## JOUISIANA BAR JOURNAL

April / May 2025

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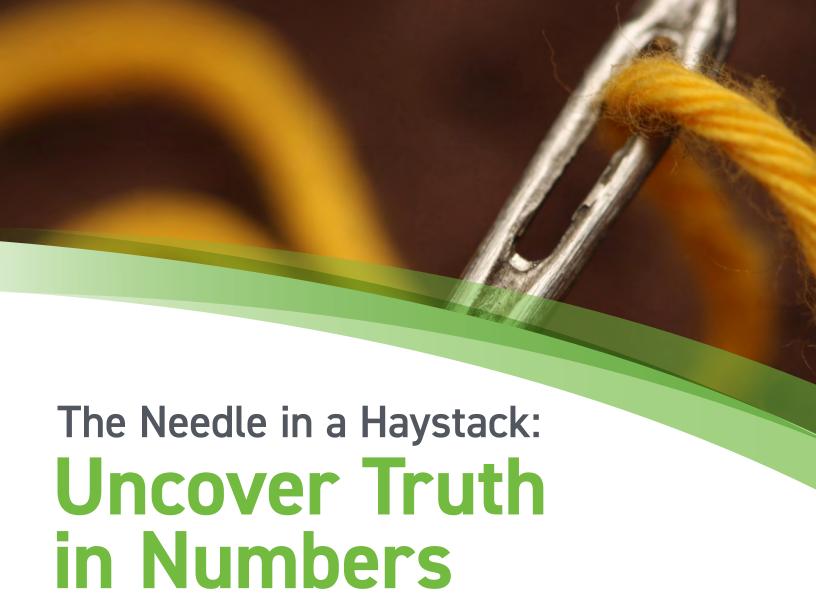
# Thical Considerations

## TRO

## When Applying for TROs

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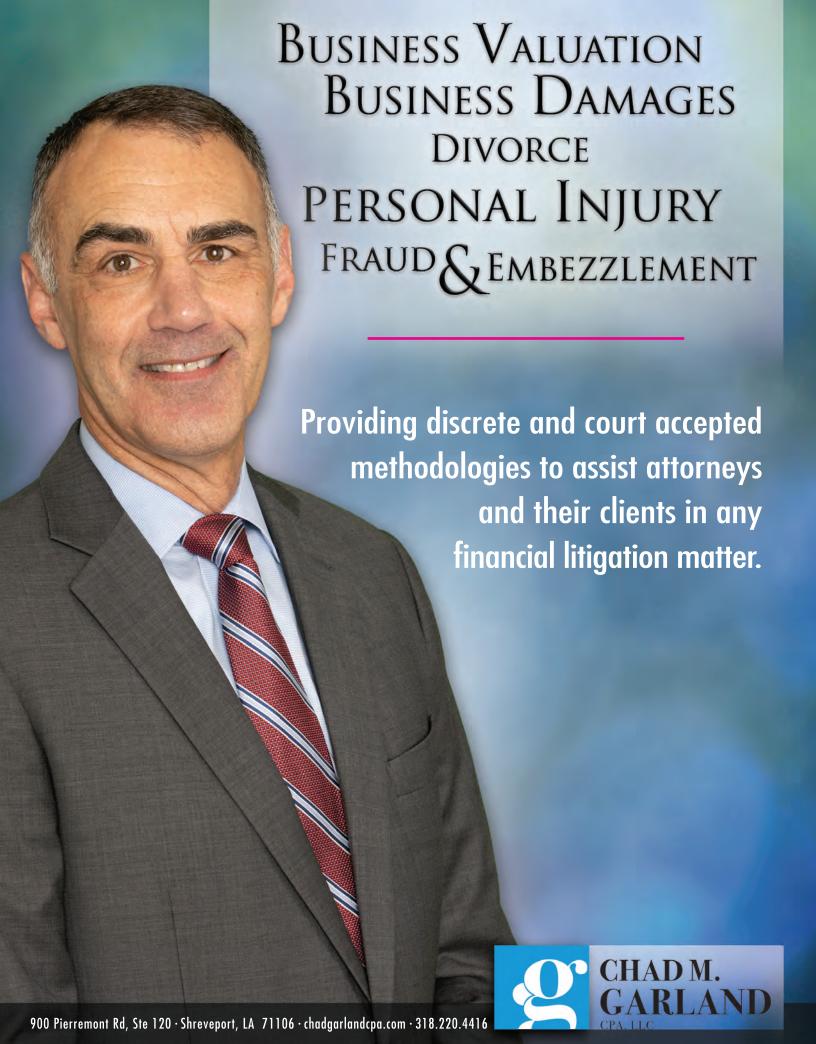
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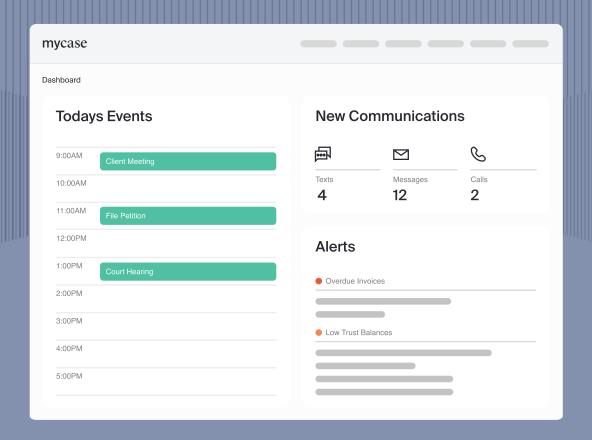






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#### Editor's Message



By Valerie T. Schexnayder

## Looking Back, Moving Forward: Celebrating Collaboration and Service

t has been an honor and a privilege to serve the Louisiana State Bar Association as Secretary and Editor of the Louisiana Bar Journal. During the past two years, I have collaborated with amazing attorneys throughout the state who share a passion and commitment for serving our noble profession.

I am proud of the quality of the articles and features we have been able to present in our *Bar Journal*. I especially enjoyed working with the Young Lawyers Division members on the Young Lawyers-themed issue in spring 2024. Their enthusiasm, creativity and dedication to the legal profession is truly inspiring. I extend my sincere appreciation to the Young Lawyers Division Council and all the members who contributed their efforts, time and talents to this special issue.

It was a pleasure to work and collaborate with the Access to Justice Department members, Monte T. Mollere, Amy Duncan, Rachael Mills, Stephanie Beaugh, Rebecca Collins, Bridget Berins and the Disability Committee Members on the Disability Law/Access to Justice-themed issue in fall 2024. Thank you for your dedication and service to those members of our society who are in dire need of legal representation.

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 the LSBA Secretary and *Journal* Editor at *publications@lsba.org*.
- 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.

I also want to extend my heartfelt thanks and gratitude to the members of the Editorial Board for their dedication to the *Louisiana Bar Journal*. Their collective wisdom, thoughtful guidance provided to authors and generous contributions of time and talent enhanced the quality of each issue.

To the members of the LSBA Communications Department, Kelly Ponder, Darlene LaBranche, Barbara Baldwin, Krystal Bellanger Rodriguez, Christine Richard and Stacie Pomes, thank you for your expertise, and assistance throughout the last two years. Together, you have made my service as Secretary and Editor of the *Louisiana Bar Journal* an enjoyable

and memorable experience.

Lastly, I want to strongly encourage all attorneys across our state to contribute and submit articles for publication to the *Louisiana Bar Journal* at publications@lsba.org. Additionally, I want to encourage all lawyers to get involved with the LSBA. Join a section. Join a committee. Serve on the House of Delegates or Board of Governors. Volunteer for a Pro Bono Project. Get Involved. Your participation is essential for the continued excellence of our profession.

Thank you all once again for the opportunity to serve and contribute!

Valerie T. Schernayder

#### President's Message



By Patrick A. Talley, Jr.

## Legacy of Leadership: Reflections on the Bar Year

Editor's Note: As his term as president of the Louisiana State Bar Association comes to an end, Patrick A. Talley Jr. reflects on a year defined by progress and the collective efforts of a dedicated legal community. Under his leadership, the LSBA has remained steadfast in its mission of service—expanding member resources, strengthening its Access to Justice programs, and navigating an evolving legal landscape.

In this final Louisiana Bar Journal president's message, Talley sits down with LSBA Secretary and Louisiana Bar Journal Editor Valerie T. Schexnayder for a thoughtful discussion on his tenure. From key initiatives to lessons learned, he shares insights on the association's accomplishments and his hopes for its future.

As he passes the gavel, Talley expresses gratitude for the privilege of serving and confidence in the LSBA's continued success. Here, in his final message, he looks back on the journey and the road ahead.

**Schexnayder:** Congratulations on a successful year as LSBA president. Reflecting on your tenure, how would you describe the past year for the association?

**Talley:** Thank you, Valerie. It's been a dynamic and productive year. I'm particularly proud of our work on

the new strategic plan for the Louisiana State Bar Association. While it's not officially approved yet, we have a solid draft that the Board of Governors will finalize soon. Of course, there have been many other accomplishments that I'm eager to discuss.

**Schexnayder:** Absolutely! How has the Bar addressed emerging legal issues like Artificial Intelligence (AI) in the practice of law?

**Talley:** AI is a transformative topic. I noticed its growing relevance a few years ago at national bar meetings. Since then, the ABA concluded that the existing regulatory framework sufficiently addresses AI concerns. In response, I formed a task force to evaluate AI's impact in Louisiana. The task force includes judges, practitioners, and experts from both local and national levels. Although their report is forthcoming, initial findings align with the ABA's position that the current regulatory framework is sufficient. I hope this initiative evolves into a standing committee to continue monitoring AI's role in the legal field.

**Schexnayder:** That's proactive leadership. What about access to justice? How has the Bar advanced this priority?

**Talley:** Expanding access to justice has been one of my primary goals. Our

flagship initiative, the "25 in 2025 Pro Bono Program," challenges every lawyer to commit 25 hours of pro bono service. This program will significantly benefit underserved communities, particularly in legal deserts where attorney access is scarce. Additionally, the upcoming ATJ Conclave in April will address ongoing challenges and explore solutions for legal service gaps.

**Schexnayder:** That's impactful. Lawyer well-being has also been a critical issue. How has the Bar supported attorneys in this regard?

Talley: Lawyer well-being is a top priority of mine. With over 25% of legal professionals experiencing burnout and depression, we've strengthened our collaboration with the Judges and Lawyers Assistance Program (JLAP). JLAP is developing a comprehensive wellness program including managing the stresses of the practice of law and juggling work-life balance issues. We're also looking at successful models from Texas and Florida to implement similar initiatives here.

**Schexnayder:** In your June/July 2024 Bar Journal interview, you highlighted lawyer wellness, access to justice, and AI regulation. Which initiative do you think resonated most with members?

Talley: Lawyer wellness has been especially well-received. There's a growing recognition of the importance of well-being within our profession. The JLAP program's development is promising, and I'm confident it will offer vital resources for judges and attorneys. AI remains an evolving challenge, and our proactive approach ensures Louisiana lawyers are prepared. And, of course, our access to justice efforts will continue to make a meaningful difference in underserved communities.

**Schexnayder:** Looking ahead, what legacy do you hope your initiatives will leave at the LSBA and what priorities would you like to see continuing to shape our future?

**Talley:** I hope the strategic plan we've initiated serves as a lasting guide for the LSBA. I've worked closely with Ed Walters, the incoming president, to ensure continuity. While I won't see everything completed during my tenure, I'm confident we've set a strong foundation for continued progress.

**Schexnayder:** Speaking of continuity, the "25 in 2025" initiative will extend into the next presidency. How do you envision its impact?

Talley: If attorneys commit to it, the initiative will create substantial positive change. Just 25 hours of pro bono work from each lawyer could significantly reduce the justice gap, particularly in legal deserts. It's a chance for our profession to demonstrate its commitment to community service and make a real difference for those in need.

**Schexnayder:** CLE programs are a significant LSBA offering. How does continuing comprehensive CLE programming benefit the LSBA members, and why is it important for you as the president to champion these opportunities?

**Talley:** Continuing education is vital to maintaining our profession's integrity and competence. I'm particularly passionate about ensuring professionalism and ethics remain central to our CLE programming. Additionally, I believe all attorneys, including those 65

and older, benefit from lifelong learning. Maintaining an active commitment to education strengthens our legal community.

Schexnayder: With so many initiatives reaching beyond the New Orleans and Baton Rouge metro areas—from the free Seven Points CLE seminars traveling across the state to specialized workshops—how do you see these programs collectively advancing our mission as an association? Was it surprising to learn that the LSBA president travels so widely?

Talley: The amount of travel has been surprising and demanding but it is also incredibly rewarding. Programs like the Seven Points CLE ensure that resources and educational opportunities are accessible statewide. Engaging directly with members in Houma, Baton Rouge, Covington, Monroe, Shreveport, Lake Charles, and Lafayette has been invaluable. It fosters a sense of connection and community within the LSBA.

Although this wasn't officially part of my presidential travel, the LSBA offered members the opportunity to participate in a Danube River Cruise CLE, and I opted to attend (at my own expense). It was my first time traveling internationally, and while I was a bit nervous about the long flight, I thoroughly enjoyed the experience. I'm now looking forward to more opportunities to participate in LSBA CLEs abroad in the future.

**Schexnayder:** As you know, I also attended that CLE and agree it was a great experience! It is wonderful that you embraced change, and you enjoyed it.

**Schexnayder:** Pat, during your presidency, did you have the opportunity to meet any notable or interesting leaders?

Talley: As president, I've had the privilege of meeting with influential leaders, including U.S. Supreme Court Justice Amy Coney Barrett. While on a business trip to Washington, D.C., for my firm — unrelated to LSBA business — I arranged a meeting in her chambers. Justice Barrett was incredibly gracious and welcoming, generously extending

our conversation to twice the originally scheduled time. During our visit, I invited her to Louisiana to meet with the Bar, and she immediately accepted. We are honored to host her on April 7, 2025 for a lecture at Loyola University New Orleans College of Law, followed by a reception at the United States Court of Appeals for the Fifth Circuit, which the Louisiana Bar Foundation has graciously offered to co-host with us.

I also had the pleasure of meeting with Louisiana Governor Jeff Landry to introduce LSBA President-Elect Ed Walters and myself as LSBA leaders. We had a productive and engaging conversation, and we invited him to speak at the LSBA Annual Meeting & Joint LJC/LSBA Summer School in June. He enthusiastically accepted, pending his availability with the legislative session and his gubernatorial responsibilities. It will be an exciting opportunity for our members to hear from him.

**Schexnayder:** Reflecting on your presidency, what has been the most fulfilling aspect of your leadership?

Talley: The connections I've made with members across the state have been the most rewarding. While the responsibilities required me to spend less time practicing law, the opportunity to serve and collaborate with passionate legal professionals has been worth it. The experience has broadened my perspective and strengthened my dedication to the legal community.

**Schexnayder:** As you wrap up your presidency, do you have any final thoughts?

Talley: I'm deeply grateful for this opportunity. I've grown personally and professionally, particularly in patience and perspective. I leave this role with a renewed appreciation for the legal profession's role in serving the community. The initiatives we've launched will continue to make an impact, and I'm confident the LSBA will remain a strong advocate for its members and the public. Thank you for the opportunity to reflect on this incredible journey



# When Applying for TROs

By Bradley C. Guin

#### I. Introduction

emporary restraining orders, or TROs, serve as vital emergency measures in litigation, empowering courts to swiftly halt conduct that threatens immediate and irreparable harm. Given their urgent nature, TROs operate with streamlined procedures that bypass many of the usual Constitutionally and statutorily mandated procedural requirements. This streamlining allows courts to sometimes issue TROs ex parte—without notice to the opposing party—when circumstances demand immediate action.

However, the expedited nature of TROs does not excuse compliance with ethical obligations. In fact, an attorney applying for a TRO on behalf of a client may be subject to heightened ethical obligations given the ex parte nature of the proceedings. 1 This article (II) first examines the procedure governing TROs and (III) then explores some of the ethical considerations implicated by the TRO application process.

#### II. TRO Application Procedure

"Standard" TROs are governed by La. Code Civ. Proc. art. 3603.2 There are other types of TRO's that are contained in different parts of the law; however, this article is limited to those which are present in La. Code Civ. Proc. art. 3603. The general rule is that a TRO cannot be granted without notice to the adverse party.3 However, Article 3603(A) permits a TRO to be granted without notice if the following two conditions are met: (1) it clearly appears from specific facts shown by a verified petition, supporting affidavit, or affirmation that immediate and irreparable harm will result to the applicant before the adverse party or his attorney can be heard in opposition; and (2) the applicant's attorney certifies to the court in writing the efforts that have been made to give notice or the reasons why notice should not be required.<sup>4</sup>

The attorney certification requirement was added in 1985 "due to abuses in obtaining" TROs.<sup>5</sup> Hence, the change was intended "to reduce the practice of issuing ex parte restraining orders without notice of any kind, and to permit the conduct of some type of adversary proceeding before, rather than after, the issuance of injunctive relief."6 And, more recently, the article was amended yet again to drive home the point that a TRO can be granted without notice "only if the applicant or his attorney has certified in writing [1] that notice has been given to the adverse party or his attorney, [2] that efforts were made to give notice, or [3] that reason exists as to why notice should not be required."7

The "specific facts of immediate irreparable harm" and "attorney certification" requirements of Article 3603 are conjunctive conditions, meaning that both must be satisfied before a TRO can be granted without notice.8 The fulfillment of only one condition is not sufficient to permit the issuance of a TRO without notice. Thus, a TRO application that contains sufficient factual allegations of immediate irreparable harm but lacks the attorney certification is defective and cannot support the issuance of an exparte TRO. And vice versa: a TRO application that contains the attorney certification but lacks specific factual allegations is also defective. Further, it must be emphasized that irreparable harm alone is insufficient to satisfy the first condition. Instead, the irreparable harm must be "immediate."9

### III. Ethical Considerations When Applying for TROs

The ex parte TRO application process is a unique procedure. Typically, to obtain a substantive court order, a party is required to try their case either by a contradictory motion or a trial on the merits. Article 3603 dispenses with this requirement, and

for good reason: ordinary proceedings, and their accompanying delays, are ill-equipped to deal with the exigencies of emergency litigation. That said, there are important ethical considerations involved when applying for an ex parte TRO, including (A) the "ex parte communication" rules of Rule 3.5 of the Louisiana Rules of Professional Conduct, (B) the "candor towards the tribunal" rules of Rule 3.3, and (C) the duty of competence imposed by Rule 1.1.

## A. Ex parte TRO applications must follow Article 3603 to avoid prohibited communications.

Starting with the basics, Rule 3.5(b) prohibits ex parte communications between an attorney and a judge "during the proceeding unless authorized to do so by law or court order."10 This rule sets forth the general rule that ex parte communications are prohibited. But what, exactly, is an "ex parte communication"? Generally speaking, an ex parte communication is "[a] communication between counsel or a party and the court when opposing counsel or party is not present."11 The prohibition of ex parte communications covers both oral and written communications.<sup>12</sup> Behind the rule lies an important justification: "Improper ex parte communications undermine our adversarial system, which relies so heavily on fair advocacy and an impartial judge. Such communications threaten not only the fairness of the resolution at hand, but the reputation of the judiciary and the bar, and the integrity of our system of justice."13

Rule 3.5(b), however, provides limited exceptions for ex parte communications that are authorized by (1) law or (2) court order. Outside of those two exceptions, though, an attorney should refrain from engaging in ex parte communications with a judge during the proceeding.

The first exception—ex parte communications "authorized . . . by law"—can be relevant when applying for a TRO. Article 3603 authorizes the issuance of

#### Sidebar/Ex Parte TRO Checklist

#### ☐ Form of Application

The application must be in the form of a verified petition or a petition with a supporting affidavit (the verification or affidavit can be made by the plaintiff, the plaintiff's attorney, or the plaintiff's agent).

#### ☐ Substance of Application

The application must (1) contain specific factual allegations showing that immediate irreparable harm will occur before the defendant or the defendant's attorney can be heard in opposition and (2) disclose all material facts, adverse or not.

#### ☐ Attorney Certification

The applicant's attorney must certify in writing (1) what efforts were made to give notice to the defendant or (2) why notice should not be required.

an ex parte TRO when certain conditions are met. <sup>14</sup> By implication, the code article thus authorizes ex parte communications between a lawyer and the judge. But, again, the two conditions (specific facts of immediate irreparable harm and attorney certification) must be satisfied to trigger the exception.

The importance of satisfying both conditions *prior to* the filing of the TRO application cannot be overstated. Indeed, "a lawyer's failure to follow the applicable rules regarding efforts to notify all parties about seeking a temporary restraining order renders the proceeding an unethical ex parte communication." While there is a dearth of Louisiana caselaw on this issue, two cases from Indiana—whose professional conduct rules largely mirror Louisiana's own—are illustrative of this principle and may inform how a Louisiana court or the disciplinary board would rule.

In *In re Wilder*,<sup>17</sup> the plaintiff's attorney delivered a copy of a TRO application to the defendant's attorney and, shortly thereafter, filed the TRO application and met with the judge, who granted the TRO.<sup>18</sup> Based on this conduct, the court found that the plaintiff's attorney violated Professional Rules 3.5 and 8.4(f).

First, the court found that the attorney

violated Rule 3.5 by communicating ex parte with a judge when not permitted by law to do so.19 Although Indiana law permitted a TRO to be granted without notice, the plaintiff's lawyer was required to comply with certain requirements, much like Louisiana law.20 Namely, he was required to give meaningful notice of the application to the defendant.<sup>21</sup> Sending a copy of the application to the defendant's attorney at the same time as, or shortly before, meeting with the judge was not "meaningful notice." Plus, the plaintiff's attorney did not take the steps necessary to obtain an ex parte TRO without notice.23 He did not show that immediate and irreparable harm was imminent, and he failed to certify in writing what efforts he made to give notice to the defendant or why such notice should not be required.<sup>24</sup> Because the attorney failed to follow the statutory requirements for obtaining an ex parte TRO, he was not authorized by law to engage in ex parte communications with the court.

Second, the court also found that the attorney violated Rule 8.4(f) by assisting the judge who issued the TRO in conduct that violated the Code of Judicial Conduct, i.e., the granting of an ex parte TRO without obtaining a written certification from the plaintiff's attorney about notification

efforts.<sup>25</sup> (It is worth mentioning that the judge was also found guilty of misconduct and suspended from the bench.)<sup>26</sup> For this misconduct, the attorney was suspended from the practice of law.<sup>27</sup>

In another case, *In re Anonymous*, <sup>28</sup> the plaintiff's attorney sought an ex parte TRO but failed to contact the opposing party, failed to certify to the judge what efforts he made to give appropriate notice, and failed to certify the reasons why notice should not be required. <sup>29</sup> While at the courthouse, the attorney spoke to the judge and obtained an ex parte TRO. <sup>30</sup> Only after the TRO was issued did the attorney notify the opposing counsel of the emergency proceeding or the fact that the court had already entered a TRO. <sup>31</sup>

The court found that this conduct violated the professional rules prohibiting ex parte communications.<sup>32</sup> The court observed that the law permits the issuance of an ex parte TRO, but only if proper safeguards—i.e., a showing of immediate irreparable harm and the attorney certification requirement—are followed.<sup>33</sup> "Failure to follow the . . . safeguards," the court explained, "renders a proceeding in which proper notice has not been given to the opposing party an impermissible ex parte communication by the attorney, and, as such, is prohibited under . . . Rule



3.5(b)."<sup>34</sup> For this misconduct, the attorney was privately reprimanded.<sup>35</sup>

## B. Attorneys for ex parte TRO applicants owe special candor obligations.

You've satisfied the first two hurdles of Article 3603(A) by submitting an exparte TRO application with sufficient factual support and the attorney certification. But that's not the end of the road. When an exparte TRO is sought, an attorney is also bound by Rule 3.3(d) of the Louisiana Rules of Professional Conduct, which states: "In an exparte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse." 36

This special candor obligation can place an attorney for an ex parte TRO applicant in uncharted waters. "Ordinarily, an advocate has the limited responsibility of presenting on side of the matters that a tribunal should consider in reaching a decision; the conflicting position is expected to be presented by the opposing party." But, obviously, in an ex parte proceeding, "there is no balance of presentation by opposing advocates." The

special candor obligation of Rule 3.3(d) aims to correct that balance by requiring the lawyer to disclose all material facts—even those adverse to the attorney's own client—to assist the tribunal in reaching a "substantially just result."<sup>39</sup>

The Louisiana Supreme Court reaffirmed this "special duty" of candor in the ex parte context in Louisiana State Bar Association v. White. 40 In that case, the plaintiff's attorney took a default judgment against the defendants in the amount of \$4,011.44 but intentionally withheld from the court the material fact that the balance due was \$2,000 less than this amount due to a prior partial payment.41 Given the ex parte nature of the default judgment proceeding, the Supreme Court explained that the attorney owed an "expanded duty to inform the court of all material facts known to the lawyer, even those adverse to the client's position."42 The Court also observed that courts routinely set aside ex parte judgments obtained in violation of this special duty of candor obligation.<sup>43</sup> For this (and other) misconduct, the attorney was suspended from the practice of law.44

The same principles apply to ex parte TRO proceedings, too. Given the drastic nature of injunctive relief, an attorney

for an ex parte TRO applicant should be mindful of fulfilling this "special" and "expanded" duty of candor and of apprising the court of all material facts, even those that may cut against their client's case. Of course, this special candor obligation must be tempered against the attorney's duty of loyalty to their client.45 While this is a delicate balance, it would be inaccurate to say that an attorney violates the duty of loyalty owed to the client by complying with Rule 3.3(d) and disclosing all material facts in pursuit of an ex parte TRO. Failure to do so, of course, would be a violation of the Rules of Professional Conduct in itself and subject any wrongfully obtained ex parte TRO to vacatur.46

#### C. Failure to adhere to Article 3603 may subject your client to damages and attorney's fees.

Speaking of vacatur, one final practice note: If a TRO is wrongfully issued—for example, if a court issues an ex parte TRO that fails to comply with Article 3603's pleading and certification requirements—your client may be on the hook for damages caused by the wrongfully issued TRO, including attorney's fees,

under La. Code Civ. Proc. art. 3608.

The Louisiana Supreme Court has explained that Article 3608 "broadly permits" an award of damages for the wrongful issuance of a TRO on a motion to dissolve or after the preliminary injunction is tried on the merits. <sup>47</sup> Further, a defendant is not required to prove bad faith or malice on the party of the plaintiff to be entitled to wrongful-TRO-issuance damages. <sup>48</sup> Rather, damages may be awarded if the TRO was incorrectly issued or the result of a mistake. <sup>49</sup>

In advising a client and facilitating an ex parte TRO application, an attorney should be mindful of Rule 1.1's duty to provide competent representation to a client.<sup>50</sup> This duty "requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."<sup>51</sup> Diligently following Article 3603's requirements arguably fulfills this obligation, while lowering the risk that the client will be subject to wrongful-TRO-issuance damages.

#### IV. Conclusion

The streamlined nature of TRO proceedings, while necessary for addressing emergent threats of immediate and irreparable harm, does not diminish an attorney's ethical obligations. To the contrary, it enhances them. When seeking an ex parte TRO, attorneys must carefully navigate both procedural requirements and ethical duties. Article 3603's dual requirements of (1) specific facts showing immediate and irreparable harm and (2) attorney certification regarding notice are not mere procedural formalities. They serve as the gateway to legitimate ex parte communications with the court and to protect against abuse of the TRO process.

Moreover, attorneys seeking ex parte TROs should consider special candor obligations under Rule 3.3(d) that go beyond normal advocacy duties. In the absence of adversarial presentation, they must proactively disclose all material facts—even adverse ones—to enable the court to make a fully informed decision. This heightened duty of candor, com-

bined with strict compliance with Article 3603, helps preserve the integrity of TRO proceedings while ensuring they remain available as vital tools for emergency relief

Finally, attorneys should be mindful of the overarching obligation to provide competent representation to their clients. When preparing an ex parte TRO application, an attorney should, therefore, adhere to Article 3603's pleading and certification requirements.

