

LOUISIANA BAR JOURNAL

August / September 2025

Volume 73, Number 2

The Role and Regulation of Pharmacy Benefit Managers:

*A Legal Perspective
from Louisiana*

Also Inside:

- Retroactivity and the Vested-Rights Doctrine in the Wake of Louisiana's Amended Direct Action Statute
- Portraits & Perspectives: One on One with Louisiana Supreme Court Associate Justice John Michael Guidry
- 2025 LSBA Annual Meeting and Joint LJC/LSBA Summer School



A portrait of a middle-aged man with short, graying hair, smiling. He is wearing a dark gray suit jacket, a light blue dress shirt, and a red tie with thin blue and white diagonal stripes. The background behind him is a soft-focus blue and green.

BUSINESS VALUATION
BUSINESS DAMAGES
DIVORCE
PERSONAL INJURY
FRAUD & EMBEZZLEMENT

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



**CHAD M.
GARLAND**
CPA, LLC

2026 EXPERT WITNESS, CONSULTANT AND LEGAL SERVICES DIRECTORY

The Louisiana State Bar Association is publishing its Expert Witness, Consultant and Legal Services Directory. The supplement to the *Louisiana Bar Journal* will be printed separately and shrink-wrapped for mailing with the December 2025/January 2026 *Louisiana Bar Journal*. The directory is published annually, guaranteeing a year's worth of exposure in print and on the LSBA Web site.

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

Technical Details

- ▶ **Publication size:** 8 ½ inches wide x 10 7/8 inches tall
 - ½-page display ad 3.5 inches wide x 9.5 inches tall
 - ½-page CV ad 300 words max, not including contact info
 - Full-page display ad 7.25 inches wide x 9.5 inches tall (no bleeds!)
 - Full-page CV ad 600 words max, not including contact info
- ▶ Display ads must be provided camera-ready in PDF format.
- ▶ For text/CV ads, supply text in an editable word-processing format.
- ▶ For CV ads, submit original or digital headshot photos separately from the text, in .jpg or .tif format (high-resolution digital photos of at least 300 dpi work best).
- ▶ E-mail or mail ads on a disk to the addresses provided below.
- ▶ **DON'T FORGET TO PROVIDE YOUR 5 INDEXING CATEGORIES.**

Contact Info, Deadlines & Pricing

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

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

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

	Early Bird Deadline Sept. 5, 2025	Final Deadline Oct. 17, 2025
½-page, black & white	\$425	\$500
½-page, color	\$475	\$760
Full-page, black & white	\$750	\$900
Full-page, color	\$850	\$1135

EARLY-BIRD SPECIAL!

Book your ad by Sept. 5
& add **FULL** color for only
\$100/Full page or \$50/Half page

Contact Krystal for details!

FREE
text listing in December
Louisiana Bar Journal
Service
Directory

\$85
Added
Value!

Act Now!



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

Minimum Qualifications, Conditions and Procedures for Appointment as Special Assistant Attorney General in Risk Litigation

The minimum qualifications, conditions and procedures for appointment as a Special Assistant Attorney General in risk litigation are listed below.

1. The attorney shall be admitted to practice law in the state of Louisiana, unless the action is pending in another state, in which event the attorney shall be admitted to practice in the state where the action is pending.
2. If the action is pending before a federal court or other court with special admission requirements, the attorney shall be admitted to practice before such court.
3. The attorney shall not be under suspension by the Louisiana Supreme Court or any court in which the action is pending.
4. The attorney and any attorney with whom he is engaged in the practice of law shall not represent any plaintiff in any tort claim against the state and/or its departments, commissions, boards, agencies, officers, officials or employees unless specifically waived in writing by the Attorney General and the Division of Administration, Office of Risk Management (hereinafter, "Office of Risk Management"), or, if applicable, the institutions exempted from the state risk management program pursuant to La R.S. 17:3139.5(B)(2)(e)(i) and/or 17:3393(A)(2)(e)(i) (hereinafter "exempted institutions").
5. The attorney shall not have a conflict of interest as provided by the Rules of Professional Conduct of the Louisiana State Bar Association.
6. The attorney shall have and maintain professional malpractice insurance with minimum coverage of \$1 million per claim with an aggregate of \$1 million.
7. The attorney must be a subscriber to an electronic billing program designated by the Office of Risk Management or, if applicable, the exempted institutions.
8. The attorney should have been admitted to and engaged in the practice of law for a minimum of three years.
9. The requirement set forth in paragraph 8 may be waived by the Attorney General, in which event the attorney will be placed in a probationary status for a period of three years. During the period of probation, the attorney's performance will be evaluated annually by the Director of the Litigation Division of the Louisiana Department of Justice and the State Risk Administrator – Claims or, if applicable, the Director for the Office of Risk Management of the exempted institutions.

In the event that the attorney's performance is acceptable during the three-year probationary period, he shall be removed from probationary status. In the event the attorney's performance is unsatisfactory, he may be removed from the probationary list or, at the discretion of the Director of the Litigation Division of the Louisiana Department of Justice and the State Risk Administrator – Claims or, if applicable, the Director for the Office of Risk Management of the exempted institutions, the probationary period may be extended.

Additional Requirements for the Defense of Medical Malpractice Claims

10. The attorney should have three years' experience in the defense of medical malpractice claims.
11. The attorney should have participated as counsel of record in at least two medical malpractice trials.
12. The requirements set forth in paragraphs 10 and 11 may be waived by the Attorney General, in which event the attorney will be placed in a probationary status as to medical malpractice defense as provided in paragraph 9 above.

Conditions

1. Attorneys appointed by the Attorney General to defend tort claims serve at the pleasure of the Attorney General and may be removed by the Attorney General at any time, without cause.
2. If the Commissioner of Administration, or his designee, or, if applicable, the exempted institutions, discovers that cause may exist for an attorney to be removed from a case, the Office of Risk Management or, if applicable, the exempted institutions, may request that the Attorney General remove the attorney. However, the removal of the attorney is at the discretion of the Attorney General.
3. All contracts must comply with the Ethical Standards for Public Servants, Title 42, Section 15, Part II of the Louisiana Revised Statutes, including, but not limited to, La. R.S. 42:1113.

Procedures

1. In order to be considered for appointment as a Special Assistant Attorney General in risk litigation, an attorney must provide proof to the satisfaction of the Attorney General that the firm meets the minimum qualifications.
2. The Attorney General shall notify in writing the Office of Risk Management or the exempted institutions, if applicable, of the attorney assigned in all risk litigation. The Office of Risk Management shall advise the Attorney General of its concurrence in the attorney assignment in writing. The exempted institutions, if applicable, shall advise the Attorney General of its acknowledgement of the attorney assignment in writing. The Attorney General shall send a letter to the attorney stating that the firm has been assigned as defense counsel. The Attorney General's appointment letter shall serve as signatory evidence of the Attorney General's approval for any contract for legal services resulting from the appointment.



**Louisiana
State Bar
Association**

Serving the Public. Serving the Profession.

LOUISIANA BAR JOURNAL

August / September 2025

Volume 73, Number 2

Departments

Editor's Message	78
President's Message	80
Association Actions.....	98
Focus on Professionalism	112
Lawyers Assistance	114
Focus on Diversity	116
Practice Makes Perfect.....	118
Discipline Reports.....	120
Recent Developments	126
Young Lawyers	136
Judicial Notes	138
People	140
News.....	143
Classifieds	148
The Last Word	150

Also Inside

2025 Expert Witness, Consultant and Legal Services.....	73
Minimum Qualifications, Conditions and Procedures for Appointment as Special Assistant Attorney General in Risk Litigation.....	74
Directory of Paid Advertisers...	149

Features

**Retroactivity and the
Vested-Rights Doctrine
in the Wake of Louisiana's
Amended Direct Action Statute**
By K. Jacob Ruppert82

**The Role and Regulation
of Pharmacy Benefit Managers:
A Legal Perspective from Louisiana**
By Carrie LeBlanc Jones86

**Q & A: Smokeball's Free Trust
Accounting / Time and Billing Tool
Available to All LSBA Members**
A Q&A with Jane Oxley, Global Chief
Revenue Officer and
Co-Founder of Smokeball
By Shawn L. Holahan90

Portraits & Perspectives:
One on One with Louisiana Supreme
Court Associate Justice John Michael
Guidry
Interviewed by Bradley J. Tate.....92

**2025 LSBA Annual Meeting and
LBJ / LSBA Joint Summer School
Wrapup**102



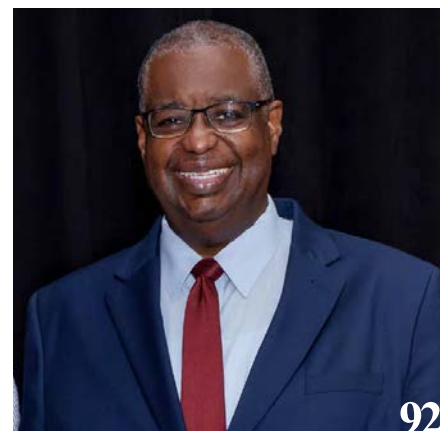
82



86



90



92

Officers 2025-26

President

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

President-Elect

Curtis R. Joseph, Jr. • (318)221-6858

Secretary

Bradley J. Tate • (504)494-9395

Treasurer

C.A. (Hap) Martin III • (318)388-4700

Immediate Past President

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

Board of Governors 2025-26

First District

Graham H. Ryan • (504)582-8370

Lindsey A. Cheek • (504)304-4333

Second District

Jeffrey G. Lagarde • (985)605-0527

Third District

Melanie W. Chatagnier • (985)492-7268

Fourth District

Todd S. Clemons • (337)477-0000

Fifth District

Kelly M. Rabalais • (985)898-4131

Christopher K. Jones • (225)383-3796

Sixth District

Barry M. Barnett • (318)443-7615

Seventh District

Amy J. Miller • (318)469-2904

Eighth District

Senée D. Hall • (318)226-6832

Chair, Young Lawyers Division

Collin R. Melancon • (504)814-1496

At-Large Members

L. Bradley Hancock • (713)244-6868

Tina L. Suggs • (504)846-3615

Daniel A. Cavell • (985)449-7500

LSU Paul M. Hebert Law Center

John M. Church • (225)578-8701

Tulane University Law School

Ronald J. Scalise, Jr. • (504)865-5958

Louisiana State Law Institute

G. Trippe Hawthorne • (225)389-3741

House of Delegates Liaison Chair

Shannon Seiler Dartez • (337)233-1471

House of Delegates Liaisons

Aaron R. Wilson • (318)752-4106

Larry E. Pichon • (337)436-1718

Editorial Staff

Executive Director

Loretta Larsen, CAE

Communications Director

Kelly Wells Ponder

Communications Coordinator/Graphic Design

Barbara D. Baldwin

Advertising & Communications Coordinator

Krystal Bellanger Rodriguez

Communications Coordinator/ Publications & Creative Services

Josh Courtney

Advertising Booking Questions?

Call (504)619-0131.

Editorial Board

► Bradley J. Tate

Editor

(504)494-9395

► Adreja L.A. Boutté

(830)287-5148

► Ashley M. Caruso

(225)256-0131

► Rachal Cox Cassagne

(504)680-3027

► Robert N. Cavell

(985)449-7500

► Barry H. Grodsky

(504)599-8535

► C.A. (Hap) Martin III

(318)388-4700

► John E. McAuliffe, Jr.

(504)388-7710

► Alainna R. Mire

(318)449-5019

► Roy H. (Hal) Odom, Jr.

(318)227-3762

► Valerie T. Schexnayder

(504)813-3633

► Maggie Trahan Simar

(337)394-6133

► Gail S. Stephenson

(225)771-3779, x 216

► W. Michael Street

(318)322-9700

► Joseph T.D. Tran

(504)841-5230

► Tarryn E. Walsh

(504)523-0400

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

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

Subscriber Service: For the fastest service or questions, call Barbara Baldwin at (504)619-0142 or (800)421-5722, ext. 142.

DISCLAIMER:

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

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

Luminary Award Winner

National Association of Bar Executives Communications Section
Excellence in Regular Publications



JD **IOLTA** CHECKING ACCOUNT

GET TO KNOW THE JD IOLTA - INTEREST ON LAWYERS' TRUST ACCOUNTS - CHECKING ACCOUNT FROM JD BANK

In the course of regular business, Lawyers may need to hold funds for retainers, settlement proceeds, court-awarded damages, among other reasons. Using an IOLTA account – Interest on Lawyers' Trust Accounts – **ensures any interest earned is remitted to state bar associations or bar foundations**, which are donated to support legal aid programs and other public service initiatives.

 JD BANK <small>LOUISIANA'S COMMUNITY BANK</small>	JD IOLTA CHECKING ACCOUNT
MONTHLY FEE	NO
MINIMUM BALANCE	NO
EARNs INTEREST	Earns interest, paid to Louisiana Bar Foundation
WIRE FEES	No fee domestic and international wires

Account Qualifiers: Registered with the Louisiana Bar Foundation.
Maintain a JD Bank commercial checking account for your firm.



800-789-5159 | JDBANK.COM

Serve First, Lead Always: A Call to Lawyer Leaders

By Bradley J. Tate, 2025-26 Louisiana State Bar Association Secretary



From the moment I entered the Leadership LSBA Class in 2011, I knew one thing for certain: as attorneys, we have a duty not just to practice law, but to strengthen our profession and serve our communities. Today, as Secretary of the Louisiana State Bar Association, that belief is stronger than ever.

For this issue of the *Louisiana Bar Journal*, I had the privilege of interviewing Justice John Michael Guidry. In our discussion, he talked about the importance of leadership, particularly servant leadership. I particularly appreciated when he said, “Make money, but make a difference.” While anecdotal, the message is important to us as attorneys.

The term servant leader was first coined in 1970 by Robert Greenleaf in his essay “the Servant as a Leader.”

“The servant-leader is servant first... It begins with the natural feeling that one wants to serve, to serve first. Then, conscious choice brings one to aspire to lead. That person is sharply different from one who is leader first, perhaps because of the need to assuage an unusual power drive or to acquire material possessions...The leader-first and the servant-first are two extreme types. Between them, there are shadings and blends that are part of the infinite variety of human nature.

The difference manifests itself in the care taken by the servant-first to make sure that other people’s highest priority needs are being served. The best test, and difficult to administer, is: Do those served grow as persons? Do they, while being served, become healthier, wiser, freer, more autonomous, more likely themselves to become servants? And, what is the effect on the least privileged in society? Will they benefit or at least not be further deprived?”

As attorneys, we have unique opportunities to be servant leaders in our communities. Whether running for public office, serving on a local school board, or volunteering at a neighborhood nonprofit, we have countless ways to lead and lift others.

Involvement in Louisiana State Bar Association sections, committees and programs provide lots of opportunity for leadership and giving back to our communities. Access to Justice programs give lawyers a myriad of opportunities to do pro bono work in our communities. The Young Lawyers Division hosts several Wills for Heroes events each year – and all lawyers can volunteer to participate to draft wills. The YLD also hosts Barristers for Boards programs, helping lawyers prepare for non-profit board service.

So, find your place. Make your mark. However, you choose to serve, let’s commit to leaving Louisiana better than we found it, one client, one case, one community at a time.

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?

- 1) Email your feature topic or idea to LSBA Secretary and *Journal* Editor Bradley J. Tate 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 become a published author and eligible to receive CLE writing credits for your efforts.

Get thinking! Get writing! We hope to hear from you.

Forensic and Valuation Services



Ryan Kelley, CPA



Elisa Annelin, CPA/CFF,
CFE, MPA, MA



Gilbert A. Herrera

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

Our Services Include:

Economic Damages

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

Fraud and Investigative Services

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

Business Valuation Services

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



LaPorte.com

METAIRIE
504.835.5522

HOUSTON
713.963.8008

BATON ROUGE
225.296.5150

COVINGTON
985.892.5850

HOUMA
985.851.2433

It's in Your Hands

By Edward J. Walters, Jr., 2025-26 LSBA President



I was walking through a food store the day I was sworn in as president and I saw a real newspaper.

