineligible for ongoing critical benefits. To bridge this gap, advocates are now trained to create a special-needs trust to protect these benefits for impacted heirs, though training in this field (and more pro bono lawyers) are badly needed.

### Conclusion

The best practices outlined here should supplement other strategies used by institutions in the field. 12 These best practices are intended to offer broad guidance in preserving wealth, mitigating issues that may arise and preventing land loss in predominantly black low-income communities in Louisiana.

### **FOOTNOTES**

- 1. This white paper was funded in part by Fannie Mae in connection with its duty-to-serve plan for the underserved markets characterized as high-needs rural regions. It reflects the work and opinions of its authors and does not necessarily represent the view of Fannie Mae.
- 2. This figure is from internal statistics of Southeast Louisiana Legal Services, of which co-

author Laura Tuggle is executive director.

- 3. Thomas Mitchell, "From Reconstruction to Deconstruction: Undermining Black Ownership, Political Independence, and Community through Partition Sales of Tenancy in Common Property." 95 Nw. U. L. Rev. 505 (Winter 2001) at 579.
- 4. Southern Region Heirs' Property Collaborative USDA AFRI Grant Final Report (Feb. 2021), available at: https://srdc.msstate.edu/sites/default/files/2023-06/southern-region-heirs-property-final-report-2021.pdf.
- 5. Ann Carpenter, "Understanding Heirs' Properties in the Southeast." Fed. Reserve Bank of Atlanta (March/April 2016), available at: http://t. hv/t-eU.
- 6. Available at: https://www.fs.usda.gov/research/treesearch/55263#.
  - 7. Southern Region Heirs' Prop., supra.
  - 8. Id.
  - 9. La. Civ.C. art. 811.
  - 10. 2017 La. Acts No. 96.
- 11. A summary of these rules may be found at: https://www.ssa.gov/ssi/spotlights/spot-resources.
- 12. These include Southern Rural Development Center, Southeast Louisiana Legal Services, Acadiana Legal Services Corp. and Louisiana Appleseed.

Adrienne K. 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. She is a member of the Louisiana State Bar Association's Criminal Justice and



Access to Justice Committees. In 2011, she founded the Justice & Accountability Center of Louisiana that focuses on re-entry and the criminal justice system. (awheeler@louisianaappleseed.org; Ste. 2155, 935 Gravier St., New Orleans, LA 70112)

Laura Tuggle has served as the executive director of Southeast Louisiana Legal Services (SLLS) since 2014. She received her undergraduate degree in 1984 from Louisiana State University and her JD degree in 1987 from Tulane Law School. She serves on the board of the New Orleans Family Justice Center. She is a member

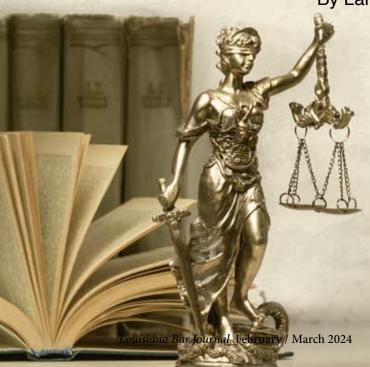


of the Louisiana Access to Justice Commission's Building Bridges Committee and the Louisiana State Bar Association's Access to Justice Committee. (ltuggle@slls.org: Ste. 600, 1340 Poydras St., New Orleans, LA 70112)



# It Is Never Too Late to Be What You Might Have Been

By Larry Feldman, Jr.



awyers and judges work diligently to establish practices, build businesses and earn reputations throughout their careers. We have entire associations dedicated to promoting our accomplishments and achievements. These associations even give us awards and offer us discounts on hotels and restaurants. The practice of law is a lifelong pursuit of which we are proud to be affiliated. Therefore, it is no surprise that, among lawyers and judges, there are many highly successful and publicly acknowledged people. It should also be no surprise when it is hard for some to part with the trappings of legal earnings and esteem. So, when thinking about retirement, know first and foremost you don't have to do it unless you really need or want to. Simply put, retirement is not, and should not, be for everyone.

### Reasons You May Want to Retire

Why would you want to stop working? Here are my top three reasons, but I am sure there are many others.

First, you might want to embrace the quote from Mary Anne Evans, aka George Eliot: "It is never too late to be what you might have been." Maybe you want to try to be that person you might have been. There is still time. Write a book and get it published. Volunteer for pro bono work or become a mentor to young lawyers because you have acquired experience which can really help them understand the profession. Volunteer to do something for which you have no experience — maybe at the library, museum or shelter. You might want to become a scratch golfer. How about taking care of your grandkids?

Second, like eating good cheesecake, you've had enough. It's time to figuratively lay down your fork and think about eating something else. How about a new

diet of traveling, spending more time with family and friends, getting in better shape, or continuing your education? You could fire the gardener and become the gardener yourself.

Third, the Law or Business Machine has chewed you up and spit you out. You can't take it anymore, or even if you can take it, you don't want to. This may leave you with some negative feelings, but that's okay. You are choosing to stop the work you've been doing and do something more positive for yourself and maybe for those around you, too. Change can be uplifting, and there are other adventures ahead.

Of course, there are other reasons to retire or not to retire. Your advancing age — what some have long called "old age" — may be an excuse to retire, even if you are in good health. Reduced income may be an important factor in your decision whether to retire; however, you may wonder if the adage "money isn't everything" fits you. Again, seniority and prestige might feel too good to you to lose, but they are simply by-products of respect. You don't have to

Continued next page

Ready to Retire and Looking for Things in the Legal Arena to Fill Your Time?

Volunteer for pro bono work. Access several options on the Louisiana State Bar Association's website or by talking to your local pro bono organization.

Legal services and pro bono providers offer opportunities for attorneys to volunteer in a variety of ways, serving clients directly or indirectly. As a volunteer, you can provide direct or indirect legal services to indigent clients through pro bono or other public interest law firms of your choice. As an advocate, you can encourage others to help or organize advocacy efforts. As a mentor or resource provider, you can furnish indirect legal services, such as your experience, to others providing direct services.

Assistance is greatly needed. By getting involved, you can make a positive impact on the lives of indigent individuals. You can support fellow members of the legal profession who provide these services. You can provide a positive image of a legal professional in your community, and you can experience the satisfaction of "making a difference."

Read more online at: www.lsba.org/atj or www.probono.net/la/projects/.

Become a mentor to young lawyers. Impart your knowledge, advice and hands-on experience to those beginning to grow their own practices. There's lots of information on the Transition Into Practice (TIP) Mentoring Program and the Spot Mentoring Program online.

TIP matches one mentor with one mentee, giving newly admitted attorneys access to veteran attorneys to assist with their transition into the practice of law. During the program, mentees learn practical skills and what is expected of them as members of the Louisiana State Bar Association. Mentors share their wisdom and experience they have gained through their careers. In essence, mentors are helping to "grow" the Bar and the legal profession for decades to come.

Read more and sign up online at: www.lsba.org/mentoring.

### Retirement continued from page 303

lose respect if you're no longer a partner or member of this or that firm. They don't take away your Respect Badge if you leave your corner office, lose your primo parking spot, or give up your title as first assistant to the ever-changing position of U.S. Attorney or Attorney General. If you were thought of as the "lion of the bar" when you worked, you'll still be a lion when you don't. Retiring from the day-to-day does not vitiate years and decades of the ethical and zealous practice of law.

### Have a Plan

Even if you want to retire or think you may want to, don't do it until you have taken the time to plan. If you have a plan, or think you have one, don't retire unless you've been honest with yourself about why you're doing it. Finally, even if you have a plan and think you've been honest about your reasons, then don't retire until you talk to others and hear their experiences and ideas.

Interview the client. Uh, that would be you! What are your expectations? You have spent your career knowing the importance of preparation, and the decision to retire requires preparation, too. Don't let this be a superficial discussion with yourself. Get close to the mirror and be forceful. Be brutally honest. You think you're going to hurt your own feelings? You're not! Keep asking yourself what you can do and what you want to do. It might seem exhausting but think of it as a kind of cardio workout of the mind.

Interview the character witnesses. There is nothing wrong with working, no matter what your age, if you like it and can still competently and effectively perform the required tasks. Enlist family, friends, partners, associates, confidants, the woman who cuts your hair, the guy who runs the laundry or whoever will be honest with you about your abilities. Sometimes humans create illusions about what their reality looks like. Sometimes the image in the mirror can be distorted. Somewhere in the back of that big brain of yours, you may believe you can dance for the Bolshoi, run a Fortune 500 company or play second base for the Yankees. But we're lawyers and judges, and if there's no evidence, not a scintilla, to support those beliefs, then you need to recognize it. You need to know

whether you can still do the work.

Interview those who have retired. They are the fact witnesses. The ones who already have retired know some stuff. Be mindful of what they have done and how they did it and whether your experience will be similar. Ask retirees what they do, and not just in general. Find out what they do every day, all

day. You need to think about how you will fill your mornings and what you'll do at 2:30 in the afternoon. Cross-examine the witnesses about how they feel about their lives in retirement. Try to find out what has worked for them. Are they happy? Are they happy enough? Are they satisfied?

### **Time Still Passes**

You should understand that, when you retire, time will still exist. My parents, and maybe yours, said time seemed to go by even faster after they retired. I couldn't believe it because outwardly they didn't seem to do much, so I assumed time was dragging by. I was wrong. Before you retire, and after you retire, 24 hours will still be 24 hours. Time sheets become unnecessary — a good development — but you can still manage your time. Write down your schedule or put it in your notes app on your phone. As lawyers and judges, we're mostly good planners and many of us are good at making plans and have excellent lists to prove it. Even in retirement, it might be a good thing to understand how you spend your hours, days, weeks, months and, ultimately, years. This knowledge can be instructive and comforting. But know that this schedule can and will change because, well, you can't plan for everything. Be flexible about running errands, taking care of the grandkids, playing golf, going out with friends, or tending to your yard. It is hard to record "did nothing" on this



Larry Feldman, Jr. with granddaughters Eliza, left, and Maren Moriarty. *Photo provided by Larry Feldman, Jr.* 

imaginary time sheet, but don't be afraid to do it and see how it feels.

Personally, I planned and planned, then I retired. Now, I've changed my plans several times already. As I see it, I'm two-plus years into another career which is generically called "retirement." I do consider it a new adventure which already has lots of sub-parts. I hope to add more. My life before retirement was fulfilled, in part, because I successfully practiced law for almost 50 years. Now, my life has changed, but I still feel fulfilled. I hope those feelings continue, and I hope the same for you. I wish you luck with your decision. Call me if you want to discuss. I will have time to talk to you because I'm retired.

Larry Feldman, Jr., before joining the ranks of emeritus members of the Louisiana State Bar Association (LSBA), was a member in the New Orleans office of McGlinchev Stafford. PLLC, and affiliated with the Patterson Resolution Group, LLC. He is the current chair of the Louisiana Supreme Court's



Committee on Bar Admissions. He has served as a probation monitor and as a member of the Judicial Compensation Committee. He is a member of the LSBA's Bar Governance Committee. He is a former LSBA president (2002-03) and a former LSBA secretary and Louisiana Bar Journal editor. He served on the LSBA's Board of Governors and chaired the Continuing Legal Education Committee. ([feld-man1987@gmail.com)





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### Portraits & Perspectives:

One on One with Louisiana State University Paul M. Hebert Law Center Dean Alena M. Allen

Interviewed by Maggie Trahan Simar



Louisiana State University Paul M. Hebert Law Center Dean Alena M. Allen

Learn more about Dean Allen, her background and vision for the future, along with legal services and Continuing Legal Education opportunities offered through the law school.

ew Louisiana State University (LSU) Paul M. Hebert Law Center Dean Alena M. Allen was appointed on July 1, 2023. She comes to LSU Law Center from the University of Arkansas-Fayetteville Law School where she proudly pointed out that she served first as interim dean and then was appointed dean after only one semester. She quipped that she feels she provided a sense of stability in a transitional period at Arkansas, ultimately leading them to a better place. This is one of many accomplishments achieved by Dean Allen but serves as one of her most cherished professional successes. However, what Dean Allen, a Louisiana native, is most proud of now is that she has "come home" to intently and methodically lead LSU Law Center into the future.

Allen earned her BA degree, magna cum laude, in psychology in 1999 from Loyola University New Orleans. She earned her JD degree in 2003 from Yale Law School, where she was the articles editor of the *The* Yale Journal of Regulation. After graduating from Yale, she served as a law clerk for Judge Samuel H. Mays, U.S. District Court for the Western District of Tennessee, and Judge Paulette J. Delk, U.S. Bankruptcy Court for the Western District of Tennessee. Following her law clerk tenure, Allen worked as an associate in the healthcare group at Arnold & Porter's Washington, D.C. office and in the employee benefits group at Baker Botts in Houston, Texas.

She began her academic career at the Cecil C. Humphreys University of Memphis School of Law, where she was awarded Professor of Year in 2013, the Farris Bobango Faculty Scholarship Award in 2019 and the MLK 50 Faculty Service Award in 2021. Primarily, her scholarship focuses on health policy and tort law. She has been published in several law journals including the North Carolina Law Review, Fordham Law Review, Ohio State Law Journal, BYU Law Review and Cardozo Law Review.

Allen said she enjoys both the practice of law and teaching law, but her favorite part of being a law professor is she loves student interaction and she loves to see students develop into the profession. In fact, in both her teaching position and that of dean, Allen reminds students constantly that law is a profession rather than a job. She wants students to focus on what it means to be a professional, advocating and doing your best, irrespective of where you are in the class. She tells students that law

is a professional journey lasting 30 years or more, and that LSU Law Center is a unique community, based around civility in the law where collaboration is key to professional success.

Allen is quick to point out that she has hit the ground running! She is excited about several new hires and says that one of her goals is to bring "new, talented faculty" to the Law Center to increase different styles and perspectives while maintaining the outstanding education LSU provides. Outside of this goal, Allen believes that her role is to "incrementally improve the law school" and believes that, under her tenure, she can strengthen LSU to continue its outstanding tradition of teaching the law. She has begun the process of looking at the curriculum to maintain excellence and wants to prepare students for technological advances like artificial intelligence (AI) and remote workplaces. She has also committed to raising money for more scholarships to the school and wants to develop more programs focusing on access to justice. One program in the works will give law students the opportunity to serve rural District Attorney offices, enhancing the student experience while improving access to justice in those communities.

When asked how the law school experience has changed in the last 20 years, she said that, due to a lack of investment in higher education, law education included, there has been a profound shift wherein schools are more dependent on tuition. She noted that this has required law schools to accept more non-resident students, a new phenomenon. She also noted that AI, such as Chat GPT, has forever changed law studies. At LSU, she said legal research and writing faculty have dealt with it and some instructors are encouraging students to use it while some are not. She said that AI can be used like a calculator, a tool to enhance legal research and writing.

Allen also noted that LSU and other institutes of higher learning are grappling with what can and cannot be taught remotely. She said the American Bar Association is allowing more classes to be online than at any time in history. She believes the pandemic showed that there is value with in-person teaching and that students generally want to be in a classroom environment. Although noting there were struggles, Allen believes online learning can be successful where classes are small enough to have class on one Zoom screen.

She also believes online classes (where all are online) are easier than hybrid classes due to the instructor splitting efforts between the groups. Notwithstanding, she said she thinks remote learning will continue, both in formal education and in the workplace, and believes that LSU Law has successfully embraced this modality to prepare students for the legal workforce.

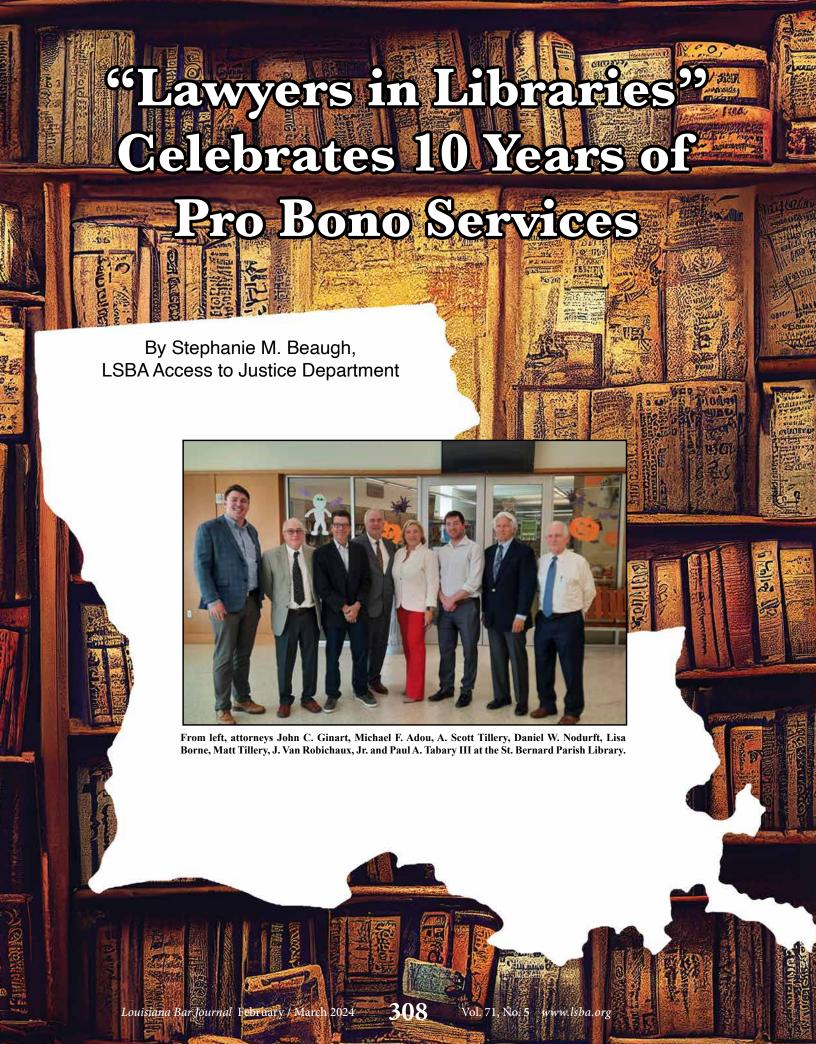
Another exciting point that Allen explained is that the law school is focusing on preparing a Name-Image-Likeness clinic wherein law students can interact with LSU student-athletes to provide guidance in reviewing opportunities. Although not yet in place, she is hopeful that this program will come to fruition soon. This is an example of how LSU Law is serving the needs of both the law school and the LSU community at large, which Allen is committed to and very proud of. Another commitment Allen is providing is lifelong career development support for graduates. Through LSU's preeminent CLE Institute and events to connect students and graduates, she believes that the law school can provide professional support for students and graduates for generations to come.

Allen wrapped up the interview by talking about her personal life and she shared her excitement of being back in Louisiana. She values that she can easily visit her two school-aged children, who are in 10th grade and kindergarten at a local school. She loves that her position allows her to be present for her children on a whim. She also is committed to enhancing future lawyers and points out that her oldest child is currently a freshman at Tulane and has expressed interest in studying law. These opportunities are valuable to Allen and she is grateful for the opportunity to strategically and holistically move LSU Law Center into the future.

Maggie Trahan Simar is the hearing officer for the 16th Judicial District Family Court in St. Martin Parish. She received her BA degree in broadcast journalism in 1995 from Louisiana State University and her JD degree in 1998 from LSU Paul M. Hebert Law Center. She is a member of the Louisiana Bar

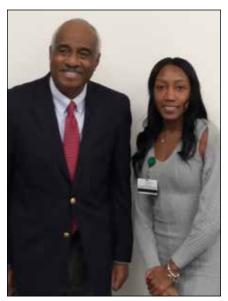


Journal Editorial Board. She is a former president of the Lafayette Bar Association and Junior League of Lafayette and currently serves as president of the Association of Family and Conciliatory Courts Louisiana Chapter. (msimar@16jdc.org; 415 South Main St., 2nd Flr., St. Martinville, LA 70582)





Attorney Temia P. Griffin speaking with a patron at the Belle Terre Library Branch in Jefferson Parish.



Attorney Herman L. Bastian, Jr. and Tatyana Aubert, North Kenner Library staff, in Jefferson Parish.



Charles D. Elliott and Eugene P. Cicardo, Jr. at Rapides Parish Library.

or the 10th year in a row, the Louisiana State Bar Association (LSBA) coordinated "Lawyers in Libraries" week of service during which attorneys volunteered to provide limited, free legal services via libraries across the state. Held on Oct. 23-28, 2023, in conjunction with the American Bar Association's "National Celebrate Pro Bono Week," the program included Ask-A-Lawyer consultation events — both in person and by phone — as well as live presentations streamed through social media. During this week, Lawyers in Libraries' attorney volunteers successfully connected hundreds of patrons with free legal assistance that likely would not have been available to them otherwise. Over the last 10 years, nearly a thousand attorneys have volunteered and assisted more than 7,500 Louisianans in public libraries.

Since its launch in October 2014, the Lawyers in Libraries Program has consistently grown each year to meet patrons where they are — in libraries. In 2020, the program adapted to the cancellation of all in-person events due to COVID-19 shutdowns and introduced a virtual format of Ask-A-Lawyer consultation by phone and webinars on legal topics that are streamed daily throughout Pro Bono Week on the Lawyers in Libraries Facebook page. In

2023, the Lawyers in Libraries Program instituted an On-Call List to attempt to resolve cancellations. Opting to be an "on-call" volunteer meant volunteers agreed to be contacted to possibly cover any Ask-A-Lawyer sessions that had a last-minute cancellation by their attorney volunteer. Although this was its first year, on-call volunteers successfully rescheduled multiple events, helping ensure dozens of patrons were able to speak to attorneys about their legal issues.

LSBA President Shayna L. Sonnier believes this program "demonstrates the LSBA's commitment to helping the courts and our members to better serve the public." She also noted, "Lawyers in Libraries makes Louisiana attorneys directly available to the public. Because libraries are a natural starting point for people with legal questions, the Lawyers in Libraries Program enables the Bar to reach more people more effectively and better achieve our goal of serving the public in addition to attorneys." As part of the effort to ensure fairness in the justice system, Lawyers in Libraries and other Access to Justice initiatives are vital for people to receive justice, identify their legal options and have access to the court system, regardless of financial circumstance.

The Lawyers in Libraries Program is

part of the Legal Education & Assistance Program (LEAP), an ongoing collaboration between the LSBA's Access to Justice Department, the Law Library of Louisiana and Louisiana public libraries statewide. LEAP aims to provide support to public librarians throughout the state by providing them with appropriate training and resources to help patrons with their legal questions. Although librarians are unable to provide legal advice, they are well placed to provide critical legal information for people in search of legal assistance, including referrals to attorneys and legal aid organizations. Accordingly, LEAP provides in-person training at libraries across Louisiana and the Louisiana Library Association Annual Conference. During the trainings, which were also developed into a series of educational videos, LEAP staff offer librarians practical information and best practices for assisting patrons with legal questions, as well as information detailing statewide legal resources, reference materials and referral information.

The LSBA would like to acknowledge the LSBA members who volunteered in their communities, and the pro bono agencies, local bar associations and legal service providers who helped to coordinate events in individual parishes.



Ranee L. Haynes at the Bossier Parish Library in Benton.



Attorney Kenyatta J. Barthelemy helping a library patron.



Ander M. Boggs at the Bossier Parish Library in Benton.