#### **FOOTNOTES**

- 1. See Barbara A. Glesner, The Ethics of Emergency Lawyering, 5 GEO. J. LEGAL ETHICS 317, 318 (1991) (observing that emergency lawyering "places an attorney at an increased risk of sanction or liability").
- 2. The scope of this article is limited to TROs under Article 3603. This article does not cover the requirements for (or ethical standards related to) TROs under other state statutes or Fed. R. Civ. P. 65(b). See, e.g., La. Code Civ. Proc. art. 3603.1 (TROs in domestic abuse cases); La. R.S. 46:2135 (TROs under the Louisiana Domestic Abuse Assis-tance Statute); La. R.S. 9:2232 (TROs under the Louisiana Trust Code); La. R.S. 23:844 (TROs in labor disputes).
  - 3. See La. C.C.P. art. 3603, cmt. (2023).
  - 4. La. C.C.P. art. art. 3603(A).
- FRANK L. MARAIST, ET AL., Louisiana Lawyering, in 21 LOUISIANA CIVIL LAW TREATISE § 20.1 (March 2024 update).
  - 6. La. C.C.P. art. 3603, cmt. (b) (1985).
  - 7. La. C.C.P. art. art. 3603, cmt. (2023).
- 8. See id. (stating that "all of the following" conditions must "occur" prior to granting a TRO without notice).
  - 9. La. C.C.P. art. art. 3603(A)(1).
  - 10. La. R. Prof'l Conduct 3.5(b).
- 11. Ex Parte Communication, Black's Law Dictionary (12th ed. 2024). See also MARAIST, ET AL., supra note 4 (defining ex parte communication as a ""communication with a judge outside the presence of or without notice to all parties about the case's substance or merits, or about procedural matters that could create a strategic or tactical advantage").
  - 12. Id.
- 13. *In re Anonymous*, 729 N.E. 2d 566, 569 (Ind. 2000) (cleaned up).
  - 14. La. C.C.P. art. 3603(A).
- 15. Leslie W. Abramson, *The Judicial Ethics of Ex Parte and Other Communications*, 37 HOUS. L. REV. 1343, 1392–93 (2000).
- 16. See *Minge v. Weeks*, 629 So. 2d 545, 547 (La. App. 1 Cir. 1993) (explaining that cases from other jurisdiction may be persuasive authority if they were derived from the American Bar Association Code of Professional Responsibility); *Schmidt v. Gregorio*, 705 So. 2d 742, 743 (La. App. 2 Cir. 1993) (finding caselaw from other jurisdictions interpreting

model rules to be persuasive authority). See also *In re Simon*, 04-2947, pp. 8–9 (La. 6/29/05), 913 So. 2d 816, 822. *Compare* La. R. Prof'l Conduct 3.5, *with* Ind. R. Prof'l Conduct 3.5.

- 17. 764 N.E. 2d 617 (Ind. 2002).
- 18. Id. at 620.
- 19. Id. at 620-21.
- 20. Id. at 620.
- 21. Id. at 621.
- 22. *Id*.
- 23. *Id*. 24. *Id*.
- 25. *Id*.
- 26. *Id*.
- 27. *Id*.
- 28. 729 N.E. 2d 566 (Ind. 2000).
- 29. Id. at 567.
- 30. Id.
- 31. *Id*.
- 32. Id. at 568.
- 33. *Id*.
- 34. Id.
- 35. Id. at 569.
- 36. La. R. Prof'l Conduct r. 3.3(d) (emphasis added).
- 37. A.B.A. Model R. Prof'l Conduct r. 3.3, cmt. 14.
  - 38. *Id*.
  - 39. Id.
  - 40. 539 So. 2d 1216 (La. 1989).
  - 41. *Id.* at 1220.
  - 42. Id. (citations omitted)
  - 43. Id. (citations omitted).
  - 44. Id. at 1221.
- 45. See Taylor v. Babin, 08-2063, p. (La. App. 1 Cir. 5/8/09), 13 So. 3d 633, 639, writ denied, 09-1285 (La. 9/25/09), 18 So. 3d 76 (stating that an attorney "owes undivided loyalty to the interests [of his client] professionally entrusted to him").
- 46. See generally White, 539 So. 2d at 1220 (citations omitted).
- 47. Hewitt v. Lafayette City-Par. Consol. Gov't, 16-0629, pp. 2–3 (La. 5/27/16), 193 So. 3d 149, 151.
- 48. Arco Oil & Gas Co., Div. of Atl. Richfield Co. v. DeShazer, 98-1487, p. 4 (La. 1/20/99), 728 So. 2d 841, 844 (cita-tion omitted).
  - 49. Id. (citation omitted).
  - 50. La. Prof'l R. Conduct r. 1.1(a).
  - 51. *Id*.

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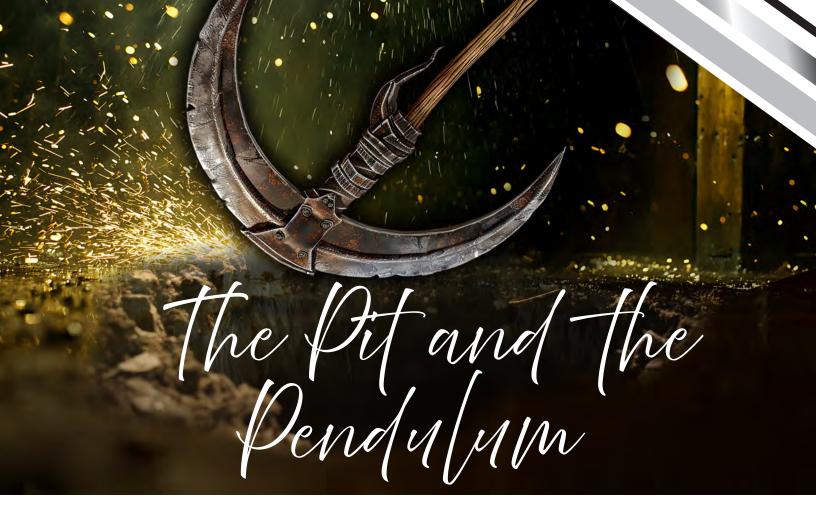
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## How to Halt the Perpetual Motion Machine of Louisiana's Ever-Changing Sentencing Laws

n Edgar Allan Poe's short story
"The Pit and the Pendulum," an unnamed narrator describes the torture he experiences during the Spanish Inquisition. While restrained, the narrator watches a sharp pendulum swinging above him as it inches towards disemboweling him.

Anyone who has navigated the Louisiana criminal justice system has felt like Poe's narrator. The pendulum they face, however, is Louisiana's sentencing laws in criminal proceedings. These laws are unpredictable, lack transparency, and swing wildly back and forth between tough-on-crime and progressive criminal justice reform orientations. Consequently, the laws are nearly impossible for attorneys, much less normal citizens, to decipher.

By Christopher S. Bowman

## The Pendulum Begins Swinging – How Did We Get Here:

From the mid- to late 19<sup>th</sup> century, through to the 1970s, incarceration rates ("rates") in the United States remained fairly stable. In Louisiana, rates were stable (from 1972 until 1976) with a dramatic increase in the late 1970s³ through 2000. In the following decade, the prison population in Louisiana continued to grow, but at a slower rate, before peaking in 2009. In 2012, rates began to decline, in line with national trends.

The increase in rates from mid- to late 1970s was a response to increased crime. From 1960 to 1980, violent crime increased nationally by 250%. In Louisiana,

violent crime also grew, by more than 460%, before slowing in the early 1980s.<sup>7</sup> By the mid 1980s violent crime began to increase, peaking in 1993, at more than 800% greater than 1960.<sup>8</sup> Thereafter, violent crime slowly decreased, stabilizing in 2010.<sup>9</sup> As of 2019, violent crime numbers remain similar to that of the late 1970s.<sup>10</sup>

How did this cause a lack of transparency in the sentencing laws in Louisiana? While violent crime peaked in 1993, rates continued to increase for 16 years, before peaking in 2009. To combat this, elected officials manipulated back-end sentencing measures (*i.e.* parole eligibility and good time diminution) to regulate and/or reduce rates. From 1993 to 2017 (when Louisiana passed the Justice Re-Investment Act), La. R.S. 15:574.4 (governing parole eligibility) was amended 46 times and La. R.S.

15:571.3 (governing good time diminution) was amended 21 times, resulting in an indecipherable maze of time calculation.

By 2015, Louisiana led the nation in *per capita* incarceration, with the state on the brink of financial ruin. In early 2008, with a recession, a criminal justice reform movement moved across the country. In 2008, George Soros ("Soros"), a name synonymous with criminal justice reform and frequently vilified in conservative circles, was supported in reform by the Koch brothers. As a result, reform packages obtained bipartisan support and passed overwhelmingly. By 2015, it was clear that Louisiana was next for reform.

In July of 2015, I authored a column arguing against the use of more lenient good time diminution and parole eligibility as a means of reducing the state's prison population. Is I warned that, "when a crime victim sees a defendant receive a lengthy prison sentence only to learn that he was released after serving a small fraction of it, such victims are outraged and lose faith in the system." In 2017, the governor and a legislative bipartisan majority ignored such warnings and passed the Justice Re-Investment Act (JRI).

To avoid a politically costly debate, regarding substantive sentencing reform, legislators focused on expanded access to good time diminution and parole eligibility to reduce rates in the JRI legislation. To make matters worse, many provisions were applied retroactively. As such, defendants convicted before the JRI were eligible for immediate release. Prosecutors and crime victims were powerless to prevent this. As to the lack of transparency, discussed supra, lawmakers poured gasoline on a brush fire. One year later, the public started distrusting the JRI, exacerbating an already unacceptable variance between the length of a defendant's sentence and the time that was actually served. In a second column, I predicted the decision, to place expediency over transparency, in the JRI legislation would cause the reform pendulum to swing wildly back in the opposite direction.<sup>17</sup>

## The Pendulum Swings Back – The Return of Transparency:

In 2023, a new Louisiana Governor was elected, with conservative super-majorities

in both houses of the legislature. Gov. Jeff Landry ran on a tough-on-crime platform. In his first 100 days in office, during a special session, the JRI was repealed, but a level of transparency was also added to Louisiana's sentencing law that has not existed in decades.

In the 2024 special session, the legislature essentially abolished parole for all defendants except where constitutionally mandated (i.e. juveniles who are tried as adults and receive a life sentence). 18 While most changes were prospective to crimes committed on or after Aug. 1, 2024, a new law was signed by the governor mandating a unanimous agreement by the parole board for all parole decisions; a procedural amendment applicable to all future parole hearings, regardless of the date of offense.19 This law effectively abolished parole for all Department of Corrections ("DOC") inmates, but for the clearest of cases, regardless of when the crime was committed.

Additionally, Gov. Landry signed a new law that greatly simplified good time diminution.<sup>20</sup> Under this law, a defendant convicted of any crime besides a sex offense must serve not less than 85% of his sentence.<sup>21</sup> Sex offenders are required to serve 100%.<sup>22</sup> In so doing, Louisiana law regarding good time diminution is now almost identical to Federal law.

Villio, Rep. Debbie R-Kenner, chair of the House Committee on the Administration of Criminal Justice Committee, authored the 2024 bill that simplified good time diminution, stating that her bill would not increase (incarceration) rates because judges would reduce the sentences they impose, based on this legislation.<sup>23</sup> As evidenced by the nearuniversal opposition of the criminal defense bar, at numerous legislative hearings in which they stated that these changes would cause the DOC population to uncontrollably swell, it is evident that most criminal defense attorneys disagree with Rep. Villio on this point. While I have a great deal of respect for Rep. Villio, I too cannot agree with her for two reasons.

In January 2024, before new laws went into effect, I prosecuted a defendant convicted of a violation of La. R. S. 14:95.1 (Felon in Possession of a Firearm) and the court imposed a 10-year sentence. Under the old law, that defendant would be eligible for release on good time after serving

42 months of his sentence. In December, I prosecuted a different defendant convicted of the same offense, but under the new law when that defendant returns for sentencing, even if the court imposes the minimum sentence of five years mandated under Louisiana law, he will be required to serve 51 months before he is eligible for release on good time.

According to some estimates, inmates in Louisiana served on average 40% of their sentences before the recent legislative changes.<sup>24</sup> Since they are now required to serve 85%, judges and prosecutors would have to more than cut in half the sentences and pleas that they had previously imposed or offered. Given the Governor's tough-on-crime rhetoric in his previous campaign, it is, needless to say, an unusual request that could be politically risky for a judge or District Attorney to accommodate

In placing the burden on judges to recalculate the sentences they impose and on prosecutors to adjust the plea deals they offer; our elected leaders are not accounting for the lingering effects of the 2017 JRI legislation. As discussed above, that legislation retroactively reduced the time defendants would have to serve. Accordingly, they are asking judges and prosecutors like me, to bear the risk that some future legislature or Governor will not again retroactively reduce sentences.

It is unquestionable that these recent changes will increase Louisiana's rate. If the present administration plans ahead, I believe they can avoid the "Hobson's choice" faced by the prior administration. If they do not, we may see this entire cycle repeat itself in a decade or two.

## Finishing the Job – How to Permanently Arrest the Swinging of the Pendulum:

With two additional changes, the Governor could add consistency and permanency to Louisiana's criminal justice system. These changes would help achieve the stated objectives of the present administration and forever arrest the swinging of the pendulum. I believe that even the opponents of the Governor and his new policies should support these changes.

First, the Department of Corrections needs to conduct more detailed

presentence investigations. I would recommend that these investigations include a scoring sheet, which takes into account aggravating and mitigating factors such as criminal history. This could be used in conjunction with sentencing guidelines promulgated by the executive branch. Judges and attorneys in the Federal system have these tools at their disposal. Since Louisiana's new sentencing model mimics the Federal system, it should include the tools that make the system function well. Furthermore, this would foster a level of consistency in criminal sentences across all 64 parishes, and the guidelines could be adjusted in response to rising or falling crime and/or incarceration rates. Since these guidelines would be advisory - the same as they are in the Federal system, this could be implemented without molesting the constitutionally mandated autonomy of the judiciary or District Attorneys.<sup>25</sup>

Second, the recent changes regarding parole eligibility and good time diminution should be enshrined in the Louisiana constitution. In so doing, our elected leaders would provide an air of permanency to these changes, giving judges and prosecutors more assurance that they can alter their sentencing habits based upon them. It would also prohibit future elected leaders from using less transparent back-end measures to regulate (incarceration) rates, a point which has both fueled the pendulum and doomed the JRI legislation to failure from the very beginning.

Even if you oppose the recent changes, you should not oppose making them more permanent if you truly wish to reform the criminal justice system. Opponents of the recent changes objected to the effect that the legislation would have on the growth of the DOC population (i.e. increased length of sentences), not to the elimination of the variance between the sentence imposed and the time actually served. Instead, opponents should advocate for substantive sentencing reform in the legislature. However, with good time diminution and parole eligibility, ebbing and flowing based upon political whims and legislative fiat, no one can have a true conversation about broader sentencing reform because they are aiming at a target that is

in perpetual motion. If these changes are enshrined in the Louisiana constitution and the predictions of the opponents are correct, then it will inevitably force our elected leaders to have a broader conversation regarding substantive sentencing reform when these changes drive the state to the brink of financial ruin. If the predictions are incorrect, then there is no harm in adding them to the constitution.

In early discussions regarding the JRI legislation, the criminal defense bar sought broader sentencing reform. It quickly became clear, however, that the political will for this did not exist. In making the recent changes more permanent, I believe it is highly likely that it will create a situation in which all the stakeholders are forced to come to the table for a broader conversation regarding substantive sentencing reform. I am equally mindful that it is a big risk for criminal defense attorneys to take on behalf of their clients. However, the failure to act will only ensure the continued swinging of the pendulum and the incremental erosion of the public's faith in the criminal justice system. If that erosion is left unchecked, then it will only cause more unpredictability in the system, which may end up being worse for criminal defendants.

I want to be clear that I am not advocating for sentencing reform. One of the things I enjoy the most about my job is training young prosecutors. When a young prosecutor complains to me about some shortcomings in the law, I quote Tom Skerritt's character (Viper – in Top Gun) and say, "We do not make the laws here, ladies and gentlemen. Elected officials do that. We are the instruments of those laws." When it comes to broader sentencing reform, I am agnostic. To have a legitimate conversation about it, however, the decision makers must have assurances that the defendant will serve the actual sentence that he receives.

With the JRI, Louisiana missed this opportunity to create a stable and transparent criminal justice policy. I encourage Gov. Landry and the legislature not to squander another opportunity and to build a more lasting criminal justice legacy than their predecessors.

#### **FOOTNOTES**

- 1. Edgar Allen Poe, "Pit and the Pendulum," in *The Gift: A Christmas and New Year's Present for 1843* (Carey & Hart 1842).
  - 2. John F. Pfaff, Locked In 1 (2017).
- 3. Kevin R. Reitz, Allegra Lukac, Amy Cohen & Edward E. Rhine, *Prison-Release Discretion and Prison Population Size State Report: Louisiana* 2 (Robina Institute of Criminal Law and Criminal Justice 2023).
  - 4. *Id*.
  - 5. Pfaff, supra note 3, at 1-3.
  - 6. Id. at 3.
- 7. Louisiana Crime Rates 1960-2019, https://www.disastercenter.com/crime/lacrime.htm (last visited Jan. 2, 2025).
  - 8. *Id*.
  - 9. *Id*.
  - 10. Id.
  - 11. Pfaff, supra note 3, at 4.
- 12. "Why is billionaire George Soros a bogeyman for the hard right?" BBC News (Sep. 6, 2019) https://www.bbc.com/news/stories-49584157.
- 13. Phillip Elliot, "The Koch Brothers Are Pushing for Criminal Justice Changes," Time (Jan. 29, 2018) https://time.com/5123969/koch-brothers-criminal-justice-reform/.
  - 14. Pfaff, supra note 3, at 4.
- 15. Christopher S. Bowman, "For True Reform, Reduce Prisoner Recidivism" The Advocate, Jul. 22, 2015, at 7B.
  - 16. Id.
- 17. Christopher S. Bowman, "Justice Reform Not Meeting Its Promises", The Advocate, Jul. 12, 2018, at 7B.
- 18. 2024 2nd Ext. Ses. La. Acts 6. *Miller v. Alabama*, 567 U.S. 460 (2012).
  - 19. 2024 2nd Ext. Ses. La. Acts 11.
  - 20. 2024 2nd Ext. Ses. La. Acts 7.
  - 21. Id.
  - 22. Id.
- 23. Richard A. Webster, "Everyone Will Die in Prison": How Louisiana's Plan to Lock People Up Longer Imperils Its Sickest Inmates, ProPublica (Mar. 28, 2024) https://www.propublica.org/article/louisiana-plan-to-imprison-people-longer-imperils-sickest-inmates.
  - 24. Id.
  - 25. La. Const. art. 5 § 1. La. Const. art. 5 § 26.

Assistant District Attorney Christopher Bowman is a Special Prosecutor assigned to the Special Victims Unit in Caddo Parish where he focuses on homicide cases. In 2024, he tried II homicide cases to verdict — maintaining a 100% conviction rate. ADA Bowman served for over a decade in the Orleans Parish District



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## Young Lawyers Division



The Top Young Lawyer Award is given to Louisiana's young lawyers who have made exceptional contributions to the legal profession.

#### Andrew M. Albritton · New Orleans

Andrew Albritton practices in the areas of labor and employment law, advising clients on policy development, labor/management relations, and compliance strategies. His work includes representing employers in a range of employment-related litigation in both state and federal courts, including matters involving discrimination claims and wage/hour collective actions. Albritton chairs



the McGlinchey PRIDE LGBTQ+ resource group and is active in professional organizations, serving as co-chair of the LSBA's LGBTQ+subcommittee and of the New Orleans Bar Association's Young Lawyers Section. He is also involved in planning the Big Easy Bootcamp CLE program for new bar admittees, which has received recognition from the American Bar Association. In the community, Albritton serves on the board of directors for the New Orleans Speech and Hearing Center and volunteers with Project Lazarus, a transitional housing program for individuals living with HIV/AIDS in the New Orleans area.

#### Jason D. Asbill · Metairie

Jason D. Asbill serves as executive director and chief legal officer of Louisiana Guardianship Services Inc., a nonprofit organization that provides guardianship and advocacy services for individuals with developmental disabilities and incapacitated older adults across the state. He played a key role in establishing the Louisiana Guardianship Services Disability Pooled Trust, the first of



its kind in Louisiana. Asbill is a two-term council member for the City of Harahan, where he has drafted and sponsored legislation focused on long-term municipal sustainability. He holds a law degree, cum laude, from Mississippi College School of Law, earned in 2014. He and his wife Tiffani are the parents of two children.

#### Kelsey L. Bonnaffons · New Orleans

Kelsey L. Bonnaffons, a native of New Orleans, earned her bachelor's degree from the University of Florida and her JD from Tulane University School of Law. She is a director at Galloway, Johnson, Tompkins, Burr & Smith and is licensed to practice in both Louisiana and Texas. She also serves on the firm's Diversity Committee. Outside of her legal practice, Kelsey is active in



community service. She serves on the board of directors for Boys Town Louisiana, an organization that supports children and families throughout the state, and leads her firm's Hogs for the Cause team, which raises funds for families of children with pediatric brain cancer.

#### Danielle L. Borel · Baton Rouge

Dani Borel is an equity partner in the Baton Rouge office of Breazeale, Sachse & Wilson, LLP, where her practice focuses on commercial and healthcare litigation. She represents clients in matters involving healthcare provider licensing and payment disputes, trademark and copyright infringement, unfair trade practices, contract issues, and other commercial disputes.



Borel currently serves as chair of the American Bar Association Young Lawyers Division and is a past chair of the Louisiana State Bar Association Young Lawyers Division.

#### Chloé M. Chetta · New Orleans

Chloé M. Chetta is a member of Barrasso Usdin Kupperman Freeman & Sarver, L.L.C., where her practice includes a broad range of complex and commercial litigation, with a particular focus on appellate matters. She is licensed to practice in Louisiana, Texas, and Mississippi. Before entering private practice, Chetta served as a law clerk to Judge Sarah S. Vance of the



U.S. District Court for the Eastern District of Louisiana and Judge Stephen Higginson of the U.S. Court of Appeals for the Fifth Circuit.

#### Jovontee J. Curlee · Baton Rouge

Jovontee Curlee is a civil litigator and founder of the Law Office of Jovontee Curlee, Esq., where she represents clients in civil rights, employment, entertainment, and Title IX matters. She also advises and defends medical and licensed professionals in disciplinary and licensure proceedings before regulatory boards, including the Louisiana State Board of Medical Examiners. Curlee earned her



undergraduate degree from Mississippi State University and her law degree from Southern University Law Center. In addition to her legal practice, she is the CEO of ONE Talent and Media, a company focused on supporting creatives and professionals through the intersection of advocacy, innovation and culture.

#### Shelvia R. Davis · Shreveport

Shelvia R. Davis is the managing attorney of Grant Davis Law, where her practice focuses on estate planning, successions and probate, and personal injury. She is a graduate of Spelman College and Southern University Law Center. Davis has previously served as a staff attorney for Legal Services of North Louisiana, an



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assistant city prosecutor for the City of Shreveport, and a project manager in Administration and Finance/Legal Affairs at LSU Health Shreveport. She is a member of the 2024 Louisiana State Bar Association Leadership Class and the Harry V. Booth–Judge Henry A. Politz American Inn of Court.

#### Kelley R. Dick, Jr. · Baton Rouge

Kelley R. Dick Jr. is a founding partner of Mansfield Melancon Injury Lawyers. In his practice, Dick represents injured individuals throughout the state. He earned his undergraduate degree in construction management from Louisiana State University and his law degree from Southern University Law Center, where he graduated first in his class. Dick and his wife, Taylor, are the proud parents of two children.



#### Alex J. Domingue · New Orleans

Alex Domingue is an associate at Mouledoux, Bland, Legrand & Brackett in New Orleans. His practice focuses on the defense of employers and insurance carriers in matters arising under the Jones Act, Longshore and Harbor Workers' Compensation Act, Defense Base Act, and War Hazards Compensation Act. Domingue is actively involved in several legal and community organizations.



#### Kathrine E. Ellis · New Orleans

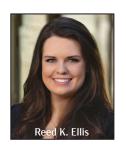
Kathrine E. Ellis is an associate at Barry Rome & Scott, LLC, in New Orleans, where her practice focuses on insurance defense liability. She earned her undergraduate degree from Louisiana Tech University and her JD from Loyola University New Orleans College of Law. Before transitioning to civil practice, Ellis spent five years handling criminal defense cases across



southeast Louisiana, gaining extensive courtroom experience. She is a member of the Jefferson Parish Bar Association and a past board member of its Young Lawyers Division.

#### Reed K. Ellis · Lafayette

Reed Kreger Ellis is an attorney at Broussard, David & Moroux, where her practice focuses on serious personal injury and wrongful death cases, including 18-wheeler and automobile accidents, industrial incidents, and premises liability matters. Ellis earned her undergraduate degree in political science from the University of Mississippi and her JD and DCL



from Louisiana State University. Prior to entering private practice, she clerked for Hon. Jason D. Meche of the 27th Judicial District Court.

#### Katherine E. Currie Fallas · Mandeville

Katherine Fallas is an attorney at Galloway, Johnson, Tompkins, Burr & Smith, where her practice focuses on transportation defense and general litigation. She also advises local governments on land use, permitting, public works, and public records matters. Fallas earned her J.D. from the University of Mississippi School of Law in 2015 and her B.A., magna cum laude, from



the University of Southern Mississippi in 2012. She is admitted to practice in Louisiana and before the U.S. District Courts for the Eastern, Middle, and Western Districts of Louisiana. Originally from Bay St. Louis, Mississippi, she now lives in Mandeville with her husband and two toddler daughters.

#### Sarah J. Flettrich · New Orleans

Sarah J. Flettrich is an associate at Hoffman Nguyen & Kuehl, where she practices family law, including matters involving divorce, child custody and support, property partitions, paternity, and estate planning. She also has experience in insurance defense and workers' compensation. She earned her JD from Loyola University New Orleans College of Law in 2021. Flettrich is



a member of the LSBA, New Orleans Bar Association, Jefferson Bar Association, and the A.P. Tureaud Inn of Court. She volunteers with the New Orleans Pro Bono Project and has served on the board of the Jefferson Bar Association Young Lawyers Division since 2022.

#### Kelsi G. Flores · Lafayette

Kelsi G. Flores is an associate at Neuner-Pate in Lafayette, where her practice focuses on governmental liability defense, personal injury defense, workers' compensation, employment law, and civil rights defense. Flores earned her B.A. in English from Louisiana State University in 2019 and her JD and DCL from LSU's Paul M. Hebert Law Center in 2022. Following law school, she served as a judicial law clerk



for Judge Brady O'Callaghan and Judge Donald Hathaway of the First Judicial District Court in Shreveport. Originally from New Iberia, Louisiana, she now resides in Lafayette.

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#### Gerard J. Gaudet · New Orleans

Gerard J. Gaudet is an attorney at Adams and Reese LLP, where he advises clients in the maritime, energy, oil and gas, and construction industries. Gerard also has experience handling various class actions, including class actions involving consumer protection laws, data breaches and cybersecurity incidents, unfair/deceptive trade practices, negligence, and breach of



contract. Gerard has also been involved in complex, multi-party litigation involving owners, general contractors, engineers, and architects in both the commercial and residential construction industry. He earned his JD from Loyola University New Orleans College of Law in 2013 and his B.S. from Louisiana State University in 2009.