It wasn't *The Times Picayune*, but I bought it.

I usually read my *Picayune* online, but that day I bought a hard copy.

I thought that day I would address all the great things that our Bar Association does, and what we do to help people in civil areas and criminal areas, access to justice areas, and all that we do to help *so, so* many people and we get *so, so* little credit for.

I was going to address what my plans are to improve the public's perspective of lawyers.

We sure need to improve what the public thinks of us.

Instead, I looked at the newspaper and thought, "Nobody prints, 'Bar Association's Access to Justice Program Helps Families in Need on a Daily Basis' or 'Bar Association Helps Bring Justice to Legal Desert Areas That Need Justice in Louisiana' or 'Bar Association Gives the Public Access to Justice in Courthouses and Local Libraries.'"

You are not going to read that.

It doesn't sell papers.

I was going to address what I plan to do to speak for our judges who get unfairly criticized and can't defend themselves. I have a plan for that, too.

We can be their voice.

I was going to address *all* that and then I looked again at that newspaper and I thought to myself, "We've all watched TV recently and wanted to turn it off and couldn't. We've all looked at what's in the newspaper every day."

For us lawyers and judges, and for the world, the rule of law is so much more important today than it has ever been before.

We all watch people who want to destroy democracy and do what they do to kill civilians and kill babies . . . and post it on social media, or what I call antisocial media.

They burn people up with Molotov Cocktails.

Unbelievably, people who hate our system of justice and rule of law are sending unsolicited pizzas to our judges, to say, surreptitiously, and impliedly, "We know where you live." They are even sending unsolicited pizzas to our judges' children, implying, "We even know where your children are."

Judges and public officials are wearing bulletproof vests.

This is some scary . . . stuff.

I don't mean this to be a downer, but this is the world in which we live.

So what does all this have to do with our Bar Association?

Well, our Bar Association is comprised of some of the nicest, smartest, most well-meaning "do the right thing for the right reason" people that I have ever met.

We – *OUR* Bar – have a duty to protect our judges and our lawyers, AND our system of justice.

I know YOU are proud to be a lawyer, or should be.

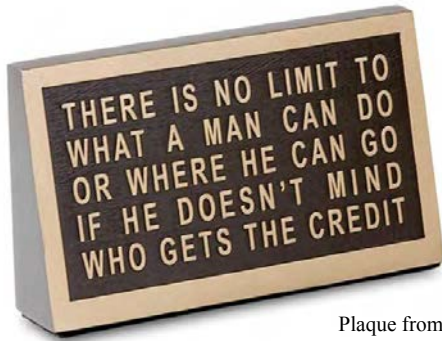
We just WISH we could educate the public . . . the WORLD . . . about the good we do EVERY DAY.

We protect the rule of law.

Now, we all worked hard to get here, we're all proud of what we do, and we look at our profession as a *calling* and we look at it as a great asset to our lives and the lives of our families, but it's also a great asset to the lives of our communities, our country and our world.

Feel proud!

Look at our current world, sad that it is. *WE* are the people that defend democracy and the rule of law under very difficult times.



Plaque from
President Ronald Reagan's desk,
provided by the Reagan Presidential Library.

Of the 56 people who signed the Declaration of Independence, there were 25 lawyers. Of the 39 framers of the Constitution, 34 were lawyers. Our Bill of Rights was written by a lawyer, James Madison.

Think about what we are and what we do and what we believe in.

We DID this!

WE!

US!

I've been trying jury cases in courtrooms across this country for almost 50 years, and I've been teaching at the LSU law school, with my friend Mike Patterson, for over 30 years.

Invariably, when I ask my fellow lawyers, and my law students, why they became a lawyer, or why they want to become a lawyer, I always get the same answer and the same answer is, "I want to help people."

I want to help people.

We hear about other democratic societies of our world – "small d" democratic societies of our world – who depend on the rule of law.

We *wrote* that rule of law. It's *ours*, US . . . lawyers.

We, *the people* reading this, defend that rule of law. It's us. We watch TV and we say, oh God, I'm glad that's not us. Oh, it may not be us right now, but it could be us.

If we don't take care to fight to protect the rule of law, what happens?

It's fragile. We can lose it.

I recall when I was in high school at Saint Aloysius High School in New Orleans, our teacher, Louis Levy, told us this quote and I'll never forget it: "Wake up, America, wake up. Rome fell. So can you."

That's true. The Roman Empire was the most powerful empire in the history of the world at that time.

It fell.

From within.

We need to wake up and be careful to protect the rule of law because we can look around the world and see what

happens in societies that don't protect the rule of law.

We have built what President Kennedy and President Reagan called "the City on a Hill."

In January 1961, President Kennedy, *a lawyer*, said, "We must always consider that we shall be as a City upon a Hill, the eyes of all people are upon us today.

We are the City on a Hill constructed and inhabited by men and women aware of their great trust and great responsibilities."

The eyes of the world are on *US* today.

How are we doing?

Does this seem bigger than you?

It's NOT!

As President Kennedy said, "to whom much is given (*US*), much is expected."

And so to us – *WE* lawyers and *WE* judges – much has been given, and much is expected.

We, America, are that City on a Hill.

We designed it.

We sent it across the globe, and now we see that some non-democratic societies want to tear it down. We – the people reading this – are in charge of our democracy.

We thought it up.

Believe it or not, we're in charge of our world.

You are an INFLUENCER!

So go INFLUENCE!

Don't wait!

Look at today's news. We lawyers are on almost every page. Mostly good, not all good.

We designed this rule of law. We wrote it. It is ours.

It is our greatest export.

When you hear somebody tell you that they want to be a lawyer, or their son or daughter wants to be a lawyer, we're very proud, right?

Why?

Because that means they want to be like *YOU*.

They admire *you*.

They want to be like *us*. We're proud of that.

I'm proud to be a lawyer.

I'm honored to be your president.

We have a lot left to do here.

Let's *get after it* and support the people who protect our rule of law.

You are an Influencer, so go influence!

We can change the world, after all, we created it.

Get after it.

Retroactivity and the Vested-Rights Doctrine in the Wake of Louisiana's Amended Direct Action Statute

By K. Jacob Ruppert



Act 275, the revision to Louisiana's Direct Action Statute, La. R.S. 22:1269, that took effect August 1, 2024, significantly reshaped the procedural landscape of insurance litigation in Louisiana. Previously known for enabling plaintiffs to sue insurers directly alongside or instead of tortfeasors, the statute now allows such actions only under seven conditions:

1. The insured files or faces bankruptcy proceedings,
2. The insured lacks sufficient assets to satisfy a judgment,
3. The insured cannot be served or fails to respond within 180 days,
4. The claim arises from domestic disputes or child-related harm,
5. The insurer is an uninsured motorist carrier,
6. The insured is deceased, or
7. The insurer reserves rights or denies coverage, limited to determining coverage eligibility.

The amendment also prohibits insurers' names in suit captions, tolls prescription for insurers when a suit is filed against the insured, and bars mention of insurance before juries except under La. C.E. art. 411.

However, the Legislature remained silent on whether these changes apply retroactively. In the absence of this guidance, litigants began advancing competing interpretations. In our court, over the past two months, we have encountered this issue, and I suspect it may be a concern in other trial courts in the wake of Act 275. Plaintiffs often argued that if the injury occurred before August 1, 2024, the old statute should govern even if the suit was filed after. But courts increasingly demand more than an injury's date to support retroactivity claims. Specifically, they ask whether a plaintiff had a *vested* right to sue under the prior version before the amendment took effect.

The Procedural/Substantive Divide

Article 6 of the Louisiana Civil Code is the interpretive foundation: substantive laws apply prospectively unless stated otherwise, while procedural laws apply retroactively unless legislated otherwise. The Direct Action Statute creates a procedural right to sue an insurer, but that doesn't mean its retroactive application is automatic or unlimited. Courts have drawn a distinction between procedural expectancy and vested rights. *Flowers v. Jena Band of Choctaw Indians*, 2023-728 (La. App. 3 Cir. 6/12/24), 396 So.3d 992, 995, reh'g denied (8/21/24), writ not considered, 24-01177 (La. 12/11/24), 396 So.3d 960; *Descant v. Adm'rs of Tulane Educ. Fund*, 93-3098, p. 3 (La. 7/5/94), 639 So.2d 246, 249. See also, *Soileau v. Smith True Value & Rental*, 12-1711 (La. 6/28/13), 144 So.3d 771.

Emerging Jurisprudence: Post-Amendment Cases

Maise v. River Ventures, L.L.C., No. CV 23-5186, 2024 WL 4266698 (E.D. La. Sep. 23, 2024)

The United States District Court for the Eastern District of Louisiana assumes a pivotal role here as it addressed the retroactivity issue repeatedly beginning a mere 54 days after the amendment became effective. In *Maise*, the plaintiff added insurers as defendants before August 1. The court acknowledged that procedural laws may apply retroactively but emphasized fairness and timing. Specifically, it recognized that a plaintiff may be entitled to rely on the procedural law in effect at the time a claim is filed, particularly where due notice and a meaningful opportunity to be heard have been provided. The court further noted that at least one Louisiana appellate court has employed this same approach to decline retroactive application of a procedural rule to suits already filed

prior to the rule's effective date. On this basis, the district court denied the insurers' motion to dismiss, holding that the plaintiff's invocation of the Direct Action Statute, having occurred before the effective date of the amendment, fell outside the ambit of its retroactive reach. *Maise* thus set the stage for the growing body of authority that follows recognizing that retroactive application of procedural statutes, while doctrinally permissible, must yield where vested rights, due process or reasonable reliance are at stake.

Howard v. J&B Hauling, LLC, No. CV 22-993, 2024 WL 4647820 (E.D. La. Sept. 26, 2024) (slip opinion)

In contrast, three days after *Maise*, the same court dismissed claims against insurers based on the new statute. Although the plaintiff had named the insurer before August 1, the court did not perform a vested rights analysis, treating the amendment as a procedural rule fully subject to retroactive application. The court found that the amendment tinkered with the statute's procedural right of action thus suggesting a change in procedural law, not a substantive right, "as procedural laws are what 'prescribe[] a method for enforcing a substantive right[.]'" *Id.*, at p.4, citing *Binkley v. Landry*, 2000-1710 (La. App. 1 Cir. 9/28/01), 811 So.2d 18, 23, writ denied, 01-2934 (La. 3/8/02), 811 So.2d 887. The court dismissed the claims against the insurer based on the newly enacted amendment even though plaintiff named the insurer as a defendant prior to the effective date of the amendment.

Baker v. Amazon Logistics, Inc., 751 F. Supp. 3d 666 (E.D. La. 2024)

Four days after the *Howard* decision, the Eastern District at last debuted its "vested right" analysis. The *Baker* plaintiffs, on the eve of the August 1, 2024, effective date, amended their complaint to include the defendants' insurers. This eleventh-hour procedural maneuver became the crucible in which

the retroactivity of the amendment would be tested. Defendants opposed the amendment, invoking the revised statute's more restrictive language, which they contended barred direct actions against insurers unless specific statutory preconditions were satisfied. They argued further that because the statute governs procedure rather than substance, its application could validly reach back to pending actions, including those in which the plaintiffs had not yet perfected their claims against insurers.

Plaintiffs countered with the procedural/substantive rights argument. While acknowledging that the Direct Action Statute confers a procedural right of action, plaintiffs contended that the amendment's revisions could not operate retroactively to divest them of a right they had already exercised. Relying on established Louisiana precedent, they argued that procedural rules may not be applied retroactively if doing so would disturb an already vested right. The court agreed.

Thus, the court rejected the defendants' assertion, namely, that the procedural character of the statute rendered the plaintiffs' direct action susceptible to legislative extinguishment, even post-invocation. The court underscored that while a procedural right may initially exist in a state of expectancy, once lawfully exercised, it crystallizes into a vested interest immune to retroactive abridgment:

"[W]hile the procedural right to bring a direct action against an insurer is a 'mere expectancy of a future benefit' until exercised, once that procedural right has been properly invoked, the plaintiff acquires a vested right in the pending action."

Id. at 771. The court further clarified that had the plaintiffs delayed until August 1, the amendment's effective date, they would have been subject to the new statutory restrictions, and no retroactive implications would arise.

Smith v. Fortenberry, No. CV 24-1647, 2024 WL 4462332 (E.D. La. Oct. 10, 2024)

Echoing its *Baker* rationale rendered

ten days earlier, the Eastern District reinforced that a plaintiff's procedural right vests when the insurer is named before the amendment's effective date. In *Smith*, the court emphasized that statutory classification alone cannot dictate retroactivity; whether a right has vested matters just as much. Thus, while the amendment may operate retroactively in a formal sense, applying to causes of action arising before its effective date, its reach is limited. Where suit was not yet filed as of August 1, the procedural right to direct action had not vested, and the amended statute governs. But where, as in *Baker*, *Smith* and *Maise*, the plaintiffs exercised their right to bring a direct action before the statutory amendment took effect, the Legislature is constitutionally constrained from retroactively revoking that right.

Taylor v. Elsesser, No. CV 24-2888, 2025 WL 471807 (E.D. La. Feb. 12, 2025)

In a final federal reaffirmation, greater clarity was again offered by the Eastern District. In *Taylor*, the plaintiff was involved in a motor vehicle accident on November 11, 2023, but did not file suit until November 9, 2024, over three months after Act 275 took effect. Though the accident predated the statute, the court emphasized that the vesting of the right to pursue a direct action is not governed by the date of the accident, but by the date on which suit is filed against the insurer. "Because Act 275 was effective before Plaintiffs filed suit against [the insurer], the Act applies prospectively to the facts of this case." *Id.*, 2025 WL 471807, at p.5.

The court reasoned that retroactivity in procedural law allows a statute to govern all cases filed after its effective date, unless the procedural right has already vested through timely invocation. Since the plaintiff in *Taylor* had not named the insurer until after the statute's effective date, her procedural right had not matured, and thus could be retroactively extinguished. The court sustained the exception of no right of action and dismissed the insurer from the litigation.

State Court Approaches

Rogers v. Griffin, 24-537 (La. App. 5 Cir. 12/20/24), 2024 WL 5183219

The Louisiana Fifth Circuit Court of Appeal addressed the issue matter-of-factly. The court engaged in a thorough analysis of the recent *Maise*, *Baker* and *Smith* decisions and adopted their central holding: a plaintiff's right to proceed against an insurer under the pre-amendment statute vests upon the timely filing of an amended petition naming the insurer as a defendant.

In *Rogers*, the plaintiff filed such an amended petition before the amendment's August 1, 2024, effective date. The court held that this action invoked a procedural right in accordance with the law then in force, thereby vesting the plaintiff with a legally cognizable right that could not be retroactively divested. The court emphasized the longstanding principle that once a procedural right is exercised in reliance on existing law, the Legislature may not revoke it by retroactive legislation. Accordingly, the 5th Circuit preserved the plaintiff's right to proceed directly against the insurer.

Hurel v. National Fire & Marine Ins. Co., 2025-C-0049 (La. App. 4 Cir. 03/11/25), 2025 WL 762645 (unpublished opinion)

In contrast, the 4th Circuit Court of Appeal applied a stricter interpretation of retroactivity. There, the plaintiff filed suit on October 1, 2024, two months after the Direct Action Statute was amended, seeking damages arising from a 2023 motor vehicle accident. The defendant insurer filed a peremptory exception of no right of action asserting that the plaintiff had no statutory authority to bring suit against the insurer following the amendment. Initially, the trial court denied the exception on procedural grounds, reasoning that the exception was premature since the insurer had not yet been served. However, on appeal, the 4th Circuit reversed. It clarified that the exception of no right of action is peremptory in nature and may be raised at any time before the matter is

submitted for decision.