### Thanks to Pro Bono Attorneys:

Shentell W. Brown Tomy J. Acosta Michael F. Adou Joshua D. Allison Andretta B. Atkins Hailey A. Barnett Kenyatta J. Barthelemy Herman L. Bastian, Jr. Jason R. Bell Jamie L. Bennett Ander M. Boggs Lisa Borne Loyd J. Bourgeois, Jr. Alan G. Bouterie Candace L. Bowen Elena P. Branzaru Andy Brister Lakethia B. Bryant Courtnei J. Carter Rhania D. Carter Christopher T. Castro Eugene P. Cicardo, Jr. Roland V. Cimini

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Ryan A. Creel Adolph B. Curet III Carolyn D. Deal Dean T. DeFrancesch Valerie A. DeLatte Tandy C. Digby Maria E. Dugas Bernard F. Duhon Charles D. Elliott Reed K. Ellis Mary A. Engeron Veleka Eskinde Mary E. Fair Adele P. Faust Thomas H. Fields III Maria E. Frischling David W. Gernhauser, Jr. John C. Ginart Michael C. Ginart, Jr. Lewis M. Gladney Eugene G. Gouaux Temia P. Griffin Jordan P. Guillot Chareese D. Haile

Felicia M. Hamilton Erin F. Hargrave Ranee L. Havnes Maurice C. Hebert, Jr. Michael J. Herpin Christopher J. Huddleston Kaylin E. Jolivette **Edward Jones** Erica L. Laroux Kathleen M. Legendre Kennedy A. LeJeune P. Paul McCraney Stacey L. Meyaski Jacques M. Migues Chad J. Mollere Rose Murray Rachel M. Naquin Daniel W. Nodurft Michelle M. O'Daniels Claire M. Ojeh Carmella Parker David C. Peltier Cynthia M. Petry Mary-Grace Pollet

Betty A. Raglin Megan M. Richardson Sophia J. Riley J. Van Robichaux, Jr. Miguel D. Robles-Coles Kaleigh K. Rooney Leon E. Roy IV Cynthia F. Schmidt Daniel H. Schwarzenbach Amber C. Sheppard Matthew Smith Justin P. Smith S. Christie Smith IV Sharita L. Spears Paul A. Tabary III Dorothy L. Tarver Matt Tillery A. Scott Tillery Jeffrey J. Trosclair Jonathan D. Wasielewski Michael J. Williamson



From left, Samantha Bonnette, marketing and development manager, Shreve Memorial Library; attorney Felicia M. Hamilton; and Sheryll J. Anderson, branch manager, Shreve Memorial Library-West Shreveport Branch.

The LSBA also would like to recognize the State Library of Louisiana, the Louisiana Library Association, the Law Library of Louisiana and the countless dedicated staff members of libraries across Louisiana who helped coordinate and promote events.

Stephanie M. Beaugh is the Louisiana State Bar Association's Access to Justice projects counsel. She is the liaison to the Children's Law, Legal Services for Persons with Disabilities and ATJ Commission's Self-Represented Litigation Committees. She assists in the development and implementation of Self-Help Resource Centers for litigants without attorneys. (stephanie.beaugh@lsba.org; 601 St. Charles Ave., New Orleans, LA 70130)





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### LSBA's Justice Community Conference Celebrates 20 Years; 2006-07 LSBA President Honored

The Louisiana State Bar Association (LSBA) hosted the Louisiana Justice Community Conference in Baton Rouge on Nov. 2-3, 2023, marking the 20th anniversary of the conference which brings together civil legal aid attorneys and advocates from across the state to network, collaborate and learn about public interest law topics relevant to their work with low-income families and vulnerable populations.

This conference kicked off by recognizing LSBA 2006-07 President Marta-Ann Schnabel for her impact on Access to Justice and for making the conference what it is today. Over the years, the conference has evolved from a 5.0-hour CLE program for a handful of legal service attorneys to the most preeminent two-day, statewide event for nearly all members of Louisiana's justice community. By obtaining funding to offer quality programming and expanding participation to ensure legal aid providers and pro bono organizations receive training on timely legal issues, Schnabel helped grow the conference to offer 9.0 hours of CLE credit, a pre-conference for Child in Need of Care (CINC) attorneys, the Civil Legal Aid Awards event and a networking reception.

Louisiana Supreme Court Associate Justice Piper D. Griffin delivered the keynote address, emphasizing the important role that lawyers play in access to justice and the rule of law, and presented an exceptional CLE program on civility and professionalism for public interest lawyers. The conference offered 15 seminars covering a variety of practice areas designed by statewide Task Forces, including effective advocacy, substantive law and technology training presented by judges, law school professors and others in various fields. Additionally, the CINC Task Force hosted a six-hour preconference for CINC professionals to meet their qualified training requirement.

Two civil legal aid awards were pre-



Recognized with the Legal Service Innovation Award was Southeast Louisiana Legal Services' One Stop Homeless Legal Clinic Project. From left, Blake M. Allen, co-managing Veterans & Innovative Projects (VIP) attorney; Jennifer A. Webre, co-managing VIP attorney; Michelle Jack, intake specialist; Colin T. Munn, SLLS staff attorney; Tranice Poiter, staff attorney; and Louisiana State Bar Association Access to Justice Director Monte T. Mollere.



Marta-Ann Schnabel, right, who served as 2006-07 president of the Louisiana State Bar Association (LSBA), was recognized for her impact on access to justice initiatives at the November 2023 Louisiana Justice Community Conference. Presenting her award is 2023-24 LSBA President Shayna L. Sonnier.

sented at the conference.

The Legal Service in Innovation Award was presented to the One Stop Homeless Legal Clinic Project (Baton Rouge) operated by Southeast Louisiana Legal Services' Veterans & Innovative Projects Unit. The project is an onsite medical legal partnership serving the unhoused population in Baton Rouge.

The Legal Service Excellence in Advocacy Award was presented to Emily Edwards Bertholl (Avoyelles Parish) for her work as an advocate at the Family Justice Center of Central Louisiana, representing domestic violence survivors.

The conference brought together 150 public interest attorneys representing



The Legal Excellence in Advocacy Award was presented to Emily Edwards Bertholl, right, for her work with the Family Justice Center of Central Louisiana. Presenting the award was Louisiana State Bar Association Access to Justice Director Monte T. Mollere.

nearly two dozen nonprofit and legal aid organizations. The organizations represented included Acadiana Legal Service Corp., Catholic Charities of New Orleans, CrescentCare Legal Services, Disability Rights Louisiana, Emergency Legal Responders, The First 72+, Frontline Legal Services, Justice and Accountability Center of Louisiana, Legal Aid of North Louisiana, Louisiana Bar Foundation, Louisiana Fair Housing Action Center, Louisiana Budget Projects, Loyola University College of Law, Mental Health Advocacy Service, Southwest Louisiana Law Center, The Pro Bono Project, Project Save, Southeast Louisiana Legal Services and Tulane University Law School.

### Attorneys Qualify as Board Certified Specialists in 2024

In accordance with the requirements of the Louisiana Board of Legal Specialization (LBLS) and the Plan of Legal Specialization, the following individuals have satisfactorily met the established criteria and are qualified as LBLS board certified specialists in the following areas for a five-year period, which began on Jan. 1, 2024, and will end on Dec. 31, 2028.

### Newly Qualified Board Certified Specialists:

### **Appellate Practice**

Bruce C. Dean.....Chalmette

### **Employment Law**

Scott D. Huffstetler	Baton Rouge
Kevin S. Vogeltanz	Mandeville

### **Estate Planning & Administration**

Amy E. Boudreaux	Lafayette
Robert Stephen Keller	New Orleans
Claire Easterling Pontier	New Orleans

### **Family Law**

Courtney Hollier Guillory	Lafayette
Gordon J. Kuehl	New Orleans
Ana E. Lopez	Covington

### **Health Law**

John Robert Dildy	Metairie
Elisia Shofstahl Tipton.	Mandeville

### **Labor Law**

Victor R. Farrugia	New Orleans
Amiel J. Provosty	New Orleans

### Attorneys Are Recertified as Board Certified Specialists in 2024

In accordance with the requirements of the Louisiana Board of Legal Specialization (LBLS) and the Plan of Legal Specialization, the following individuals have satisfactorily met the established criteria for recertification as LBLS board certified specialists in the following areas for a five-year period, which began on Jan. 1, 2024, and will end on Dec. 31, 2028.

### **Appellate Practice**

Jeffrey Edward Richardson	New Orleans
Leigh Ann Tschirn Schell	New Orleans
Desirée Marie Valenti	New Orleans

### **Business Bankruptcy Law**

Ralph S. Bowie, Jr	Shreveport
Rudy J. Cerone	New Orleans
Bradley Loy Drell	Alexandria
Robert W. Raley	Bossier City
Paul Douglas Stewart, Jr	Baton Rouge
Stephen P. Strohschein	Baton Rouge
David Felicien Waguespack	New Orleans

### **Consumer Bankruptcy Law**

Ralph S. Bowie, Jr	Shreveport
Raymond L. Landreneau, Jr	Houma
David I Williams	Lake Charles

### **Estate Planning & Administration**

Byron Ann Cook	New Orleans
Miriam Wogan Henry	New Orleans
Julie Renée Johnson	Covington
Lisa Vienne Johnson	Natchitoches
Jimmy D. Long, Jr	Natchitoches
Christine Wendt Marks	Metairie
Leon Hirsch Rittenberg III	New Orleans
Rose Sarah Sher	New Orleans
Cherish Dawn Van Mullem	New Orleans
H. Aubrey White III	Lake Charles

### **Family Law**

Terry George Aubin	Alexandria
Gregory Holland Batte	Shreveport
Suzanne Ecuyer Bayle	New Orleans
Michael D. Conroy	Covington
Bradford Hyde Felder	Lafayette
Kenneth P. Haines	Shreveport
Charles O. LaCroix	Alexandria
Vincent Anthony Saffiotti	Baton Rouge
Laurel Annette Salley	Metairie

### Tax Law

IUX EUW	
Cade Richard Cole	Sulphur
Byron Ann Cook	New Orleans
Leon Hirsch Rittenberg III	New Orleans
Richard Joseph Roth III	New Orleans
John Kevin Stelly	Lafayette
Ryan Charles Toups	New Orleans
John R. Williams	Shreveport

### LBLS Accepting Applications for Board Certification

The Louisiana Board of Legal Specialization (LBLS) is accepting applications for board certification in seven areas — appellate practice, employment law, estate planning and administration, family law, health law, labor law and tax law —through Feb. 29, 2024.

The LBLS will accept applications for business bankruptcy law and consumer bankruptcy law certification from now through Sept. 30, 2024.

In accordance with the Plan of Legal Specialization, a Louisiana State Bar Association member in good standing who has been engaged in the practice of law on a full-time basis for a minimum of five years may apply for certification. Further requirements are that each year a minimum percentage of the attorney's practice must be devoted to the area of certification sought, passing a written examination to demonstrate sufficient knowledge, skills and proficiency in the area for which certification is sought and providing five favorable references. Peer review shall be used to determine that an applicant has achieved recognition as having a level of competence indicating proficient performance handling the usual matters in the specialty field. Refer to the LBLS standards for the applicable specialty for a more detailed description of the requirements for application.

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 in order to avoid delay of board certification by the LBLS. Information concerning the American Board of Certification will be provided with the application form(s).

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

# 2024 LBLS Annual Dues: Mail/Deliver by March 8, 2024, to Avoid Penalties

The 2024 Annual Dues Notices have been mailed to all qualified Louisiana Board of Legal Specialization (LBLS) specialists. The completed original dues notice, together with proof of professional liability insurance and the appropriate fee, should be mailed or delivered to the LBLS office, 601 St. Charles Ave., New Orleans, LA 70130, no later than March 8, 2024, to avoid a penalty assessment.

For more information, contact LBLS Specialization Director Mary Ann Wegmann, (504)619-0128 or email maryann.wegmann@lsba.org.

# Attorney Applies for Reinstatement as Legal Specialist

Pursuant to the rules and regulations of the Louisiana Board of Legal Specialization, notice is hereby given that the following attorney has applied for reinstatement as legal specialist for the period Jan. 1, 2024, to Dec. 31, 2028. Any person wishing to comment upon the qualifications of this applicant should submit his or her comments to the Louisiana Board of Legal Specialization, 601 St. Charles Ave., New Orleans, LA 70130, or email maryann.wegmann@lsba.org, no later than Friday, Feb. 23, 2024.

It is also requested that any knowledge of sanctions or other professional action against an applicant be reported during this comment period.

### **Estate Planning & Administration**

Todd Michael Villarrubia ..... New Orleans

### Committee Preferences: Get Involved in Your Bar!

Committee assignment requests are now being accepted for the 2024-25 Bar year. Louisiana State Bar Association (LSBA) President-Elect Patrick A. Talley, Jr. will make all committee appointments. Widespread participation is encouraged in all Bar programs and activities. Appointments to committees are not guaranteed, but every effort will be made to accommodate members' interests. When making selections, members should consider the time commitment associated with committee assignments and their availability to participate. Also, members are asked to list experience relevant to service on the chosen committees. The deadline for committee assignment requests is Wednesday, April 10. The current committees are listed below.

### **Access to Justice Committee**

The committee works to ensure that every Louisiana citizen has access to competent civil legal representation by promoting and supporting a broad-based and effective justice community through collaboration between the Louisiana State Bar Association, the Louisiana Bar Foundation, Louisiana law schools, private practitioners, local bar associations, pro bono programs and legal aid providers.

#### **Bar Governance Committee**

The committee ensures effective and equitable governance of the association by conducting an ongoing evaluation of relevant procedures and making recommendations to the House of Delegates regarding warranted amendments to the association's Articles of Incorporation and/or Bylaws.

### Children's Law Committee

The committee provides a forum for attorneys and judges working with children to promote improvements and changes in the legal system to benefit children, parents and the professionals who serve these families.

### **Client Assistance Fund Committee**

The committee protects the public and maintains the integrity of the legal profession by reimbursing, to the extent deemed appropriate, losses caused by the dishonest conduct of any licensed Louisiana lawyer practicing in the state.

### Continuing Legal Education Program Committee

The committee fulfills the Louisiana Supreme Court mandate of making quality and diverse continuing legal education opportunities available at an affordable price to LSBA members.

### **Criminal Justice Committee**

The committee recognizes and addresses issues affecting the Louisiana criminal justice system, provides a forum for discussion,

and works with stakeholders to develop programs and solutions for fair and effective administration of justice.

### **Diversity Committee**

The committee assesses the level of racial, ethnic, national origin, religion, gender, age, sexual orientation and disability diversity within all components of the legal profession in Louisiana, identifies barriers to the attainment of full and meaningful representation and participation in the legal profession by persons of diverse backgrounds, and proposes programs and methods to effectively remove barriers and achieve greater diversity.

### **Ethics Advisory Service Committee**

The committee encourages ethical lawyer conduct by supporting the LSBA's Ethics Counsel in his/her provision of informal, nonbinding ethics opinions to members of the Bar.

#### **Insurance Committee**

The committee ensures the long-term stability of all Bar-endorsed insurance plans, balancing the most favorable rates, coverage and service for Louisiana lawyers by overseeing the relationship between the Louisiana State Bar Association, its carrier and its third-party administrator. The committee is charged with management of the professional liability, life, disability and other group plans offered to members of the Louisiana State Bar Association. The committee is comprised of a chair and up to 18 additional members.

### Legal Services for Persons with Disabilities Committee

The committee provides members of the bench, Bar and general public with a greater understanding of the legal needs and rights of persons with disabilities, and helps persons with disabilities meet their legal needs and understand their rights and resources.

Continued next page

### Committee Descriptions continued from page 314

#### Medical/Legal Interprofessional Committee

The committee works with the joint committee of the Louisiana State Medical Society to promote collegiality between members of the legal and medical professions by receiving and making recommendations on complaints relative to physician/lawyer relationships and/or problems.

#### **Outreach Committee**

The committee develops and implements sustained outreach to local and specialty bars throughout the state and increases awareness of the member services and benefits provided by the LSBA. The committee encourages member participation in all aspects of the LSBA and facilitates participation through the use of technology and other feasible alternatives.

### **Practice Assistance and Improvement Committee**

The committee serves the Bar and the public in furtherance of the association's goals of prevention and correction of law-yer misconduct and assistance to victims of lawyer misconduct by evaluating, developing and providing effective alternatives to discipline programs for minor offenses, educational and practice assistance programs, and programs to resolve minor complaints and lawyer/client disputes.

### Committee on the Profession

The committee encourages lawyers to exercise the highest standards of integrity, ethics and professionalism in their conduct; examines systemic issues in the legal system arising out of the lawyer's relationship and duties to his/her clients, other lawyers, the courts, the judicial system and the public good; provides the impetus and means to positively impact those relationships and duties; improves access to the legal system; and improves the quality of life and work/life balance for lawyers.

### **Rules of Professional Conduct Committee**

The committee monitors and evaluates developments in legal ethics and, when appropriate, recommends changes to the Louisiana Rules of Professional Conduct; acts as liaison to the Louisiana Supreme Court on matters concerning the Rules of Professional Conduct; reviews issues of legal ethics and makes recommendations to the LSBA House of Delegates regarding modifications to the existing ethical rules; oversees the work of the Ethics Advisory Service and its Advertising Committee, Publications Subcommittee and other subcommittees; and promotes the highest professional standards of ethics in the practice of law.

### **Transitioning Lawyers Committee**

The committee safeguards the public by educating members of the legal profession about age-related disabilities. The committee also helps attorneys suffering from impairments that prevent them from practicing law competently to transition out of the practice of law with dignity.

### **Unauthorized Practice of Law Committee**

The committee protects the public from incompetent or fraudulent activities by those who are unauthorized to practice law or who are otherwise misleading those in need of legal services.

# LSBA 2024-25 Committee Preference Form

Indicate below your committee preference(s). If you are interested in more than one committee, list in 1-2-3 preference order. On this form or on a separate sheet, list experience relevant to service on your chosen committee(s).

**Print or Type** 

Bar Governance				
Children's Law				
Client Assistance Fund				
Continuing Legal Education Program				
Criminal Justice				
Diversity				
Ethics Advisory Service				
Insurance				
Legal Services for Persons with Disabilities				
Medical/Legal Interprofessional				
Outreach				
Practice Assistance and Improvement				
Committee on the Profession				
Rules of Professional Conduct				
Transitioning Lawyers				
Unauthorized Practice of Law				
Response Deadline: April 10, 2024				
Mail, email or fax your completed form to:				
Christine A. Richard, Program Coordinator/Marketing & Sections Louisiana State Bar Association 601 St. Charles Ave. New Orleans, LA 70130-3404 Fax (504)566-0930 Email: crichard@lsba.org				
New Orleans, LA 70130-3404 Fax (504)566-0930				
New Orleans, LA 70130-3404 Fax (504)566-0930				
New Orleans, LA 70130-3404 Fax (504)566-0930 Email: crichard@lsba.org				
New Orleans, LA 70130-3404 Fax (504)566-0930 Email: crichard@lsba.org  LSBA Bar Roll Number				
New Orleans, LA 70130-3404 Fax (504)566-0930 Email: crichard@lsba.org  LSBA Bar Roll Number  Name				
New Orleans, LA 70130-3404 Fax (504)566-0930 Email: crichard@lsba.org  LSBA Bar Roll Number  Name  Address				
New Orleans, LA 70130-3404 Fax (504)566-0930 Email: crichard@lsba.org  LSBA Bar Roll Number  Name  Address  City/State/Zip				
New Orleans, LA 70130-3404 Fax (504)566-0930 Email: crichard@lsba.org  LSBA Bar Roll Number  Name  Address  City/State/Zip  Telephone				
New Orleans, LA 70130-3404 Fax (504)566-0930 Email: crichard@lsba.org  LSBA Bar Roll Number  Name  Address  City/State/Zip  Telephone  Fax				





By LSBA Practice Assistance and Improvement Committee | WHEN YOU RECEIVE A BAR COMPLAINT

lawyer receives a letter from the Office of Disciplinary Counsel advising that a complaint has been lodged against him/her. Should the lawyer obtain counsel to address the complaint and, if so, when? As with most answers in law, the answer is "it depends." However, the lawyer can't go wrong by remembering President Abraham Lincoln's famous quote: "A lawyer who represents himself has a fool for a client." This quote has had many variations throughout history and law articles for a reason. It is sound advice especially when faced with a bar complaint that can severely impact your ability and eligibility to practice law.

The Louisiana State Bar Association's (LSBA) website, particularly the Members Resources section, is an excellent source of materials for lawyers, but the LSBA has no jurisdiction over attorney discipline, which is the charge of the Louisiana Attorney Disciplinary Board (LADB). While the LSBA's website and the LSBA's Ethics Counsel are excellent sources to prevent possible bar complaints, once you receive a complaint, you should strongly consider obtaining your own counsel who is familiar with and experienced in representing and defending lawyers against bar complaints.1

The LADB's website contains a publication titled "Louisiana Attorney Disciplinary Board Formal Hearing Practice Guide" which includes the procedural rules and guidelines after formal charges are filed but does not cover every section of Louisiana Supreme Court Rule XIX.3 "All attorneys who become the subject of a proceeding pursuant to Rule XIX have the right to be represented by counsel, to cross-examine witnesses, and to present evidence. Rule XIX, Section 11(E)(4). However, Rule

XIX does not grant the Disciplinary Board the ability or authority to appoint counsel for those who do not have the ability or means to retain counsel."

According to the Complaint Process chart on the LADB website, a letter is sent to the lawyer requesting a response to a complaint only after the Office of Disciplinary Counsel (ODC) has received the complaint, screened it, and determined that a full investigation is required.4 The lawyer has 15 days to respond to the complaint, although an extension of an additional 15 days may be obtained.

While a lawyer may be tempted to handle this complex and high-stakes matter on his/her own, the lawyer would be wise to consult a specialist in representing attorneys in discipline proceedings. Even the lawyer who focuses in disciplinary proceedings should consider retaining counsel. An analogy is found in medicine. A person would not necessarily seek treatment for an ear complaint from a foot doctor. They are both doctors but the areas of focus and specialty are certainly different. If the person with the ear complaint is also a doctor, there are limitations on his objectivity and ability to examine and diagnose himself.

If you agree with the reasoning and recommendation that you should obtain representation, the question then becomes when to consult the attorney. Should you obtain counsel immediately after receiving the initial complaint letter and before responding, or should you gamble with your eligibility and wait until you are notified of further disciplinary proceedings?

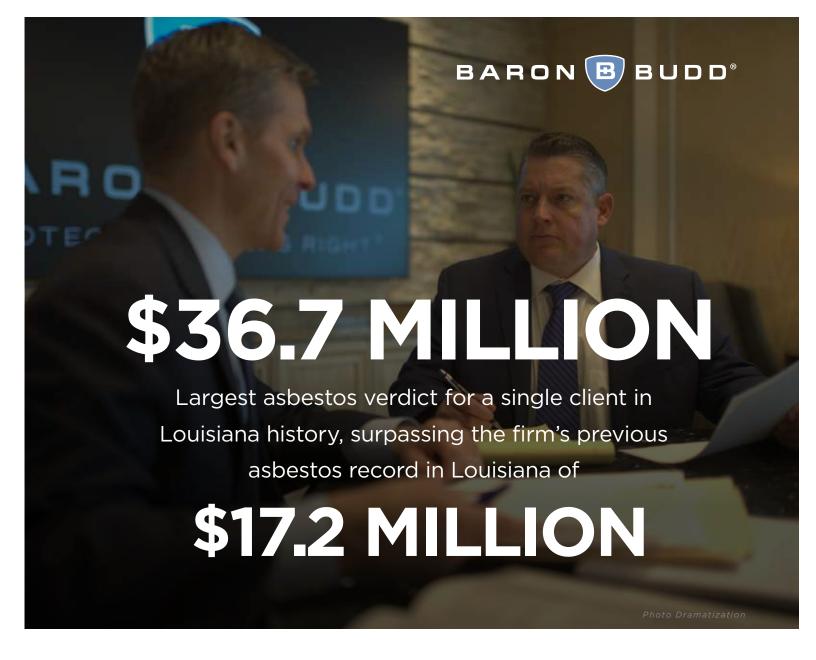
Consider that, before the ODC can file formal charges, it must receive the permission of a hearing committee chair upon a showing of probable cause to believe that a violation of the Rules of Professional Conduct has occurred or that there are other grounds for lawyer discipline. Rule XIX, section 3(E)(1). However, Rule 8 of the Rules of Professional Conduct, particularly Rule 8.1 titled "Bar Admission and Disciplinary Matters," provides a lawyer in connection with a disciplinary matter shall not: (a) knowingly make a false statement of material fact; (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from . . . a disciplinary authority . . .; or (c) fail to cooperate with the ODC in its investigation of any matter before it, except for an openly expressed claim of a constitutional privilege."