#### Cornelius Troy Hall · Baton Rouge

Cornelius Troy Hall is an associate attorney at the Lindsey Scott Law Firm, APLC, in Baton Rouge. He earned his JD from Southern University Law Center and his Master of Public Administration from Louisiana State University. Hall currently serves as Chair-Elect of the Baton Rouge Bar Association's Young Lawyers Section Council and is a member of the publication



committee for The Baton Rouge Lawyer magazine. He is a recipient of the 2023 LSBA Pro Bono Publico Award and the Baton Rouge Bar Association's President Award in both 2023 and 2024.

#### Jimmie C. Herring, Jr. · Monroe

Jimmie C. Herring Jr. is an Assistant Chief Counsel for the Department of Homeland Security in Houston, Texas, where he represents the United States in federal immigration matters including asylum, removal, adjustment of status, and customs cases. Originally from Monroe, Louisiana, Herring earned his B.A. in political science from Southern University and A&M Col-



lege, his Master of Public Administration with a concentration in public policy from Louisiana State University, and his J.D., with honors, from Southern University Law Center. His previous experience includes serving as a judicial law clerk for the First Judicial District Court of Caddo Parish and as a federal judicial law clerk for U.S. District Judge Jerry Edwards Jr. in the Western District of Louisiana. He also served as an Attorney Advisor through the U.S. Department of Justice Attorney General's Honors Program and as an Assistant City Attorney for the City of Shreveport.

#### Tú Thomas Hoàng · Gretna

Tú Thomas Hoàng is the founder of Hoàng Law Firm in New Orleans. After earning his J.D. from Loyola University New Orleans College of Law in 2013, he served as a hearing officer for the Sewerage and Water Board of New Orleans before establishing his own practice. He holds a bachelor's degree in political science from the University of New Orleans. Originally from Vietnam,



Hoàng emigrated to the United States as a political refugee after the Vietnam War. He is active in community service, volunteering with churches, nonprofits, and organizations that support youth development and leadership.

#### Casey C. Hollins · Baton Rouge

Casey C. Hollins is an associate at Hammonds, Sills, Adkins, Guice, Noah & Perkins LLP, based in the firm's Baton Rouge office. Her practice focuses on civil litigation defense and governmental affairs. She was admitted to the Louisiana Bar in 2021. Hollins earned her JD, cum laude, from Southern University Law Center in 2021 and holds a Bachelor of Science in philosophy from Louisiana State



University. She is a member of the Baton Rouge Bar Association and the Louisiana State Bar Association.

#### Mithun B. Kamath · New Orleans

Mithun Kamath is a civil and criminal litigator with experience in government and appellate matters. He previously served as Chief Administrative Officer and Assistant District Attorney for the Orleans Parish District Attorney's Office. Kamath earned his B.A. from Tulane University and his JD from Columbia Law School. He is a member of the LSBA's Criminal Justice Committee and serves as an adjunct professor at Loyola University



New Orleans College of Law, where he teaches a course on the intersection of law, policy and politics. He also serves as a Louisiana Advocacy Ambassador for the Leukemia & Lymphoma Society and is a board member of the Committee for a Better New Orleans.

#### Brittany D. LaCombe · Lafayette

Brittany LaCombe is an attorney based in Acadia Parish, where she serves the Acadiana region with a practice focused on family law and personal injury litigation. She is licensed to practice in all Louisiana state courts, the U.S. Court of Appeals for the Fifth Circuit, and the U.S. District Courts for the Western, Middle, and Eastern Districts



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of Louisiana. LaCombe earned her JD, magna cum laude, from Southern University Law Center, where she was a member of the Southern University Law Review. She holds a dual undergraduate degree in anthropology and political science from the University of Louisiana at Lafayette. She was admitted to the Louisiana Bar in May 2022 and while originally from Crowley, she now lives in Acadia Parish with her husband and children.

#### Soren T. Lannes · Houma

Soren T. Lannes is a staff attorney at Southeast Louisiana Legal Services in the Houma office, and works primarily with domestic violence victims in Terrebonne and Lafourche Parishes. Lannes earned a JD from Loyola University New Orleans College of Law in 2023, and completed an LLM in Healthcare Administration Law at Loyola in 2024. Prior to law school, Lannes earned an



undergraduate degree in Mississippi and then spent three years teaching English in South Korea before returning to Louisiana to pursue a career in public service.

#### Hieu (Scott) T. Le · New Orleans

Hieu "Scott" Le is a second-generation Vietnamese American, born and raised in New Orleans. He graduated with a B.A. in political science from the University of New Orleans and obtained his JD from Rutgers Law School in Newark, New Jersey. He is an associate of Mouledoux, Bland, Legrand & Brackett, providing defense for employers and insurance carriers in claims arising



under the Longshore and Harbor Workers' Compensation Act, Defense Base Act, and War Hazards Compensation Act.

#### Thuy N. Le · New Orleans

Thuy Le is a graduate of Tulane Law School, where she served as editor-in-chief of the *Tulane Environmental Law Journal* and president of the Tulane Chapter of APALSA. After graduation, she worked as a senior research fellow at the Tulane Institute on Water Resources Law and Policy and then became an associate at Kanner & Whiteley, where she focuses on natural resource damages



cases. Her passion is helping others and her goal is to use her law degree to lift underserved communities.

#### Kelsey Clark Luckett · Baton Rouge

Kelsey Luckett is a Baton Rouge native who graduated from the Paul M. Hebert Law Center in 2015. Upon graduation, Luckett began her legal career at Breazeale, Sachse & Wilson, and was made partner in 2020. She practices in the areas of casualty and commercial litigation.



#### Sree Harsha Mandava · Harvey

Sree Harsha Mandava, JD, MD, MHSA, MBA, is a prosecutor in the Juvenile Division of the Jefferson Parish District Attorney's Office and a qualified Civil Mediator in Louisiana. A 2022 graduate of Loyola University New Orleans College of Law, he previously practiced Family Law and Medical Malpractice Defense and served as a Rule XX participant in the Loyola Family Law Clinic. With a background in medicine.



health administration and business, Dr. Mandava has published extensively in the fields of Men's Health and Uro-Oncology and remains active in the legal community as Chair of the Jefferson Bar Association Young Lawyers Division, Member of the Jefferson Parish Expungement Clinic and the St. Thomas More Inn of Court.

#### Justin T. Mannino · Baton Rouge

Justin Mannino is a partner at Taylor Porter. He represents individuals and businesses in the areas offederal, state, and local taxation; multigenerational estate planning; numerous business and corporate governance and ownership matters; successions; and trusts. Justin received his JD/DCL, cum laude, from Louisiana State University Paul M. Hebert Law Center and his LLM in Taxation from the University of Florida Levin College of Law.



#### Scott M. Mansfield · New Orleans

Scott M. Mansfield is an experienced attorney with a strong background in personal injury, having argued in numerous Louisiana and federal courts and first chair jury trial experience. He co-founded Mansfield Melancon with a commitment to providing personalized attention and advocating for clients, particularly those injured through no fault of their own. Ranked as a Louisiana Rising Star from 2018-2024, Scott is also



a Lifetime Member of the Million Dollar Advocates Forum and serves on various professional committees, all while balancing his practice with family life and a love for outdoor activities.

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#### Kolby P. Marchand · Baton Rouge

Kolby P. Marchand is an attorney at Porteous Hainkel & Johnson LLP in Baton Rouge, and is the current chair of the Baton Rouge Bar Association's Young Lawyers Division. Marchand's practice is focused on insurance defense in state and federal courts and includes trial and appellate practice. Outside of the office, Marchand enjoys spending time with his two children, playing golf, and trying out local breweries.



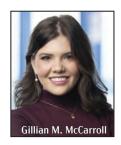
#### William P. Morrow · Opelousas

William "Will" P. Morrow, born and raised in Opelousas, Louisiana, has been practicing law in his hometown parish of St. Landry since 2015. He is a partner at Morrow Law Firm, LLC wherein he primarily practices personal injury litigation. When he is not helping clients, Morrow enjoys spending time with his wife, Angela, and son embracing the culture of Acadiana, as well as being outdoors hunting and fishing.



#### Gillian M. McCarroll · New Orleans

Gillian McCarroll is an attorney at McGlinchey Stafford in the Enterprise Litigation & Investigations group. Her practice focuses on products liability, asbestos litigation and insurance defense. She is a leader and top associate at her firm, and an active member of the LSBA, New Orleans Bar Association, and the A.P. Tureaud Inn of Court.



#### Hon. Shayna Beevers Morvant · Gretna

Honorable Shayna Beevers Morvant was elected to the 24th Judicial District Court and took office in October 2020. In addition to the general jurisdiction duties, she volunteers as a Specialty Court Judge handling the Re-Entry Court and Swift and Certain Probation Programs for Jefferson Parish, while serving as the Chair of the Technology and Security Committee and on the



Michael K. Melucci · Metairie

Mike Melucci was born and raised in a small town in Massachusetts. He came to New Orleans in 2009 to do Hurricane Katrina rebuilding working with Habitat for Humanity as a building site manger/volunteer instructor for four years. Since 2017 Mike has been an active litigator focusing on serious injury and maritime cases. He earned his J.D. from Loyola University New Orleans



J.D. from Loyola University New Orleans
College of Law in 2017 and holds a B.A. in history, magna cum
laude, from Western New England University.

Louisiana Judicial College. She remains active in her community coaching numerous recreation league teams each season. She and her husband, Wesley, are the proud parents of four children.

#### Myles H. Sonnier · Lafayette

Myles Sonnier is an associate at Galloway, Johnson, Tompkins, Burr & Smith in Lafayette, where his practice focuses on insurance and corporate defense litigation. He earned his J.D. and a graduate diploma in comparative law, magna cum laude, from LSU Law in 2020. Sonnier lives in Lafayette with his wife and son.



#### Christina D. Moore · Monroe

Christina Moore is an attorney in the law office of J. Garland Smith & Associates, where she practices family law, immigration, personal injury, and probate/successions. She earned her JD from Southern University Law Center in 2022. Her goal is to open her own thriving law firm, and later in life, become a well-respected and fair judge in her community. She loves educating her clients and helping them transform their lives for the better.



#### Virginia P. Stewart · New Orleans

Virginia Stewart is an associate at Phelps, where she represents clients in the education, real estate, and transportation industries in complex litigation matters. She also contributes to the firm's professional development efforts and provides pro bono legal services. Stewart earned her JD, cum laude, from the LSU Paul M. Hebert Law Center in 2021 and her B.A. in mass communication, summa cum laude, from Louisiana State



University in 2018. She serves on the executive council of the New Orleans Bar Association's Young Lawyers Section and has chaired several of its fundraising events, including the Bar and Grille, Cornhole Classic, and Big Easy Bootcamp.

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#### Sean P. Sullivan · New Orleans

Sean P. Sullivan is an attorney with nearly 15 years of experience in insurance coverage and defense. His practice focuses on first-party property claims, including National Flood Insurance Program (NFIP) flood insurance and homeowners insurance, in both federal and state courts. Sullivan serves on the Louisiana Supreme Court Committee on Bar Admissions,



where he grades the torts and federal jurisdiction sections of the Louisiana Bar Exam. He has also been active with the Forum for Equality, Louisiana's LGBTQ+ human rights organization, for more than a decade.

#### Katherine L. Swartout · New Orleans

Katherine L. Swartout is a civil litigation and trial attorney at Pipes Miles Beckman, with a wide array of experience representing national insurers, international product manufacturers, interstate carriers, national grocery chains, public entities, and construction and development companies. She has been recognized in Best Lawyers: Ones to Watch and Louisiana Super



Lawyers Rising Stars and currently serves as chair of the New Orleans Bar Association Young Lawyers Section.

#### Rebekka C. Veith · New Orleans

Rebekka Veith is a partner at Fishman Haygood, LLP in New Orleans, where her diverse practice includes appellate work, class actions/mass actions/MDLs, fraudulent transfer and specialized bankruptcy litigation, and insurance coverage cases. She is committed to educating the next generation of lawyers and regularly presents "Trial Skills" at Justice Camp



hosted by the New Orleans Chapter of the Federal Bar Association, for which she serves on the board of the Younger Lawyers Division. Outside of work, Rebekka volunteers with a wide range of organizations and is Vice Chair of the Board of Directors for HandsOn New Orleans, a nonprofit organization that creates and manages service projects relating to public school revitalization, youth recreation, neighborhood development, urban gardening, and environmental restoration.

#### Francis A. Waguespack, Jr. · New Orleans

Francis A. Waguespack, Jr. is an experienced attorney specializing in workers' compensation and maritime law, with a focus on cases under the Longshore and Harbor Workers' Compensa-

tion Act, Defense Base Act, and Federal Employer Liability Act. He has extensive litigation experience, regularly appearing before agencies like the U.S. Department of Labor and Louisiana Office of Workers' Compensation. Outside of his practice, Francis enjoys attending LSU sports events and exploring New Orleans' restaurant scene.



#### Gerald Waltman III · New Orleans

Gerald "Jess" Waltman III is a senior associate at Gordon Arata, where he litigates complex commercial disputes. He is admitted to practice in Alabama, Arizona, Louisiana, Mississippi, and Texas. Waltman earned his JD from the University of Mississippi School of Law in 2016. He is an active member of the New Orleans Bar Association, American Bar Association, and Federal Bar Association.



and previously served as president of the Mississippi Bar's Young Lawyers Division.

#### Gary J. Williams II · Houston, TX

Gary Williams II is an Assistant Chief Counsel with the U.S. Department of Homeland Security, where his practice focuses on immigration. He earned his undergraduate degree from Southern University and A&M College and his J.D. from Southern University Law Center. He was admitted to practice in Louisiana in 2019. Williams is a member of the American Bar Association, Houston



Lawyers Association, and the Louisiana Federal Bar Association. He is also a member of the Leadership LSBA 2024-25 Class.

#### Haley Zhu-Butler · New Orleans

Haley Zhu-Butler is a versatile attorney at Lugenbuhl whose background sits at the intersection of law, technology and data privacy, while also encompassing strategic commercial financial dispute resolution for businesses and individuals. Zhu-Butler applies her analytic skillset to effectively resolve financial disputes for businesses and individuals of all sizes.



Admitted to practice in Louisiana, Connecticut and the District of Columbia, she has particular experience guiding clients through pre-judgment recovery negotiations and post-judgment debt collections, delivering focused and efficient strategies that maximize recovery while minimizing risk.



DUES... DEADLINES... ATJ... SPECIALIZATION

## 2025-26 LSBA Dues, LADB Assessment Payment Cycle to Begin in May

The 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 By-Laws; Supreme Court Rule XVIII § 6; *Keller v. State Bar of California*, 496 U.S. 1 (1990); and *McDonald v. Longley*, 4 F.4th 229 (5th Cir. 2021).

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.

Additional information on annual LSBA expenditures will be made available for the May 2025 issue of "Bar Briefs." The LSBA's Annual Reports also are available at: <a href="https://www.lsba.org/NewsAndPublications/AnnualReports.aspx">www.lsba.org/NewsAndPublications/AnnualReports.aspx</a>.

#### **Payment of Dues and Assessment**

LSBA members have the option to pay their 2025-26 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 2025-26 membership year is June 30, 2025. 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: www.lsba.org/Members/memberaccts.aspx. 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, 2025, due date; attorney registration statements will NOT be mailed.

Throughout the dues collection period, the LSBA will email reminders using the email address,

Continued on page 415

#### Dues continued from page 414

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 Statement (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, 2025. The LSBA will continue to mail delinquency and ineligibility notices to those who fail to meet the deadline.

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.

#### House Resolution Deadline is May 12 for Annual Meeting

The deadline for submitting resolutions for the next Louisiana State Bar Association's (LSBA) House of Delegates meeting is Monday, May 12.

The House will meet on Thursday, June 5, in conjunction with the LSBA's Annual Meeting at Sandestin Golf and Beach Resort in Destin, Fla.

Resolutions by House members and committee and section chairs should be mailed to LSBA Secretary Valerie T. Schexnayder, c/o Louisiana Bar Center, 601 St. Charles Ave., New Orleans, LA 70130-3404. All resolutions proposed to be considered at the meeting must be received on or before May 12. Resolutions must be signed by the author. Also, copies of all resolutions should be emailed (in MS Word format) to LSBA Governance Coordinator Jen France at jen.france@lsba.org.

## **Application Deadline is May 30 for Leadership LSBA 2025-26 Class**

Louisiana State Bar Association (LSBA)President-ElectEdward J. Walters, Jr. is currently seeking applications from young lawyers for the Leadership LSBA 2025-26 Class. Deadline for return of applications is May 30.

The program, created in 2002 by then-LSBA President Larry Feldman, Jr., provides exposure on how the LSBA functions as well as on the pressing issues facing the association and the legal profession. Participants also receive information on the responsibilities of volunteer leaders. Beginning in 2008, classes have been required to organize an individual class project to address needs in the profession and the community at large. The goal of the class project is to further develop young attorneys' leadership skills and to provide them with opportunities for statewide networking.

Prior to applying, the candidate should consider the commitment required. The candidate should have the time and ability to participate and fulfill the class requirements. By conclusion of the LSBA Fiscal Year 25/26, class members will be required to:

▶ attend one meeting of the Board of

Governors:

- ▶ attend one meeting of the House of Delegates;
- ▶ attend one meeting of the Young Lawyers Division Council;
  - ▶ attend one Budget Committee meeting;
- ▶ attend one meeting of the Access to Justice Committee;
- ▶ attend one meeting of an LSBA committee of their choice;
- ► work with the class to develop and implement a class project with the help of staff; and
- ▶ commit to serve on an LSBA committee the year following completion of Leadership LSBA.

The class term begins in late August (orientation) and ends in June (Annual Meeting).

Expenses for attendance at meetings and activities will be reimbursed in accordance with LSBA policies.

Interested candidates should submit applications online by the May 30 deadline. Go to: www.lsba.org/goto/LeadershipLSBA.

To learn more about the program, go to: www.lsba.org/members/LSBALeadershipclass.aspx.

## Acadiana Legal Service Corporation Hosts Free Civil Legal Aid Fair in Northern Louisiana

Acadiana Legal Service Corporation (ALSC), in partnership with Lagniappe Law Lab (LLL), the Access to Justice Commission (ATJ) of the Louisiana State Bar Association, and the Louisiana Supreme Court, hosted a free civil legal fair at multiple locations in Louisiana during the week of Jan. 27-30, 2025.

The initiative was supported by a grant, 2023-2024 LBF – Jock Scott Community Partnership Panel Grants, to enhance community awareness and education about Legal Help Access Points designed to connect people with legal assistance in rural areas. These access points, installed over the past few years, had not been widely publicized, resulting in limited use and impact on the community. ALSC launched a grassroots campaign, "Justice on the Geaux – A Free Civil Legal Fair," to directly connect community members with attorneys and legal resources.

The public was invited to apply for legal services on-site and receive legal education on topics including small successions, veteran services, and family law matters such as divorce and custody. Eligible individuals also had the opportunity to consult with attorneys one-on-one. Additionally, partner organizations conducted demonstrations on how to use the Legal Help Access Points and provided free legal education on subjects such as grandparents' custody, successions and wills, and family law resources.

"The goal of this legal fair was to provide civil legal resources to our marginalized rural communities that may not have access to legal services due to their location," said Sachida Raman, ALSC executive director.

Local organizations were also present to offer support and information, including the Office of Consumer Advocacy, Beauregard Chamber of Commerce, 6th Judicial District Court, East Carroll Parish Library, East Carroll Community Action Agency, Utility Assistance Program, Louisiana Department of Health, and The Wellspring. A total of 74 community members and applicants participated throughout the week, engaging in discussions and receiving legal education.



Justice on the Geaux Civil Legal Fair at East Carroll Parish Library in Lake Providence, La



The Justice Bus at the Justice on the Geaux Civil Legal Fair at the LaSalle Community Action Association in Harrisonburg, La.

#### **Legal Access Points: The History**

ATJ initiated a project in 2022 to establish access points in local libraries and community action agencies throughout the state, including Beauregard Parish Library, East Carroll Parish Library, LaSalle Community Action Agency, and Concordia Parish Library. These access points provide users with digital tools to address civil legal issues.

At these access points, users can:

- ► Access self-help resources and automated court forms.
  - ▶ Determine eligibility for free legal aid.
- ► Receive customized legal help and referrals through the Civil Legal Navigator.
- ► Meet virtually with an attorney in a confidential, enclosed space.
- ► Attend virtual hearings with participating courts through an online court program.

"A key benefit of this program is that as we hear more about the needs of our communities, we can develop more resources and ways for people to find help," said Amanda Brown, Lagniappe Law Lab executive director. "Those resources will be integrated into the access points, giving community members direct access to the most up-to-date and expansive legal resource library in the state."

The initiative stemmed from findings

of a Justice for All grant awarded to the Access to Justice Commission in early 2020. Data collected identified large portions of Louisiana as civil legal resource deserts—areas where individuals must travel more than 45 minutes to access inperson civil legal resources. The Legal Help Access Points address the needs of low-income individuals living in these underserved regions.

"The Legal Help Access Points are essential tools for the communities they serve, especially low-income and vulnerable populations," said Louisiana State Bar Association President Patrick A. Talley, Jr. "The Louisiana State Bar Association is a proud partner in this project with Acadiana Legal Service Corporation, whose work we support and admire."

The Legal Help Access Points project leverages the existing work of legal aid organizations, such as ALSC, which serves 42 parishes across Louisiana. ALSC provides essential legal services to low-income individuals, particularly in underserved areas, covering 75% of the state's legal deserts in north, central, and south Louisiana. Through the access points, these communities can connect with ALSC attorneys, for online meetings, service applications, and legal education, thereby ensuring that individuals in these regions can directly connect to the legal help they need.

#### Attorneys are Recertified as Board Certified Specialists in 2025

In accordance with the requirements of the Louisiana Board of Legal Specialization (LBLS) and the Plan of Legal Specialization, the following individuals have satisfactorily met the established criteria for recertification as LBLS board certified specialists in the following areas for a five (5) year period which began on January 1, 2025 and will end on December 31, 2029.

Business Bankruptcy Law	Edward N. George IIINew Orleans	Ernest S. Anderson
Patrick Shawn Garrity Metairie	Carl S. GoodeBaton Rouge	James H. Askew Shreveport
Michael David RubensteinHouston, TX	David S. GunnBaton Rouge	Alfred R. Beresko Shreveport
	Kernan August Hand, Jr Metairie	David A. BlanchetLafayette
Estate Planning & Administration	Steven E. Hayes Metairie	Lisa Leslie Boudreaux Baton Rouge
Orr Adams, Jr Metairie	Robert L. Henderson, Jr Slidell	Jennifer C. Carter New Orleans
Ralph R. Alexis IIINew Orleans	Ted W. HoytLafayette	Robert P. CucciaHouma
Rachel South Boquet	Edwin Kidd HunterLake Charles	Karen D. DownsBaton Rouge
Shelley Babineaux Bouillion Lake Charles	Steven I. KleinNew Orleans	Jack L. DveirinNew Orleans
M. Elizabeth BowmanGretna	William H. Langenstein III New Orleans	Patricia M. Franz Metairie
David M. Charlton Baton Rouge	John Paul LeBlancMandeville	Frank A. GrangerLake Charles
Laura Elizabeth FineNew Orleans	Brian T. LeftwichNew Orleans	Grace Phyllis Gremillion Covington
Ronda Mary GabbCovington	Lawrence M. LehmannNew Orleans	Helen Popich HarrisLafayette
Carl S. GoodeBaton Rouge	Dwayne O. LittauerNew Orleans	Mitchell J. HoffmanNew Orleans
Lawrence Dietrich HuterLafayette	Peter J. Losavio, JrBaton Rouge	Lila Tritico HoganHammond
Gregory Scott LaCour Metairie	David J. Lukinovich Metairie	Debra M. Kesler Metairie
Gregory Jesse LoganLafayette	Richard E. MathenyBaton Rouge	Philip C. KobetzLafayette
Ronald Wayne Morrison, Jr Metairie	Michael A. MayhallCovington	Robert D. Levenstein LaPlace
Joseph Michael Placer, JrLafayette	Van R. Mayhall, JrBaton Rouge	Robert G. LevyAlexandria
Joseph A. Prokop, JrBaton Rouge	Ray C. Mayo, Jr Shreveport	Robert C. LoweNew Orleans
Beau P. Sagona Metairie	John F. McDermottBaton Rouge	Lorraine Jane Andresen McCormick
Eric M. SchorrNew Orleans	W. Deryl Medlin Shreveport	Baton Rouge
Carla Hines SibilleZachary	Joel A. MendlerBirmingham, AL	Patrice Wightman Oppenheim Covington
Amanda Pendleton Sigur Metairie	Marla Anne MillerLake Charles	David R. PaddisonCovington
Scott Joseph SonnierNew Orleans	J. Tracy MitchellBaton Rouge	Walter M. SanchezLake Charles
	William A. Neilson New Orleans	D. Reardon StanfordLafayette
Tax Law	Laura Walker PlunkettNew Orleans	Susan L. TheallLafayette
A. Albert AjubitaNew Orleans	Laura Walker PlunkettNew Orleans Eugene F. Pollingue, Jr	
	Laura Walker PlunkettNew Orleans Eugene F. Pollingue, Jr Palm Beach Gardens, FL	Susan L. TheallLafayette
A. Albert AjubitaNew Orleans Robert S. AngelicoNew Orleans Walter Antin, JrNew Orleans	Laura Walker PlunkettNew Orleans Eugene F. Pollingue, Jr	Susan L. Theall
A. Albert AjubitaNew Orleans Robert S. AngelicoNew Orleans	Laura Walker PlunkettNew Orleans Eugene F. Pollingue, Jr Palm Beach Gardens, FL	Susan L. Theall
A. Albert Ajubita	Laura Walker PlunkettNew Orleans Eugene F. Pollingue, Jr Palm Beach Gardens, FL Betty Ann RaglinBaton Rouge	Susan L. Theall
A. Albert Ajubita	Laura Walker PlunkettNew Orleans Eugene F. Pollingue, JrPalm Beach Gardens, FL Betty Ann RaglinBaton Rouge Rudolph R. RamelliNew Orleans Patrick K. ResoHammond John A. RouchellNew Orleans	Susan L. Theall
A. Albert Ajubita	Laura Walker PlunkettNew Orleans Eugene F. Pollingue, Jr Palm Beach Gardens, FL Betty Ann RaglinBaton Rouge Rudolph R. RamelliNew Orleans Patrick K. ResoHammond	Susan L. Theall
A. Albert Ajubita	Laura Walker Plunkett New Orleans Eugene F. Pollingue, Jr	Susan L. Theall
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A. Albert Ajubita	Laura Walker Plunkett New Orleans Eugene F. Pollingue, Jr	Susan L. Theall

Dawn Amacker.....Covington

Mandy Mendoza Gagliardi .... New Orleans

Jennifer Jones Thomas......Baton Rouge

#### **LBLS Application Deadlines for Board Certification**

The LBLS accepted applications for board certification in seven (7) specializations — appellate practice, employment law, estate planning and administration, family law, health law, labor law, and tax law from Nov. 1, 2024 through March 19, 2025. The deadline to submit applications was extended from Feb. 28, 2025 to March 19, 2025. The LBLS is now accepting applications for business bankruptcy law and consumer bankruptcy law board certification from Jan. 1, 2025 through Sept. 30, 2025.

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 (5) years may apply for board certification. Further requirements are that each year a minimum percentage of the attorney's practice must be devoted to the area of board certification sought, passing a written examination to demonstrate sufficient knowledge, skills and proficiency in the area for which board certification is sought

and five (5) favorable references. Peer review shall be used to determine that an applicant has achieved recognition as having a level of competence indicating proficient performance handling the usual matters in the specialty field. Please refer to the LBLS standards for the applicable specialty for a more detailed description of the requirements for application, viewable online at www.lsba.org/documents/Specialization/LSBAPlanofLegalspecialization2017.pdf.

