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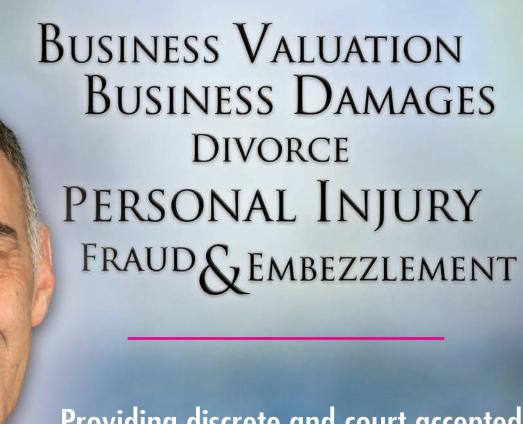
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# JOUISIANA BAR

June / July 2024

Volume 72, Number 1

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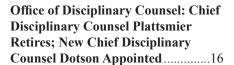
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Patrick A. Talley, Jr., the 84th Louisiana State Bar Association President, with his family. Front row from left, his grandson Patrick A. Talley IV (Ivey) and his wife Sharon Parker Talley. Backrow from left, his daughter-in-law Margaret McDonald Talley with his grand-daughter Madeleine McDonald Talley; his son Patrick A. Talley III (Trey); his son Peyton Joseph Talley; and his daughter Sarah Ilene Talley. Photo by Paul Morse Studio.

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One on One with Patrick A. Talley,
Jr., 84th LSBA President: On Family,
Goals and Moving the LSBA Forward
By Valerie T. Schexnayder



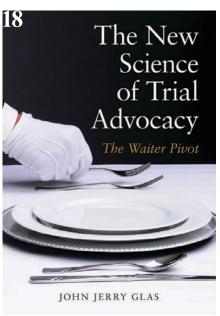
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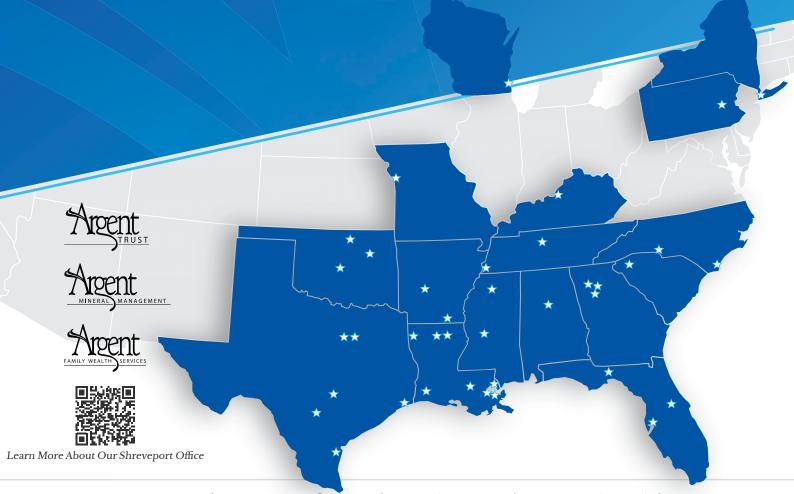






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# Now is the Perfect Time to Become Involved in YOUR Bar Association



By Valerie T. Schexnayder

his month, we welcome the new leaders of our Louisiana State Bar Association (LSBA). We wish them well in their goals and plans for the new year. If you have questions about your bar association, reach out to your Board of Governors member or your Young Lawyers Division (YLD) Council member. All biographies and contact information for all LSBA and YLD officers, Board members and Council members are included in this issue of the *Louisiana Bar Journal*.

This is also the start of a new Bar year. This is the PERFECT time to become involved in YOUR bar association. There are always many ways to accomplish that goal.

This is the perfect time to write an article for publication in the *Louisiana Bar Journal*. 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. (See more information on the box on this page.)

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 Sections, along with contact information



Have you ever wanted to publish a feature article in the *Louisiana Bar Journal*? Do you have a compelling, timely, substantive or just plain interesting idea focused on the practice of law? Great, then the process is simple as 1-2-3.

- 1) Email your feature topic or idea (or the completed article) to LSBA Secretary and *Journal* Editor Valerie T. Schexnayder at valschex@gmail.com.
- 2) All feature articles and proposals are first reviewed by the *Louisiana Bar Journal*'s Editorial Board. Your submission will be placed on the next Board agenda for discussion.
- 3) If your article is selected for publication, it will be assigned an editor and slotted into an upcoming issue. You will now become a published author and eligible to receive CLE writing credits for your efforts.

For general feature article guidance, go online:

www.lsba.org/NewsAndPublications/ManuscriptPolicyandGuidelines.aspx.

Then, get writing! We want to hear from you.

for the Chairs, online at: www.lsba.org/ BarGovernance/Sections.aspx.

This is the perfect time to join one of those Sections. The Section signup is open year-round. Signup information is available at the website listed above.

This is the perfect time to volunteer! 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: www.lsba.org/ATJ/. Remember that your local bars have numerous pro bono opportunities during the year, too.

The LSBA can always accommodate

more mentors for the Transition Into Practice (TIP) Mentoring Program. There are also new incentives for participating. Learn more online at: <a href="https://www.lsba.org/mentoring">www.lsba.org/mentoring</a>.

Finally, calendar in next year if you are interested in serving on a committee of the LSBA. The signup for this year has passed, but the LSBA will begin soliciting Committee Preference requests again beginning in January, with a response deadline in the spring.

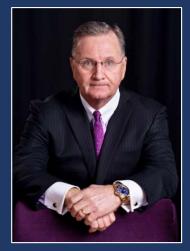
This is Your Bar Association! Get involved!

Valerie T. Schexnayder

# 31<sup>ST</sup> ANNUAL LOUISIANA STATE BAR ASSOCIATION ADMIRALTY SYMPOSIUM

# SEPTEMBER 20, 2024 - NEW ORLEANS

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



Richard Arsenault Symposium Chair

Richard Arsenault has chaired this symposium since inception over 30 years ago. He has also been an invited lecturer at various law schools including Baylor, Duke, Emory, Tulane, George Washington, Northwestern and LSU, where he served on the Trial Advocacy Faculty. The Wall Street Journal has described Richard as having "national notoriety" and the NY Times described him as one of the "big players" in the legal community. He has been recognized as one of America's Top 50 Influential Trial Lawyers by *Trial Lawyer Magazine*.

# LAST YEAR'S SPEAKERS INCLUDED:



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Hon. Lynn Luker • Hon. John deGravelles • Prof. Thomas Galligan • Prof. Martin Davies • Dean Sally Richardson
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President's Inte

# One on One with Patrick A. Talley, Jr., 84th LSBA President:

# On Family, Goals and Moving the LSBA Forward

Interviewed by Valerie T. Schexnayder

Patrick A. Talley, Jr. is a partner in the New Orleans office of Phelps Dunbar, LLP. He received his BA degree in 1976 from Armstrong College (Georgia Southern University), his JD degree in 1982 from Louisiana State University Paul M. Hebert Law Center and a LLM in Energy and Environmental Law in 1993 from Tulane University Law School. He was admitted to practice in Louisiana in 1982. He also is admitted in Texas.

Talley served as president-elect of the Louisiana State Bar Association (LSBA) from 2023-24, as LSBA secretary and editor-in-chief of the Louisiana Bar Journal from 2019-21 and as a member of the LSBA's Board of Governors from 2014-17 for the First Board District. Prior to this service, he was a member of the LSBA's House of Delegates (since 1994) and was re-elected to the House in 2017. He previously served on the Louisiana Bar Journal's Editorial Board and currently serves on the LSBA's MCLE Committee.



(Left) Patrick A. Talley, Jr., the 84th Louisiana State Bar Association President, third from left, with his family. From left, his grandson Patrick A. Talley IV (Ivey), his son Patrick A. Talley III (Trey), his wife Sharon Parker Talley, his daughter-in-law Margaret McDonald Talley holding his granddaughter Madeleine McDonald Talley, his daughter Sarah Ilene Talley and his son Peyton Joseph Talley. Photo by Paul Morse Studio.

(Above) Patrick A. Talley, Jr., the 84th Louisiana State Bar Association President. Photo by Paul Morse Studio.

resident's

Talley is a member of the board of directors of the Louisiana Bar Foundation and the Judges and Lawyers Assistance Program. He is a member of the Louisiana State Law Institute, the New Orleans, American, Federal, 5th Circuit and Baton Rouge Bar Associations, the State Bar of Texas, the National Association of Railroad Trial Counsel (secretary and Executive Committee member) and the Maritime Law Association of the United States (Proctor member).

Talley is AV-rated by Martindale-Hubbell and has been recognized in several editions of *Best Lawyers in America*, including as the 2016 and 2021 New Orleans Lawyer of the Year in Railroad Law. He also has been recognized in several editions of *Louisiana Super Lawyers* and in *New Orleans City Business*' "Leadership in Law."

In his community, Talley serves on the boards of the Southeast Louisiana Council of the Boy Scouts of America and Holy Name of Jesus School, where he served as president for many years. Following Hurricane Katrina, he was actively involved in the Louisiana Recovery Authority as a member of the Environmental Task Force. He was a co-founder of the New Orleans Charter Schools Foundation, which opened two of the first charter schools in the city limits, and served as the inaugural vice president. He was International President of Pi Kappa Alpha Fraternity and presi-



Law School friends. Front row from left, Greg Barro, Pat Talley, Deborah Parker Gibbs, Vance Gibbs and Paul Gallagher. Back row from left, David Forrester, Katherine (Kate) Loos, Jack Bellinger and Abie Dupont O'Shea. *Photo provided by the Talley Family.* 

dent of the Carrollton Boosters Club, the Upper Hurstville Residence Association and Security District, and Academy of the Sacred Heart. He also served on the boards of the Louisiana Children's Museum and St. George Episcopal School.

**Schexnayder:** Congratulations on being sworn in as the 84th president of the Louisiana State Bar Association. First, tell us a little bit about yourself and your family.

Talley: My wife is Sharon Parker Talley, and we have three children. My daughter, Sarah Ilene Talley, lives in Chicago and is a scientist (Ph.D.) and a biological researcher. My son, Patrick A. Talley III (Trey), practices law in New Orleans at Riess LeMieux Law Firm. He was an engineer by profession but decided to go to law school. I am also proud

to have Trey's wife, Margaret McDonald Talley, as my daughter-in-law, and they are the parents of my two grandchildren, Patrick A. Talley IV (Ivey) and Madeleine McDonald Talley. My third child, Peyton Joseph Talley, graduated from college last May and is currently employed by the New Orleans Saints and the New Orleans Pelicans. I also must mention our dog, Chivas III (who, unfortunately, is no longer with us). We are happy to have my son's dog, Penny, join our family from time to time.

Schexnayder: What are your interests? Talley: I work a lot, and I love my job. I love practicing law. I also enjoy doing our Bar Association work, especially collaborating with the people associated with the Bar Association. But, I do like to garden,



The Talley Family. Parents Patrick A. Talley, Sr. and Janice Talley. From left, brother Steven Talley, Patrick Talley, sister Karen Talley Perrie and sister Phyllis Talley. Photo provided by the Talley Family.



Law School friends. Standing from left, David Forrester, Sid Cook, Robert Johnson, Scott Wills, Eddie Lambert and Greg Barro. On sofa, from left, Pat Talley, Vance Gibbs and Jack Bellinger. Front row from left, Katherine (Kate) Loos, Deborah Parker Gibbs and Mary Chappuis O'Connell. Front, Paul Gallagher. Photo provided by the Talley Family.



Patrick A. Talley, Jr. participating in the 2002 House of Delegates meeting.



Judge (Ret.) Mary Ann Vial Lemmon, Louisiana Supreme Court Justice (Ret.) Harry T. Lemmon with Patrick A. Talley, Jr. at a Louisiana Bar Foundation event in 2019.

and I like to travel. I am a so-called expert with bromeliads, and I have a ton of them. If anybody wants one, let me know, and I'll be happy to give some to you. I hate to throw them away. I also have a little garden in my yard. We like to travel to North Carolina, where I like to hike, walk and spend time on Lake Glenville in Cashiers, some activities that I don't get a chance to do here in New Orleans.

**Schexnayder:** What first sparked your interest in law?

Talley: I always wanted to be a lawyer ever since I can remember. I can't really recall a time when I wanted to do anything else. On the same hand, I can't really tell you what sparked my interest in law, but it probably has to do with a gentleman named Alan Gaynor. He was a lawyer with the firm Bouhan Williams & Levy in Savannah, Ga., where I grew up and went to college. He was involved with the Boy Scouts of America when I became an Eagle Scout, and he helped me along the way. He was a Representative for our district in the Georgia Legislature and was a quintessential legislator, so much so that I thought you had to be a lawyer to be in the Legislature. He was overall a very classy and prominent gentleman, and I considered him a mentor and a role model. Because I wanted to emulate him, he was my inspiration for going into law.

**Schexnayder:** What was your path to law school?

**Talley:** I started out by going to high school and college in Savannah, Ga. I never left home to go to college. At the time, my fraternity, Pi Kappa Alpha, needed consultants to work for them, and they

traveled a great deal on the road. At the last minute, I changed my mind because I hadn't been away from home before and was concerned about how I would be affected by that amount of travel. Instead, they offered me a job as a Resident Counselor at LSU so that I was able to stay in one place. I came to LSU and obtained a master's degree in political science. While there, I assisted the professors with teaching their courses and research, in particular the Bureau of Governmental Research (BGR). In the spring of 1979, I decided to apply to law school at LSU and a couple of other places. I got into law school at LSU and started in the fall of 1979, which I was thrilled about. That's the first turning point in my life because I met some very good friends in law school (you will see some of their photos of my law school group on these pages). We are still close to this day and have reunion trips back to the beach where we first started as a group. We spend a lot of time together, and we have been through a lot since finishing law school more than 40 years ago.

**Schexnayder:** That's wonderful that you have such a close-knit group of law school friends.

**Talley:** I think it's very unusual. I don't see it in many other groups.

**Schexnayder:** Tell us a little bit about your law firm and your law partners.

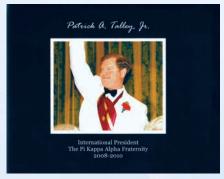
Talley: My law firm is Phelps Dunbar, and we have offices in Louisiana, Texas, Alabama, Mississippi, Tennessee, Florida and North Carolina, making us a regional Gulf Coast law firm. Here in New Orleans, we have an excellent team, and I am very proud to be associated with these folks at Phelps.

**Schexnayder:** What is your area of practice?

**Talley:** My areas of practice are in litigation. I do civil defense litigation, commercial litigation, personal injury litigation, and environmental and toxic tort litigation. I primarily represent and work with companies.

**Schexnayder:** In your practice, what were your most memorable cases?

**Talley:** I have had two cases that were the most memorable. One of them was a Chevron legacy lawsuit in Vidalia in Concordia Parish. I was in a jury trial for two weeks with my co-counsel Bobby Meadows and his team from the King & Spaulding Firm. The opposing counsel was the Carmouche Firm and the District Attorney for the parish, Eddie Knoll. It was a hard-fought case, and, eventually, we obtained a verdict with which we were happy. The jury found in our favor that we did not have to pay damages for the remediation and cleanup of the property, which was the big-ticket item in the lawsuit.



Patrick A. Talley, Jr. was sworn in as the International President of Pi Kappa Alpha Fraternity in 2008 for a two-year term. Photo provided by the Talley Family.



Four generations of Patricks. Patrick III (Trey), Patrick Sr., Patrick IV (Ivey) and Patrick Jr. Photo provided by the Talley Family.



Patrick A. Talley, Jr. with his family, from left, son Peyton, son Patrick (Trey), with their dog Chivas III, daughter Sarah and wife Sharon. Photo provided by the Talley Family.

The other case was in Pointe Coupee Parish and involved the KCS Railroad. We tried the case for two weeks. I vividly remember that case because I woke up and had forgotten to bring my shoes on the second Monday of the trial. Over the weekend, I had gone home to New Orleans, and I forgot to bring my shoes back. I just had on top siders. So, early on that second Monday morning, I went to Walmart to buy a pair of shoes to finish trying the case; as I recall, they were some pretty good-looking shoes! We were not so successful in that case. The judge was against us through the whole trial. I can recount the beginning of the trial most specifically: I did not arrive to court until we were supposed to begin due to my prep meeting with witnesses running longer than expected. However, the judge called the case early, and when

I walked into the courtroom, everyone was already seated, including the jury venire. The judge then loudly announced to the entire courtroom, "Mr. Talley, I am glad you could join us," implying to the jurors that I was late. That's how the case started and didn't get much better throughout the trial, but the judge turned around in the end and was very friendly to us. We were joking around, waiting for the jury to come back.

Those were big cases, but I also had small cases that I handled. In the beginning of my career, I tried a lot of little railroad crossing cases. It seemed like almost every Saturday, we had an accident at one of the KCS railroad crossings, before the advent of gates and lights. For a while, there were new lawsuits filed every week, and it felt like we were trying a new lawsuit almost every Monday morning. It was

a great opportunity for a new lawyer like myself to learn how to try new cases.

**Schexnayder:** Did you learn any lessons from trial work early on in your career?

**Talley:** The lessons I learned from one of my cases were to be better prepared and to always know your witnesses. It was time for the railroad crossing case to begin, and I asked my client if my witnesses were here. My client said, "Yeah, they're sitting right outside." There were two men sitting there. Usually, I would have an engineer and a conductor that I had met with several times prior to the trial, but I did not have the opportunity to do so in this particular case. This case was supposed to be a slam dunk and an absolute win for us. Before the case started, I went to speak to them, but the judge then called the case. I had no chance to talk to my



Pat Talley is presented with a certificate of appreciation by Hon. Darrel J. Papillion, 2016-17 LSBA President, at the Annual Meeting in 2017.



Pat Talley, George Frilot with firm members at the 2007 Annual Meeting.



Patrick A. Talley, Jr. and Louisiana Supreme Court Chief Justice John L. Weimer at the Supreme Court Reception at the 2023 Annual Meeting.



Pat Talley and wife Sharon with attendees at the 2003 Annual Meeting.

witnesses before the trial. I was going to take a break and talk to them because I hadn't met them yet. We took a break, and I went out. But they were not there. I said, "What happened to the two guys here?" I was told, "What guys?" The client said, "Settle the case," so I went back in the courtroom and did. We were fortunately able to settle the case for very little money. We thought that it was funny at the time, but I learned a serious lesson from that experience.

**Schexnayder:** I see today you are walking around in a boot. Tell us about your latest injury. What happened?

Talley: My latest injury is a sprained ankle. I'm too old to run now, but I still like to walk. I was walking in the park with my two dogs, Chivas and Penny. I got distracted and tripped over some uneven concrete and fell down as my ankle twisted. My body weight fell on it. It's a fracture in the posterior talus, and it could require surgery, which I am hoping to avoid. But it's funny you should say, "What's my latest injury," because as long as I've been involved as an officer in the Bar Association, I have had injuries. I started out with a right shoulder sling. Then, I needed to change the sling to the opposite arm due to a break that I sustained in my left arm and shoulder which happened when I slipped on the rocks getting out of the water in North Carolina. Next was my right wrist, which I had surgery on last year. So, I was back in a right-side sling for some time. And now, I am in a boot. Hopefully, this injury is my last. This will be the end of the crutches and slings, fingers crossed.

**Schexnayder:** Hopefully, nothing else will happen to you. I hope this is the end of your injuries.

**Talley:** (Laughing) I hope so too, fingers crossed. Rather than focusing on injuries, I have to get ready for Bar Association-related events and some traveling, which I'm looking forward to.

**Schexnayder:** Let's talk about how you began your involvement in the Bar Association.

Talley: I got involved in the Bar Association when I served as chair of the Bench Bar Committee for the Federal Courts. I was appointed chair of the committee by President Harry Hardin, and I was also the Bar Association's delegate to the Federal Fifth Circuit Judicial Conference, which the Bar was heavily involved in at that time. I recall working with Presidents Ben Hanchey, Jay Zainey and Charles Weems.



Patrick A. Talley, Jr., Barry H. Grodsky, Robert A. Kutcher, Shayna L. Sonnier and Stephen I. Dwyer during a reception at the 2023 Annual Meeting.

In my first year involved when Ben was president, Judge Morey Sear was the chief judge of the District, and he was charged with formulating the agenda for the conference. He didn't take suggestions too well from the Bar Association. I was the sacrificial lamb with the judge. Every year, Judge Sear would say, "You're back again, Talley, to get more ideas thrown out." And, he meant ideas getting thrown out the window. But, I came up with some good suggestions. The judge was a good man, and he did things for the Bar Association. I recall he did not like people putting briefcases on his tables. I saw that firsthand with a gentleman who came in and put his briefcase on the table. The judge asked him if he did that at home. The gentleman said, "Yes." The judge said, "Well, you must not have a nice table at home." That was quintessential Judge Sear for you!

But, that's how I first got involved with the Bar. Then, I ran for the House of Delegates in the early 1990s. I was fortunate enough to be elected at my first try. I ran again and was re-elected every elec-



Varuna Snowden, William C. Snowden, Louisiana Supreme Court Associate Justice Piper D. Griffin and Patrick A. Talley, Jr. during a 2023 Joint Summer School session.

tion after that. After a conversation with Bar leadership, the suggestion was made that I consider running for the Board of Governors in the First District. I did, and, lo and behold, I won. I stayed on the Board for three years. Instead of running for the Board again, I ran for secretary. I was elected (unopposed) as secretary, which also includes serving as editor of the Louisiana Bar Journal. I enjoyed doing that very much. After that, I was elected

back to the House for a few years, and I decided to throw my name in for consideration as president-elect and was elected, again unopposed. This experience was very humbling, as I realized a lot of people could do this job better than I could. But, my colleagues have given me this opportunity to be president, and I look forward to it very much.

Schexnayder: What are your goals for your presidency?

Talley: Well, it's not about me. It's not MY presidency; it's OUR presidency. It's all the officers. It's going to be our presidency, and we're going to do some good things. We will keep things going with Access to Justice. We're going to expand it by including the autism component, something that I feel is left out right now. We're going to continue the ATJ Conclave and other Access to Justice programs that we have. Focusing a bit on autism, Dr. Temple Grandin was one of our CLE speakers at the Annual Meeting this year, and she's very prominent in autism and neurodivergent workplace issues.

I also invited two judges, Justice Linda Marie Bell from the Nevada Supreme Court and the Hon. Soonhee (Sunny) Bailee, District Judge, Las Vegas, Nev., to speak about Access to Justice issues involving children on the autism spectrum and The Daay Court, which they established in Nevada, at the Annual Meeting. I met them at the American Bar Association (ABA) meeting in Denver last year, where they spoke on these topics.



Patrick A. Talley, Jr. addresses the House of Delegates in his role as the Secretary of the Louisiana State Bar Association in 2021.



LSBA Presidents, from left, Shayna L. Sonnier, S. Guy deLaup, David Bienvenu, Alainna R. Mire, Richard K. Leefe, H. Minor Pipes III, Robert A. Kutcher, Stephen I. Dwyer, Kim M. Boyle and Patrick A. Talley, Jr. during the 2023 Annual Meeting.

Another goal focuses on lawyer wellness, much of it working with and through the Judges and Lawyers Assistance Program (JLAP). JLAP offers judges and lawyers help with alcohol and drug impairment issues as well as mental health issues. But the task is challenging for everyone and there may be additional ways to fully meet lawyer needs in respect to mental illness and issues like work-life balance and burnout. I plan to appoint a five-person task force to develop and implement a Wellness in the Profession Program for the LSBA this year to gain further insight and suggestions.

We are also working on a new strategic plan, which will culminate into a Strategic Planning Retreat in September. There, we will look at the results of our membership and stakeholder surveys and utilize these tools to help us develop a strategic plan for moving forward.