Rule 8.1 applies to the lawyer's response letter sent to the ODC. A lawyer without a complete, current and thorough understanding of the Rules of Professional Conduct, which change over the years, runs the risk of incurring potential additional exposure when responding to the ODC in any form.

It would be wise to follow the advice of Abraham Lincoln and, at the very least, consult with an attorney who focuses in responding to bar complaints as soon as possible after receiving an initial ODC complaint letter to best protect your eligibility and ability to practice law.

### **FOOTNOTES**

- 1. www.lsba.org/documents/Committees/ How to Respond Disciplinary Complaint. pdf.
- 2. www.ladb.org/docs/Publication/ PracticeGuide.pdf.
- 3. www.lasc.org/Supreme Court Rules?p=RuleXIX.
  - 4. www.ladb.org/Complaint/HowTo.aspx.



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

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

BARON & BUDD®



By Andrea Brewington Owen

### SOLE PRACTITIONERS: SPACE SHARING

here are ample benefits to practicing law in a shared office space with other solo attorneys. Economic benefits include saving on overhead expenses by splitting the costs of a commercial lease, office equipment, conference rooms and possibly even personnel. An added benefit to shared space is that a shared office environment cultivates a sense of community, thereby increasing emotional support and increasing overall satisfaction. This practice option can be successfully executed if you have the proper risk management strategies in place. The tips below are a non-exhaustive list of factors to weigh when determining whether office sharing is right for you.

One of the most significant dangers of practicing in a shared office space is that a client may believe that his/her lawyer is in a partnership or firm with those they are sharing space with. Without the proper controls, courts have recognized an implied partnership between the lawyers with separate law practices sharing space. A plaintiff may not only sue the attorney responsible for negligence but also sue anyone else who appears to be responsible, which could mean suing the other firm whose name was on the door. Since courts have recognized an implied attorney-client relationship arising out of the client's subjective beliefs, preventing a client's misperception that the firms are affiliated should always be on the forefront of your mind.

Be vigilant to maintain client confidences in a shared setting under Rule 1.6 of the Louisiana Rules of Professional Conduct. Take proper steps to preserve the attorney-client privilege. Conflicts of interest rules could be implicated if precautions are not made to keep the

firms separate and distinct. The best way to avoid association or an implied partnership is to communicate the practice structure clearly to clients and avoid any outward signs that you are part of the same firm. Have separate signs on the door for each firm, not merely a sign with separate names. Clearly communicate the firm structure to clients in an engagement letter at the outset of the matter.

To dive further into confidentiality, consult your IT expert to determine whether your client's data will be kept separately, confidential and secure. Consider the benefits to separate servers, systems and secured Wi-Fi. It is vital to have systems in place to avoid the other firm or their staff from seeing physical confidential information as well. This could include instituting policies to keep client files under lockand-key, locked and password-protected computers when the user steps away, locked office doors when the lawyer and staff are out, prohibitions on leaving client material in shared spaces, and closing office doors when meeting with a client or discussing client matters. If you choose to share a fax machine or copier, address how you will keep the other attorney and staff from seeing confidential information. Consider using a vendor to provide a virtual receptionist instead of a physical one to further separate the firms. This would keep phone numbers separate, greetings crafted for each firm, and client confidences from flowing through the staff of the other firm.

All terms, conditions and office policies should be in writing and signed by the respective firms to the agreement. As in any lease agreement, you'll need to determine maintenance and repair as well as any shared equipment such as copiers or servers. Use this agreement to solidify that the other parties appreciate the ethical implications of keeping practices separate. Require that each firm use written engagement letters with respective clients that include a statement that the attorney is a sole practitioner and not in partnership with any of the other attorneys in his/her office space. Place prohibitions on taking adversarial positions with your officemate if you share staff to avoid any conflicts under the Rules. To fully manage your own risk, you may want to require that the other attorney disclose if he/she has any past or present disciplinary complaints or malpractice claims. Require that each firm maintain professional liability insurance with appropriate limits. Also, if you will be sharing staff, define the logistics of supervision and payroll. Make sure that your staff, and any shared staff, is properly trained on protecting client confidential information and projecting that the firms sharing space are separate and distinct from one another.

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.



### Bourgeois Bennett

Board of Governors, Louisiana State Bar Association, New Orleans, Louisiana

### **Opinion**

We have audited the consolidated financial statements of Louisiana State Bar Association and Affiliates (the "Association") (non-profit organization), which comprise the consolidated statement of financial position as of June 30, 2022, and the related consolidated statements of activities, functional expenses, and cash flows for the year then ended, and the related notes to the consolidated financial statements.

In our opinion, the accompanying consolidated financial statements present fairly, in all material respects, the financial position of the Association as of June 30, 2022, and the changes in its net assets, its functional expenses, and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### **Basis for Opinion**

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Association and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the consolidated financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Association's ability to continue as a going concern for one year after the date that the consolidated financial statements are available to be issued.

### Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the consolidated financial statements.

### Bourgeois Bennett

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the consolidated financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Association's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the consolidated financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Association's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### **Report on Summarized Comparative Information**

We have previously audited the Association's 2021 consolidated financial statements, and we expressed an unmodified audit opinion on those audited consolidated financial statements in our report dated August 25, 2022. In our opinion, the summarized comparative information presented herein as of and for the year ended June 30, 2021 is consistent, in all material respects, with the audited consolidated financial statements from which it has been derived.

Bourgesia Bennett, LL.C.
Certified Public Accountants

New Orleans, Louisiana June 12, 2023

### LOUISIANA STATE BAR ASSOCIATION AND AFFILIATES

### **Consolidated Statement of Financial Position**

June 30, 2022 (with comparative totals for 2021)

	Without	With	Totals			
	Restrictions	Restrictions	2022	2021		
ASSETS						
ASSETS						
Cash and cash equivalents	\$ 2,091,522	\$2,729,823	\$ 4,821,345	\$ 5,999,625		
Intra-organization receivables, net		(11,483)	-	-		
Accounts receivable	57,077	4,525	61,602	39,424		
Other receivables	10,319	_	10,319	16,528		
Receivable from LCJC	53,153	_	53,153	53,153		
Contribution receivable, net	-	241,779	241,779	37,500		
Accrued interest receivable	54,258	_	54,258	24,222		
Investments	12,349,843	1,656,159	14,006,002	12,952,707		
Prepaid expenses	97,451	6,741	104,192	102,112		
Property and equipment, net	1,417,116	1,556	1,418,672	1,562,566		
Deposits		2,250	2,250	2,250		
Total assets	\$ 16,142,222	\$4,631,350	\$ 20,773,572	\$20,790,087		
LIABILITIES AND NET ASSETS						
<del></del>						
Deferred revenue	\$ 2,859,655	\$ -	\$ 2,859,655	\$ 2,740,773		
Accounts payable and						
accrued expenses	996,310	40,691	1,037,001	871,396		
Total liabilities	3,855,965	40,691	3,896,656	3,612,169		
<b>N</b>						
Net Assets	12 297 257		10.006.057	12 002 702		
Without restrictions	12,286,257	4.500.650	12,286,257	12,802,702		
With restrictions		4,590,659	4,590,659	4,375,216		
Total net assets	12,286,257	4,590,659	16,876,916	17,177,918		
Totals	\$ 16,142,222	\$4,631,350	\$ 20,773,572	\$20,790,087		

See accompanying notes to consolidated financial statements.

## LOUISIANA STATE BAR ASSOCIATION AND AFFILIATES

#### **Consolidated Statement of Activities**

For the year ended June 30, 2022 (with comparative totals for 2021)

	Without With		To	tals
	Restrictions	Restrictions	2022	2021
Support, Revenue, Gains, and				
Reclassifications				
Membership dues	\$ 4,094,326	\$ 196,034	\$ 4,290,360	\$ 4,288,577
Mandatory continuing legal education	777,605	-	777,605	735,025
Seminars, conferences, programs,				
and luncheons	787,875	103,609	891,484	752,664
Royalties	440,321	-	440,321	446,713
Contributions and grants	-	656,219	656,219	364,276
Advertising	265,104	-	265,104	261,376
Annual meeting	360,659	-	360,659	398,991
Lawyer advertising filing fees	232,500	-	232,500	167,540
Disciplinary assessment processing	43,376	-	43,376	38,600
Gain (loss) on investments, net	(1,011,051)	(133,197)	(1,144,248)	2,229,826
Interest and dividends, net	239,535	42,232	281,767	223,934
Rental income	51,324	-	51,324	51,274
Sales of membership labels	2,495	-	2,495	1,398
Penalties	12,100	2,475	14,575	17,250
Miscellaneous income	35,910	-	35,910	26,191
Net assets released from restrictions	651,929	(651,929)		
Total support, revenue, gains,				
and reclassifications	6,984,008	215,443	7,199,451	10,003,635

	Without With		Totals		
	Restrictions	Restrictions	2022	2021	
Expenses					
Program services:					
Governance	816,305	_	816,305	814,605	
Communications and publications	630,926	_	630,926	596,029	
Member outreach and diversity	415,103	_	415,103	328,956	
Membership services and meetings	507,879	_	507,879	483,821	
Governmental relations	-	-	, <u>-</u>	80,541	
Access to Justice	618,576	-	618,576	552,880	
Practice management and assistance	1,681,663	-	1,681,663	1,476,222	
Information technology	557,151	-	557,151	480,005	
Mandatory CLE	330,083	-	330,083	333,697	
Membership and finance	456,457	-	456,457	470,634	
Judges and Lawyers Assistance Program	459,123	-	459,123	359,312	
Louisiana Center for Law and Civic					
Education	114,938	-	114,938	101,139	
Sections	181,884	-	181,884	92,463	
Legal Specialization Fund	121,631		121,631	119,745	
Total program services	6,891,719	-	6,891,719	6,290,049	
Supporting services:					
General operations	608,734		608,734	645,917	
Total expenses	7,500,453		7,500,453	6,935,966	
Change in Net Assets	(516,445)	215,443	(301,002)	3,067,669	
Net Assets					
Beginning of year	12,802,702	4,375,216	17,177,918	14,110,249	
End of year	\$12,286,257	\$4,590,659	\$16,876,916	\$ 17,177,918	

See accompanying notes to consolidated financial statements.

### LOUISIANA STATE BAR ASSOCIATION AND AFFILIATES

#### **Consolidated Statement of Functional Expenses**

For the year ended June 30, 2022 (with comparative totals for 2021)

			P	rogram Services			
	Governance	Communications and Publications	Member Outreach and Diversity	Membership Services and Meetings	Access To Justice	Practice Management and Assistance	Information Technology
Expenses							
Committees	\$ 22,384	\$ -	\$ -	\$ 3,312	\$ 220	\$ 20,354	\$ -
Computer assisted legal research	·	<u>-</u>	-	-	-	124,644	-
Conferences	-	-	-	-	11,867	4,887	-
Contributions and sponsorships	-	-	-	-	-	-	-
Depreciation	-	-	-	-	-	-	-
Directors - expenses	12,578	3,049	-	-	-	-	3,377
Dues and subscriptions	-	675	1,355	-	3,250	-	-
Equipment and supplies	-	-	-	-	-	-	-
House of Delegates	18,725	-	-	-	-	-	-
Insurance	_	-	-	-	-	-	-
Intern stipends	-	-	-	-	9,000	-	-
Internet	-	-	-	-	-	-	14,290
IT support	-	-	-	-	-	-	5,729
Lobbying	-	-	-	-	-	-	-
Local bar outreach	-	-	30,210	-	-	-	-
Louisiana Bar Journal	-	176,327	-	-	-	-	-
Meetings and summer school	-	-	-	325,755	-	-	-
Nominations and elections	17,649	-	-	-	-	-	-
Officers and board	187,568	-	-	-	-	-	-
Other expenses	10,186	-	1,511	568	-	2,763	1,549
Printing and postage	-	-	384	-	452	4,533	-
Professional services	-	-	-	-	-	-	-
Projects	-	-	22,952	-	9,501	-	2,392
Property management	-	-	-	-	-	-	-
Rent	-	-	-	-	-	-	-
Salaries and benefits	429,290	429,965	297,588	176,511	555,887	1,287,213	364,816
Seminars and programs	-	-	51,914	-	13,686	214,836	-
Software and upgrades	-	-	-	-	-	-	161,818
Supplies, awards, and gifts	1,981	1,097	1,127	258	823	8,794	216
Telephone	1,328	1,313	1,963	1,475	2,291	5,680	2,964
Travel and training	-	-	6,099	-	11,599	7,959	-
Unrelated business income tax	-	18,500	-	-	-	-	-
Young Lawyers Division	114,616						
Total functional expenses	\$816,305	\$630,926	\$415,103	\$507,879	\$618,576	\$1,681,663	\$557,151

See accompanying notes to consolidated financial statements.

			Progra	m Services			Supporting Services		
Mandatory	Membership				Legal Specialization	Total Program	General		Expenses
CLE	and Finance	JLAP	LCLCE	Sections	Fund	Expenses	Operations	2022	2021
\$ 959	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 47,229	\$ -	\$ 47,229	\$ 35,529
-	-	-	-	-	-	124,644	-	124,644	124,644
_	_	_	_	_	_	16,754	_	16,754	23,645
_	_	_	_	46,000	_	46,000	-	46,000	36,000
_	_	_	_	-	_	-	143,894	143,894	152,733
-	_	_	_	-	_	19,004	´ -	19,004	19,865
_	_	_	_	-	_	5,280	-	5,280	8,843
-	_	7,342	1,443	-	_	8,785	20,137	28,922	32,356
-	-	· -	-	-	-	18,725	· -	18,725	10,456
_	-	3,149	2,117	_	_	5,266	99,191	104,457	73,174
-	-	· -	-	-	-	9,000	· -	9,000	6,000
-	-	-	-	-	-	14,290	-	14,290	13,973
-	-	_	-	-	-	5,729	-	5,729	3,010
-	-	-	-	-	-	-	-	-	48,000
-	-	-	-	-	-	30,210	-	30,210	13,416
-	-	-	-	-	-	176,327	-	176,327	155,962
-	-	-	-	-	-	325,755	-	325,755	304,002
-	-	-	-	-	-	17,649	-	17,649	18,468
-	-	-	-	-	-	187,568	-	187,568	210,579
13,061	-	1,358	1,601	12,042	11,630	56,269	3,088	59,357	40,703
2,282	37,234	-	717	110	2,268	47,980	-	47,980	66,963
-	41,398	23,224	8,720	-	-	73,342	4,587	77,929	58,404
-	-	-	-	-	-	34,845	-	34,845	29,489
-	-	11,668	-	-	-	11,668	105,676	117,344	138,833
-	-	28,397	4,666	-	3,000	36,063	-	36,063	35,227
309,365	372,093	351,012	74,854	47,738	99,415	4,795,747	201,254	4,997,001	4,797,108
-	-	25,857	2,143	73,794	3,151	385,381	-	385,381	123,557
-	-	-	-	-	-	161,818	-	161,818	100,133
3,033	4,915	7,116	3,350	-	1,465	34,175	-	34,175	34,051
783	817	-	-	-	610	19,224	21,869	41,093	47,895
600	-	-	15,327	2,200	92	43,876	9,038	52,914	30,003
-	-	-	-	-	-	18,500	-	18,500	24,001
						114,616		114,616	118,944
\$330,083	\$456,457	\$459,123	\$114,938	\$181,884	\$121,631	\$6,891,719	\$608,734	\$7,500,453	\$6,935,966

#### LOUISIANA STATE BAR ASSOCIATION AND AFFILIATES

#### **Consolidated Statement of Cash Flows**

For the year ended June 30, 2022 (with comparative totals for 2021)

	2022	2021
Cash Flows From Operating Activities		
Change in net assets	\$ (301,002)	\$ 3,067,669
Adjustments to reconcile change in net assets to		
net cash provided by operating activities:		
Depreciation	143,894	152,733
Loss on disposal of property and equipment	-	428
Loss (gain) on investments	1,144,248	(2,229,826)
Decrease (increase) in accounts receivable	(22,178)	38,317
Decrease in other receivables	6,209	24,829
Increase in contribution receivable	(204,279)	-
Increase in accrued interest receivable	(30,036)	(5,651)
Increase in prepaid expenses	(2,080)	(2,241)
Increase in unearned revenue	118,882	1,152,213
Increase in accounts payable and accrued expenses	165,605	128,194
Net cash provided by operating activities	1,019,263	2,326,665
Cash Flows From Investing Activities		
Purchase of investments	(5,915,041)	(3,908,349)
Proceeds from sale of investments	3,717,498	3,418,384
Purchases of property and equipment		(6,197)
Net cash used in investing activities	(2,197,543)	(496,162)
Net Increase (Decrease) In Cash and Cash Equivalents	(1,178,280)	1,830,503
Cash and Cash Equivalents		
Beginning of year	5,999,625	4,169,122
End of year	\$ 4,821,345	\$ 5,999,625
Supplemental Disclosure of Cash Flow Information Cash paid during the year for unrelated business income taxes	\$ 18,500	\$ 24,001

See accompanying notes to consolidated financial statements.

#### LOUISIANA STATE BAR ASSOCIATION AND AFFILIATE

Notes to Consolidated Financial Statements June 30, 2022

#### Note 1 — ORGANIZATION AND NATURE OF ACTIVITIES

The Louisiana State Bar Association (LSBA) is a nonprofit corporation organized under the laws of the State of Louisiana (R.S.37:211). The objects and purposes of LSBA are to regulate the practice of law, advance the science of jurisprudence, promote the administration of justice, uphold the honor of the Courts and the profession of law, encourage cordial intercourse among its members, and generally, to promote the welfare of the profession in the State of Louisiana. LSBA is self-governing, and its membership is comprised of all persons who are now, or may hereafter be, licensed to practice in the State of Louisiana.

#### Note 2 — SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

#### a. Basis of Accounting

The consolidated financial statements of the Association are prepared on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America.

#### b. Consolidation Policy

The consolidated financial statements of Louisiana State Bar Association and Affiliates (the "Association") as of and for the year ended June 30, 2022 include the accounts of LSBA; Judges and Lawyers Assistance Program, Inc. (JLAP); and Louisiana Center for Law and Civic Education, Inc. (LCLCE). JLAP and LCLCE are exempt organizations under Section 501(c)(3) of the Internal Revenue Code. LSBA is the sole member of JLAP. LSBA and LCLCE entered into an agreement through which LSBA committed to provide funding to LCLCE and which gave LSBA's Board of Governors the power to appoint the Board of Directors of LCLCE. Both JLAP and LCLCE are consolidated due to LSBA having both an economic interest in and control of the organizations. All material intra-entity transactions have been eliminated.

#### c. Financial Statement Presentation

The Association's net assets, support and revenues, and expenses are classified based on the existence or absence of restrictions. Accordingly, the net assets of the Association and changes therein are classified and reported as follows:

**Net Assets without Restrictions** - Net assets that are not subject to restrictions and may be expended for any purpose in performing the primary objectives of the Association. Certain unrestricted net assets have been designated by the Board of Governors for capital expenditures related to the Bar Center building.

Net Assets with Restrictions - Net assets subject to stipulations that may or will be met either by actions of the Association or its affiliates and/or the passage of time, or net assets that are maintained in perpetuity. The Association receives membership dues, conference fees, and other revenues which are to be expended and accounted for by the following specific accounts: Access to Justice Program - Project Grants; Access to Justice Program - Legal Services and Louisiana Bar Foundation Grants; Legal Malpractice Insurance Fund; Legal Specialization; Young Lawyers Division - Grant Fund; Young Lawyers Division - Bridging the Gap; and each of the other Section accounts created by the House of Delegates. These revenues are to be expended for the purposes of the related programs and Sections and are reported as net assets with restrictions until expended. During the year ended June 30, 2020, the Louisiana Supreme Court transferred \$1,281,466 in funds from its administration of the Mandatory Continuing Legal Education (MCLE) program to the Association. Fifty percent of the funds were restricted for funding JLAP, and fifty percent of the funds were restricted for initiatives benefiting the education of new attorneys, including providing continuing legal education programs at no cost. The net assets of JLAP and LCLCE are restricted for use by those entities and, therefore, are presented as net assets with restrictions in the consolidated financial statements.

#### d. Comparative Financial Information

The consolidated financial statements include certain prior year summarized comparative information in total but not by net asset class. Such information does not include sufficient detail to constitute a presentation in conformity with accounting principles generally accepted in the United States of America. Accordingly, such information should be read in conjunction with the Association's consolidated financial statements as of and for the year ended June 30, 2021, from which the summarized information was derived.

#### e. Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

#### f. Cash and Cash Equivalents

For purposes of the Consolidated Statement of Cash Flows, the Association considers all highly liquid investments in money market funds, other than endowment assets included in investments, to be cash equivalents.

#### q. Contributions Receivable

Contributions receivable consist of unconditional promises to give and are recorded in the year the promise is made. Unconditional promises to give that are expected to be collected within one year are recorded at their net realizable value. Unconditional promises to give expected to be collected in future years are recorded at the present value of estimated future cash flows. The discounts on those amounts are computed using risk-adjusted interest rates applicable to the years in which the promises are received. Amortization of the discount is included in contribution revenue. The discount will be recognized as contribution revenue in future fiscal years as the discount is amortized over the duration of the contributions.

Conditional promises to give are recognized when the conditions on which they depend are substantially met and the promises become unconditional. As of June 30, 2022 and 2021, there were no outstanding conditional promises to give.

#### h. Investments

Investments are reported at fair value. Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. See Note 7 for a discussion of fair value measurements.

Unrealized gains and losses on investments are included in the Consolidated Statement of Activities as increases or decreases in net assets without restriction unless their use is restricted. Investment income and realized and unrealized gains and losses from the investment accounts referred to as the Core Investments are without restrictions. Investment income on the Legal Malpractice Insurance Fund, Legal Specialization Fund, LCLCE, and other Section accounts is restricted for use for those specific purposes.

#### i. Property and Equipment

Property and equipment acquisitions are recorded at cost. Depreciation is recorded over the estimated useful lives of the respective assets using the straight-line method. The useful lives range from 3 to 10 years for furniture and equipment, from 10 to 15 years for building improvements, and is 39 years for the building. Additions and major improvements are capitalized, while expenditures for maintenance and repairs are expensed as incurred.

#### i. Unearned Revenue

Unearned revenue consists of dues received in advance for the following year and registration fees received as of year-end for seminars to be held in the following year.

#### k. Revenue Recognition

Contributions and grants are recognized when cash, securities, or other assets, and unconditional promises to give, or notification of a beneficial interest is received. Conditional promises to give are recognized when the conditions on which they depend have been substantially met.

Revenue from exchange transactions is recognized when the related performance obligation has been met. The Association has the following exchange transactions:

*Membership dues:* Membership dues are recognized as LSBA's performance obligation is satisfied over the annual membership period by the provision of member benefits.

(Continued)

Mandatory continuing legal education; Seminars, conferences, programs, and luncheons; and Annual meeting: The Association conducts several educational events and meetings for members throughout the year for which fees are charged. The related performance obligation is satisfied, and revenue is recognized when the event has occurred.

Advertising: LSBA accepts advertising in the Louisiana Bar Journal, Bar Briefs, and on its website. The performance obligation related to the sale of advertising space is satisfied, and the related revenue is recognized, when the advertising is published.

Lawyer advertising filing fees: LSBA offers advertisement review and filing services to members for a predetermined fee. This obligation is satisfied, and revenue is recognized, when the member's advertisement is reviewed and filed.