In addition to the above, applicants must meet a minimum CLE requirement for the year in which application is made and the examination is administered:

- ► Appellate Practice 15 hours of appellate practice
- ► Employment Law 15 hours of employment law
- ► Estate Planning and Administration
   18 hours of estate planning and administration
  - ► Family Law 15 hours of family law
  - ► Health Law 15 hours of health law
  - ► Labor Law 15 hours of labor law

- ► Tax Law 18 hours of tax law
- ▶ Bankruptcy Law CLE is regulated by the American Board of Certification, the testing agency.

Approved specialization CLE courses may be viewed on the LBLS Approved Course Calendar online at www.lsba.org/MCLE/MCLECalendar.aspx.

With regard to applications for business bankruptcy law and consumer bankruptcy law board certification, although the written test(s) is administered by the American Board of Certification, attorneys should apply for approval of the Louisiana Board of Legal Specialization simultaneously with the testing agency in order to avoid delay of board certification by the LBLS. Information concerning the American Board of Certification will be provided with the application form(s).

Anyone interested in applying for board certification should contact LBLS Specialization Director, Mary Ann Wegmann, email maryann.wegmann@lsba.org, or call (504) 619-0128.

## Attorneys Qualify as Board Certified Specialists in 2025

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 (5) year period which began on January 1, 2025 and will end on December 31, 2029.

#### Newly Qualified Board Certified Specialists:

#### **Appellate Practice**

Harvey S. Bartlett III	New Orleans
Evan James Bergeron	New Orleans
Jason Walker Burge	New Orleans
A. Paul LeBlanc, Jr	Baton Rouge
Andrew C. Wilson	Mandeville

#### **Employment Law**

Jill L. Craft ...... Baton Rouge

#### **Estate Planning & Administration**

Jessica Bach	. New Orleans
Michael Stephen Donova	nSlidell
Daniel J. Finch	Lafayette
Katelyn Parks Gunn	. New Orleans
Rebecca S. Luster Radfor	dShreveport

#### **Family Law**

Daniel C. Cummins	Monroe
Jesmin Basanti Finley	Covington
Jessica L. Fitts	Monroe
M. Scott Ogden, Jr	.Lake Charles

#### **Health Law**

Jeffrey K.	Clement, Jr	New Orleans
Patrick D.	Seiter	Baton Rouge

#### Tax Law

Andrew J. Lorenz..... New Orleans



Pictured (L to R): Hon. John C. Davidson (Ret.), 2024-2025 Louisiana Bar Foundation President, Alexandria, LA; Associate Justice Piper D. Griffin, Louisiana Supreme Court, Seventh District, New Orleans, LA; Chief Justice John L. Weimer III, Louisiana Supreme Court, Sixth District, New Orleans, LA; Patrick A. Talley, Jr., 2024-2025 Louisiana Bar Association President, Phelps Dunbar, L.L.P., New Orleans, LA.

## New Attorneys Sworn In at Louisiana Supreme Court Ceremony

The Louisiana Supreme Court Committee on Bar Admissions held an admission ceremony Oct. 21 for candidates who passed the July 2024 bar exam. The event took place at the Pontchartrain Convention & Civic Center in Kenner.



#### **Forensic and Valuation Services**

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

#### **Our Services Include:**

#### **Economic Damages**

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

#### Fraud and Investigative Services

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

#### **Business Valuation Services**

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



By Michael S. Koch | RAPIDES PARISH

apides Parish, established in 1807 following the Louisiana Purchase, boasts the state's second-largest parish by land area. Alexandria, the parish seat, sits at the state's near-geographical center, conveniently located on the south bank of the Red River, and is often described as being "the bull's-eye" of Louisiana. Rapides Parish was named after an old trading post established before the Civil War, located at the limestone ledge or rapids that extended across the bed of the Red River at present-day Alexandria/Pineville.

Alexandria is home to two legal giants: civil rights icon Louis Berry, the first African American to practice law in Alexandria, and Camille Gravel, who represented both the rich and famous as well as those who had little. Sports enthusiasts will recognize the name Warren Morris, best remembered for his two-out, 9th-inning walk-off home run that won the 1996 College World Series for LSU and Peabody High School basketball Coach Charles Smith, Louisiana's all-time winningest head coach and recent inductee into the Naismith Memorial Hall of Fame.

#### 9th Judicial District Court

Over the years, Rapides has had several courthouses. The first, built in 1820, was later replaced with a larger facility in 1859, but it was destroyed by fire along with much of the town in 1864 when Federal troops evacuated in their retreat down the Red River. The present Rapides Parish Courthouse was built during the Great Depression with the assistance of funds provided by the Public Works Administration (PWA). The facilities were part of the largest wave of courthouse construction in Louisiana history, with eleven total courthouses erected in the period between 1936-1940.

The courthouse features a "streamlined bas-relief characterization of justice"



and "Moses, staring sternly forward, law books in his lap." It was, along with the Natchitoches Parish courthouse, one of only two Louisiana courthouses erected during the period to feature heavy use of bas-relief sculptures. The courthouse was constructed at a cost of \$588,528.

The main entrance, facing Murray Street, includes a handicap-accessible ramp and two recently installed elevators that no longer require "trustee" assistance to operate. Handicap parking is in a designated area in front of the courthouse, which also has an area that can be used to aid in unloading/loading of trial equipment. If you or your client require ADA accommodations for a court hearing or trial, contact the court administrator Caleb Pope at (318)443-6893. There is ample street parking around the courthouse as well as free parking in a lot near the rear entrance of the courthouse.

If you need language assistance, including interpreter or translation services, contact the court language access coordinator Santana Bledsoe at (318)443-6893.

The courthouse features four courtrooms designed for jury trials with two of those courts containing cell facilities for criminal courts. All jury courtrooms are located on the fourth floor. On the sixth floor are three smaller courtrooms, one designed specifically for juvenile court. Cellphones are permitted in the courthouse and courtrooms, however, phones must be on silent with specific instructions given at the beginning of the court session that recording or capturing any of the proceedings is strictly prohibited.

The design of the jury system is that both civil and criminal jury trials begin with the jury appearing on Tuesday. The court has recently updated two of the jury courtrooms with electronic equipment designed for projecting exhibits during a trial, but the court does not provide computers for connecting to the screen, so attorneys must provide their own computers and coordinate equipment use with the Court Administrator.

Each division of the court's docket is listed on the 9th JDC website.

#### The Judiciary of Rapides Parish

Rapides Parish is served by seven District Court judges:

- Chief Judge Monique Rauls (Civil)
- Judge Chris Hazel (Criminal)
- Judge Mary Doggett (Civil)
- Judge Loren Lampert (Juvenile)
- Judge Patricia Koch (Criminal)
- Judge David Williams (Civil)
- Judge Greg Beard (Criminal)

The bench is further supported by a hearing officer, Penny Tullos.



#### **Specialized Courts**

The 9th JDC operates successful Adult Drug Court and Behavioral Health Court programs under the supervision of Judge Patricia Koch and Judge David Williams. The Drug Court program is a two-year program and consists of four phases. The Drug Court judge conducts status hearings weekly to review the progress of the clients. Adult Drug Court is a post-adjudication court for probationers charged with a nonviolent drug or non-drug case. The Behavioral Health Court, created in 2014, is a pre- and post-adjudication court designed similarly to that of the Drug Court; however, participants must have a serious mental illness diagnosis.

#### **Duty Judges**

Duty judges, responsible for signing orders, rotate weekly and are typically available from 8:30 a.m. to 4:30 p.m., Monday through Friday. Their offices are located on the fifth floor of the 9th JDC.

#### **Clerk of Court**

Karan Corley is the interim Rapides Parish Clerk of Court. The Clerk of Court's main office is located on the first floor and the Clerk's Civil Division is located on the second floor. The phone number for the Clerk's office is (318)473-8153. In the event you want to fax files in a civil matter, the civil filing fax number is (318)487-9361. The Clerk's office also has the capability to e-file civil matters, which could be helpful if you miss the 4:30 p.m. filing deadline but can safely land the e-file before 11:59 p.m. that same day. The Clerk's office has a helpful website to set you up for civil e-filing. The Clerk does not accept e-filing or fax filing for criminal matters.

#### The Federal Courthouse

The U.S. Post Office and Courthouse (Federal Courthouse) located at 515 Murray Street, is two blocks from the 9th JDC and was built in 1932. For over 25 years, it has been listed on the National Register of Historic Places. The main entrance to the courthouse faces Murray Street and there is also an entrance at the rear of the courthouse, which is handicap accessible. For handicap parking needs and/or access to the building, please call (318)473-7415. As with all Federal Courthouses, they have state-of-the-art electronics for trial exhibits, depositions, etc.

Judge Dee Drell, on senior status, was nominated to the bench by President George W. Bush and confirmed by the U.S. Senate in 2003. Judge Jerry Edwards, Jr. was nominated by President Biden and confirmed by the Senate in 2023. His appointment was historic as the first African American federal judge to serve on the Western District Court and among the youngest in the nation at the age of 45. Judge Joseph Perez-Montes has been a full-time magistrate since 2015.

#### **City Courts**

Alexandria City Court and Pineville City Court are noteworthy for their civil jurisdictional limits, extending up to \$50,000. They are two of the seven City Courts in Louisiana with such limits.

#### Refreshments: Coffee, Tea, Juices

You can often find a hot cup of traditional coffee behind the courtrooms in the 9th JDC which all lawyers are welcome to partake. If you're looking for a cup of a specialty coffee before the courthouse opens, or after your hearing, downtown Alexandria has two options. Sweet Latte Treat & Expresso Bar, opens at 8 a.m. and is located on Murray Street across from the courthouse and Tamp and Grind, opens at 7 a.m. and is just three blocks away on Fourth Street.

#### **Restaurant Options and Lodging**

None of the courthouses (9th JDC, Federal, Bankruptcy, Alexandria, and Pineville City Courts) have food vendors located in the buildings, though vending machines for drinks and chips are usually available. Locating a quick bite for lunch is critical - there are several within walking distance from the courthouse. *Sweet Latte*, as mentioned, has daily lunch spe-

cials as does another favorite local, *Word of Mouth Café*, (4.8 on Google review) located across the street from the 9th JDC, hours are from 11 a.m.-2 p.m. and they serve a wide array of different hot-pressed sandwiches, specialty wraps, soups, and salads. Just a couple of blocks over is *Café DeSoto* (4.7 on Google review) which is known for dishing up quick bites of gumbo, burgers and tacos.

For evening dining and spirit options, The Bentley Room and Diamond Grill are both located downtown and offer some of Alexandria's finest dining. The Bently Room, located in the historic Hotel Bently, features classic Louisiana Cuisine (dinner is served Monday-Saturday 4 p.m. - 10 p.m., reservations are encouraged.) Additionally, The Hotel Bently is home to the Mirror Room Lounge (Monday – Saturday, 4 p.m. – 12:00 a.m.), perfect for socializing and/or celebrating. The Diamond Grill offers unique chef-inspired daily specials as well as a Mezzanine Bar boasting handcrafted cocktails and over 30 different wines. (Monday – Saturday 4:30 p.m. - 10 p.m., reservations preferred.)

Regarding lodging, the two closest to the courthouses are The Hotel Bentley and Holiday Inn Downtown. One of the best things about Alexandria is that nothing is very far away. We do not have heavy traffic, and thus you can stay anywhere and be less than 10 minutes from the various courthouses. Additional accommodations, such as Courtyard by Marriott or Home2 Suites by Hilton off McArthur Boulevard are all located within a short 3 ½ mile radius of the courthouses.

Michael S. Koch has worked at Neblett Beard and Arsenault as a personal injury attorney for over 35 years. He earned his undergraduate Bachelor of Science degree from the University of North Dakota in 1985 and his JD from Southern Law Center in 1989. Mike has served on various boards



including Central La. Pro-Bono Project, American Red Cross, La. GUMBO Inc. and is currently serving on the board with Renaissance Home for Youth. He served on the Alexandria Bar Association Executive Council for many years including President in 2018. He coached Alexandria High School mock trial for 10 years and currently coaches mock trial at Tioga High School. Mike is married to Judge Patricia Koch and they are proud parents of their three sons Kyle, Cory and Kevin. (mkoch@nbalawfirm.com; 2220 Bonaventure Court, Alexandria, La. 71303)



By Andrea Brewington Owen

#### RECOGNIZE RISKY CLIENTS EARLY

T's easy to believe that all paying clients are good clients but that can, at times, be untrue. During the consultation process, an attorney should determine if they're the appropriate one for the matter and if the client is appropriate for the attorney. Signs that a potential client will become a problem client can often be spotted during the consultation. Benjamin Franklin famously said "an ounce of prevention prevents a pound of cure" meaning that it is better and easier to stop a problem from happening than to correct it after the client is your problem. Certain types of potential clients and their behavior should raise red flags and cause the attorney to think twice about taking on the case. For example, clients who have unrealistic expectations at the outset are likely the same clients that file malpractice suits or make complaints to the bar when the attorney doesn't meet their expectations.

Learning to identify the red flags can protect your professional reputation, save money, time, headaches and be in the client's best interests. This needs to be an integral part of a firm's risk management arsenal. If your intuition tells you that this could be a problem client, listen to it. Attorneys involved in disciplinary matters or malpractice matters often say, "I knew I shouldn't have taken that one." While your instincts will develop over your career, it's helpful to hone your ability to spot those potential problematic clients. Think back to the problematic clients that you represented in the past and make a list of the signs or red flags that arose during the initial consultation.

Be aware of a few classic types of red flag clients and evaluate accordingly:

▶ Client who is always right. These clients often will not listen, will challenge their counsel, will try to educate their attorney on the law and will often ignore

their attorney's advice.

- ▶ Client that has a history of firing attorneys. These clients can cause a host of problems. The former counsel may have made mistakes or damaged the case causing extra work. They second-guess their attorney and are more likely to sue for legal malpractice.
- ▶ Client with unrealistic expectations. These clients have grandiose ideas of what can be accomplished in their case often in a short amount of time and will likely never be satisfied or agree to compromise.
- ▶ Client seeking revenge. If the client is excessively vindictive of the other party, they can be irrational if the case does not go in their favor and turn on you.
- ▶ Client who bickers over fees from the outset. These "cheap" clients could be difficult to deal with and may cause fee disputes.
- ▶ Client whose fee is being paid by a third party. The benefactor often wants to control the representation so be sure to get an agreement with the third party that they are paying the fees but are not entitled to participate in the representation.
- ▶ Client with certain personal problems. These clients who have a history of financial problems, bankruptcies, drug use, or alcoholism could have the potential not to pay their bill or cause a difficult working relationship.
- ► Evasive client. The attorney conducting the initial consultation should be alert and ready to recognize misstatements in fact or attempts to hide the truth. The client's untruthfulness can cause ethical problems for the attorney as well as make the case harder to win.
- ▶ Unreliable client. The client who doesn't show up, shows up late to the initial consultation, or shows up without the requested documents will not value your time in the future.
- ► Client is a friend or family member. The attorney needs to be cautious. The attorney may find it difficult to provide objective, unbiased representation. The client may expect services for free and fail to

respect the attorney's professional judgment.

► Client gives you a bad feeling. Trust your intuition, the money will not be worth it.

If you determine that the client is in the red flag category and choose to pass on the client, send a Non-Engagement letter so it is clear to the client that you will not be acting as their attorney. If your instinct didn't warn you about the problematic client at the outset or the attorney-client relationship deteriorates over time, you may have to consider withdrawing from the representation. While a client can always terminate the attorney-client relationship, the reverse is not true. An attorney must cautiously consider whether, within the bounds of law and ethics, they can or should withdraw. The potential for bar complaints, malpractice allegations, requests for a refund and negative online reviews are a few reasons an attorney may continue enduring their client's toxic behavior. The fear of the negative repercussions can prevent an attorney from even analyzing the rules to determine a potential withdrawal but in many situations it's better to get out than stay in. When you have reached that point, refer to Rule 1.16 of the Louisiana Rules of Professional Conduct to determine whether withdrawal is mandatory or permissible.

Ultimately, trusting yourself and your ability to read potential clients and analyze their personality can potentially save you time and money in the long run. Avoiding or stepping aside from a client may be some of the best legal decisions you make.

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



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

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Gary Moore Louisiana President Shreveport



David Thibodeaux **VP & Trust Officer** 



Jim Christman **VP & Trust Officer** Lake Charles



Jill Knight Nalty **Market President New Orleans** 



Ann Marie Mills Senior Vice President Senior Vice President Ruston



Timothy D. Quinn Shreveport





By Clare Roubion

#### UNDERSTANDING DISABILITY INACTIVE STATUS

he legal profession demands both mental acuity and physical capability to serve clients effectively and maintain professional standards. When health challenges impair the lawyer's ability to practice, Louisiana Supreme Court Rule XIX, Section 22 provides a framework for transitioning to disability inactive status. This status safeguards both the lawyer and the lawyer's clients while health concerns are addressed.

#### What Is Disability Inactive Status?

Disability inactive status is designed for the lawyer who is unable to practice law due to a physical or mental condition. The lawyer may be placed on this status through a judicial declaration of incompetence, a voluntary petition, or an investigation triggered by third-party information regarding the lawyer's capacity to practice. Once on disability inactive status, the lawyer is prohibited from practicing law in Louisiana until the Louisiana Supreme Court grants a petition to return to active status.

#### **Impact on Disciplinary Matters**

A key consideration in seeking disability inactive status is its effect on disciplinary proceedings. While the status pauses ongoing disciplinary matters, time spent on disability inactive status does not count toward a future suspension. The lawyer facing potential discipline should carefully assess whether serving a suspension would be more beneficial than seeking disability inactive status, as the latter could extend the lawyer's total time away from practice. Moreover, returning to active status does not resolve pending disciplinary matters, meaning the lawyer may still need to address them

#### **Membership Status Resources**

Review many of the online resources available to find information on LSBA membership status resources and disability inactive status.

- ► Louisiana Judges and Lawyers Assistance Program | louisianajlap.com Offers direct, confidential assistance to lawyers struggling with mental health issues and substance abuse. They also offer many online resources.
- ► LSBA Membership Status Descriptions | www.lsba.org/members
  A comprehensive listing and definition of various membership statuses available to
  LSBA members, describing the various features and distinctions.
- ► Louisiana Supreme Court | www.lasc.org

Check the procedures and requirements for any status changes, visit the Louisiana Supreme Court's Rules for Lawyer Disciplinary Enforcement and the process for transferring to disability inactive status.

upon reinstatement.

## Planning for A Return to Active Practice: Documentation and Exit Strategy

The lawyer seeking disability inactive status should develop a comprehensive strategy for returning to practice from the outset. Maintaining thorough medical documentation - including treatment records, evaluations, and progress updates – is critical for both establishing eligibility for disability inactive status and later reinstatement. The lawyer should consult with their primary health care provider, who documents the diagnosis and prescribed treatment. The provider's evaluation and findings are crucial, as the burden of proof rests on the lawyer to demonstrate both initial incapacity and subsequent recovery. A well-organized documentation strategy ensures a smoother transition back to active practice.

#### Procedural Pathways and Requirements

The process for obtaining disability inactive status varies based on the

circumstances. The lawyer may be transferred immediately upon proof of involuntary commitment or a judicial declaration of incompetence. The lawyer seeking a voluntary transfer without pending disciplinary proceedings must file a sealed petition with supporting medical documentation. If disciplinary proceedings are pending, a transfer is typically granted only when the lawyer is unable to meaningfully participate in their defense. Additionally, third-party reports of incapacity may trigger an investigation that could result in an involuntary transfer.

#### Strategic Considerations for Lawyers

The lawyer facing health challenges must consider several strategic factors before seeking disability inactive status. Timing is crucial, especially for the lawyer facing potential discipline, as the decision must be made between a defined suspension and an indefinite disability inactive period. Maintaining thorough documentation is essential to support future efforts to return to practice. Additionally, the lawyer should establish a transition plan to protect client

interests and ensure proper case management during their absence.

#### **Returning to Active Practice**

Returning to active status from disability inactive status requires careful planning and strong supporting evidence. The lawyer should consult with a primary health care provider to obtain a comprehensive report detailing the diagnosis, treatment, prognosis, and current capacity. Additionally, consulting with a specialist – such as a psychologist, neuropsychologist, or cognitive specialist - can help provide a medical assessment of capacity to practice. Working in tandem with the Judges and Lawyers Assistance Program can further support the lawyer's case for returning to active practice.

Maintaining detailed records of medical treatment and recovery efforts is essential to demonstrating that the condition no longer impairs the ability to practice. A successful petition to return to active status should include comprehensive documentation of rehabilitation and clear proof of fitness to resume professional responsibilities.

The lawyer seeking a return to active practice should not discount the possibility of a conditional return to practice. In some cases, the Louisiana Supreme

Court may require safeguards such as a practice monitor, structured oversight, or a defined scope of permitted duties to ensure the lawyer's successful transition back to active status. These conditions can provide necessary support while demonstrating the lawyer's commitment to maintaining competence and ethical standards. Collaborating with the Judges and Lawyers Assistance Program (JLAP) may be essential in establishing appropriate conditions, as JLAP can help develop tailored recommendations that address the lawyer's specific circumstances. By embracing a structured return, the lawyer may expedite the return to active status while building confidence in the lawyer's ability to resume professional responsibilities.

#### Best Practices for Managing the Process

The lawyer should proactively develop an exit strategy before seeking disability inactive status to ensure a smooth transition back to active practice. Establishing strong relationships with health care providers who understand the legal profession's character and fitness requirements can help facilitate the process. Regular self-assessment is also essential, allowing the lawyer to gauge their readiness to return while keeping

documentation updated.

The decision to seek disability inactive status carries significant professional and strategic implications. While it provides necessary protection during periods of incapacity, the lawyer must carefully assess its impact on disciplinary matters, maintain meticulous records, and plan for a return to active practice from the outset. By understanding these considerations, the lawyer can make informed decisions that balance professional obligations with the lawyer's health and well-being.

Clare Roubion is an experienced lawyer and advocate in legal ethics, lawyer discipline and judicial conduct. With a strong background in research, writing, and advocacy, she now provides specialized legal representation and strategic consulting to help legal professionals



navigate complex ethical challenges. Roubion has successfully represented clients before the Louisiana Supreme Court, the Louisiana Attorney Disciplinary Board, and the Louisiana Judiciary Commission. Her mission is to empower lawyers and firms to implement ethical standards that enhance client relationships, strengthen practices, and promote success. (clareroubion@lalegalethics.com; 610 Woodvale Ave., Lafayette, LA 70503; telephone (337) 258-0101).



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By Dr. Angela White-Bazile, Esq.

CHASING RELIEF: A TEMPORARY ESCAPE TO ADDICTION

egal professionals face immense pressure daily due to long hours, heavy workloads, and demanding clients, creating a high-stress and exhausting environment. We are accountable to coworkers and supervisors who expect complete dedication to our jobs, as well as vulnerable clients whose livelihoods depend on our performance. Additionally, many of us struggle to find quality time for our families. The impact of prolonged exposure to cases involving violence, death, and severe injustice cannot be underestimated.

As these pressures increase, law students, lawyers, and other legal professionals may turn to alcohol, drugs, or prescription medications as a means of relief. Over time, these habits can develop into substance use disorders, adversely affecting physical health, professional performance, and personal lives. Studies consistently show that lawyers have significantly higher rates of substance use and other mental health issues compared to the general public and other professions. The rates of stress, depression, anxiety, binge drinking, illicit drug use, and suicide are alarmingly high. Compounding the problem, lawyers and law students often conceal their addiction or mental health issues due to fears of stigma, potential threats to their academic standing, bar admissions, employment opportunities, and privacy concerns.

Addiction is a state of psychological and/or physical dependence that often arises from a deep desire to avoid or escape unresolved trauma, unaddressed pain, unmet needs, discomfort, or a pervasive sense of dissatisfaction with life. When individuals encounter challenges they feel unequipped to handle – such as trauma, loneliness, stress, or a lack of purpose – they may turn to external



substances or behaviors as a way to numb their feelings or alter their mental state temporarily. These substances or actions serve as coping mechanisms, providing momentary relief and a fleeting sense of control, comfort, or detachment. Over time, reliance on these external aids can become compulsive, as they offer predictable yet short-lived relief. However, the underlying issues remain unresolved, often intensifying the dependency as the individual continually seeks the same solace. Ultimately, addiction acts as a temporary escape; what begins as an escape eventually transforms into a prison.

We all cope with the stresses of the legal profession in different ways. According to the National Council on Alcohol and Drug Dependence, alcohol is the most commonly used addictive substance.2 However, addiction can be linked to a variety of things: an activity, a person, an emotional or mental state, or, of course, substances. It revolves around what you feel you cannot live without. Some turn to substances, while others mask their struggles through socially accepted behaviors such as overexercising or strict dieting. Addictions can also develop around activities like using cellphones, playing video games, shopping, mindless eating or snacking, gambling, overworking, and overthinking.

Addiction can take many forms, such as a strong attachment to work, a partner, past trauma, or even your cellphone. Accidental addiction may occur when someone receives treatment for a specific medical issue with a valid prescription and gradually develops an addiction. Destination addiction ensnares you in the belief that happiness can only be found in the next place, job, or relationship. You will never truly experience happiness in the present moment until you let go of the notion that happiness exists somewhere else.

Addiction is more than just habit; it is a state of mind where you feel incomplete without something external. You may find it challenging to achieve peace or function effectively without engaging with that substance or behavior. While addiction can be viewed as a self-soothing technique, it is maladaptive and, in the end, causes more harm than healing.

Addiction in the legal profession often begins subtly-an extra drink after a long day in court, reliance on prescription medication to manage stress, or increasing hours at the office at the expense of personal health. Over time, these patterns can escalate, leading to ethical lapses, missed deadlines, impaired client representation, or even disciplinary action. Many attorneys fail to recognize the severity of their addiction until professional consequences arise, underscoring the importance of early intervention. The hardest part is that many people do not realize how deeply they are affected until it feels too late. Ultimately, the toll of addiction can be devastating, even costing you your life.

Here are some common signs of substance abuse and addiction to watch for:

► Change in physical appearance

or hygiene

- ► Significant weight gain or loss
- ► Mood swings or increased irritation
- ► Overwhelming anxiety or panic attacks
  - ► Sleep disturbances or insomnia
  - ► Frequent lateness
- ► Frequent unexplained or unauthorized absences
  - ► Lack of concentration
  - ► Decreased productivity
- ► Neglecting correspondence and phone calls
- ► Forgetfulness, missed deadlines, or missed court dates
  - ► Misappropriation of funds
  - **▶** Dishonesty
- ► Difficulty relaxing without the coping mechanism.<sup>3</sup>

Being aware of these signs can help identify potential issues related to substance abuse and addiction.

Addiction does not signify the end of the story; recovery does. Addiction does not have to mark the end of a legal career; many attorneys recover and return to successful practice. The first step is recognizing the problem and seeking support. Organizations like JLAP provide attorneys, judges, and law students with the support needed to navigate recovery without jeopardizing their professional future. Seeking help is not a weakness—it is a proactive step toward preserving both personal and professional integrity.

Recovery from addiction goes be-

yond just treating the addiction itself; it often requires addressing the underlying causes of your suffering. These causes can include anxiety, depression, post-traumatic stress disorder, loneliness, rage, despair, toxic secrets, and regret. Until you confront and work through these issues, you may find yourself caught in cycles of unhealthy coping mechanisms, such as substance abuse and destructive behaviors.

We all play a vital role in fostering a world where individuals feel safe to ask for help without fear of judgment. The stigma surrounding addiction and the process of seeking help often traps many in a cycle of shame. It is essential to engage in structured, consistent, and ongoing conversations about mental health and substance abuse, especially within the legal profession.

If you or someone you know may be struggling with addiction, understand that addiction is not a moral or ethical failure – recovery is possible. Recovery involves letting go of old habits, people, and places, which means setting boundaries is necessary. Consider what small step you can take today to prioritize your well-being and avoid falling into isolation and despair.