An additional objective I want to focus on is Artificial Intelligence. I plan to appoint an Artificial Intelligence Task Force in June. This group will look at AI in the context of lawyer regulation. The ABA and other states are also researching this area, and we are monitoring these efforts. Ultimately, we will compare our findings with those of other jurisdictions and determine whether we need to make any recommendations to the Louisiana Supreme Court.

**Schexnayder:** As the Bar president, you'll be focused on the needs and concerns of all members. What do you consider the major challenges to the practice of law today?

Talley: Professionalism is a major challenge, and we will continue to work on that. We have an excellent Committee on the Profession, chaired by Barry Grodsky, and I hope he continues in that role. But what concerns me most is lawyer wellness moving forward. As I approach the end of my career, I think I have more clarity about the work-life balance issues faced by younger lawyers. We all know that the practice of law is challenging and that lawyer burnout is very real if we do not focus on wellness within the legal profession. I wish for the younger lawyers in our profession that their legal careers bring them the same satisfaction that my career of more than 40 years has brought to me.

**Schexnayder:** We would like to say congratulations to President #84 and thanks for giving the Journal your time. It has been a pleasure.

Talley: It has been my pleasure to be with you today, Val, to discuss our plans for the upcoming year. It is also my honor to serve the Bar Association as its 84th President, and I am very much looking forward to this coming year. Thank you so much again for this interview.

Valerie T. Schexnayder is a mediator with Schexnayder with Schexnayder Mediation Services, LLC, in Baton Rouge. She is beginning the second year of her two-year term as secretary of the Louisiana State Bar Association (LSBA) and as editor-in-



chief of the Louisiana Bar Journal. She has practiced for more than 35 years with a large firm, a small firm and an international corporation and served as a LSBA Distinguished Access to Justice Pro Bono Fellow. She received a BBA degree in 1986 from Loyola University and her JD degree, cum laude, in 1989 from Tulane University Law School. (valschex@gmail.com; Ste. G, 17732 Highland Road, Baton Rouge, LA 70810)

# Office of Disciplinary Counsel:

# Chief Disciplinary Counsel Plattsmier Retires; New Chief Disciplinary Counsel Dotson Appointed

harles B. Plattsmier, chief disciplinary counsel for the Louisiana Attorney Disciplinary Board, retired effective March 31, 2024. At nearly 28 years of service, he is the longest-serving chief disciplinary counsel in recent history.

Upon the recommendation of the Louisiana Attorney Disciplinary Board (LADB), the Louisiana Supreme Court approved the appointment of Anderson O. (Andy) Dotson III to become the next chief disciplinary counsel for Louisiana.

Plattsmier attended Nicholls State University and attributes the university for providing him with the foundation to move his career forward. While at Nicholls, he entered an early admissions program at Louisiana State University Paul M. Hebert Law Center, where he earned his JD degree in 1978. During his first 17 years of private practice, he served as the president of the St. Mary Parish Bar Association. He served as a Louisiana State Bar Association (LSBA) House of Delegates member from 1983-95. From 1990-94, he was one of the first lawyer hearing committee members for the then-newly created Louisiana Attorney Disciplinary Board. From 1994-96, he was appointed and served as a Disciplinary Board member. In 1996, he was appointed chief disciplinary counsel for Louisiana.

Over his career, Plattsmier made significant contributions to the attorney discipline system. He authored amendments to both the Rules of Professional Conduct and Louisiana Supreme Court Rule 19 concerning attorney discipline. He was a member of the Ethics 2000 Committee, which updated and amended Louisiana's ethics rules, and has served on many committees of both the Louisiana Supreme Court and the LSBA. He is an active speaker having provided more than 400 lectures and presentations on ethics and professionalism nationally



Charles B. Plattsmier

and across the state.

"Chuck Plattsmier served the members of the Louisiana State Bar Association and the general public admirably, as evidenced by his dedication to upholding the standards of professionalism incumbent upon all who hold the distinction of membership in the state Bar," said Louisiana Supreme Court Chief Justice John L. Weimer.

Dotson has served in several positions with the Disciplinary Board, first working with the hearing committees, then moving to the board and serving as vice chair and, ultimately, becoming chair of the board.

In his correspondence to the LADB, Chief Justice Weimer wrote on behalf of the Louisiana Supreme Court Justices, "Based on the recommendation of the Louisiana Attorney Disciplinary Board and considering that the adjudicative function of this Court is separate from the prosecutorial role of the Office of Disciplinary Counsel, the Court accepts the Board's considered recommendation of Mr. Dotson to fill the position of Chief Disciplinary Counsel. I



Anderson O. Dotson III

wish to express our appreciation for the hard work of the Board and the dedicated service of its members and staff."

Dotson earned his bachelor's degree in 1996 from Louisiana State University and his JD degree, magna cum laude, in 2000 from Southern University Law Center. From 2009 until his appointment as chief disciplinary counsel, he served the City of Baton Rouge/Parish of East Baton Rouge in the parish attorney's office. He worked as an assistant city prosecutor, 2009-11; first assistant city prosecutor, 2011-15; chief city prosecutor, 2015-19; and parish attorney, 2019-24. He taught as a part-time adjunct professor of law at Southern University Law Center, 2010-22, and at Louisiana State University Paul M. Hebert Law Center, 2022-24. He also worked in the Baton Rouge office of Phelps Dunbar, LLP, as an associate attorney from 2000-09 and was in private practice from 2010 onward.





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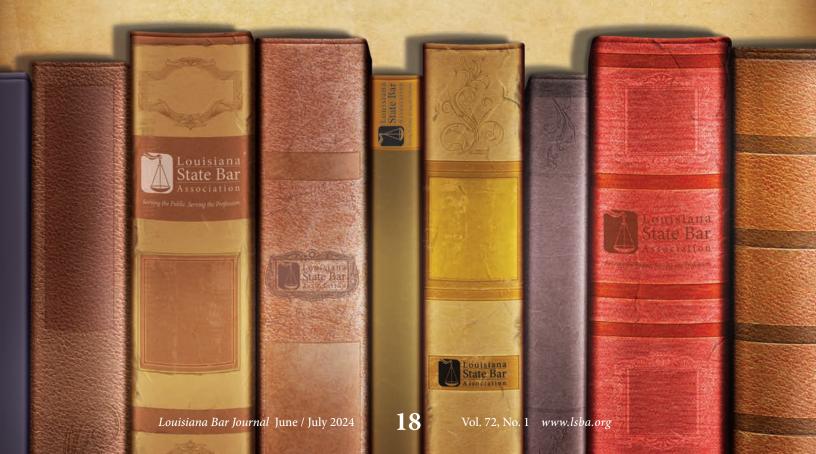
# Book Review

The New Science of Trial Advocacy: The Waiter Pivot by John Jerry Glas

(Published August 2023, ABA Book Publishing, 352 pages)

Reviewed by Edward J. Walters, Jr.

Jurors have become experts in everything and suspicious of everyone. They do not trust lawyers or their hand-picked experts. They will not be manipulated, and they do not want to be "told" anything.



welcome to jury trials in 2024. Everything you learned about handling a case before a jury is but a cold entrée. It's a brave new world.

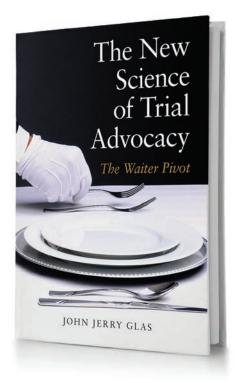
Jerry Glas looks at the courtroom through the eyes of today's skeptical juror and analogizes your role to that of a waiter in a restaurant, serving what the patron wants, and needs, to decide the case your way. This book sets the table and serves you a new, tested recipe on how to change your old stale methods that no longer work, for new approaches that **do** work with today's jurors.

Who is your waiter? Jerry Glas is the chair of the Civil Litigation Department at Deutsch Kerrigan, LLP, in New Orleans and a Fellow of the American College of Trial Lawyers. In his 28 years of practice, he has tried more than 76 jury trials in courtrooms across America, representing both plaintiffs and defendants.

This book takes the reader from appetizer to dessert — from *voir dire* to closing advocacy — with a "today's special" way of doing things differently for these jurors, addressing a new technique for openings and closings, laying a foundation, handling experts, direct examination, cross-examination and much more. It is essentially a complete "how to" book on trying your case before today's juror.

It is written in a very enjoyable conversational tone, interspersed with some of the author's war stories and court-room experiences (good and bad), a lot of humor, snippets of testimony from actual trials, and, of course, a few passages from *My Cousin Vinny*.

The appetizer (Table of Contents) is thought-provoking, and intriguing, with entrées like: Forget Speed Dating; Bring Gifts When You Approach the Bench; Identify Lions and Lambs; Try a TIARA



(an acronym); Identify a Turning Point in the Trial; Prepare for the *Jaws* Gambit; Have an Alamo; and End with a "Father Tompson Pause."

The most fruitful part of the book is how the author generously spoon-feeds the reader on how to perform each task, i.e., what questions to ask to lay a certain type of foundation, the four steps to making a "Perfect" objection, and checklists which, for example, include recipes for introducing physical evidence using acronyms such as MASS (Mark the exhibit, Ask to approach, Show the exhibit to opposing counsel, Show exhibit to witness) and DOWHOP (DO you know what this is, What is it, How do you know what it is, Offer the exhibit, Publish the exhibit). The book is full of many of these useful and easyto-remember guidelines.

The book includes entrées including Twelve Steps for a Proper Foundation Before Tendering an Expert (with each suggested question on a one-page chart), a two-page chart of Common Objections (with statutory authority), a two-page chart of Hearsay Objections (with statutory authority), and a step-by-step chart on How to Lay a Proper Foundation for Electronic Exhibits in Today's Technology-Enhanced Courtrooms. The book also includes a checklist of some 30 matters which should be addressed with the court at the pretrial conference. These charts and checklists should be copied, placed with your trial materials, and taken with you to court.

If this doesn't make a jury trial lawyer want to have a second helping, there is something wrong.

This book is not only for young trial lawyers, but also for what the author refers to as "Gray Hairs" (like me) who have tried a lot of jury cases . . . with the stale techniques of bygone days.

If this book is not in your library, and if you don't review it before your next jury trial . . . and the next . . . you are ordering the wrong dessert.

What they appreciate is a waiter who quietly and professionally makes their life a little easier. Who brings them everything they could possibly want and helps them make their own decision.

Getting the check: The book is available through the American Bar Association at: www.americanbar.org/products/inv/book/433607501/?login.

And you don't have to leave a tip.

Edward J. Walters, a partner in Baton Rouge the Walters, firm Thomas, Cullens, LLC, is a former Louisiana State Bar Association secretary and editor-in-chief of the Louisiana Bar Journal and the current President-Elect-Designate.



He is a member of the Journal's Editorial Board and a former chair of the LSBA Senior Lawyers Division. (walters@lawbr.net; 12345 Perkins Rd., Bldg. 1, Baton Rouge, LA 70810)



**DUES... LEGAL SPECIALIZATION** 

# LSBA Issues Notice for 2024-25 Dues Cycle: July 1 Deadline for Payments

he purpose of the Louisiana State Bar Association (LSBA) is set forth in Art. III § 1 of its Articles of Incorporation. The expenditure of funds by the LSBA is limited as set forth in the LSBA's Articles and Bylaws; Supreme Court Rule XVIII § 6; Keller v. State Bar of California, 496 U.S. 1 (1990); McDonald v. Longley, 4 F.4th 229 (5th Cir. 2021); and Boudreaux v. Louisiana State Bar Ass'n, 86 F.4th 620 (5th Cir. 2023).

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

Review additional information on annual LSBA expenditures online at: www.lsba.org/documents/BOG/BudgetExpenditure.pdf.

The LSBA's annual reports also are available online at: www.lsba.org/ NewsAndPublications/AnnualReports.aspx.

# **Payment of Dues and Assessment**

LSBA members have the option to pay their 2024-25 LSBA dues and Louisiana

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

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

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

Members/EmeritusStatus.aspx.

Filing electronically can be a quick and simple process, utilizing the online member accounts that participants have relied on for years to register for CLE seminars and to access Fastcase. If an attorney has not yet set up a member account, one can easily be created at: <a href="https://www.lsba.org/Members/memberaccts">www.lsba.org/Members/memberaccts</a>. <a href="https://www.lsba.org/Members/memberaccts">aspx</a>. This webpage also allows members to edit their existing accounts and reset a lost or forgotten account password.

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

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

Throughout the dues collection period,

Continued next page

## Dues continued from page 20

the LSBA will email reminders using the email address, compliance@lsbamembership.com. Members are encouraged to add this email address to their contact list to avoid missing important communications. Members should not reply to this email address, but rather direct questions to processing@lsba.org.

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

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

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

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

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

fees, are as follows:

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

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

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

# LBLS Accepting Bankruptcy Law Certification Applications Through Sept. 30

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

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

In addition to the above, applicants

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

With regard to applications for business bankruptcy law and consumer bankruptcy law certification, although the written test(s) is administered by the American Board of Certification, attorneys should apply for approval of the LBLS simultaneously with the testing agency to avoid delay of board certification by the LBLS. Information concerning the American Board of Certification will be provided with the application form(s) and can be viewed at: www.abcworld.org.

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

www.lsba.org/specialization/ BusinessBankruptcy.aspx?Area=Letter.

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

# Attorneys Qualify as Board Certified Specialists in 2023

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, 2023, and will end on Dec. 31, 2027.

# 2023 Newly Qualified Board Certified Specialists

### **Business Bankruptcy Law**

Christopher Todd

Caplinger.....New Orleans Ryan James Richmond...Baton Rouge

# **Consumer Bankruptcy Law**

Kelli R. Cook	Benton
Michele S. Cook	Haughton

# **Attorney Applies for Board Certification** 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 board certification as a legal specialist. Any person wishing to comment upon the qualifications of any applicant should submit his/her comments to the Louisiana Board of Legal Specialization, 601 St. Charles Ave., New Orleans, LA 70130, c/o Specialization Director Mary Ann Wegmann, no later than June 24, 2024.

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

# **Consumer Bankruptcy Law**

Karl Michael Helo..... Lafayette

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

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

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

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

LBLS Business Bankruptcy Law specialists and Consumer Bankruptcy Law specialists must satisfy the continuing legal education requirements of the American Board of Certification.

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

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

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# **Attorney Qualifies** as Board Certified Specialist in 2024

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

# 2024 Newly Qualified **Board Certified Specialist**

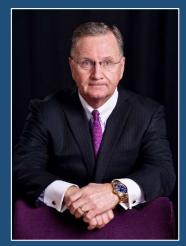
**Business Bankruptcy Law** 

Leo David Congeni......New Orleans

# 24<sup>th</sup> Annual Louisiana State Bar Association Complex Litigation Symposium

# NOVEMBER 8, 2024 – NEW ORLEANS

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



Richard Arsenault
Symposium Chair

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

# LAST YEAR'S SPEAKERS INCLUDED:



Hon. Robert Dow, Jr. • Hon. Eldon Fallon • Hon. Carl Barbier • Hon. Glenn Norton • Hon. Ed Kinkeade Hon. James Stanton • Hon. David Proctor • Alex Calfo • Eric Holland • Aaron Heckaman John Hooper • Mikal Watts • Hailey Watts • Shean Williams • Lindsey Cheek • Aimee Wagstaff Sarah Lanier • Rachel Lanier • Scott DeNardo • Sharon Desh • Adam Levitt • Sara Papantonio Bradley Honnold • Erin Copeland • Mike Morgan • Hunter Shkolnik • Paul Pennock Shannon Pennock • Chase Gore • Katherine Cornell • Sean Fahey • Patrick Galligan • Sean Parker Colleen Garvey • Blake Deady • Michael London • Dawn Chmielewski • Lana Varney • Rhon Jones Tom Pirtle • Melanie Muhlstock • Dustin Carter • Lee Floyd • David Selby



# 2024-2025 Louisiana State Bar Association Officers and Board of Governors

### Officers 2024-25

# Patrick A. Talley, Jr. **President**

Patrick A. Talley, Jr. is a partner in the New Orleans office of Phelps Dunbar, LLP. He received his BA degree in 1976 from Armstrong College (Georgia Southern University), his JD degree in 1982 from Louisiana State University Paul M. Hebert Law Center and a LLM in Energy and Environmental Law in 1993 from Tulane University Law School. He was admitted to practice in Louisiana in 1982. He also is admitted in Texas.



Talley served as president-elect of the Louisiana State Bar Association (LSBA) from 2023-24, as LSBA secretary and editor-in-chief of the Louisiana Bar Journal from 2019-21, and as a member of the LSBA's Board of Governors from 2014-17 for the First Board District. Prior to this service, he was a member of the LSBA's House of Delegates (since 1994) and was re-elected to the House in 2017. He previously served on the Louisiana Bar Journal's Editorial Board and currently serves on the LSBA's MCLE Committee.

He is a member of the board of directors of the Louisiana Bar Foundation and the Judges and Lawyers Assistance Program. Additionally, he is a member of the Louisiana State Law Institute, the New Orleans, American, Federal, 5th Circuit and Baton Rouge Bar Associations, the State Bar of Texas, the National Association of Railroad Trial Counsel (secretary and Executive Committee member) and the Maritime Law Association of the United States (Proctor member).

Talley is AV-rated by Martindale-Hubbell and has been recognized in several editions of Best Lawyers in America, including as the 2016 and 2021 New Orleans Lawyer of the Year in Railroad Law. He also has been recognized in several editions of Louisiana Super Lawyers and in New Orleans City Business' "Leadership in Law."

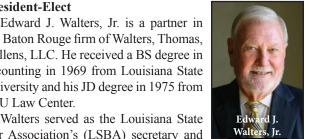
In his community, he serves on the boards of Southeast Louisiana Council of the Boy Scouts of America and Holy Name of Jesus School, where he served as president for many years. Following Hurricane Katrina, he was actively involved in the Louisiana Recovery Authority as a member of the Environmental Task Force and was a co-founder of the New Orleans Charter Schools Foundation, which opened two of the first charter schools in the city limits, as the inaugural vice president. He was also International President of Pi Kappa Alpha Fraternity and president of the Carrollton Boosters Club, the Upper Hurstville Residence Association and Security District, and Academy of the Sacred Heart. Additionally, he served on the boards of the Louisiana Children's Museum and St. George Episcopal School.

He is married to Sharon Parker Talley and they have three children, Patrick A. Talley III (Trey), Sarah Ilene Talley and Peyton Joseph Talley; a daughter-in-law, Margaret McDonald Talley; and two grandchildren, Patrick A. Talley IV (Ivey) and Madeleine McDonald Talley.

Ste. 2000, 365 Canal St. One Canal Place, New Orleans, LA 70130-6534 (504)289-4289 • fax (504)568-9130 email: talleyp@phelps.com • website: www.phelpsdunbar.com

# Edward J. Walters, Jr. President-Elect

Edward J. Walters, Jr. is a partner in the Baton Rouge firm of Walters, Thomas, Cullens, LLC. He received a BS degree in accounting in 1969 from Louisiana State University and his JD degree in 1975 from LSU Law Center.



Bar Association's (LSBA) secretary and editor-in-chief of the Louisiana Bar Journal in 2012-13. He continues to serve on the Louisiana Bar Journal Editorial

He and Michael A. (Mike) Patterson have taught a course titled "Advanced Trial and Evidence" at LSU Law Center for more than 30 years, and he has been a member of the faculty of the Law Center's yearly Trial Advocacy Program since its inception 25 years ago.

He was appointed by the Louisiana Supreme Court to serve as a member of the Judiciary Commission of Louisiana from 2017-21. He was the chair of the Commission for 2020.

Walters received the LSU Law Center's Distinguished Alumnus Award in 2015, the LSBA's President's Award in 2011, the Louisiana Bar Foundation's Distinguished Attorney Award in 2008 and the Baton Rouge Bar Association's President's Award in 1995, 1998 and 2014.

He is a member of the American College of Trial Lawyers, the International Academy of Trial Lawyers and the LSU Law Center Board of Trustees. He is board certified in Civil Trial Advocacy by the National Board of Trial Advocacy.

He is the author of the book *Ipse Dixit: Ruminations on a* Career at Law.

Walters and his wife, Norma, have been married for 55 years and are the parents of two children. They have four grandchildren.

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# Valerie T. Schexnayder Secretary

Valerie T. Schexnayder is a mediator with Schexnayder Mediation Services, LLC, in Baton Rouge. She has practiced for more than 35 years with a large firm, a small firm and an international corporation in the areas of complex tort litigation and environmental litigation. She also served as a Louisiana State Bar Association (LSBA) Distinguished Access to Justice Pro Bono



Fellow, partnering with the Baton Rouge Bar Association to expand its pro bono outreach to veterans and their families.

She received a BBA degree in 1986 from Loyola University and her JD degree, *cum laude*, in 1989 from Tulane University Law School. She was admitted to practice in Louisiana in 1989.

Schexnayder will serve as secretary and editor-in-chief of the *Louisiana Bar Journal* for one more year. She served on the LSBA's Board of Governors (Fifth Board District) from 2017-20. She served in the LSBA's House of Delegates, representing the 19th Judicial District from 2011-17 and the 24th Judicial District from 1999-2005. She is a member of the Bar Governance Committee and served on the Continuing Legal Education Committee from 1999-2002. She served on the Access to Justice Commission from 2018-20. She served as the Young Lawyers Division's Second Board District representative from 1996-98. She received the 1999 LSBA Young Lawyers Division's Michaelle Pitard Wynne Professionalism Award. She is a member of the Baton Rouge Bar Association, currently serving as chair of the Pro Bono Committee.

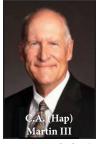
In her community, she serves on the board of directors for the Capital Area Finance Authority's board of trustees and Tiger Athletic Foundation. Additionally, she serves as a sustaining adviser for the Junior League of Baton Rouge, where she previously served on the board of directors. She previously served as chair of the Emerge Foundation board of directors and as a lector for Most Blessed Sacrament Church.

Schexnayder and her husband Todd have been married for 36 years and are the parents of two adult sons.

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# C.A. (Hap) Martin III Treasurer

C.A. (Hap) Martin III is a member in the Monroe firm of Shotwell, Brown & Sperry, APLC. He received a BS degree in civil engineering in 1977 from Louisiana Tech University and his JD degree in 1980 from Louisiana State University Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 1980. He has been AV-rated by Martindale-Hubbell for more than 30 years.



Martin served as the Louisiana State Bar Association's (LSBA) secretary and editor-in-chief of the *Louisiana Bar Journal* from 2021-23. He served as the Seventh District rep-

resentative on the LSBA's Board of Governors from 2015-18 and on the board of the Judges and Lawyers Assistance Program from 2018-22. He currently serves on the *Louisiana Bar Journal* Editorial Board, the LSBA's Bar Governance Committee, the Mandatory CLE Committee and on the Governing Council of the Insurance, Tort, Workers' Compensation and Admiralty Law Section (former chair). He is a former member of the LSBA's House of Delegates from the Fourth Judicial District. He is a Master Emeritus of the Fred Fudickar American Inn of Court.

In his community, he is a lifelong Methodist and has held numerous leadership positions in his denomination on the local, district and conference levels. He served for many years as legal counsel volunteer with the Louisiana Purchase Council of the Boy Scouts of America (and its predecessor) and has coached teams in several youth sports organizations.

Martin and his wife, Diane Caraway Martin, have been married for 47 years and they have two sons and four grandchildren.

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# Shayna L. Sonnier Immediate Past President

Shayna L. Sonnier is an attorney in the Lake Charles firm of Veron Bice, LLC. She received a bachelor's degree in 2000 from the University of Louisiana-Lafayette and her law degree in 2003 from Dedman School of Law, Southern Methodist University. She was admitted to practice in Texas in 2003 and in Louisiana in 2005.



Sonnier served as 2023-24 president, 2022-23 president-elect and 2018-20 treasurer of the Louisiana State Bar Association (LSBA). She also served as the Fourth District representative on the LSBA's Board of Governors. She served as chair, immediate past chair, chair-elect, secretary and District 4 representative on the LSBA's Young Lawyers Division (YLD) Council. She also co-chaired the YLD's Wills for Heroes Committee.