Crucially, the court held that a plaintiff's right to a direct action against an insurer is not triggered merely by the occurrence of an accident prior to the statutory amendment. Rather, that right becomes operative *only if* the plaintiff timely invokes the remedy, specifically, by naming the insurer in a suit before the amendment eliminated the procedural mechanism for doing so.

Because Ms. Hurel did not file her lawsuit until after August 1, 2024, she failed to timely invoke the pre-amendment procedural remedy. As a result, the court held that no right of action existed against the insurer, and the exception should have been sustained.

The Path Ahead and Practice Pointers

The revisions to the Direct Action Statute will require adjustments in strategies. On reflection of cases in my court and coffee-talk with leading litigators, I would offer the following:

For plaintiff's counsel, keep the practice of serving the petition on both the insurer and the insured to memorialize insurer notice in the record. Comb your facts for any hint of the seven statutory exceptions of R.S. 22:1269, and use discovery tools early to unearth them. Since direct action against the insurer is no longer the default, plaintiff's counsel should focus on building a strong case against the tortfeasor. (Defense counsel will have to focus on building a strong defense of the tortfeasor, too.)

For defense attorneys, have the peremptory exception of no right of action ready on the draw. If a plaintiff names the insurer in a suit filed after August 1, 2024, and no statutory exception allows it, play the peremptory exception.

For all counsel, at trial be conscious of the "I" word – insurance. The revisions prohibit revealing the existence of insurance coverage unless specifically required by law. Resist the muscle memory to mention insurance in the presence of the jury unless it is

necessary to resolve specific issues such as indicating bias or coverage disputes. Also, your firm's protocols must reflect the new requirements, particularly regarding timelines for notifications and response strategies, to bolster compliance. Maintaining a cooperative dialogue with opposing counsel can be helpful as the direct-action dance steps have changed for both sides of the counsel table. And, most of all, stay informed. Ongoing court decisions and legislative fine-tuning are likely to continue.

K. Jacob Ruppert is admitted to the NY and LA bar and presently serves as Court Counsel and District Hearing Officer for the 10th Judicial District Court in Natchitoches Parish, LA, and has been teaching law at Northwestern State University since 2015. Ruppert has worked in the Louisiana judiciary since 2005, following a legal career in New York City that began in 1995. (jacobruppert@10jdc.org / Natchitoches, LA)



LSBA Member Discounts HOTELS

The LSBA offers exclusive hotel discounts at select locations statewide and beyond, just mention your LSBA membership when booking! Visit www.lsba.org/goto/MemberBenefits for the most up-to-date list.

New Orleans

The Barnett ♦ The Eliza Jane - A Hyatt Unbound Collection Hotel ♦ Four Seasons Hotel New Orleans ♦ Higgins Hotel New Orleans, Curio Collection by Hilton ♦ Hotel Monteleone ♦ Hotel Saint Vincent ♦ Hyatt Centric French Quarter ♦ Intercontinental New Orleans ♦ Loews New Orleans Hotel ♦ Maison Métier (Formerly Maison de la Luz) ♦ New Orleans Marriott ♦ Omni Royal Orleans Hotel ♦ The Pontchartrain Hotel ♦ The Ritz-Carlton New Orleans ♦ The Roosevelt New Orleans - A Waldorf Astoria Hotel ♦ Royal Sonesta New Orleans ♦ Sheraton New Orleans ♦ Virgin Hotels New Orleans ♦ Windsor Court Hotel

Covington
Southern Hotel

Baton Rouge

Courtyard Baton Rouge Downtown ♦ Crowne Plaza Executive Center Baton Rouge ♦ Hampton Inn & Suites Baton Rouge Downtown ♦ Hilton Baton Rouge Capitol Center ♦ Renaissance Baton Rouge Hotel ♦ WATERMARK Baton Rouge

Lafayette & Shreveport

DoubleTree by Hilton Hotel Lafayette ♦ Hilton Garden Inn Lafayette/Cajundome ♦ SpringHill Suites Lafayette South at River Ranch ♦ Hilton Shreveport

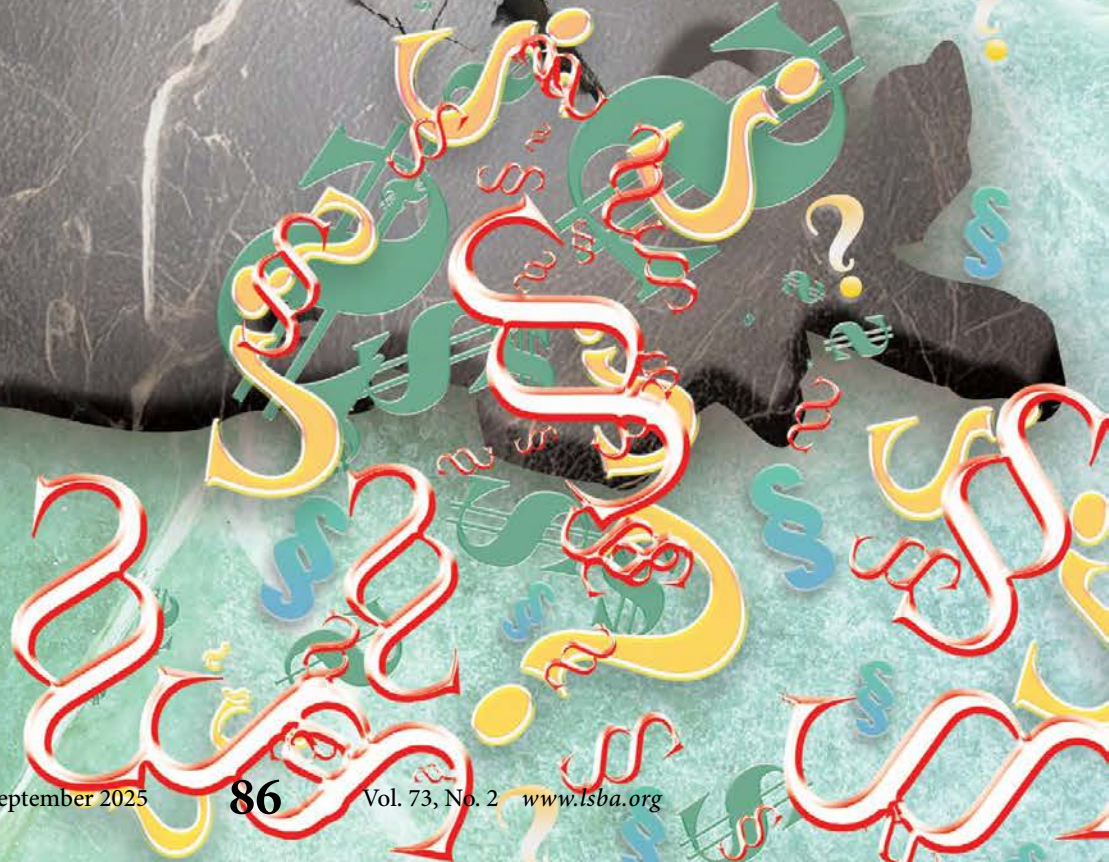
National Chains

Holiday Inn ♦ La Quinta Inn & Suites

The Role and Regulation of Pharmacy Benefit Managers:

A Legal Perspective from Louisiana

By Carrie LeBlanc Jones



In the face of escalating health-care and prescription drug costs, Pharmacy Benefit Managers (PBMs) have emerged as one of the most powerful and controversial intermediaries in the U.S. healthcare system. Acting as middlemen between health insurers, drug manufacturers, and pharmacies, PBMs exercise significant authority over which drugs are covered, at what price, and how pharmacies are reimbursed. As scrutiny of PBM practices intensifies nationally, Louisiana has taken steps to regulate the industry, resulting in both legislative reform and high-profile litigation.

PBMs were created to administer pharmacy benefit programs in the 1960s. They functioned as claims processors for insurance companies to help manage prescription drug benefits. The influence of PBMs intensified with the introduction of Medicare Part D in 2006. Over time PBMs morphed from simple processors to vertically integrated powerful entities that negotiate prices with drug manufacturers, determine which drugs are covered under formularies, and set reimbursement rates for pharmacies.

PBMs manage prescription drug benefits for hundreds of millions of Americans. The three largest PBMs – CVS Caremark (part of CVS Health), Express Scripts (part of Cigna), and OptumRx (part of UnitedHealth Group) – control nearly 80% of the market. These PBMs operate using a vertically integrated model that combines insurance, pharmacy services, and PBM functions under one corporate umbrella. The PBMs serve as intermediaries in the pharmaceutical supply chain. Their operations include **negotiating rebates** with drug manufacturers in exchange for favorable formulary placement, managing formularies by exercising control over the list of drugs covered by insurance plans, and contracting with pharmacies to dispense medications.

PBMs utilize “spread pricing” models, charging a health plan one price but paying the pharmacy a different (usually lower) price. For example, a PBM may charge a health plan \$100 for a prescrip-

tion. Then the PBM pays the pharmacy \$70 for the same prescription and keeps the \$30 spread. The markup is not reflected in standard reporting, making it difficult to determine how much a health plan is actually paying above cost for the medications.

PBMs also utilize rebates in which drug manufacturers pay rebates to PBMs for favorable formulary placement. In some instances, the rebate is 30-40% of a drug’s list price. PBM contracts allow them to keep a portion of the rebate; therefore, the savings are rarely passed onto pharmacy owners, patients, or insurers. Further, PBMs often favor higher-priced brand name drugs for rebates because the calculated percentage of the list price is greater. PBMs are often criticized for prioritizing their profits over patients’ ability to access and afford drugs.

The lack of transparency of these operations, particularly in how rebates and reimbursement rates are determined, has raised questions about whether PBMs truly lower drug prices or instead contribute to their inflation. Proponents argue that PBMs lower drug costs by using their bargaining power to negotiate discounts and rebates, enhance patient access through broad pharmacy networks and mail-order options, help manage pharmaceutical spending through tiered formularies and utilization reviews, and provide value to insurers and employers by handling complex drug benefit management efficiently.

There is a growing voice of criticism and concern over PBMs’ lack of transparency in pricing and rebates, spread pricing leading to inflated costs for payors, exclusion of lower-cost generics in favor of rebated brand drugs, and conflicts of interest due to vertical integration. Independent pharmacies also complain that PBMs steer patients to their affiliated pharmacies by using unfair reimbursement rates.

Calls for reform are growing louder from both sides of the political aisle. Advocates seek greater transparency in rebate and pricing practices, prohibitions on spread pricing, protections for

independent pharmacies, and regulations to ensure that savings are passed on to consumers and payors.

Federal agencies such as the Federal Trade Commission (FTC) have initiated investigations, while Congress has held hearings to explore legislative solutions. While there is bipartisan agreement on the need for PBM reform, there is little agreement on what that reform should look like. The House recently passed a reconciliation bill prohibiting spread pricing in Medicaid and requiring transparency and flat fee payment structures in Medicare Part D. In the absence of true federal reform, several states have stepped in to regulate PBMs.

Louisiana joined a growing national movement to regulate PBMs more aggressively. At the forefront of these efforts is **Act 124 of the 2021 Regular Session**, codified at **La. R.S. 22:1867 et seq.**, which imposed significant oversight and transparency requirements on PBMs operating in the state. The legislation was a response to mounting concerns from independent pharmacists, consumer advocates, and public sector payors about opaque pricing practices, predatory reimbursement rates, and a perceived misalignment of incentives between PBMs and patients. Louisiana’s regulatory stance reflects a broader trend toward asserting state-level control despite federal preemption arguments raised by PBMs under ERISA and Medicare Part D frameworks.

In 2024, Louisiana enacted Act 768 of the Regular Session (originally introduced as SB 444 by Senator Katrina Jackson-Andrews, D-Monroe), effective Jan. 1, 2025. Act 768 requires PBMs to reimburse pharmacies no less than their acquisition cost of a covered drug, device, or service. The law applies to pharmacies and pharmacists that do not own more than five shares or 5% interest in a pharmaceutical wholesale group purchasing organization or vendor. The law requires PBMs to provide information to the Louisiana Commissioner of Insurance to resolve reimbursement complaints. In sum, Act 768 protects pharmacies from

being reimbursed by PBMs at a loss and increases transparency by requiring PBMs to proactively provide information to the Department of Insurance.

More recently, Louisiana passed HB 264, Act 474 (2025 Regular Session) by Representative Mike Echols, R-Monroe. Among other things, the PBM Reform Act:

- ▶ Prohibits steering of patients to PBM affiliated pharmacies without the patients' consent,
- ▶ Creates a stringent definition for "specialty drugs,"
- ▶ Requires an acquisition-based reimbursement, including a dispensing fee for local pharmacies and a pathway to challenge the reimbursement,
- ▶ Bans all fees charged to pharmacists,
- ▶ Bans spread pricing, and
- ▶ Prohibits PBMs from retaining rebates.

In sum, the bill requires PBMs to be more transparent about their practices with state regulators and to pass more prescription savings on to consumers.

An attempt to prohibit PBM ownership of pharmacies in Louisiana surfaced in the eleventh hour of the 2025 Regular Session. HB 358, by Representative Dustin Miller, D-Opelousas, started as a relatively benign bill authorizing pharmacy technicians to work remotely; it sailed through the legislative session with minimal attention. However, a Conference Committee amendment on June 11, 2025, took an aggressive stance against PBMs and sought to ban PBMs from owning or operating pharmacies in Louisiana starting in 2027. This prohibition drew a lot of attention to the PBM issue along with fierce industry resistance. CVS responded with a huge lobbying effort that included a mass fear mongering text message to many Louisianians. On June 11, 2025, the Louisiana House of Representatives unanimously voted in favor of the amendment prohibiting PBMs from owning pharmacies in Louisiana in an effort to create guardrails to protect Louisianians against the PBM vertical



integration business model. However, the bill died on the Senate floor as the legislative session drew to an end on June 12, 2025.

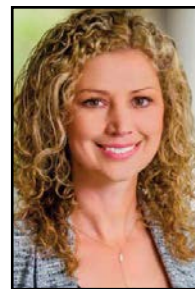
Governor Landry threatened to call for a special session to address PBM reform; however, in a press conference on June 24, 2025, the governor stated that he was exploring the laws currently in place and whether the issue could be addressed executive.

Additionally, the CVS text message campaign sparked a backlash from elected officials. Governor Landry called the campaign "unethical and manipulative" and asked the state Attorney General to investigate whether CVS had improperly used private patient data to lobby against the legislation. In a press conference on June 24, 2025, Attorney General Liz Murrill announced, "Today, I have filed multiple lawsuits against CVS Health Corp, CaremarkPCS Health, LLC, and their affiliated entities for unfair, deceptive, and unlawful practices that have harmed Louisiana patients and independent pharmacies. I believe CVS used their customers' personal information that was given to them to fill their prescription, to lobby for their own corporate interests against pending legislation in the State Legislature. PBMs are

not managing the costs of drugs – they are driving the price up! CVS and other PBMs continue to hide behind various confidentiality clauses to cover up the way they are manipulating drug prices – it's wrong and unlawful. CVS will have to account for its actions."

As the pharmaceutical market becomes increasingly complex and consolidated, understanding the legal and regulatory framework surrounding PBMs is essential. Louisiana has taken important steps toward ensuring transparency and fairness through both legislation and litigation. As reforms continue to unfold, attorneys and policymakers will play a critical role in shaping the future of drug pricing and access in Louisiana and across the nation.