JLAP offers ongoing support, compassion, and understanding. There is no shame in seeking help. We are here to assist any judge, lawyer, law student, or legal professional facing untreated addiction or mental health issues. The call costs nothing but could change everything.

To discover practical tools for navigating challenges, contact JLAP at 985-778-0571, email us at jlap@louisianajlap.com, or visit our website, www.louisianajlap.com. We are a CONFIDENTIAL safe haven for healing, here to support you on your journey toward a balanced, healthy, and fulfilling life.

#### **FOOTNOTES**

- 1. "Substance Use, Abuse, and Addiction." American Psychological Association. Accessed March 6, 2025. apa.org/topics/substance-use-abuse-addiction.
- 2. Chambers, Anne, and Anne McDonald. "Substance and Other Addictions in the Legal Profession." The Missouri Bar. Accessed March 6, 2025. mobar.org/site/content/Articles/Addiction/Addictions.aspx.
- 3. Christin, Link. "Confronting Addiction in the Law Firm." Association of Legal Administrators, March 2017. Accessed March 6, 2025. alanet.org/legal-management/2017/march/features/confronting-addiction-in-the-law-firm.

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.



# Ethics Advisory Service www.lsba.org/goto/ethicsadvisory For assistance with dilemmas and decisions involving legal ethics, take full advantage of the LSBA's Ethics Advisory Service, offering - at no charge - confidential, informal, non-binding advice and opinions regarding a member's own prospective conduct. Eric K. Barefield, Ethics Counsel LSBA Ethics Advisory Service 601 St. Charles Ave., New Orleans, LA 70130-3404 (504)566-1600, ext. 122 • (504)619-0122 toll-free: (800)421-5722, ext. 122 • Fax: (504)598-6753 E-mail: ebarefield@lsba.org

## Focus on DIVERSITY

#### LSBA MIDYEAR MEETING CLE SEMINAR

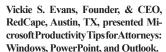
## CLE Seminar Held During Midyear Meeting Offered Free Credit Hours and LSBA Membership Cards

The Louisiana State Bar Association (LSBA) Diversity Committee and Outreach Committee Member Outreach and Diversity Department hosted a CLE seminar on January 16, 2025, in conjunction with the LSBA's Midyear Meeting at the Renaissance Hotel in Baton Rouge, LA. This year's seminar offered legal professionals complimentary Photo Bar ID cards and the opportunity to earn free CLE credit hours. The LSBA would like to extend its sincere gratitude to the speakers for their insightful presentations and to all attendees for their participation, which contributed to the success of the CLE seminar.



Pictured (L to R): Honorable Louise Hines, 19th Judicial District Court, Division F, Baton Rouge, LA; Kellen J. Mathews, Partner, Adams and Reese, LLP, New Orleans, LA; Honorable Colette M. Greggs, 19th Judicial District Court, Division J, Baton Rouge, LA, Professional Development Workshop Series: Take Command, Be Empowered, and Own Your Future







Ashley R. Hallene, Attorney at Law, Katy, TX, presented Technology Tips for Lawyers.

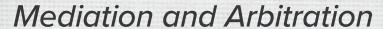
#### Leadership LSBA Class Recognized at House of Delegates

On Jan. 18, 2025, the Leadership LSBA 2024-2025 Class was formally recognized during the House of Delegates meeting, held in conjunction with the Louisiana State Bar Association's Midyear Meeting at the Renaissance Baton Rouge Hotel.



Pictured (L to R): Alex J. Domingue, Mouledoux, Bland, Legrand & Brackett, L.L.C., New Orleans; Gary Williams II, Attorney at Law, Houston, TX; Hailey E. Manint, Legacy Estate and Elder Law of Louisiana, LLC, Baton Rouge; Sarah M. Day, Pipes Miles Beckman LLC, New Orleans; Kaylin E. Jolivette, Lewis Brisbon Bisgaard & Smith LLC, Lafayette; Katelyn B. Courville, NeunerPate, Lafayette; Catherine R. Filippi, Deutsch Kerrigan LLP, New Orleans; Stephanie M. Poucher, 2024 – 2025 Leadership LSBA Class Co-Chair, Phelps Dunbar, L.L.C., New Orleans; Casey C. Hollins, Hammonds, Sills, Adkins, Guice, Noah & Perkins, L.L.P., Baton Rouge; Shelvia R. Davis, Grant Gavis Law, LLC, Shreveport; Nicole T. Bowyer, State Farm, New Orleans; Dashia D. Myles, Wood Simth Henning & Berman LLP, New Orleans; Fernando B. Grider, Jr., Caddo Parish District Attorney's Office, Haynesville; Henry S. Rauschenberger, Jones Walker L.L.P., Baton Rouge; Garret W. Wick, Clary Suba Neale, Baton Rouge; Not pictured are Karina Shareen 2024 – 2025 Leadership LSBA Class Co-Chair, Deutsch Kerrigan LLP, New Orleans; Thomas R. Hightower III, Thomas R. Hightower, Jr., APLC, Lafayette.

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By Christy M. Howley Connois

#### WHAT IS UNPROFESSIONAL IN THE PRACTICE OF LAW?

hat do we consider truly unprofessional in the practice of law? We say someone or something is unprofessional all the time, but what do we really mean? It has become clear to me over the years what is, and is not, professional to me. But there are also a million definitions of professionalism, and many depend on the field in which you work.

Sometimes it can be useful to look outside the legal world, to define an issue for our own profession. University of Massachusetts Global, a nonprofit, defines professionalism: "In the working world, the way you carry yourself, your attitude and the ways you communicate with others. Being professional can ensure a positive first impression, successful interpersonal relationships and a lasting reputation within your organization and industry," according to Katy Curameng, director of career planning and development at UMass Global. Curameng emphasizes<sup>1</sup> that etiquette centers on respect. In an office environment, it is important to be thoughtful when it comes to your interactions, acknowledging other people's time and how you treat your workspace.

Is it respectful for an attorney to avoid drafting judgments, never do the big pleadings needed to settle a case and make opposing counsel do them? What are the professional implications of failing to turn in exhibits or work timely? Avoiding drafting judgments or relying on opposing counsel to complete necessary pleadings can also raise ethical concerns under Rule 3.4, which mandates fairness in legal proceedings.2 Refusing to use Dropbox (or other methods) to distribute mass amounts of documents - or resisting new technology out of a reluctance to learn it – can also raise concerns under Rule 1.4, which requires attorneys to maintain clear and timely communication.<sup>3</sup>

Professionalism requires attorneys to contribute their fair share to the legal process. Is it respectful to be a burden on other people in our profession? Are you seen as credible and reliable if you don't pull your half of the work? If you show up in court without documents, haven't timely filed documents and request continuances due to a lack of preparation, it not only affects their reputation, but it disrupts the legal process. Maintaining accountability, professionalism and integrity is essential to earning the trust of both clients and colleagues.

And this is the crux of what I want to discuss: As a lawyer, don't be a burden on anyone else or their work experience. According to the U.S. Department of Labor, there are few things employers value more than employees who fulfill their duties in a professional manner. Employees with a high degree of professionalism are frequently perceived as being more credible, respectful and reliable than their coworkers, and this is also true in the legal community.

A good "to-do" list helps with organization, but this one is different. Rather than a checklist of tasks, it serves as a guide for reflecting on professionalism and identifying areas for growth. Elevating individual standards benefits the entire legal profession.

#### A PROFESSIONALISM CHECK-IN:

- ▶ Observe: Am I actively contributing to my cases every day or week? Am I pulling my weight in my cases by contributing to the workload? What behaviors seem unprofessional? Do I consider myself credible and reliable?
- ▶ Reflect: Question assumptions about professionalism. Be curious about your own thought processes. Consider whether your ideas of professionalism can translate to increased performance by both you and/or your firm.
- ▶ Empathize: Think about where each person comes from in their lives. If opposing counsel faces personal hardships a death in the family, surgery or the birth of a child showing grace when possible fosters mutual respect. Consider how easy or hard it is for each person to conform to the ideals of professionalism all the time. And if someone picked up the slack for you once, return the favor.

▶ Recharge / Let loose: Working hard is important, but so is relaxing just as hard. Remember that to keep up the level of practice you want, you have to be healthy, both physically and mentally. To do that, find out what your relaxation is. Whether travel, yoga, or another activity, prioritizing rest leads to sustained success. Modeling professionalism to those around you encourages others to do the same!

Professionalism is more than a set of rules – it's a mindset. Small adjustments by upholding respect and professionalism can make a significant impact, strengthening not only your individual practice but also the broader legal community.

Reconsider how we practice law and how to be more reliable to others. This, in turn, can make us more credible and professional to others. To be truly valued as lawyers, to do right by our clients and ourselves, don't we have to continuously level up our own professionalism?

#### **FOOTNOTES**

- 1. "Professionalism and Workplace Etiquette." UMass Global, accessed Feb. 10, 2025, https://www.umassglobal.edu/news-and-events/blog/professionalism-and-workplace-etiquette.
- Louisiana State Bar Association. Louisiana Rules of Professional Conduct, Rule 3.4: Fairness to opposing party and counsel.
- 3. Louisiana State Bar Association. Louisiana Rules of Professional Conduct, Rule 1.4: Communication.

Christy М. Howley Connois, a member of the Gretna firm of Bowman & Howley, has been practicing law for more than 28 years. She has a general civil practice, focusing on family law, adoptions, personal injury, successions, civil litigation matters, and felony and criminal



representation. She is a member of the Louisiana State Bar Association's House of Delegates and of the Committee on the Profession. She has been named to Louisiana Super Lawyers for family law on multiple occasions including in 2025. She received her undergraduate degree from Loyola University and her law degree from Loyola University College of Law. (christyhowley@bowmanandhowley.com; 629 Lafayette St., Gretna, LA 70053)



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#### REPORTING DATES 2/5/25 & 2/3/25

#### REPORT BY DISCIPLINARY COUNSEL

Public matters are reported to protect the public, inform the profession and deter misconduct. Reporting date Feb. 5, 2025.

#### **Decisions**

James S. Burland, Baton Rouge (2024-B-1499), Suspended from the practice of law on an Interim Basis, by order of the Louisiana Supreme Court on Jan. 8, 2025. JUDGMENT FINAL and EFFECTIVE Jan. 8, 2025.

Lionel Lon Burns, Jr., New Orleans (2024-B-01119), has been Suspended from the practice of law for two years, by order of the Louisiana Supreme Court on Nov. 27, 2024. Rehearing Denied.

JUDGMENT FINAL and EFFECTIVE on Dec. 18, 2024. *Gist:* Respondent failed to immediately return an unearned fee and client file after suspension, failed to comply with reinstatement requirements, filed a knowingly false reinstatement affidavit with the Court, and collected attorney's fees while suspended from the practice of law.

Jonathan Gardere Carter, Metairie (2025-B-0076), Suspended from the practice of law on an Interim Suspension, by order of the Louisiana

Supreme Court on Jan. 29, 2025. JUDGMENT FINAL and EFFECTIVE on Jan. 29, 2025.

Michelle Andrica Charles, Metairie (2024-B-01263), Probation Revoked; deferred six-month portion of the previously imposed nine-month suspension made immediately executory, by order of the Louisiana Supreme Court on Dec. 11, 2024. JUDGMENT FINAL and EFFECTIVE Dec. 11, 2024.

Yasha Latrice Clark, New Orleans (2024-B-01240), **Disbarred** from the



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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 Feb. 3, 2025.

Respondent	Disposition	<b>Date Filed</b>	Docket No.
Avery, Aaron Brock	Reciprocal Suspension (fully deferred)	12/31/2024	24-2453
Baringer, Dale R.	Reciprocal Suspension (fully deferred)	02/03/2025	24-2709
Bonner, Roy Stanley II	Reciprocal Suspension (fully deferred)	12/17/2024	24-2452
Crawford, John Felder II	Permanent Resignation	12/17/2024	24-2376
Hastings, F. Victor	Reciprocal Suspension (partially deferred)	02/03/2025	24-2710
Michaud, Marc R.	Reciprocal Suspension (fully deferred)	02/03/2025	24-2711
Ohlmeyer, Raleigh Lawrence III	Reciprocal Suspension	12/31/2024	24-2530

#### **Discipline** continued from page 432

practice of law in Louisiana by order of the Louisiana Supreme Court on Nov. 27, 2024. JUDGMENT FINAL and EFFECTIVE on Nov. 27, 2024. *Gist:* Converted and commingled client funds; presented forged medical records to insurance companies in support of her clients' settlement demands; engaged in criminal conduct; made misrepresentations to ODC; engaged in conduct involving dishonesty, fraud, deceit or misrepresentation and conduct prejudicial to the administration of justice.

Robert Bartholomew Evans III, Boerne, TX (2024-OB-1163), Petition for Readmission Denied, by order of the Louisiana Supreme Court on Nov. 20, 2024. JUDGMENT FINAL and EFFECTIVE on Dec. 4, 2024.

Benjamin Northcutt Gibson, Baton Rouge (2024-OB-01323), Transferred to active status by order of the Louisiana Supreme Court on Nov. 12, 2024. JUDGMENT FINAL and EFFECTIVE Nov. 12, 2024.

Jason Farrell Giles, New Orleans (2024-B-1503), Suspended from the practice of law on an Interim Basis, by order of the Louisiana Supreme Court on Dec. 14, 2024. JUDGMENT FINAL and EFFECTIVE on Dec. 14, 2024.

**Kevin Lovell James**, Baton Rouge (2024-OB-1505), **Transferred to disability inactive status**, by order of the Louisiana Supreme Court on Dec.

18, 2024. JUDGMENT FINAL and EFFECTIVE Dec. 18, 2024.

Laura J. Johnson, Winnfield (2024-B-01159), Permanently Disbarred, by order of the Louisiana Supreme Court on Dec. 11, 2024. JUDGMENT FINAL and EFFECTIVE Dec. 26, 2024. *Gist:* Respondent practiced law in defiance of the Court's order following her disbarment in *Johnson, III* which demonstrates a convincing lack of ethical and moral fitness to practice law. And, given her defiance of the Court's order and failure to cooperate in this proceeding, there is no reasonable expectation of significant rehabilitation of her character in the future.

Shane Austin Jordan, Mandeville (2024-OB-1560), Reinstated to Active Status by order of the Louisiana Supreme Court on Jan. 14, 2025. JUDGMENT FINAL and EFFECTIVE Jan. 14, 2025.

Michael Thomas Joseph, Jr.

Metairie (2024-B-01404), Probation Revoked; deferred six-month portion of the previously imposed eighteenmonth suspension made immediately executory, by order of the Louisiana Supreme Court on Jan. 14, 2025. JUDGMENT FINAL and EFFECTIVE on Jan. 14, 2025.

Sonjia Delcenia Kirk, New Orleans (2024-B-01383), Consented to being Suspended from the practice of law for a period of two years, retroactive to October 6, 2022, the date of her interim suspension, by order of the Louisiana Supreme Court dated Dec. 27, 2024. JUDGMENT FINAL and EFFECTIVE Dec. 27, 2024. Gist: Kirk neglected multiple legal matters, failed to timely file suit on a client's behalf, failed to communicate with clients, failed to return client files upon request, failed to refund unearned fees, and failed to pay



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LSBA FILING No: LA-24-17847

Discipline continued from page 433

third-party providers.

Thomas Alvin McCormick, Plaquemine (2025-B-0038), Interim Suspension ordered by the Louisiana Supreme Court on Jan. 29, 2025. JUDGMENT FINAL and EFFECTIVE on Jan. 29, 2025.

Marc R. Michaud, New Orleans (2024-B-1180), Suspended from the practice of law for six months fully deferred, subject to a two-year period of probation, by order of the Louisiana Supreme Court on Nov. 6, 2024. JUDGMENT FINAL and EFFECTIVE on Nov. 6, 2024. *Gist:* respondent commingled and converted client funds.

Vanessa Motta, New Orleans (2024-B-1502), Suspended from the practice of law on an Interim Basis, by order of the Louisiana Supreme Court on Dec. 13, 2024. JUDGMENT FINAL and EFFECTIVE on Dec. 13, 2024.

Alvin Bruce Perkins II, Alexandria

(2024-B-1385), Consented to Suspension from the Practice of Law for a period of six months, fully deferred, subject to a two-year supervised probation governed by conditions, by order of the Louisiana Supreme Court on Jan. 14, 2025. JUDGMENT FINAL and EFFECTIVE on Jan. 14, 2025. Gist: respondent mishandled his client trust account.

Ivan James Thompson, Houma (2024-B-1437), Consented to Suspension from the Practice of Law for a period of six months, fully deferred, subject to a two-year supervised probation period governed by conditions, by order of the Louisiana Supreme Court on Jan. 14, 2025. JUDGMENT FINAL and EFFECTIVE on Jan. 14, 2025. Gist: respondent mishandled his client trust account.

Chadwick Alan Tobler, New Orleans (2024-B-01228), has by Consent been Suspended for a two-year period, fully deferred. It is further ordered that this

suspension shall be deferred in its entirety, subject to the condition that any misconduct during the two year deferral period may be grounds for making the deferred suspension executory, or imposing additional discipline, as appropriate, by Order of the Louisiana Supreme Court on Nov. 20, 2024. JUDGMENT FINAL and EFFECTIVE on Nov. 24, 2024. *Gist:* respondent engaged in criminal conduct.

Cleophus Washington, Lake Providence (2024-B-01367), Suspended from the practice of law for one year, fully deferred, subject to a period of probation that coincides with Respondent's recovery agreement with the Judges and Lawyers Assistance Program, by order of the Louisiana Supreme Court on Dec. 27, 2024. JUDGMENT FINAL and EFFECTIVE on Dec. 27, 2024. Gist: Respondent committed criminal misconduct.

No admonitions for this issue.

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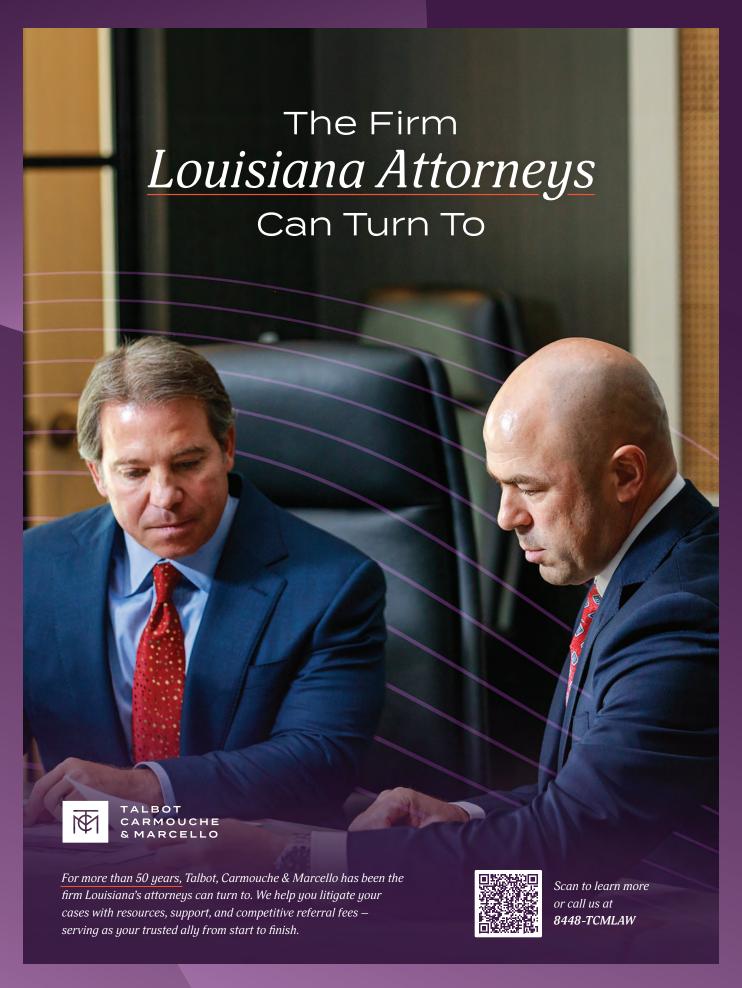
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#### **ADR TO TAXATION**



When Conflicts of Interest Go Digital: How Social Media Relationships May Create an Ethical Issue for Arbitrators and Mediators

Connections may be brief and fleeting, but for mediators and arbitrators, they may be a big issue. Connections are vast and wide-ranging, and the possibilities and opportunities for connections have only grown with the rise of social media platforms. Like real-life connections, not all social media con-

nections equate to equal levels of relationship. "Following" someone on a platform may indicate a wish to keep up with a person's life. "Liking" a person's post may show acknowledgment of the person's content, while sharing or commenting on a post may evidence a deeper personal connection or resonance with the content shared. Further complicating social media connections are the platforms themselves. The popular professional social media site LinkedIn is a common platform for professionals to connect and share their vocational accomplishments, while platforms like Instagram are often used for sharing personal activities in someone's life. The different common functions of the various sites mean a follow request on LinkedIn can have a different meaning than a follow request on Instagram. These connections have the potential to cause problems for mediators and arbitrators, especially with conflict-ofinterest issues.

Mediators and arbitrators are guided

by ethical codes that outline their duties pertaining to conflicts of interest. For arbitrators, the 2004 revised Code of Ethics for Arbitrators in Commercial Disputes states as its Canon II, "An arbitrator should disclose any interest or relationship likely to affect impartiality or which might create an appearance of partiality." Ruth V. Glick & Laura J. Stipanowich, Arbitrator Disclosure in the Internet Age, 67 APR DISP. RESOL. J. 1, 2 (Feb./Apr. 2012). Similarly, the Model Standard of Conduct for Mediators states in Standard III Conflicts of Interest (A), "A mediator shall avoid a conflict of interest or the appearance of a conflict of interest during and after a mediation. A conflict of interest can arise from involvement by a mediator with the subject matter of the dispute or from any relationship between a mediator and any mediation participant, whether past or present, personal or professional, that raises a question of a mediator's impartiality."

Conflicts of interest concerning



social media are a new and emerging issue. There is no case law specifically pertaining to social media and conflict of interest issues for arbitrators or mediators; however, there has been one prominent United States Supreme Court case pertaining to arbitrator disclosure. In Commonwealth Coatings v. Continental Casualty Co., the court created the impression of possible bias test for determining whether an arbitrator's nondisclosure has resulted in "evident partiality" under the FAA. 393 U.S. 145, 147 (1968). A plurality decision of the Court held that the arbitrator should disclose to the parties any dealings that might create "an impression of possible bias." Id. at 149.

Despite the lack of case law specifically for arbitrators and mediators pertaining to social media and conflicts of interest, there is case law for judges. Because judges, arbitrators and mediators all have duties to avoid conflicts of interest and appear impartial, the case law for judges can be relevant when attempting to predict the future of social media conflicts of interest for mediators and arbitrators. In an "ethics opinion by the Florida Supreme Court's Judicial Advisory Committee," the committee decided on re-review that "judges could join social networks, post comments, and other materials (provided they do not reveal information about pending cases), but it continued to be concerned about 'friending' a lawyer on Facebook or a similar Web site." Glick & Stipanowich, supra, at 3.

The Florida Supreme Court Judicial Advisory Committee opinion was not the only prominent legal move to come out of Florida relating to this topic. In September 2024, a petition was filed to amend the Florida Rules for Certified and Court-Appointed Mediators by adding section "g" that states, "Mediators may create connections with mediation participants or their counsel on a social networking site (e.g., 'friends' on Facebook, 'followers' on X, formerly known as Twitter). However, mediators who do so must recognize that such designations may create the appearance of a conflict and may only mediate disputes involving such mediation participants or their counsel consistent with subdivisions (a) and (b) above." *In re Amendments to Fla. Rules for Certified and Court-Appointed Mediators*, 393 So.3d 583 (Fla. 9/12/24). Florida has taken steps to address this issue by amending their mediator code, though other states have yet to follow suit. Florida shows a move toward acknowledging that social media can cause conflict of interest issues for mediators.

While there is generally not much legal precedent for this issue, the ethics codes mentioned above could logically lead to the conclusion that arbitrators and mediators should err on the side of disclosing social media relationships between themselves and the parties or the party's counsel. This disclosure is especially encouraged when the social media relationship arose out of "the affirmative conduct by the arbitrator." Mitchell E. Zamoff & Michelle Skipper, Transparent Connections: Arbitrators, Attorneys, Parties and Social Media Disclosures, Am. Arbitration Ass'n (June 16, 2024), https://www.adr. org/blog/transparent-connections.

Affirmative conduct can look like the arbitrator requesting to follow a party on social media. While such an action may seem silly to disclose, "social networking relationships involving affirmative conduct might create an appearance of partiality from the perspective of the parties" and therefore "should be disclosed." *Id*.

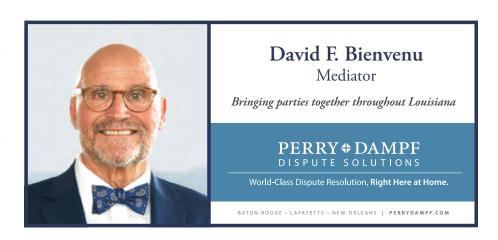
Ruth Glick suggested this language for a disclosure:

I use a number of online professional networks such as LinkedIn and group email systems. I generally accept requests from other professionals to be added to my LinkedIn profile, but I do not maintain a database of all these professional contacts and their connections, which now number over 500. LinkedIn also features endorsements, which I do not seek and have no control over who may endorse me for different skills. The existence of such links or endorsements does not indicate any depth of relationship other than an online professional connection, like connections in other professional organizations.

Despite there being no bright-line rule in most states, disclosure appears to be the best and safest practice for an arbitrator or mediator who uses social media and encounters parties or attorneys with whom they have a social media relationship.

- Lauren Devenzio, 3L Student Mediator LSU Paul M. Hebert Law Center Civil Mediation Clinic Fall 2024

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## D.C. Circuit Reviews the Reach of FERC Pipeline Permits

Citizens Action Coalition of Ind., Inc. v. FERC, 125 F.4th 229 (D.C. Cir. 2025).

"As night follows day, an environmental challenge follows the approval of a natural gas pipeline." *Id.* at 235. With this opening truism also common in Louisiana, Judge Rao, writing for the D.C. Circuit Court of Appeals, began a consequential opinion on matters related to the National Environmental Policy Act (NEPA) and the Natural Gas Act (NGA). Because it can also be said that as to many technical regulatory decisions, "as goes the D.C. Circuit, so go the other federal courts," this case, though not from Louisiana, is worthy of review as prescient of future cases elsewhere.

The Federal Energy Regulatory Commission (FERC) approved an interstate natural-gas pipeline that is intended to support the State of Indiana's efforts to move toward renewable energy sources. Specifically, Indiana plans to shut down a coal-fired facility and replace it with solar and wind alternatives. As a backup to renewable resources, Indiana proposed natural gas for periods when the solar and wind sources were insufficient to serve the state's needs. FERC reviewed and approved the permit for the interstate pipeline that is intended to support Indiana's efforts. It was this federal action on which Citizens Action based its federal claim. In particular, Citizens Action alleged that FERC failed to consider non-gas alternatives to the gas backup before it approved the Indiana permit.

Rejecting this challenge, the D.C. Circuit observed that, while FERC was granted pipeline permitting authority and the authority to promote the development of those pipelines, Congress "left the choice of energy generation to the States." Id. In other words, while FERC was the proper agency to analyze the technical specifications of pipeline development and to conduct the appropriate and necessary environmental reviews under laws such as NEPA, it had no authority to question whether Indiana could opt to use natural gas as a renewable energy backup. Whether and how to bolster the state's existing energy grid is, as the D.C. Circuit opined, a wholly state matter.