She currently serves on the boards for the Louisiana Bar Foundation and the Louisiana Center for Law and Civic Education.

Sonnier has served as secretary, treasurer, president-elect, president and past president of the Southwest Louisiana Bar Association (SWLBA) and is a past president of the SWLBA's Young Lawyers Section.

In her community, she is a member of St. Luke Simpson United Methodist Church, where she serves as secretary on the Church Council.

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## **Board of Governors 2024-25**

# J. Christopher Zainey, Jr. First Board District

J. Christopher (Chris) Zainey, Jr. is a partner with Lambert Zainey Smith & Soso, PLC, in New Orleans. Upon graduation from Loyola University College of Law in 2008, he served as a federal judicial law clerk to Judge James J. Brady of the U.S. District Court for the Middle District of Louisiana. Since entering private practice, his practice has focused primarily on



representing plaintiffs in maritime personal injury and Jones Act cases, wrongful death cases, catastrophic personal injury cases and complex tort litigation.

Zainey served as chair of the Louisiana State Bar Association's (LSBA) Community Action Committee and is a member of the Nominating Committee and a former member of the House of Delegates. He is a regular lecturer discussing maritime law updates for the LSBA's Annual Meeting and is a regular panelist for the LSBA's Admiralty Law Symposium in New Orleans every fall. He frequently lectures and/or moderates legal panels for various organizations, including the Louisiana Association for Justice (where he serves on the Board of Governors and co-chairs the Membership Committee), the Federal Bar Association (where he serves on the board of directors), Loyola University College of Law and Tulane University Law School, on topics including federal practice and procedure, professionalism, maritime law, oral arguments and environmental toxic torts, as well as teaching with the trial advocacy summer program at Louisiana State University Paul M. Hebert Law Center. He has been recognized by Louisiana Super Lawyers and the National Trial Lawyers Top 100 for the past several years.

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# Graham H. Ryan First Board District

Graham H. Ryan is a partner in the New Orleans office of Jones Walker LLP, where he litigates complex commercial disputes in all stages of litigation, appeals, arbitration and regulatory proceedings. He advises clients in the technology, banking, energy, construction and healthcare industries in developing and executing litigation strategies designed to achieve client business



objectives. He is nationally recognized in artificial intelligence (AI) law and Section 230, having been published in the *Harvard Journal of Law and Technology Digest*, featured in the *Wall Street Journal* and designated as an AI Governance Professional

by the International Association of Privacy Professionals.

He graduated, *summa cum laude*, in business finance from Louisiana State University, received his law degree from LSU Paul M. Hebert Law Center (*Louisiana Law Review*), and is an alumnus of the Harvard Law School Program on Negotiation. Before joining Jones Walker, he served as a judicial extern for the Louisiana Supreme Court.

Ryan has served on the Louisiana State Bar Association's (LSBA) Board of Governors (2021-22) and the LSBA Young Lawyers Division's (YLD) Council (2015-23), also serving as chair of the LSBA YLD (2021-22) and as the delegate to the American Bar Association's (ABA) House of Delegates (2019-20). He was a member of the 2014-15 Leadership LSBA Class. He received the LSBA YLD Chair's Award in 2016 and 2018 and was named as a 2017 Louisiana Bar Foundation Fellow for his role in leading various access-to-justice initiatives. He has served on the LSBA's Access to Justice Committee, MCLE Committee and CLE Committee, and was a council member for the Louisiana State Law Institute and a board member for the Louisiana Center for Law and Civic Education.

He was named to the 2020 Leadership in Law Class by *New Orleans CityBusiness* and to the 2018 "40 Under 40" Class by *Gambit Weekly*. In 2018, he was honored by the ABA as a "Top 40 Young Lawyer" nationally. He also was named a Fellow of the Loyola Institute of Politics and is a graduate of Leadership Louisiana and the New Orleans Regional Leadership Institute.

In his community, Ryan is president of the Lakeview Crime Prevention District and a board member of Lakeview Civic. He is a former chair of HandsOn New Orleans, a nonprofit volunteer center founded after Hurricane Katrina that engaged more than 60,000 volunteers to rebuild south Louisiana. He serves on the United Way Campaign Cabinet. He is an attorney volunteer and board member of the Pro Bono Project.

Ryan and his wife Erin are the parents of two boys. Ste. 5100, 201 St. Charles Ave.

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(504)582-8370 • fax (504)589-8370
email: gryan@joneswalker.com

# Jeffrey G. Lagarde Second Board District

Jeffrey G. Lagarde is an attorney in the Metairie office of Staines, Eppling & Kenney, LLC. His practice is focused on litigation, including products liability, redhibition, defense of excess carriers and maritime matters. He received his undergraduate degree from Louisiana State University and his JD degree from Mississippi College School of Law (Dean's List and AmJur



Award for highest score in civil law property). He was admitted to practice in Louisiana in 2008.

Lagarde serves on the board of directors of St. Stanislaus High School in Bay St. Louis, Miss., has served on the St. Tammany advisory board for a regional credit union and has been active in the local Inns of Court chapter and local bar associations.

1213 Taft Park, Metairie, LA 70001 (504)838-0019 • fax (504)838-0043

email: jeff@seklaw.com website: www.seklaw.com

# Melanie W. Chatagnier Third Board District

Melanie W. Chatagnier is the sole attorney and owner of Chatagnier Law Office in Thibodaux. She handles domestic matters, adoptions and property partitions in Lafourche Parish. She received a BS degree in psychology in 1999 from Northeast Louisiana University (University of Louisiana-Monroe) and her JD and BCL degrees in 2004 from Louisiana State



University Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2005.

Chatagnier is a member of the Louisiana State Bar Association's Family Law Section and served as a member of the LSBA Nominating Committee (District 2C).

She is a member of the Lafourche Parish Bar Association and a Lafourche district court-approved ad hoc counsel for contested custody and adoption suits.

In her community, she has been a member of the St. Joseph Catholic Elementary School PTC board since 2022. She is a sponsor of the Thibodaux Soccer Association and involved with other Thibodaux recreation activities.

She and her husband Jason have been married for 14 years and are the parents of three children.

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# Adam P. Johnson Fourth Board District

Adam P. Johnson is a partner in The Johnson Firm in Lake Charles. He received a BS degree in business management in 2006 from Louisiana State University and his JD degree in 2009 from Southern University Law Center. He was admitted to practice in Louisiana in 2009.



After clerking for Judge Robert Wyatt and Judge Ronald Ware, Johnson joined his

father Terry and brother Jonathan in the practice of law. He and his brother now own The Johnson Firm in Lake Charles. The firm's attorneys focus on family, criminal defense and personal injury law.

Johnson served in the Louisiana State Bar Association's (LSBA) House of Delegates. He was a member of the 2013-14 Leadership LSBA Class and co-chaired the 2014-15 Leadership LSBA Class. He served as the LSBA Young Lawyers Division District 4 representative from 2015-19. He also writes the Criminal Law Section of the Louisiana Bar Exam.

He is a former president of the Southwest Louisiana Bar Association (SWLBA) and a former president of the SWLBA Young Lawyers Division.

In his community, he is a member of Trinity Baptist Church. Johnson and his wife, Ashley Leonards Johnson, are the parents of three children.

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# Carrie LeBlanc Jones Fifth Board District

Carrie LeBlanc Jones is special counsel in the Baton Rouge office of Breazeale, Sachse & Wilson, LLP, practicing in the healthcare section. Previously, she was the chief legal officer and general counsel for the Louisiana State Board of Nursing and a partner at the law firm of Shows, Cali & Walsh, LLP. She received a BA degree in mass communication in 2004



from Louisiana State University, a MBA degree in 2005 from Southeastern Louisiana University and her JD/BCL degree from LSU Paul M. Hebert Law Center in 2008. She was admitted to practice in Louisiana in 2008.

Jones is a member of the Louisiana State Bar Association's (LSBA) Bar Governance Committee, the Health Law Section and the Government and Public Law Section. She has served as immediate past chair, chair, chair-elect, secretary and District 5 representative on the LSBA's Young Lawyers Division (YLD) Council. She helped plan the inaugural Louisiana Young Lawyers Conference, co-chaired the Richard N. Ware High School Mock Trial Competition, served as the Professional Development Seminar coordinator, chaired the Bridging the Gap Committee and served on the Awards Committee. She received the LSBA YLD Chair's Award in 2016 in recognition of her ongoing commitment and service to the Richard N. Ware High School Mock Trial Competition. She served as a member of the *Louisiana Bar* Journal Editorial Board and was a member of the 2013-14 Leadership LSBA Class. She also volunteered as a mentor in the LSBA's Transition into Practice Mentoring Program.

Her commitment to the legal profession includes two terms on the Louisiana Attorney Disciplinary Board. After the Louisiana Supreme Court appointed her to a second term, she served as the board's chair in 2017. She serves on the Louisiana Bar Foundation's Capital Area Community Partnership Panel.

In her community, Jones is a parishioner of St. George Catholic Church. She also serves on the board of directors for Livingston Parish SADD. She and her husband, Aaron Jones, have been married for 13 years and have two children.

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# Kelly M. Rabalais Fifth Board District

Kelly M. Rabalais is vice president of communications and strategy for St. Tammany Health System. She received a BA degree in political science in 1996 from Louisiana State University, her JD degree in 1999 from LSU Paul M. Hebert Law Center and her master's degree in health administration from LSUS in 2022. In 2022, she became a health law specialist, certified by



the Louisiana Board of Legal Specialization. She is a Fellow of the American College of Healthcare Executives and is certified by the Public Relations Society of America.

Rabalais was elected to the Louisiana State Bar Association's Nominating Committee in 2018, 2019, 2020, 2021, 2022, 2023 and 2024 and is a member of the Louisiana Bar Journal's Editorial Board.

She is serving a 2023-25 term on the Lawyer Disciplinary Committee of the U.S. District Court, Eastern District of Louisiana. She served as 2017 and 2018 Women in Law chair and 2019 Community Outreach chair for the 22nd Judicial District Bar Association. She received the 2016 BGR (Bureau of Governmental Research) Excellence in Government Merit Award and the Louisiana State Bar Association 2021 Stephen T. Victory Memorial Award.

In her community, she is a member of the Safe Haven Foundation and a member of the board of directors for the St. Tammany Chamber.

She and her husband, J. Michael Rabalais, Jr., have been married for 27 years and are the parents of two children.

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# Barry M. Barnett **Sixth Board District**

Barry M. Barnett is a partner in the firm of LaCroix, Levy & Barnett, LLC, in Alexandria. He handles personal injury cases, with more than 30 years of experience in that practice area. He received his BS degree in business in 1981 from the University of New Orleans and his JD degree in 1986 from Louisiana State University Paul M. Hebert Law Center. He was admitted to practice in Louisiana in 1986.



Barnett is a member of the American Bar Association, the Louisiana Association for Justice and the Alexandria Bar Association (president, 2005-06).

He and his wife, Amanda Barnett, have been married for 38 years and are the parents of four children.

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website: www.llblaw.com

# Amy J. Miller **Seventh Board District**

Amy J. Miller is the owner/attorney in Amy Miller Attorney at Law in Ruston, with a general practice including civil litigation, business law, contracts, property and mineral rights, workers' compensation, estate planning and successions. She also is an assistant district attorney in the 3rd Judicial District (Lincoln and Union parishes). She received her undergraduate degree, cum



laude, in English in 2009 from Louisiana State University-Shreveport and her JD degree and graduate diploma in comparative law in 2013 from Louisiana State University Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2013 and in Arkansas in 2022.

Miller is a former Louisiana State Bar Association House of Delegates member, representing the 3rd Judicial District. She is a member of the Lincoln Parish Bar Association, the Louisiana District Attorneys Association and the Louisiana Bankers Association (Bank Counsel Section).

In her community, she is a member of the Friends of the Lincoln Parish Library, a sustainer for the Junior League of Monroe and a member of Trinity Methodist Church in Ruston.

She and her husband, Brock Miller, have been married for seven years and are the parents of a son.

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# Senae D. Hall **Eighth Board District**

Senae D. Hall is an assistant district attorney in the Caddo Parish District Attorney's Office in Shreveport. She is the Human Trafficking Victims Diversion coordinator. She also works with the STAR Court Program in Caddo Parish Juvenile Court to combat human trafficking issues. She received a BA degree in mass communications in 2008 from Dillard University and



her JD degree in 2011 from Southern University Law Center. She was admitted to practice in Louisiana in 2011.

Hall served as the 2023-24 chair, the 2022-23 chair-elect, the 2021-22 secretary and as an at-large representative on the Louisiana State Bar Association's (LSBA) Young Lawyers Division (YLD) Council. She is currently the YLD Council's immediate past chair. She was a member of the 2018-19 Leadership LSBA Class and served on the LSBA YLD Awards Committee for two years. She also volunteered as a mock trial competition judge from 2017-21.

She is a member of the Shreveport Bar Association (SBA), the Louisiana District Attorneys Association and the Harry V. Booth/Judge Henry A. Politz American Inn of Court. She is currently the at-large member for the SBA's Young Lawyers

Section. She served as the Social Media chair from 2021-23 and the Law Week Chair for 2023 for the SBA's Young Lawyers Section and the treasurer for the SBA's Women's Section in 2022.

Hall was recognized as a 2021-2024 "Top Attorney" by *SB Magazine* and was selected for the 2020-21 Dillard University's "40 Under 40" list. She also was selected for the Shreveport Chamber of Commerce's 2021 "40 Under 40" Class. She is a member of Alpha Kappa Alpha Sorority, Incorporated.

In her community, she is a judge for the Volunteers for Youth Justice's Teen Court Program and volunteers for various community service projects. Every year, she organizes a service project or fundraiser for her birthday to give back to her community.

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# Kristen D. Amond Chair, Young Lawyers Division

Kristen D. Amond is an attorney in New Orleans (Kristen Amond, LLC), practicing in federal and state courts in Louisiana. She represents businesses of all sizes in all forms of business disputes and is outside general counsel to small businesses and start-ups. She has represented bankruptcy trustees, plan administrators, receivers in complex litigation and investors in securities fraud



lawsuits. She also is a trained mediator. She is a member of the civil pro bono panels for the Eastern and Middle Districts of Louisiana and volunteers her professional time to represent plaintiffs in civil rights cases.

She served as a clerk to Judge Susie Morgan of the U.S. District Court of the Eastern District of Louisiana. In law school, she served as an intern for Judge Brian A. Jackson of the U.S. District Court for the Middle District of Louisiana.

Amond received her JD degree, *magna cum laude*, in 2016 from Louisiana State University Paul M. Hebert Law Center. She was editor-in-chief of the *Louisiana Law Review*, chaired the SBA's Ethics Board and was the 3L representative of the Diversity and Inclusion Committee.

Before law school, she taught second and third grades in New Orleans charter schools.

She served as the Louisiana State Bar Association Young Lawyers Division chair-elect in 2023-24 and as secretary in 2022-23. She was elected to two terms as the District 1 representative on the Young Lawyers Division Council.

She also serves on the board of the New Orleans Federal Bar Association Younger Lawyers Division and is an alumna of the New Orleans Regional Leadership Institute and a Council for a Better Louisiana's Leadership Louisiana program.

She was an adjunct professor at Tulane University teaching "The Media and the First Amendment" and teaches a course at LSU Law's Apprenticeship Week each year with Judge Susie Morgan.

She was named as one of the American Bar Association's Top

40 Young Lawyers in America in 2022 and has been recognized in the 2021-2024 editions of *Best Lawyers*: Ones to Watch and 2022-2024 editions of *Louisiana Super Lawyers*: Rising Stars.

Amond looks forward to traveling the world with her wife, Nancia Sterling.

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# Jeffrey A. Riggs At-Large Member

Jeffrey A. Riggs is a partner in the Lafayette office of Lewis Brisbois Bisgaard & Smith, LLP. He received his BS degree in 1983 from Indiana University and his JD degree in 1986 from Indiana University School of Law (*Indiana Law Review*; Dean Frandsen Award; Moot Court Award). He was admitted to practice in Louisiana in 1986 and in Texas in 2005.



Riggs served in the Louisiana State Bar Association's House of Delegates (9th and 15th Judicial Districts) for many years (ending in 2020) and was a member of the House of Delegates Liaison Committee in 2007-08, 2010-13 and 2017-20. He is a member of the Client Assistance Fund Committee and the Unauthorized Practice of Law Committee. He is a member of the Lafayette Bar Association.

Riggs and his wife, Colin Neblett Riggs, have been married for 35 years. He is the father of four children.

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# L. Bradley Hancock At-Large Member

L. Bradley Hancock is the executive partner in the Houston, TX, office of Holland & Knight, LLP. He also practices in the firm's Austin, TX, office and is a member of the firm's litigation practice. He received his BA degree in history from Texas A&M University and his JD degree from Texas Tech University School of Law. He was admitted to practice in Louisiana in



2001. He also is admitted in Texas and the District of Columbia. Hancock is a life fellow of the Houston Young Lawyers Association and a member of the Board of Trustees for the Texas Tech Law School Foundation. He is a board member of the State Bar of Texas Corporate Counsel Section.

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# Tina L. Suggs

# At-Large Member

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



At State Farm, she was selected to serve in a leadership development role and was an inaugural member of State Farm's Rising Star Academy.

Suggs is a longtime member of the Louisiana State Bar Association's (LSBA) House of Delegates (24th Judicial District) and of the LSBA's Committee on the Profession. She serves as co-vice chair of the Access to Justice Committee. She is a member of the Leadership Council on Legal Diversity (LCLD) and co-chairs as City Lead for LCLD Alumni in Louisiana.

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

She and her husband, Everett C. Suggs, have been married for 32 years and are the parents of four children.

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### **Monica Hof Wallace**

# Faculty, Loyola University College of Law

Monica Hof Wallace is the Dean Marcel Garsaud, Jr. Distinguished Professor of Law at Loyola University New Orleans College of Law. She joined the law faculty in 2002 after practicing at the New Orleans firm of Correro Fishman Haygood Phelps Walmsley & Casteix (now Fishman Haygood, LLP). She graduated first in her class at Loyola College of Law and, while



attending law school, served on the *Law Review* and as chair of the Moot Court Program. After graduation, she worked as a law clerk for Judge Jacques L. Wiener, Jr. of the U.S. 5th Circuit Court of Appeals and for Judge Barry Ted Moskowitz of the U.S. District Court for the Southern District of California.

Professor Wallace is a frequent speaker and author in the areas of family law, successions, donations, trusts and community property, all of which she teaches at the College of Law. She lectures on family law for Barbri nationally. She designed, developed and fundraised for the Loyola Advocacy Center, serving as director at its inception. She is an active member of the Louisiana State Bar Association, the Louisiana State Law Institute and the St. Thomas More Inn of Court. She is an active

Fellow for Educating Tomorrow's Lawyers and the Louisiana Bar Foundation. She serves on the board for the Louisiana Youth Seminar. She has received several awards for her teaching, scholarship and public service.

She and her husband, Todd Wallace, have been married for 22 years and are the parents of two children.

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### **Donald W. North**

### Faculty, Southern University Law Center

Professor Donald W. North is the Vice Chancellor of Student Affairs at Southern University Law Center. He also runs the Student Externship Program. He joined the faculty in 1998. He received a BS degree in political science in 1980 from Grambling State University and his JD degree in 1983 from Southern University Law Center. He was admitted to practice in Louisiana



in 1984. He also is admitted to the U.S. District Court for the Middle District of Louisiana and the U.S. 5th Circuit Court of Appeals.

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

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

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

He and his wife Jyotibala have been married for 37 years and are the parents of two children.

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# André Doguet Louisiana State Law Institute

André Doguet has been the commissioner for the 15th Judicial District Court in Lafayette since 2020. He received his BA degree in 1983 from Louisiana State University and his JD degree in 1986 from LSU Paul M. Hebert Law Center (member of the *Law Review*). He was admitted to practice in Louisiana in 1986.



Doguet has been a member of the Law Institute's Marriage and Persons Committee since 2017. He is a member of the Lafayette Bar Association (president in 2010-

11) and a former member of the Lafayette Bar Foundation board of directors.

He and his wife, Nora Montgomery Stelly, have been married for 29 years.

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# **Shannon Seiler Dartez** Chair, House of Delegates Liaison Committee

Shannon Seiler Dartez is an attorney with the Glenn Armentor Law Corporation in Lafayette. She received a BA degree in 1990 from Louisiana State University and her JD degree in 1994 from LSU Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 1994.

Dartez served on the Louisiana State Bar



Association's (LSBA) Board of Governors as the Third Board District representative from 2002-05 and 2017-20. She is a member of the LSBA House of Delegates and the LSBA's Insurance Committee, previously chairing the Group Insurance Committee. She is the recipient of the 2002 LSBA Young Lawyers Division's Outstanding Young Lawyer

She is a former president of the Lafayette Bar Association (2021-22) and a member of the Louisiana Association for Justice and Louisiana Workers Advocates (WILG). She also is a member of the Louisiana Workers Comp Advisory Council.

In her community, she is a graduate of the Leadership Institute of Acadiana's Leadership Lafayette, where she chaired the Junior Leadership program for two years. She is a former president of both the Junior League of Lafayette and Healing House, Hope for Grieving Children.

She is the mother of two children and has two grandchildren.

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# Sandra K. Cosby

## Member, House of Delegates Liaison Committee

Sandra K. Cosby is a solo practitioner in Metairie. She received a BA degree in 1974 from Lincoln Memorial University and her JD degree, magna cum laude, in 1990 from Loyola University College of Law. She was admitted to practice in Louisiana in 1990.

Cosby serves in the Louisiana State Bar Association's (LSBA) House of Delegates and is a former chair and current member



of the Committee on the Profession. She has previously served on (and chaired) the House Liaison Committee. She is co-chair of the Loyola Law School Professionalism Orientation and a member of the Louisiana Bar Foundation.

She was case note and quantum editor of the Loyola Law Review from 1989-90 and was a Loyola Moot Court semi-finalist. She is a former president and member of the local advisory board of directors for the American Lung Association of Louisiana.

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By Deil J. LaLande | CALCASIEU PARISH

alcasieu Parish, established in 1840, is a rural parish located in the southwestern corner of the state. It boasts state and federal courthouses accounting for a large portion of suits filed in Louisiana over the last five years. Its name comes from the Atakapan word "quelqueshue," meaning "crying eagle" — the name of an Atakapa chief. Lake Charles became the seat of justice years prior in 1852 and the official seat of the parish in 1868. In 1910, a disastrous fire destroyed much of downtown Lake Charles, including the courthouse. Since then, Lake Charles and Calcasieu Parish have risen from the ashes and become an economic powerhouse in Louisiana due to the petrochemical industry and its key location and channels on the Gulf of Mexico.

Both the parish and federal courthouses are accessed by Interstate 10 westbound by exiting on Enterprise Boulevard. From the exit ramp, turn left and head southbound until you reach Broad Street, then turn right. From there, the federal courthouse is located about half a mile on the right. For the 14th Judicial District Court, proceed on Broad Street until you reach Lakeshore Drive, turn left and the building is on the left at the intersection of Lakeshore and Kirby Street.

# The Parish Courthouse

The Calcasieu Parish courthouses have recently undergone massive repairs and renovations following Hurricanes Laura and Delta, making the facilities more compatible with changing technology.

The 14th Judicial District is home to 10 judges. Judges Clayton A. Davis (Division B), Robert L. Wyatt (Division D), David A. Ritchie (Division E), Bobby L. Holmes (Division F), G. Michael



Canaday (Division G) and Kendrick J. Guidry (Division H) preside over both civil and criminal matters. Judges W. Mitchell Redd, William J. Cutrera, Cynthia C. Guillory and Magistrate Judge Tony C. Fazzio preside over all Family and Juvenile Court matters. The clerk of court schedules dates with the respective judge. The hearing officers set family docket cases for hearing officer conferences; thereafter, the cases are then sent to the clerk for docketing on the assigned judges rule day, should additional litigation be required. As with other districts utilizing hearing officers, Uniform District Rules dictate the submissions and documentation required prior to the hearing officer conference. If in doubt, call the Hearing Office.