Carrie LeBlanc Jones is of counsel in the Baton Rouge office of Breazeale, Sachse & Wilson, LLP. Jones practices in the areas of healthcare, administrative law, education, and clinical research/life sciences. Carrie has 17 years of experience advising state agencies, individuals, and entities on administrative, regulatory, and occupational licensure issues. (carrie.jones@bswllp.com / Baton Rouge)





DON'T FALL FOR THE BAIT

Protect yourself with Gilsbar's Cyber Liability Insurance

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

For protection you deserve, go to gilsbar.com/getquote

Q & A



SMOKEBALL'S FREE TRUST ACCOUNTING / TIME AND BILLING TOOL AVAILABLE TO ALL LSBA MEMBERS

To the average person, reconciliation sounds like a peaceful, soul-soothing process, like mending fences over coffee and a heartfelt chat. What's not to love? But for many lawyers, reconciliation triggers something closer to panic: spreadsheets, deadlines, and the quiet dread of trust accounting. It's less "inner peace" and more "internal audit." The struggle is real.

And for good reason. Trust account compliance is consistently among the top sources of complaints to the Office of Disciplinary Counsel, which receives hundreds of overdraft notices each month, many of which result in disciplinary action.

The good news? You can ease the burden with the right technology. Simplify your trust account reconciliations while also taking the sting out of timekeeping and billing, all in one place.

On March 18, 2025, the Louisiana State Bar Association (LSBA), in

partnership with Smokeball, a cloud-based legal case management provider, is offering every LSBA member free access to Smokeball's trust accounting and billing software.

Have questions about the offer? As conscientious lawyers, you'll want to do your due diligence. I interviewed Jane Oxley, the Global Chief Revenue Officer and Co-Founder of Smokeball to help you. Through her career, Jane has obtained a good understanding of how law firms work and how the right tech can help law firms be more efficient with better results for their clients while also improving the bottom line.

Check out the Q&A on the next page.

Who is Smokeball, and how did the company get started?

Smokeball was co-founded over a decade ago by Hunter Steele and me with a simple mission: to make the lives of legal professionals easier. We developed Smokeball as a cloud-based legal practice management platform designed to help attorneys run more organized and profitable firms. Today, legal professionals around the world rely on Smokeball to simplify their daily operations.

What is Smokeball offering to LSBA members?

We're offering LSBA members free access to Smokeball Bill, our trust accounting and billing software. It's fully cloud-based and accessible from any device with an Internet connection. When we created Smokeball Bill, our goal was to help firms stay compliant, streamline billing, and get paid faster. Typically priced at \$588 per user annually, we're proud to make it available to LSBA members at no cost to its members or to the LSBA, particularly to support solo and small firms that often face budget constraints.

What exactly do LSBA members get with Smokeball Bill?

Members receive powerful, user-friendly software that makes trust accounting and billing much easier. Smokeball Bill helps firms stay compliant with trust accounting rules, reduce malpractice risks, and simplify the reconciliation and billing process.

Why is Smokeball offering this for free to LSBA members?

We've partnered with several bar associations nationwide because we believe in supporting the legal community. Trust accounting is one of the most challenging areas for many attorneys, and we're committed to helping solve that problem. By offering Smokeball Bill at no cost, we hope to reduce compliance risk and help attorneys focus on practicing law and stop struggling with their books.

What would Smokeball Bill normally cost without the LSBA offer?

Outside of this partnership, Smokeball Bill would cost \$588 per user per year, or \$49 per user per month.

Who benefits most from this free Smokeball Bill offer?

While any attorney can benefit, Smokeball Bill is especially valuable for solo practitioners and small firms. It offers a cost-effective, easy-to-use solution for managing trust accounts and billing which are two areas that often cause administrative headaches.

How can LSBA members sign up for the free Smokeball Bill offer?

It's easy! LSBA members can visit www.smokeball.com/louisianabill to sign up. Just complete the simple form, and you'll receive immediate access to the software.

What training or support is available to members after they sign up?

Right after signing up, members will be guided through setting up their first matter and invoice. They'll also have full access to our U.S.-based support team and our comprehensive Smokeball Support Hub, which includes tutorials, FAQs, and live assistance.

How long will LSBA members have access to the free Smokeball Bill subscription?

We're committed to a long-term partnership with the LSBA. There's no current expiration date for this offer, and neither Smokeball nor the LSBA has plans to discontinue it.

How is data stored and secured in Smokeball Bill?

Smokeball stores all data securely in the cloud via Amazon Web Services, which is the same infrastructure trusted by government agencies like the Pentagon. We take data privacy and security seriously. Members can review our privacy policy on our website. If a member decides to cancel, they'll have the option to download their data at any time.

Will Smokeball report my trust account information or usage to LSBA?

No. Your Smokeball account is private and protected under our standard Privacy Policy and Terms of Service. We do not share usage data with the LSBA. Only you can access your account unless you voluntarily share your login or we are legally required to disclose information (e.g., via subpoena, in which case we notify the account owner).

What other products does Smokeball offer?

While Smokeball Bill focuses on trust accounting and billing, our full practice management suite goes much further. We offer scalable software tiers tailored to different firm needs, with features like calendaring, client intake, document automation, task management, client portals, and more. No two firms are alike, so we built Smokeball to be flexible, powerful, and personalized.

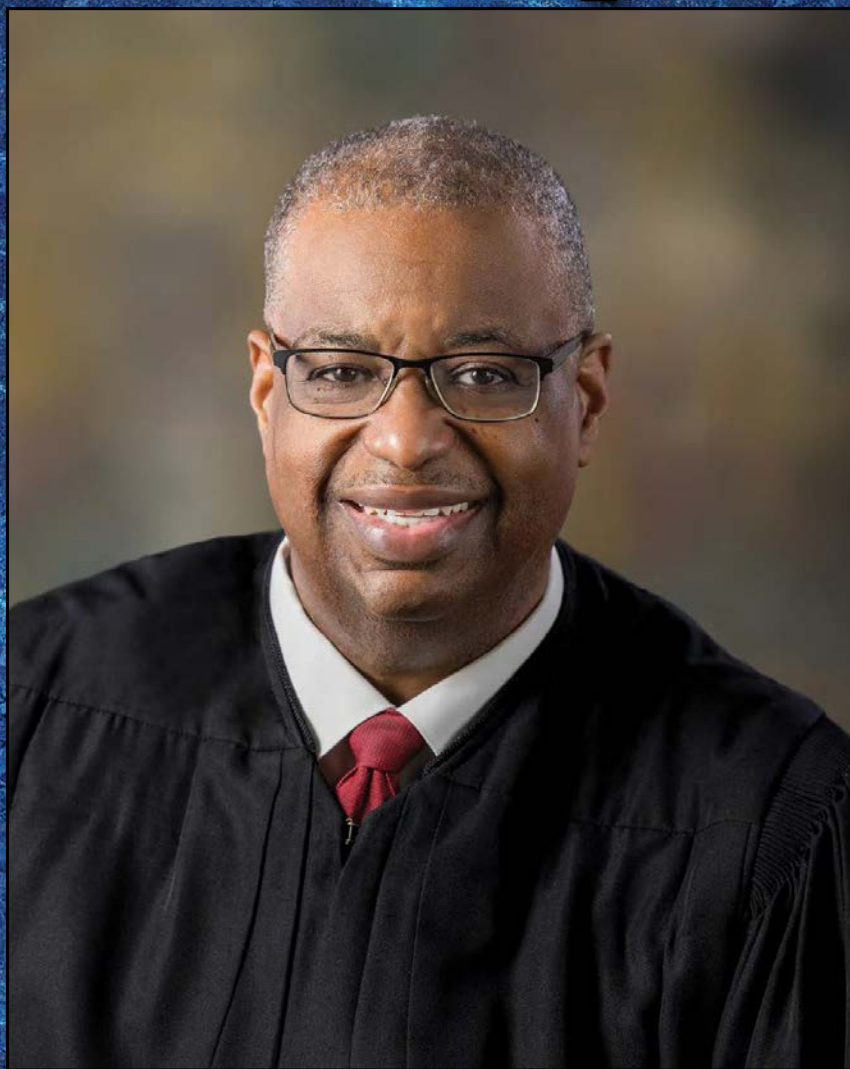
Shawn L. Holahan is a member of the Louisiana State Bar Association's Professional Programs Department as practice management and loss prevention counsel. She is responsible for the administration of the Law Office Management Assistance Program and the administration of the Fee Dispute Resolution Program.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



Jane Oxley is Chief Revenue Officer and co-founder of Smokeball, a cloud-based legal practice management software company. Oxley plays a key role in forging partnerships with state bar associations and drives product strategy to empower solo and small firms to help boost productivity, billing efficiency and client-centered workflows. (info@smokeball.com; Chicago, IL).



Portraits & Perspectives:



Associate Justice John Michael Guidry. Photo courtesy of Louisiana Supreme Court.

One on One with Louisiana Supreme Court Associate Justice John Michael Guidry

Interviewed by Bradley J. Tate

Brad Tate / LBJ: Good afternoon, Justice, and thank you for taking the time to talk with me today. Tell me how have your first few months on the court been?

Justice John Michael Guidry: They've been very good months. Fortunately, I was appointed in an ad hoc position to several cases on the December docket, so I had the opportunity to sit before officially joining the court in January. I also participated in administrative and conference matters that month. That experience was certainly beneficial. By the time I officially began my term on Jan. 1, I already had both administrative and adjudicative experience with the court, which made for a smooth transition. Since then, I've handled additional dockets, conference days and administrative matters. The work of the court has been very fulfilling so far.

Brad Tate / LBJ: Tell us about your background. Where did you grow up? What are some of your formative experiences from childhood? Where did you go to school?

Justice John Michael Guidry: I grew up in an area of Baton Rouge called South Baton Rouge, located between downtown and LSU. I attended public elementary schools in East Baton Rouge Parish, then enrolled at Southern University's Laboratory School in middle school. I later attended McKinley Middle and graduated from McKinley High School in 1980. I earned a bachelor's degree in political science from LSU in 1983, then attended Southern University Law Center from 1984 to 1987, graduating cum laude.

Brad Tate / LBJ: Did you always know you wanted to pursue a legal career? If not, what did you initially think?

Justice John Michael Guidry: Well, as you grow up, people start asking, "What are you going to be?" From the earliest time I can remember, I always answered, "a lawyer." I watched several legal shows as a young person and was very intrigued by the law, so that naturally became my path. When I went to LSU, my major in political science was certainly geared toward ultimately going to law school.

Brad Tate / LBJ: Are there any mentors you've had in your career, and what impact have they had on your professional career?

Justice John Michael Guidry: I'll describe a mentor who had an impact on both my legal and political career. Although he was not a lawyer, his name was Joseph A. Delpit. He was a state representative from District 67 in Baton Rouge, where I grew up. I started out working in his chicken franchise business, the Chicken Shack, and from there became his legislative assistant. That gave me some exposure to the law because he was chairman of the Committee on Municipal and Parochial Affairs, which meant I got to serve as his clerk in that committee. I gained a very in-depth look at how the legislative process worked. When he became speaker pro tempore of the House of Representatives, I was appointed assistant clerk of the House. When he retired, he supported me, and I was fortunate to be elected to his seat in District 67. From there, I was elected to the Louisiana State Senate, and then to the Louisiana First Circuit Court of Appeal, where I spent roughly 27 years before being elected to the Supreme Court. That entire trajectory of public service and exposure to the law, particularly the legislative process, was a result of Representative Delpit taking an interest in a young man in his community and giving him an opportunity to be exposed to the Capitol, to public service, and to the workings of government. That was very beneficial to my career trajectory.

Brad Tate / LBJ: That's the perfect segue into my next question – your career includes significant legislative service as a state representative and senator, how does serving in the legislature influence your perspective as a judge?

Justice John Michael Guidry: I think both as an employee of the legislature and while serving in office, I worked through every aspect—I was a sergeant at arms, a page, a committee clerk, and assistant clerk of the House. In those roles, I saw the groundwork and the process up close before eventually being elected to the House and the Senate, where I voted on those very matters. The most important

impact that time had on me as a judge was developing a deep respect for the separation of powers and checks and balances.

When I transitioned to the court, I brought with me the understanding that, as a legislator, I had been in the business of making policy and law. And in our civil law tradition, the law is considered the final expression of legislative will. I took that very seriously. As a judge, that perspective has guided me to recognize that my role is to interpret the law, not to make it. I've always said that if I wanted to make law, I would have stayed in the legislature. Because I joined the judiciary, I respect the distinct roles of our two coequal and coordinate branches of government. So, I don't view myself as a policymaker or a super legislator. My role is to interpret the law. If the law is clear, unambiguous and doesn't lead to an absurd result, my job is simply to apply it as written. If that is not the case, I should then look to determine the legislature's intent in passing the law. That experience in the legislative process has been invaluable to me as a judge, especially in understanding the legislature's role in our civil law tradition and legal system.

Brad Tate / LBJ: As a longtime adjunct professor at the Southern Law Center, how has teaching students influenced your own understanding of the law?

Justice John Michael Guidry: The students keep you fresh. They keep you challenged. They ask questions that make you think: "How did we get here?" or "Why are we here?" That constant examination of where we are in terms of the final product—the law I'm called upon to interpret—is important. Law students challenge you to think critically. They encourage you to question whether things make sense. That's a vital part of the learning process.

The other benefit of teaching is that it gives me the opportunity to sow into them. Throughout our careers and positions, we gain certain knowledge and experiences, and it would be a waste not to pass that on. Teaching gives me a chance to share my own experience and understanding of the law with a new generation of lawyers. I think that's really the value of teaching—to deposit that knowledge in others and

watch them carry it forward.

I taught for about 25 years at the Nelson Mandela School of Public Policy, in courses like American government, civil liberties, constitutional law and introduction to law. I also served as faculty adviser to the Pre-Law Society, and many of those students went on to law school—some of them I got to teach twice, once in undergrad and again in law school. Helping to keep that pipeline of future lawyers going was one of the most rewarding aspects of the teaching process.

I've always said that whether through teaching or community involvement, if people can see it, they can be it. To have a judge teaching in both undergrad and law school not only encourages students to pursue a legal career—or even a judicial one—but it also gives them access to a judge in a setting where they feel more comfortable asking questions. It humanizes the role. When they see how the law is explained or how a judge interacts in the classroom, it may inspire them to one day become a judge or remain committed to the profession. I've found it very beneficial and rewarding to be in the classroom with a new generation of lawyers.

Brad Tate / LBJ: Are you still getting to teach?

Justice John Michael Guidry: Even with my new schedule, I've made an effort to stay in the classroom. I think it's even more beneficial now for me to be there, especially as a justice of the Louisiana Supreme Court. I don't recall ever having a justice teach one of my law school classes—definitely not. So I think it's meaningful for students. I currently teach appellate advocacy. When I was on the court of appeal, we focused primarily on the intermediate appellate court perspective. Now that I'm on the Supreme Court, I've updated the syllabus to emphasize the Supreme Court's view of the appellate process. I believe that's a valuable addition for students.

Brad Tate / LBJ: What inspired your ongoing commitment to legal education, public policy, and why do you think the connection between practice, policy, and teaching is important?

Justice John Michael Guidry: I have been blessed with the benefit of serving in several different roles. When I first ran for the Court of Appeal, my argument was that I had practiced the law as an attorney, taught the law as a long-term adjunct professor, and made the law as a legislator. Becoming a judge—where I would interpret the law—was a natural progression. I believe that the more avenues you've experienced within the legal system, the more effective you are as a judge.

So, when I go into the courtroom, I bring with me real experience as a practicing attorney. That gives me a unique perspective when reviewing cases or dealing with lawyer discipline—I've sat where they sit, and I understand the pressures, the practicalities and the responsibilities of practicing law. Having been a legislator, I also understand the legislature's expectation that judges will not act as super legislators. Our role is not to make the law, but to faithfully interpret and apply the law as it is written.