*Disciplinary assessment processing:* Fees for performing this service are recognized when the related assessments are processed.

Rental Income: Rental income is recognized over the period to which it pertains.

#### I. Contributed Services

A portion of the Association's functions, including educational activities and publications, is conducted by unpaid volunteers. The value of this contributed time is not reflected in the accompanying consolidated financial statements since the volunteers' time does not meet the criteria for recognition under accounting principles generally accepted in the United States of America.

#### m. Functional Expenses

The financial statements report certain categories of expenses that are attributable to more than one program or supporting function. Therefore, these expenses require allocation on a reasonable basis that is consistently applied. Salaries and benefits are allocated based on estimates of time and effort. Utilities, which are included in property management expense in the Consolidated Statement of Functional Expenses, are allocated based on estimated usage by department. All other expenses are directly charged to the applicable program.

#### n. Recently Issued Accounting Standards

#### **Contributed Non-Financial Assets**

In September 2020, the Financial Accounting Standards Board (FASB) issued Accounting Standards Update (ASU) 2020-07, *Not-for-Profit Entities (Topic 958) Presentation and Disclosures by Not-for-Profit Entities for Contributed Nonfinancial Assets*, to increase transparency of recorded gifts-in-kind. The ASU adds presentation and disclosure requirements for contributed nonfinancial assets, such as in-kind contributions, and additional disclosure requirements for recognized contributed services. The ASU is effective for fiscal years beginning after June 15, 2021. The adoption of this standard during its year ended June 30, 2022 and its retrospective application had no effect on the Association's consolidated financial statements for the years ended June 30, 2022 and 2021.

#### Leases

In February 2016, the FASB issued ASU 2016- 02, *Leases* (Topic 842). ASU 2016- 02 requires that a lease liability and related right-of-use-asset representing the lessee's right to use or control the asset be recorded in the Statement of Financial Position for all leases other than short-term leases. Leases will be classified as either finance leases or operating leases, which are substantially similar to the classification criteria for distinguishing between capital leases and operating in existing lease accounting guidance. As a result, the reporting of lease transactions in the Consolidated Statements of Activities and the Consolidated Statements of Cash Flows will be substantially unchanged from the existing lease accounting guidance. ASU 2016-02 is effective for fiscal years beginning after December 15, 2021. The Association is currently evaluating the full effect that the adoption of this standard will have on its consolidated financial statements.

#### **Lease Discount Rate**

In November 2021, the FASB issued ASU 2021-09, Leases (Topic 842) Lease Discount Rate for Leases That Are Not Public Business Entities which upon adoption provides nonpublic business entities with a practical expedient that allows them to elect, as an accounting policy, to use a risk-free rate as the discount rate by class of underlying asset. ASU 2021-09 requires the use of the rate implicit in the lease when readily determinable, regardless of the election to otherwise use a risk-free rate of return. Entities that have not yet adopted ASU 2016-02 are required to adopt ASU 2021-09 at the same time that they adopt ASU 2016-02. The Association is currently evaluating the full effect that the adoption of this standard will have on its consolidated financial statements.

#### Note 2 — SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

(Continued)

#### o. Reclassification

Certain prior period amounts have been reclassified to conform to the current year presentation. The reclassification of these prior period amounts had no impact on net assets or change in net assets in the 2021 consolidated financial statements.

#### p. Subsequent Events

Management evaluates events occurring subsequent to the date of the consolidated financial statements in determining the accounting for and disclosure of transactions and events that affect the consolidated financial statements. Subsequent events have been evaluated through June 12, 2023, which is the date that the consolidated financial statements were available to be issued.

#### Note 3 — CASH AND CASH EQUIVALENTS

Cash and cash equivalents consist of the following as of June 30, 2022 and 2021:

	2022	2021
Without restrictions:	<b># 2</b> 001 <b>500</b>	<b>#2.2</b> 06.001
LSBA	\$2,091,522	\$3,306,091
With restrictions:		
LSBA	1,704,150	1,942,970
LCLCE	447,248	284,062
JLAP	578,425	466,502
	2,729,823	2,693,534
Totals	\$4,821,345	\$5,999,625

#### Note 4 — CONCENTRATIONS

The Association periodically maintains cash and cash equivalents in bank accounts in excess of insured limits. The Association has not experienced any losses and does not believe that significant credit risk exists as a result of this practice. As of June 30, 2022, the Association had cash and cash equivalents of approximately \$2.3 million in excess of insured limits.

Membership dues are a substantial portion of LSBA's revenue. Membership in LSBA is mandatory for attorneys practicing in Louisiana.

#### Note 5 — CONTRIBUTION RECEIVABLE

Unconditional promises by donors to make contributions to JLAP are included in the consolidated financial statements at the present value of expected future cash flows discounted at 2.25%. Contributions receivable as of June 30, 2022 and 2021 consists of the following:

	2022	2021
Unconditional promises to give Less unamortized discount	\$250,000 (8,221)	\$37,500
Contributions receivable, net	\$241,779	\$37,500
Amounts due in: Less than one year One to five years	\$100,000 150,000	\$37,500
Totals	\$250,000	\$37,500

No allowance for uncollectible contributions was considered necessary as of June 30, 2022 and June 30, 2021.

#### Note 6 — INVESTMENTS

Investments held as of June 30, 2022 and 2021 are summarized as follows:

	20	)22	2021		
	-	Fair	-	Fair	
	Cost	Value	Cost	Value	
LSBA:					
Without restrictions:					
Common stock	\$ 3,365,170	\$ 6,149,188	\$3,197,906	\$ 7,095,293	
Corporate bonds	4,368,521	4,131,212	3,748,019	3,786,473	
U.S. treasury bonds	1,681,596	1,682,923	-	-	
Municipal bonds	407,448	386,520	407,448	406,320	
With restrictions:					
Common stock	585,484	744,846	561,960	830,417	
Corporate bonds	530,337	492,624	429,291	429,725	
Variable annuity					
contract	376,494	376,494	364,552	364,552	
Total - LSBA	11,315,050	13,963,807	8,709,176	12,912,780	
LCLCE:					
With restrictions:					
Money market	20,187	20,187	13,053	13,053	
Certificate of deposit	-	-	13,319	13,319	
Exchange traded funds	21,448	22,008	10,074	13,555	
C					
Total - LCLCE	41,635	42,195	36,446	39,927	
Totals	¢ 11 256 695	\$14,006,002	© 0 745 600	¢ 12 052 707	
1 Otals	\$11,356,685	\$14,006,002	\$8,745,622	\$12,952,707	

Presented below is a summary of realized and unrealized gains and losses on investments as of and for the years ended June 30, 2022 and 2021:

		2022	
	Cost	Fair Value	Excess of Fair Value Over Cost
Balances as of June 30, 2022 Balances as of June 30, 2021	\$11,356,685 \$ 8,745,622	\$14,006,002 \$12,952,707	\$ 2,649,317 4,207,085
Unrealized loss on investments Realized gain on investments, net			(1,557,768) 413,520
Loss on investments			\$ (1,144,248)
		2021	
	Cost	Fair Value	Excess of Fair Value Over Cost
Balances as of June 30, 2021 Balances as of June 30, 2020	\$ 8,745,622 \$ 8,033,127	\$12,952,707 \$10,232,916	\$ 4,207,085 2,199,789
Unrealized gain on investments Realized gain on investments, net			2,007,296 222,530
Gain on investments			\$ 2,229,826

Interest and dividends earned on investments for the years ended June 30, 2022 and 2021 were \$281,767 and \$223,934, respectively, net of investment expenses of \$51,631 and \$45,667, respectively.

#### Note 7 — ASSETS MEASURED AT FAIR VALUE

The framework for measuring fair value provides a fair value hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (Level 1) and the lowest priority to unobservable inputs (Level 3). The three levels of the fair value hierarchy under FASB ASC 820 are described as follows:

Level 1 - Inputs to the valuation methodology are unadjusted quoted prices for identical assets or liabilities in active markets that the Association has the ability to access.

Level 2 - Inputs to the valuation methodology include:

- quoted prices for similar assets or liabilities in active markets;
- quoted prices for identical or similar assets or liabilities in inactive markets;
- inputs other than quoted prices that are observable for the asset or liability;
- inputs that are derived principally from or corroborated by observable market data by correlation or other means.

If the asset or liability has a specified (contractual) term, the Level 2 input must be observable for substantially the full term of the asset or liability.

Level 3 - Inputs to the valuation methodology are unobservable and significant to the fair value measurement.

The asset's fair value measurement level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. Valuation techniques used need to maximize the use of observable inputs and minimize the use of unobservable inputs.

Following is a description of the valuation methodologies used for assets measured at fair value. There have been no changes in the methodologies used as of June 30, 2022 and 2021.

- Common stock, U.S. treasury bonds, and exchange traded fund (ETF). Valued at the closing price reported on the active market on which the individual securities are traded.
- Corporate and municipal bonds. Valued using pricing models maximizing the use of observable inputs for similar securities. This includes basing value of yields currently available on comparable securities of issuers with similar credit ratings.
- Money market funds. Valued at the daily closing price as reported by the fund. Money market funds held by the Association
  are open-end mutual funds that are registered with the Securities and Exchange Commission. These funds are required
  to publish their daily net asset value (NAV) and to transact at that price. The mutual funds held by the Association are
  deemed to be actively traded.
- Variable annuity contract. Valued at cash redemption value as reported to the Association by MassMutual Financial Group.
- Certificate of deposit. Valued at the amount reported by the issuing bank.

These methodologies may produce fair value calculations that may not be indicative of net realizable value or reflective of future fair values. Furthermore, while the Association believes these valuation methodologies are appropriate and consistent with those of other market participants, the use of different methodologies or assumptions to determine the fair value of certain financial instruments could result in a different fair value measurement at the reporting date.

#### Note 7 — ASSETS MEASURED AT FAIR VALUE (Continued)

The following tables set forth by level within the fair value hierarchy, the Association's assets at fair value as of June 30, 2022 and 2021:

Description June 30, 2022	Total Assets Measured At Fair Value	Quoted Prices In Active Markets (Level 1)	Based on: Other Observable Inputs (Level 2)	Unobservable Inputs (Level 3)
Investments:				
Common stock:	¢ 1.742.026	¢ 1.742.026	¢	\$ -
Information technology	\$ 1,742,936	\$ 1,742,936	\$ -	\$ -
Health care	1,148,686	1,148,686	-	=
Consumer staples	1,049,575	1,049,575	_	=
Financials	932,764	932,764	=	=
Energy	347,683	347,683	=	=
Industrials	665,296	665,296	_	-
Consumer discretionary	530,873	530,873	-	-
Materials	8,897	8,897	-	-
Communication services	467,323	467,323	-	-
Corporate bonds:				
Credit rating:				
A	188,967	-	188,967	-
A-	189,182	-	189,182	-
AA-	197,731	-	197,731	-
BBB+	1,237,027	=	1,237,027	=
BBB	2,213,077	=	2,213,077	-
BBB-	547,817	-	547,817	-
Not rated	50,036	-	50,036	-
U.S. treasury bonds	1,682,923	1,682,923	<u>-</u>	=
Municipal bonds	386,520	, , , <u>-</u>	386,520	=
Variable annuity contract	376,494	=	376,494	=
Exchange traded fund	22,008	22,008	<u>-</u>	_
Money market fund	20,187	20,187		
Totals - investments	14,006,002	8,619,151	5,386,851	-
Money market funds included in cash and cash				
equivalents	1,825,467	1,825,467		
Totals	\$15,831,469	\$ 10,444,618	\$5,386,851	\$ -

Description June 30, 2021	Total Assets Measured At Fair Value	Quoted Prices In Active Markets (Level 1)	Based on: Other Observable Inputs (Level 2)	Unobservable Inputs (Level 3)
Investments:				
Common stock:				
Information technology	\$ 1,843,793	\$ 1,843,793	\$ -	\$ -
Health care	1,201,202	1,201,202	Ψ -	Ψ -
Consumer staples	1,027,942	1,027,942	_	_
Financials	1,311,586	1,311,586	_	_
Energy	323,374	323,374	_	_
Industrials	733,441	733,441	_	_
Consumer discretionary	775,577	775,577	_	_
Materials	11,677	11,677	-	_
Communication services	697,117	697,117	_	_
Corporate bonds:	,	,		
Credit rating:				
A	210,122	-	210,122	-
A-	414,429	-	414,429	-
AA-	210,250	-	210,250	-
BB+	200,355	=	200,355	-
BBB+	1,335,973	=	1,335,973	-
BBB	694,901	-	694,901	-
BBB-	1,096,817	-	1,096,817	-
Not rated	53,352	-	53,352	-
Municipal bond	406,320	-	406,320	-
Variable annuity contract	364,552	-	364,552	-
Exchange traded fund	13,555	13,555	-	-
Certificate of deposit	13,319	=	13,319	-
Money market fund	13,053	13,053		
Totals - investments	12,952,707	7,952,317	5,000,390	-
Money market funds included in cash and cash	(70.06)	(70.066		
equivalents	670,866	670,866		
Totals	\$13,623,573	\$ 8,623,183	\$5,000,390	\$ -

#### Note 8 — RISKS AND UNCERTAINTIES

The Association invests in various investments including stocks and fixed income obligations. Investment securities, in general, are subject to various risks such as interest rate, credit, and overall market volatility. Due to the level of risk associated with certain investments, it is reasonably possible that changes in the values of investments could occur in the near term and that such change could materially affect amounts reported on the consolidated financial statements.

#### Note 9 — PROPERTY AND EQUIPMENT

Major classes of property and equipment as of June 30, 2022 and 2021 are summarized as follows:

	2022	2021
LSBA		
Louisiana Bar Center:		
Building	\$1,881,646	\$1,881,646
Improvements	1,840,219	1,840,219
Furniture and equipment	662,509	985,984
	4,384,374	4,707,849
Logg agaymylated dampainting	, ,	, ,
Less accumulated depreciation	(2,965,702)	(3,145,283)
	1,418,672	1,562,566
ЛАР		
Furniture and equipment	30,219	30,219
Less accumulated depreciation	(30,219)	(30,219)
Property and equipment, net	\$1,418,672	\$1,562,566
reperty and equipment, nev	\$ 1,110,07 <i>E</i>	\$ 1,5 02,5 00

Depreciation expense for the years ended June 30, 2022 and 2021 totaled \$143,894 and \$152,733, respectively.

#### Note 10 — NET ASSETS WITH RESTRICTIONS

Net assets with restrictions consist of the following as of June 30, 2022 and 2021:

isist of the following as of burie 50, 2022 and 2021.	2022	2021
Access to Justice Program - Project Grants	\$ 8,468	\$ 8,468
Fund for JLAP	437,718	540,733
Legal Malpractice Insurance Trust	1,262,224	1,361,865
Legal Specialization Fund	376,236	391,532
New Attorney Initiative	640,733	640,733
Young Lawyers Section - Grant Fund	47	47
Young Lawyers Section - Bridging the Gap	16,353	16,353
Sections:		
Administrative Law	6,224	5,940
Alternative Dispute Resolution	29,540	37,683
Animal Law	7,194	4,859
Antitrust and Trade Regulation Law	4,112	3,940
Appellate Section	12,489	13,609
Art, Entertainment, and Sports Law Section	2,259	3,278
Bankruptcy Law	11,544	13,833
Bench and Bar	8,715	8,373
Civil Law and Litigation	44,365	39,806
Class Action, Mass Tort, and Complex Litigation Law	13,260	10,815
Consumer Protection Law	6,485	6,360
Corporate and Business Law	20,476	56,333
Criminal Law	5,875	6,355
Environmental Law	12,081	10,679
Family Law	32,871	33,397
Fidelity, Surety, and Construction Law	35,658	35,467
Francophone	3,384	4,831
Government and Public Law	8,129	6,819
Health Law		
	13,454	25,867
Immigration Law	2,152	1,802
Insurance, Tort, Workers' Compensation,	20.114	20.055
and Admiralty Law	20,114	20,055
Intellectual Property	9,368	8,069
International Law	4,282	4,639
Labor and Employment Law	25,787	22,795
Mineral Law	42,585	42,571
Minority Involvement	11,009	11,279
Public Utility	19,667	17,588
Solo and Small Firm	15,570	13,909
Taxation	42,976	44,865
Trusts, Estate, Probate, and Immovable Property Law	80,898	84,930
Total net assets with purpose restrictions - LSBA	3,294,302	3,560,477
	2022	2021
Net assets with time or purpose restrictions - JLAP	823,177	499,592
Net assets with purpose restrictions - LCLCE	437,048	279,015
Net assets with purpose restrictions - ECLCE  Net assets restricted in perpetuity - LCLCE	36,132	36,132
Total net assets with restrictions	\$ 4,590,659	\$ 4,375,216

#### Note 10 — NET ASSETS WITH RESTRICTIONS (Continued)

Net assets restricted in perpetuity represents original gifts to LCLCE's endowment. Based on LCLCE's interpretation of the Uniform Prudent Management of Institutional Funds Act (UPMIFA), the fair value of gifts to the endowment are being maintained in perpetuity, unless there are donor stipulations to the contrary. As of June 30, 2022 and 2021, there were no such donor stipulations. Accumulations to the endowment are maintained in accordance with donor stipulations. Amounts not retained in perpetuity are subject to prudent expenditure. From time to time, certain donor-restricted endowment funds may have fair values less that the amount required to be maintained by donors or by law (underwater endowments). LCLCE has interpreted UPMIFA to permit spending from underwater endowments in accordance with prudent measures required under the law. As of June 30, 2022 and 2021, the fair value of the endowment funds is in excess of original gift values.

As of June 30, 2022 and 2021, the endowment fund consisted solely of donor-restricted net assets with a carrying value of \$42,195 and \$44,587, respectively. For the years ended June 30, 2022 and 2021, investment return was (\$2,392) and \$2,662, respectively. The endowment net assets consist of a brokerage account and cash held and administered by the Louisiana Bar Foundation. No distributions may be made from the endowment assets administered by the Louisiana Bar Foundation until the fund reaches a threshold of \$100,000.

#### Note 11 — GOVERNING BOARD DESIGNATIONS

The Association's Board of Governors has chosen to designate certain net assets for capital expenditures related to the Bar Center. Net assets without restrictions consisted of the following as of June 30, 2022 and 2021:

	2022	2021
Undesignated - available for operations Designated - capital reserves	\$11,273,056 1,013,201	\$11,828,697 974,005
Total net assets without restrictions	\$12,286,257	\$12,802,702

#### Note 12 — REVENUE FROM CONTRACTS WITH CUSTOMERS

The following table provides information about significant changes in deferred revenue for the years ended June 30, 2022 and 2021.

	2022	2021		
Deferred membership dues, beginning of year Revenue recognized that was included in	\$2,740,773	\$1,588,560		
deferred membership dues at the beginning of the year Increase in deferred revenue due to cash	(2,740,773)	(1,588,560)		
received during the year	2,859,655	2,740,773		
Deferred membership dues, end of year	\$2,859,655	\$2,740,773		
Accounts receivable from contracts with customers were as follows:				
	2022	2021		
Accounts receivable, beginning of year	\$ 39,424	\$ 77,742		
Accounts receivable, end of year	\$ 61,602	\$ 39,424		

#### Note 13 — RENTAL INCOME

A portion of the Louisiana Bar Center building not currently needed for the Association's operations is rented to the Judiciary Commission of Louisiana under a month-to-month lease which commenced on July 1, 2016. Rental income for the years ended June 30, 2022 and 2021 totaled \$51,324 and \$51,274, respectively.

#### Note 14 — RETIREMENT PLAN

The Association has a defined contribution plan covering substantially all employees who meet certain eligibility requirements. The plan is a profit-sharing plan with a cash or deferred arrangement. The contributions during the years ended June 30, 2022 and 2021 totaled \$349,851 and \$336,040, respectively.

#### Note 15 — CONSOLIDATED AFFILIATES

As discussed in Note 2b, the Association entered into an agreement with LCLCE which gave it an economic interest in and control of LCLCE, effective June 7, 2010. The Association committed to provide annual funding to LCLCE annually for an initial term of five years with automatic renewals in one-year increments unless either party elects to terminate the agreement. During the years ended June 30, 2022 and 2021, funding totaled \$63,000 per year. Net assets of the consolidated affiliate totaling \$473,180 and \$315,147 have been included in the Consolidated Statements of Financial Position as of June 30, 2022 and 2021, respectively.

Effective September 29, 2014, JLAP amended and restated its bylaws, making LSBA its sole member. The Association has committed to providing annual funding to JLAP in an amount to be determined annually. Net assets of JLAP totaling \$823,177 and \$499,592 have been included in the Consolidated Statements of Financial Position as of June 30, 2022 and 2021, respectively.

#### Note 16 — RELATED PARTIES

The Association and the Louisiana Civil Justice Center (LCJC) are separate functioning organizations sharing a common mission. The Association's Board of Governors appoints the LCJC Board of Governors. LCJC is currently inactive, but in prior years, LSBA processed payroll for LCJC. As of June 30, 2022 and 2021, payroll funds receivable from LCJC totaled \$53,153.

The Association and the Louisiana Client Assistance Foundation (LCAF) are separately functioning organizations sharing a common mission. The Association's Board of Governors appoints the LCAF Board of Governors. There were no transactions between the Association and LCAF during the years ended June 30, 2022 and 2021.

#### Note 17 — INCOME TAXES

The Association is exempt from federal income taxes under Section 501(c)(6) of the Internal Revenue Code and qualifies as an organization that is not a private foundation as defined in Section 509(a) of the Internal Revenue Code. It is exempt from state income taxes under Section 121(6) of Title 47 of the Louisiana Revised Statutes of 1950. Net operating profits from unrelated business income, if any, are subject to federal income tax. The Association had taxable unrelated business income for the years ended June 30, 2022 and 2021 of approximately \$45,000 and \$67,000, respectively.

Accounting principles generally accepted in the United States of America require management to evaluate tax positions taken by the Association and recognize a tax liability (or asset) if the Association has taken an uncertain position that more likely than not would not be sustained upon examination by the Internal Revenue Service or other taxing authorities. Management has analyzed the tax positions taken by the Association, and has concluded that as of June 30, 2022 and 2021, there are no uncertain positions taken or expected to be taken that would require recognition of a liability (or asset) or disclosure in the consolidated financial statements. The Association is subject to routine audits by taxing jurisdictions; however, there are currently no audits for any tax periods in progress.

#### Note 18 — AVAILABILITY OF FINANCIAL ASSETS

The Association is substantially supported by membership dues, seminar and conference fees, and investment income. Certain programs of the Association are also supported by contributions, which typically are restricted by the donor for use in that program. Because a restriction requires resources to be used in a particular manner or in a future period, the Association must maintain sufficient resources to meet those responsibilities to its donors. Thus, certain financial assets may not be available for general expenditure within one year. As part of the Association's liquidity management, it has a policy to structure its financial assets to be available as its general expenditures, liabilities, and other obligations become due. The Association has established guidelines for making decisions related to managing short-term cash reserves and other investments in a prudent manner.

The following reflects the Association's financial assets as of June 30, 2022 and 2021, reduced by amounts not available for general use due to restrictions.

	2022	2021
Financial assets:		
Cash and cash equivalents	\$ 4,821,345	\$ 5,999,625
Accounts receivable	61,602	39,424
Other receivables	10,319	16,528
Receivable from LCJC	53,153	53,153
Contributions receivable, net	241,779	37,500
Accrued interest receivable	54,258	24,222
Investments	14,006,002	12,952,707
T 1.0° 1	10.240.450	10 122 150
Total financial assets	19,248,458	19,123,159
Less amounts unavailable for general expenditures within one year, due to:  Assets with restrictions:		
Restricted for specified periods or purposes	(4,554,527)	(4,339,084)
Restricted in perpetuity	(36,132)	(36,132)
Financial assets available to meet cash needs for general expenditures within one year before governing board designations	14,657,799	14,747,943
Less: governing board designations	(1,013,201)	(974,005)
Financial assets available to meet cash needs for general expenditures within one year	\$13,644,598	\$13,773,938

#### Note 19 — COMMITMENT

Since 2005, the Association has had an agreement with Fastcase.com, Inc. ("Fastcase"), to provide members of the Association with unlimited access to the Fastcase legal research system. Effective in June 2018, the agreement was extended for an additional five-year term. At the end of the term, the agreement will automatically renew in one-year increments until such time either party elects to terminate the agreement. Fees under this agreement totaled \$125,242 for each of the years ended June 30, 2022 and 2021. Fees remaining under the agreement will be \$125,242 for the year ending June 30, 2023.