FERC's refusal to conduct an analysis to identify whether natural gas was the best choice for the environment or whether other alternatives are better did not leave that issue completely unconsid-

ered. Indeed, the court recounted some of the state-level permitting requirements for the partially natural gas-supported energy utility. As is the case in Louisiana, the D.C. Circuit noted that Indiana law requires utility companies to "adequately consider of alternatives to natural gas." Id. at 236; compare Save Ourselves, Inc. v. La. Envtl. Control Comm'n., 452 So.2d 1152, 1160 (La. 1984) (Louisiana analogue to the alternatives analysis). This analysis, one that the permittee in Indiana originally had not done, required a reworking of the state-level plan to include additional renewable sources and a smaller reliance on natural gas. The D.C. Circuit observed that "NEPA does not require FERC to consider non-gas alternatives that are outside of FERC's jurisdiction..."Id. at 237. In support of its holding that FERC properly constrained its NEPA analysis, the court observed that the question of whether the use of natural gas was advisable or in the public interest was not before FERC. Instead, that question had already been answered by Indiana, and FERC was limited to reviewing only the pipeline and not the appropriateness of the reason for the pipeline. Moreover, the court observed that the NGA also limited FERC's authority in this matter. In this regard, the court observed that the NGA "does not permit FERC to regulate the energy generation facilities [that FERC-permitted] pipelines supply." Id. at 238. Pointedly, the court stated that "FERC cannot define the purpose of a



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project so broadly that it usurps the policy choices Congress left to the States." *Id*.

Though not the thrust of the case, the D.C. Circuit also rejected Citizens Action's argument that, in an arbitrary and capricious review of agency action, an agency must use certain specific words in its findings. To this argument, the court responded that its job was not parsing the word choices of an agency, but rather, under NEPA and the Administrative Procedure Act, the court's job is to, "consider whether [the agency] reasonably explained its environmental assessment, not whether it used certain magic words." Id. at 242. This observation is an issue that Louisiana courts have grappled with in the application of the state's public-trust doctrine in environmental cases, and such dicta represents sound guidance from the D.C. Circuit.

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#### **Child Support**

**Louisiana, ex rel. Reed v. Ralph,** 24-0233 (La. App. 1 Cir. 11/22/24), \_\_\_ So.3d \_\_\_, 2024 WL 4863253.

Mr. Ralph appealed the trial court's judgment adopting the special master's recommendation that child support be made retroactive to January 2012, the date on which the Louisiana Office of Child Support Enforcement filed a petition to establish paternity and child support. He argued that the trial court erred in doing so where it had already determined that the special master lacked authority to address retroactivity and where there was no showing of good cause for retroactivity.

The 1st Circuit Court of Appeal affirmed the trial court's judgment, noting that nothing in La. R.S. 13:4165, in any

consent judgment or in any judgment of the trial court prohibited the special master from addressing the issue of retroactivity. Additionally, the 1st Circuit noted that good cause existed for the retroactivity of child support, considering that no evidence existed in the record establishing the basis for the hearing officer's award made in April 2013 and that Mr. Ralph had an already-existing obligation to support his child in accordance with his true income.

#### Domestic Abuse Assistance Act

**Boudreaux v. Webster**, 24-0692 (La. App. 1 Cir. 11/13/24), \_\_\_ So.3d \_\_\_, 2024 WL 4762697.

Ms. Webster appealed two trial court judgments, one designating Mr. Boudreaux as the domiciliary parent and one awarding him attorney fees for the frivolous filing of her petition for protection from abuse.

The 1st Circuit Court of Appeal noted that it could not review the trial court's judgment designating Mr. Boudreaux as the domiciliary parent because the record did not contain the transcript or any



evidence adduced at trial. Additionally, the 1st Circuit affirmed the trial court's judgment awarding attorney fees to Mr. Boudreaux for the frivolous filing of Ms. Webster's petition for protection from abuse, noting that contrary to her assertions otherwise, the trial court made an express finding that the filing was frivolous.

**Johnson v. Payne**, 24-0290 (La. App. 1 Cir. 12/20/24), \_\_\_ So.3d \_\_\_, 2024 WL 5182269.

Ms. Payne appealed the trial court's judgment granting Mr. Johnson's petition for protection from abuse, arguing that her actions did not constitute domestic abuse under La. R.S. 46:2131 et seq. and that Mr. Johnson failed to show good cause for the issuance of the protective order.

The 1st Circuit Court of Appeal reversed the trial court's judgment granting Mr. Johnson's petition, finding that the trial court abused its discretion by granting him a protective order where he made no allegations of physical or sexual abuse. The court further found he failed to bear his burden of proving an offense against him as defined in the La. Criminal Code. Although Mr. Johnson presented evidence and testified that he filed the petition because Ms. Payne was harassing him, such harassment "does not arise to the level of an offense against a person and is not within the ambit of the Domestic Abuse Assistance Act."

#### **Interspousal Donations**

*Gilberti v. Gilberti*, 24-0308 (La. App. 4 Cir. 11/25/24), \_\_\_ So.3d \_\_\_, 2024 WL 4885888.

During Ms. Ackerman's marriage to Mr. Gilberti, she executed an act of donation giving him one-half of her interest in an immovable property that became the matrimonial domicile. On Aug. 19, 2020. Ackerman filed a petition for revocation of donation, alleging that Mr. Gilberti "committed grievous injury by committing adultery during the marriage, habitually using drugs, verbally abusing her ..., threatening bodily harm, misusing community funds," and stealing and using her separate property without her consent. *Id.* at \*1.

In response, Mr. Gilberti filed exceptions of no right of action, no cause of action and prescription, which the trial court appears to have referred to the merits. After trial on the revocation petition, the court granted Mr. Gilberti's exception of prescription in part and dismissed Ms. Ackerman's petition for revocation of donation with prejudice. Ms. Ackerman appealed.

The 4th Circuit Court of Appeal affirmed the trial court's judgment granting Mr. Gilberti's exception of prescription, noting that Ms. Ackerman's trial testimony acknowledged that she was aware of Mr. Gilberti's acts of adultery, drug use, verbal abuse and threats of bodily harm, which occurred in April, May and August 2019, more than one year before she filed her petition.

Further, the 4th Circuit affirmed the trial court's judgment denying Ms. Ackerman's petition on the remaining claims, agreeing that she failed to submit sufficient evidence.

**Bergmann v. Nguyen**, 24-0093 (La. App. 4 Cir. 12/30/24), \_\_\_ So.3d \_\_\_, 2024 WL 5244765.

During her marriage to Mr. Bergmann, Ms. Nguyen donated to him one-half of her interest in an immovable property that became the matrimonial domicile. In March 2019, Mr. Bergmann filed a petition for protection from abuse. Ms. Nguyen then filed a petition for divorce and a petition for protection from abuse. She also filed a petition to revoke donation the inter vivos, alleging cruel treatment under La. C.C. article 1557 because he assaulted her on Dec. 30, 2018, and obtained a court order that caused her to be temporarily evicted from her home and denied access to her children for three weeks.

The trial court granted judgment revoking the donation and decreeing that the immovable property was her separate property. The court also ordered Mr. Bergman to pay her attorney fees associated with the petition. Mr. Bergmann appealed, arguing that the trial court abused its discretion and committed reversible error in revoking the donation because the court should not have found her to be a credible witness. He also argued that the trial court abused its discretion in awarding Ms. Nguyen attorney fees.

The 4th Circuit Court of Appeal affirmed the trial court's judgment, concluding that it was not manifestly erroneous in finding her to be the more credible witness because a review of the record showed that conclusion was reasonable. The 4th Circuit did not address Mr. Bergmann's assignment

of error regarding attorney fees because he abandoned it by failing to brief the issue.

#### **Partition**

**Simmons v. Simmons**, 24-0162 (La. App. 5 Cir. 01/29/25), \_\_\_ So.3d \_\_\_, 2025 WL 323355.

Ms. LaFontaine (formerly Simmons) appealed the trial court's judgment adopting the special master's recommendations on the partition of community property and overruling her objection to the special master's testimony. The 5th Circuit Court of Appeal affirmed, noting that (1) under La. R.S. 13:4165(C), the trial court was required to adopt the special master's recommendations because Ms. LaFontaine failed to timely object within 10 days of service of the notice of filing of the report, and (2) the consent judgment appointing the special master expressly stated that either party could call him to testify regarding his report.

#### - Elizabeth K. Fox

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



#### **United States**

Presidential Executive Order 14150, Jan. 20, 2025 "America First Trade Policy" (90 Fed. Reg. 8337).

Presidential Executive Orders 14193 (90 Fed. Reg. 9113) "Imposing Duties to Address the Flow of Illicit Drugs Across Our Northern Border"; 14194 (90 Fed. Reg 9117) "Imposing Duties to Address the Situation at Our Southern Border"; and 14195 (90 Fed. Reg. 9121) "Imposing Duties to Address the Synthetic Opioid Supply Chain in the People's Republic of China."

As expected, and in line with campaign promises, President Donald Trump issued numerous executive orders pertaining to international trade and economic issues. The first Executive Order of Jan. 20, 2025, establishes a "robust and reinvigorated trade policy" to address unfair and unbalanced trade. The wide-ranging order directs numerous executive branch offices to initiate trade investigations in various fields, with reports due to the President beginning April 1, 2025. Following is an outline of a few of the America First Trade Policy directives.

- ▶ The Secretary of Commerce shall investigate the causes of our large and persistent annual trade deficit in goods and the national security implications therein.
- ▶ The Secretary of Treasury shall determine the feasibility of establishing an External Revenue Service to collect tariffs, duties, and other foreign trade-related revenues.
- ► The United States Trade Representative shall review and

identify any unfair trade practices by other countries and recommend appropriate remedies.

- ▶ The United States Trade Representative shall commence the public consultation process in preparation for July 2026 review of the United States-Mexico-Canada Agreement, including an assessment of the agreement's impact on American workers, farmers, ranchers, service providers and other businesses.
- ► The Secretary of the Treasury shall review foreign trade policies regarding the rate of exchange between currencies.
- ▶ The Secretary of Commerce shall review policies and regulations pertaining to the application of U.S. antidumping and countervailing duty laws, including transnational subsidies, cost adjustments, affiliations and zeroing.

Twelve days after releasing the America First Trade Policy, President Donald Trump executed three executive orders utilizing the International Emergency Economic Powers Act (IEEPA) to impose sweeping tariffs on imports from Canada, China and Mexico. The IEEPA authorizes the President to take certain actions "to deal with any unusual and extraordinary threat with respect to which a national emergency has been declared." 50 U.S.C. § 1701.

President Donald Trump's executive orders assert a national emergency and extraordinary threat posed by illegal aliens and drugs, including fentanyl, coming into the United States from Canada, China and Mexico. The orders direct new ad valorem tariffs on imports of goods from Canada (25%), China (10%) and Mexico (25%). As of this writing the President paused implementation of tariffs from Mexico for one month. The orders apply to "all articles" except for certain Canadian energy exports that are subject to 10% duties rather than 25%. The orders also suspend access to the U.S. Section 321 customs de minimis entry process that eliminates customs duties on imports valued below \$800.

There is one reported U.S. case examining an emergency trade action under the IEEPA's precursor statute, the Trading

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Baton Rouge 225-389-9899 Lafayette 337-905-3128 PerryDampf.com New Orleans 504-544-9899 with the Enemy Act. In a 1975 decision, the now-defunct U.S. Court of Customs and Patent Appeals reviewed President Nixon's Proclamation 4074 declaring a national emergency related to a severe balance-of-payments deficit caused by the "prolonged decline in the international monetary reserves of the United States." U.S. v. Yoshida Int'l, 526 F.2d 560, 567 (U.S. Cust. & Pat. App. 1975). The proclamation imposed a 10% tariff on all dutiable articles to address the balance-of-payments crisis.

Yoshida International was a U.S. importer of zippers from Japan that were subject to the 10% tariff. Yoshida challenged the constitutional validity of the statutory delegation of power and Presidential proclamation. The lower court granted Yoshida's motion for summary judgment, finding the statute does not delegate power to regulate international commerce. Id. at 568-69. The sole issue on appeal was whether the Customs Court erred in holding that the proclamation was *ultra vires* 

based on the delegated authority in the statute.

The Court of Customs and Patent Appeals conducted an extensive analysis of the statute before concluding that the delegation was constitutional.

"The power in peace and in war must be given generous scope to accomplish its purpose." ... Though such a broad grant may be considered unwise, or even dangerous, should it come into the hands of an unscrupulous, rampant President, willing to declare an emergency when none exists, the wisdom of a congressional delegation is not for us to decide.

*Id.* at 583-84 (footnote omitted). *Yoshida* establishes a high Constitutional watermark for challenges to Presidential economic action during times of emergency.

#### - Edward T. Hayes

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



## Exhaustion Requirements and "Discrete Acts" of Discrimination

As is well known, a plaintiff filing an employment claim arising under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA) or the Age Discrimination in Employment Act (ADEA) is required to have first exhausted administrative remedies by timely filing an EEOC charge. See, e.g., Ernst v. Methodist Hosp. Sys., 1 F.4th 333, 337 (5th Cir. 2021). In addition, the substance of the claim must be reflected in the charge, such that the claim can be said to "arise out of the plaintiff's EEOC charge." Id.

But disputes may arise. Where the charge has omitted allegations that appear in the complaint, does the latter still "arise out of" the former? On this question, a recent decision of the U.S. District Court for the Eastern District of Louisiana, *Weber v. McDonough*, is clarifying. No. CV 23-1200, 2024 WL 5246610 (E.D. La. Dec. 30, 2024).

In *Weber*, the plaintiff submitted an EEO complaint (the public-sector equivalent of an EEOC charge) alleging discrimination based on age, color, reprisal and disability in the defendant's non-selection of the plaintiff for two positions and issuance of a reprimand. *Id.* at \*1. However, when the plaintiff filed his complaint, he additionally alleged that the defendant had denied him a telework accommodation, denied him training opportunities, disclosed his protected health information, removed him from his position and caused issues with his unemployment benefits after the removal. *Id.* at \*1-2.

The *Weber* court began its exhaustion analysis by noting the Fifth Circuit's instructions that an EEO charge should be "construed liberally," that a court should "look slightly beyond its four corners" and that a complaint may include allegations



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"like or related to allegation[s] contained in the [EEO] charge and growing out of such allegations during the pendency of the case before the Commission." *Id.* at \*4 (citations omitted). Still, the *Weber* court cautioned that a "discriminatory act alleged in a lawsuit but not included in an [EEO] charge is not 'like or related to' acts that are alleged in an [EEO] charge simply because both are based on the same type of discrimination," and more is required than merely the "fact that both [allegations] involve the same employer and the same general type of discrimination." *Id.* (citations omitted).

To resolve this tension, the Weber court invoked the U.S. Supreme Court's holding in National R.R. Passenger Corp. v. Morgan, which distinguished between "discrete acts" of discrimination and "continuing violations." Id. at \*5 (citing 536 U.S. 101, 114 (2002). Discrete acts of discrimination include "termination, failure to promote, denial of transfer, or refusal to hire," each of which "constitutes a separate actionable 'unlawful employment practice." Id. (citing Morgan, 536 U.S. at 114). In contrast, continuing violations – which over time amount to the creation of a hostile work environment – by "[t]heir very nature involve repeated conduct," a single act of which "may not be actionable on its own." Morgan, 536 U.S. at 115.

In Weber, this distinction was the key to the court's exhaustion analysis. Discrete acts of discrimination must appear in a timely filed EEOC charge to satisfy the exhaustion requirement. See Weber, 2024 WL 5246610, at \*5. Accordingly, because the plaintiff's complaint included multiple alleged discrete acts of discrimination for which no charge had been timely filed, the court granted the defendant's motion to dismiss the claims related to these discrete acts. Id. As such, while not binding authority, Weber is instructive to both defense attorneys seeking to dismiss claims beyond the scope of a plaintiff's administrative charge and plaintiff attorneys seeking to draft administrative charges that preserve all potential claims.

— Benjamin Landau-Beispiel
On Behalf of the LSBA Labor Relations
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#### Lease Maintenance Dispute

In J. Calhoun One, L.L.C. v. Jeems Bayou Production Corp., 55,997 (La. App. 2 Cir. 12/18/24, \_\_\_So. 3d \_\_\_, WL 5150456, the plaintiffs owned land in DeSoto Parish that was included in a mineral lease granted in 1982. The plaintiffs sued several defendants in 2011, seeking a judgment recognizing that the lease had terminated. The plaintiffs' land includes about 80 acres in Section 35, Township 13 North, Range 13 West, DeSoto Parish, and about 80 acres in Section 36.

Paragraph 20 of the mineral lease stated: This lease shall terminate at the end of the primary term, or within 60 days following cessation of drilling operation of [sic] such operations are commenced before the end of the primary term and thereafter contined [sic] as provided hereinabove, as to any acreage covered hereby that is not assigned to an oil well or wells on the leased premises, or included in any gas unit formed hereunder capable of producing gas in paying quantities.

The court characterized this provision as "a Pugh clause." The Section 35 tract was included in a voluntary unit declared in 1985. The Section 36 tract was included in a drilling unit created by the Office of Conservation in 1984.

The defendants filed an exception of prescription, arguing that the plaintiffs' claim was a personal action that was subject to a 10-year liberative prescription and that the plaintiffs had not filed suit within 10 years of an alleged breach of lease. The plaintiffs opposed the exception by arguing that they were not suing for a breach of the lease. Rather, they were arguing that the lease had terminated by its own terms. The district court denied the exception and the Louisiana Second Circuit affirmed, agreeing with the plaintiffs' characterization of their claims.

The plaintiffs filed a motion for partial summary judgment that the lease had terminated as to both the Section 35 Tract and the Section 36 Tract. The district court granted the motion.

On appeal, the Second Circuit first addressed the Section 35 Tract. The plaintiffs argued that the lease had terminated as to the Section 35 Tract because the lessee did not commence drilling activities before the end of the primary term. The defendants disputed that, offering evidence that they had begun work clearing the drill site before the end of the primary term. The defendants stated that this site work qualified as drilling operations under Louisiana jurisprudence and that they had eventually drilled a productive unit well.

Further, the defendants offered evidence that they had paused their work because of rain and then held off restarting work because of the lessors' request that they hold off until the land had dried. The district court granted the plaintiffs' motion, but the Second Circuit reversed. The Second Circuit stated that the defendants' evidence created a genuine issue of material fact regarding when drilling operations began, and this precluded summary judgment as to the Section 35 Tract.

The Second Circuit then addressed the Section 36 tract. The plaintiffs asserted that the lease had terminated as to the Section 36 tract because it was undisputed that there had been three months-long gaps in production. The defendants presented evidence that they timely began reworking the wells in Section 36 after they ceased production and that these reworking operations restored production. The defendants argued that this was sufficient to maintain the lease. The Second Circuit reversed the district court's grant of partial summary judgment in favor of the plaintiffs, holding that an issue of material fact existed regarding the reworking operations that precluded summary judgment as to the Section 36 tract.

#### Subsequent-Purchaser Doctrine Defeats Some Claims, but Others Survive

In Levert v. Union Texas International Corp., 23-0534 (La. App. 1 Cir. 12/23/24), So.3d \_\_\_\_, 2024 WL 5199152, the plaintiff asserted legacy litigation (oilfield

contamination) claims against several defendants, including certain defendants that the appellate court collectively referenced as the "ARCO Defendants." The district court dismissed all claims against the ARCO Defendants, relying on the subsequent-purchaser doctrine. The plaintiff appealed.

The Louisiana First Circuit noted that, under Louisiana law, a claim for damage to property is a personal action, not a real action. Thus, if a person sells property without assigning (to the purchaser) any claims that the seller might have against third persons for existing damage to the property, the claims against those third persons remain with the seller. This is the subsequent-purchaser doctrine. In Levert, the First Circuit affirmed the dismissal of the plaintiff's claim for damages that allegedly occurred prior to the plaintiff's acquisition of the property at issue. The First Circuit reasoned that those claims were barred by the subsequent-purchaser doctrine.

However, the First Circuit reversed the dismissal as to claims for damages that allegedly occurred after the plaintiff acquired ownership of the property. The ARCO Defendants had assigned their interest in the lease to other persons by the time those alleged damages occurred. The court noted, however, that unless the lessor releases a lessee, the lessee who assigns the lease is solidarily liable with the assignee for post-assignment breaches of the lease. The First Circuit held that the ARCO Defendants could be liable on that basis.

- **Keith B. Hall** LSU Law Center E. Campus Drive

1 E. Campus Drive Baton Rouge, Louisiana

**Lauren Brink Adams** 

Baker Donelson 201 St. Charles Ave., Suite 3600 New Orleans, Louisiana



#### **Prescription**

**South v. Olinde**, 55,770 (La. App. 2 Cir. 7/17/24, \_\_\_\_ So. 3d \_\_\_\_, 2024 WL 3434578, writ denied, 24-1036 (La. 11/14/24), 396 So.3d 62.

The plaintiffs filed a panel request against a hospital (St. Francis) and a kidney treatment center (Fresenius). Over three years later, they filed an amended request adding two physician defendants who had treated the patient at the earlier named facilities.

The medical-review panel rendered an opinion finding there were departures from the standards of care by each physician, but none by Fresenius or St. Francis. The plaintiffs then filed suit against only

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the two physicians and made no claim that the physicians were agents or employees of the originally named facilities.

The physicians filed exceptions of prescription contending that because they were not timely named in the panel complaint and were not employees of St. Francis or Fresenius, there could be no joint or solidary liability. The plaintiffs then attempted to amend their petitions to add Fresenius and St. Francis as defendants, but the district court denied their motion because the plaintiffs were "fully aware of the part played by [Fresenius and St. Francis, but chose to sue only the doctors, and did not try to join [them] until after the 90-day window." Id. at \*2. The court also ruled that the physicians were not employees of the hospital.

The court of appeal recognized that a timely suit against one joint or solitary obligor interrupts prescription against all other obligors. However, the court quoted La. C.C. art. 1788 to explain that a joint obligation requires that "different obligors owe together just one performance to one obligee, but neither is bound for the whole." Conversely, article 1794 provides that in a solitary obligation, "each obligor is liable for the whole performance." The court added that under article 2324(A): "Solidary liability occurs only when one person conspires with another person to commit an intentional or willful act."

Here, the timely filed panel request named only the two defendant facilities, neither of which were timely named in the lawsuit. As the physicians were not employees, the judgment sustaining the exception of prescription was affirmed.

#### Intentional Tort

**Riley v. Paramount Healthcare Consultants, LLC**, 24-0127 (La. App. 3 Cir. 10/30/24), 396 So.3d 470.

Lloyd and Timothy Riley appealed a trial court judgment granting an exception of prematurity in favor of Paramount Healthcare Consultants, L.L.C. and DSRM Lafayette OPCO, LLC d/b/a Cornerstone at the Ranch. The Rileys contended that Paramount failed to establish itself as a qualified healthcare provider under the Louisiana Medical Malpractice Act (LMMA) and that their claims against

Cornerstone involved intentional fraud, which falls outside the LMMA.

Faye Riley resided at Cornerstone from Nov. 3, 2021, to April 24, 2022, under the management of Paramount. On April 24, she was found unresponsive and transported to a hospital, where she was diagnosed with septic shock, dehydration, malnutrition and bacteremia. She died on April 30, 2022.

The Rileys filed suit alleging negligence and fraud. Paramount and Cornerstone responded with an exception of prematurity, asserting LMMA protection. The trial court sustained the exception, dismissing the case without prejudice. The Rileys appealed.

#### **Exception of Prematurity**

Paramount introduced a PCF certificate as evidence of qualification, but the document was uncertified and bore an illegible signature. The appellate court found that, under La. C.E. articles 902 and 904, the certificate was inadmissible and Paramount failed to establish its LMMA qualification. The exception of prematurity in Paramount's favor was reversed.

#### **Intentional Tort Exception**

The Riley claims included intentional misrepresentation and fraud, which the LLMA does not cover. The LMMA applies only to unintentional torts arising from medical malpractice, while intentional torts fall outside its scope and are governed by general tort law. The Rileys alleged that Cornerstone knowingly misrepresented its ability to provide adequate staffing and care for Ms. Riley at the time of her admission, violating the Nursing Home Residents' Bill of Rights under La. R.S. 40:2010.8(A)(7). They contended that these fraudulent assurances led to Ms. Riley's admission to the facility despite it being understaffed, resulting in her injuries and death.

Under *Coleman v. Deno*, 01-1517 (La. 1/25/02); 813 So.2d 303, one of the key factors in determining whether a claim sounds in medical malpractice is whether the alleged conduct was intentional. Fraudulent misrepresentation meets the definition of fraud under La. Civil Code article 1953, requiring proof of (1) misrepresentation, suppression or omission of truth, (2) intent to gain an unjust advantage or cause harm and (3) inducement of error influencing consent.

The appellate court found that the Rileys' allegations sufficiently supported a claim of fraud and intentional tort, which does not require submission to a medical-review panel under the LMMA. Therefore, the trial court erred in sustaining Cornerstone's the exception of prematurity.

#### -Robert J. David

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

#### Michael J. Ecuyer

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



## Purchase of Corvette Was a Non-taxable Sale for Resale

*C & C Performance Constr. v. Dept. of Rev.*, BTA Docket No. 13159B (12/5/24).

C & C Performance Construction, LLC (C&C) is an LLC owned and operated by Charles Malveaux. C&C is in the automobile resale business. It is a registered used car dealer that possesses a used-car-resale certificate. C&C had a pattern of business activity of purchasing vehicles wholesale and then reselling those vehicles to dealerships. C&C purchased a new 2022 Corvette and resold it to Platinum Leasing of Orlando Inc., a dealer in Florida. After purchasing the Corvette, Malveaux had it transported by truck to Platinum and did not drive or otherwise use the Corvette.

Through an error caused by an agent whom Malveaux used to assist in purchasing the Corvette, title was applied for as though C&C were buying the Corvette for its own use, and the title was issued to C&C as if it were the

ultimate consumer. The agent accidentally took the title application to a retail license location, instead of taking it directly to the Office of Motor Vehicles (OMV).

Malveaux asserted the purchase of the Corvette was a sale for resale, which is not a taxable sale at retail in Louisiana. As a result, Malveaux asserted he was entitled to a refund of the state and local sales tax paid at the time the title application for the Corvette was processed. The OMV and the La. Department of Revenue denied the refund, asserting sales tax was due by C&C as C&C titled the vehicle in its name and had not strictly complied with rules and regulations to establish a valid non-taxable sale for resale. C&C appealed the denial to the Louisiana Board of Tax Appeals (BTA).

The BTA factually noted that C&C was in the business of purchasing vehicles at wholesale for resale to dealerships, C&C was not the ultimate consumer of the Corvette and Malveaux purchased the Corvette as a new vehicle and resold it as a new vehicle.

The issue before the BTA focused on whether the apparent error of C&C's agent in the application for title as a consumer renders the transaction taxable. The BTA held there was no need for C&C to obtain title to the vehicle, C&C had previously complied with the rules and regulations for making a sale for resale with only a Manufacturer's Certificate of Origin, and the error of the agent of Malveaux in processing title to the Corvette did not nullify strict compliance with the rules and regulations applicable to have a valid non-taxable sale for resale. The BTA held C&C's original purchase of the Corvette was a non-taxable sale for resale. The BTA ordered the Department to refund the state sales tax and the OMV to refund the local sales tax paid on the purchase.

#### - Antonio Charles Ferachi

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

## Louisiana Enacts Sales-and-Use Tax Laws Affecting Digital Products

House Bill 8/Act 10 passed during Louisiana's 2024 Third Extraordinary Session on "tax reform" introduced provisions under the sales-and-use tax statute related to the taxation of "digital products." As a result of the amendments, state and local sales-and-use tax apply to digital products effective Jan. 1, 2025.

The term digital products covers digital audiovisual works, digital audio works, digital codes, digital applications and games, digital periodicals and discussion forums and digital books, each of which are themselves defined terms. In addition, digital products covers any other otherwise taxable tangible personal property that is transferred electronically. It is immaterial whether the product is digitally delivered, streamed or accessed and whether it is purchased singly, by subscription or in any other manner.