The entrance to the courthouse is near the corner of Kirby and Piton Streets. There is also an entrance located between the building and the parking garage. However, while people often notice the front of the courthouse's marble steps and copper dome, this building is no longer used for civil or criminal matters. Rather, that building is now home to various par-

ish offices such as the Registrar of Voters, Mortgage and Conveyance Records, etc. All matters heard in civil and criminal court are located in the courthouses found at 1011 Lakeshore Drive.

With the emphasis on security, weapons are not allowed in the courthouse, and everyone entering must pass through a metal detector. Cell phones for attorneys are allowed but must be placed on silent. Those entering the courthouse are monitored by security guards and bailiffs stationed upstairs and downstairs.

The courthouse parking most accommodating will be across the street in the Lake Charles Event Center Parking Lot located .2 miles away. Simply cross the street using the appropriate signals, and the courthouse entrance is located on the right. However, there is also a shared parking lot that contains parking for the courthouse diagonally across from the building and can be accessed via Kirby or Ryan Street. Finally, the courthouse has a parking garage (which is generally reserved) and an open parking lot directly south of the building.



The current Calcasieu Parish courthouse, in Lake Charles, was built in 1912, with an additional annexes added in 1958 and 1960. The Courthouse underwent extensive restoration in 1998 and is on the Federal Register of Historic Buildings. *Photo by Barbara Baldwin*.



Behind the Magnolia Building, where the Calcasieu Parish Law Library is located on the 4th floor (hours are 9 a.m. to 5 p.m.), is the home of Little Richard Alligator, created as part of the 2001 "Gators on the Geaux" community art project in Lake Charles, La. *Photo by Barbara Baldwin.* 

## The Federal Courthouse

The Edwin F. Hunter Federal Building courthouse also underwent a massive renovation due to Hurricanes Laura and Delta, with all courtrooms, conference rooms and offices requiring significant repairs. The office and courtroom for the federal judge sitting in this court, Judge James D. Cain, Jr., is located on the third floor. Magistrate Judge Thomas P. LeBlanc has his courtroom and offices located on the second floor. The Bankruptcy Court is located on the first floor. The first floor is also home to the clerk's office, located to the left after entering through the security checkpoint area.

Judge Cain has presided over the majority of the more than 1,500 hurricane cases filed or removed to federal court following Hurricanes Laura and Delta. Despite the large influx of cases, Judge Cain's Hurricane Case Management Order (CMO) streamlined the discovery process, resulting in many of the claims being resolved within the timeframes established under the CMO.

# **Dining Options**

One thing Lake Charles is not short of is restaurants. From downtown options, such as Luna Bar and Grill, Tia Juanitas Fish Camp and Buffi's Peaux Boys, to other unique spots across the city, like Pat's of Henderson and Nawal's, you will not leave Lake Charles hungry. For a fine dining experience, check out Ember, Gordon Ramsey's Steak, the Villa Harlequin, Mazen's or 121 Bistro — all providing savory food and other refreshments after a long day.

Additionally, Lake Charles is home to excellent breakfast locations such as Coffee 30 Café, KD's Diner (open 24/7), Helen Street Bakehouse or Victoria's Taqueria — all within three miles of the 14th Judicial District Court. The Bekery, a French-inspired bakery, was recently featured in *Southern Living* magazine and is home to the most delicious treats.

# Lodging

For lodging, Lake Charles' three luxury casino resorts are home to topquality stays, with swimming pools and restaurants for the whole family. For a shorter stay, there are several great hotel chains such as Wingate by Wyndham or SpringHill Suites and Residence Inn by Marriott, located near the casinos. These options are conveniently located off of the Nelson Road exit on Interstate 210, except for The Horseshoe Lake Charles Hotel, which is located just over the I-10 Bridge in Westlake, La. All hotel options provided are less than 10 minutes from the courthouse.

Deil J. LaLande has worked as a personal injury attorney at Stutes & Lavergne, LLC, for the past six years. He received his bachelor's and master's in psychology degrees from McNeese State University in 2010 and 2013, respectively. He earned his JD degree in 2013 from



Loyola University New Orleans College of Law. He is a member of the Southwest Louisiana Bar Association and involved in various organizations as an advisor throughout southwest Louisiana. (deil@stuteslaw.com; 600 Broad St., Lake Charles, LA 70601)

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



By Kenzie Schott Cardella

# ENGAGEMENT LETTER REFRESH

ou have interviewed a prospective client, completed the necessary conflicts checks and are now ready to accept the new client. To seal the deal, attorneys should sign and send a carefully composed engagement letter. Engagement letters help set important expectations with a new client and greatly alleviate malpractice risk for attorneys. These letters serve as an important part of your practice and any engagement letter templates should be reviewed and refreshed routinely. When reviewing your engagement letter, make sure it contains the following key elements.

Client identity. While basic, your letter should properly identify the client you will be representing.

Scope of services. Your letter should include a careful and specific description of the scope of legal services you will provide. This description would cover, for example, what you will do for the client regarding a specific personal injury incident, tax matter or business deal the client wishes to close.

**Fee and billing structure.** Fee structures can take on different forms. Your fee structure could be a monthly retainer, hourly billing or contingency. Refer to Rule 1.5, which provides great detail

about appropriate fee structures for attorneys. This section of your engagement letter should also cover how expenses relating to the representation will be paid and how any routine billing will occur (e.g., sending invoices monthly or quarterly).

File retention and destruction. The engagement letter should also cover what happens to the client's files upon termination of the representation. Typically, this section includes how many years you will retain the files and that you will destroy them at the end of that period.

**Signatures**. Another basic item, like the client's identity, the letter should be signed by both the attorney and the new client before any representation begins.

The preceding elements are key to a sufficient engagement letter. Under your endorsed CNA malpractice policy, you may get a discount on your deductible, should a matter arise, if your engagement letter contained all of the preceding elements.

In addition to those key elements, you might find a few supplemental provisions helpful, based on your specific practice. For example, you may include a provision where the client consents to email or text communications or consents to cloud storage. Other provisions to consider are what state law governs any disputes that

arise concerning the representation and what the client's obligations are in relation to the representation (*e.g.*, making specific decisions and providing timely responses).

Once you have updated your engagement letter, you should consider a few other scenarios where a written letter to the client is important. First, if you have an existing client but are taking on a new matter with that client, you should get an updated engagement letter signed by the client before beginning representation on the new matter. Second, if you are terminating representation, you should get a signed termination letter that helps the client clearly understand that representation has ended. And last, if you choose not to accept a prospective client, it is wise to send a written declination letter, letting the prospective client know that you are declining representation and you owe no further professional obligations. If the prospective client provided any original documents, you can return those with the letter. In a declination letter, it is important not to advise on the merits of the case. It is okay, however, to note that the client should be mindful of time constraints on the matter and urge him or her to consult with another attorney.

Kenzie Schott Cardella is an attorney who works with Gilsbar's loss prevention counsel. She received her undergraduate degree in accounting from Southern Methodist University in Dallas, Texas, and her JD degree from Louisiana State University Paul M. Hebert Law Center,



where she served as editor-in-chief of the Louisiana Law Review. She has practiced business and transactional law with a New Orleans law firm and worked as a CPA in public accounting. Email her at kcardella@gilsbar.com.





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By Dr. Angela White-Bazile, Esq.

NO APOLOGIES NECESSARY

I'm sorry. My apologies. I cannot believe this happened. It's all my fault. I feel terrible. These are some of the most challenging phrases for judges and lawyers to say because you are admitting that you were wrong. However, we also apologize when an apology is unnecessary, such as when prioritizing ourselves and saying "no." Lawyers hurt ourselves when we minimize ourselves or ignore our wants and needs. We should never apologize for focusing on ourselves and doing what we think is right, especially if it benefits our well-being professionally as well as personally.

Take a moment and reflect on the past month, year, five years, 10 years, 20 years in practice. Have you been taking care of yourself or neglecting the most important person in your life? Have you been busy being too busy?

We often prioritize our work, family and social obligations over our well-being, but we cannot meet the needs of others if we do not take care of ourselves. As the saying goes, you cannot pour from an empty cup. You cannot give to others what you do not have. Airlines even instruct passengers to put on their own oxygen masks first before helping others during an emergency. Placing ourselves last on our priority list



comes with significant negative consequences, including burnout, depression, anxiety and resentment.

How long can you continue to mistreat yourself and overlook your basic needs? Do you know what you need to flourish and prosper? Do you know who you are and what you want out of life? You need to ask yourself these tough questions to identify the things that matter most.

What are your priorities? What excites you? What motivates and inspires you? When was the last time you laughed? Do you have an inner critic? How do you silence negative thoughts about yourself? What does a safe space look like for you to process emotions and feelings? When did you last take

time out of your busy schedule for selfcare and do something that helped you relax, recharge and feel refreshed?

You cannot competently and diligently do your job if you are dependent upon alcohol or drugs to make it through the day, contemplating suicide, suffering from depression, or being overwhelmed with anxiety. The mask will eventually fall off, and you will no longer be able to hide what is burdening you on the inside, as it will ultimately affect you physically.

While many may consider self-care a luxury, self-care is necessary in our professional and personal lives. Self-care is not about being selfish but prioritizing health and well-being. Self-care is deliberately caring for yourself physically, mentally and emotionally.

When lawyers prioritize overall health and practice self-care, they can improve quality of life and achieve work-life balance. Taking the time to support and care for yourself will make you a better advocate, colleague, professional and, most importantly, a happier person.

The most common reason people do not participate in self-care is a lack of time. While lawyers have a lot going on, we must take time out for ourselves, our families, hobbies and other interests.

Even if you only have five-minute increments spread throughout the day to engage in self-care, that is certainly better than nothing. Engaging in self-care will help you reduce or eliminate stress, anxiety and depression; avoid burnout; minimize frustration and anger; and increase energy.

Self-care activities could be volunteering, getting a massage, listening to music, meditating, reading a book, hiking, journaling, gardening, painting, playing with pets, watching a funny TV show or movie, taking a spin or kickboxing class, or downloading a mind-





fulness and meditation app. Self-care is personal. What works for someone else may not work for you.

To incorporate self-care into your daily routine and improve your physical, mental and emotional health, try:

- ► Taking short breaks throughout the day to stretch, meditate, or even close your eyes and take a few long, deep breaths. Short breaks throughout the day can help you stay focused and productive.
- ► Establish clear boundaries and know your limits to respect your needs. Do not take on more than you can manage, and do not hesitate to decline requests that do not align with your priorities. Too many times, we say "yes" to not hurt someone's feelings. You cannot make everyone happy. Remember, saying "yes" to others is really saying "no" to yourself.
- ► Exercise and eat fruits and vegetables. Choose a physical activity that you enjoy and will do regularly.
- ► Get good quality sleep to rest and recharge.
- ► Take time off from work without feeling guilty. Plan a trip or a staycation and enjoy some time for yourself. Make a conscious effort to disconnect from technology during your free time.

Limit distractions and avoid checking your emails and taking work calls during this time if you can.

▶ Reflect on what you are grateful for. Too often, we focus on the negatives. Try to consistently calm your mind and enjoy the present moment to reduce feelings of anxiety. Take time to be still and find joy in the little things.

By prioritizing your needs and engaging in activities that make you feel good, you send a message to yourself that you deserve care and attention. There is no case or assignment more important than you. Take care of yourself now and develop a self-care plan because you are worth the investment.<sup>2</sup> Do not wait until it is too late.

Prioritize your peace of mind and your happiness. Learn to love yourself and live unapologetically. No more ignoring your needs and feelings to please others. Life is precious and meant to be enjoyed.

To learn more about self-care, well-being and being the best version of yourself for judges and lawyers, contact the Louisiana Judges and Lawyers Assistance Program, Inc. (JLAP) at (985)778-0571, email jlap@louisiana-jlap.com, or visit the website, www. louisianajlap.com. JLAP offers specialized support in a confidential and understanding environment to judges, lawyers, law students and legal professionals. There is no shame in seeking help. The call costs nothing but could make a life-changing difference.

We are a Safe Haven of Healing.

#### **FOOTNOTES**

- 1. Jeena Cho, "Why Self-Care is Critical for Being a Good Lawyer (Part I)," Above the Law (July 20, 2015), https://abovethelaw.com//2015/07/why-self-care-is-critical-for-being-a-good-lawyer-part-i/.
- 2. ABA Law Practice Division Lawyer Well-Being Committee, "Self-Care is a Must...SO ORDERED!," Law Practice Today, (May 9, 2023), https://www.lawpracticetoday.org/article/self-care-is-a-must-so-ordered/.

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







By Robert A. Kutcher

PLUS ÇA CHANGE, PLUS C'EST LA MÊME CHOSE

hile the world and the practice of law have significantly changed over the years, the fundamentals have not changed. Yes, we are on Zoom calls more often and emails and texts have replaced letters and phone calls, but it is important to recognize that the basic rules of professionalism are the same regardless of context and technology. The circumstances have changed but not the principles. As a refresher, below are some basic professionalism rules to live by.

Respect your opponent, the court and the system. This is what professionalism is all about — elevating the profession by doing the right things and representing your client effectively while at the same time promoting the profession and being part of a greater process which benefits all parties and society in general.

Be responsible. Return phone calls promptly, show up on time, and file and serve pleadings on time. If you agree to do something by a certain date, do it. Don't interrupt your client, opposing counsel or the court. Pay attention to the matter in front of you. Put your phone away. Treat all office personnel with courtesy and respect. If you make a mistake, admit it. We all make mistakes. Just learn from them.

Be honest with your client. Establish an understanding of your engagement. Don't oversell. Deliver what you say you will and when. Provide objective advice. Avoid client surprises and communicate regularly. Bad news does not age well.

Be honest with opposing counsel. Establish a working relationship. Don't mislead or misrepresent. Don't be afraid to pick up the phone; email or text is fast but not always as productive. Don't put anything in writing that you wouldn't want a judge to see. If you don't give professional courtesies, you don't get. Burning bridges is never a good idea.

Focus on the goal. Don't win the battle and lose the war. Even in litigation, winwin is possible. Your opponent's suggestion isn't always wrong. Pick and choose your battles. There is a difference between reasonableness and weakness. Your opponent is not your enemy, only an adversary.

Don't be a keyboard bully. Everyone is brave behind a keyboard. Before you push send, think about whether you want to see that email attached to your opponent's next pleading or, worse, a complaint to the Disciplinary Counsel. Check your grammar, content and connotation. Don't rely on auto correct. Read what you type before you push send and take the time to think.

**Show your work.** If you are changing or modifying another lawyer's document, show your changes. Don't make the other side guess or spend unnecessary hours trying to figure out what you did.

Understand the Rules of Professional Conduct. We are all governed by the Rules of Professional Conduct. Play by the rules and know where the line is drawn. Never put others in the position of taking some action which would violate the Rules of Professional Conduct. If you can't do it, they can't do it.

**Preparation is good.** Being unprepared wastes time, costs your client money, and is an abuse of the court's and your opponent's time. Your client deserves the best representation you can give, and knowing the rules, facts and law are critical to delivering the best representation. We all work in a service business. If you're not prepared, it will catch up with you. All any of us have to sell is our time, skill and reputation. Don't ruin it.

Procrastination is bad. Even if you can be prepared by not dealing with an issue until the last minute, you're probably not as prepared as if you did it ahead of time. Procrastinating narrows your possible courses of action and your client's choices. Just because there is a deadline doesn't mean you should wait until the deadline arrives to take action. Life is unpredictable. Nobody plans on an emergency.

If you see something, say something. Some lawyers don't know any better. Whether it was bad training or no training, they have no inherent feel for what constitutes professionalism. Some lawyers confuse bluster and noise with advocacy. If you have an issue, say something; it might help and it certainly can't hurt.

Pay it forward. We have an obligation to better the profession in all sorts of ways, from supervising other lawyers to setting an example for, and even providing advice to, other lawyers and future lawyers you encounter. What goes around comes around, both professionally and financially. Don't get a bad reputation.

Give back to the community. The more we as a profession make ourselves part of the community, the more our profession's esteem will increase. Do something for the community and our profession.

Make your workplace a pleasant environment. You should try to make those around you feel good about coming to work and the job they do. It makes everyone's life a little easier. It costs nothing to show appreciation for a job well done. Most of us are nothing without our support staff. Treat them well and they will watch your back.

Hope this helps!

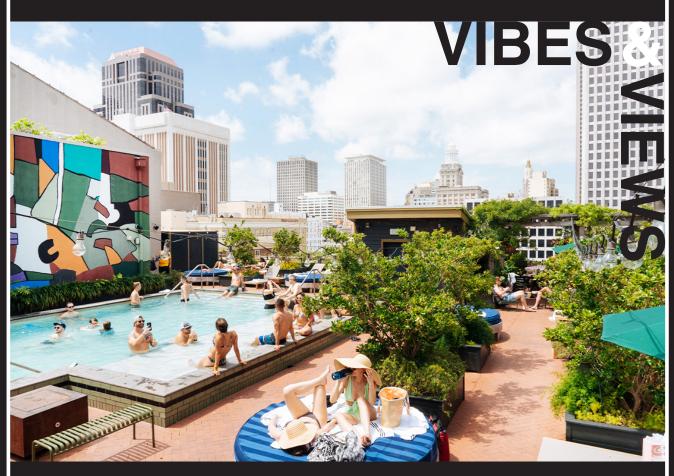
Robert A. Kutcher is the managing partner of Kutcher Tygier & Luminais, LLP, in Metairie. He has served as president of the Louisiana State Bar Association, president of the New Orleans Chapter of the Federal Bar Association and chair of the Louisiana Attorney



Disciplinary Board. He is currently president of the Judges and Lawyers Assistance Program. He graduated from Cornell University in 1972 and received his JD degree, cum laude, in 1975 from Loyola University New Orleans College of Law. (rkutcher@nolacounsel.com; Ste. 600, 3501 N. Causeway Blvd., Metairie, LA 70002) Alto

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### 15th Annual Conclave on Diversity: Thanks to Our Sponsors

The Louisiana State Bar Association (LSBA) hosted the 15th Annual Conclave on Diversity in the Legal Profession on Aug. 11, 2023, in New Orleans. For 15 years, the Conclave has served as an opportunity for attorneys and judges to discuss the importance of diversity, equity and inclusion in the legal profession. The LSBA would like to acknowledge this year's sponsors.

### Photos by Emily Scalf, Sunlit Studio Photography



Casey C. Hollins, left, Hammonds, Sills, Adkins, Guice, Noah & Perkins, LLP, Conclave Platinum Sponsor; and Conclave Chair J. Dalton Courson, Disability Rights Louisiana.



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Victor J. Suane, Jr., left, Kean Miller LLP, Conclave Platinum Sponsor; and Conclave Chair J. Dalton Courson, Disability Rights Louisiana.



Conclave Chair J. Dalton Courson, left, Disability Rights Louisiana; and Cherrell S. Taplin, Liskow & Lewis, APLC, Conclave Gold Sponsor.



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Michael B. Victorian, left, immediate past president, Louis A. Martinet Legal Society, Inc., Baton Rouge Chapter, Conclave Co-Host, Phelps Dunbar, LLP, Conclave Platinum Sponsor; and Conclave Chair J. Dalton Courson, Disability Rights Louisiana.



Executive Board members of the Hispanic Lawyers Association of Louisiana, Conclave Co-Host, with Conclave Chair J. Dalton Courson, far right, Disability Rights Louisiana. From left, Ramona G. Fernandez, treasurer, deputy director of the Loyola Law Clinic, Loyola University New Orleans; Marleny Flores, vice president, attorney at law; and Gina Zapanta, president, Z.A. Lawyers.

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Our decades of experience as a responsible steward of funds along with our wellestablished partnerships across all 64 parishes has allowed us to help hundreds of thousands of Louisiana residents gain access to the legal system.

### TO OUR CIVIL JUSTICE SYSTEM

ivil legal aid is free legal assistance provided to help people facing non-criminal, civil legal challenges. In Louisiana, 40% of our population earn incomes below 200% of the Federal Poverty Level leaving more than 1.7 million people potentially eligible for free civil legal aid. We currently have 1 civil legal aid attorney for every 11,230 eligible people.

Through our legal aid network of providers, Louisianians gain free access to civil legal assistance, which plays a crucial role in safeguarding their livelihoods, health, and families. It serves as a vital component of fostering a legal system that is fair and equitable for all.

While every American has a constitutional right to an attorney in criminal matters, when it comes to civil matters, access to an attorney is not a fundamental right.

Investments in civil legal aid help to close the gap in our justice system and ensures "liberty and justice for all."



We partner with a variety of organizations who have similar missions. We believe society benefits when everyone has equal access to justice.

#### **Louisiana State Bar Association**

The LSBA and the LBF work closely to advance our mission of ensuring civil legal aid for all by expanding our collective impact.

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LLL is a technology-focused resource serving Louisiana's civil justice system. Through our joint project, The Justice Bus, a rolling legal resource, civil legal services are brought to the public who need them the most.

### **Louisiana Housing Corporation**

Our partnership with LHC was created to provide education, counseling, and direct representation aiding impoverished citizens in matters of title clearing, foreclosure prevention, mediation and mortgage loan modifications.

#### **My Community Cares**

MCC is a community-driven, neighborhood-based approach to strengthening families and preventing child abuse and nealect in Louisiana. The LBF funded 5 full-time attorneys fully dedicated to MCC work. Types of cases handled by these attorneys are in the categories of domestic violence and family law, public benefits, consumer health and protection. The goals of MCC are to decrease incidents and repeat incidents of child abuse and neglect; decrease entries into foster care; decrease placement disruptions, increase family-based placement settings; and decrease time to achieve permanency.

#### **The Banking Community**

The LBF Prime Partner Banking Program is an ongoing initiative allowing

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Ensuring families can maintain safe living conditions and remain in their homes.

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### REPORTING DATES 4/2/24 & 4/4/24

### REPORT BY DISCIPLINARY COUNSEL

Public matters are reported to protect the public, inform the profession and deter misconduct. Reporting date April 2, 2024.

### **Decisions**

Janeane G. Abbott, Prairieville, (2023-B-0852) **CORRECTED AND** RESUBMITTED BY THE ODC. Suspended for 30 days. Following completion of the suspension, respondent shall be placed on unsupervised probation for one year, during which time she must attend and successfully complete the Louisiana State Bar Association's Ethics School, by order of the Louisiana Supreme Court on Dec. 8, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 22, 2023. Gist: Respondent neglected her client's legal matter, failed to communicate with her client, and failed to inform her client that she had a potential malpractice claim for which she should seek independent counsel. Respondent also misled her client and made false statements to the ODC during its investigation.

Michelle Myer Bennett, Metairie, (2023-B-1690) By consent, suspended from the practice of law for a period

of one year and one day, with all but three months deferred, subject to conditions, by order of the Louisiana Supreme Court on Feb. 14, 2024. JUDGMENT FINAL and EFFECTIVE on Feb. 14, 2024. *Gist:* Respondent mismanaged her client trust account; engaged in an intimate relationship with a client; and violated or attempted to violate the Rules of Professional Conduct.

Jonathan Wayne Brown, Lake Charles, (2024-B-0138) Suspended from the practice of law on an interim basis by order of the Louisiana Supreme Court on March 14, 2024. JUDGMENT FINAL and EFFECTIVE on March 14, 2024.

John Felder Crawford II, Baton Rouge, (2024-B-0306) Transferred to interim suspension for threat of harm by order of the Louisiana Supreme Court on March 8, 2024. JUDGMENT FINAL and EFFECTIVE on March 8, 2024.

Grant Patrick Gardiner, Metairie, (2023-B-01520) By consent, suspended for six months by order of the Louisiana Supreme Court on Feb. 14, 2024. JUDGMENT FINAL and EFFECTIVE

on Feb. 14, 2024. *Gist:* Respondent failed to communicate with clients; neglected legal matters; engaged in dishonest conduct; and engaged in conduct prejudicial to the administration of justice.