Louisiana State Bar Association

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By Marsha M. Wade

#### GENERATIVE ARTIFICIAL INTELLIGENCE

enerative Artificial Intelligence is a game changer. It promises to provide busy lawyers with robust research, drafting and document handling resources by scanning extremely large sets of data in seconds, and delivering well-crafted responses to prompts fed into the program.

Artificial Intelligence (AI) has been around for a few years. It creates the predictive text in your smartphone messaging app based on what you've entered so far. It generates the chatbot and virtual assistant conversations that serve as receptionist, help desk, reservation specialist and sales representative for online businesses. My computer's AI is reading my work as I type, prompting me periodically with what it considers a better sentence structure.

The tools of generative AI are now available to you through ChatGPT and other generative AI programs. AI can streamline document handling, provide answers in seconds through access to a phenomenal volume of research resources, and create a good first draft of your memo, brief or contract. You may not be using AI now, but, in the future, we all will.

To navigate the coming changes, we need to use AI carefully and with attention to the legal, ethical and professional risks it presents. We also need to be clear on what AI can and cannot be trusted to do.

One aspect of the practice of law that will not change with AI is the importance of direct human contact. AI cannot provide what you bring to the practice of law — empathy, compassion, critical thinking and ethics. These qualities that comprise professionalism cannot be outsourced to an app. They require human engagement.

You provide what no algorithm or chatbot can — human presence, the ability to engage with someone in a manner that conveys respect and to listen with empathy and understanding. However helpful AI may be at research, writing, analysis and summarization tasks, it is not a substitute for your ability to bring your best legal and ethical judgment to thorny situations, to think critically and to offer wise counsel to other humans.

To engage in critical thinking, to listen with empathy and to act with civility requires our full attention. Our attention is a valuable resource essential to performing with competency, acting with courtesy towards others and making choices that support our well-being.

Attention is everything. It is powerful, but it is also vulnerable to distraction, to stress and to lack of sleep. The biggest distractions we face are the very devices and programs that bring us the functionality and expediency of AI — our digital screens and the apps that operate on them.

These devices and apps keep our calendar, address book, photos, health records, reminders, an encyclopedia of information and all our files on a computer small enough to carry around in a pocket or purse, or now, wear on our wrist. We have become accustomed to looking to those digital screens for everything we need. Because we turn to them so often and they always provide some form of diversion, we develop a habit of turning to our screens when we are craving distraction from boredom, frustration or anxiety.

Software designers understand our attentional needs and weaknesses and design apps with one goal in mind — to hold our attention for as long as possible in the digital environment. Every minute we spend there generates revenue for apps and their advertisers. Our time, energy, attention and cognitive reserves are extracted for profit.

Even though we turn to our devices for a respite from immediate stress, the screen does not provide the relief we could achieve if we used that time to take a walk, sit outdoors or close our eyes for a brief nap. It actually creates more cognitive stress as our attention bounces from one screen to another, our brain trying to keep up with the pace of

our clicking and scrolling.

Prolonged screen time creates even more stress as we shortchange ourselves of time spent down the digital rabbit hole that could have been put to more satisfying and productive use away from the screen.

Our attention also suffers from lack of sleep and most of us today are sleep deprived. Not getting enough sleep on a regular basis reduces our immediate short-term focus, interferes with our ability to engage in thinking that leads to creative ideas, and inhibits long-term memory formation.

Tending to our cognitive reserves requires that we learn to slow down, spend more time away from our screens, do one thing at a time and sleep more.

Competency and professionalism depend on our ability to maintain the cognitive resources that allow us to remain focused on our work, cognizant of the ethical standards we have sworn to uphold and mindful of how we conduct ourselves as lawyers.

Our profession will adapt to the use of AI. It will be a bumpy ride, but the best way to weather that turbulence is to pay attention to what most supports our competency, professionalism and well-being. Slow down. Do one thing at a time. Reduce unnecessary screen time. Sleep more.

Marsha M. Wade is a member of the Louisiana State Bar Association's (LSBA) Committee on the Profession and a volunteer for the LSBA's Law School Professionalism Orientation Program. She earned her JD degree from Louisiana State University Paul M. Hebert Law Center. After



a career in legislative and public policy work, including with the Louisiana Senate and Louisiana Association for Justice, she devotes her efforts to promoting mindfulness and other wellness practices among the legal community. (mwade50@gmail.com; 1511 Richland Ave., Baton Rouge, LA 70808)

## Lawyers ASSISTANCE

By Dr. Angela White-Bazile, Esq.

I'LL DRINK TO THAT

he holiday season has ended, and now we have the revelry of Mardi Gras to look forward to — the glitz and glam of the evening balls, socializing with friends at parades to watch ornate floats pass by and dancing to the talented marching bands. But we cannot forget the overindulgence of alcohol — the most commonly used and misused substance in the United States.<sup>1</sup>

Culturally, alcohol is not only accepted but also glamorized and encouraged.

Why do we view alcohol as a necessary part of celebrations, to relax at the end of the day, or to cope with external circumstances and emotions we do not want to feel?

According to the World Health Organization, alcohol, an ingredient found in beer, wine and liquor, "is a toxic substance with dependence-producing properties" wherein the body becomes accustomed to having alcohol present, and without it, potentially dangerous withdrawal symptoms develop such as shakiness, sweating, tremors, headaches, irritability or insomnia.<sup>2</sup>

A motivating factor of consuming alcohol is its powerful effect on the brain of producing pleasurable feelings and blunting negative feelings despite the possible risks to physical and mental health. Numerous studies show that drinking to cope with stress may provide temporary relief from emotional discomfort but also enhances negative emotional states between stretches of alcohol consumption. This emotional roller coaster can motivate further drinking and cause an individual to become caught up in an unhealthy cycle of alcohol consumption.<sup>3</sup>

You do not have to drink daily, blackout, drink in the morning, sneak alcohol or endure other significant consequences to have a problem with alcohol. The



Mayo Clinic defines unhealthy alcohol use as "any alcohol use that puts your health or safety at risk," ranging from excessive drinking to alcohol addiction, also known as alcoholism. Unhealthy alcohol use additionally includes binge drinking — the potentially dangerous pattern of consuming large amounts of alcohol in a short period — five or more drinks within two hours for a male or at least four drinks within two hours for a female.<sup>4</sup>

Are you aware of what one standard drink is? According to the National Institute on Alcohol Abuse and Alcoholism (NIAAA), one standard drink is 12 ounces of regular beer (about 5% alcohol); or 8 to 9 ounces of malt liquor, such as hard seltzer (about 7% alcohol); or 5 ounces of wine (about 12% alcohol); or 1.5 ounces of hard liquor such as brandy or cognac or distilled spirits such as gin, rum, tequila, vodka and whiskey (about 40% alcohol).<sup>5</sup>

NIAAA considers excessive drinking to be "five or more drinks on any day or 15 or more per week for men and four or more drinks on any day or eight or more per week for women." The concern with excessive drinking is that it can reduce judgment skills and lower inhibitions, leading to poor choices and

dangerous situations or behaviors, including:

- ▶ motor vehicle accidents and other types of accidental injury, such as drowning or falls;
- ▶ poor performance at work or school;
- ▶ increased likelihood of committing violent crimes or being the victim of a crime;
- ▶ legal problems such as arrest for driving while intoxicated;
- ▶ problems with other substance use; and
  - ▶ increased risk of suicide.<sup>7</sup>

The most severe risks of excessive drinking are alcohol poisoning or overdose, defined as "so much alcohol in the bloodstream that areas of the brain [responsible for] controlling basic functions like breathing, heart rate and body temperature begin to shut down."8

In various studies, alcohol abuse and misuse are referred to as alcohol use disorder (AUD), alcohol dependence and alcohol addiction — "a medical condition characterized by an impaired ability to stop or control unhealthy alcohol use despite adverse consequences." AUD can range from mild to severe, although even a mild disorder can escalate and lead to serious problems. For this reason, early treatment is important. 10

An individual's risk of developing AUD depends on how much, how often and how quickly alcohol is consumed. The following factors also increase the risk of AUD:<sup>11</sup>

- ▶ drinking too much regularly for an extended period or binge drinking regularly;
- ► starting at an early age, especially binge drinking;
- ▶ having a parent or other close relative who has problems with alcohol;
- ► struggling with anxiety, depression, schizophrenia, bipolar disorder,

post-traumatic stress disorder (PTSD) or other mental health issues;

- ▶ history of emotional trauma or other trauma; and
- ► having friends or a close partner who drink regularly. 12

Alcohol use is a serious health concern affecting not only the consumer but also those closest to them. The American Bar Association reports that as many as one in five lawyers is a problem drinker — twice the national rate. <sup>13</sup> Alcohol is the leading risk factor for premature mortality and disability among those ages 15 to 49 years; accounts for 10% of all deaths in this age group; and contributes to three million deaths each year globally, as well as to the disabilities and poor health of millions of people. <sup>14</sup>

While denial is common, and you may feel like you do not have a problem with drinking, you might not recognize how much you drink or how many problems in your life are related to alcohol use. Relatives, friends or co-workers who ask you to examine your drinking habits or seek help see that you may be using alcohol to cope with problems that alcohol is causing.<sup>15</sup>

The overconsumption of alcohol on a single occasion or over time is associated with learning and memory problems as well as worsening or causing mental health conditions. <sup>16</sup> The American Addiction Centers provide information on how long-term alcohol use increases the risk of developing liver disease, digestive problems, bone damage or fractures, dementia, weakened immune system, certain cancers, and cardiovascular conditions such as high blood pressure, heart disease and stroke. <sup>17</sup>

Other risks of very high blood alcohol levels as a result of overconsumption are coma, permanent brain damage and even death.<sup>18</sup>

Take a moment and ask yourself the following questions posed by NIAAA. In the past year, have you:

- ► More than once wanted to cut down or stop drinking, or tried to, but could not?
- ► Wanted a drink so badly you could not think of anything else?
- ► Found that drinking or being sick from drinking often interfered

- with taking care of your home or family? Or caused job troubles? Or school problems?
- ► Given up or cut back on activities you found important, interesting or pleasurable so you could drink?
- ► Continued to drink even though it was making you feel depressed or anxious or adding to another health problem?
- ► Had to drink much more than you once did to get the effect you want?<sup>19</sup>

Take into consideration that any of the above may be cause for concern; however, the more affirmative answers, the more urgent the need for change since you may have AUD.<sup>20</sup>

Do not be discouraged. Know that you can recover from unhealthy alcohol use no matter how powerless or ashamed you feel. AUD can be successfully managed and treated with counseling, medications or support groups.<sup>21</sup> You do not have to wait until you hit rock bottom to get help. You can make a change at any time to live your best life. You deserve a career and personal life that you do not want to escape from.

To learn more or seek confidential, non-disciplinary help with alcohol use, addiction, depression or other impairments that pose serious health and ethical issues, contact the professional clinical staff of 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 is here to serve and support you as a CONFIDENTIAL Safe Haven of Healing.

#### **FOOTNOTES**

- 1. American Addiction Centers Editorial Staff, "Alcohol Misuse and Addiction: Signs, Symptoms, and Treatment," Drug Abuse (Oct. 5, 2023), https://drugabuse.com/alcohol/.
- 2. "Alcohol," World Health Organization, www.who.int/health-topics/alcohol#tab=tab 1; Stacy Mosel, "Alcohol Addiction & Abuse: Signs, Symptoms, and Treatment," American Centers, (Sept. Addiction 11, 2023), https://americanaddictioncenters.org/alcoholismtreatment; "Alcohol," Substance Abuse and Health Services Administration, Mental www.samhsa.gov/find-help/atod/alcohol.

- 3. "The Cycle of Alcohol Addiction," National Institute on Alcohol Abuse and Alcoholism, (2021), www.niaaa.nih.gov/publications/cycle-alcohol-addiction
- 4. Mayo Clinic Staff, "Alcohol Use Disorder," Mayo Clinic, (May 18, 2022), www.mayoclinic. org/diseases-conditions/alcohol-use-disorder/symptoms-causes/syc-20369243; Mosel, supra note 2.
- 5. Mayo Clinic Staff, "Alcohol Use Disorder," *supra* note 4.
- 6. "The Basics: Defining How Much Alcohol is Too Much," National Institute on Alcohol Abuse and Alcoholism, (Sept. 22, 2023), www. niaaa.nih.gov/health-professionals-communities/core-resource-on-alcohol/basics-defining-how-much-alcohol-too-much.
- 7. Mayo Clinic Staff, "Alcohol Use Disorder," *supra* note 4.
  - 8. Mosel, supra note 2.
  - 9. *Id*.
- 10. "Understanding Alcohol Use Disorder," National Institute on Alcohol Abuse and Alcoholism, (2020), www.niaaa.nih.gov/publications/brochures-and-fact-sheets/understanding-alcohol-use-disorder; Mayo Clinic Staff, "Alcohol Use Disorder," supra note 4.
- 11. "Understanding Alcohol Use Disorder," National Institute on Alcohol Abuse and Alcoholism, *supra* note 10.
- 12. Mayo Clinic Staff, "Alcohol Use Disorder," *supra* note 4.
- 13. "Alcohol Use Disorders," American Bar Association, (Jan. 13, 2021), www.americanbar. org/groups/lawyer\_assistance/resources/alcohol\_abuse\_dependence/.
- 14. "Alcohol," World Health Organization, supra note 2.
- 15. Mayo Clinic Staff, "Alcohol Use Disorder," *supra* note 4.
- 16. Mayo Clinic Staff, "Alcohol Use Disorder," *supra* note 4; Mosel, *supra* note 2.
- 17. Mosel, *supra* note 2; Mayo Clinic Staff, "Alcohol Use Disorder," *supra* note 4.
- 18. Mayo Clinic Staff, "Alcohol Use Disorder," *supra* note 4.
- 19. "Understanding Alcohol Use Disorder," National Institute on Alcohol Abuse and Alcoholism, *supra* note 10.
  - 20. *Id*.
- 21. Mosel, *supra* note 2; "Alcohol," Substance Abuse and Mental Health Services Administration, *supra* note 2.

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.



# Focus on DIVERSITY

**SUIT UP 2023** 

## Students in LSBA's Suit Up for the Future Program Participate in Job Shadowing

The Louisiana State Bar Association's (LSBA) Suit Up for the Future High School Summer Legal Institute and Internship Program had another successful year, with 17 students completing the

program. The three-week program (June 12-30, 2023) included abridged law school sessions; job shadowing opportunities at law firms, courts and businesses; and field trips to courts and agencies. The

LSBA acknowledges several law firms, businesses and courts for offering job shadowing opportunities.



From left, Iyanna M. Snaer, Aima Shahid, Troy N. Bell and Keithen C. Batiste during job shadowing at Courington, Kiefer & Sommers, LLC.



From left, Amaya M. Windham, Aima Shahid, Catherine R. Filippi and Jonathan M. Walsh during job shadowing at Deutsch Kerrigan, LLP.



From left, Lori A. Waters, Aidan C. Macaluso, Brooke P. Arcement, Stephanie N. Frederick (Boling Law Firm) and Christopher G. Otten during job shadowing at Hair Shunnarah Trial Attorneys.



From left, William T. David, Judge Lee V. Faulkner, Jr., Jordana R. Montegut and Betty A. Maury during job shadowing at the 24th Judicial District Court, Division P.



From left, Amaya M. Windham, Judge June B. Darensburg and Sophie M.L. Yeon during job shadowing at the 24th Judicial District Court, Division C.



From left, Keithen C. Batiste, Demarcus J. Gordon and Holly H. Phan during job shadowing at Kelly Hart & Pitre.



From left, Jerminy C. Kendrick, Kelly A. Gismondi and Jasmin Kumar during job shadowing at Simon, Peragine, Smith & Redfearn, LLP.



From left, Endya E. Delpit, Eryn A. Vance, Jasmin Kumar and Lacresha D. Wilkerson during job shadowing at Entergy Services, LLC.



From left, Brooke P. Arcement, Judge Shayna Beevers Morvant and William P. Xi during job shadowing at the 24th Judicial District Court, Division M.

# Ethics Advisory Service

## www.lsba.org/goto/ethicsadvisory

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

#### Eric K. Barefield, Ethics Counsel

LSBA Ethics Advisory Service 601 St. Charles Ave., New Orleans, LA 70130-3404

(504)566-1600, ext. 122 • (504)619-0122 toll-free: (800)421-5722, ext. 122 • Fax: (504)598-6753 E-mail: ebarefield@lsba.org

# PERRY DAMPF

# IS PLEASED TO ANNOUNCE THE ADDITION OF NEW PANEL MEMBERS



Charlotte C. Meade



Robert H. Murphy

Baton Rouge | Lafayette | New Orleans 225-389-9899 337-905-3128 504-544-9899



#### **REPORTING DATES 12/4/23**

#### REPORT BY DISCIPLINARY COUNSEL

Public matters are reported to protect the public, inform the profession and deter misconduct. Reporting date Dec. 4, 2023.

#### **Decisions**

Jeffrey Dee Blue, River Ridge, (2023-B-0968) Disbarred by order of the Louisiana Supreme Court on Oct. 10, 2023. JUDGMENT FINAL and EFFECTIVE on Oct. 24, 2023. Gist: Respondent abandoned his law practice, resulting in the neglect of three client matters; failed to communicate with the clients; failed to refund unearned fees; failed to return their files; and failed to cooperate with the ODC in its investigations.

Leila Parvizian Braswell, Baton Rouge, (2023-B-01012) By consent, suspended for six months, fully deferred, subject to a two-year period of probation, by order of the Louisiana Supreme Court on Oct. 10, 2023. JUDGMENT FINAL and EFFECTIVE on Oct. 10, 2023. Gist: Respondent failed to diligently represent and communicate with her client; failed to expedite litigation; and failed to withdraw from the representation when required to do so.

W. Brett Cain, Lake Charles, (2023-B-01201) Suspended by consent from the practice of law for one year and one day, with all but 30 days deferred, followed by a two-year probation, subject to conditions, by order of the Louisiana Supreme Court on Nov. 21, 2023. JUDGMENT FINAL and EFFECTIVE on Nov. 21, 2023. Gist: Commission of a criminal act; and violating or attempting to violate the Rules of Professional Conduct.

Donald R. Dobbins, Baton Rouge, (2023-OB-0904) Denied reinstatement to the practice of law by order of the Louisiana Supreme Court on Sept. 19, 2023. JUDGMENT FINAL and EFFECTIVE on Oct. 3, 2023. Mr. Dobbins may not reapply for reinstatement until one year has passed from the date of the Supreme Court order and he has complied with all conditions.

Craig J. Fontenot, Baton Rouge, (2023-B-0759) Suspended for one year and one day from the practice of law by order of the Louisiana Supreme Court on Sept. 19, 2023. JUDGMENT

FINAL and EFFECTIVE on Oct. 3, 2023. *Gist:* Respondent was arrested for first offense DWI, hit-and-run, and failure to maintain control.

Benjamin Northcutt Gibson, Baton Rouge, (2023-B-01304) Transferred to disability inactive status by order of the Louisiana Supreme Court on Oct. 4, 2023. JUDGMENT FINAL and EFFECTIVE on Oct. 4, 2023.

Christopher James Jenkins, Baton Rouge, (2023-B-1324) Suspended from the practice of law for a period of six months, with all but 90 days deferred, followed by a two-year period of probation, by order of the Louisiana Supreme Court on Nov. 21, 2023. JUDGMENT FINAL and EFFECTIVE on Nov. 21, 2023. Gist: Respondent made false representations to a court and engaged in conduct prejudicial to the administration of justice.

Sophia Juliana Johnson, New Orleans, (2023-B-01340) Suspended by consent from the practice of law on an interim suspension basis by order of the Louisiana Supreme Court on Oct. 12, 2023. JUDGMENT FINAL and EFFECTIVE on Oct. 12, 2023.

Frank John LaBruzzo, Metairie, (2023-B-1506) Placed on interim suspension by order of the Louisiana Supreme Court on Nov. 16, 2023. JUDGMENT FINAL and EFFECTIVE on Nov. 16, 2023.

Laura Marler, Opelousas, (2023-B-01303) Interimly suspended from the practice of law by order of the Louisiana Supreme Court on Oct. 5, 2023. JUDGMENT FINAL and EFFECTIVE on Oct. 5, 2023.

Continued next page

# CHRISTOVICH & KEARNEY, LLP ATTORNEYS AT LAW

DEFENSE OF ETHICS COMPLAINTS AND CHARGES

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

The following is a verbatim report of the matters acted upon by the United States District Court for the Eastern District of Louisiana, pursuant to its Disciplinary Rules. This information is published at the request of that court, which is solely responsible for the accuracy of its content. This report is as of Dec. 4, 2023.

Respondent	Disposition	Date Filed	Docket No.
Meredith Wiggins Benoit	[Reciprocal] Suspension.	10/17/23	23-1898
Glenn E. Diaz	[Reciprocal] Interim suspension.	10/23/23	23-1900
Henry B. King, Jr.	[Reciprocal] Suspension.	11/21/23	23-1896
Bobby R. Manning	[Reciprocal] Suspension, fully deferred.	11/16/23	23-2776
Keelus Renardo Miles	[Reciprocal] Suspension.	10/23/23	23-1894
Philip Montelepre	[Reciprocal] Suspension.	11/21/23	23-1891
Corey J. Orgeron	[Reciprocal] Suspension, partially deferred.	11/16/23	23-2774
Preston G. Sutherland	[Reciprocal] Suspension, fully deferred.	10/17/23	23-1897
Timothy Thomas Yazbeck	Interim suspension.	10/24/23	23-5294

Discipline continued from page 346

Zachary Ryan Moffett, Shreveport, (2023-B-1206) Adjudged guilty of additional misconduct to be considered should respondent apply for readmission from his Oct. 19, 2021, disbarment by order of the Louisiana Supreme Court, by order of the Louisiana Supreme Court on Oct.

17, 2023. JUDGMENT FINAL and EFFECTIVE on Oct. 17, 2023. *Gist:* Respondent neglected a legal matter; failed to communicate with a client; and failed to return an unearned fee.

Raleigh Lawrence Ohlmeyer III, New Orleans, (2023-B-1164) By consent, suspended for one year and one day, fully deferred, subject to a twoyear period of probation, by order of the Louisiana Supreme Court on Oct. 10, 2023. JUDGMENT FINAL and EFFECTIVE on Oct. 10, 2023. *Gist:* Respondent failed to place an advance deposit into his client trust account and failed to timely refund an unearned fee.

Continued next page



Advice and Counsel Concerning Legal & Judicial Ethics

Defense of Lawyer & Judicial Discipline Matters

Representation in Bar Admissions Proceedings

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Jacqueline A. Scott, Bossier City, (2023-B-1207) Consented to a public reprimand by order of the Louisiana Supreme Court on Oct. 17, 2023. JUDGMENT FINAL and EFFECTIVE on Oct. 17, 2023. *Gist:* Respondent failed to comply with attorney advertising rules.

J. Quentin Simon, Lafayette, (2023-B-00888) By consent, suspended from the practice of law for one year and one day, deferred in its entirety, subject to a two-year period of supervised probation with conditions, by order of the Louisiana Supreme Court on Sept. 26, 2023. JUDGMENT FINAL and EFFECTIVE on Sept. 26, 2023. Gist: Respondent failed to properly supervise a non-lawyer employee, resulting in the employee's embezzlement of funds belonging to respondent.