Certain items have been specifically excluded from the scope of digital products. These include intangible property such as copyrights; internet-access services; work product in electronic form resulting from a professional service, such as an engineering report, telecommunication services; cable television services; certain satellite services; video-programming services; and products where the purchaser holds the intellectual property and uses the product solely for commercial purposes.

The various provisions of the statute that previously applied to tangible personal property have generally been extended to digital products. "Sale" and "use" in relation to digital products have been modified to mean the "first act" within the state by which the consumer, views, accesses, downloads, possesses, stores, opens, manipulates or otherwise uses or enjoys the product.

In addition, specific exclusions and exemptions have been enacted for digital products. First, an exclusion applies where a digital product becomes an ingredient or component of a new product or taxable service. Second, digital products made available free of charge (where the recipient is not required to provide anything of significant value in exchange for the product) are also excluded from tax. Third, a business-use exemption applies to digital products that are purchased or licensed exclusively for commercial purposes, used by the purchasing business directly in the production of goods or services for sale to its customers, and where the goods or services produced and sold by the business are subject to sales-and-use tax or to the insurance-premium tax. In addition, a use-tax exemption applies to digital products created by a business for its own use so long as they are not the type of digital products the business offers for sale.

The amendments also address potential nexus issues created by in-state digital products of an out-of-state business, providing that the department shall not consider a person's ownership of, or rights in, digital products residing on servers located in Louisiana in determining whether the person has substantial nexus with the state for sales-and-use tax purposes.

In addition to the amendments introduced by Act 10, it is worth noting that House Bill 10/Act 11 contains new sets of norms related to sourcing sales to Louisiana, as well as to the taxation of bundled transactions, that also apply to digital products.

- Jaye A. Calhoun

Member, LSBA Taxation Section Kean Miller, LLP Ste. 3600, 909 Poydras St. New Orleans, LA 70112 and

Divya A. Jeswant

Member, LSBA Taxation Section Kean Miller, LLP Ste. 3600, 909 Poydras St. New Orleans, LA 70112



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CHAIR'S MESSAGE... SPOTLIGHT

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

## Reflections on a Year of Growth and Opportunity

By Kristen D. Amond

s I share my final message as Chair of the Young Lawyers Division Council, I feel immense gratitude and optimism. Over the past year, we've explored how young lawyers can redefine success, embrace individuality, tap into new technology, and leverage "lawyer power" through pro bono service. We've seen how transformative our



community can be when we unite with purpose. Now, as I pass the torch, I want to highlight five key themes from our collective efforts and invite you to our biggest event of the year.

#### 1. Define success on your own terms.

We emphasized that "success" need not follow a single path. While the traditional associate-partner-judge track remains fulfilling for many, a growing number of young lawyers are pursuing different routes—combining law degrees with tech, advocacy, entrepreneurship, or other fields.

▶ Give yourself space to explore. Whether you take on a new practice area or a creative side project, stepping outside your comfort zone can spark growth and satisfaction.

#### 2. Embrace individuality and inclusivity.

Our discussions about imposter syndrome, disabilities, and mental health revealed how embracing diverse backgrounds enriches our profession. These differences strengthen our work and help us serve clients more effectively.

► Seek out and cultivate an inclusive environment that normalizes open dialogue about mental health. When people can show up as their authentic selves, everyone wins.

#### 3. Build a professional network within and beyond the law.

People do business—and build careers—with those they know, like, and trust. Networking is more than trading business cards; it's about forging genuine relationships that lead to referrals, mentorship, collaborations, and lasting friendships.

- ► Attend bar events, join local associations, and volunteer for committees. Sharing experiences leads to new ideas and opens doors.
- ► Serve on nonprofit boards, speak at industry events, and connect with professionals in adjacent fields. These relationships can broaden your client base, expand your expertise, and magnify your impact.

#### 4. Serve the public through pro bono and community initiatives.

Use your "lawyer power" for public good, whether it's providing pro bono representation, volunteering at a Wills for Heroes event, or joining our Barristers for Boards program. It's our responsibility to help ensure equal access to justice.

► If you haven't yet taken on a pro bono case, start small. Reach out to a local legal aid group or sign up for a pro bono panel. You'll gain experience and uphold the ideals of our profession.

#### 5. Leverage technology for efficiency and balance.

Technology permeates all aspects of legal work, from document management to billing and court appearances. By using it strategically, we can minimize administrative tasks, focus on complex strategies, build strong client relationships, and preserve our well-being.

▶ Explore case management or document automation tools, and stay open to emerging tech trends. Being adaptable helps you stay competitive and create a sustainable, future-proof practice.

Continued next page

#### YOUNG LAWYERS SPOTLIGHT

#### Leisa B. Lawson Alexandria

The Louisiana State Bar Association's Young Lawyers Division Council is spotlighting Alexandria attorney Leisa B. Lawson.

Lawsonisan attorney with Chadwick, Odom & Stokes in Alexandria. She earned her bachelor's degree in kinesiology from Rice University in 2008 and her JD from the LSU Paul M. Hebert Law Center in 2011. Following law school, she entered private practice before serving as an assistant attorney general with the Louisiana Department

of Justice (2018-20) and director of civil service for the City of Alexandria (2020-24). She joined Chadwick, Odom & Stokes on a full-time basis in May 2024, after



previously working part-time with the firm.

Lawson prides herself on representing, advising, and guiding clients with a practical, solution-oriented approach that emphasizes avoiding unnecessary risks. Her practice primarily focuses on litigation with an emphasis on employment and commercial litigation. Within the profession, Lawson is an assistant bar examiner for the Louisiana Code of Civil Procedure, in addition to serving on the 2024 Young Lawyers Division Barristers for Boards Committee.

In the community, Lawson serves on the boards of the Children's Advocacy Network, Louisiana Organ Procurement Agency, Baton Rouge High Foundation, and Louisiana Alliance of Children's Advocacy Centers. She is also a 2024 graduate of Leadership Louisiana.

#### YLD Chair continued from page 448

#### Louisiana Young Lawyers Conference – April 11 in New Orleans

All these themes converge at the Louisiana Young Lawyers Conference on April 11 in New Orleans. Organized by young lawyers for young lawyers, this event offers opportunities to expand your network, gain insights into practice development, and celebrate the finalists and winners of the YLD's annual awards. You'll leave with not just CLE credit but also valuable connections, fresh ideas, and renewed motivation.

#### **Final Reflections and Gratitude**

As I step away from this role, I want to thank you for placing your trust in the YLD Council. Together, we've advanced vital conversations about professional fulfillment, inclusion, innovation, and service. Your contributions—whether as volunteers, advocates, or mentors—have shaped our efforts in countless ways.

I encourage you to keep pushing boundaries and seizing opportunities. Stay curious about emerging practice areas, be generous with your expertise, and support one another in this demanding yet rewarding profession. Remember that the path to success is rarely straight—and that's something to celebrate.



### PEOPLE

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

#### LAWYERS ON THE MOVE

Melchiode Marks King LLC, in New Orleans, is proud to announce that **Kent W. Patterson** and **Matthew R. Fransen** have been named Members of the firm.

Jones Walker LLP, announces that Brandon M. DeRojas, H. Ryan Flood, Stephen B. Reynolds, Jr., Sydney G. Rusovich, Kathryn E. Schimmel, Patrick M. Van Burkleo and Amelie J. Zimmer have joined the New Orleans office as associates. Tyler J. Hays and Tamra J. Manfredo have joined the Baton Rouge office as associates. Also, Holland Crain Aucoin has joined the Lafayette office as an associate.

Courington, Kiefer, Sommers, Marullo, Matherne & Bell, L.L.C. announces that **Troy Bell** has been made a named member and going forward as of 2025 the firm name will be Courington, Kiefer, Sommers, Marullo, Matherne & Bell, L.L.C.

The Derbes Law Firm, LLC in Metairie is pleased to announce that **Betty A. Maury** has joined the firm as an associate.

Courington, Kiefer, Sommers, Marullo,

Matherne & Bell, L.L.C. announces that **Valerie Matherne** was elected Vice Chair of the National Association of Minority and Women Owned Law Firms.

Scott N. Hensgens is joining Louisiana Workers' Compensation Corporation.

MG+MThe Law Firm, of New Orleans, is pleased to announce that Amanda L. Deto-Sloan has been elevated to partner.

Courington, Kiefer, Sommers, Marullo, Matherne & Bell, L.L.C. announces that Chloe Krake has joined the firm as an Associate Attorney.

Gordon Arata Montomery Barnett, of Layfayette, is pleased to announce that **John Philip (J.P.) Graf** has been elected a member of the firm.

Breazeale, Sachse & Wilson, L.L.P., of New Orleans, welcomes Vinson J. Knight to the firm's Healthcare section. The Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. proudly announces that Jude Bursavich will assume the role of managing partner.

Gordon Rees Scully Mansukhani welcomes Shannon Burr as a partner in the firm's New Orleans office.

Phelps, of Baton Rouge, is pleased to announce Anthony J. Gambino, Jr. and

Molly C. McDiarmid as partners.

**Matthew Stedman** was elected a Member of Mouledoux, Bland, Legrand & Brackett in New Orleans.

Samantha Kaplan\* has joined Mouledoux, Bland, Legrand & Brackett in New Orleans, as a Member in the Longshore and Harbor Workers' Compensation Act, Defense Base Act, and War Hazards Compensation Act practice.

**Daniel Estrada** has joined Mouledoux, Bland, Legrand & Brackett in New Orleans, as Of Counsel in the Insurance Defense practice.

Lejla Alibasic\*, Alexa Buechler\*, Lila Kopplin and Anna Weldon have joined Mouledoux, Bland, Legrand & Brackett in New Orleans, as Associates in the Longshore and Harbor Workers' Compensation Act, Defense Base Act, and War Hazards Compensation Act practice.

Fishman Haygood, LLP in New Orleans is pleased to announce that Kaja S. Elmer has been named a partner in the firm's litigation section.

Fishman Haygood, LLP in New Orleans is pleased to welcome Zoe C. Vogel as an associate in the firm's litigation section and Ryan D. McNamara as an



Lejla Alibasic\*





Andrew F. Barr



Troy N. Bell



John R. Blanchard



Alan G. Brackett



Alexa N. Buechler \*



K. Kyle Celestin



Justin Chopin



Bruce A. Cranner



Blake R. David



Daniel R. Estrada

association in the firm's business section.

Hammonds, Sills, Adkins, Guice, Noah & Perkins, LLP is excited to announce that as of Jan. 1, 2025, **Andrew F. Barr**, **K. Kyle Celestin**, and **John R. Blanchard** have become partners of the firm. All three new partners are based out of the flagship location in Baton Rouge.

#### **NEWSMAKERS**

**Richard J. Arsenault**, a partner in the Alexandria firm of Neblett, Beard & Arsenault, was invited to speak at the Epiq Mass Tort Conference in Fort Lauderdale and the Northwestern Law School's Complex Litigation Conference in Chicago. He will be recognized in the 15<sup>th</sup> edition of "Best Law Firms" and was identified as one of the Top 25 Products Liability Trial Lawyers by The National Trial Lawyers.

**Justin M. Chopin**, of Chopin Law Firm in New Orleans, has been recognized in *Best Lawyers in America* in the category



Sarah Fisher Constantine

Vinson J. Knight

C. Michael Parks



Matthew R. Fransen



Lila C. Kopplin



Kent W. Patterson

of Personal Injury Litigation – Plaintiffs.

Courington, Kiefer, Sommers, Marullo, Matherne & Bell, L.L.C., in New Orleans, is proud to announce that **Trey Williams** was nominated by The National Black Lawyers as a Top 40 Under 40 lawyer in Louisiana.

**Blake R. David**, senior partner at Broussard, David & Moroux, in Lafayette, was reappointed to the Louisiana Board of Regents Executive Committee as the Chair of Finance.

Four attorneys at Mouledoux, Bland, Legrand & Brackett were included in *New Orleans Magazine Top Lawyers* 2024: André Mouledoux and Michael Neuner for Admiralty & Maritime Law; C. Michael Parks for Transportation Law; and Alan Brackett for Workers' Compensation Law.

Three Milling Benson Woodward attorneys have been recognized in the 2025 Edition of Best Lawyers in America. **Bruce A. Cranner** for Products Liability Litigation-Defense, **Andrew Wilson** 



John Phillip "J.P." Graf

Valerie Matherne

**Matthew Stedman** 



Samantha E. Kaplan \*



Betty A. Maury



Anna Weldon

for Admiralty and Maritime Law & Litigation-Environmental, and **Sarah Fisher Constantine** is listed in "Ones to Watch."

Mouledoux, Bland, Legrand & Brackett in New Orleans was recognized in *Best Law Firms 2025*, ranked as a Regional Tier 1 New Orleans law firm for Admiralty & Maritime Law, Transportation Law and Workers' Compensation Law – Employers.

Fishman Haygood, LLP in New Orleans is pleased to announce that H.S. (Tad) Bartlett III and Jason W. Burge have achieved the designation of Appellate Practice Specialist, certified by the Louisiana Board of Specialization.

Fishman Haygood, LLP in New Orleans is pleased to share that special counsel Sharonda R. Williams has been elected president of the New Orleans Bar Foundation for 2025.

Fishman Haygood, LLP in New Orleans is pleased to share that special counsel Stephen J. Herman and John Bel Edwards have joined the Louisiana Association for Justice's Board of Governors.

Fishman Haygood, LLP in New Orleans is pleased to share that associate Dylan M. Futrell was named one of three Loyola University New Orleans College of Law junior members to the Louisiana State Law Institute (LSLI) for 2025.

#### Continued on page 457



Andre' Mouledoux



Michael Neuner



Trey Williams



Andrew Wilson



By Trina S. Vincent, Louisiana Supreme Court

JUDGES... RETIREMENT... APPOINTMENTS

#### **New Judges**

Toni Falterman
Menard was elected
23rd Judicial District
Court Division F
judge, effective
Jan. 1, 2025. Judge
Menard earned her
bachelor's degree
from Nicholls State



University in 2001 and her JD degree from Southern University Law Center in 2004. From 2004-2007, she served as an assistant district attorney at the Lafourche Parish District Attorney's Office. From 2005-2010, she practiced law at Maley, Comeaux, and Falterman law firm and was a mortgage loan processor at Cedotal Mortgage Company from 2006-2008. From 2009-2022, Judge Menard was an assistant district attorney at the 23rd Judicial District Attorney's Office. Most recently, she worked as a child support liaison attorney for the Louisiana District Attorneys Association from 2022 until her election to the 23rd Judicial District Court.

Brittany Bryant
Jorden was elected
Baton Rouge City
Court Division C
judge, effective
Jan. 1, 2025. Judge
Jorden earned her
bachelor's degree
from the University



of Louisiana at Lafayette in 2009 and her JD degree from Southern University Law Center in 2014. During her college years and after law school, Judge Jorden worked as a substitute teacher in the East Baton Rouge Parish School System. In 2013, she served as a summer law clerk at Southeast Louisiana Legal Services. From 2012-2014, she held multiple roles,

including intern and research assistant at the Louisiana State Bar Association, law clerk in the Domestic Division of Southeast Louisiana Legal Services, and student attorney at the Southern University Law Center Criminal Law Clinic. From 2014-2015, she worked in private practice and served as a legislative aide for Louisiana State Representative Alfred C. Williams. Additionally, she worked as a contract attorney with the Disability Assistance Group, LLC (DAG). From 2015-2017, Judge Jorden was a contract defense attorney at Rutledge Law Firm, LLC, and she also worked as a staff attorney at the Office of the Governor's Mental Health Advocacy Service and Child Advocacy Program. Between 2017-2022, she served as a felony assistant in the Juvenile Section, Division B, of the District Attorney's Office. Most recently, she worked as a felony assistant in Section II at the 19th Judicial District Court's District Attorney's Office until her election to the Baton Rouge City Court. Judge Jorden is married to William M. Jorden, and the parents of two children.

#### Retirements

- ▶ First Circuit Court of Appeal Judge W. Ray Chutz retired, effective Dec. 31, 2024. Judge Chutz earned his bachelor's degree from Southeastern Louisiana University in 1975 and his JD degree from the Louisiana State University Paul M. Hebert Law Center in 1985. In 1993, he was elected 21st Judicial District Court judge. He served on the 21st JDC until his election to the First Circuit Court of Appeal in 2014.
- ▶ First Circuit Court of Appeal Judge Jewel E. "Duke" Welch retired, effective Dec. 31, 2024. He earned his bachelor's degree from the University of Maryland in 1976 and his JD degree from Louisiana

State University Paul M. Hebert Law Center in 1980. In 2009, he completed his master's degree in judicial studies at the University of Nevada-Reno. From 1980-1988, Judge Welch served on the Baker City Council, followed by a term on the East Baton Rouge City Council from 1989-1994. He chaired the East Baton Rouge Planning Commission from 1990-1994 and was the Zachary City Prosecutor from 1986-1994. Additionally, he was an instructor in the Louisiana State University Paralegal Program from 1996-2004 and has been an adjunct professor at the Southern University Law Center since 1997. Judge Welch is also a former chair of both the Technology Committee and the Budget and Finance Committee. He was elected as a judge of the 19th Judicial District Court in 1995 and served in that role until his election to the First Circuit Court of Appeal in 2005.

- ► Third Circuit Court of Appeal Judge D. Kent Savoie retired, effective Dec. 31, 2024. He earned his bachelor's degree from McNeese State University in 1975 and his JD degree from Loyola University New Orleans College of Law in 1979. Before attending law school, he served in the U.S. Navy. From 1979-1981, Savoie worked as a judicial law clerk and then worked in the private practice of law in Sulphur from 1981-2001. In 1983, he was appointed to the Sulphur Home Rule Charter Commission and later served as city prosecutor. He was the city attorney from 1992-1996 and also served as magistrate for the Town of Vinton from 1991-1997. In 2001, he was elected to the 14th Judicial District Court and served there until his election to the Third Circuit Court of Appeal in 2015.
- ► Fourth Circuit Court of Appeal Chief Judge Terri Fleming Love retired, effective Dec. 31, 2024. She earned her bachelor's degree from Jackson State

Continued on page 453

University in 1983 and her JD degree from Tulane University Law School in 1986. In 2004, she obtained a Master of Laws in the Judicial Process from the University of Virginia School of Law. After graduating from law school, Judge Love worked at the law firm Bryan and Gray and later specialized in family law in private practice. She was appointed Chief Deputy City Attorney by then-New Orleans Mayor Marc H. Morial, during which time she authored the first domestic violence ordinance for the city. In 1995, Judge Love was elected to the Orleans Parish Civil District Court bench. Five years later, in 2000, she was elected to the Fourth Circuit Court of Appeal. Committed to continuing her legal education, she has participated in the Institute of Judicial Administration at New York University School of Law and attended the Collegium at George Mason School of Law. Additionally, she was selected to participate in the International Judicial Academy, where she studied international law in The Hague, Netherlands. She is a past Judicial Committee Chair of the Louis A. Martinet Society. In 2022, Judge Love became the Chief Judge of the Fourth Circuit Court of

▶ 14th Judicial District Court Judge Robert L. Wyatt retired, effective Dec. 31, 2024. Judge Wyatt earned his bachelor's degree from University of Southwestern Louisiana in 1978 and his JD degree from the Louisiana State University Paul M. Hebert Law Center in 1981. From 1981-1985, he practiced law in Lake Charles and Lafayette. From 1985-1990, he worked in the Civil Division of the Calcasieu Parish District Attorney's Office. In 1990, he became the supervisor of the Misdemeanor/Criminal Intake Section. In 2002, he was elected as a judge for the 14th Judicial District Court, and in 2009, he helped establish the 14th Judicial District Court Mental Health Court. He has served as the chief judge of the 14th Judicial District Court. Since 1992, he has taught courses on domestic violence and juvenile justice at the Calcasieu Parish Sheriff's Regional Academy. He also instructed for the Office of Community Services, the Louisiana Juvenile Detention Association, and the LSU Law Enforcement Continuing Education classes for many years. Since

2012, he has served as a crisis intervention training instructor and is a visiting instructor at McNeese State University in the paralegal and banking programs. Judge Wyatt is an approved professionalism instructor for the Louisiana State Bar Association. He has held several leadership positions, including serving as a past president of the Third Circuit Judges' Association, the Southwest Louisiana Bar Association, the Louisiana District Attorney's Association, the National District Attorney's Association, and the Louisiana Juvenile Detention Association (Board of Directors from 1995-1997). He additionally has served on the Southwest Louisiana CASA Community Advisory Board, the Southwest Louisiana Safety Council Executive Board, and as a past president of the Southwest Louisiana Bar Foundation.

▶ Baton Rouge City Court Judge Johnell M. Matthews retired, effective Dec. 31, 2024. She earned her bachelor's degree from Southern University in 1972, her master's degree from Louisiana State University in 1976, and her JD degree from Southern University Law Center in 2001. From 1978-1991, she worked for the East Baton Rouge Parish School Board as a teacher and later as a supervisor of foreign languages. From 1991-1999 Judge Matthews served as an assistant principal in high schools and middle schools. After receiving her JD in 2001, she worked in private practice at Matthews & Matthews Law Firm until 2021. She also served as an adjunct professor at Southern University Law Center in 2018. In 2020, she was elected to the Baton Rouge City Court bench. Judge Matthews is married to Johnnie L. Matthews, and they are the parents of three children.

#### **Appointments**

- ▶ Timothy Hugh Scott was reinstated, by order of the Louisiana Supreme Court, as Director of Accommodations to the Committee on Bar Admissions for a term of office which resumed Jan. 31, 2025.
- ▶ Robert A. Kutcher was appointed, by order of the Louisiana Supreme Court, to the Louisiana Attorney Disciplinary Board for a term of office which commenced Jan. 31, 2025 and will

conclude Dec. 31, 2025.

#### **Deaths**

- ▶ 22nd Judicial District Court Commissioner Daniel G. Foil, 72, died Jan. 18, 2025. Commissioner Foil earned his bachelor's degree from Louisiana State University in 1985 and his JD degree from Louisiana State University Paul M. Hebert Law Center in 1988. From 1982-2001, he worked as an assistant district attorney and felony investigator with the district attorney's office. From 2001-2007, he was a criminal deputy for the Washington Parish Sheriff's Office. In 2009, he was appointed Commissioner of the 22nd Judicial District Court and, since 2021, he worked as Court Magistrate of Franklinton.
- ► Retired 5th Judicial District Court Judge Glynn D. Roberts, 79, died Jan. 14, 2025. Judge Roberts earned his bachelor's degree from Louisiana Tech University in 1967 and his JD degree from Louisiana State University Paul M. Hebert Law Center in 1970. He practiced law for three years in Lake Charles before becoming a partner at Cotton, Bolton, Roberts & Hoychick law firm in Rayville in 1973. From 1980-1983, he served as an assistant district attorney for the Fifth Judicial District, representing school boards and police juries in West Carroll, Richland, and Franklin parishes. In 1983, Judge Roberts was elected as a Fifth Judicial District Court judge and served without opposition until his retirement in 2007. After retiring, he continued to serve through judge pro tempore and judge ad hoc appointments made by the Louisiana Supreme Court.
- ▶ Retired 19th Judicial District Judge Carl A. Guidry, 90, died Dec. 8, 2024. He earned his bachelor's degree from Louisiana State University in 1956 and his LLB/JD degree from the Louisiana State University Law Center in 1960. Upon graduation, he received his ROTC commission as a 2nd Lieutenant in the Army Infantry and subsequently served in the 31st Judge Advocate General Corps. He was honorably discharged with the rank of Major. Judge Guidry practiced law for 12 years at the firm of Deblieux & Guidry. In 1973, he was elected to

Continued on page 454

the Baton Rouge City Court and was reelected in 1977. In 1979, he was elected to the 19th Judicial District Court, serving in both the criminal and civil sections, and he retired as chief judge in 1992. After his retirement, he continued to serve through judge ad hoc appointments made by the Louisiana Supreme Court.

▶ Retired Orleans Parish Juvenile Court Judge Salvadore T. Mule', 92, died Jan. 1, 2025. Judge Mule' earned his bachelor's degree from Notre Dame Seminary in 1952 and his JD degree from Loyola University New Orleans

College of Law in 1962. Judge Mule' was a U.S. Army Veteran and practiced law for 14 years in Orleans Parish before his election to the Orleans Parish Juvenile Court bench in 1977. He served as a past president of both the National Council of Juvenile and Family Court Judges and the Louisiana Council of Juvenile and Family Court Judges. He also served on the National Court Appointed Special Advocates (CASA) Board of Directors and was the Chairman of the Juvenile Courts Subcommittee of the Judicial Council of the Louisiana Supreme Court.

Judge Mule' was instrumental in starting the New Orleans CASA program in 1986 and played a key role in developing a *Juvenile Court Judges Bench Book*. This resource was designed to assist judges who infrequently handle juvenile issues in better understanding the laws regarding children. The *Bench Book* served as a catalyst for the Louisiana Children's Code, which was enacted by the legislature in 1991. Judge Mule' chaired the legislative committee for this project. Judge Mule' retired from the Orleans Parish Juvenile Court in 2000.

## **NEWS**

1825 CIVIL CODE... CLES... LOCAL BARS... LBF

#### Modern Cases Through the Lens of the 1825 Civil Code

On Feb. 20, 2025, at Abby Singer's Bistro in Shreveport, First Judicial District Judge Brady D. O'Callaghan and attorney Clinton M. Bowers presented a CLE program, co-sponsored by the Supreme Court of Louisiana Historical Society and the Shreveport Bar Association, commemorating the bicentennial of the 1825 Louisiana Civil Code.

Titled "Tunc Pro Nunc—Modern Cases Through the Lens of the 1825 Civil Code," the program examined several articles of the 1825 Code that remain in force, as well as others that were later eliminated, amended or held unconstitutional.

Judge O'Callaghan kicked things off with a concise history of Louisiana as a French and Spanish colony governed by civil law, leading up to the 1803 Louisiana Purchase and the region's status first as a U.S. territory and then an American state. He noted that the Legislative Council Practice Act of 1805 required fact pleading and granted the right to trial by jury. He also pointed out that the Digest of 1808, drafted in French with an English translation by Louis Moreau-Lislet and James Brown, did not expressly repeal prior Spanish law, according to an 1817 decision (Cottin v. Cottin) rendered by the Louisiana Supreme Court.

Judge O'Callaghan offered interesting capsule biographies of the three "ju-



From left to right: Clinton Bowers, Shreveport Mayor Tom Arceneaux, Judge Brady D. O'Callaghan, and E. Phelps Gay

risconsults" appointed by the legislature in March 1822 to revise the Civil Code: Moreau-Lislet, Edward Livingston and Pierre Derbigny. The new Civil Code was approved by the legislature in 1824 and officially promulgated in May 1825.

As a member of the Historical Society's Steering Committee to Commemorate the Bicentennial, Judge O'Callaghan noted that Louisiana Supreme Court Justice Jay B. McCallum and Loyola Law Professor Markus Puder will be making detailed presentations on code writers Moreau-Lislet and Derbigny in March and May of this year.

The next speaker, Clint Bowers, earned his J.D. and Diploma of Civil Law, magna cum laude, from LSU Paul M. Hebert Law Center. Many articles in the 1825 Code "reflect the values and social norms"

of the time," relating to racial distinctions, the legal status of women and so-called "illegitimate" children.

At the same time, the 1825 version of Article 2315 on delictual liability remains essentially the same today, although the current article reflects a more hybrid legal system through incorporation of common law concepts such as comparative fault and inclusion of wrongful death and survival actions.

The program, featuring presentations by both speakers, was enthusiastically received by all in attendance, including Shreveport Mayor Tom Arceneaux, a graduate of LSU Law School. Special thanks to Dana Southern, executive director of the Shreveport Bar Association, who helped organize and promote the event.



#### **UPDATES**

#### Edward Livingston's Complex Legacy Explored at Bicentennial CLE

Continuing its commemoration of the Bicentennial of the 1825 Civil Code, the Supreme Court of Louisiana Historical Society presented a CLE program on Feb. 13, 2025, on the life and times of Code writer Edward Livingston.