As a law professor, I've come to appreciate the value of education and outreach. I serve as vice chair of the Louisiana Supreme Court's Judges in the Classroom, Students in the Courtroom program, which encourages judges to visit schools, invite students and legislators to the courthouse, and explain our work to the public. It's all part of building public trust and transparency in the judiciary. Teaching takes many forms—whether you're lecturing in a classroom, speaking to a group of students during Law Week, or addressing civic groups.

Recently, I spoke at the Baton Rouge Bar Association's Law Day event, which included a naturalization ceremony led by the federal bench. After our new citizens were sworn in, I addressed both them and the students participating in the day's mock trial competitions. I believe we should take every opportunity, whether speaking at a school, a Rotary Club meeting, or a CLE seminar, to demystify what judges do and to promote a better understanding of our role.

Brad Tate / LBJ: You've held numerous leadership positions, including president of the Louisiana Judicial College. What motivates you to take on these type of leadership roles?

Justice John Michael Guidry: I think it's important to lead with service. I see leadership through the lens of servant leadership, with service being the primary driver. When we offer ourselves for positions of leadership, we also bring our life experiences, our unique backgrounds and our perspectives to the table. For example, I've served as chair of the Judicial College, which educates all judges across the state, and as a two-term member of the Judicial Council, representing the Appellate Judges Conference. Both positions allowed me to engage with the ongoing improvement of judicial education and the proper administration of justice statewide.

My background in leadership has helped me bring initiatives forward. As a member of the Judicial Council, I worked with colleagues in the legislature, the State Bar, and local bars to build consensus around a statewide 50-cent civil filing fee. That funding supported the Judicial College's ability to bring in national speakers, expand its staff and technology, and better serve the bench. A trained and educated judiciary is essential to the democratic process, and my experience in both legislative and legal communities helped make the case for it. That effort may soon expand: at the time of this interview, legislation is pending to increase that filing fee to \$1.50. The additional funds would not only enhance judicial education but also support the Judiciary Commission, which has taken on a broader role in judicial discipline following a recent constitutional amendment.

My varied experience across the legislative, judicial and academic arenas has shaped how I serve on the Supreme Court. I've worked with the executive branch and legislature, I've taught in law schools and engaged in legal education reform, and I've worked to align the Judicial College with the strengths of our law school faculty. Those instructors help deliver training in both substantive and procedural law, and they're an essential part of preparing our judiciary for the demands of the profession.

When I recently spoke to new admittees to the Bar, I encouraged them to view their license as a call to serve. That includes pro bono work, involvement in local and specialty bar

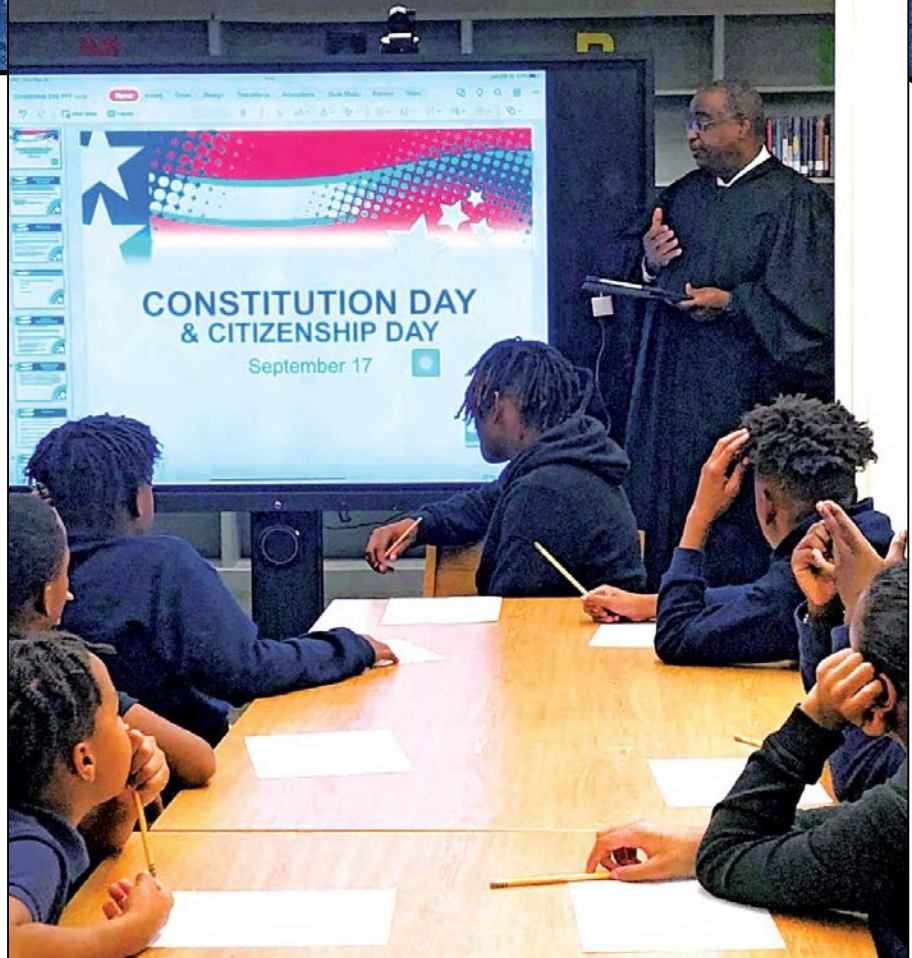
associations, and taking time to give back. I've benefited tremendously from being involved not only in the Louisiana State Bar Association but also in the Baton Rouge Bar Association, the Louisiana Judicial Council, National Bar Association, the American Bar Association and the Louis A. Martinet Legal Society.

Brad Tate / LBJ: You've served on the Louisiana Domestic Violence Judicial Curriculum Advisory Committee and been involved with pro bono initiatives and organizations like the Baton Rouge Bar Association Pro Bono Committee – why is it important to volunteer and do pro bono?

Justice John Michael Guidry: It's important because we have to be concerned about the least of these, those who do not have the resources to access justice. We must ensure that people can find lawyers who are willing to give their time when someone cannot afford legal representation. We cannot allow individuals in our communities who lack financial means to be excluded from a process that is so vital to our democracy. People need an outlet, an opportunity to resolve disputes peacefully and to enjoy the full benefits of citizenship. A major part of that is having access to the courts and the protection of the rule of law.

All of our work is for naught if not everyone has access. As lawyers and even as judges (because judges are still lawyers), we should always remember that this is a calling, not just a career. We do this for life, not for a living. Professionalism means giving back. It means being involved in your local bar and in your community. It means recognizing that, in a democratic society, no one is above the law and no one is beneath it. Everyone should have access to legal remedies and the courts.

The only way to make that a reality, especially in today's economy, is for lawyers to give their time. Lawyers must approach the profession with the mindset that we are here to serve. Judges must care more about justice than the title of judgeship. We must be willing to reach beyond our chambers and courtrooms to help foster confidence in our legal system. That requires transparency, accountability and a shared sense of responsibility.



In 2022, Justice John Michael Guidry spoke to Scotlandville Magnet School students about civics and Constitution Day as part of the Louisiana Judges and Lawyers in the Classroom program. Photo provided by the Louisiana Supreme Court.

Our democracy cannot survive without a free and independent judiciary that people trust. If the public feels they can't turn to the courts for help, we leave them with few other options. That's why access to justice must remain a core commitment for everyone in the legal profession.

I tell lawyers: Make money, but make a difference. Take time to give back. You've been afforded a great opportunity through your legal education and career. Service, especially through pro bono work, helps ensure that people have meaningful access to justice. And access to peaceful resolution of legal issues is vital to a functioning democracy.

Brad Tate / LBJ: You currently chair the Louisiana Supreme Court Technology Commission. How do you envision technology shaping the future of Louisiana's courts, and all courts after the pandemic fueled acceleration of remote proceedings in the age of AI?

Justice John Michael Guidry: I think

there's no going back. People now understand the role that technology can play in improving access to justice. Remote hearings and other tools help reduce costs, costs that would otherwise be passed on to clients. To the extent that we can use technology to serve the public more efficiently, we ought to use it. And as part of our professional responsibility, we must recognize that competence today includes not only substantive and procedural law, but also technological proficiency.

Judges, as gatekeepers, must understand what is being submitted to the courts. That includes developments in artificial intelligence. The concern with AI is the old saying: junk in, junk out. Some courts, like the U.S. Fifth Circuit, have explored requiring certification on whether AI was used in a submission. While that particular proposal wasn't adopted, other federal and state courts are considering similar measures. Lawyers need to remember that they are officers of the court, and they are ethically and professionally responsible for the materials they sign and submit,

regardless of whether AI was involved.

We've seen real-world examples where AI-generated briefs included nonexistent cases. That's not just a technical glitch, it's a failure in professional responsibility. Experienced lawyers may spot these issues quickly because of their in-depth knowledge in a particular area of law. Context matters. That's why lawyers must verify and review everything, especially when using AI tools. Before submitting anything, you must ensure it's accurate, complete and honest. That's fundamental to our ethical rules, and AI doesn't change that, it just heightens the need for vigilance.

Lawyers must stay competent in the technologies they choose to use. If we don't self-regulate, regulation will come from elsewhere, whether from the Supreme Court or the legislature. It's better that we address these challenges ourselves. Another aspect of this conversation is how technology may gradually displace, not necessarily replace, certain legal tasks traditionally performed by lawyers.

There will always be areas where the experience and judgment of a licensed attorney are irreplaceable. Not everything can or should be done through forms on automated platforms. That's where the courts and the legislature must play a gate-keeping role, balancing access, efficiency and professional standards.

As chair of the Supreme Court's Technology Committee, we are also addressing issues beyond AI, such as basic infrastructure. Not every court in Louisiana has the same technological capacity. In some parishes, electronic filing or even reliable internet access is still a challenge. We're working toward a system where every court, clerk of court and judge can communicate electronically, from the trial level all the way to the Supreme Court.

The goal is seamless, paperless records and filings statewide, where a lawyer in New Orleans or Bunkie can electronically file and access digital court records from any courthouse in Louisiana. That kind of uniformity saves time and money, which ultimately helps clients and improves access to justice. If a lawyer no longer has to drive across the state to file a pleading, that's a cost not passed on to the client.

The legislature has given us a technol-

ogy fund, and the Supreme Court is using it to prioritize the courts with the greatest need, starting with hardware, software and basic systems. We're gradually building out from there: strengthening district courts, investing in appellate courts and launching a new case management system at the Supreme Court. That benefits the entire state, because ultimately everything filters up to the high court. Without the Supreme Court being able to receive what comes through the system, the process breaks down.

So we're focused on building a modern, efficient judicial system that balances the needs of all Louisiana courts and supports access to justice in every corner of the state.

Brad Tate / LBJ: What motivated you to seek election to the Supreme Court?

Justice John Michael Guidry: Ultimately, one of the reasons I ran for the Louisiana Supreme Court was because of that unique path: I had practiced law, taught the law, made the law and, for 27 years, interpreted the law. I believed that perspective, and that life experience, could be of value to the state's highest court. When you're blessed with different opportunities, I think it's your duty to use them in service to others. That's why I stepped forward to serve, because I believed those past experiences could benefit the judiciary and the people of Louisiana.

When you've been given so much, you want to deposit as much of it as you can into students, new lawyers, and fellow judges. Serving on the Supreme Court gave me the opportunity to share that experience more broadly and work on issues that have long been important to me.

One example is domestic violence. Had I not been elected to the Supreme Court, I wouldn't have had the opportunity to offer the motion that passed and now requires all judges in Louisiana to receive mandatory domestic violence and trauma-informed training. That's the kind of policy impact that can happen more effectively at the Supreme Court level.

Similarly, I chaired the technology committee at the Court of Appeal and later served as chief judge. But now, as a member of the Supreme Court, I can help shape statewide judicial technology pol-

icy. I also have the ability to work more directly with the legislature when it's time to seek funding for the judiciary. My past experience and understanding of the legislative process help when we advocate for the resources we need.

Being both a law professor and a former chair of the Judicial College, I've also worked to strengthen the connection between legal education and judicial training. As a Supreme Court justice, I can continue building those partnerships and ensuring that our law schools, one of our greatest resources, are part of educating and preparing judges across the state.

Everything I've been involved in over the years, education, legislative service, appellate work, technology, pro bono, can now have a broader impact. I've served on pro bono committees and been involved in both local and specialty bars since the beginning of my legal career. But when a Supreme Court justice encourages lawyers to give back, that message can carry more weight. And I take that responsibility seriously.

So ultimately, transitioning to the Supreme Court has given me a greater platform to be of service, not just to the judiciary, but to the state as a whole. That's why I ran. It was about putting all those experiences to work for the greater good.

Brad Tate / LBJ: Looking back at your time on the bench so far, what has been the most rewarding aspect of being a judge?

Justice John Michael Guidry: I think the most rewarding aspect of being a judge is having the opportunity to truly do justice. Of course, we're constrained by the law as written by the legislature. We're constrained by standards of review and even in our civil tradition of *jurisprudence constante*, precedent still plays an incidental role. But at the end of the day, particularly on the Supreme Court, you have the opportunity to ensure that the rule of law is followed and that people have had their day in court. They may not always like the outcome, but at least they can say that, all the way up to the Louisiana Supreme Court, they had the chance to vindicate their rights as citizens. That's not something everyone gets to experience every

day, and it's something I take seriously.

I felt the same way when I was practicing law. To me, the most rewarding part of being a lawyer was serving as a voice for the voiceless, being able to speak truth. That was something I valued deeply during my time as a legislator as well: the opportunity to speak truth to power. That's one of the privileges of having a law degree and living in a country governed by the rule of law. You get the chance to effect justice and make a difference.

As a legislator, I was in the business of making policy. I don't get to do that anymore. But now, as a judge, I have the responsibility of ensuring that the policies enacted are interpreted and implemented properly. That transition has been meaningful, and I believe the ability to make a difference, especially for people who might otherwise go unheard, is the most rewarding part of my role.

As a justice of the Louisiana Supreme Court, my job is to interpret the law without bias, to be neither bought nor bossed, and to carry out my duties without fear or favor. That kind of judicial independence is something I value deeply. On the state's highest court, I have the privilege of helping ensure that people's legal matters are resolved fairly, with integrity. That's a good feeling and a freedom I truly enjoy.

Brad Tate / LBJ: Outside of your professional life, what interests or hobbies do you enjoy? How do you spend your free time?

Justice John Michael Guidry: As much time with family as I can. One of the things about public service, and I've noticed this even more on the Supreme Court, is that there are a lot of time commitments beyond performing your official duties. People expect you to be present in a lot of different places. So whenever I have an opportunity to break away and be with family, I take it. At the end of the day, family and friends are extremely important. You have to maintain a work-life balance, and I try to prioritize that as much as possible.

My son lives in Houston, and I try to get there as much as I can. My daughter is finishing her senior year at LSU, and she's still living at home, so I'm enjoying this time with her before she heads off to grad-



In 2011, Southern University Law Center professionalism orientation, included, from left, (then) Judge John M. Guidry, Terri Ricks, Judge Kirk A. Williams, Bertha I. Taylor, Travis A. Taylor and Cynthia N. Reed. Photo by LSBA staff.

uate school. My wife, who is currently a visiting professor at Southern University Law Center and is a retired deputy general counsel for the Department of Insurance, and I try to travel together, go to the movies, and spend as much time as possible doing things we enjoy as a family. My mother, who will always be my greatest hero, is 92 years old, and I am blessed to be able to spend quality time with her and other family members.

I also like getting outside and walking around my neighborhood for fresh air. I enjoy going to the movies, and I try to read as much non-legal material as I can, though there's not much time for that anymore. One of the biggest differences in transitioning to the Supreme Court is the amount of reading and administrative work. On the intermediate appellate court, I did more writing. Now, I do much more reading of writ applications to determine what I will write, and I also handle more administrative work, in addition to lawyer and judicial discipline matters.