Stephen Sterling III, Baton Rouge, (2023-B-01094) Consented to a one-year-and-one-day suspension, with

all but six months deferred, by order of the Louisiana Supreme Court on Oct. 3, 2023. JUDGMENT FINAL and EFFECTIVE on Oct. 3, 2023. *Gist:* Respondent neglected a legal matter; failed to communicate with a client; failed to reduce a contingency fee agreement to writing; failed to make reasonable efforts to expedite litigation; misled a client about the status of her settlement; and failed to cooperate with the Office of Disciplinary Counsel in its investigation.

Julie M. Udoessien, Baton Rouge, (2023-B-1103) By consent, suspended from the practice of law for one year and one day, fully deferred, subject to a period of probation, by order of the Louisiana Supreme Court on Oct. 3, 2023. JUDGMENT FINAL and EFFECTIVE on Oct. 3, 2023. *Gist:* Criminal conduct (DWI).

**Derrick K. Williams**, Vidalia, (2023-B-00949) **Disbarred** by order of

the Louisiana Supreme Court on Oct. 10, 2023. JUDGMENT FINAL and EFFECTIVE on Oct. 24, 2023. Gist: Respondent neglected a legal matter; failed to communicate with a client; charged an unreasonable fee; failed to explain a fee arrangement to a client; failed to reduce a contingency fee agreement in writing; forged a client's endorsement on a settlement check; failed to pay settlement proceeds to a client and the client's third-party medical provider; and failed to cooperate with the ODC.

#### **Admonitions**

1 Violation of Rule 1.15(a) — (Safekeeping Property) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property.

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#### **FAMILY LAW TO TAXATION**



#### **Contempt**

**Zaorski v. Usner**, 22-1326 (La. App. 1 Cir. 10/31/23), \_\_\_\_ So.3d \_\_\_\_, 2023 WL 7175773.

Ms. Zaorski appealed the trial court's judgment finding her in contempt of court on 10 acts or omissions arising from the parties' consent judgment. Ms. Zaorski argued that the trial court committed legal error in applying the wrong burden of proof in a criminal contempt of court proceeding, and in finding her in contempt of court, where no proof beyond a reasonable doubt was established as to each element of criminal contempt regarding the 10 acts or omissions. Conversely, Mr. Usner argued that the trial court did not commit legal error because Ms. Zaorski was held in contempt of court in a civil contempt proceeding, rather than a criminal contempt proceeding.

The 1st Circuit Court of Appeal affirmed in

part and reversed in part the trial court's judgment, finding that it correctly held Ms. Zaorski in contempt of court on six of the 10 acts or omissions. Further, the appellate court found that the contempt proceeding was civil, rather than criminal, in nature because the trial court suspended the sentence of 15 days of imprisonment and payment of a fine on the conditions that (1) Ms. Zaorski pay Mr. Usner's attorney fees and court costs associated with the contempt filing; and that (2) Ms. Zaorski not be found in contempt again.

*Willrige v. Willrige*, 23-0047 (La. App. 3 Cir. 11/2/23), So.3d , 2023 WL 7204343.

Mr. Willrige appealed the trial court's judgment granting Ms. Willrige's rule for contempt without considering his objection to the hearing-officer-conference report. Mr. Willrige argued that the trial court should have considered his timely filed objection and held a contradictory hearing on the allegations contained in Ms. Willrige's rule for contempt. He reasoned that Appendix 35.5(E) for the 16th Judicial District Court conflicts with La. R.S. 46:236.5 and Louisiana District Court Rule 35.3 by depriving him of his right to a contradictory hearing based on his failure to appear at the scheduled hearing-officer conference.

The trial court adopted the hearing officer's recommendation finding Mr. Willrige in

contempt of court. The 3rd Circuit Court of Appeal reversed the trial court's judgment and remanded the matter to the trial court to conduct a hearing on Mr. Willrige's objection.

Appendix 35.5(E) provides that a party that fails to appear for a hearing-officer conference waives the right to file an objection to the recommendations "unless the Hearing Officer has excused the failure to appear." The appellate court noted that Appendix 35.5(E) impermissibly expanded the authority of the hearing officer to issue judgments without the proper oversight by a district court judge where a party timely files an objection to the recommendations of the hearing officer. The appellate court also noted that La. R.S. 46:236.5(C) provides that when a party timely files an objection to the hearing officer's recommendations, "the objection shall be heard by the judge of the district court to whom the case is assigned." Thus, pursuant to Rodrigue v. Rodrigue, 591 So.2d 1171 (La. 1992), the appellate court found that Appendix 35.5(E) was null and unenforceable because it conflicted with La. R.S. 46:236.5(C).

#### —Elizabeth K. Fox

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



F Brian F















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#### A View of the NLRB's Cemex Decision from 40,000 Feet

On Aug. 25, 2023, the National Labor Relations Board (NLRB) issued *Cemex Construction Materials Pacific, LLC*, 372 NLRB No. 130 (2023). The underlying rationale behind the Board's decision in the case is "representation delayed is often representation denied" and "employees are harmed by delay."

In Cemex, the Board adopted a new standard and framework for determining when employers are required to bargain with unions without a representation election. Under Cemex, an employer may be confronted with a verbal or written demand for recognition. The unit for which the union is claiming majority support and demanding recognition should be clearly stated to an employer's representative or agent. The demand does not need to be made on any particular officer or registered agent of an employer so long as it is on a person "acting as an agent of an employer" under Sections 2(2) and 2(13) of the Act, as defined by the Board. See Longshoremen & Warehousemen Local 6 (Sunset Line & Twine Co.).

To properly analyze the validity of the bargaining demand under *Cemex*, regions are to apply existing Board law on the sufficiency of the bargaining demand. *See, e.g., Al Landers Dump Truck,* 192 NLRB 207, 208 (1971) (holding that a valid request to bargain "need not be made in any particular form, or in *haec verba*, so long as the request clearly indicates a desire to negotiate and bargain on behalf of the employees in the appropriate unit"), enfd. sub nom. *NLRB v. Cofer*, 637 F.2d 1309 (9 Cir. 1981).

Thus, a union's demand for recognition may take many forms, including the filing of an RC petition as long as the union checks the request for recognition box on line 7a of the NLRB petition form and notes in section 7a of the form that the petition serves as its demand. See Alamo-Braun Beef Co., 128 NLRB 32, 33 n.5 (1960); see also, MGM Grand, 28-RC-154099, 2015 WL 6380396 (2015); Advance Pattern Co., 80 NLRB 29 (1949).

Once confronted with a verbal or written demand for recognition under *Cemex*, an employer may:

1. Agree to recognize a union that enjoys

majority support;

- 2. Promptly, within 14 days, file an RM petition to test the union's majority support and/or challenge the appropriateness of the union; or
- 3. Await the processing of an RC petition if one has been previously filed.

If a *Cemex* demand is made and an election petition is filed by the employer and/or the union, and the employer commits an unfair labor practice(s) during that time period, the Board found a recent or pending election is a less reliable indicator of current employee sentiment than a current alternative nonelection showing. At this point, the petition(s) — whether filed by the employer and/or the union — will be dismissed and the employer will be subject to a remedial *Cemex* bargaining order.

With respect to potential unfair labor practices committed by an employer, it is important to note that *Cemex* has retroactive application. The *Cemex* Board, agreeing with the General Counsel's position, overruled *Linden Lumber Division, Summer & Co.*,190 NLRB 718 (1971), rev'd sub nom. Truck Drivers Union Local No. 413 v. NLRB, 487 F.2d 1099 (D.C. Cir. 1973), aff'd, 419 U.S. 401 (1974), because it found that the scheme under that case for remedying unlawful failures to recognize and bargain with employees' designated representatives was inadequate to safeguard the fundamental statutory right to organize and bargain collectively.

Unfair labor practice(s) occurring before the filing, as well as after the filing, of a petition will be considered when determining whether the election was invalidated. *See Cemex Construction Materials Pacific LLC*, 372 NLRB No. 130, fn. 84 (2023) (*citing Alumbaugh Coal Corp.*, 247 NLRB 895, 914, fn. 41 (1980) (Board considers all unfair labor practices, not just those during critical period), *enfd. in relevant part*, 635 F.2d 1380 (8 Cir. 1980).

The Cemex Board advised that its new standard would likely result in finding an unlawful refusal to recognize and bargain based on fewer (even one) and less serious (non-"hallmark") violations of Section 8(a)(1) and (3). An election will be set aside when an employer violates Section 8(a)(3) of the Act during the critical period. An election will also be set aside based on an employer's critical period violations of Section 8(a)(1) unless the violations are so minimal or isolated that it is virtually impossible to conclude that the misconduct could have affected the election results. In deciding whether a Cemex bargaining order should issue, the Board will consider all relevant factors, including the number of violations, their severity, the extent of dissemination, the size of the unit, the closeness of the election (if one is held), the proximity of the misconduct to the election date and the number of unit employees affected.

The law regarding the new standard to issue

Cemex bargaining orders is still very unsettled. Since Cemex issued in August 2023, the Board has not addressed Cemex in any of its decisions. Only two NLRB administrative judges have issued rulings in which the Board sought the remedial bargaining orders. One judge ordered the employer to bargain. But the second judge refused the Board's request for a Cemex order.

The first and only *Cemex* bargaining order to date was granted in *I.N.S.A.* (Cases 01-CA-290558 *et. al.*), issued on Sept. 21, 2023. The judge ordered the cannabis company to recognize and bargain with the union because the employer fired key supporters after a majority of employees at a Massachusetts store signed a letter and presented management with a demand for recognition.

Bargaining orders are even becoming a part of informal settlement agreements. In *Point Management d/b/a Shangri-La* (Cases 14-CA-324836 et. al.), a Missouri cannabis dispensary, the parties signed an informal settlement agreement that included the employer bargaining pursuant to a *Cemex* bargaining order.

These developments should be carefully followed as there is certainly more to come given the unsettled nature of these issues.

#### -Rebecca A. Dormon

On Behalf of the LSBA Labor and Employment Law Section Assistant to the Regional Director National Labor Relations Board, Region 15 600 S. Maestri Place, 7th Floor New Orleans, LA 70130



# Courts Consider Meaning of "Drilling for Minerals" in Louisiana Oilfield Anti-Indemnity Act

La. R.S. 9:2780, the Louisiana Oilfield Anti-Indemnity Act (LOAIA), generally invalidates contractual indemnities for personal injury and death claims in contracts "related to the exploration, development, production, or transportation of oil, gas, or water, or drilling for minerals which occur in a solid, liquid, gaseous, or other state." *QBE Syndicate 1036 v. Compass Minerals Louisiana, Inc.*, 83 F.4th 986 (5 Cir. 2023), involved a fatality in a subsurface salt mine. The critical question in the case was: If a subsurface mining operation involves drilling,

can LOAIA apply even if the drilling involved does not relate to the drilling of a well?

#### **Factual Background**

An electrician employed by MC Electric, LLC was electrocuted while working in a subsurface salt mine in St. Mary Parish that is owned by Compass Minerals Louisiana, Inc. In the mine, Compass uses a "drill-and-blast" process in which the company breaks up solid salt by drilling holes in the face of the salt, then filling the holes with explosives that are subsequently detonated.

At the time of the fatal accident, MC Electric was performing work for the owner of the mine, Compass, pursuant to a contract that required MC Electric to defend and indemnify Compass against any claims and liabilities that might arise from the death or injury of one of MC Electric's employees.

The electrician's survivors sued Compass and Fire & Safety Specialists, Inc. (FSS), alleging that an FSS employee erroneously told the electrician that the electrical lines for a fire suppression system had been "de-energized." The electrician died after contacting one of those lines, which was still energized. At the time, FSS was performing work for Compass pursuant to a contract that required FSS to indemnify Compass for personal injury and death claims that might arise from FSS's work.

Relying on the contractual indemnities in the purchase orders with MC Electric and FSS, Compass sought a defense and indemnity from QBE Syndicate 1036, a company that provided commercial general liability insurance policies to MC Electric and FSS. In response, QBE sought a declaratory judgment that Compass was not entitled to a defense or indemnity because LOAIA makes the contractual indemnities unenforceable.

#### **Background Law**

LOAIA provides that "an agreement pertaining to a well for oil, gas, or water, or drilling for minerals which occur in a solid, liquid, gaseous, or other state, is void and unenforceable to the extent that it . . . provide[s] for defense or indemnity . . . against . . . liability . . . arising . . . from death or bodily injury." LOAIA also states:

The term "agreement," as it pertains to a well for oil, gas, or water, or drilling for minerals . . . means any agreement . . . concerning any operations . . ., including but not limited to drilling, deepening, reworking, repairing, improving, testing, treating, perforating, acidizing, logging, conditioning, altering, plugging, or otherwise rendering services in or in connection with any well drilled for the purpose of producing or excavating, constructing, improving, or otherwise rendering services in connection with any mine shaft, drift, or other structure intended for use in the exploration for or

production of any mineral.

#### **District Court's Analysis**

Compass argued that LOAIA does not apply because the case did not relate to a well. In contrast, OBE argued that LOAIA applies because Compass' work involves "drilling" as part of the "drill-and-blast" process and because salt is a mineral. Thus, according to QBE, Compass was "drilling for minerals." QBE further argued that drilling need not relate to a well for LOAIA to apply. The Western District of Louisiana rejected this argument, concluding that the mere fact that drilling is involved in an operation is not sufficient to trigger application of LOAIA. Rather, the drilling must be for a well. Because it was undisputed that the drilling involved did not relate to a well, the district court granted summary judgment for Compass, holding that the contractual indemnities are enforceable.

#### 5th Circuit's Decision

QBE appealed. The U.S. 5th Circuit acknowledged that several prior decisions have stated that, for LOAIA to apply, the contract containing the indemnity at issue must relate to the drilling of a well. However, those statements were made in the context of parties disputing whether LOAIA would apply to contracts for the maintenance of oil-and-gas pipelines or oil-and-gas platforms. In those cases, the courts

merely concluded that a nexus to the oil-andgas industry is not sufficient to trigger the application of LOAIA if the contract does not relate to work involving a well.

The 5th Circuit concluded that those cases did not answer the question of whether LOAIA's reference to "drilling for minerals" relates only to the drilling of a well, as opposed to drilling into the rock face in a subsurface mine. The 5th Circuit certified to the Louisiana Supreme Court the following: (1) whether agreements that pertain to "drilling for minerals" in a subsurface mine, but which do not relate to the drilling of a well, are covered by LOAIA; and (2) whether LOAIA invalidates indemnification and additional insured provisions contained in contracts for fire suppression and electrical work in a salt mine.

#### -Keith B. Hall

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#### **Lauren Brink Adams**

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#### **Emergency Immunity**

Sebble ex rel Estate of Brown v. St. Luke's #2, LLC, 23-00483, (La. 10/20/23), \_\_\_\_ So.3d , 2023 WL 6937352.

The plaintiff filed a request for the formation of a medical-review panel against multiple health-care providers regarding care rendered to the decedent from June 17, 2020, to June 24, 2020. Prior to the alleged malpractice, a state of public-health emergency was declared on March 11, 2020, related to the COVID-19 pandemic. Because the treatment at issue occurred during a declared state of public-health emergency, the emergency-immunity provisions of the Louisiana Health Emergency Powers Act (LHEPA) were triggered: "During a state of public health emergency, no health care provider shall be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of gross negligence or willful misconduct." La. R.S. 29:771(B)(2)(c)(i).

After filing a request for review, the plaintiff filed a petition for declaratory judgment, seeking the following declaration from the trial court:

[T]he qualified immunity extended to health care providers during a declared state of public health emergency under the [LHEPA] should not be considered or applied in the medical review panel proceedings conducted pursuant to the Louisiana Medical Malpractice Act (LMMA) in formulating the medical review panel's opinion as to whether the applicable standard of care was breached.

The plaintiff "further sought a declaration that the medical review panel may consider only the applicable medical standards of care without regard to legal standards or affirmative defenses" when rendering its opinion. In response, the defendant alleged that La. R.S. 29:771(B)(2)(c)(i) modifies the applicable standard of care for health-care providers during a public-health emergency from negligence to gross negligence, rather than creating an affirmative defense. The defendant claimed that a medical-review panel cannot consider treatment rendered during a public-health emergency without also considering the grossnegligence standard established by La. R.S. 29:771(B)(2)(c)(i). The defendant likewise sought a declaratory judgment "confirming that the modified standard of gross negligence as set forth in the LHEPA is applicable for any medical treatment occurring during a declared state of public health emergency, and the medical review panel's opinion must take into consideration and analyze the allegations in accordance with [that] standard." The parties filed cross-motions for summary judgment on their respective requests for declaratory judgment, and the trial court found in favor of the plaintiff. The defendant appealed, and the appellate court affirmed the trial court's decision.

After a thorough review of both the LMMA and the LHEPA, the Louisiana Supreme Court drew a distinction between a medical standard of care and a legal standard of care:

The medical standard of care is a determination made by the medical review panel, *medical experts*, whose duty it is to apply their medical expertise and opine on whether the defendant health care provider failed to adhere to the appropriate medical standard. By contrast, the LHEPA sets forth a legal standard of care, which is a determination left to the trier of fact, lay persons, who consider all of the evidence, including the medical review panel's opinion, in making

a determination of whether the defendant health care provider's conduct was grossly negligent. In other words, a finding by a medical review panel that there was a breach in the standard of care is a "baseline" determination; the degree of that breach is a judicial determination by the trier of fact.

In referencing its previous opinion in McGlothlin v. Christus St. Patrick Hosp., 10-2775 (La. 7/1/11), 65 So.3d 1218, which discussed the limitations on a medical-review panel's statutory authority, the court explained that a medical-review panel "applies its medical knowledge to determine whether a health care provider adhered to the medical standard and if there was a breach thereof. The standard of care applied by a medical review panel in rendering their expert opinion is limited to their expertise relative to a medical standard of care, not a legal one." In regard to gross negligence, the court held "it is the trier of fact that determines whether the defendant health care provider was negligent or grossly negligent along with the other necessary elements for the imposition of civil liability." While recognizing that the attorney chair is required under the LMMA to advise the panel on applicable law, the court clarified that this duty applies only to law within the panel's statutory authority, which does not include the gross-negligence

The court considered the defendant's proposed two-step process in which a medicalreview panel is first asked to evaluate the treatment at issue under the negligence standard before also ruling on the gross-negligence standard. Finding no statutory authority for this process in the LMMA, the court rejected the defendant's proposal. The court similarly rejected the defendant's argument that the LHEPA simply modifies the standard of care, finding instead that the statute creates an affirmative defense to be raised only in an answer to a civil proceeding. Because it would be "procedurally improper to inject the affirmative defense of statutory immunity pursuant to the LHEPA into medical review panel proceedings," the court held that La. R.S. 29:771(B) (2)(c)(i) "shall not be considered or applied in medical review panel proceedings," affirming the decisions of the lower courts.

> —Robert J. David and Rachel M. Naquin Gainsburgh, Benjamin, David, Meunier & Warshauer, LLC Ste. 2800, 1100 Poydras St. New Orleans, LA 70163-2800





# Taxpayer Failed to Meet All Requirements of Bad Debt Refund Statute

**Higbee Lancoms, LP v. Robinson**, 23-0185 (La. App. 1 Cir. 11/3/23), \_\_\_\_ So.3d \_\_\_\_, 2023 WL 7269448.

Higbee Lancoms, LP, and Higbee Louisiana, LLC, subsidiaries of Dillard's Inc. (Dillard's), filed bad-debt-refund claims with the Louisiana Department of Revenue pursuant to La. R.S. 47:315 (Bad Debt Statute) for unpaid balances on accounts due to Wells Fargo Bank, N.A. Wells Fargo extended credit to Dillard's customers to finance the purchase price and sales tax related to their purchase of goods at Dillard's stores by using a Dillard's credit card. Wells Fargo wrote off all bad debt on these credit cards on its federal tax returns. The only recourse available to Wells Fargo against Dillard's for this bad debt was with respect to a profit-sharing agreement whereby the amount of revenue used in the calculation of profit was impacted by the bad debt.

In order to qualify for a refund under the Bad Debt Statute, Dillard's had to prove: there was an unpaid debt on an account due to the dealer; the unpaid balance constituted "bad debt" as defined by federal law; the dealer has previously paid the tax on the sale that became bad debt; the bad debt had been charged off for federal-income-tax purposes; and the lending institution had full recourse against the dealer/seller for any unpaid amounts.

The Louisiana Board of Tax Appeals (BTA) interpreted the Bad Debt Statute and its regulations as taxation laws that must be liberally interpreted in favor of the taxpayer and strictly construed against the levying authority, with any doubt or ambiguity resolved and construed in favor of the taxpayer. The BTA looked to whether Wells Fargo had full recourse against Dillard's for any unpaid amounts. The BTA found that recourse for any amount was sufficient and ordered the Department to refund Dillard's its profit-share percentage of its refund requested. The BTA found that the Bad Debt Statute does not require the bad debt to be written off on the dealer's federal tax return. The Department appealed.

The 1st Circuit unanimously reversed the

BTA. The 1st Circuit held the BTA committed legal error when it interpreted the Bad Debt Statute and its regulations in favor of Dillard's. The 1st Circuit held it was mandated to follow the controlling precedent that bad-debt refunds are a matter of legislative grace and, as a result, had to be strictly construed against the tax-payer. The 1st Circuit held this standard of interpretation applies equally to tax regulations, which have the full force and effect of law.

In addition, the 1st Circuit found that the bad debt was not due to the dealer. The 1st Circuit also found that the requirement of full recourse required Dillard's to claim a bad-debt refund of sales tax financed by Wells Fargo only if Dillard's was required to reimburse Wells Fargo for the whole or complete amount that Dillard's customers did not pay on their credit card accounts.

Based on the above holding, the 1st Circuit held that the BTA erred in not granting the Department's motion for summary judgment.

#### —Antonio Charles Ferachi

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

# District Court Lacks Jurisdiction over Constitutional Challenge to SolarTax-Credit Limits

*Gross v. State*, 23-0142 (La. App. 1 Cir. 9/15/23), 2023 WL 6014144.

In 2016, Sarah Gross filed a class action petition in the 19th Judicial District Court, challenging the constitutionality of 2019 Act 131's limits on the Solar Tax Credit (STC) provided for in La. R.S. 47:6030. At the time that she filed her petition, the BTA lacked jurisdiction over a facial constitutional challenge to a tax statute. Gross obtained judgment in her favor from the district court. However, the Louisiana Supreme Court reversed, holding that the Legislature cured and rendered moot any constitutional issue by providing additional STC funding through 2017 Act 413. *Ulrich v. Robinson*, 18-0534 (La. 3/26/19), 282 So.3d 180.

On remand, in January 2022, Gross amended her petition to allege consequential damages due to delayed payment of the STC. Gross further amended her motion for class certification

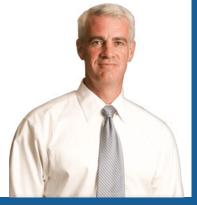
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Fax: 225-201-8313 Email: price@jpricemcnamara.com Web: www.jpricemcnamara.com LSBA Filing #ECLA-21-063 to exclude taxpayers who were denied the STC and either failed to appeal to the BTA, or who appealed to the BTA unsuccessfully. The district court heard the matter on Dec. 5, 2022. After the hearing, the district court granted class certification and again rendered judgment in favor of Gross. The Department appealed to the 1st Circuit, arguing that amendments to La. R.S. 47:1407 divested the district court of jurisdiction over any constitutional challenge to a tax statute.