Delivered at the Historic New Orleans Collection's Williams Research Center and attended by over 150 people, Phelps Gay's speech focused on all aspects of Livingston's "tumultuous" life—from his early days as the child of an aristocratic family in New York's Hudson River Valley and his service as a Congressman, U.S. Attorney, and Mayor of New York City, to his "escape" from scandal to New Orleans in Dec. 1803, where he reinvented himself as a successful lawyer and a vigorous proponent of civil law.

Controversy followed Livingston as he advocated for John Gravier's title to land located on the Batture St. Mary. Although prevailing in a court of law, Livingston drew the ire of local citizens who viewed the batture as public property and perceived Livingston as acting out of self-interest in taking a portion of the property for his fee. The New Orleans City Council (or Conseil de Ville) denounced him a "disturber of the public peace."

At the direction of President Thomas Jefferson, the batture property was seized by a U.S. Marshal. These events triggered not only further litigation but also a "pamphlet war" between Livingston and Jefferson, each asserting his legal position was correct.

Livingston's reputation swung back in a positive direction with the Battle of New Orleans. As a friend and former Congressional colleague of General Andrew Jackson, he translated into French Jackson's stirring speech to citizens and troops gathered in the Place d'Armes. Serving as Jackson's aide-de-camp, Livingston encouraged him to accept military assistance from Baratarian pirates such as Jean Lafitte.



Speaker E. Phelps Gay between John T. Olivier (left), and Alan G. Brackett (right), Co-chairs of the Supreme Court of Louisiana Historical Society's Steering Committee to Commemorate the Bicentennial of the 1825 Louisiana Civil Code.

According to historian Eberhard Faber, with the Americans' resounding victory on the Chalmette battlefield on January 8, 1815, Livingston was "catapulted . . . back into a central position in New Orleans affairs."

On March 14, 1822, the Louisiana legislature designated Livingston, Louis Moreau-Lislet, and Pierre Derbigny to serve as "jurisconsults" charged with revising the Civil Code. In a report delivered less than a year later, they wrote that codification in one book would "provide a remedy for the existing evil of being obliged in many cases to seek for our laws in an undigested mass of ancient edicts and statutes, decisions imperfectly recorded, and [in] the contradictory opinions of jurists." On May 20, 1825, the Civil Code of the State of Louisiana was officially promulgated.

The 1825 Code drew praise from many quarters, the Washington Intelligencer writing: "Louisiana thus enjoys the honor of having made the first effective movement in the world of legal reform" and as having been "fortunate in possessing a citizen [Livingston] so well qualified to fulfill the important design which the legislature . . . had the wisdom to adopt."

At the same time, Mr. Gay noted, large sections of the 1825 Code are devoted to the odious institution of slavery, with other portions marginalizing illegitimate children as "bastards" and anointing husbands "head and master" of the community. As previously noted by author-scholar Michael H. Rubin, all three jurisconsults were themselves slaveowners.

Mr. Gay wrapped up his remarks with a description of the Livingston's Penal Code. Although not adopted by the Louisiana legislature, this code generated extravagant praise from both American and International legal scholars. In drafting several codes (civil, commercial, procedural, and criminal) for Louisiana, whether adopted or not, Livingston exemplified several aspects of professionalism found in our current codes and standards, including "participation in activities for improving the law" and "the lawyer's responsibility generally to the public service."

#### LOCAL / SPECIALTY BARS



John M. Stefanski, President, Acadia Parish Bar Association, Edwards, Stefanski & Zaunbrecher, L.L.P., Crowley; Anderson O. (Andy) Dotson III, Chief Disciplinary Counsel, Office of the Disciplinary Counsel, Baton Rouge; Hon. Scott J. Privat, 15th Judicial District Court, Division A, Crowley.

#### Acadia Parish Bar Hosts Chief Disciplinary Counsel for CLE

The Acadia Parish Bar Association held its monthly membership meeting Oct. 24 at Rice Palace in Crowley. Anderson O. "Andy" Dotson III, Louisiana Chief Disciplinary Counsel, presented a CLE session titled "Recent Developments in Attorney Discipline."

#### Michael H. Rubin Examines the 1825 Civil Code

On Dec. 5, 2024, attorney Michael H. Rubin presented an analysis of the 1825 Civil Code during a lecture hosted by the Supreme Court of Louisiana Historical Society. The event, part of a series marking the Code's bicentennial, was cosponsored by the A.P. Tureaud American Inn of Court, the Law Library of Louisiana, and the Historical Society.

In his speech, "The Janus-faced 1825 Civil Code: Legal Professionalism While Looking Backwards into the Horrific Past and Glancing Forward into the Future," Rubin discussed both the positive and negative aspects of the Code. He highlighted provisions that promoted fairness, such as laws on redhibition and lesion beyond moiety, the elimination of primogeniture, and the difficulty of disinheriting children.

Rubin also addressed the Code's provi-

sions on slavery, women's rights, and illegitimacy, noting how they treated enslaved people, illegitimate children, and husbands' control over community property.

Rubin posed the question: How would a lawyer in 1825 have acted under today's Rules of Professional Conduct and Code of Professionalism? Do current guidelines assume that the laws they support are just, or is there a way to challenge unjust laws?

The event is part of an ongoing series. Due to heavy snowfall in late January, Professor Ronald J. Scalise, Jr.'s lecture scheduled for Jan. 24, 2025, has been rescheduled to May 16, 2025. More details are available at www.sclahs.org. The Bicentennial Commemoration will conclude on June 20, 2025, with a Closing Gala at the National WWII Museum in New Orleans.



Shown on Dec. 5, 2024, are Anderson O. "Andy" Dotson, Chief Disciplinary Counsel for the Louisiana Attorney Disciplinary Board; The Honorable Judge Rachael D. Johnson of the Louisiana Fourth Circuit Court of Appeal; and Attorney/Author Michael H. Rubin, at the A.P. Tureaud American Inn of Court End-of-the-Year Ethics and Professionalism "CLE for a Cause," co-sponsored by the Supreme Court of Louisiana Historical Society and the Law Library of Louisiana.

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

#### New Members Welcomed, Awards Presented at SWLBA Fall Court Ceremony

On Oct. 18. 2024. the Southwest Louisiana Bar Association (SWLBA) held Fall Court Ceremony. The event was a joint ceremony for the 14th, 36th,



Pictured: J. Lee Hoffoss, Jr., 2024-2025 Southwest Louisiana Bar Association President, Lee Hoffoss Injury Lawyers, LLC, Lake Charles.

and 38th Judicial District Courts. The Fall Court Ceremony featured eulogies in memory of recently deceased attorneys; a welcome from Lee Hoffoss, SWLBA President; an introduction of new members by Brooke Roach, SWLBA YLS President; and the presentation of the Jim Ortego Pro Bono Award and the Charles A. Downing Humanitarian Award.



Pictured (L to R): Judge Suzanne de Mahy, 16th JDC, Division B, Lafayette; Judge Durwood Conque (Ret.), 15th JDC, Division G, Lafayette; Hearing Officer Geralyn Siefker, 15th JDC, Lafayette; Judge Charles Fitzgerald, 16th JDC, Division B, Lafayette; Judge Candyce Perret, Louisiana Third Circuit Court of Appeal, Lafayette; Judge Michelle Breaux, 15th JDC, Division E, Lafayette; Judge Cynthia Spadoni, 15th JDC, Division L, Lafayette; Judge F. Stanton Hardee III, Kaplan City Court, Kaplan; Judge David Blanchet, 15th JDC, Division A, Lafayette; Judge Phyllis Keaty (Ret.), Louisiana Third Circuit Court of Appeal, Lafayette; Magistrate Judge David Ayo, U. S. District Court for the Western District of Louisiana, Lafayette; Judge Valerie Gotch Garrett, 15th JDC, Division B, Lafayette; Commissioner Andre Doguet, 15th JDC, Lafayette; Chief Judge Susan Theall, 15th JDC, Division M, Lafayette; Judge Robert Summerhays, U. S. District Court for the Western District of Louisiana, Lafayette.

#### Lafayette Bar Association Holds Court Opening

The Lafayette Bar Association (LBA) held its Court Opening on Jan. 10, 2025, at the 15th Judicial District Courthouse in Lafayette, Louisiana. The event featured Kenny Hebert, president of the LBA Young Lawyers Section, introducing new members.

Patrick A. Talley, Jr., the 2024-2025 Louisiana State Bar Association President, addressed the new attorneys. LBA President Stuart Breaux recognized deceased attorneys during the ceremony.

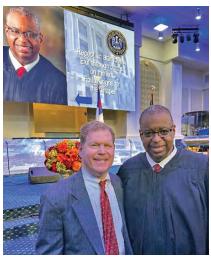


Patrick A. Talley, Jr., 2024-2025 Louisiana State Bar Association President, Phelps Dunbar, L.L.P., New Orleans with members of the judiciary during the court opening ceremony in Lafayette.

#### Investiture Ceremony Marks Guidry's Appointment to Supreme Court

An investiture ceremony honoring Associate Justice John Michael Guidry was held Jan. 19, 2025, at the Living Faith Christian Center in Baton Rouge.

Justice Guidry, previously a judge on the Louisiana First Circuit Court of Appeal, was sworn in before colleagues, family members and members of the Louisiana legal community. Several speakers offered remarks highlighting his judicial career and contributions to public service.



Pictured (Lto R): Patrick A. Talley, Jr., 2024-2025 Louisiana Bar Association President, Phelps Dunbar, L.L.P., New Orleans, L.A.; Hon. John Michael Guidry, Associate Justice, Louisiana Supreme Court, Baton Rouge, LA.





Above: Associate Justice Scott J. Crichton, Louisiana Supreme Court, Second District, Shreveport, LA, presented Ethics. Left: D. Lee Harville, The Harville Law Firm, LLC, Shreveport, LA, presented Recent Developments in Constitutional Law and Appellate Procedure.

# Shreveport Bar Hosts Judicial Update Seminar

The Shreveport Bar Association hosted its Recent Developments by the Judiciary CLE seminar Sept. 18-19, 2024, at the Hilton Garden Inn/Homewood Suites in Bossier City. The two-day program provided attendees the opportunity to earn up to 13 CLE credits.

# PEOPLE

# CONTINUED FROM PAGE 451 ANNOUNCEMENTS... PUBLICATIONS

People continued from page 451

#### **PUBLICATIONS**

2025 Lawdragon Green 500 Leading Environmental Lawyers

Fishman Haygood (New Orleans): Kerry J. Miller, E. Blair Schilling, Paul C. Thibodeaux

Earthjustice (New Orleans): Allison Brouk Burns Charest (New Orleans): Korey A. Nelson.

2025 Lawdragon 500 Leading Energy Lawyers Fishman Haygood (New Orleans): Kerry J. Miller, Paul C. Thibodeaux;

Gordon Arata (New Orleans): Cynthia A. Nicholson:

Jones Walker (New Orleans): Sarah Y. Dicharry, Christoffer C. Friend, Seth A. Levine, Meghan E. Smith;

Lugenbuhl (New Orleans): Delos "Dee" E. Flint, Jr.;

Long Law Firm (Baton Rouge): Jamie Hurst Watts;

Phelps Dunbar (New Orleans): Nathan G. Huntwork;

Seabaugh Sepulvado (Shreveport): Andrea Tettleton.

2025 Lawdragon 500 Leading Lawyers in America Fishman Haygood, LLP (New Orleans): Kerry J. Miller and James R. Swanson

New Orleans CityBusiness 2025 Port and Maritime Power List

Deutsch Kerrigan, (New Orleans): Walter P. Maestri;

Fishman Haygood, LLP (New Orleans): Sharonda R. Williams;

Galloway Johnson Tompkins Burr & Smith (New Orleans): Kathleen Charvet

Jones Walker (New Orleans): Grady S. Hurley & Marc C. Hebert;

Lugenbuhl (New Orleans): Adelaida Ferchmin;

Sheridan Law (Madisonville): Phillip S. Robinson III;

Michael A. Thomas, Metairie.

Louisiana Super Lawyers 2025

The Chopin Law Firm LLC (New Orleans): Justin M. Chopin;

Stone Pigman Walther Wittmann L.L.C. (New Orleans): Hirschel Abbott, Matt Almon, Stephen Bullock, Noel Darce, Kathryn Knight, John Landis, Wayne Lee, Paul Masinter, W. Brett Mason, C. Lawrence Orlansky, David Rieveschl, Michael Schneider, Dana Shelton, James Slaton, Susan Talley, Michael Walshe, Nicholas Wehlen, Scott Whittaker, Rachel Wisdom, Phillip Wittmann;

Phelps Dunbar LLP (New Orleans): M. Nan Alessandra, William R. Bishop, Kim M. Boyle, Craig L. Caesar, Miles P. Clements, Katharine R. Colletta, Brandon E. Davis, Gary A. Hemphill, David M. Korn, Kevin J. LaVie, Daniel Lund III, Allen C. Miller, Thomas Kent L. Morrison, David L. Patron, Christopher K. Ralston, Harry Rosenberg, Mary Ellen Roy, Jay Russell Sever, Rick M. Shelby, James A. Stuckey, Michael S. Williams;

Phelps Dunbar LLP (New Orleans/Baton Rouge): Shelton Dennis Blunt, Susan W. Furr, Michael D. Hunt, H. Alston Johnson III, Thomas H. Kiggans, Errol J. King Jr., Randy P. Roussel;

Bradley Murchison Kelly & Shea LLC (Shreveport): Brad Belsome, Bill Bradley, Ricky Crisler, Crystal Domreis, Leland Horton, Malcolm Murchison, Trey Paulsen, David Redmann, Larry Shea;

Lamothe Law Firm (New Orleans): Julien Lamothe.

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

### 2025-2026 President Edmund J. Giering IV

Interviewed by 2025-2026 LBF Secretary Colleen C. Jarrott

**Jarrott:** Tell us a little bit about yourself and your family.

Giering: I've practiced law for 30 years, 17 of which I've been fortunate to serve as general counsel to the Baton Rouge Area Foundation, one of the largest community foundations in the country. My practice emphasizes corporate law & governance, corporate, real estate & complex gift transactions, risk management and nonprofit & tax-exempt organizations. Prior to joining BRAF, I practiced in a civil litigation firm before moving in-house with a privately held holding company with interests in rice farming and milling, electrical power generation, timber and forestry operations, oil and gas exploration, real estate development and construction, appliance sales and distribution, commercial property management and radio broadcasting. I've been fortunate to work in such varied and interesting fields with friends and colleagues who have supported my efforts to give back to our communities. On a more personal note, I was born in West Monroe, grew up in Natchitoches, moved to Baton Rouge following high school to attend LSU and never left. My wife Cathy (also an attorney) and I have been married for 24 years and are the proud parents of Jake and Cate.

**Jarrott:** How did you get involved with the Louisiana Bar Foundation?

Giering: I am fortunate to have four past presidents of the Louisiana Bar Foundation to thank for my increasing involvement. First, Judge Wendell Manning asked me to facilitate a series of board training sessions for the legal services corporations around the state in 2014; Leo Hamilton invited me to become a Fellow in 2015 and appointed me to the Capital Area Community Partnership Panel; Valerie Bargas appointed me to the LBF Board of Directors to represent the philanthropic community in 2017; and Skip Philips championed both my election to the board in 2019 and later moving into a leadership role by becoming an officer. Of course, there are many others whose dedication and commitment set the example which I try to follow and inspired me to find ways

to continue to be of service. Seeing first-hand the breadth and depth of the needs and the fantastic work and tremendous resources LBF has put in to meet those needs, my only regret is that I did not get involved earlier in my career.



**Jarrott:** Why do you think the LBF is important to the law profession?

Giering: In my mind (and I hope many others), the Bar Foundation represents the highest ideals of professionalism because each and every Fellow is a volunteer. When a Fellow volunteers their time, talents and resources, we're not only enhancing the legal profession, increasing public understanding of the legal system and advancing the reality of equal justice under the law, we're also restoring the dignity of many of our fellow Louisianians through these efforts.

**Jarrott:** Why do you think the LBF is important to Louisiana?

Giering: Almost one million Louisiana residents live at or below the poverty line. This, along with inordinately high rates of child poverty and income inequality, is why the LBF is not only important, but increasingly necessary. With so many of our fellow Louisianians finding themselves victims of domestic violence, children in need of care or facing housing, family law or consumer health and protection matters, we are fortunate that the LBF provides resources to address these needs and works so diligently to close the gaps for those most in need. Given that these needs are so great, I'm proud to be a small part of a trusted organization working to meet these needs every day.

**Jarrott:** What role does the LBF play in the Louisiana civil legal aid network?

**Giering:** Organizationally, we believe that access to civil legal aid makes Louisiana communities stronger by helping people avoid foreclosure, protecting themselves

from domestic violence, gaining custody of their loved ones and safeguarding their economic security. The role of the Bar Foundation is two-fold: first, we provide much needed funding through grants to a variety of organizations who have similar missions, lead community-driven efforts and provide services that go to the very heart of health, safety and security; and second, we raise awareness and increase opportunities for those facing civil legal challenges through a variety of statewide, volunteer programs & projects and strategic partnerships that enhance our mission and objectives. I'm proud to say that this year, LBF will award just over \$10,000,000 in grants to our partner organizations, and we know from our recent Social Return on Investment study that for every \$1 invested in Louisiana civil legal aid during the fiscal year 2023-24, the citizens of Louisiana received \$13.28 of immediate and long-term financial benefits.

**Jarrott:** What do you see as the biggest challenges facing civil legal aid in Louisiana?

Giering: Too few resources are available to address too many problems. This is apparent in many ways, but the two most obvious and persistent challenges are the needs for more attorneys and more funding. The Bar Foundation works with our partner organizations to support their attorney hiring and retention practices and we promote unique opportunities such as the Loan Repayment Assistance Program to help civil legal aid attorneys retire student loan debt. On the funding side, we recognize the awesome responsibility that the Louisiana Supreme Court has entrusted to the Bar Foundation and, as such, we work everyday to be good stewards of those funds allocated to promote access to justice and fund civil legal aid.

**Jarrott:** What do you hope to accomplish this year as LBF President?

Giering: First, we are currently finalizing a strategic plan which will guide and inform much of the Bar Foundation's work over the next few years, so I believe my primary focus will be driving the early implementation of that plan. Anyone who has spent some time around the LBF knows that we have an expert and dedicated staff with abundant knowledge and years of experience. I want to make certain that professional development opportunities are readily available so that, armed with best practices, we can focus on improving how we operate. Next, though every attorney in Louisiana has had some exposure to the Bar Foundation, the number of Bar Fellows remains a relatively small percentage of all Louisiana attorneys. Whether it's becoming a Fellow, serving

on a Community Partnership Panel or committee, or working directly with our grantee organizations, we will work diligently with members of the bench and the bar to increase access and opportunities for our colleagues around the state. Finally, we will, of course, continue to provide resources and support to our trusted network of more than 70 organizations that provide civil legal aid and related services in communities throughout Louisiana, but I think it is incumbent upon us this year to determine where there contin-

ues to be gaps in service and explore ways to meet those needs.

**Jarrott:** What is your favorite memory with the LBF so far?

Giering: The circumstances and subject matter of much of the work surrounding civil legal aid is stark on its best days, but for me, the opportunity to carry out meaningful work that truly makes Louisiana better with friends and colleagues who I've grown to admire and respect is a just and fitting reward.

## **LBF Honors Distinguished Award Recipients**

The Louisiana Bar Foundation celebrated its 39th Annual Fellows Gala on April 11, recognizing 2024 Distinguished Jurist Cynthia T. Woodard (Ret.), Distinguished Attorney Glenn J. Armentor, Distinguished Professor Madeleine M. Landrieu, and Calogero Justice Award recipient Frank X. Neuner Jr.

#### Distinguished Jurist Hon. Cynthia T. Woodard (Ret.)

Judge Woodard received her JD from Louisiana State University Law Center in 1981 and a Bachelor of Arts from the University of New Orleans, graduating magna cum laude in 1975.



Woodard was elected district judge for Division A of the 3rd Judicial District Court, serving Lincoln and Union parishes, in September 1996. She was re-elected in 2002, 2008 and 2014, retiring in January 2018 after 21 years. Before her judgeship, she practiced law with her husband in Columbia (1981-1990) and Ruston (1990-1996). Woodard also served as a part-time instructor at Louisiana Tech University, Grambling State University, and Louisiana State University.

She was a Columbia town councilwoman and president of both the Caldwell Parish Bar Association and Lincoln Parish Bar Association. Woodard has been actively involved with community organizations, educational institutions, and several bar associations, including the Louisiana State Bar Association and American Bar Association. Her board service includes the St. Francis Hospital Foundation, Lincoln Parish Fund, and Louisiana Indigent Defender Board.

#### Distinguished Attorney Glenn J. Armentor

Glenn J. Armentor is president of the Glenn Armentor Law Corp. in Lafayette, where he has practiced since graduating from LSU Paul M. Hebert Law Center in 1977. Armentor is a past president of the Lafayette Bar Association and Louisiana Association for Justice and currently serves on the LSU Board of Supervisors.



He established the Pay-it-Forward Scholarship Program, awarding college scholarships to hardworking, at-risk high school students. Armentor also serves as a lieutenant in the Mystick Krewe of Louisianians and is the reigning King Xanadu XXXV.

#### Distinguished Professor Dean Madeleine M. Landrieu

Madeleine M. Landrieu became dean of Loyola University New Orleans College of Law on July 1, 2017. Previously, she served as a judge on Louisiana's 4th Circuit Court of Appeal and as a trial court judge for



Orleans Parish Civil District Court.

During her 16-year judicial tenure, Landrieu was president of the Louisiana District Judges Association and the Louisiana Judicial College, and chaired the New Judges Training Committee.

Landrieu is an advocate for children affected by abuse and neglect, serving as a founding member of the Louisiana Institute for Children in Families. She was instrumental in launching Louisiana's Quality Parenting Initiative and Louisiana Fosters. Landrieu also served as board chair for Covenant House New Orleans and the Pro Bono Project, receiving the Louisiana State

Bar Association President's Award twice.

She teaches trial advocacy, collaborative law, and children's rights, frequently speaking on judicial ethics, professionalism, civil procedure, and the impact of early childhood trauma.

#### Calogero Justice Award recipient Frank X. Neuner, Jr.

Frank X. Neuner, Jr. earned his JD from LSU Law Center and was honored as an LSU Law Distinguished Alumnus and the LBF's 2013 Distinguished Attorney. He received the American Bar Association Solo and



Small Firm Lifetime Achievement Award. Neuner is a Fellow of the International Society of Barristers and International Academy of Trial Lawyers, past ABA state delegate, past chair of the ABA Client Protection Committee, chair of the Fellows of the American Bar Foundation, immediate past chair of the Lafayette Economic Development Authority, and serves on the ABA and American Bar Foundation boards of governors.

Neuner was Louisiana State Bar Association president during Hurricanes Katrina and Rita, speaking internationally about restoring legal systems post-disaster. He chaired the Louisiana Public Defender Board, served on the Legal Services Corporation Board and chaired its audit committee.

Neuner is the founding partner of NeunerPate in Lafayette, known for leadership in community service and pro bono legal work. NeunerPate received the LSBA's Pro Bono Publico Award twice, the Legal Services Corporation's Certificate of Appreciation, and the Lafayette Volunteer Lawyers and Lafayette Bar Foundation's Large Firm Pro Bono Award for 15 consecutive years.









40% of Louisiana's population earn an income below 200% of the Federal Poverty Level.

# 1.7 million

Louisianans qualify for free civil legal aid.

1 civil legal aid attorney for every 11,230 eligible people.



# Making Positive Change in Louisiana

The Louisiana Bar Foundation conducted a Social Return on Investment (SROI) analysis for Louisiana's civil legal aid organizations. The analysis is a measurement of the values delivered during the 2023-24 fiscal year. SROI measures the financial value created by the organization through delivery of services to the community. SROI is an internationally standardized and accepted process for measuring and understanding the financial impact of social services organizations.

The analysis revealed that the total net value resulting from Louisiana civil legal aid activities during the year totaled **\$162,988,000**. These values are based on the number of clients and types of legal matters handled during the period.

Long-term benefits of civil legal aid services include savings in community support costs, reductions in community medical care expenses, savings in community law enforcement, savings in housing and support costs for unhoused families and much more. Civil legal aid can make the difference for a Louisiana citizen about to lose their home or in danger of harm by an abuser.

Access to civil legal aid makes Louisiana's communities stronger – schools, businesses, government agencies and the state benefit from resolving civil legal problems. Civil legal aid benefits every resident of the state, regardless of their socioeconomic status, and the communities in which they live.



"Everyone should be able to access solutions to legal problems, regardless of their income. This study shows us how much Louisiana benefits when people of limited means have meaningful access to the legal system.

Civil legal aid is often a missing piece people need to keep their families safe or stand on their own two feet."

-Edmund J. Giering IV, 2025-26 LBF President

# Social Impact



#### Access to basic needs:

By providing civil legal aid, individuals navigate complex legal processes to secure essential needs like housing, food assistance, and healthcare, which are critical for overall well-being.



#### **Economic stability:**

Preventing eviction, wage theft, and improper benefit deductions through legal intervention can help individuals maintain stable employment and income, contributing to economic security.



#### Family stability:

Civil legal aid helps families facing domestic violence or child custody issues access protection and stability within their households.



#### **Community impact:**

When individuals resolve legal issues impacting their daily lives, it leads to a more cohesive and functioning community.



#### **Reduced government costs:**

By proactively addressing legal issues, civil legal aid can potentially reduce the need for costly social services later on, such as emergency housing or healthcare.

#### How can you help?

- Make a donation
- · Become a Fellow
- Join a committee



**Donate Now** 

Read the full SROI study on our website RaisingTheBar.org

#### **About LBF**

The Louisiana Bar Foundation is the state's largest funder of free civil legal aid. We partner with a trusted network of organizations that lead community driven efforts to help families facing non-criminal, civil legal challenges. Our goal is to make sure that all Louisianans, regardless of their background or income, have access to the civil legal services that they need.

#### 2025-26 Officers

Edmund J. Giering IV, President Michael J. Mestayer, Vice President Charles C. Bourque, Jr., Treasurer Colleen C. Jarrott, Secretary

Hon. John C. Davidson (Ret.), Immediate Past President

Report Highlights Fiscal Year 2023-24

37,399

Total civil legal aid cases completed

\$162,988,000

Total net value realized

\$12,277,000

Total tax-based funding for civil legal aid operations

\$59,219,000

Immediate gross direct value of services

\$119,621,000

Long-term gross consequential value

1,328%

Social Impact
Return on Investment

The evidence is clear-dollars spent on Louisiana's civil legal aid providers deliver unmistakable economic and societal returns to Louisiana.



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

#### **RATES**

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#### Members of the LSBA

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Boxed ads must be submitted camera ready by the advertiser. The ads should be boxed and 2½" by 2" high. The boxed ads are \$70 per insertion and must be paid at the time of placement. No discounts apply.

#### DEADLINE

For the August issue of the Journal, all classified notices must be received with payment by June 18, 2025. Check and ad copy should be sent to:

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

#### RESPONSES

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

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

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#### **NOTICE**

Notice is hereby given that Lane N. Bennett 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 Blake G. Williams, Sr., 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 Amanda G. Clark 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 Jerry L. Settle intends to file a petition seeking reinstatement of his license to practice law in Louisiana. Any person(s) concurring with or opposing this petition must file such within 30 days with the Louisiana Attorney Disciplinary Board, Ste. 310, 2800 Veterans Memorial Blvd., Metairie, LA 70002.

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

Notice is hereby given that June Warren-Pope intends to file a petition seeking reinstatement of her license to practice law in Louisiana. Any person(s) concurring with or opposing this petition must file such within 30 days with the Louisiana Attorney Disciplinary Board, Ste. 310, 2800 Veterans Memorial Blvd., Metairie, LA 70002.

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