When I get the chance to read something other than a brief, I really enjoy it. And I try to emphasize to lawyers during CLE programs that the practice of law is high-pressure and demanding. That makes it even more important to create a work-life balance. Don't lose sight of the things that matter, like your family, your health, your mental and emotional well-being. Finding time for those things isn't just nice - it's necessary.

Brad Tate / LBJ: Tell us about your family and how they have supported your legal career.

Justice John Michael Guidry: I have been extremely blessed with a loving and

supportive wife and two wonderful children. One of the sacrifices of public service is that you're often away from them. You're away from family, and that's never easy. But they've supported me emotionally every step of the way. And not only that, they've knocked on doors, put up signs, and done all the grassroots work that comes with campaigning. I've truly been blessed.

Still, I'm always conscious, especially when it comes to my wife and children, of making sure they never feel I valued public service more than I valued them. That means finding time for family outings, baseball games, football games, and dance recitals. Those moments have always been far more important than any title I've held. My role as a husband and father has always meant more to me than being a Supreme Court justice, a chief judge, or a legislator.

At the end of the day, family is what matters most. And I've been fortunate not only to have their support, but also to have a wife who's been present for our children when I had to be away, speaking to other people's children, trying to uplift and encourage them. Grace has always been there with ours. That's been one of my biggest concerns with public service, the time it takes from home. But I've been blessed to have a family that's understood and supported that commitment. And that's made all the difference.

Brad Tate / LBJ: I appreciate you taking the time to do this with us today.

Justice John Michael Guidry: Thank you. I appreciate the opportunity to participate in this interview and to share insights into my service on the court and commitment to the legal profession.

Nominating Committee to Meet Aug. 21 to Nominate President-Elect, Treasurer

The Nominating Committee of the Louisiana State Bar Association (LSBA) will meet on Thursday, Aug. 21, in New Orleans to nominate a president-elect for the 2026–27 term and a treasurer for the 2026–28 term. The president-elect will automatically assume the presidency in 2027–28.

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

According to the treasurer rotation, the nominee must have his/her preferred mailing address in Nominating Committee District 2 (parishes of Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Pointe Coupee, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana).

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

Election Schedule

For the 2025–26 election cycle, balloting will be conducted electronically only, as approved by the LSBA Board of Governors and provided for in the Association's Articles of Incorporation. No paper ballots will be provided.

The Nominating Committee report will be submitted to the Board of Governors on Saturday, Aug. 23.

On Monday, Sept. 15, notice of the action of the Nominating Committee and self-qualification forms for positions on the Board of Governors, LSBA House of Delegates, Nominating Committee,

Young Lawyers Division and American Bar Association House of Delegates will be provided to the membership.

Deadline for return of nominations by petition and qualification forms is Monday, Oct. 13. First election ballots will be available to members on Monday, Nov. 3. Deadline for electronically casting votes is Monday, Nov. 17.

Other Positions Open

Other positions to be filled in the 2025–26 elections are:

Board of Governors (three-year terms beginning at the adjournment of the 2026 LSBA Annual Meeting and ending at the adjournment of the 2029 LSBA Annual Meeting) — one member each from the First, Second, Third and Fifth Board Districts.

LSBA House of Delegates (two-year terms beginning at the commencement of the 2026 LSBA Annual Meeting and ending at the commencement of the 2028 LSBA Annual Meeting) — one delegate from each of the First through Nineteenth Judicial Districts, plus one additional delegate for every additional district judge in each district.

Nominating Committee (15 members, one-year terms beginning at the adjournment of the 2026 LSBA Annual Meeting and ending at the adjournment of the 2027 LSBA Annual Meeting) — District 1A, Orleans Parish, four members; District 1B, parishes of Plaquemines, St. Bernard and St. Tammany, one member; District 2A, East Baton Rouge Parish, two members; District 2B, Jefferson Parish, two members; District 2C, parishes of Ascension, Assumption, East Feliciana, Iberville, Lafourche, Livingston, Pointe Coupee, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, Terrebonne, Washington, West Baton

Rouge and West Feliciana, one member; District 3A, Lafayette Parish, one member; District 3B, parishes of Acadia, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Martin, St. Mary and Vermilion, one member; District 3C, parishes of Allen, Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry and Vernon, one member; District 3D, parishes of Bossier and Caddo, one member; and District 3E, parishes of Bienville, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Red River, Richland, Tensas, Union, Webster, West Carroll and Winn, one member.

Young Lawyers Division Secretary (2026–27 term), nominee shall not be a resident of or actively practicing law in the parishes of Orleans, Jefferson, St. Bernard or Plaquemines, based on preferred mailing address. Petitions for nomination must be signed by 15 members of the Young Lawyers Division. Also to be elected, one representative each from the First, Second, Third, Fifth and Seventh districts (two-year terms).

American Bar Association House of Delegates (must be members of the American Bar Association) — two delegates from the membership at large plus one young lawyer delegate. The delegates will serve a two-year term, beginning with the adjournment of the 2026 ABA Annual Meeting and expiring at the adjournment of the 2028 ABA Annual Meeting, as provided in Paragraph 6.4(e) of the ABA Constitution.

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

LBLS Accepting Applications for Business Bankruptcy Law and Consumer Bankruptcy Law Certification through Sept. 30, 2025

The Louisiana Board of Legal Specialization (LBLS) is accepting applications for board certification in business bankruptcy law and consumer bankruptcy law through Sept. 30, 2025. 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 (ABC) – attorneys should apply for LBLS approval simultane-

ously with the testing agency in order to avoid delay of board certification by LBLS. Links to further information regarding testing by the American Board of Certification can be found on the LBLS webpage at <https://www.lsba.org/Public/LawyerSpecialization.aspx>. To receive an application for board certification, contact Specialization Director Mary Ann Wegmann at (504)619-0128, (800)421-5722 or email maryann.wegmann@lsba.org.

Reminder: MCLE Compliance Deadline is Dec. 31, 2025

The deadline for earning mandatory continuing legal education credits is Dec. 31, 2025. The deadline for filing those credits or an exemption is Jan. 31, 2026.

For the 2025 compliance period ending Dec. 31, 2025, the limitation for computer-based CLE credits is set at 4 hours annually (as defined in Rule 3(d) of LASC Rule XXX). This includes interactive live webcasts, webinars and on-demand recordings.

Louisiana State Bar Association members may review their transcripts online at www.lsba.org/MCLE/MCLETranscriptsV4.aspx. Members are encouraged to check their records throughout the year to keep track of their compliance needs. Compliance deadline email reminders will be sent periodically throughout the calendar year from the email address, compli-

ance@lsbamembership.com.

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

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

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

Board of Governors Approves FY 2025- 2026 Budget

The 2025-2026 Louisiana State Bar Association's Board of Governors, at its meeting on June 6, finalized and approved the FY 2025-2026 budget as preliminarily approved and recommended by the Budget Committee. Review the Budget Expenditure Update online at: www.lsba.org/documents/BOG/BudgetExpenditure.pdf.

Amendments to LBLS Appellate Practice Standards Approved by HOD and BOG

The LSBA House of Delegates (HOD) at their June 5, 2025, annual meeting approved a Resolution of the Louisiana Board of Legal Specialization (LBLS), that was presented by LBLS Vice Chair Richard K. Leefe. LBLS's Resolution amended the Appellate Practice Standards to clarify that an appellate matter is a single appeal or writ application, unless multiple appeals or writs are briefed and decided at approximately the same time. LBLS's Resolution also added a footnote that the LBLS Board may waive the requirement that one (1) of five (5) references be from a Board Certified Appellate Practice Specialist until there are a sufficient number of Board Certified Appellate Practice Specialists.

By unanimous vote on June 6, 2025, the LSBA Board of Governors (BOG) ratified and approved the LBLS Resolution. www.lsba.org/documents/HOD/June25res2.pdf.

Copies of the amended LBLS Appellate Practice Standards may be downloaded from the LBLS website at Appellate Practice www.lsba.org/Specialization/AppellatePractice.aspx?Area=Standards

For more information or questions, contact LBLS Specialization Director Mary Ann Wegmann at maryann.wegmann@lsba.org.

LSBA Honors Louisiana Pro Bono Work

The Louisiana State Bar Association (LSBA) held its annual Pro Bono Publico & Children's Law Awards Ceremony on May 20 at the Louisiana Supreme Court in New Orleans. All of the justices presided over the ceremony from the bench in an official court session to demonstrate their support for pro bono.

Following welcoming remarks by 2025-26 Louisiana State Bar Association (LSBA) President Edward J. Walters, Jr. and Louisiana Bar Foundation Vice President Michael J. Mestayer, Chief Justice John L. Weimer commended the award recipients for going above and beyond their professional duties to ensure access to legal services for low-income Louisianans, calling them "shining stars in the galaxy of the legal profession."

2025 David A. Hamilton Lifetime Achievement Award

Justice John Michael Guidry, New Orleans, has dedicated more than 27 years to the Louisiana judiciary, including over 25 years on the First Circuit Court of Appeal. A former legislator, assistant parish attorney and private practitioner, he has long championed access to justice, pro bono service and judicial education. He currently chairs the Louisiana Supreme Court's Technology Commission and serves on the domestic violence faculty for the Louisiana Protective Order Registry. On Jan. 1, 2025, he became the 117th associate justice of the Louisiana Supreme Court and only the fourth African American to hold that position in the court's 212 year history.

2025 Career Public Interest Award

Talya Bergeron, directing attorney of Southeast Louisiana Legal Services' Baton Rouge office, has dedicated her career to serving vulnerable clients in family law, domestic violence, and child welfare cases. A graduate of LSU and Southern University Law Center, she is active in numerous legal organizations, including the LSBA Access to Justice Committee and the Baton Rouge Bar Association. Bergeron is a commit-

ted advocate for survivors of abuse and a leader in pro bono and diversity efforts statewide.

2025 Children's Law Awards

The Pelican Center for Children and Families, based in Zachary, is a nonprofit that provides cross-disciplinary training and technical assistance in child welfare, working closely with the Louisiana Court Improvement Program. Its mission is to improve outcomes for children in or at risk of entering foster care by promoting safety, permanency, and well-being through initiatives such as practice guides, statewide conferences, and collaborative forums.

Hon. Jennifer Guillot Womble, elected to the Jefferson Parish Juvenile Court in 2023, has long championed child advocacy, beginning as a CASA volunteer while at Tulane University. A Tulane Law graduate and former public defender, she has represented thousands in Child in Need of Care and delinquency cases, and has guided families through hundreds of adoptions. She is a certified National Child Welfare Specialist and a fellow of the American Academy of Adoption Attorneys.

2025 Pro Bono Publico Awards

Regina Bartholomew-Woods of New Orleans is assistant general counsel at Entergy and a retired appellate and district court judge. She volunteers at the Self Help Resource Center, provides pro bono legal aid to nonprofits, and participates in FreeLegalAnswers.org, all while staying active in civic life.

Butler Snow LLP of Baton Rouge has shown steadfast commitment to pro bono service, supporting succession cases, hosting LSBA interns, and contributing more than \$2 million in legal services in 2024 alone under the leadership of attorney Adam Parker.

Steven J. Farber, general counsel for the Metropolitan Human Services District, provides pro bono notarial services to underserved families and funeral providers. He is active in regional justice



Chief Justice John L. Weimer delivers welcome remarks at the 2025 Children's Law and Pro Bono Awards on May 20 at the Louisiana Supreme Court. Photo by Matthew Hinton Photography.

efforts and the Greater New Orleans Human Trafficking Taskforce.

Leonid Grinberg of Baton Rouge is deputy general counsel at Arbol Inc. and a committed volunteer with Southeast Louisiana Legal Services, where he handles complex landlord-tenant matters and supports eviction defense efforts.

Jessica L. Karr of Covington focuses her legal practice on real estate, family law, and adoptions. She has consistently provided pro bono legal support to domestic violence survivors and is active in community outreach and leadership roles.

Heidi Kemple Martin of Shreveport offers pro bono family law services, drafts wills for first responders, and teaches free community workshops. She also volunteers monthly at Ask-A-Lawyer clinics and serves in leadership roles within the Shreveport legal community.

Taneisha Wylette Riggs of Lafayette, a solo criminal defense attorney, is dedicated to access to justice. She volunteers with the Lafayette Bar Foundation and Wills for Heroes, helping low-income families and first responders with legal needs.

Randal J. Robert of Baton Rouge, a veteran attorney and partner at Butler Snow, returned to pro bono work in 2024, taking on probate and succession cases for clients in need, reflecting his deep commitment to service and mentorship.

LaKendra D. Sampson of Prairieville, founder of her own firm, integrates pro bono



Pro Bono award recipients with, from left, Justice John Michael Guidry, Justice Jay B. McCallum, Justice Jefferson D. Hughes, Chief Justice John L. Weimer, Justice William J. Crain, Justice Piper D. Griffin and Justice Cade R. Cole. Photo by Matthew Hinton Photography.

service into her family law and succession practice. She volunteers through the Baton Rouge Bar Association and remains dedicated to making legal help accessible to all.

Amber Sheppard of Slidell is an attorney and disability advocate who founded a therapy dog program for vulnerable court participants. Alongside her service dog Tubbs, she promotes neurodiversity, legal education, and access to justice through volunteering, writing, and public outreach.

2025 Friend of Pro Bono Awards

Ascension Parish Assessor's Office in Donaldsonville, led by Assessor Mert Smile, partnered with Southeast Louisiana Legal Services and the LSBA to help families preserve their property and retain Homestead Exemptions—protecting generational homes and easing tax burdens in underserved communities.

Chris Ortte of Lafayette, founding partner at Person & Ortte, is recognized for championing pro bono fundraising through the Lafayette Bar Association's Golf Tournament. His commitment to service reflects a firm-wide dedication to giving back to the legal community.

Wendy M. Riley, a litigation paralegal at Entergy in New Orleans, is a driving force behind the company's pro bono efforts. From leading Free Legal Answers teams to volunteering at the Self-Help Resource Center, she brings energy, compassion, and leadership to every cause.

2025 LA.FreeLegalAnswers Award

Gregory L. Landry of Lafayette, retired executive director of Acadiana Legal Service Corporation, has dedicated his

career to public interest law and access to justice. Since retiring, he has contributed over 500 hours of pro bono service and continues to serve on numerous legal and nonprofit boards.

2025 Lawyers in Libraries Award

Daniel Wayne Nodurft of Chalmette is a sole practitioner focused on personal injury, medical malpractice, construction, and collections. A Loyola Law graduate, he has long provided legal support to those in need and has expanded his impact by volunteering with the Lawyers in Libraries program to assist underserved communities.

2025 Law Student Pro Bono Awards

Laura Derbonne, a 2025 graduate of Tulane Law, completed over 1,000 pro bono hours with five local and international organizations, including the Orleans Public Defenders and the Space Court Foundation. This fall, she joins the maritime practice group at Palmer Biezup & Henderson in Philadelphia.

Marcus Moses, a 3L at Loyola New Orleans, has volunteered with The Pro Bono Project, United Way, and other community organizations. Honored as The Pro Bono Project's 2024 Outstanding Law Student, he helped launch their Northshore location while preparing for a legal career in energy and service.

Raegan Nguyen, a recent LSU Law graduate, served as Pro Bono Chair for the Public Interest Law Society and led student expungement efforts with the YWCA. She also worked with the Pelican Center on judicial resources and programs supporting

at-risk youth.

Destiny Singleton, a Southern University Law Center graduate, served as a teaching assistant and interned with both the LSBA and Baton Rouge Bar Association. She plans to pursue a career in criminal litigation focused on justice reform and equitable legal representation.