On appeal, the 1st Circuit vacated the judgment. The court held that La. R.S. 47:1407, as amended by 2019 Act 365, grants the BTA jurisdiction over "[a]ll matters related to state or local taxes or fees" and "petition[s] for declaratory judgment or other action[s] relating to any state or local tax or fee . . . or relating to contracts related to tax matters; and including disputes related to the constitutionality of a law . . . concerning any related matter or concerning any state or local tax or fee." Moreover, the court stated that this is a grant of exclusive subject matter jurisdiction to the BTA for matters "such as those brought by Ms. Gross." Consequently, the court held that the district court lacked jurisdiction when the hearing occurred in December 2022. Further, the court stated that Act 365's jurisdictional changes are procedural in nature and retroactive.

—Michael N. Bardwell
Law Clerk,
Louisiana Board of Tax Appeals
627 North Fourth Street
Baton Rouge, LA 70802

#### YOUNG LAWYERS SPOTLIGHT

#### Jami Lacour Ishee Lafayette

The Louisiana
State Bar
Association's Young
Lawyers Division
Council is spotlighting Lafayette attorney Jami Lacour
Ishee.



Ishee is a partner in the firm

Davidson, Meaux, Sonnier, McElligott, Fontenot, Gideon & Edwards, LLP, with a defense practice focused in premises liability, products liability, general insurance defense, and the defense of railroads in damages, personal injury, derailment and FELA claims. She has obtained numerous favorable summary judgment rulings and settlements for her clients and, in only nine years of practice, has had the opportunity to bring multiple high-value cases to verdict in state jury trials. Many of these cases involved multiple millions of dollars in claimed damages, resulting in favorable defense verdicts. She also represents plaintiffs in personal injury claims and has volunteered her time to provide pro bono representation in various family law matters.

She currently serves as president of the Lafayette Bar Association Young Lawyers Section, is a member of the board of directors for the Louisiana Association of Defense Counsel and is a subcommittee chair for the Young Lawyers Section Steering Committee for the Defense Research Institute. She was a two-time Louisiana Association of Defense Counsel Frank L. Maraist Award finalist and, most recently, received the 2023 Hon. Michaelle Pitard Wynne Professionalism Award, presented by the Louisiana State Bar Association's Young Lawyers Division. This is recognition from her peers, an honor she is most proud of, and a virtue she strives to demonstrate to herself, young lawyers and more seasoned attorneys through her daily litigation practice.

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#### CHAIR'S MESSAGE... SPOTLIGHT

#### **CHAIR'S MESSAGE**

# Refresh, Release and Start Anew

By Senae D. Hall

we have officially closed out 2023, ushered in 2024 and the first month of the year is already behind us. Whether or not 2023 was chaotic for you, whether or not you accomplished all of your goals for the year, whether or not this first month of 2024 has lived up to your expectations, we always get a chance to start anew. So, as we enter into the second month of the year, "The Month of Love," I encourage you to Refresh, Release and Start Anew!

If your job is anything like mine, January is always very hectic. The work continues to come even through the holidays so I often find myself hitting the ground running extremely hard in January. This can lead to an early burnout by the time February rolls around. Not only is work very busy, many organizations also are ramping back up with activities and meetings. If you love Mardi Gras season like I do, Mardi Gras balls, events and parades are getting started. Needless to say, there has been a lot going on during the last month. However, with Mardi Gras Day fast approaching, I encourage you to enjoy every minute of it. You deserve it. As a matter of fact, I encourage you to make an effort to relax and celebrate yourself on a regular basis . . . at the very least,

For some people, relaxation equals a day of golfing or tennis or a self-care day.

For others, doing absolutely nothing is what relaxes them. However, there are some people who cringe at the idea of any of those things. In an effort to keep you from having to



plan something, set up an appointment or worry about what to do, we have your Spring covered.

#### **Spring Forward**

We will soon be heading into Spring. This is one of my favorite seasons. Daylight Saving Time will start and we will have more daylight for all of our late work days and evening activities. Another amazing thing about this March is the Louisiana State Bar Association's (LSBA) Young Lawyers Division (YLD) will host its annual Mock Trial Competition.

The 2024 Richard N. Ware IV State High School Mock Trial Competition will be held on Saturday, March 23, 2024, at the U.S. District Court, Middle District of Louisiana, Courthouse in Baton Rouge (777 Florida St., Ste. 139). The state competition is the culmination of four regional championships coordinated annually by the LSBA YLD. The competition is named in memory of Hon. Richard N. Ware IV who enthusiastically volunteered for nearly a decade

as the presiding judge of the final round of the state competition.

The judges for the mock trial competition are lawyers. It is an amazing experience and definitely a way to be of service to your community and the Bar. These high school students will blow your mind with how talented they are. Volunteer opportunities for the mock trial will be posted on our social media and via email.

Additionally, April is going to be a GREAT month to enjoy! The LSBA YLD will hold its annual Louisiana Young Lawyers Conference in New Orleans on April 12, 2024. It will be held at the New Orleans Marriott Warehouse Arts District Hotel. This year's theme is "Saved by the Bar."

The Young Lawyers Conference is planned by young lawyers for the benefit of young lawyers. It includes networking opportunities with young lawyers and with judges from across the state. During the lunch hour, we have a keynote speaker followed by the presentation of awards. The awards presented include Outstanding Young Lawyer, Outstanding Local Affiliate, Program of the Year, the Hon. Michaelle Pitard Wynne Professionalism Award and the Top Attorneys.

Tickets for the conference will sell out fast so mark your calendar to join in this innovative conference for an inspired day of learning and networking where you invest in yourself and renew your own excitement about the legal profession. You will also make positive, professional connections that will help your business thrive as you practice law. This year's conference will take place during the same weekend as the French Quarter Festival in New Orleans. So, let's get ready to learn, network, refresh, release and start anew!



By Trina S. Vincent, Louisiana Supreme Court

JUDGES... APPOINTMENTS... RETIREMENTS

#### **New Judges**

Leon T. Roché II
was elected Orleans
Parish Criminal
District Court
Division I judge,
effective Nov. 6,
2023. He earned his
bachelor's degree in
2004 from Louisiana



State University and his JD degree in 2008 from LSU Paul M. Hebert Law Center. He worked at the Orleans Public Defender's Office as a paralegal from 2008-09 and as an attorney from 2009-22. In 2022, he worked in private practice until his election to the Orleans Parish Criminal District Court bench. Judge Roché is married to Sarah Chervinsky.

Bobby L. Holmes was elected 14th Judicial District Court Division F judge, effective Oct. 23, 2023. He earned his bachelor's degree in 2006 from Louisiana State University and his JD degree in 2009 from



Southern University Law Center. From 2009-10, he worked as a law clerk at the 30th Judicial District Court and, in 2010, was a staff attorney for the Child in Need of Care Unit at Acadiana Legal Services Corp. He was an assistant district attorney at the Orleans Parish District Attorney's Office from 2010-11 and at the Calcasieu Parish District Attorney's Office from 2011-15. He worked as a trial attorney from 2015-17 at Hoffoss Devall, LLC, and was in private practice from 2017-21. He was chief of litigation at the Calcasieu Parish District Attorney's Office from 2021 until his election to the 14th JDC bench. Judge Holmes is married to Mandy Holmes and they are the parents of two children.

Colette M.
Greggs was elected
19th Judicial Court
District Division J
judge, effective Nov.
27, 2023. She earned
her bachelor's degree in 1979 from
Southern University
and A&M College,



her master's degree in 1981 from Atlanta University (currently Clark Atlanta University) and her JD degree in 2006 from Southern University Law Center. From 1981-83, she worked as an accountant at the Central Intelligence Agency, Washington, D.C., and was a contract cost administrator at Westinghouse Electric Corp., Baltimore, Md., from 1984-86. She was employed as a senior claim specialist at State Farm Insurance Co. from 1990-2002. She worked as a law clerk at the East Baton Rouge Parish Office of the Public Defender from 2005-06 and was an assistant public defender from 2006-14. From 2015-18, she was an executive claim specialist at DMA Claims Services and was in private practice from 2006 until her election to the 19th JDC. Judge Greggs is the mother of two children.

Tara Farris
Zeller was elected
22nd Judicial District
Court Division B
judge, effective Jan.
1, 2024. She earned
her bachelor's degree in 1990 from
Louisiana State



University and her JD degree in 1993 from LSU Paul M. Hebert Law Center. She was a partner at Thornhill, Kelley, Farris & Faustermann, LLC, from 1993-

98. She worked as a staff attorney at the 22nd Judicial District Court, Divisions H and C, from 1998-2009 and, from 2008-09, was appointed 22nd Judicial District Court commissioner *pro tempore*. She was in private practice from 2009-10 and worked at Spell & Spell from 2015 until her election to the 22nd JDC bench. Judge Zeller is the mother of three children.

#### **Appointments**

- ▶ 2nd Judicial District Court Judge Walter E. May, Jr. was appointed, by order of the Louisiana Supreme Court, to the Judicial Budgetary Control Board for a term of office which began on Jan. 1, 2024, and will conclude on Dec. 31, 2026.
- ▶ 16th Judicial District Court Judge Vincent J. Borne was reappointed, by order of the Louisiana Supreme Court, to the Judiciary Budgetary Control Board for a term of office which began on Jan. 1, 2024, and will conclude on Dec. 31, 2026.
- ▶ 34th Judicial District Court Judge Kim C. Jones was reappointed, by order of the Louisiana Supreme Court, to the Mandatory Continuing Legal Education Committee for a term of office which began on Jan. 1, 2024, and will conclude on Dec. 31, 2026.
- ▶ Judge (Ret.) John E. Conery was designated to serve as chair of the Louisiana Judicial Campaign Oversight Committee for a term of office which began on Oct. 24, 2023, and will remain in full force and effect until future amended order of the Court.
- ▶ Ronald J. Miciotto was appointed, by order of the Louisiana Supreme Court, to the Louisiana Attorney Disciplinary Board for a term of office which began on Jan. 1, 2024, and will



# **RESOLUTION IS THE SOLUTION**



Robert W. Barton



Martin Coady



Guy deLaup



Mary Devereux



W. Ross Foote



E. Phelps Gay



Thomas Hayes, III





C.A. "Hap" Martin, III Mike McKay





Patrick Ottinger

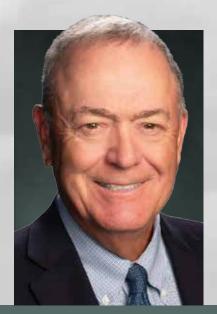


Mike Patterson





Marta-Ann Schnabel



#### Get to know **Thomas Hayes**

Thomas has 43 years of experience in managing diverse civil suits in 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 Hap Martin

Hap, a seasoned mediator for 25 years, trained at the Attorney-Mediators Institute in Dallas, Texas, and received advanced training from the Association of Attorney Mediators. He's also a skilled arbitrator trained by Resolution Resources Corporation in Atlanta, and the American Arbitration Association. Hap has arbitrated diverse cases, from consumer to complex commercial disputes.

#### MEDIATION AND ARBITRATION OF COMPLEX DISPUTES

BATON ROUGE LAFAYETTE MONROE NEW ORLEANS NORTH SHORE SHREVEPORT

conclude on Dec. 31, 2026.

- ▶ M. Todd Richard was reappointed, by order of the Louisiana Supreme Court, to the Louisiana Attorney Disciplinary Board for a term of office which began on Jan. 1, 2024, and will conclude on Dec. 31, 2026.
- ▶ Erica Johnson Rose was reappointed, by order of the Louisiana Supreme Court, to the Louisiana Attorney Disciplinary Board for a term of office which began on Jan. 1, 2024, and will conclude on Dec. 31, 2026.
- ▶ Edward J. Walters, Jr. was appointed, by order of the Louisiana Supreme Court, to the Louisiana Attorney Disciplinary Board for a term of office which began on Jan. 1, 2024, and will conclude on Dec. 31, 2024.
- ▶ Lori A. Waters was reappointed, by order of the Louisiana Supreme Court, to the Louisiana Attorney Disciplinary Board for a term of office which began on Jan. 1, 2024, and will conclude on Dec. 31, 2026.

#### Retirements

- ▶ 1st Circuit Court of Appeal Judge Guy P. Holdridge retired, effective Dec. 12, 2023. Judge Holdridge earned his bachelor's degree in 1974 from Louisiana State University and his JD degree in 1978 from LSU Paul M. Hebert Law Center. He worked in the general civil practice of law and was a partner at Percy & Holdridge Law Firm from 1978-90. From 1982-91, he worked as a city attorney for the City of Gonzales. He served as an ad hoc judge for the Ascension Parish Court from 1983-91. He was elected and began serving as a judge on the 23rd Judicial District Court in 1991. He served as the chief judge of the 23rd JDC in 1991, 1995, 2000 and 2006. He was elected unopposed to the 1st Circuit Court of Appeal and served from 2015 until his retirement.
- ▶ 22nd Judicial District Court Judge Raymond S. Childress retired, effective Dec. 13, 2023. Judge Childress earned his bachelor's degree from Southeastern Louisiana University and his JD degree from Loyola University Law School. He entered private practice and spent two years as an assistant district attorney in the 22nd Judicial District. He was elected unopposed to the 22nd JDC in 1998. He served as an Adult Drug Court judge and was chief judge from 2007-09. He is a former president of the Louisiana District Judges Association. Prior to his retirement, he was the presiding judge of the 22nd Judicial District Veterans Court, served as a member of the Judicial Council and was the chair of the Supreme Court's recently created Council of Specialty Court Judges.



# PEOPLE

#### LAWYERS ON THE MOVE . . . NEWSMAKERS

# LAWYERS ON THE MOVE

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, announces that Daniel C. Rodgers has joined the firm as a share-holder in the New Orleans office.

Breazeale, Sachse & Wilson, LLP, announces that Carrie LeBlanc Jones has joined the firm's Baton Rouge office as special counsel. Also, Mary Katherine Loos has joined the firm's Baton Rouge office as an associate.

Broussard, David & Moroux in Lafayette announces that attorney Tyler A. Frederick has joined the firm.

Chaffe McCall, LLP, announces that Wendy B. Hall has joined the firm's Houston, TX, office as a partner and Shannon E. Lundin has joined the firm's New Orleans office as an associate.

Chopin Law Firm, LLC, in New Orleans announces that **Madeline M. Dixon** has joined the firm as an associate.



M. Thomas Arceneaux



Richard J. Arsenault



Richard A. Chopin Kaye N. Courington

Gordon Arata Montgomery Barnett McCollam Duplantis & Eagan, LLC, announces that **Clarke I. Perkins** has joined the firm's New Orleans office as an associate.

Jackson Lewis, PC, announces that Claire R. Pitre has joined the firm's New Orleans office as of counsel. Also, Alex E. Hotard, Ryan M. Tucker, Adrienne M. Wood and Margaret Viator Zazulak have joined the New Orleans office as associates.

Liskow & Lewis, APLC, announces that Zachary D. Berryman, Ellen D. (Ellie) George, Nicolette S. Kraska, Hailey A. Maldonado and Colin M. North have joined the firm's New Orleans office as associates. Andrew D. Hughes and Juliane G. Mahoney have joined the firm's Lafayette office as associates.

McGlinchey Stafford, PLLC, announces that Aukse S. Joiner has returned to the firm's Baton Rouge office as of counsel.

Perrier & Lacoste, LLC, announces that **Brian A. Gilbert** has joined the firm's New Orleans office as special counsel.



Gabrielle A. Ball

Laurent M.

Demosthenidy



Sean P. Brady



Madeline M. Dixon

Porteous, Hainkel & Johnson, LLP, announces that the firm has opened an office in Lafayette, located at 200 Beaullieu Dr., Bldg. 3A, Lafayette, LA 70508, (337)291-2440. Also, Katherine P. Martin has joined the firm and will lead the Lafayette office.

Sigler, Arabie & Cannon, Attorneys at Law, LLC, in Lake Charles announces that **Cassidy M. Roath** has joined the firm as an associate.

Simon, Peragine, Smith & Redfearn, LLP, in New Orleans announces that Ashlyn F. Vickers has joined the firm as an associate.

Staines, Eppling & Kenney, LLC, in Metairie announces that **Emily Stevens Hardin** has joined the firm as special counsel. Also, **Loan H. Do**, **Jeffrey G. Lagarde**, **Shelby P. Sullivan** and **Thomas W. Taylor** have joined the firm as associates.

Taylor Porter, LLP, announces that Charles A. Schutte, Jr., Andrew Wallace Eversberg, Stephen Dale Cronin, Sean P. Avocato and Imelda T. Frugé have joined the firm as partners in the Baton Rouge office.

#### Continued next page



Joseph E. Cain



Justin M. Chopin



Loan H. Do



Ally L. Duplechain

#### **NEWSMAKERS**

**M. Thomas (Tom) Arceneaux**, a former partner at Blanchard, Walker, O'Quin & Roberts in Shreveport, was elected mayor of the City of Shreveport for a four-year term.

Richard J. Arsenault, a partner in the Alexandria firm of Neblett, Beard & Arsenault, was a featured speaker at a Mass Torts Conference in Las Vegas, Nev., discussing Views from the Bench, Special Masters and Mass Torts, and Mass Tort Ethical Conundrums.

Stacey C.S. Cerrone, a principal and litigation manager in the New Orleans office of Jackson Lewis, PC, was inducted as a Fellow into the American College of Employee Benefits Counsel.

**Kaye N. Courington**, managing member of Courington, Kiefer, Sommers, Marullo & Matherne, LLC, in New Orleans, has joined the invitation-only International Association of Defense Counsel.

Catherine N. (Cate) Creed, an associate in the New Orleans office of Adams and Reese, LLP, was featured as one of the most promising young attorneys in the Chief Legal Executive's "Think Like a GC" national program.

E. Howell Crosby, a partner in the New Orleans office of Chaffe McCall, LLP, is

the recipient of the American College of Mortgage Attorneys' Lifetime Fellow Award.

R. Marshall Grodner, a member in the Baton Rouge office of McGlinchey Stafford, PLLC, was elected as a member of the American Bar Association Business Law Section's Council.

Meredith L. Hathorn, managing partner in the Baton Rouge office of Foley & Judell, LLP, was reelected for a second one-year term as chair of the Municipal Securities Rulemaking Board.

Russ M. Herman, a partner in the New Orleans firm of Herman, Herman & Katz, LLC, was chosen as honorary chair of The Pro Bono Project's 35th annual Justice For All Ball.

Stephen J. Herman, a partner in the New Orleans firm of Herman, Herman & Katz, LLC, was elected president of the New Orleans Bar Association. He was selected to chair the American Association for Justice Artificial Intelligence Task Force. Also, he is an elected member of the American Law Institute.

**Brian D. Katz**, a partner in the New Orleans firm of Herman, Herman & Katz, LLC, was named president-elect of the Louisiana Association for Justice. He also was appointed to the board of directors of the Federal Bar Association New Orleans Chapter.

James R. Swanson, a partner in the New Orleans office of Fishman Haygood, LLP, was appointed to the Baylor College of Medicine Board of Advisors.

#### **PUBLICATIONS**

Best Lawyers in America 2024

Chaffe McCall, LLP (Baton Rouge, New Orleans, Houston, TX): Benjamin R. Slater III, Lawyer of the Year; Harold K. Watson, Lawyer of the Year; Keith C. Armstrong, Walter F. Becker, Jr., G. Wogan Bernard, H. Michael Bush, E. Howell Crosby, Anthony P. Dunbar, Leah Nunn Engelhardt, Thomas D. Forbes, Mandy Mendoza Gagliardi, Edward N. George III, Douglas R. Holmes, William H. Langenstein III, Fernand L. Laudumiey IV, Julie D. Livaudais, Charles D. Marshall III, David J. Messina, Sarah Voorhies Myers, John F. Olinde, Frank A. Piccolo, John M. Ribarits, Robert S. Rooth, Peter J. Rotolo III, G. Phillip Shuler III, Brent A. Talbot and Sabrina C. Vickers; and Alexander J. DeGiulio, Jesse G. Frank, Nicole C. Katz and Valerie Moss Andrews, Ones to Watch.

Flanagan Partners, LLP (New Orleans): Thomas M. Flanagan, Lawyer of the Year; Harold J. Flanagan, Sean P. Brady, Anders F. Holmgren, Caitlin J. Flanagan and Laurent

Continued next page



Caitlin J. Flanagan



Harold J. Flanagan



Thomas M. Flanagan



Camille E. Gauthier



Brian A. Gilbert



Soren E. Gisleson



Meghan F. Grant



John R. Guenard



Hardin



Meredith L. Hathorn



Russ M. Herman



Stephen J. Herman

M. Demosthenidy; and Camille E. Gauthier, Gabrielle A. Ball, Ally L. Duplechain, Meghan F. Grant and John R. Guenard. Ones to Watch.

Gordon Arata Montgomery Barnett McCollam Duplantis & Eagan, LLC (Lafayette, New Orleans): Ewell E. (Tim) Eagan, Jr., Lawyer of the Year; John Y. Pearce, Lawyer of the Year; Marion Welborn Weinstock, Lawyer of the Year; Phillip J. Antis, C. Bryon Berry, Jr., Michael E. Botnick, Steven W. Copley, Bob J. Duplantis, Gregory G. Duplantis, A. Gregory Grimsal, C. Peck Hayne, Jr., Terrence K. Knister, Caroline D. Lafourcade, Martin E. Landrieu, Armistead M. Long, Daniel Lund, Samuel E. Masur, Cynthia A. Nicholson, Scott A. O'Connor, Alex B. Rothenberg, Gerald H. Schiff, Paul B. Simon, Howard E. Sinor, Jr., Stephen L. Williamson and R. Ethan Zubic: and Brian M. Dupree. James D. Rhorer and Micah C. Zeno, Ones to Watch.

Neblett, Beard & Arsenault (Alexandria): Richard J. Arsenault.

#### Chambers USA 2023

McGlinchey Stafford, PLLC (Baton Rouge, New Orleans, Dallas, TX): Rodolfo J. (Rudy) Aguilar, Jr., Samuel A. Bacot, J. Patrick Beauchamp, Stephen P. Beiser, Magdalen Blessey Bickford, Rudy J. Cerone, Katherine Conklin, Zelma Murray Frederick, Ronnie L. Johnson, Christine Lipsey, Deirdre C. McGlinchey, Jean-Paul Perrault, Kristi W. Richard and Michael H. Rubin.

#### Louisiana Super Lawyers 2024

Barrasso Usdin Kupperman Freeman & Sarver, LLC (New Orleans): Michael A. Balascio, Judy Y. Barrasso, Jamie L. Berger, George C. Freeman III, Craig R. Isenberg, John W. Joyce, Stephen H. Kupperman, Richard E. Sarver and Steven W. Usdin; and Chloé M. Chetta and Robert J. Dressel, Rising Stars.

Chopin Law Firm, LLC (New Orleans): Justin M. Chopin, Richard A. Chopin, Philip D. Lorio IV and Adam P. Sanderson.

Herman, Herman & Katz, LLC (New Orleans): Joseph E. (Jed) Cain, Soren E. Gisleson, Russ M. Herman, Brian D. Katz and Mikalia M. Kott.

#### Benchmark Litigation 2024

Barrasso Usdin Kupperman Freeman & Sarver, LLC (New Orleans): Michael A. Balascio, Judy Y. Barrasso, Jamie L. Berger, George C. Freeman III, Craig R. Isenberg, Stephen H. Kupperman, David N. Luder, Richard E. Sarver, Kyle W. Siegel and Steven W. Usdin.

**Fishman Haygood, LLP** (New Orleans): Brent B. Barriere, Jason W. Burge, Lance C. McCardle, Lori G.

Mince, Benjamin D. Reichard, James R. Swanson and Paul C. Thibodeaux.

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

#### Lawdragon 2024

Fishman Haygood, LLP (New Orleans): Brent B. Barriere, Jason W. Burge, Kerry J. Miller, Lori G. Mince, James R. Swanson and Paul C. Thibodeaux.

#### New Orleans City Business 2023

**McGlinchey Stafford, PLLC** (New Orleans): Deirdre C. McGlinchey, 2023 Women of the Year Award.

**Phelps Dunbar, LLP** (New Orleans): David D. (Beau) Haynes, Jr., Ashley J. Heilprin and Matthew R. Slaughter, Leadership in Law Class 2023.