James Arthur Graham, Jr., New Orleans, (2023-B-01551) Order of Public Censure imposed by the Disciplinary Board of the Tennessee State Bar made reciprocal in the State of Louisiana in the form of a Public Reprimand, by order of the Louisiana Supreme Court on Feb. 20, 2024. JUDGMENT FINAL and EFFECTIVE on Feb. 20, 2024. Gist: For approximately 60 days, Graham stated on his website that he was licensed to practice law in Tennessee, although his "practice pending admission" had been revoked.

Christopher Granger, Grand Coteau, (2023-B-01468) By consent, suspended for six months, fully deferred, by order of the Louisiana Supreme Court on Jan. 24, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 24, 2024. Gist: Respondent neglected a legal matter; failed to communicate with a client; and inappropriately attempted to settle a malpractice claim with a client.

Timothy Baron Holden, New Orleans, (2023-OB-0057) Reinstated to the practice of law, subject to conditions, by order of the Louisiana Supreme Court on March 12, 2024. JUDGMENT FINAL and EFFECTIVE on March 12, 2024.

Sophia Juliana Johnson, New Orleans, (2023-B-01688) By consent, suspended from the practice of law for one year, retroactive to Oct. 12,

Continued next page

### CHRISTOVICH & KEARNEY, LLP ATTORNEYS AT LAW

DEFENSE OF ETHICS COMPLAINTS AND CHARGES

KEVIN R. TULLY
H.C ARTER MARSHALL

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601 Poydras Street, Suite 2300 New Orleans, LA 70130 2023, the date of interim suspension, subject to conditions, by order of the Louisiana Supreme Court on Feb. 6, 2024. JUDGMENT FINAL and EFFECTIVE on Feb. 6, 2024. Gist: Falsifying an email to cover up her failure to timely disclose her clients' expert witnesses; making false statements in pleadings filed in federal court; and violating or attempting to violate the Rules of Professional Conduct.

Willie G. Johnson, Jr., Baton Rouge, (2024-B-0147) By consent, suspended from the practice of law for a period of six months, fully deferred, subject to a two-year period of probation, by order of the Louisiana Supreme Court on March 12, 2024. JUDGMENT FINAL and EFFECTIVE on March 12, 2024. *Gist:* Respondent failed to timely remit settlement funds to a third-party loan company that held a lien against the settlement proceeds.

George R. Knox, Lafayette, (2023-B-01674) Suspended from the practice of law for one year and one day, retroactive to his Dec. 21, 2023, in-

**terim suspension**, by order of the Louisiana Supreme Court on Feb. 6, 2024. JUDGMENT FINAL and EFFECTIVE on Feb. 6, 2024. *Gist:* Respondent practiced law while ineligible and failed to cooperate with the Office of Disciplinary Counsel.

Karl J. Koch, Baton Rouge, (2023-B-01395) Suspended for one year and one day, fully deferred, subject to respondent's successful completion of a two-year period of supervised probation with the condition that he attend the Louisiana State Bar Association's Trust Accounting School, by order of the Louisiana Supreme Court on Jan. 17, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 31, 2024. Gist: Respondent mishandled his client trust account, resulting in commingling of funds. Respondent knowingly, if not intentionally, violated duties owed to his clients, the public and the legal profession.

Robert James Lounsberry, Sr., Lake Charles, (2024-OB-00158) **Transferred to interim suspension for threat of harm** by order of the Louisiana Supreme Court on Feb. 1, 2024. JUDGMENT FINAL and EFFECTIVE on Feb. 1, 2024.

Robert James Lounsberry, Sr., Lake Charles, (2024-OB-00186) Permanently resigned in lieu of discipline by order of the Louisiana Supreme Court on March 19, 2024. JUDGMENT FINAL and EFFECTIVE on March 19, 2024.

William Magee, Pearl River, (2023-B-00364) Publicly reprimanded by order of the Louisiana Supreme Court on Jan. 19, 2024. JUDGMENT FINAL and EFFECTIVE on Feb. 2, 2024. *Gist:* Respondent engaged in the unauthorized practice of law during a period of suspension.

Brian Allen Miller, Monroe, (2024-B-0141) Interimly suspended from the practice of law by order of the Louisiana Supreme Court on Feb. 1, 2024. JUDGMENT FINAL and EFFECTIVE on Feb. 1, 2024.

Continued next page



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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 April 4, 2024.

Respondent	Disposition	Date Filed	Docket No.
Michael L. Cohen	[Reciprocal] Suspension, fully deferred.	3/20/24	23-5756
Craig J. Fontenot	[Reciprocal] Suspension.	3/20/24	23-6989
Donovan Raymond Francis	[Reciprocal] Suspension, fully deferred.	3/4/24	23-6112
Timothy James Martinez	Interim suspension.	3/4/24	24-291
Edward Moses, Jr.	[Reciprocal] Suspension.	2/21/24	23-5295
Raleigh Lawrence Ohlmeyer III	I [Reciprocal] suspension, fully deferred.	3/20/24	23-6988
Jacqueline A. Scott	[Reciprocal] Public reprimand.	3/20/24	23-6986
J. Quentin Simon	[Reciprocal] Suspension, fully deferred.	3/20/24	23-6110
George R. Tucker	[Reciprocal] Public reprimand.	3/20/24	23-6111
Christie Clark Wood	[Reciprocal] Public reprimand.	2/21/24	23-4930

### Discipline continued from page 45

Jessica L. Mullaly, New Orleans, (2024-B-00156) By consent, suspended for one year and one day, with all but 90 days of this suspension deferred, followed by a one-year period of probation, by order of the Louisiana Supreme Court on March 12, 2024. JUDGMENT FINAL and EFFECTIVE on March 12, 2024. *Gist:* Respondent mismanaged her client trust account and shared fees with a non-lawyer.

Stavros Panagoulopoulos, Gretna, (2023-B-01566) By consent, suspended from the practice of law for a period of six months, with all but 90 days deferred, followed by a one-year period of probation, by order of the Louisiana Supreme Court on Feb. 7, 2024. JUDGMENT FINAL and EFFECTIVE on Feb. 7, 2024. Gist: Respondent failed to comply with attorney advertising rules and failed to cooperate with ODC in its investigation of complaints.

Kenneth M. Plaisance, New Orleans, (2023-B-01460) Suspended from the practice of law for two years and one day, with one year deferred, by order of the Louisiana Supreme Court on Feb. 6, 2024. JUDGMENT FINAL and EFFECTIVE on Feb. 20, 2024. Gist: Failure to adequately communicate with clients; engaged in a conflict of interest; attempted to collect an impermissible fee; and engaged in con-

duct prejudicial to the administration of justice.

Peter A. Ryan, Sheridan, WY, (2023-B-01687) Consented to a period of suspension of one year and one day, with all but six months deferred, followed by a one-year period of unsupervised probation, by order of the Louisiana Supreme Court on Feb. 27, 2024. JUDGMENT FINAL and EFFECTIVE on Feb. 27, 2024. Gist: Respondent neglected legal matters; failed to communicate with clients; and failed to properly terminate representations.

Jeremy Zivko Soso, New Orleans, (2023-B-01556) By consent, publicly reprimanded by order of the Louisiana Supreme Court on Feb. 14, 2024. JUDGMENT FINAL and EFFECTIVE on Feb. 14, 2024. Gist: Failure to communicate with two clients; failure to make reasonable offers to expedite litigation; failure to timely provide a client's file upon request; and failure to obtain client's written consent to include co-counsel in a contingency fee agreement.

Adam Verret, Baton Rouge, (2023-B-0105) By consent, suspended for six months with three months deferred, and subject to a one-year period of supervised probation following the suspension, by order of the Louisiana Supreme Court on March 5, 2024. JUDGMENT FINAL and EFFECTIVE

on March 5, 2024. *Gist:* Respondent engaged in consensual sexual relationships with two clients.

Richard Forest White, Lake Charles, (2023-B-1624) Adjudged guilty of additional violations warranting discipline, which shall be considered in the event he seeks readmission from his disbarment in In re: White, 22-1701 (La. 2/24/23), 355 So.2d 1085, by order of the Louisiana Supreme Court on Feb. 27, 2024. JUDGMENT FINAL and EFFECTIVE on March 12, 2024. Gist: Respondent neglected a legal matter; failed to communicate with his client; failed to return the client file; and failed to cooperate with ODC.

### **Admonitions**

- 1 Violation of Rule of Professional Conduct 1.1 Competence.
- 1 Violation of Rule of Professional Conduct 1.5(c) Written contingency fee agreement.
- 1 Violation of Rule of Professional Conduct 3.1 Meritorious claims and contentions.
- 3 Violations of Rule of Professional Conduct 7.2(a)(3) Failure to include the required LSBA Registration Number.
- 2 Violations of Rule of Professional Conduct 7.7(c) Failed to pre-file the advertisement with the LSBA.

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### **Custody Modification**

*Glazer v. Glazer*, 23-0502 (La. App. 4 Cir. 4/3/24), \_\_\_\_ So.3d \_\_\_\_, 2024 WL 1434289.

Mr. Glazer appealed the trial court's judgment ordering him to stop communicating with the children's school, arguing that the trial court erred in rendering an injunction without a trial on the merits. Conversely, Ms. Glazer moved to dismiss Mr. Glazer's appeal, arguing that the trial court's judgment was not a final judgment because it did not dispose of all the issues in her eighth rule for contempt and motion to modify custody, nor was it a partial final judgment because it was not designated as final.

Although the 4th Circuit Court of Appeal agreed with Ms. Glazer that "the conditions precedent to finalization of a partial judgment" did not exist, it converted Mr. Glazer's appeal to a writ application and granted it.

On review, the 4th Circuit Court of Appeal vacated the trial court's judgment and re-

manded the case, finding that the trial court erred as a matter of law in issuing a permanent injunction without a trial on the merits.

### Domestic Abuse Assistance Act

**Petite v. Hinds**, 24-010 (La. 3/12/24), \_\_\_ So.3d \_\_\_\_\_, 2024 WL 1067465.

Ms. Petite filed a petition for protection from abuse, alleging that Mr. Hinds, L.H.'s grandfather, inappropriately touched L.H. The trial lasted three days, occurring over a year, during which the deposition of Ms. Petite's expert, Dr. Dodd, was admitted in lieu of her live testimony. In her deposition, Dr. Dodd stated that her diagnosis was "possible child sexual abuse." Two months after the trial ended, the trial court granted Ms. Petite an order of protection on behalf of L.H.

Mr. Hinds appealed the trial court's judgment, arguing that, among other things, the trial court erred in granting the order of protection because Ms. Petite failed to meet her burden of proof, by a preponderance of the evidence, that Mr. Hinds sexually abused L.H.

The 4th Circuit Court of Appeal affirmed the trial court's order of protection. Judge Belsome dissented, noting that Ms. Petite failed to meet her burden of proving by a preponderance of the evidence that the sexual abuse occurred — stated differently, that the sexual abuse "occurred more probably than not" — because Dr. Dodd's diagnosis was not consistent with the legal standard necessary to support the issuance of a protective order. *Petite v. Hinds*, 23-0262 (La. App. 4 Cir. 10/31/23), \_\_\_\_\_ So.3d \_\_\_\_\_, 2023 WL 7203699 at \*6.

Mr. Hinds sought rehearing, which was granted. On rehearing, the 4th Circuit Court of Appeal modified the order of protection to exclude the indefinite provisions, finding that the trial court abused its discretion in granting them. *Petite v. Hinds*, 23-0262 (La. App. 4 Cir. 12/4/23), \_\_\_\_\_ So.3d \_\_\_\_\_, 2023 WL 8368321.

Mr. Hinds then applied for writ of certiorari in the Louisiana Supreme Court, which was granted. On review, the Louisiana Supreme Court vacated the order of protection, agreeing with Judge Belsome that the lower courts erred in finding that Ms. Petite met her burden of proving the allegations of sexual abuse by a preponderance of the evidence.

### -Elizabeth K. Fox

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



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### **U.S.** Department of **Commerce International Trade Administration**

Frozen Warmwater Shrimp Ecuador, India, Indonesia and Vietnam: Preliminary Affirmative Countervailing Duty Determination, 89 Federal Register 63, 22374 (April 1, 2024).

Petitioners American Shrimp Processors Association successfully prevailed in a countervailing-duty action against producers and exporters of frozen warmwater shrimp from Ecuador, India, Indonesia and Vietnam. The Department of Commerce announced preliminary affirmative countervailing duties (CVD) ranging from .39% to 196.41%. Importers will need to post cash deposits at their applicable rate and participate in verification proceedings before final margins are calculated. The petitions were filed on behalf of the domestic shrimp harvesting and processing sectors, who alleged that imported shrimp is being unfairly traded due to impermissible and countervailable subsidies provided by the noted foreign governments. The U.S. domestic industry will also have to prove to the International Trade Commission (ITC) that the illegally subsidized imports are causing material injury. A final hearing at the ITC is expected in October 2024.

Regulations Improving and Strengthening the Enforcement of Trade Remedies Through the Administration of the Antidumping and Countervailing Duty Laws, 89 Federal Register 58, 20766 (March 25, 2024).

The International Trade Administration (ITA) announced a sweeping Final Rule impacting the administration and effectiveness of U.S. trade-remedy laws. The Final Rule had been under advisement since May 2023 and involves numerous changes to important trade-remedy regulatory provisions, including scope, circumvention and CVD facts available hierarchy. Most notably, the Final Rule removes the prohibition against countervailing transnational subsidies, which are subsidies provided by one country that favors production in a second country. When subsidized goods from the second country enter the United States market, they are now subject to U.S. countervailing duty laws. Many believe this change results from expansion of Chinese transnational subsidies through its Belt and Road Initiative. Other important changes include expansion of particular market situations and consideration of IP, labor and environmental issues in surrogate-value benchmark calculations.

### Office of the U.S. Trade Representative

Petition for Relief Under Section 301 of the Trade Act of 1974, China's Policies in

the Maritime, Logistics and Shipbuilding Sector (March 12, 2024).

The United Steelworkers Union (USW) led a coalition of five labor organizations to file a Section 301 petition with the Office of the U.S. Trade Representative seeking relief against discriminatory and unfair economic actions by the People's Republic of China in the maritime, logistics and shipbuilding sector that are allegedly restricting U.S. commerce. The petition describes the erosion of the U.S. commercial shipbuilding industry since the conclusion of World War II, with the number of commercial shipyards plunging by more than 70% due, in part, to China's unfair trade practices targeting dominance of global shipbuilding, starting with its Tenth Five-Year Plan in 2001.

The Biden Administration has discretion regarding the use of Section 301 to address these alleged unfair and burdensome economic activities. President Trump utilized his Section 301 discretion to impose sweeping punitive tariffs against Chinese imports in response to a host of complaints regarding Chinese government economic policies. The USW petition will be closely watched as the United States enters the final stages of the Presidential election cycle and trade-related issues become more prominent on the political stage.

—Edward T. Hayes

Chair, LSBA International Law Section Leake & Andersson, LLP Ste. 1700, 1100 Poydras St. New Orleans, LA 70163-1701

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# 3rd Circuit Clarifies Prescription Under the Louisiana Wage Payment Act

**Scarborough v. LaRocca**, 23-0166 (La. App. 3 Cir. 11/8/23), 374 So.3d 227.

In Scarborough v. LaRocca, the Louisiana 3rd Circuit Court of Appeal analyzed the workings of prescription under the Louisiana Wage Payment Act (LWPA).

Plaintiff Timothy Scarborough worked for Everybody Rides Auto Sales, which was operated by Phipps & LaRocca, LLC. He was terminated on April 8, 2011, and filed a pro se LWPA lawsuit on April 4, 2014, short-

ly before the LWPA's three-year prescription was set to expire. This petition alleged \$30,000 in unpaid wages and commissions and sought penalties, interest and attorney fees. The original petition was filed against "Johnathan LaRocca, d/b/a Everybody Rides Auto Sales" but did not include the LLC as a party. LaRocca filed an exception, and Scarborough moved to serve an amended petition to include Phipps and LaRocca, LLC, as a co-defendant. (Although the opinion is not entirely clear on the timing, it appears that around this time Scarborough retained an attorney.)

In January 2015, the court ordered that the amended petition be allowed and that it relate back to the date of the initial petition. The court also ordered that the claim against LaRocca, individually, be dismissed without prejudice. Litigation continued and, several years later, in August 2022, Scarborough sought to file a second amended petition renaming LaRocca as a defendant and alleging personal and solidary liability for nonpayment of wages. Defendants again filed an exception. The trial court granted the exception on the basis that, after the earlier dis-

missal without prejudice, prescription again began to run against LaRocca. The August 2022 second amended petition was therefore patently untimely.

The 3rd Circuit reversed. It held that, as a general rule, an individual member will not be liable for the debts of an LLC. However, the allegations of the second amended petition stated that Phipps and LaRocca, LLC (later renamed JW LaRocca, LLC) failed to comply with corporate formalities, was undercapitalized and had abandoned the used car dealership at issue in the lawsuit. The petition also alleged that LaRocca had personally refused to pay the plaintiff's wages due at the time of his termination. These allegations, the 3rd Circuit held, were sufficient to give rise to alter ego or veil-piercing liability if proven at trial.

The 3rd Circuit then turned to an affidavit LaRocca filed along with his exception. This affidavit stated that Scarborough was employed by the LLC only, that "at no time did there exist an employer[-]employee relationship between Affiant and Timothy J. Scarborough," and that "[a]t no time did Affiant personally pay or otherwise com-





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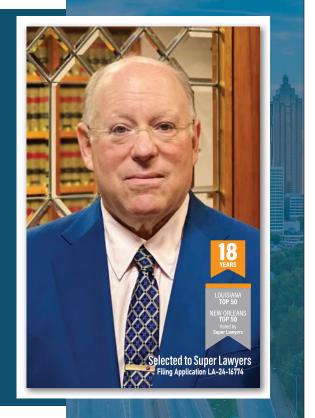
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504-208-5861 I slane@beyandassociates.com Poydras Center 650 Poydras Street Suite #2610 New Orleans, LA 70130 pensate Timothy J. Scarborough for work performed as a sales representative . . . ." The 3rd Circuit held that these "self-serving statements" were not determinative of the alter-ego question.

Notably, alter ego liability is solidary in nature. It is black letter law that interruption of prescription against one solidary obligor interrupts prescription against all solidary obligors under La. Civ.C. art. 1799. Therefore, if Scarborough can establish alter ego liability on remand, the interruption of prescription against the company would apply to LaRocca, individually, as well. The judgment below was therefore reversed and the matter remanded for further proceedings to finally resolve this 13-year-old wage dispute.

—Charles J. Stiegler Immediate Past Chair, Labor & Employment Law Section Stiegler Law Firm, LLC Ste. 104, 318 Harrison Ave. New Orleans, LA 70124



# JOA's Exculpatory Clause Applied in Breach of Contract Action

In Certain Underwriters at Lloyd's v. Alliance Drilling Consultants, LLC, 23-0265 (La. App. 3 Cir. 12/20/23), 377 So.3d 459, writ denied, 24-0117 (La. 3/12/24), \_\_\_\_ So.3d \_\_\_\_, 2024 WL 1068454, the appellate court addressed several issues, including whether a joint operating agreement's exculpatory clause applied in a non-operator's breach of contract action against an agent of the operator after a blowout. The court held that the clause did apply.

The dispute related to an oil well drilled in LaSalle Parish, pursuant to a joint operating agreement (JOA) entered in 1983 between Petro-Hunt, LLC, and XH, LLC. Under the JOA, XH served as operator and Petro-Hunt was a non-operator working-interest owner. The parties based their JOA on one of the American Association of Professional Landmen's standard forms —

either the 1977 version or the 1982 version of the A.A.P.L. Form 610 – Model Form Operating Agreement. (The court does not state which, and the portions of the JOA quoted by the court are identical in the 1977 and 1982 forms, so the language quoted from the JOA does not indicate which version was used.)

In 2008, XH entered an "Agency Agreement" with XTO Energy, Inc., which provided that XTO would "manage all of the oil and gas interest held by XH." In 2014, XTO (on behalf of XH) proposed drilling the well at issue in this case, and Petro-Hunt agreed to participate in the well. XTO hired D&D Drilling & Exploration, Inc. to drill the well and hired Alliance Drilling Consultants, Inc. to serve as a consultant and wellsite supervisor. One of the individuals that Alliance provided to supervise drilling was Clifton Pritchard. D&D began drilling operations in July 2014, and a blowout occurred three days later.

Petro-Hunt's insurer Certain Underwriters at Lloyd's, London — covered some of Petro-Hunt's losses. In 2015, Petro-Hunt and Lloyd's filed suit against XH, XTO, D&D, Alliance, Pritchard and the insurer for Alliance and Pritchard. The plaintiffs initially asserted both tort claims and breach-ofcontract claims. The plaintiffs settled their claims against D&D, Alliance and Pritchard, then dismissed their tort claims. Thus, the plaintiffs proceeded to trial against XH and XTO based on breach-of-contract claims only. Those contract claims were based on allegations that XH did not use proper care in hiring and overseeing XTO, and that XTO did not use proper care in drilling.

Before trial, the parties filed cross motions for summary judgment. In resolving those motions, the trial court granted the plaintiffs' motion in part, holding that Petro-Hunt was a third-party beneficiary of the Agency Agreement between XH and XTO. However, the trial court denied the plaintiffs' motion in part, and granted the defendants' motion in part, holding that the JOA's exculpatory clause applied to the plaintiffs' claim against XTO for an alleged breach of the Agency Agreement between XH and XTO.

The exculpatory clause, which is found in Article V.A of the JOA, states that the operator "shall conduct all such operations in a good and workmanlike manner, but it shall have no liability as Operator to the other parties for losses sustained or liabilities incurred, except such as may result from gross negligence or willful misconduct." Also noteworthy is Article XVI of the JOA, which states that the JOA "shall be binding upon and shall inure to the benefit of the par-

ties hereto and to their respective heirs, devisees, *legal representatives*, successors and assigns." (emphasis supplied by the court). After a six-day trial in 2022, a jury returned a verdict finding that neither XH nor XTO had breached its contractual obligations because neither had engaged in gross negligence or willful misconduct. The plaintiffs appealed, asserting numerous assignments of error.

One of the plaintiffs' assignments of error was that the trial court erred by holding that the exculpatory clause applied to XTO. The plaintiffs noted that the trial court had held that Petro-Hunt was a third-party beneficiary of the Agency Agreement between XH and XTO. That Agency Agreement required XTO to operate with care, and, unlike the JOA, the text of the Agency Agreement did not contain an exculpatory clause. Thus, argued the plaintiffs, they should not have needed to prove that XTO had engaged in gross negligence or willful misconduct because that heightened standard for proving liability comes from the JOA's exculpatory clause, not the Agency Agreement that was binding on XTO.

In discussing this argument, the 3rd Circuit noted that Article XVI of the JOA provides that the JOA "shall inure to the benefit of the parties hereto and to their respective . . . legal representatives." The 3rd Circuit concluded that XTO was an agent of XH and that an agent is a "legal representative" of its principal. Thus, under the terms of the JOA itself, it applied to XTO. This included the exculpatory clause. Further, the Agency Agreement provided that XTO would perform "in accordance with . . . the terms of applicable operating agreements." The court reasoned that this language had the effect of incorporating the JOA's exculpatory clause into the Agency Agreement. Thus, the trial court had not erred in holding that the plaintiffs had to prove gross negligence or willful misconduct to prevail. Accordingly, the 3rd Circuit rejected this assignment of error.

The court also rejected the plaintiffs' other assignments of error.

#### —Keith B. Hall

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

#### **Lauren Brink Adams**

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



### Pleading Under LHEPA

*Terry v. Notre Dame Health Sys.*, 23-01582 (La. 2/6/24), 378 So.3d 728.