2025 Pro Bono Century Club Awards

Recipients are Dana D. Atchison, New Orleans; W. Scott Brown, New Orleans; Jack Isaac Primack, Ponchatoula; Taneisha Wylett Riggs, Lafayette; and Hugh R. Straub, New Orleans.

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



LSBA 2025-2026 President Edward J. Walters, Jr., ATJ Commission member Alainna R. Mire and Access to Justice Director Monte T. Mollere at the 2025 Children's Law and Pro Bono Awards on May 20 at the Louisiana Supreme Court. Photo by Matthew Hinton Photography.

2025 LSBA ANNUAL MEETING & LJC / LSBA JOINT SUMMER SCHOOL



Chief Justice John L. Weimer administers the oath of office to the 2025-26 Board of Governors. Photo by Matthew Hinton Photography.

LSBA Installs 2025-26 Officers and Board of Governors

The Louisiana State Bar Association's (LSBA) 2025-26 officers and members of the Board of Governors were installed June 1 at a ceremony at the LSBA's Annual Meeting in Destin, Fla. Louisiana Supreme Court Chief Justice John L. Weimer and Hon. Darrel J. Papillion of the U.S. District Court Eastern District of Louisiana administered the oaths of office.

Edward J. Walters, Jr., a partner in the Baton Rouge law firm Walters, Thomas, Cullens, LLC, was installed as the 85th LSBA president (2025-26 term). The oath of office was administered by Hon. Darrel J. Papillion of the U.S. District Court Eastern District of Louisiana.

Curtis R. Joseph, Jr., a partner in the Shreveport law firm Blanchard, Walker, O'Quin & Roberts, APLC, was installed as the 2025-26 president-elect. He will assume the presidency in 2026-27.

Bradley J. Tate, an attorney at Sternberg, Naccari & White, LLC, in New Orleans, is beginning his two-year term as secretary. He also serves as editor of the Louisiana Bar Journal, the LSBA's magazine published six times a year.

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

Patrick A. Talley, Jr., a partner in the New Orleans office of the law firm Phelps, will continue his service to the LSBA as the 2025-26 immediate past president.

Collin R. Melancon, a partner/owner of Mansfield Melancon Injury Lawyers in New Orleans, was installed as 2025-26 chair of the LSBA Young Lawyers Division.

Members of the 2025-26 Board of Governors were installed by Chief Justice John L. Weimer.

First District

- **Graham H. Ryan**, a partner in the New Orleans office of the law firm Jones Walker, LLP.
- **Lindsey A. Cheek**, the founding attorney of The Cheek Law Firm LLC in New Orleans.

Second District

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

Third District

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

Fourth District

- **Todd S. Clemons**, the founder of Todd Clemons & Associates in Lake Charles.



The Louisiana State Bar Association's 2025-26 officers and members of the Board of Governors. Front row, from left: Curtis R. Joseph, Jr., Lindsay A. Cheek, Sen   D. Hall, Edward J. Walters, Jr., Patrick A. Talley, Jr., Melanie W. Chatagnier, Bradley J. Tate, C.A. (Hap) Martin III, Tina L. Suggs. Back row, from left: G. Trippe Hawthorne, Barry M. Barnett, Todd S. Clemons, Collin R. Melancon, Larry E. Pichon, Amy J. Miller, Shannon Seiler Darte  , John M. Church and Christopher K. Jones. *Photo by Matthew Hinton Photography.*

Fifth District

- **Kelly M. Rabalais**, vice president of communications and strategy for St. Tammany Health System in Covington.
- **Christopher K. Jones**, a partner in the Baton Rouge firm of Keogh Cox.

Sixth District

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

Seventh District

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

Eighth District

- **Sen   D. Hall**, an assistant district attorney in the Caddo Parish District Attorney's Office in Shreveport.

At-Large Members

- **L. Bradley Hancock**, the executive partner in the Houston, TX, office of the law firm Holland & Knight, LLP.
- **Tina L. Suggs**, managing attorney at State Farm Insurance Company's Claims Litigation Counsel Office in Metairie.
- **Daniel A. Cavell**, a partner in the Thibodaux law firm Morvant & Cavell, LLC.

LSU Paul M. Hebert Law Center/ Faculty Representative

- **Prof. John M. Church**, a Professor of Law at Louisiana State University (LSU) Paul M. Hebert Law Center in Baton Rouge.

Tulane University Law School/Faculty Representative

- **Prof. Ronald J. Scalise, Jr.**, the John Minor Wisdom Professor of Civil Law at Tulane University Law School in New Orleans.

Louisiana State Law Institute Representative

- **G. Trippe Hawthorne**, an attorney at Kean Miller in Baton Rouge.

House of Delegates Liaison Committee.

- **Chair, Shannon Seiler Darte  **, an attorney with the Glenn Armentor Law Corporation in Lafayette.
- **Member, Aaron R. Wilson**, an attorney in Wilson & Wilson, APLC, in Bossier City.
- **Member, Larry E. Pichon**, a solo practitioner in Lake Charles.



Edward J. Walters, Jr., 2025-26 LSBA President, is presented with the ceremonial gavel by Patrick A. Talley, Jr., 2024-25 LSBA President. *Photo by Matthew Hinton Photography.*



JUNE 1-6, 2025

Good Vibrations

Awards Presented to Members at LSBA Annual Meeting

LSBA President's Awards



(From left to right) J. Christopher Zainey, Jr., Monica Hof Wallace, Adam P. Johnson, and Shannon Seiler Dartez recieved the LSBA President's Award presented by Patrick A. Talley, Jr. (center), 2024-25 LSBA President, during the 2025 General Assembly. Photo by Matthew Hinton Photography.

Five LSBA members received 2025 President's Awards. Recipients were chosen by 2024-25 LSBA President Patrick A. Talley, Jr. and were recognized for services to the association. Recognized were attorney **Shannon Seiler Dartez** of Lafayette, attorney **Adam P. Johnson** of Lake Charles, attorney **Graham H. Ryan** of New Orleans, attorney **Monica Hof Wallace** of New Orleans, and attorney **J. Christopher Zainey, Jr.** of New Orleans.

Dartez was recognized for her leadership as chair of the Task Force to Study the House of Delegates and her overall support of the president and the LSBA. She practices with the Glenn Armentor Law Corporation in

Lafayette and earned her BA in 1990 and JD in 1994 from LSU. She was admitted to practice in Louisiana in 1994. Dartez is a member of the LSBA House of Delegates, currently serving as chair of the House of Delegates Liaison Committee to the Board of Governors. She also served on the Louisiana State Bar Association's (LSBA) Board of Governors as the Third Board District representative from 2002-05 and 2017-20. She is a member of the LSBA's Insurance Committee, previously chairing the Group Insurance Committee.

Johnson was recognized for his leadership as chair of the Artificial Intelligence Task Force and his exceptional support of the President and the

LSBA. A partner at The Johnson Firm in Lake Charles, he earned a BS in business management from LSU in 2006 and a JD from Southern University Law Center in 2009. After clerking for Judges Wyatt and Ware, he joined his father and brother in practice; he and his brother now run the firm, focusing on family, criminal defense, and personal injury law. Johnson served in the LSBA House of Delegates, co-chaired Leadership LSBA (2014-15), and represented District 4 in the Young Lawyers Division (2015-19). He writes the Criminal Law section of the Louisiana Bar Exam and is a past president of both the SWLBA and its Young Lawyers Division.

Ryan was recognized for his leadership as chair of the Strategic Planning Committee and his support of the LSBA President. A partner at Jones Walker LLP in New Orleans, he handles complex commercial litigation, appeals, arbitration, and regulatory matters for clients in industries such as tech, banking, energy, and healthcare. He graduated summa cum laude in business finance from LSU, earned his JD from LSU Paul M. Hebert Law Center (Louisiana Law Review), and completed the Harvard Law School Program on Negotiation. A former judicial extern for the Louisiana Supreme Court, Ryan has served on the LSBA Board of Governors, chaired the LSBA YLD, and was a delegate to the ABA House of Delegates. He participated in Leadership LSBA (2014-15) and has served on the LSBA's Access to Justice, MCLE, and CLE Committees. He also held roles with the Louisiana State Law Institute and the Louisiana Center for Law and Civic Education.

Wallace was recognized for her leadership in organizing the Loyola Ainsworth Lecture featuring U.S. Supreme Court Justice Amy Coney Barrett and for her support of the LSBA President. She is the Dean Marcel Garsaud, Jr. Distinguished Professor of Law at Loyola University New Orleans College of Law, where she has taught since 2002 after practicing at Correro Fishman Haygood. A top graduate of Loyola Law, she served on the Law Review and chaired the Moot Court Program. She clerked for Judge Jacques L. Wiener, Jr. (5th Circuit) and Judge Barry Ted Moskowitz (Southern District of California). A frequent speaker and author on family law and related fields, she also developed and directed the Loyola Advocacy Center. Wallace is active in the LSBA, Louisiana State Law Institute, and St. Thomas More Inn of Court, and is a Fellow of the Louisiana Bar Foundation and Educating Tomorrow's Lawyers. She serves on the Louisiana Youth Seminar board and has received multiple awards for teaching, scholarship, and service.

Zainey was recognized for his leadership as chair of the Judges and Lawyers Assistance Program Task Force on Wellness in the Legal Profession and his support of the LSBA President. A partner at Lambert Zainey Smith & Soso, PLC in New Orleans, he clerked for Judge James J. Brady (U.S. District Court, Middle District of Louisiana) after graduating from Loyola Law in 2008. His practice centers on maritime and Jones Act cases, wrongful death, catastrophic injury, and complex tort litigation. Zainey chairs the LSBA's Insurance, Tort, Workers' Compensation and Admiralty Law Section and has served on the Board of Governors, Nominating Committee, and House of Delegates. He regularly presents at the LSBA Annual Meeting and Admiralty Law Symposium and lectures for organizations such as the Louisiana Association for Justice (Board of Governors), Federal Bar Association (Board of Directors), Loyola Law, Tulane Law, and LSU's trial advocacy program.

Distinguished Service to the Profession Award



Monte T. Mollere is presented with the Distinguished Service to the Profession Award by Patrick A. Talley Jr., 2024-25 LSBA President. Photo by Matthew Hinton Photography.

Monte T. Mollere of Luling received the 2025 Distinguished Service to the Profession Award.

Mollere was recognized for his longstanding commitment to the LSBA and his leadership as director of its Access to Justice Department, a role he has held for over 25 years. Working with justice community providers across Louisiana, he has expanded resources for those with legal needs and helped establish the Louisiana Access to Justice Commission, a Supreme Court-created body focused on ensuring justice for all. He collaborates with civil and criminal legal services stakeholders through LSBA committees and statewide initiatives. Mollere earned a BA in accounting from LSU and a JD from Loyola University College of Law. Before joining the LSBA, he practiced at Southeast Louisiana Legal Services in Hammond. He is a member of the American Bar Association, the National Legal Aid and Defenders Association, and the National Association of Pro Bono Professionals.



JUNE 1-6, 2025

Good Vibrations

Awards Presented to Members at LSBA Annual Meeting



Associate Justice John M. Guidry is presented with the Chief Justice Bernette Joshua Johnson Trailblazer Award. Photo by Matthew Hinton Photography.

Chief Justice Bernette Joshua Johnson Trailblazer Award

Associate Justice John Michael Guidry of Baton Rouge received the 2025 Chief Justice Bernette Joshua Johnson Trailblazer Award.

Guidry is the fourth African American elected to the Louisiana Supreme Court and was the first African American chief judge of the Louisiana 1st Circuit Court of Appeal, only the second African American judge elected to that court. Committed to justice, diversity, and inclusion, he previously served in the Louisiana House (1991–93) and Senate (1993–97). Early in his legislative career, he joined efforts to support a federal consent decree establishing minority judgeships and later filed legislation creating two minority seats on the Baton Rouge City Court. He also championed access to justice programs. Since joining the judiciary in 1997, Justice Guidry has served on pro bono and domestic violence committees and frequently presents on legal ethics and professionalism. He regularly speaks at schools, churches, and community events to educate the public about the legal system and civic engagement.

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

Judge Bruce E. Hampton of Farmerville received the 2025 Louisiana Center for Law and Civic Education's Judge Benjamin Jones Judges in the Classroom Award.

Hampton, Third Judicial District, earned a Bachelor of Science in Finance, cum laude, at Louisiana Tech University; his JD, magna cum laude, from Tulane University Law School; and LLM in taxation from Southern Methodist University School of Law. He has been licensed to practice law in Louisiana since 1981. Before being elected district judge in 2018, he maintained a private law practice in Farmerville since 1991. Additionally, he served as assistant district attorney for the 3rd Judicial District for 18 years and as a public defender for the 3rd Judicial District for nine years. Judge Hampton is chair of the Judiciary Commission of Louisiana and is currently serving as secretary of the Louisiana District Judges Association, a member of the Louisiana State Law Institute, the American Judges Association, and the Supreme Court Task Force on Judges in the Classroom/Students in the Courtroom. He often speaks at seminars for judges and attorneys on the subject of ethics and frequently speaks on various legal topics to civic organizations and students from third grade to college as an active participant in the Judges in the Classroom Program.



Judge Bruce E. Hampton is presented with the 2025 Louisiana Center for Law and Civic Education's Judge Benjamin Jones Judges in the Classroom Award. Photo by Matthew Hinton Photography

Awards Presented to Members at LSBA Annual Meeting

Guardian of Diversity Award

The **Baton Rouge Louis A. Martinet Legal Society, Inc.** in Baton Rouge received the 2025 Guardian of Diversity Award.

Established in 1957, the **Louis A. Martinet Legal Society, Inc.** honors the legacy of Louis André Martinet, a pioneering African American attorney who played a pivotal role in challenging segregation laws in Louisiana. Louis A. Martinet Legal Society, Inc. is a diverse and inclusive organization composed of attorneys of varying genders, religions, ages, creeds and national origins. Recent initiatives include organizing town hall meetings, Black History Month programs, and a Women's History Month luncheon to foster dialogue and celebrate diversity. The chapter has also conducted Continuing Legal Education sessions on juvenile justice and eviction law, promoted mental health awareness among attorneys, and provided pro bono services to underserved populations. In addition to legal education and advocacy, the society is active in youth and community engagement. Members have participated in elementary school reading initiatives and judged high school and law school mock trial competitions. The chapter also hosts annual community events, including Christmas toy drives and women's concealed handgun training courses.



The **Louis A. Martinet Legal Society** is presented with the 2025 Guardian of Diversity Award. Photo by Matthew Hinton Photography.

Stephen T. Victory Memorial Award

Bradley C. Guin, of Baton Rouge, received the 2025 Stephen T. Victory Memorial Award, recognizing outstanding contributions to the Louisiana Bar Journal, the LSBA's magazine. He was recognized for his article, "Ethical Considerations When Applying for TROs," published in the April/May 2025 issue of the magazine.

Guin is an attorney at law in the Shreveport area. Brad received his Juris Doctor and Diploma in Comparative Law from the LSU Paul M. Hebert Law Center. He is a member of the Baton Rouge Bar Association Publications Committee and a prior recipient of the LSBA Young Lawyers Division Top 40 Award.



Bradley C. Guin is presented with the 2025 Stephen T. Victory Memorial Award. Photo by Matthew Hinton Photography.

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

Georgia D. Chadwick of New Orleans received the 2025 John A. "T-Jean" Hernandez III Memorial Award, presented for achievements in Francophone leadership.

A longtime advocate for legal scholarship and access to information, **Chadwick** currently serves on the Louisiana Supreme Court Historical Society's Bicentennial Steering Committee for the 1825 Civil Code, helping organize lectures highlighting the Code's development and



Georgia D.C hadwick the influential role of jurists of French heritage. Chadwick served as director of the Law Library of Louisiana from 2007 to 2016, concluding a nearly 40-year career in legal information. She began her tenure there in 1978, holding key roles including associate director, head of technical services, and documents librarian. Her earlier experience includes positions at law firms in New Orleans, Washington, D.C., and Dallas, as well as roles at the University of Texas, Southern Methodist University, and the Law Library of Louisiana. Chadwick holds a Master of Arts in Librarianship from the University of Denver and a B.A. in sociology from Tulane's Newcomb College.