#### New Orleans City Business 2024

**Chopin Law Firm, LLC** (New Orleans): **Justin M. Chopin**, Power List.

#### New Orleans Magazine 2023

Herman, Herman & Katz, LLC (New Orleans): Stephen J. Herman and Brian D. Katz, Top Lawyers.

#### Biz New Orleans Magazine 2024

**Fishman Haygood, LLP** (New Orleans): John D. Werner, New Orleans 500



Anders F. Holmgren



Carrie LeBlanc Jones



Brian D. Katz



Mikalia M. Kott



Jeffrey G. Lagarde



Mary Katherine Loos



Philip D. Lorio IV



Clarke I. Perkins



Cassidy M. Roath



Adam P. Sanderson



Shelby P. Sullivan



Thomas W. Taylor



UPDATE... LOCAL BARS... LBF

#### **UPDATES**



The Louisiana Access to Justice Commission and its Justice For All Project partners celebrated the launch of a Legal Help Access Point in DeRidder, La., with a ribbon-cutting ceremony in November 2023. From left, Amanda L. Brown, Lagniappe Law Lab; Margaret W. Derise, Acadiana Legal Service Corp.; Erin N. Chesnutt, Beauregard Parish Library; Judge Martha Ann O'Neal, 36th Judicial District Court; Mayor Misty Clanton, City of DeRidder; and Rachael M. Mills, Louisiana State Bar Association.

## New Legal Help Access Point Launched in DeRidder

The Louisiana Access to Justice (ATJ) Commission and its Justice For All (JFA) Project partners celebrated the launch of a Legal Help Access Point in DeRidder, La., with a ribbon-cutting ceremony on Nov. 15, 2023. This marks the fourth opening of a Legal Help Access Point in Louisiana. Among those in attendance were Judge Martha Ann O'Neal, 36th Judicial District Court; Judge C. Kerry Anderson, 36th Judicial District Court; Mayor Misty Clanton of DeRidder; and District Attorney James R. Lestage, 36th Judicial District Court.

The Legal Help Access Point, installed in the DeRidder branch of the Beauregard Parish Library, gives Beauregard Parish residents several options for legal assistance by allowing them to access self-help resources and automated court forms; determine

if they qualify for free civil legal aid; get customized legal help and referrals through the Louisiana Bar Foundation and Lagniappe Law Lab's Civil Legal Navigator; and meet virtually with an attorney in a confidential enclosed space.

The first three Legal Help Access Points are in the Vidalia branch of the Concordia Parish Library, in the East Carroll Parish Library in Lake Providence and in the LaSalle Community Action Association.

These locations serve their communities with much needed legal resources while reducing the amount of Louisiana encompassed by "civil legal resource deserts," defined as areas within the state that are outside a 45-minute drive time for an in-person civil legal resource like a civil legal aid office, self-help center or law library.

# LSBA, Martinet Society Host Specialty Bars CLE Seminar

The Louisiana State Bar Association's Diversity Committee and the Louis A. Martinet Legal Society, Inc., Greater Lafayette Chapter hosted the Specialty Bars CLE Seminar on Nov. 17, 2023, in Lafayette. Presenters and topics included the following.

- ▶ Dwazendra J. Smith, with D. Smith Legal, LLC, in Lafayette, presented "LSBA: Who We Are and How We Serve Our Members."
- ▶ Damon S. Manning, with Schiff, White, Manning, LLP, in Hammond, presented "Defending Disciplinary Action."
- ► "Professionalism: In and Out of Court" was presented by Judge Roger P. Hamilton, Jr., 16th Judicial District Court, New Iberia; and Judge Royale L. Colbert, Jr., 15th Judicial District Court, Lafayette.
- ► "Legislative Update" was presented by Marcus A. Bryant, Louisiana House of Representatives, Lafayette.
- ► "Dos and Don'ts of an Injury Practice" was presented by Rickey W. Miniex, president of the Louis A. Martinet Legal Society, Inc., Greater Lafayette Chapter, and with Simien & Miniex, APLC, in Lafayette.



The Louisiana Supreme Court's Committee on Bar Admissions held the Admission Ceremony on Oct. 16, 2023, for candidates who met all qualifications after passing the bar examination in July 2023. Attending the ceremony included, from left, Senae D. Hall, 2023-24 Louisiana State Bar Association (LSBA) Young Lawyers Division chair; Deidre Deculus Robert, 2023-24 Louisiana Bar Foundation president; Louisiana Supreme Court Chief Justice John L. Weimer; and Shayna L. Sonnier, 2023-24 LSBA president.



Southern University Law Center Professor Gail S. Stephenson of Baton Rouge, right, and Louisiana 3rd Circuit Court of Appeal Judge Van H. Kyzar of Natchitoches were among the four individuals inducted into Northwestern State University's Long Purple Line, the university's alumni hall of distinction. The events were conducted in November 2023 in Natchitoches. Induction into the Long Purple Line is the highest honor the university bestows upon alumni. *Photo by Chris Reich*.

# Louisiana Judicial Associations Elect Officers

The officers of several Louisiana judicial associations, representing different levels of courts, were elected at general meetings during the 2023 Fall Judges Conference. The associations and officers follow.

- ▶ Conference of Court of Appeal Judges. Chair, Chief Judge Elizabeth A. Pickett, 3rd Circuit Court of Appeal; Vice Chair, Chief Judge Terri F. Love, 4th Circuit Court of Appeal; Secretary-Treasurer, Judge Jude G. Gravois, 5th Circuit Court of Appeal; and Immediate Past Chair, Chief Judge Frances J. Pitman, 2nd Circuit Court of Appeal.
- ► Louisiana District Judges
  Association. President, Judge Lala B.
  Sylvester, 10th Judicial District Court;
  First Vice President, Judge Lee V.
  Faulkner, Jr., 24th Judicial District Court;
  Second Vice President, Chief Judge Robin
  D. Pittman, Orleans Parish Criminal
  District Court; Secretary, Judge Kelly
  E. Balfour, 19th Judicial District Court;
  Treasurer, Chief Judge Bruce E. Hampton,
  3rd Judicial District Court; and Immediate
  Past President, Judge Patricia E. Koch, 9th
  Judicial District Court.
- ► Louisiana City Judges
  Association. President, Senior Judge
  Theodore M. (Trey) Haik III, New Iberia
  City Court; First Vice President, Senior
  Judge Matthew H. Hagen, Houma City
  Court; Second Vice President, Judge Erin
  Wiley Lanoux, Ascension Parish Court;
  Secretary, Senior Judge Gary K. Hays,

Pineville City Court; Treasurer, Senior Judge C. Sherb Sentell III, Minden City Court; and Immediate Past President, Judge Brian H. Barber, Sr., Shreveport City Court.

- ► Louisiana Council of Juvenile and Family Court Judges. President, Chief Judge Desiree Duhon Dyess, 10th Judicial District Court; Vice President, Chief Judge Gail Grover, East Baton Rouge Juvenile Court; Secretary, Senior Judge Theodore M. (Trey) Haik III, New Iberia City Court: and Treasurer, Judge Jeffrey C. Cashe, 21st Judicial District Court. Trustees at Large include: City Courts, Senior Judge Bryan D. Haggerty, City Court of East St. Tammany: District Courts, Judge Jeff B. Joyce, 4th Judicial District Court; Family Courts, Judge Cynthia Clay Guillory, 14th Judicial District Court; and Juvenile Courts, Judge Amanda Chauvin Calogero, Jefferson Parish Juvenile Court.
- ▶ Retired Judges Association. The Retired Judges Association will elect new officers in spring 2024. These officers will continue in service until that time. President, retired 19th Judicial District Court Judge Curtis A. Calloway; Vice President, retired 15th Judicial District Court Judge Ronald D. Cox; and Secretary, retired East Baton Rouge Family Court Judge Luke A. LaVergne.

Photos of all officers are accessible online at: www.lasc.org/Press\_Release?p=2023-26#photos.



The Louisiana State Bar Association's (LSBA) Specialty Bars Meeting was held on Aug. 11, 2023, in conjunction with the 15th Annual Conclave on Diversity in the Legal Profession. Attending, from left, were Demarcus J. Gordon, Conclave co-chair and chair of the LSBA's Minority Involvement Section; Christine T.C. Bruneau, former president, Louisiana Asian Pacific American Bar Association; H. Scott Le, The Hoang Law Firm, Gretna; Gina Zapanta, president, Hispanic Lawyers Association of Louisiana; and Michael B. Victorian, president, Louis A. Martinet Legal Society, Inc., Greater Baton Rouge Chapter.



The Lafayette Bar Association (LBA) held its Court Opening at the 15th Judicial District Courthouse in Lafayette on Oct. 5, 2023. The Court Opening Ceremony featured an introduction of new attorney members by Jami L. Ishee, LBA Young Lawyers Section president; a welcome from Louisiana State Bar Association 2023-24 President Shayna L. Sonnier, in photo; and a recognition of recently deceased attorneys by Robert M. Kallam, LBA 2022-23 president.



Recognized with awards at the 2023 American Judges Association's (AJA) Conference are, from left, Louisiana Supreme Court Associate Justice Piper D. Griffin, President's Award; 19th Judicial District Court Chief Judge Donald R. Johnson, Judge Elliot Zide Judicial Educator Award; AJA President Yvette M. Alexander; Orleans Parish Civil District Court Judge Bernadette G. D'Souza, Judge Libby Hines Domestic Violence Award; and Louisiana Judges and Lawyers Assistance Program Executive Director Dr. Angela White-Bazile, Esq., Nachtigal Award/Contributions to the Judiciary.

## La. Judges, Others Receive American Judges Association Honors

Several Louisiana judges and others were recognized at the 2023 American Judges Association's (AJA) 62nd Annual Conference in September 2023.

In recognition of outstanding service to the AJA, Louisiana Supreme Court Associate Justice Piper D. Griffin received the 2023 President's Award from AJA President Judge Yvette M. Alexander. Justice Griffin serves on the AJA Board of Governors and was elected secretary for the 2023-24 year. She also chairs the AJA Diversity Committee and will be co-hosting the 2024 AJA 63rd Annual Conference in New Orleans with Judge Alexander.

Also recognized were Orleans Parish Civil District Court Judge Bernadette G. D'Souza, receiving the Judge Libby Hines Domestic Violence Award; 19th Judicial District Court Chief Judge Donald R. Johnson, receiving the Judge Elliot Zide Judicial Educator Award; and Louisiana Judges and Lawyers Assistance Program Executive Director Dr. Angela White-Bazile, Esq., receiving the Nachtigal Award/Contributions to the Judiciary.



The Southwest Louisiana Bar Association held its Fall Court Ceremony on Oct. 20, 2023. Attending were, from left, top row, Judge Kendrick J. Guidry, 14th Judicial District Court, Division H; Judge Ronald C. Richard, Lake Charles City Court, Division B; Judge Ronald F. Ware (Ret.); Judge Jamie B. Bice, Lake Charles City Court, Division A; and Judge C. Kerry Anderson, 36th Judicial District Court, Division B. Bottom row from left, Judge G. Michael Canaday, 14th Judicial District Court, Division G; Judge David A. Ritchie, 14th Judicial District Court, Division E; Judge Penelope Q. Richard, 38th Judicial District Court; Judge Cynthia Clay Guillory, 14th Judicial District Court, Division J: Judge W. Mitchell Redd, 14th Judicial District Court, Division A; and Judge Anthony C. Fazzio, 14th Judicial District Court, Magistrate Court.

# Southwest Louisiana Bar Association Hosts Fall Court Opening Ceremony

The Southwest Louisiana Bar Association (SWLBA) held its Fall Court Ceremony on Oct. 20, 2023. The event was a joint ceremony for the 14th, 36th and 38th Judicial District Courts. The ceremony featured eulogies in memory of recently deceased attorneys; a recognition of practice of law by Adam P. Johnson, SWLBA president; an introduc-



The Southwest Louisiana Bar Association held its Fall Court Ceremony on Oct. 20, 2023. Attending were, from left, Judge Thomas P. Quirk (Ret.); Judge Bobby L. Holmes, 14th Judicial District Court, Division F; Judge John S. Hood (Ret.); and Judge Ulysses G. Thibodeaux (Ret.)

tion of new members by Russell J. Stutes III, SWLBA Young Lawyers Section president; the presentation of the Jim Ortego Pro Bono Award and the Charles A. Downing Humanitarian Award; and remarks from Edward J. Walters, Jr., 2024-25 Louisiana State Bar Association president-elect.



The Southwest Louisiana Bar Association (SWLBA) held its Fall Court Ceremony on Oct. 20, 2023. Participating were, from left, Adam P. Johnson, 2023-24 SWLBA president; Edward J. Walters, Jr., 2024-25 Louisiana State Bar Association president-elect; and Shayna L. Sonnier, 2023-24 Louisiana State Bar Association president.



The Shreveport Bar Association (SBA) held a Memorial and Recognition Ceremony on Nov. 9, 2023. The event featured an In Memoriam ceremony and an introduction of new attorneys. From left, Gemma Zuniga, 2023-24 SBA Young Lawyers Section president; Lawrence J. Pettiette., Jr., 2022-23 Shreveport Bar Foundation president; and Nancy G. Cooper, 2023-24 SBA president.



The Lafayette Bar Association's Young Lawyers Section held its Wills for Heroes event on Oct. 21, 2023. The program provides free wills for first responders. Participating, from left, Ani H. Boudreaux, Neuner Pate, Lafayette; Jared E.A. Nelson, Liskow & Lewis, APLC, Lafayette; and Karly K. Dorr, Neuner Pate, Lafayette.

### **President's Message**

## Partnerships are the Lifeblood of an Organization

By Deidre Deculus Robert, 2023-24 President

t has been an honor and privilege to serve as the president of the Louisiana Bar Foundation (LBF). For more than 30 years, this organization has been a vital source of funding for civil legal aid, supporting vulnerable citizens in various crucial aspects of their lives. Addressing the challenges posed by rising poverty levels and decreasing funding for civil legal aid is indeed a crucial mission. We know we cannot do it alone. Partnerships are the lifeblood of an organization. I believe in the words of Mother Teresa, "I can do things you cannot, you can do things I cannot; together we can do great things."

Throughout this year, we have worked hard cultivating our current partnerships and building new relationships with likeminded organizations. We had the privilege of collaborating with the Louisiana State Bar Association for various events this year, working together to train our leadership, extend a warm welcome to new bar members, engage with the justice community and their crucial efforts, and impart valuable insights to law students about the significance of civil legal aid. This partnership plays a pivotal role in advancing our

shared mission of ensuring civil legal aid for all by expanding our collective impact.

We traveled across the state to visit with our counterparts. Our goal was to meet them where they are



and to bring their foundation to them. We met with local lawyers, grantees, judges, shared a meal, and gained meaningful insight to regional needs.

We also had a great meeting with the Louisiana Supreme Court and shared our vision to ensure access to equal and fair representation of the poor in Louisiana. We thank the Louisiana Supreme Court for its continued support.

We fostered our collaboration with the State of Louisiana through an agreement with the Office of the Louisiana State Treasurer. This partnership enables the LBF to secure funding for legal representation of children in child protection cases and adult civil legal services to the indigent. We expanded our relationship with the State with an agreement with the Louisiana Housing Corporation. The LBF receives funding for education, counseling and direct representation of impoverished citizens in matters of title clearing (homeowner foreclosure), foreclosure prevention, mediation, and mortgage loan modifications.

I firmly believe that each of these partnerships and collaborations, among many others, constitutes the very foundation of our success.

To quote my favorite child author Dr. Seuss, "Don't cry because it's over. Smile because it happened."

Thanks to all of you who contribute to the important work of the LBF. I hope to see you this year at the 38th Annual Gala on Friday, April 19, at the World War II Museum in New Orleans. I would like to thank the amazing LBF staff and the dedicated LBF Board for their unwavering passion and commitment to realizing equal access to justice in the State of Louisiana. Engaging with the civil legal aid community in Louisiana has been a humbling experience, and I am immensely proud of the outstanding work being accomplished. Thank you for the opportunity to serve.

### **LBF Announces New and Returning Fellows**

The Louisiana Bar Foundation announces the Fellows who have renewed their membership or joined between Oct. 14-Dec. 14, 2023:

Marguerite L. Adams, New Orleans; James A. Anderson, Denham Springs; Hon. Mary Becnel, LaPlace; Jack C. Benjamin Jr., New Orleans; Barton W. Bernard, Lafayette; Jared T. Blackburn, Baton Rouge; Laura M. Blockman, New Orleans; Patricia R. Bonneau, Mandeville; Dan M. Boudreaux, Baton Rouge; Charles C. Bourque, Jr., Houma; Nicholas S. Bouzon, New Orleans; Mary Brandon, New Orleans; Stephen C. Braud, Belle Chasse; Melanie K. Breaux, Harahan; Hon. Camille G. Buras, New Orleans; Yasha L. Clark, New Orleans; Stephen K. Conroy, Metairie; Christy A. Culver, Houston; Shereba L. Diaz, Monroe; Hon. Dee D. Drell, Alexandria; Julie-Ann Duhe, Mandeville; James M. Edwards, Monroe; Jerry Edwards, Shreveport; Hon. Daniel J. Ellender, Shreveport; Leah N. Engelhardt, New Orleans; Thomas H. Fields III, Monroe; Hon. Tiffany Foxworth-Roberts, Baton Rouge; Vance Gibbs, Baton Rouge; McKenna R. Giovingo, Metairie; Rudy W. Gorrell, New Orleans; William J. Guste III, New Orleans; Mark E. Hanna, New Orleans; Erah Harper, Baton Rouge; Camille Jackson, Alexandria; Jonathan L. Johnson, Lake Charles; Mark Judson, Lake Charles; Hon. Kinasiyumki T. Kimble, Baton Rouge; Hon. William J. Knight, Covington; Hon. Nancy Amato Konrad, Metairie; Jennifer A. Lee, Hammond; Georges M. Legrand, Metairie; Hon. Marg Lauren Lemmon, Hahnville; Hon. Joy Cossich Lobrano, New Orleans; Ashley K. Longwell, New Orleans; Erin M. Lorio, Mandeville; Hon. Jennifer Luse, Baton Rouge; Tanner D. Magee, Houma; John T. Mandeville, Baton Rouge;

Sidney A. Marchand III, Donaldsonville; Timothy J. Martinez, Baton Rouge; Suzanne C. Myers, Covington; Colvin G. Norwood, Jr., New Orleans; Blaike L. Ordes, Slidell; Hon. Jimmie C. Peters, Jena; Kevin T. Phayer, Mandeville; John Pieksen, New Orleans; Laura Plunkett, New Orleans; Tammy Pratt, Lafayette; Fredrick Preis Jr., New Orleans; Brittney M. Reed, Baton Rouge; Daniel Rees, Breaux Bridge; Leon J. Reymond, Jr., Metairie; Charles A. Riddle III, Marksville; Daniel C. Rodgers, New Orleans; Christoper Schwartz, Prairieville; John D. Sileo, Santa Rosa Beach; Susan Skidmore, West Monroe; Hon. Raymond S. Steib, Jr., Gretna; Hon. Ford E. Stinson, Jr., Benton; Mary Terrell Joseph, Baton Rouge; Connor Thomas, Baton Rouge; Brett Venn, New Orleans; Hon. Miriam G. Waltzer, New Orleans; and Jon D. Wasielewski, New Orleans.



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# Great Moments in Client Relations

By E. Phelps Gay

ack in the Precambrian Era, when I emerged from law school, I imagined law practice would find me chained to my desk most of the day, reading case files, researching the law, drafting pleadings and briefs, and preparing for depositions, hearings and trials.

I knew nothing about client relations. I thought if you were associated with a good firm and conscientiously applied yourself to your work, new files would magically land on your desk.

I thought wrong.

Soon I discovered many lawyers did not spend all day at their desks. Instead, they schmoozed with clients on the phone, took them to lunch, played golf with them on weekends, and sometimes joined them on fishing trips or duck hunts. They made a point to become friendly with the people for whom they worked — in our case, mainly business and insurance clients.

Which leads me to the story of a client relations event which took an unexpected turn.

About 20 years ago, one of our clients, a railroad company, sponsored a golf tournament on a course in Kenner, La. This was the company's annual fundraising event for a worthwhile charity. We were invited to donate to the cause and participate in the event. The tournament was set up as a "Scramble" involving four golfers on the same team. In this format, each golfer hits a tee shot on each hole. A team captain then chooses the best shot (usually the longest drive, although sometimes the ball with the best lie and view to the hole), and a ball from that spot is then played by each player. This continues until the lowest score is achieved. The team with the lowest score for the round wins the tournament.

In many such events — and this was no exception — the tournament sponsor offers a monetary prize or a new car in the event a golfer hits a hole-in-one on a Par 3 hole. If it's a car, a local dealership places a shiny new vehicle to the side of the tee box or fairway so golfers can see what awaits them if they get lucky. Typically, sponsors purchase what is known as hole-in-one insurance, paying a modest premium to cover the expense of paying for the new car in the unlikely event someone aces the hole. For most everyday golfers, the odds of making a hole-in-one are remote, some estimates placing it at 1 in 12,500.

So on this festive afternoon, our team, which shall remain anonymous, consisted of (1) an accomplished club golfer from our firm; (2) a railroad company officer and claims specialist, who had become friendly with several members of our firm; (3) a firm lawyer who attended the same church as the railroad officer; and (4) a lawyer who capably handled most of the railroad work assigned

to our firm. The latter was excited about the occasion, hoping it would solidify the bond between us and the railroad.

Things were going fine until the third or fourth hole, which turned out to be the first of two "car holes." As they prepared to play, all four golfers noticed the stylish new sedan sitting far to their left at what appeared to be a 90-degree angle from the tee box. The lawyer handling the railroad's business asked: "Why did they put a car over there?" Someone replied: "Because if you hit a hole-in-one, you win the car."

"But why," he asked, "did they put it so far over to the left?"

"Because," came the reply, "if you have to worry about hitting the car at that location, you have no business being out here playing golf."

Our lawyer, a good athlete but not an experienced golfer, prepares to tee off. He takes a mighty swing and seems to make good contact. However, in his eagerness to hit a good shot (and perhaps win the car), he "tops" the ball, which can result from placing the tee too far forward or from standing too far away from the ball. This causes the ball to stay close to the ground and veer to the left — a classic hook. As all four players watch the ball, they notice it is going very fast (almost picking up speed) and drifting more sharply to the left than expected. The shiny new car comes into view. Surely, the ball is not going to . . . .

Whack! The golf ball smacks into the center of the car's rear windshield, instantly transforming it into a giant spider crack. Upon seeing this, the railroad client falls to the ground, convulsed with laughter. Staring in shock and disbelief, the church-friend also collapses, cracking up almost as much as the poor windshield. Our accomplished club golfer reacts a bit differently: he is stunned into silence.

Meanwhile, the driver of this spectacularly wayward golf ball remains standing and appears to be turning white. Immediately, he suspects this errant swing will go viral. He also wonders how much he will owe for spider-cracking the new car's windshield.

Sure enough, in no time at all, everyone at the tournament, whether they witnessed it or not, learns of this amazing event. By the time our "fearsome foursome" arrives at the second "car hole" on the back nine, tournament workers theatrically retreat to a safe space behind the hole. At the end of the tournament, the sponsor gives an award to the golfer who hit the "shot of the day." You might guess who won.

Back at the office, upon hearing this story we all got a good laugh, and our hook-driving lawyer took it in good stride. Although not an accomplished golfer, he is an excellent lawyer who has gone on to a great career. I understand he worried whether this mishap might damage the firm's relations with the railroad client. The opposite occurred. His windshield-cracking shot helped to solidify the bond, just as he had hoped.

In the stressful life of a busy lawyer, including the indispensable role of cultivating good client relations, laughter is the best medicine.



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





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