In this medical malpractice case, the decedent, who suffered from Alzheimer's disease and dementia, died after a fall she suffered while left unattended at Wynhoven Health Care Center. The decedent's daughter filed suit against several defendants, alleging that her mother's fall and subsequent death were caused by the defendants' "gross and wanton negligence" through the following actions and/ or inactions: (1) failing to consider the safety of their patients; (2) failing to provide adequate medical treatment to the decedent; (3) failing to dispense the proper treatment to the decedent; (4) improperly supervising the decedent; (5) allowing an inexperienced and unskilled individual to tend to the decedent; and (6) committing other unnamed negligent acts. Terry v.

*Notre Dame Health Sys.*, 23-0068 (La. App. 5 Cir. 10/31/23), 374 So.3d 221, 224.

The defendants answered by alleging immunity under the affirmative defense provided by the Louisiana Health Emergency Powers Act (LHEPA) as the decedent's fall occurred during a state of public-health emergency due to the COVID-19 pandemic. Specifically, the LHEPA states: "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).

The defendants subsequently filed a peremptory exception, asserting that the allegations as stated in the plaintiff's petition were insufficient to establish a cause of action for gross negligence or willful misconduct. The defendants, therefore, argued that they were immune from civil liability under the LHEPA.

The plaintiff filed both an opposition to the defendants' exception and an amended petition to include allegations regarding defendants' awareness of the decedent's extensive medical history, including her history of falls, among other conditions, when she arrived at Wynhoven. To support this allegation, the plaintiff attached excerpts from the decedent's medical records to both the opposition and her amended petition. The plaintiff further alleged the following: "[D]efendants ignored these conditions and left [the decedent] alone in her room in her wheelchair. . . . [D]efendants' attempt to keep [the decedent] safe by putting a call bell on her wheelchair was insufficient given her conditions, and defendants should have taken more stringent measures to ensure her safety." The plaintiff further alleged "that defendants did 'very little' to ensure [the decedent] would not fall again, and their conduct amounted to gross negligence as it shows a continuous pattern of lack of care." *Id.* at 225.

Following a hearing, the trial court sustained the defendants' exception, and the plaintiff appealed.

The appellate court recognized Louisiana's jurisprudence holding that "an affirmative defense may not form the basis of a peremptory exception when the asserted defense goes to the merits of the case. . . . When an exception of no cause of action is based on an affirmative defense, the exception should not be sustained unless the allegations of the petition exclude every reasonable hypothesis other than the premise on which the defense is based." *Id.* at 226. Nonetheless, the appellate court affirmed the trial court's decision sustaining the defendants' exception.

To support its decision, the appellate court

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referenced its recent decision in *Welch v. United Med. Healthwest-New Orleans, LLC*, 21-0684 (La. App. 5 Cir. 8/24/22), 348 So.3d 216, 218, where it similarly found that the plaintiff's allegations failed to rise to the level of gross negligence. The appellate court reasoned as follows: "Plaintiff's conclusory statement that defendants did "very little" to ensure that [the decedent] was safe and would not sustain another fall is insufficient to state a valid cause of action against defendants for gross negligence or willful misconduct." *Id.* at 227.

The plaintiff then sought relief from the Louisiana Supreme Court. In a per curiam opinion reversing the lower courts' decisions and remanding the matter for further proceedings, the Court simply stated, "Accepting the facts as alleged in the four corners of the petition and amended petition as true, we find them sufficient to state a cause of action for gross negligence." *Terry v. Notre Dame Health Sys.*, 23-01582 (La. 2/6/24), 378 So.3d 728, 728.

### -Robert J. David and Rachel M. Naquin

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



# Officer Held Responsible for Business's Failure to Pay Withholding Taxes

*Favalora v. Dep't of Revenue*, BTA Docket No. C06645D (2/7/24).

Favalora Constructors, Inc. was a small contracting business owned by Judith Favalora (Taxpayer) and her husband Lawrence Favalora. The business was formed by them during their marriage. Taxpayer testified that her husband ran the day-to-day operations of the business and handled the oversight of the construction projects, and she handled the administrative and accounting functions in the office. Taxpayer owned 51% of the business and was the secretary-treasurer. Although

Taxpayer and her husband divorced in April 2009, she continued her ownership and position with the business until her resignation.

Taxpayer's duties included filing the company's quarterly Returns of Louisiana Withholding Tax Form L1 and the accompanying payment of tax due with each return. Taxpayer testified that she worked full time and received a salary when the company had money. Taxpayer further testified that she would write and sign company checks to pay the company's bills. Lawrence Favalora's testimony corroborated Taxpayer's testimony.

Beginning with the second quarter of 2014, Taxpayer prepared the returns and signed as the company's Secretary-Treasurer but failed to remit the withholding taxes reported on the returns. Ultimately, the company ceased operations sometime in late 2019 or early 2020. The Louisiana Secretary of State administratively dissolved the company in 2021. In January 2019, Taxpayer officially resigned as the company's Secretary/Treasurer. Her role with the company at this point was simply preparing the first- and second-quarter returns for 2019, which were the last returns the company filed.

Continued next page

## PERRY DAMPF

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As the business was insolvent, the Department of Revenue assessed Taxpayer with the withholding taxes under the authority of La. R.S. 47:1561.1 as an officer or director of the corporation having direct control and supervision of such taxes. Taxpayer timely appealed the assessment to the Louisiana Board of Tax Appeals (BTA).

The issue before the BTA was whether Taxpayer was personally liable under La. R.S. 47:1561.1(A) for the unremitted withholding taxes reported by the Company on its returns for 6/30/14 through 6/30/19.

The BTA found that Taxpayer was an owner or officer of the company. Her testimony established that she was responsible for the preparation and filing of the returns and had full knowledge that the withholding taxes were not being remitted to the Department of Revenue. The BTA noted that, under federal jurisprudence, willfulness is equated to knowledge - if an individual knew of the entity's obligation to pay withholding taxes and knew that the entity's funds were being used for other purposes instead, that individual is considered to have willfully failed to collect and pay over such tax and is thus charged with personal liability for the failure to do so. The BTA held Taxpayer's testimony established that she knew that the taxes were not being paid and that instead the company's funds were being used for other purposes. The BTA found Taxpayer personally obligated under La. R.S. 47:1561.1(A) for the withholding taxes for 6/30/14 through 12/31/18. The BTA found Taxpayer was not personally liable for the withholding taxes once she resigned from the company in January 2019.

#### -Antonio Charles Ferachi

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

### Tax Sale Procedure Violates Takings Clause

In the recent case of *Tyler v. Hennepin County*, 143 S.Ct. 1369 (2023), the U.S. Supreme Court held in a unanimous decision that Minnesota's property tax law as it relates to tax sales was unconstitutional under the Takings Clause of the U.S. Constitution. The decision is of significance for Louisiana tax sales under Louisiana's comparable statute. The Takings Clause provides that private property shall not be taken for public use, without just compensation. U.S. Const., Amdt. 5. As is evident, the Takings Clause

has three requirements — a "taking," "public use" and "just compensation."

In the Tyler case, Hennepin County, Minnesota, sold taxpayer Geraldine Tyler's home for \$40,000 to satisfy a \$15,000 property-tax bill and retained the balance of \$25,000 for itself. Minnesota has a statutory scheme similar to Louisiana's in that a taxpayer's failure to pay delinquent taxes results in a limited title in the property being transferred to the taxing jurisdiction. The taxpayer then has three years to redeem the property and regain title by paying all taxes and related amounts assessed (interest, late fees, etc.). If the taxpayer fails to do so, absolute title to the property vests in the state, and the tax debt is extinguished. The government may choose to keep the property or sell it to a private party and keep the proceeds. In either case, the taxpayer has no opportunity to recover the surplus.

Hennepin County argued that the taxpayer had no property interest to the extent the value of her home exceeded the tax debt that could be protected by the Takings Clause. The Court rejected that argument and held that the county could not use the tax debt to confiscate more property than was due, and if it did, that would constitute a "classic taking" of

real property that would entitle the taxpayer to just compensation. *Id.* at 1376. Further, the Court reasoned that the Takings Clause was designed to bar a government from forcing some people alone to bear public burdens, and a taxpayer who loses a \$40,000 house to satisfy a \$15,000 tax debt has made a far greater contribution to the public fisc than was owed.

In its holding, the U.S. Supreme Court noted that most states require that no more than the minimum amount of land be sold to satisfy the tax debt, *i.e.*, the land is sold to a buyer who is willing to pay the tax debt for the least number of acres. By contrast, the Court specifically noted that Louisiana deems delinquent property to be entirely forfeited for failure to pay property taxes — a position that runs afoul of the Takings Clause if the third requirement of just compensation is not met. *Id.* at 1377.

—Jaye A. Calhoun and Divya A. Jeswant Members, LSBA Taxation Section Kean Miller, LLP Ste. 3600, 909 Poydras St. New Orleans, LA 70112

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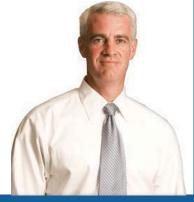
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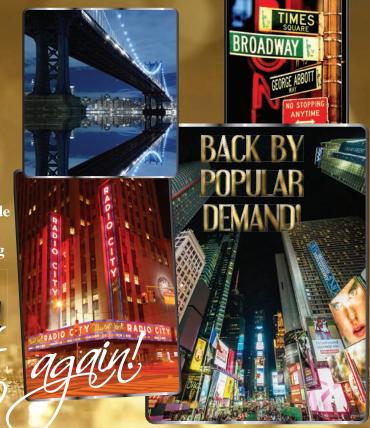
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### CHAIR'S MESSAGE... EVENTS... COUNCIL

### **CHAIR'S MESSAGE**

# Embracing the Non-Traditional Path: Professional Fulfillment for Young Lawyers

By Kristen D. Amond

hy do we practice law? Some of us aim to climb the ranks to partnership in law firms. Some of us work to defend constitutional rights or to champion social change. We all excel in solving complex problems for our clients, all while navigating the twists and turns of our unique journeys.

Young lawyers (the under-40 crew) constitute 26% of the Louisiana State Bar Association's (LSBA) membership. We are the energizers, bringing fresh ideas and new perspectives to the practice of law. But we also view the world — and the legal profession — through a different lens.

As the new chair of the Young Lawyers Division, I have the privilege of interacting with young attorneys who are reshaping the pursuit of a legal career. Young lawyers across the state aren't just transforming their individual career trajectories; they're redefining professional success and fulfillment in ways that diverge from traditional paths. Let me share some insights from my conversations with them (and a hint to our more seasoned lawyers — take note!).

### A New Definition of Success

For many young lawyers, a balanced life is as significant as professional achievements. We value flexibility, work-life in-



tegration, and the opportunity to pursue passions both within and beyond the legal field. We're more inclined to measure success not by the rung we reach on the corporate ladder, but by our balance between personal and professional spheres and by our impact on our community.

### The Personal Challenges of New Paths

Even with our ambitions for a balanced life, many of us grapple with self-doubt and imposter syndrome. In a profession that venerates tradition and often equates success with a linear career progression through established milestones, the road less traveled can be lonely. Without traditional signposts of success, young lawyers frequently question their worth and capabilities.

### The Call for Inclusivity

Inclusivity and diversity rank high on today's young lawyers' list of workplace must-haves. We actively seek organizations that celebrate varied backgrounds, perspectives, and experiences. An inclusive workplace isn't merely preferable — it's essential, as it fosters a sense of belonging and empowerment.

#### **Non-Linear Career Trajectories**

Young lawyers often embark on careers that meander, diverge, and loop back on themselves. We embrace changes in specialization, venture into entrepreneurship, or even step aside from law altogether to follow careers that more closely align with our values.

### The Journey of Fulfillment

While the uncertainty of a non-linear career path can be daunting, it also opens up opportunities for personal and professional growth. By determining what professional fulfillment means for ourselves, young lawyers stay open to growth and can find satisfaction beyond conventional success metrics.

In pursuing fulfillment, adopting a growth mindset is vital. We see each challenge as a learning opportunity and every setback as a foundation for future triumphs. This mindset helps young lawyers flourish in an ever-changing environment.

### **Pursuing Professional Fulfillment**

As a profession, we must foster an environment that promotes professional fulfillment for young lawyers. Yes, the grind for grind's sake often overshadows the assessment of our journey toward fulfillment

Continued next page

### YLD continued from page 60

and our efforts to support others on their paths. I invite you to consider both.

- ► Embrace the Unknown: Take risks and step out of your comfort zone. Unpredictable paths often lead to significant growth.
- ▶ Balance Ambition with Humor: Aim high in your career goals, while keeping the ability to laugh at yourself and life's curveballs. This balance is crucial for mental health and resilience.
- ▶ Cultivate Relationships: Forge meaningful connections with peers and mentors. These relationships offer support, advice, and can reveal opportunities that might otherwise go unnoticed.
- ▶ Grow Through Stress: View stress and discomfort as harbingers of growth and learning. Each challenge fortifies us for future success.
- ▶ Stay Open and Observant: Look for opportunities in unlikely places. The pivotal moments in life often disguise themselves as routine decisions or chance meetings.
- ► Trust Your Journey: No one, not even veterans, has all the answers. Trust your instincts and your unique path.
- ▶ Protect Your Energy: Release practices, expectations, commitments, and people who sap your energy without adding value.
- ▶ Support and Be Supported: Keep humility at the forefront, seek help when needed, and support others. Our legal community flourishes when we uplift one another.

By embracing these strategies, young lawyers can confidently navigate their careers, grounded in a definition of success that fosters true professional fulfillment. In an era of constant change, our adaptability and willingness to grow are our most valuable assets.

The LSBA equips young lawyers with the necessary tools and resources to navigate their unique career paths. Through our continuing legal education programs, mentoring opportunities, and networking events, we support young lawyers at every stage of their professional journeys. Engaging with the LSBA helps young lawyers leverage these resources to achieve personalized success and maintain well-being and professional fulfillment.

### YOUNG LAWYERS SPOTLIGHT

### Micah O. Clemons Lake Charles

The Louisiana
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Clemons.



Clemons is an attorney at Todd

Clemons & Associates, APLC, in Lake Charles, where he has the pleasure of working alongside his father, Todd S. Clemons. His primary areas of practice are criminal defense and general civil litigation.

He takes pride in being a trial attorney. In his brief time at the firm, he successfully tried numerous cases alongside his father, ranging from murder cases to intrafamily adoptions. Practicing law is his ultimate passion because he gets to represent the citizens of Louisiana and support them during some of their most difficult times.

Clemons received a BS degree in business management from Louisiana State University and his JD degree, with honors, from Southern University Law Center. While attending law school, he served as a member of the Moot Court Board, the Board of Student Advisors and the National Black Law Students Association.

He is a member of the 2023-24 Leadership LSBA Class, the board of the Southwest Louisiana Bar Association's Young Lawyers Section and the Louis A. Martinet Legal Society, Inc. He is an avid sports fan.

### Caddo Magnet High School Wins 2024 State High School Mock Trial Competition



The mock trial team from Caddo Magnet High School in Shreveport is the winner of the 2024 Judge Richard N. Ware IV State High School Mock Trial Competition.

he mock trial team from Caddo Magnet High School in Shreveport is the winner of the 2024 Judge Richard N. Ware IV State High School Mock Trial Competition. The competition was held on March 23 at the courthouse of the U.S. District Court for the Middle District of Louisiana in Baton Rouge.

Team members included Anika Alla, Arjun Desai, Ndeye Gueye, Hailey Huguet, Ben Menard, Krysten Thompson and Kennedy Varner. This team represented Louisiana at the National High School Mock Trial Championship in May in Delaware.

The Richard N. Ware IV State High School Mock Trial Competition is the culmination of four regional championships. The competition is named in memory of the late Judge Ware who enthusiastically volunteered for nearly a decade as the presiding judge of the final round of the competition. The state competition is funded through a Louisiana Bar Foundation IOLTA grant.



# 2024-2025 Louisiana State Bar Association Young Lawyers Division Officers and Council

#### Officers 2024-25

### Kristen D. Amond Chair

Kristen D. Amond is an attorney in New Orleans (Kristen Amond, LLC), practicing in federal and state courts in Louisiana. She represents businesses of all sizes in all forms of business disputes and is outside general counsel to small businesses and start-ups. She has represented bankruptcy trustees, plan administrators, receivers in complex litigation and investors in securities fraud lawsuits. She also is a trained



mediator. She is a member of the civil pro bono panels for the Eastern and Middle Districts of Louisiana and volunteers her professional time to represent plaintiffs in civil rights cases.

She served as a clerk to Judge Susie Morgan of the U.S. District Court of the Eastern District of Louisiana. In law school, she served as an intern for Judge Brian A. Jackson of the U.S. District Court for the Middle District of Louisiana.

Amond received her JD degree, *magna cum laude*, in 2016 from Louisiana State University Paul M. Hebert Law Center. She was editor-in-chief of the *Louisiana Law Review*, chaired the SBA's Ethics Board, and was the 3L representative of the Diversity and Inclusion Committee.

Before law school, she taught second and third grades in New Orleans charter schools.

She served as the Louisiana State Bar Association Young Lawyers Division chair-elect in 2023-24 and as secretary in 2022-23. She was elected to two terms as the District 1 representative on the Young Lawyers Division Council.

She also serves on the board of the New Orleans Federal Bar Association Younger Lawyers Division and is an alumna of the New Orleans Regional Leadership Institute and a Council for a Better Louisiana's Leadership Louisiana program.

She was an adjunct professor at Tulane University teaching "The Media and the First Amendment" and teaches a course at LSU Law's Apprenticeship Week each year with Judge Susie Morgan.

She was named as one of the American Bar Association's Top 40 Young Lawyers in America in 2022 and has been recognized in the 2021-2024 editions of *Best Lawyers*: Ones to Watch and 2022-2024 editions of *Louisiana Super Lawyers*: Rising Stars.

Amond looks forward to traveling the world with her wife, Nancia Sterling.

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### Collin R. Melancon Chair-Elect

Collin R. Melancon is a partner/owner at Mansfield Melancon Personal Injury Lawyers in New Orleans. He represents injured clients throughout Louisiana and focuses his work on representing crime victims who were sexually abused. He received a bachelor's degree in international studies in 2011 from Louisiana State University and his JD degree in 2015 from Loyola University College of Law. He was admitted to practice in Louisiana in 2015.



During his law school years, he was a member of the *Loyola Law Review* and was nominated to the *Loyola Law Review* Editorial Board. He received Loyola's highest honor given to a graduating law student, the Spirit of St. Ignatius Award for Outstanding Law Graduate. He also received the LSBA Civil Code Award for graduating first in his class in the Louisiana civil law division.

Melancon previously served as secretary and as the District 1 representative on the Louisiana State Bar Association's (LSBA) Young Lawyers Division (YLD) Council. He is the YLD representative on the Louisiana Judicial Council. He has been a speaker for several conferences and CLEs, including the Louisiana Young Lawyers Conference and the LSBA Professionalism CLE program.

He is a member of the New Orleans Bar Association and the Louisiana Association for Justice and helped plan the Pro Bono Project's Justice for All Ball in 2019. He has been named a *Louisiana Super Lawyers* "Rising Star" from 2020 to 2024 in personal injury law.

Melancon and his wife, Jillian Melancon, have been married for five years and have one son.

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### Quinn K. Brown Secretary

Quinn K. Brown is an associate in the Baton Rouge office of LaFleur Laborde, LLC. She received her BA degree, *cum laude*, in 2013 from Louisiana State University and her JD degree and graduate diploma in comparative law in 2017 from LSU Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2017.



Her practice has included asbestos, toxic torts, products liability and insurance defense litigation, as well as premises and general liability, personal injury and insurance coverage disputes.

Brown previously served as the District 5 representative on the Louisiana State Bar Association's Young Lawyers Division Council and chaired the Wills for Heroes Committee. She currently serves as chair-elect for the Baton Rouge Bar Association's Young Lawyer's Section. She is married to Jeffrey Warnhoff.

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### Senae D. Hall Immediate Past Chair

Senae D. Hall is an assistant district attorney in the Caddo Parish District Attorney's Office in Shreveport. She is the Human Trafficking Victims Diversion coordinator. She also works with the STAR Court Program in Caddo Parish Juvenile Court to combat human trafficking issues. She received a BA degree in mass communications in 2008 from Dillard University and her JD degree in 2011 from



Southern University Law Center. She was admitted to practice in Louisiana in 2011.

Hall is currently serving as the Eighth District representative on the Louisiana State Bar Association's (LSBA) Board of Governors. She served as the 2023-24 chair, the 2022-23 chair-elect, the 2021-22 secretary and an at-large representative on the LSBA's Young Lawyers Division (YLD) Council. She was a member of the 2018-19 Leadership LSBA Class and served on the LSBA YLD Awards Committee for two years. She also volunteered as a mock trial competition judge from 2017-21.

She is a member of the Shreveport Bar Association (SBA), the Louisiana District Attorneys Association and the Harry V. Booth/Judge Henry A. Politz American Inn of Court. She is currently the at-large member for the SBA's Young Lawyers Section. She served as the Social Media chair from 2021-23 and the Law Week Chair for 2023 for the SBA's Young Lawyers Section and the treasurer for the SBA's Women's Section in 2022.

Hall was recognized as a 2021-2024 "Top Attorney" by *SB Magazine* and was selected for the 2020-21 Dillard University's "40 Under 40" list. She also was selected for the Shreveport Chamber of Commerce's 2021 "40 Under 40" Class. She is a member of Alpha Kappa Alpha Sorority, Incorporated.

In her community, she is a judge for the Volunteers for Youth Justice's Teen Court Program and volunteers for various community service projects. Every year, she organizes a service project or fundraiser for her birthday to give back to her community.

501 Texas St., 5th Flr., Shreveport, LA 71101 (318)226-6832 • fax (318)841-5533 email: shall@caddoda.com

#### YLD Council 2024-25

### Jennifer Gordon Lampton District One Representative

Jennifer Gordon Lampton is the research attorney for Judge Nakisha Ervin-Knott with the Louisiana 4th Circuit Court of Appeal, Division A, in New Orleans. Previously, she was senior law clerk for Judge Ervin-Knott at Orleans Parish Civil District Court. She received a BS degree in management in 2009, with a focus on legal studies in business and political science, from the A.B. Freeman School of Business at Tulane University and



her JD degree (Civil Law Division, Common Law Certificate) in 2012 from Loyola University College of Law. She was admitted to practice in Louisiana in 2014.

Lampton is a member of the Louisiana State Bar Association's Diversity Committee and Outreach Committee and was a member of the 2019-20 Leadership LSBA Class.

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

Lampton and her husband Kevin have been married for 10 years and are the parents of one child.

410 Royal St., New Orleans, LA 70130 (504)412-6088 • fax (504)558-0060 email: jgl@la4th.org

### Christopher J. Sellers, Jr. District One Representative

Christopher J. Sellers Jr. is associate general counsel for Ochsner Health, providing a range of transactional and regulatory guidance. He received his undergraduate degree in 2011 from Louisiana State University and his JD degree in 2014 from LSU Paul H. Hebert Law Center. He was admitted to practice in Louisiana in 2014.



Sellers is vice chair of the Louisiana

State Bar Association's Health Law Section and is a member of the Bar Governance Committee and the Medical/Legal Interprofessional Committee. He is board certified by the Louisiana Board of Legal Specialization as a health law specialist and chairs the Health Law Advisory Commission. He was a member of the 2017-18 Leadership LSBA Class and served as co-chair the following year.

In his community, he is the run club director for Stonewall Sports New Orleans and is a member of the Krewe of Endymion.

Ste. 2250, 1450 Poydras St., New Orleans, LA 70112 (504)842-5598 • fax (504)842-4822 email: christopher.sellers@ochsner.org

### Rachal Cox Cassagne District Two Representative

Rachal Cox Cassagne is an assistant United States attorney for the Eastern District of Louisiana. Prior to joining the U.S. Attorney's Office, she worked as a commercial litigation associate in a defense firm and as a law clerk for U.S. District Judge Greg G. Guidry.

She received a BA degree in English in 2011 from Louisiana State University-Shreveport, a MA degree in literary stud-



ies in 2013 from Universiteit van Amsterdam and her JD degree, *magna cum laude*, in 2016 from Southern University Law Center. She studied at the Universiteit van Amsterdam as a Rotary Ambassadorial Scholar and gave presentations to various Rotary Clubs throughout the country. She was admitted to practice in Louisiana in 2016.

Cassagne is a volunteer for the Louisiana State Bar Association's Disaster Recovery Hotline. She is an active member of the Jefferson Bar Association and the Federal Bar Association. She previously served as an observer with the Louisiana State Law Institute for the Louisiana State Bar Association's Young Lawyers Division. She participated in Forum 35's John W. Barton, Sr. Community Leadership Program in 2018.

In her community, she attends St. Joseph Church in Gretna. She and her husband, Craig Cassagne, Jr., have been married for five years and they have two daughters.

520 Burmaster St., Gretna, LA 70053 (504)717-5390 • email: rachal.cassagne@usdoj.gov

### Christina K. Guzman District Two Representative

Christina K. (Cristy) Guzman is an associate attorney at Jeffrey Hufft, Attorney at Law, LLC, in Metairie. She focuses her practice on criminal defense work and expungements. She received a BA degree in criminal justice and a minor in forensic science in 2016 from Loyola University New Orleans and her JD degree in December 2019 from Loyola University New Orleans College of Law. She was



admitted to practice in Louisiana in May 2020.

During law school, her team placed first in the Trial Advocacy Intramural Competition in 2019. She was a Rule XX student practitioner and later a law clerk for the Jefferson Parish District Attorney's Office. She also was the Gillis Long intern at the Louisiana Civil Justice Center (2017) and at the Justice and Accountability Center of Louisiana (2019). Following law school graduation, she worked as a staff attorney at Southeast Louisiana Legal Services in the Veterans and Innovative Projects Unit.

Guzman was a member of the Louisiana State Bar Association's Young Lawyers Conference Committee and is a board member at large for the Jefferson Bar Association's Young Lawyers Division. She is a volunteer for Expungement Clinics offered by the Justice and Accountability Center of Louisiana.

Ste. 185, 3500 N. Causeway Blvd., Metairie, LA 70002 (504)407-5393 • fax (504)613-0307 email: cristy@hufftlawfirm.com website: www.hufftlawfirm.com

### Jared E. Nelson District Three Representative

Jared E. Nelson is an associate in the Lafayette office of Liskow & Lewis, APLC. He received a BA degree in government in 2008 from the University of Virginia, Charlottesville; a master's degree in public administration in 2010 from Southern University and A&M College in Baton Rouge; and his JD degree, *cum laude*, in 2018 from Southern University Law Center. He was admitted to practice in Louisiana in 2018.



Prior to joining the law firm, he served as an assistant attorney general for the Louisiana Department of Justice, Office of the Attorney General, handling tort and civil rights litigation for the state of Louisiana. Prior to practicing law, he served as a probation and parole officer for the Louisiana Department of Public Safety and Corrections for seven years.

Nelson is a member of the Louisiana State Bar Association's (LSBA) House of Delegates, representing the 15th Judicial District. He is a member of the LSBA's Criminal Justice and Diversity committees. He was a member of the 2019-20 Leadership LSBA Class and co-chair of the 2020-21 Leadership LSBA Class.

He is a member of the Louisiana Association of Defense Counsel (Young Lawyers Committee as a Third Board District representative, secretary and Young Lawyer liaison to the Environmental and Energy Law Practice Group), Institute of Energy Law (Young Energy Professionals' Committee as Program Subcommittee vice co-chair, member of the 2022-23 Institute of Energy Law Leadership Class and Diversity, Equity and Inclusion Committee member) and the Lafayette Bar Association's Young Lawyers Section.

He was recognized by National Black Lawyers as a "Top 40 Under 40" Lawyer in Louisiana in 2020-2023 and was a member in the Leadership Council on Legal Diversity's Pathfinders Program in 2021-22. He was awarded the 2022 Frank L. Maraist Award by the Louisiana Association of Defense Counsel and its Young Lawyers Committee. He was selected as a "Top Lawyer" by the *Acadiana Profile Magazine* for 2023.

In his community, he is a lector at St. Benedict DeMoor Church in Duson. He is a life member of Alpha Phi Alpha Fraternity, Inc. He and his wife, Joelle Mary Nixon, have been married for 11 years and are the parents of one child.

Ste. 300, 1200 Camellia Blvd., Lafayette, LA 70508 (337)267-2359 • fax (337)267-2399 email: jenelson@liskow.com

website: www.liskow.com/Team/Jared-Nelson

#### Brooke A. Roach

#### **District Four Representative**

Brooke A. Roach is an attorney in The Roach Law Firm, APLC, in Lake Charles. She received a BA degree in human resources in 2016 from Louisiana State University and her JD degree, *magna cum laude*, in 2019 from Southern University Law Center. She was admitted to practice in Louisiana in 2019. She clerked for Chief Judge Ulysses G. Thibodeaux, Louisiana 3rd Circuit Court of Appeal, from 2019-21.



Roach followed in her father's and grandfather's footsteps, becoming the third generation to practice law at The Roach Law Firm. Her practice focuses on personal injury litigation and first-party bad faith property damage litigation. She is admitted in all Louisiana state courts; the U.S. District Courts for the Western, Middle and Eastern Districts of Louisiana; and the U.S. 5th Circuit Court of Appeals.

She is a member of the Southwest Louisiana Bar Association (SWLBA) and its Young Lawyers Section, currently serving as president of the SWLBA's Young Lawyers Section.

She and her husband, Landan, are the parents of one son. 2917 Ryan St., Lake Charles, LA 70601

(337)433-8504 • (337)205-7685 fax (337)433-3196

email: broach2@larryaroachinc.com website: www.theroachlawfirm.com

### Brad W. Cranmer District Five Representative

Brad W. Cranmer is a partner in the Baton Rouge office of Mansfield, Melancon, Cranmer & Dick, LLC. He received a bachelor's degree in political science, with a minor in criminology, from Louisiana State University and his JD/DCL degree from LSU Paul M. Hebert Law Center. In law school, he served on LSU Law's Trial Advocacy Board as a member, competitor and coach and in



Student Government. He attained the highest grade in his law school class for White Collar Crime and Insurance Law.

Following law school graduation, he opened his own law practice. He also honed his skills as a prosecutor for the City of Baton Rouge, prosecuting cases ranging from DWI to domestic abuse battery.

Since co-founding Mansfield, Melancon, Cranmer & Dick in 2018, he has focused his practice on family law and personal injury. He is admitted to practice in all Louisiana state courts, the U.S. District Courts for the Middle and Eastern Districts of Louisiana, and the U.S. 5th Circuit Court of Appeals.

Cranmer chairs the Baton Rouge Bar Association's Young Lawyers Section Council and serves as chair of the Louisiana State Bar Association's High School Mock Trial

Committee. He has presented CLE programs on various practice area issues.

He received the Avvo Clients' Choice Award in 2017. He also been distinguished as a top lawyer by the Expert Network, American Law Society and the American Institute of Personal Injury Attorneys. He has been honored as a *Louisiana Super Lawyers* Rising Star from 2020-2024.

In his community, he volunteers his time with Sigma Phi Epsilon Fraternity, the Boys & Girls Club of Greater Baton Rouge, Club Blue, St. Vincent DePaul and the Louisiana Association of Justice. He has his wife Chloe are the parents of two children.

404 Europe St., Baton Rouge, LA 70802 (225)612-0800 • fax (225)754-9127 email: Brad@MMCDlaw.com

### Josef P. Ventulan District Five Representative

Josef P. Ventulan is a staff attorney with the Louisiana State Law Institute (LSLI). Prior to joining the LSLI, he clerked for Judge Lisa M. Woodruff-White (Ret.). He also served as a board attorney for the Louisiana Board of Tax Appeals and as an adjunct professor at Southern University Law Center. His professional interests include the synergies of technology and law, economic and tax policy, and local economic development.



He received his undergraduate degree in accounting from Louisiana State University and his law degree from Southern University Law Center, where he graduated first in his class and received a certification in tax law. He also served as the editor-in-chief of the *Southern University Law Review*. He was admitted to practice in Louisiana in 2020.

Ventulan is an active member of the American Bar Association (ABA) Young Lawyers Division, previously serving as a council member. He is a member of both the Affiliates and Membership Committees and the Long-Range Planning Board. He is a member of the ABA's Standing Committee on Gavel Awards.

He is a member of the Louisiana State Bar Association's Access to Justice Committee and the Baton Rouge Bar Association's Young Lawyers Section Council, Publications Committee and Pro Bono Committee. He formerly served as a junior council member of the LSLI.

In his community, he serves on the board of directors of Forum 225, a Baton Rouge nonprofit focused on creating opportunities for young professionals to grow philanthropically, professionally and civically, and Power Pump Girls, Inc., a nonprofit aiming to serve and empower women. He is a Future Leaders Council member of the Public Affairs Research Council of Louisiana.

Ste. W127, 1 E. Campus Dr., Baton Rouge, LA 70803 (225)578-0202

email: ventulanj@lsli.org

### Ashley U. Johnson-Firven **District Six Representative**

Ashley U. Johnson-Firven is an associate in the Baton Rouge office of Hammonds, Sills, Adkins, Guice, Noah & Perkins, LLP. Her practice is focused on civil litigation defense, employment law and insurance defense. She received a BA degree in 2014 from the University of California-Santa Barbara and her JD degree in 2019 from Southern University Law Center. She was admitted to practice in Louisiana in 2019.



Johnson-Firven was a member of the 2022-23 Leadership LSBA Class and a member of the Young Lawyers Division's Awards Committee. She also has been involved with the Access to Justice Disaster Relief Hotline and the Lawyers in Libraries project.

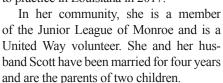
She is a member of the National Bar Association, the Baton Rouge chapter of the Louis A. Martinet Legal Society, Inc. and the Baton Rouge Bar Association.

In her community, Johnson-Firven is a member of Grace Community Baptist Church and Alpha Kappa Alpha Sorority, Inc. She and her husband, Leon Firven, have been married for two years.

Ste. 600, 2431 S. Acadian Thruway, Baton Rouge, LA 70808 (225)916-9880 • (562)235-6996 • email: ajohnson@hamsil.com

### Jana Robinson Tuma **District Seven Representative**

Jana Robinson Tuma is the legal counsel of U.S. Operations at Drax, based in Monroe. She received a BA degree in 2014 from the University of Louisiana-Monroe and her JD degree in 2017 from Louisiana State University Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2017.





Ste. 501, 1500 N. 19th St., Monroe, LA 71201 (318)372-0382 • email: jana.robinson@drax.com website: www.drax.com

### Audrius M. Reed **District Eight Representative**

Audrius M. Reed, with Audrius M. Reed, Attorney at Law, LLC, in Shreveport, is a graduate of Southern University Law Center and a solo practitioner in the areas of family law, criminal defense, personal injury and estate planning.

She serves as a staff attorney for the LRVDV (Legal Representation for Victims of Domestic Violence) Program of the Shreveport Bar Foundation. She also pro-



vides legal assistance to victims of domestic violence through

the North Louisiana Family Justice Center in Caddo and Bossier District Courts. She volunteers with the Shreveport Bar Foundation's Pro Bono Project and serves as a member of the Shreveport Redevelopment and Implementation Authority Board and various sections and committees of her local bar association.

She is a member of Delta Sigma Theta, Sorority, Inc., Jack and Jill of America, Inc. and the Harry V. Booth/Judge Henry A. Politz American Inn of Court. She is the vice president of membership for the Shreveport Chapter of the Southern University Alumni Federation.

She has been recognized as a Louisiana State Bar Association Top 40 Young Lawyer, a Southern University 40 Under 40-Cohort Trois, and 2022 YPI of Shreveport Bossier 40 Under 40. She is the mother of two children.

Ste. 105, 631 Milam St., Shreveport, LA 71101 (318)606-2234 • fax (318)606-4364 email: areed@attyaudriusreed.com

### Jasmine C. Cooper At-Large Representative

Jasmine C. Cooper is an assistant district attorney for the Caddo Parish District Attorney's Office in Shreveport. She received her BA degree in political science in 2017 from Southern University and A&M College in Baton Rouge and her JD degree in 2020 from Southern University Law Center. She was admitted to practice in Louisiana in 2021.



Cooper was a member of the 2022-23 Leadership LSBA Class. She also is a member of the Shreveport Bar Association and the Harry V. Booth/Judge Henry A. Politz American Inn of Court. She was named to the Top Lawyers 2023 Shreveport/ Bossier list by SB Magazine.

In her community, she is a member of the League of Women Voters, Delta Sigma Theta Sorority, Inc. and the NAACP.

501 Texas St., Shreveport, LA 71101 (318)584-9573 • email: jasminecooper4305@gmail.com

### Joseph T.D. Tran **ABA YLD Representative**

Joseph T.D. Tran, CIPP/US, is an associate general counsel for LAMMICO, where he provides support in corporate legal affairs and focuses in intellectual property, health and insurance law, cybersecurity and artificial intelligence. He received a BS degree in mechanical engineering from Louisiana State University and his JD degree from Loyola University New Orleans College of Law. He was admitted to prac-



tice in Louisiana in 2016. He also is admitted to practice before the U.S. Patent and Trademark Office on patent matters.

Tran is a current member of the Louisiana Bar Journal's Editorial Board and 2024 chair of the Louisiana State Bar Association's (LSBA) Minority Involvement Section. He served as co-chair of the 2022-23 Leadership LSBA Class and was a member

of the 2021-22 Leadership LSBA Class. He also served as a Young Lawyers Division delegate to the American Bar Association.

He is a board member for the Jefferson Bar Association's Young Lawyers Division. He serves on the Executive Boards of the Louisiana Asian Pacific American Bar Association and the Vietnamese American Bar Association. He is an active member of the International Association of Privacy Professionals, the Association of Corporate Counsel and the Medical Professional Liability Association.

In his community, he volunteers with the Kiwanis Club of Algiers and serves on the board of directors for the Algiers Economic Development Foundation.

Ste. 700, 1 Galleria Blvd., Metairie, LA 70001 (504)841-5230 • email: jtran@lammico.com

### Taylor B. Ashworth Young Lawyer Member/ABA House of Delegates

Taylor B. Ashworth is an associate in the Baton Rouge office of Kean Miller, LLP. She practices in the offshore energy and marine litigation and the casualty and mass tort groups. She received a BS degree in mass communication, *cum laude*, in 2017 from McNeese State University and her JD/DCL degree, *cum laude*, in 2020 from Louisiana State University Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2020.



Ashworth was a member of the 2022-23 Leadership LSBA Class and is a member of the Louisiana State Bar Association's (LSBA) Outreach Committee. She has volunteered as a mock trial competition judge for the LSBA Young Lawyers Division's Mock Trial Competition.

She is a member of the Lafayette Bar Association's Young Lawyers Section and a former chair of the Membership and Mentor Committee. She also is a member of the Baton Rouge Bar Association, the Louisiana Association of Defense Counsel and the Women's Energy Network South Louisiana Chapter (former Lafayette Program Director).

In law school, she was a junior and senior associate on the *Louisiana Law Review*. She was the Robert Lee Tullis Moot Court Competition finalist, winning best brief and an oralist award. She was a member of four external advocacy teams and won a best oralist award at the National Pretrial Competition. She won the LSU Law Opening Statement Competition during her 1L year. She was selected as an academic tutor to her peers in torts and obligations and served as a research assistant to Professor William R. Corbett. She also served as an extern for Judge Shelly D. Dick, U.S. District Court for the Middle District of Louisiana.

Ashworth is a member of the recruiting committee and is a summer associate mentor at her firm. In her community, she regularly volunteers her time as a judge for the various LSU Law advocacy program competitions and external team practices.

She is married to Baton Rouge attorney Peyton Gascon. Ste. 700, 400 Convention St., Baton Rouge, LA 70802 (225)389-3780 • fax (225)388-9133 email: taylor.ashworth@keanmiller.com

# Congratulations to All Award Winners Recognized at the 2024 Louisiana Young Lawyers Conference!



Outstanding Young Lawyer Award recipient Victor M. Jones of New Orleans, right, with Louisiana State Bar Association Young Lawyers Division Chair Senae D. Hall of Shreveport.



Pro Bono Award recipient Phillip M. Smith of Lafayette, right, with Louisiana State Bar Association Young Lawyers Division Chair Senae D. Hall of Shreveport.



Hon. Michaelle Pitard Wynne Professionalism Award recipient Jimmie C. Herring, Jr. of Monroe, right, with Louisiana State Bar Association Young Lawyers Division Chair Senae D. Hall of Shreveport.



Program of the Year Award recipient is the New Orleans Chapter of the Federal Bar Association's Justice Camp. From left, Judge Janis van Meerveld, U.S. District Court, Eastern District of Louisiana; Louisiana State Bar Association Young Lawyers Division Chair Senae D. Hall, Shreveport; and Rachel M. Naquin, New Orleans.



Outstanding Local Affiliate
Award recipient is the New
Orleans Bar Association's Young
Lawyers Section. From left,
Louisiana State Bar Association
Young Lawyers Division Chair
Senae D. Hall of Shreveport and
New Orleans Bar Association
representative Mollie H.
Overton.



By Trina S. Vincent, Louisiana Supreme Court

JUDGES... RETIREMENTS... MEMORIAM

### **New Judges**

LaKeisha N.
Jefferson was elected Orleans Parish Civil District Court Division H judge, effective Jan. 22, 2024. She earned her bachelor's degree in 1999 from



Spelman College and her JD degree in 2002 from Southern University Law Center. In 2002, she worked as a legislative intern at the Sewerage and Water Board. From 2002-04, she was a law clerk for New Orleans First City Court Judge Sonia M. Spears. From 2004-05, she was employed as an associate attorney at Spears & Spears, Attorneys at Law. Judge Jefferson began a private practice in 2005 and worked as a contract attorney at Southeast Louisiana Legal Services from 2006-13. From 2008-19, she was an assistant city attorney for the City of New Orleans and was a staff attorney for Project Save.

Rochelle
Champagne
Fahrig was elected
29th Judicial District
Court Division D
judge, effective Jan.
7, 2024. She earned
her bachelor's degree in 2005 from



Louisiana State University and her JD degree in 2008 from LSU Paul M. Hebert Law Center. From 2008-14, she was an associate attorney at Johnson, Johnson, Barrios & Yacoubian, APLC. In 2014, she began a private practice and worked as an assistant district attorney at the St. Charles Parish District Attorney's Office until her election to the bench. Judge Fahrig is married to Jody T. Fahrig and

they are the parents of two children.

Alexandra (Allie)
Aiello Stahl was elected 26th Judicial District Court Division C judge, effective Jan. 8, 2024. She earned her bachelor's degree in 2009 from the University



of Mississippi and her JD degree in 2012 from Loyola University New Orleans College of Law. From 2012-24, she served as assistant district attorney to 26th Judicial District Attorney J. Schuyler Marvin. She worked as an attorney and title insurance producer at Vintage Title of Louisiana, Inc. from 2013-19 and later at Thaxton Title, LLC, from 2019 until her election to the bench. Judge Stahl is married to Christopher Stahl and they are the parents of two children.

Alan M. Black was elected 22nd Judicial District Court Division A judge, effective Nov. 29, 2023. He earned his bachelor's degree in 1980 from Southeastern



Louisiana University and his JD degree in 1983 from Louisiana State University Paul M. Hebert Law Center. He worked as a law clerk for Judge Hillary J. Crain at the 1st Circuit Court of Appeal. From 1984 until his election to the bench, he worked in private practice. He was appointed by the Louisiana Supreme Court to serve as judge *ad hoc* for the Slidell, Bogalusa and Hammond City Courts. Judge Black is married to Deni T. Black.

Angie D. Sturdivant was elected Monroe City Court judge, effective Sept. 7, 2023. She earned her bachelor's degree in 2004 from Louisiana State University

and her JD degree in 2009 from Southern University Law Center. She worked at the City of Monroe City Attorney's Office as an assistant city attorney from 2009-18 and as a city attorney



from 2018 until her election to the bench. Judge Sturdivant is married to Jeremy Sturdivant and they are the parents of two children.

Justin H. Courtney was elect-Caddo Parish Juvenile Court judge, effective Nov. earned 2023. He his bachelor's gree in 2001 from Northwestern State University and his JD



degree in 2004 from Southern University Law Center. From 2002-04, he worked as a law clerk at Avant & Falcon, APLC. He worked in private practice from 2004-15 and from 2017-23. He served as an assistant public defender at the Caddo Parish Public Defender's Office, Juvenile Division, from 2008-10, 2013-15 and 2017-20. He was an attorney advisor at the Social Security Administration Office of Disability Adjudication and Review from 2010-13. From 2020-23, he was an attorney at the State of Louisiana Department of Children and Family Services, Bureau of General Counsel. Judge Courtney is married to Heather Savage Courtney and they are the parents of two children.

### **Appointment**

► Louisiana Supreme Court Justice

Piper D. Griffin was reappointed, by order of the Louisiana Supreme Court, to the Judicial Council of the Supreme Court of Louisiana for a term of office which will end on Dec. 31, 2026.

#### Retirements

- ▶ 5th Circuit Court of Appeal Judge Robert A. Chaisson retired, effective Dec. 31, 2023. Judge Chaisson attended undergraduate school at Louisiana State University and earned his JD degree in 1984 from Tulane University Law School. He was elected to the 29th Judicial District Court in 1997 and served until his election to the 5th Circuit Court of Appeal in 2011. He served on the 5th Circuit Court of Appeal until his retirement.
- ▶ 22nd Judicial District Court Judge August J. Hand retired, effective Dec. 31, 2023. Judge Hand earned his bachelor's degree in 1983 from Loyola University and his JD degree in 1986 from Southern University Law Center. Following law school, he worked in private practice until his election to the 22nd JDC in 2008. He presided over a division of Adult Drug Court while at the 22nd JDC, where he served until his retirement.
- ▶ 15th Judicial District Court Judge Marilyn C. Castle retired, effective Dec. 31, 2023. Judge Castle earned her bachelor's degree in 1973 from Louisiana State University and her JD degree in 1976 from LSU Paul M. Hebert Law Center. From 1976-79, she was an assistant district attorney in East Baton Rouge Parish. From 1979-99, she worked in private practice. She was elected to the 15th JDC bench in 1999.
- ▶ Caddo Parish Juvenile Court Chief Judge David N. Matlock retired, effective June 1, 2023. Judge Matlock earned his bachelor's degree in 1978 from Louisiana State University in Shreveport and his JD degree in 1981 from Baylor University. He was a partner at Hargrove, Guyton, Ramey & Barlow from 1983-89. He worked as an attorney at Blanchard, Walker, O'Quin & Roberts from 1989-94. In 1994, he was elected Caddo Parish Juvenile Court judge where he served until his retirement. He was chief judge from 1999-23. Following retirement, he was appointed secretary of the Louisiana

Department of Children and Family Services in 2024.

#### **Deaths**

► Retired Orleans Parish Civil District Court Judge Richard J. Ganucheau, 86, died Feb. 22, 2024. He earned his bachelor's degree in 1964 from Loyola University New Orleans and his JD degree in 1965 from Tulane University Law School. He served in the Louisiana National Guard during the Cuban Missile Crisis. He worked in private practice from 1965-79 and served as clerk of Orleans Parish Civil District Court from 1974-79. In 1980, he was elected Orleans Parish Civil District Court judge; he was reelected in 1985 and 1990 and served as chief judge in 1990 and 1991. Judge Ganucheau served as a president of the Orleans Trial Judges Association and the 4th and 5th Circuit Judges Association. He was a member of the Committee for Jury Use and Management of the Louisiana Supreme Court and of the faculty of the National Institute of Trial Advocacy and the Louisiana Judicial College. After retiring from the bench in 2002, the Louisiana Supreme Court appointed him to complete a statewide class action case involving major cigarette manufacturing companies; litigation concluded in 2004. Also by appointment of the Louisiana Supreme Court, Judge Ganucheau administered the establishment and supervision of the Smoking Cessation Trust, which delivered medical services to help more than 100,000 Louisiana residents quit smoking.

▶ Retired 10th Judicial District Court Judge John B. Whitaker, 84, died Feb. 13, 2024. He received his bachelor's degree in 1963 from Northwestern State University and his JD degree in 1968 from Louisiana State University Paul M. Hebert Law Center. He served in the U.S. Navy from 1957-60 and worked as a Caddo Parish school teacher from 1963-64. He worked in private practice from 1968-80. In 1980, Judge Whitaker was elected 10th Judicial District Court judge. He was reelected without opposition in 1985 and 1991 and served until his retirement in 1999.



### LAWYERS ON THE MOVE . . . NEWSMAKERS

### **LAWYERS ON** THE MOVE

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, announces that Lauren Brink Adams has been elected as a shareholder in the New Orleans office.

Bey & Associates, LLC, announces that Steven J. Lane has joined the firm's New Orleans office as of counsel, continuing his practice in family law and as a special master in family law.



Richard J. Arsenault



Alan G. Brackett



Krystin Frazier-Santiago



Wilton E. Bland III



Reneé Chabert Crasto



Philip J. Giorlando

Breazeale, Sachse & Wilson, LLP, announces that **Philip J. Giorlando** has been named partner in the New Orleans office, and Alexandra C. Hains and Kristin E. Oglesby have been named partners in the Baton Rouge office. Also, Emily B. Grey (Baton Rouge office) has been elected to the Management Committee.

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

Chopin Law Firm, LLC, in New Orleans announces that John C. Wegmann and Patrick S. McLellan have joined the firm as associates.

Fishman Haygood, LLP, announces that Isabel A. Englehart and Julie S. Meaders have joined the firm's New Orleans office as associates.



Trevor M. Cutaiar



Emily B. Grey



Jay Dardenne



Alexandra C. Hains

Gordon, Arata, Montgomery, Barnett, McCollam, Duplantis & Eagan, LLC, announces that Krystin Frazier-Santiago has joined the firm as a member in the New Orleans office.

Kaufman Dolowich, LLP, announces that Spencer M. Raynal has joined the firm as an associate in the New Orleans office.

MAPS Arbitration (Mediation Professional Systems, Inc.) announces that former Louisiana Supreme Court Chief Justice Bernette Joshua Johnson has joined it Panel of Neutrals and will serve as a mediator and an arbitrator.

McGlinchey Stafford, PLLC, announces that Sean P. Sullivan has joined the New Orleans office as of counsel and Elisabeth B. LeBlanc, Hannah C. Stierwald and Thomas J. Wisecarver have joined the New Orleans office as associates. Also, Michael D. Ferachi has been elected to

### Continued next page



Blake R. David



Gerard J. Dragna



Mark E. Hanna



JoAnn H. John

serve a second three-year term as the firm's managing member, based in the Baton Rouge office.

Mouledoux, Bland, Legrand & Brackett, LLC, in New Orleans announces that J. Edward McAuliffe III and Christopher B. Prudhomme have been elected members.

Perry Dampf Dispute Solutions announces that Reneé Chabert Crasto, Jay Dardenne, Charlotte C. Meade, Robert H. (Bob) Murphy and Mary Anne Wolf have joined its panel of neutrals.

Phelps Dunbar, LLP, announces that R. Harrison Golden and Arthur R. Kraatz have been named partners in the New Orleans office.

Spera Law Group, LLC, in New Orleans



Hon. Bernette



Charlotte C. Meade

C. Michael Parks



Steven J. Lane

André C. Mouledoux

Addie M. Prewitt

announces that **Addie M. Prewitt** has joined the firm as a partner.

Strauss Massey Dinneen, LLC, in New Orleans announces that Jacob P.L. Williams has joined the firm as an associate.

#### **NEWSMAKERS**

Richard J. Arsenault, a partner in the Alexandria firm of Neblett, Beard & Arsenault, chaired a Mass Torts webinar regarding artificial intelligence and spoke at the Northwestern Law School in Chicago on "Contemporary Issues in Complex Litigation."

Camille R. Bryant, a member and attorney in the New Orleans office of McGlinchey Stafford, PLLC, was named to the NextGen Council of Greater New Orleans, Inc. She also was selected for



Georges M. Legrand



Robert H. Murphy



Christopher B. Prudhomme



Valerie Theng Matherne



Michael T. Neuner



Spencer M. Raynal

the Defense Research Institute's 2023-24 Diversity Professionalism and Business Development Mentoring Program.

Blake R. David, senior partner at Broussard, David & Moroux, LLC, in Lafayette, is serving as Finance Committee chair and Executive Committee member for the Louisiana Board of Regents. He was appointed to the Louisiana State Law Institute. He also presented a CLE program on "Digital Evidence: Collecting Evidence Via New Technologies" in a joint conference of the Louisiana Association for Justice and the Louisiana Judicial College.

John Bel Edwards, special counsel at Fishman Haygood, LLP, in New Orleans, has been appointed as a Visiting Fellow at the Institute of Politics at Harvard Kennedy School for the spring 2024 semester.

#### Continued next page



J. Edward





Cynthia A. Nicholson



Kristin E. Oglesby



John C. Wegmann



**Mary Anne Wolf** 

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

Thomas M. Flanagan, a partner in Flanagan Partners, LLP, in New Orleans, was elected president-elect of the New Orleans Bar Association. He will assume the presidency in November 2024.

Steven J. Lane was chosen for inclusion in the 2023 Best Lawyers in America, Louisiana Super Lawyers, New Orleans Magazine and New Orleans City Business Top Lawyers, all in the area of family law.

Valerie Theng Matherne, a named member in Courington, Kiefer, Sommers, Marullo & Matherne, LLC, in New Orleans, was elected as vice chair of the National Association of Minority & Women Owned Law Firms.

Kristi W. Richard, a member (partner) in the Baton Rouge office of McGlinchey Stafford, PLLC, received the inaugural Atlas Award for participation in the Leadership Council on Legal Diversity Fellows Program. E. Blair Schilling, a partner at Fishman Haygood, LLP, in New Orleans, is one of 30 attorneys named to the National Association of Women Lawyers' 2024 Rising List.

#### **PUBLICATIONS**

Louisiana Super Lawyers 2024

**Lamothe Law Firm, LLC** (New Orleans): Frank E. Lamothe III.

Mouledoux, Bland, Legrand & Brackett, LLC (New Orleans): Alan G. Brackett, Top 50 Louisiana and Top 50 New Orleans; Wilton E. Bland III, Gerard J. Dragna, Mark E. Hanna, Georges M. Legrand, André C. Mouledoux and C. Michael Parks; and Trevor M. Cutaiar, JoAnn H. John and Michael T. Neuner, Rising Stars.

The Legal 500 Powerlist USA 2024

**Fishman Haygood, LLP** (Baton Rouge, New Orleans): Louis Y. Fishman and Scott D. Chenevert.

#### 2024 Lawdragon 500

**Fishman Haygood, LLP** (New Orleans): Kerry J. Miller and Paul C. Thibodeaux, Leading Energy Lawyers.

Gordon, Arata, Montgomery, Barnett, McCollam, Duplantis & Eagan, LLC (New Orleans): Cynthia A. Nicholson, Leading Energy Lawyers.

#### **IN MEMORIAM**

Carl August
Dengel, 91, died
on Jan. 8, 2024, in
hospice at North
Georgia Medical
Center Hospital in
Braselton, Ga. He
and his wife, Deborah
Ruth Walworth
Dengel, lived in New



Orleans until Hurricane Katrina in 2005 when they moved to Rochester, Minn., and then to Georgia in 2018. He graduated from Tulane University School of Business Administration in 1954. He received a bachelor of laws degree (later designated a JD degree) in 1958 from Tulane University Law School and an LLM in 1976 from Florida University School of Law. For many years, he worked for the Internal Revenue Service as a senior estate tax attorney, then later as a federal bankruptcy attorney and then in private practice. He is survived by his wife, Debbi, his niece and several other relatives.

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UPDATE... LOCAL BARS... LBF

#### **LOCAL / SPECIALTY BARS**

#### **Baton Rouge Bar Conducts Memorial Ceremony and Court Opening**

The Baton Rouge Bar Association (BRBA) held its Memorial Ceremony and Court Opening on Jan. 31 at the 19th Judicial District Courthouse in Baton Rouge. The ceremony featured recognition of 50-, 55- and 60-year members of the bar by 2024 BRBA President-Elect Monica Vela-Vick; a remembrance of deceased members by Janice M. Reaves, Baton Rouge Association of Women Attorneys president, and Harry Landry III, Louis A. Martinet Legal Society, Inc. Baton Rouge Chapter president; and an introduction of new Bar members by 2024-25 Louisiana State Bar Association President-Elect Edward J. Walters, Jr.



Attending the Jan. 31 Baton Rouge Bar Association's (BRBA) Memorial Ceremony and Court Opening were, from left, 2024-25 Louisiana State Bar Association President-Elect Edward J. Walters, Jr.; K. Luke Williamson, 2024 BRBA president; Brad Cranmer, 2024 BRBA Young Lawyers Section chair; and Harry Landry III, president, Louis A. Martinet Legal Society, Inc. Baton Rouge Chapter.

#### **UPDATES**



Andrew M. Albritton and Catherine S. Carrier, members of the 2023-24 Leadership LSBA Class, presented the Class project, "Demystifying the Legal Profession," to students at Northside High School in Lafayette on March 18. The project's purpose is to inform high school students of the path to, and benefits of, a career in the legal profession. From left, Jaritt Ditch, Legal Academy co-chair, Civics, African American Studies, Northside High School, Lafayette; Albritton with McGlinchey Stafford, PLLC, New Orleans; Carrier with Galloway, Johnson, Tompkins, Burr & Smith, APLC, Lafayette; and Cherryl Ortego, Legal Academy co-chair, Special Education, English Language Arts, Northside High School, Lafayette.



Bar Association's Young Lawyers Division, presented the CLE program, "LSBA: Who We Are and How We Serve Our Members," on Feb. 29 at a meeting of the Black Lawyers Association of Shreveport-Bossier in Shreveport. Attendees earned one professionalism CLE credit hour and learned about the benefits of being a member of the LSBA. Right, Felicia M. Hamilton, president of the Black Lawyers Association of Shreveport-Bossier.



Judges attending the Jan. 31 Baton Rouge Bar Association's Memorial Ceremony and Court Opening were, from left, Judge Ronald R. Johnson, 19th JDC; Judge (Ret.) Curtis A. Calloway, 19th JDC; Judge (Ret.) Timothy E. Kelley, 19th JDC; Judge (Ret.) Anthony J. Marabella, Jr., 19th JDC; Judge William M. Jorden, 19th JDC; Judge Tarvald A. Smith, 19th JDC; Chief Judge John M. Guidry, Louisiana 1st Circuit Court of Appeal; Judge (Ret.) Louis R. Daniel, 19th JDC; Judge Colette M. Greggs, 19th JDC; Judge Gail H. Ray, 19th JDC; Judge Denise J. Lee, Office of Workers' Compensation; Judge Wilson E. Fields, 19th JDC; Judge Jason G. Ourso, Office of Workers' Compensation; Judge Fred T. Crifasi, 19th JDC; Judge D. Carson Marcantel, Baton Rouge City Court; Judge Kelly E. Balfour, 19th JDC; Judge (Ret.) Laura A. Prosser, Baton Rouge City Court; Chief Judge Shelly D. Dick, U.S. District Court, Middle District of Louisiana; and Judge Darrel J. Papillion, U.S. District Court, Eastern District of Louisiana.

#### Southwest Louisiana Bar Conducts Bench Bar Conference

The Southwest Louisiana Bar Association held its annual Bench Bar Conference from March 21-23 in Houston, TX. The conference offered attendees 6 hours of CLE credit and networking opportunities.



Attending the March 21-23 Southwest Louisiana Bar Association's annual Bench Bar Conference included, from left, Judge Kendrick J. Guidry, 14th JDC; Judge Tony C. Fazzio, 14th JDC; Shayna L. Sonnier, 2023-24 Louisiana State Bar Association president; Judge David A. Ritchie, 14th JDC; and Chief Judge John M. Guidry, 1st Circuit Court of Appeal.



Attending the March 21-23 Southwest Louisiana BarAssociation's (SWLBA) annual Bench Bar Conference included, from left, Joseph B. Williams III, SWLBA Bench Bar Conference chair; Louisiana Supreme Court Associate Justice James T. Genovese, Third District; Judge Guy E. Bradberry, 3rd Circuit Court of Appeal; Judge Ledricka J. Thierry, 3rd Circuit Court of Appeal; Judge D. Kent Savoie, 3rd Circuit Court of Appeal; Shayna L. Sonnier, 2023-24 Louisiana State Bar Association president; and J. Lee Hoffoss, Jr., SWLBA president.



The Lafayette Bar Foundation held its Wills for Heroes event on March 16. The goal of the program is to provide free wills for first responders. Participating, from left, Lebra R. Bias, Louisiana Department of Agriculture and Forestry, Lafayette; Jared E.A. Nelson, Liskow & Lewis, APLC, Lafayette; Taneisha W. Riggs, Law Offices of Taneisha W. Riggs, Lafayette; Antwon D. Bloxson, Law Office of Antwon D. Bloxson, LLC,

Lafayette; Karly K. Dorr, NeunerPate, Lafayette; Reed K. Ellis, Broussard, David & Moroux, Lafayette; Arthur D. Mouton, Davidson, Meaux, Sonnier, McElligott, Fontenot, Gideon & Edwards, LLP, Lafayette; Casey L. Thibodeaux, Jones Walker LLP, Lafayette; and Kelsi G. Flores, NeunerPate, Lafayette.



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

#### LBF Poised to Embark on a Strategic Planning Journey

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

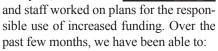
erving as the 31st president of the Louisiana Bar Foundation (LBF) is a profound honor. Being part of an organization that unites legal professionals to enhance our profession, uplift our communities and enrich ourselves is truly rewarding.

For over three decades, the LBF has been a lifeline, providing crucial funding for civil legal aid. This support is indispensable as we navigate through challenges such as increasing poverty rates and dwindling resources for legal assistance. Our mission to ensure access to justice remains paramount and, together, we can continue to make a significant impact in the lives of those in need.

I am proud to announce that, in April, the board approved \$9.5 million in annual sustaining grants, and we anticipate awarding more than \$14.5 million for the next fiscal year which begins on July 1. These funds, along with countless volunteer hours, allow the LBF to

continue its commitment to ensuring that Louisiana's civil justice system is truly accessible.

In addition to a 24% increase in annual sustaining grants this year, the board



Judge (Re

- ▶ grant a one-time salary bonus to Acadiana Legal Service Corp. and Southeast Louisiana Legal Services for all legal services staff.
- ▶ award Lagniappe Law Lab \$125,000 for a project to place self-service kiosks in courthouses in all 64 parishes; kiosks provide access to the Lagniappe Law Lab resources including legal information, referrals to legal aid programs and access to standardized court forms.

- reserve \$5 million for a future home for the LBF.
- ▶ provide funding to establish LBF Civil Legal Aid Fellowships at Louisiana law schools; the fellowships will be designed to enhance students' interest in civil legal aid careers and build a pipeline of attorneys.

I eagerly anticipate an exciting year ahead, collaborating with our dedicated board, Fellows, volunteers and staff. Together, we are poised to embark on a strategic planning journey this summer, charting a course that will steer our efforts towards a most productive year. With teamwork and strategic vision, I am confident that we will achieve great things and make a lasting impact in our community.

To all our Fellows, I extend my heartfelt gratitude for your dedication in sharing your time, skills and support. To those who haven't yet become Fellows, I warmly invite you to join our cause.

## LBF Installs New Officers, Recognizes Distinguished Honorees

The Louisiana Bar Foundation (LBF) held its 38th Annual Gala in April at The National WWII Museum in New Orleans to install new officers and to honor distinguished legal professionals.

New officers were installed by Louisiana Supreme Court Chief Justice John L. Weimer. President is Judge (Ret.) John C. Davidson, Alexandria; Vice President Edmund J. Giering IV, Baton Rouge; Treasurer Michael J. Mestayer, New Orleans; and Secretary Charles C. Bourque, Jr., Houma.

Recognized during the Gala were 2023 Distinguished Jurist Elizabeth Erny Foote, U.S. District Court, Western District of Louisiana; Distinguished Attorney Harry J. (Skip) Philips, Jr., Taylor, Porter, Brooks & Phillips, LLP; Distinguished Professor John K. Pierre, Southern University Law Center; and Calogero Justice Award recipient Bernard E. (Bernie) Boudreaux, Jr., Jones, Swanson, Huddell, LLC. These individuals were recognized because they have distinguished themselves in their chosen profession, brought credit and honor to the legal profession, and made significant contributions to the Louisiana justice system.



New Louisiana Bar Foundation officers were installed by Louisiana Supreme Court Chief Justice John L. Weimer. From left, Secretary Charles C. Bourque, Jr., Treasurer Michael J. Mestayer, Vice President Edmund J. Giering IV and President Judge (Ret.) John C. Davidson.



The 2024 Louisiana Bar Foundation's (LBF) Horn Blower Award was presented to Lagniappe Law Lab in recognition of leadership in increasing public understanding of the legal system and advancing the reality of equal justice under the law. Lagniappe Law Lab Executive Director Amanda Brown, right, accepted the award from 2023-24 LBF President Deidre Deculus Robert at the 38th Annual Gala on April 19.



The Louisiana Bar Foundation (LBF) presented its 2024 President's Award to Louisiana State Bar Association 2023-24 President Shayna L. Sonnier, right, in recognition of her outstanding support, volunteer service, dedication and advancement of the mission and goals of the LBF. The award was presented by 2023-24 LBF President Deidre Deculus Robert during the Annual Fellows Membership Meeting on April 19. Sonnier has been a LBF Fellow since 2012 and has served on the Southwest Community Partnership Panel for many years. This year, she played a pivotal role in advancing the unique partnership between the LBF and the LSBA.



The Louisiana Bar Foundation (LBF) recognized its 2023 Distinguished honorees during its Annual Gala in April. From left, Distinguished Attorney Harry J. (Skip) Philips, Jr., Taylor, Porter, Brooks & Phillips, LLP; Distinguished Jurist Elizabeth Erny Foote, U.S. District Court, Western District of Louisiana; and Calogero Justice Award recipient Bernard E. (Bernie) Boudreaux, Jr., Jones, Swanson, Huddell, LLC. With them is 2023-24 LBF President Deidre Deculus Robert.



Southern University Law Center Chancellor John K. Pierre was recognized as the Louisiana Bar Foundation's (LBF) 2023 Distinguished Professor during the Annual Gala in April. Presenting the award is 2023-24 LBF President Deidre Deculus Robert.

All photos by Patrick Niddrie.



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#### **NOTICE**

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

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

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# Ipse Dixit:

# Where Did Our Weird Words Come From?

By Edward J. Walters, Jr.

e all deal in words. Weird words. We LIKE our weird words that only we understand. We use these words as if we know what they mean. Did you ever wonder where our legal terms came from?

I'm not talking about our own arcane Louisiana words or phrases like synallagmatic contracts, the trebellianic portion or *pact de non alienando*. I'm talking about the common terms we all use every day. We know what they DO, but do we know how they got into our legal lexicon?

Some are easy, like subpoena: Under penalty of law. Latin: sub = under + poena = penalty. Easy peasy. Some, not so easy. Here are a few of the most common ones you hear every day and how they got here.

*Oyez:* We hear it every time we go to court. "*Oyez. Oyez.*" We instinctively stand up. Why *oyez*? Why not, "Hey, y'all, . . . stand up!"? *Oyez* descends from the French *ouir*, "to hear." Thus, *oyez* means "hear ye" and was used as a call for silence and attention. It was common in medieval England and France. And now here.

**Evidence:** From the Latin *videre*, "clear, visible, easy to see." It's not always so clear, visible or easy to see when it is evidence we are trying to introduce.

**Tort:** From the Latin *torquere*, "turn, twist, wring, distort." In all the plaintiff tort cases I have seen, someone was distorted and, if the plaintiff wins, someone was wrung.

**Affidavit:** When we execute an affidavit, or have one used against us, we always wonder where that word came from. Just who IS this David? It's from the Latin *affidare*, "to trust, to make an oath." It's from the Latin words, ad "to" + fidare "to trust." Fidare is from fidus "faithful."

Court: From the Latin cortem, "enclosed yard," and by extension, "those assembled in the yard." From the Latin words, com "with, together" + hortus "garden, plot of ground."

**Judge:** We use it every day. It's from the Latin word *iugen*, "to examine, appraise, make a diagnosis." That's exactly what they do. From *iudex*, a compound of Latin *ius* "right, law" + *dicere* "to say." We always hope the judge correctly *diceres* the *ius*.

**Paraph:** A figure formed by a flourish of a pen at the conclusion of a signature, from the French *paraphe*, "a paragraph, signature, a flourish."

*In limine:* Latin for a "motion at the start" or "at the threshold." Often today a Motion *in Limine* is both the start and the end of the case.

Jurisdiction: From the Latin jurisdictio, formed from juris from jus "law" + dictio, "the act of saying." Thus, one who has the right to "say" what "the law" is.

**Dilatory:** From the Latin *dilatorius*, "delaying." We already knew that a dilatory exception is to delay the proceeding, even without the Latin.

**Peremptory:** From the Latin *peremptorius*, "destructive, decisive, final." From the Latin *perimpere* "destroy" + *emptus* "to take." Having been a victim of a peremptory exception, it really was really, really destructive and really, really final.

**Exception:** From the Latin *exceptionem*, "a restriction, limitation or an objection." From the Latin *excipere*, "to take out."

*Interdiction:* From the Latin *interdico*, "prohibit, forbid." From *inter* "between" + *dico* "say," so that person is prohibited from speaking or acting on his or her own affairs because a curator has been appointed. (See below.)

Curator: From the Latin curator; "overseer, manager, guardian," originally from curare or "cure."

Liability: From the Latin ligare, "to bind, to tie." Enough said.

Negligence: From the Latin neglegentia, "carelessness."

*Objection:* From the Latin *obiectionem*, "a throwing or putting before." From the Latin *obicere*, "to oppose." So, throwing your opposition.

**Pledge:** From the Latin *plebium*, "warrant, assure or engage," and *praebere*, "furnish or supply." A pledge is security for the payment of a debt or fulfillment of a promise.

Fieri facias: You've heard of a "Writ of FiFa" or you've probably gotten served one. I'll bet you know what it DOES but not what it means. Don't rush to the Civil Code or the Code of Civil Procedure. It's Latin. (Surprise!) It means, "you should cause it to be done." It tells the recipient that they (you) have to DO something — or cause it to be done. From facias "that you cause" + fieri "to be made." So, when you file a "Writ of FiFa," you are causing something to be made, hopefully it's something you WANT to be made.

*Versus:* It's in the caption of every case. From the Latin *versus,* "facing," from *vertere,* "to turn, change, overthrow, destroy." When you are on one side of the versus or the other, you know the other side is facing you and wants to destroy you.

**Suborn:** From the French *suborner*, "seduce, instigate, bribe," and directly from the Latin *subornare*, "provide, furnish, equip, adorn." From *sub* "under, secretly" + *ornare* "equip."

**Privilege:** From the Latin *privilegium*, "law applying to one person, law in favor of or against an individual." From *privus* "private" + *lex* "law."

*Voir Dire:* Depending on your jurisdiction (see above), we've heard it pronounced, "Vore DEER," "Vore DYER" and "Vire DORE." But it is from the Latin *verus* "true" + *dicere* "speak, tell, say." So, "to speak the truth." When you hear that lawyer from Oklahoma say, "Vore Dore," smile because you know how to say it right . . . our way: *vwa deer*.

**Verdict:** From the Latin *verus* "true" + *dictum* "to say." So a jury verdict should "say the truth." Right? It doesn't always do that, now does it? It always does when you win, right?

Source: *The Oxford Dictionary of English Etymology*, Oxford University Press, 1998.



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