JUNE 1-6, 2025

Awards Presented to Members at LSBA Annual Meeting



Thomas M. Hayes III is presented with the Curtis R. Boisfontaine Trial Advocacy Award. Photos by Matthew Hinton Photography.

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

Thomas M. Hayes III of Monroe received the 2025 Louisiana Bar Foundation's Curtis R. Boisfontaine Trial Advocacy Award.

Hayes earned a BA with honors from the University of the South in 1974 and a JD from LSU Paul M. Hebert Law Center in 1978. He practiced civil litigation in state and federal courts with Hayes, Harkey, Smith & Cascio in Monroe until 2023. Now a full-time mediator and arbitrator with The Patterson Resolutions Group, he completed mediation training at Pepperdine's Straus Institute in 2015. A member of the Louisiana State Law Institute for over 25 years, Hayes currently serves as chair and immediate past president, and sits on several key committees. He chaired a legislative task force on e-filing and records retention in 2022-23. Hayes is a two-term LSBA Board of Governors member and former breximiner for the Louisiana Supreme Court Committee on Bar Admissions. He is a fellow and former regent of the American College of Trial Lawyers and a fellow of the International Academy of Trial Lawyers. He is also a past president of several organizations, including the 4th Judicial District Bar Association and the Fred J. Fudickar Jr. American Inn of Court.



Hon. Brian A. Jackson is presented with the Catherine D. Kimball Award by Patrick A. Talley, Jr., 2024-25 LSBA President. Photo by Matthew Hinton Photography.

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

Hon. Brian A. Jackson of Baton Rouge received the 2025 Catherine D. Kimball Award for Advancement of the Administration of Justice.

Jackson is being honored for over four decades of distinguished public service across Louisiana, California, and Washington, D.C. Appointed by President Barack Obama in 2010, he served as chief judge of the U.S. District Court for the Middle District of Louisiana from 2011 to 2018. A graduate of Xavier University, he earned his JD from Southern University Law Center (editor-in-chief, Law Review) and an LL.M. from Georgetown. He spent over 16 years with the U.S. Department of Justice, including roles as Assistant U.S. Attorney, Associate Deputy Attorney General, and U.S. Attorney for the Middle District of Louisiana. In 2002, he joined Liskow & Lewis as a partner, leading its white collar defense group. Jackson is a fellow of the American College of Trial Lawyers and a member of the Federal Judges Association and National Association of Former U.S. Attorneys. He has served on the Louisiana Bar Admissions Committee and was appointed by Chief Justice John Roberts in 2013 to the Judicial Resources Committee of the U.S. Judicial Conference.

Awards Presented to Members at LSBA Annual Meeting

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

Joseph T. D. Tran of Metairie received the 2025 LSBA Young Lawyers Division's Bat P. Sullivan, Jr. Chair's Award.

Tran was recognized for his leadership with the LSBA Young Lawyers Division's Wills for Heroes Program. He is associate general counsel at LAMMICO, focusing on intellectual property, health and insurance law, cybersecurity, and artificial intelligence. A CIPP/US, he holds a BS in mechanical engineering from LSU and a JD from Loyola University New Orleans College of Law. Admitted to

practice in Louisiana in 2016, he is also registered before the U.S. Patent and Trademark Office. Tran chairs the LSBA Minority Involvement Section (2024), serves on the Louisiana Bar Journal Editorial Board, and was co-chair of Leadership LSBA (2022–23). He's a former ABA YLD delegate and sits on the Jefferson Bar Association YLD board. He also serves on the executive boards of the Louisiana Asian Pacific American Bar Association and the Vietnamese American Bar Association, and is active in IAPP, ACC, and MPLA.



Joseph T. D. Tran is presented with the 2025 Bat P. Sullivan Chair's Award by Kristen D. Amond, 2024-25 YLD Chair.

LSBA Young Lawyers Division's 2025-26 Officers, Council Installed



The Louisiana State Bar Association Young Lawyers Division's 2025-26 officers and council. Front row, from left: Ashley U. Johnson-Firven; Taylor B. Ashworth; Rachal Cox Cassagne; Collin R. Melancon; Kristen D. Amond; Christopher J. Sellers, Jr.; Jennifer G. Lampton. Back row, from left: Jared E. Nelson; Joseph T. D. Tran; Jasmine C. Cooper; Josef P. Ventulan; Mary Catherine Joiner; Brad W. Cranmer; Andrew A. Maberry and Margaret L. Manning. Photo by Matthew Hinton Photography.



2025 LSBA ANNUAL MEETING & LJC / LSBA JOINT SUMMER SCHOOL

LSBA Young Lawyers Division's 2025-26 Officers, Council Installed

The Louisiana State Bar Association Young Lawyers Division's (LSBA YLD) 2025-26 officers and Council were installed June 5 at the LSBA Annual Meeting in Destin, Fla. Louisiana Supreme Court Chief Justice John L. Weimer administered the oath of office.

Collin R. Melancon, a partner/owner of Mansfield Melancon Injury Lawyers in New Orleans was installed as 2025-26 YLD chair.

Other officers sworn in include:

- Chair-Elect **Christopher J. Sellers, Jr.**, an Assistant Vice President & Associate General Counsel at Ochsner Health in New Orleans.
- Secretary **Rachal Cox Cassagne**, an assistant United States attorney for the U.S. District Court, Eastern District of Louisiana, in New Orleans.
- Immediate Past Chair **Kristen D. Amond**, an attorney in New Orleans at Kristen Amond LLC.

Installed as members of the 2025-26 YLD Council were:

District 1: Jennifer Gordon Lampton, research attorney for Judge Nakisha Ervin-Knott, 4th Circuit Court of Appeal, Division A, New Orleans; and **Margaret L. Manning**, an associate at-

torney at Stanley Reuter Alford Owen Munson & Paul, LLC in New Orleans.

District 2: Christina K. Guzman, an associate attorney at Jeffrey Hufft, Attorney at Law, LLC, Metairie; and **Andrew A. "Andy" Maberry**, an associate attorney in the Law Office of Glenn C. McGovern, in Metairie.

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

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

District 5: Brad W. Cranmer, a partner in the Baton Rouge office of the law firm Mansfield, Melancon, Cranmer & Dick, LLC; and **Mary Catherine Joiner**, an associate attorney with the Baton Rouge office of Bradley Murchison Kelly & Shea LLC.

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

District 7: Jana Robinson Tuma, legal counsel of U.S. Operations at Drax, based in Monroe.

District 8: Jasmine C. Cooper, an assistant district attorney for the Caddo Parish District Attorney's Office in Shreveport.

At-Large Representative: Josef P.



2025-26 YLD Chair Collin R. Melancon receives the gavel from 2024-25 YLD Chair Kristen D. Amond. Photos by Matthew Hinton Photography.

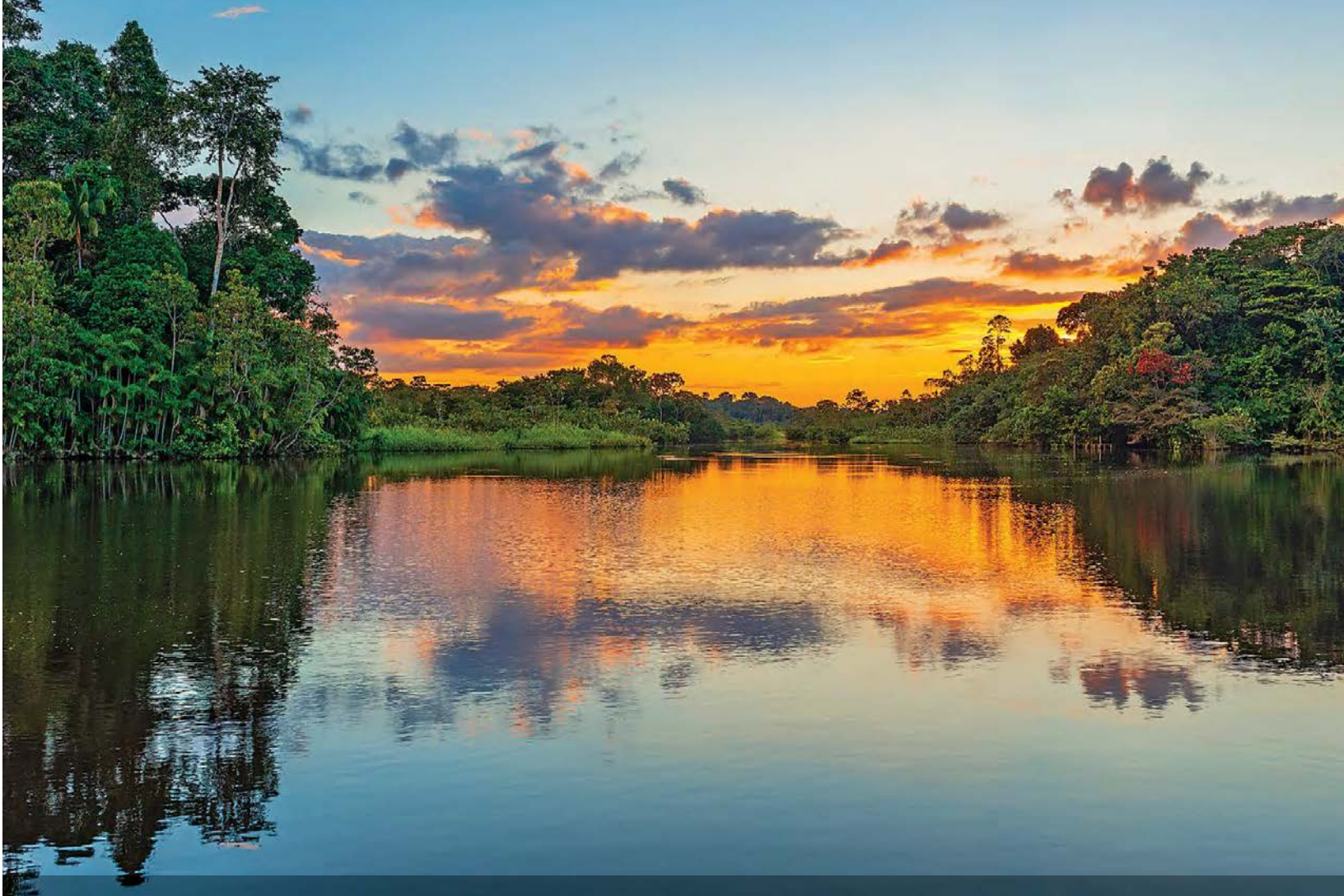
Ventulan, an attorney with the Louisiana State Law Institute in Baton Rouge.

American Bar Association Young Lawyers Division Representative: Joseph T.D. Tran, an associate general counsel for LAMMICO, based in Metairie.

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



Chief Justice John L. Weimer administers the oath of office to the 2025-26 YLD Officers and Council. Photo by Matthew Hinton Photography.



PERRY DAMPF

DISPUTE SOLUTIONS

World-Class Dispute Resolution, Right Here at Home.

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

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



PROFESSIONALISM IS NOT OPTIONAL

I recently read an article from the American Bar Association summarizing a panel discussion during its 2024 Annual Meeting in Chicago. The panel tackled several topics including, most notably, mental health and personal issues facing attorneys ultimately leading to both personal and professional problems. While this topic has been, and continues to be, broached in CLEs and other legal presentations and conferences nationwide (as it should be), the focus ordinarily turns to ways attorneys can cope and manage their practice in order to maintain good physical and mental health. Unquestionably, that is an important component of the discussion and should remain at the forefront. But what is generally not highlighted is how attorneys' mental health and personal issues and professionalism affect each other.

On the one hand, mental health and personal issues bear significantly on how attorneys interact. Indeed, such issues affect professionals in every type of career. However, when coupled with litigiousness or a client's problems, attorneys may tend to take out their issues on opposing counsel—especially where the lion's share of communications between counsel are by email. I have seen numerous examples of late-night emails from attorneys that are, simply put, strongly worded and below even

the most lenient standard of professionalism. Sure, everyone has problems and deadlines to meet. But letting your personal issues affect how you treat fellow attorneys on the other side only exacerbates your problems and causes more harm than good. The brief satisfaction of sending a curse-word-laden email at 11:00 p.m. does not solve anything. You will still have young children, bills to pay, and mental health struggles. But now you will also have to deal with a diminished reputation, conflict with counsel, backlash from a client if your behavior affects the resolution of a case, and something in writing that could lead to sanctions or reprimand from the court.

On the other hand, professionalism—good and poor—affects attorneys' mental health and personal lives. Good professionalism may help an opposing attorney better deal with what is going on behind closed doors. For example, after my son was born in January my availability was, at best, limited. Although I had scheduled matters to account for that, my son came early (and in the midst of a snowstorm). Several opposing counsel in cases in which I had quickly approaching deadlines, depositions, or hearings agreed to extensions, postponements, or unopposed continuances without hesitation. This allowed me to focus on my personal life without concern about how my clients' cases would be affected.

Conversely, poor professionalism may intensify an opposing attorney's mental health, stress, or personal issues or, worse, create new issues. For example, if an attorney reaches out to request a brief extension to respond to discovery requests (say 10 days) based on a sudden emergency in a case where there are no significant deadlines, hearings, or depositions on the horizon, denying that

request serves no purpose other than to put that attorney in a bind and, in turn, forces him or her to neglect the emergency in order to comply with a deadline. This unnecessarily compounds routine stress associated with the practice of law. Similarly, unprofessional correspondence to opposing counsel may exacerbate that attorney's health or personal issues—in addition to the other problems that may arise from such communications identified above.

The practice of law is stressful and demanding—surely the most obvious thing you will read here. But attorneys must remain cognizant not only of their own mental health and personal issues in order to sustain a long, successful career, but also those of opposing counsel.

Professionalism is not an option, it is an obligation, and it is easy to conflate that obligation with wanting zealous advocacy. In the end, failing to adhere to that obligation benefits no one and only adds to the myriad issues affecting attorneys' mental health and personal lives. Remaining professional at all times, while not a cure, goes a long way to alleviating the impact that the stress and demands of the legal profession have on practitioners' mental health.

Nicholas S. Bergeron earned his JD from Loyola University New Orleans College of Law in 2017. He is an associate at Laborde Siegel, L.L.C., where his practice includes insurance defense and workers' compensation matters. (nbergeron@labordesiegel.com; New Orleans)



SPOT MENTORING
Experienced Lawyers
Sharing Knowledge

Find out more at
[www.lsba.org/mentoring/
spotmentoring.aspx](http://www.lsba.org/mentoring/spotmentoring.aspx)

Now more than ever, trusted partner has a nice ring to it.

Argent Trust is a division of Argent Financial Group, a leading, independent private wealth management firm offering comprehensive wealth management, asset management, and trust services for individuals, families, foundations, and endowments.

Providing custom solutions for wealth protection and prosperity. Cultivating deeply personal relationships. Serving with excellence. These are the values that drive us and have been ingrained in Argent from day one. And they're why, year after year, our clients trust in our guidance to help strengthen their families, businesses and organizations.

Argent serves clients across 39 markets and 16 states and has responsibility for over \$90 billion of client assets.



Trust Ingrained.



ArgentTrust.com
(800) 375-4646



Gary Moore
Louisiana President
Shreveport



David Thibodeaux
VP & Trust Officer
Baton Rouge



Jim Christman
VP & Trust Officer
Lake Charles



Jill Knight Nalty
Market President
New Orleans



Ann Marie Mills
Senior Vice President
Ruston



Timothy D. Quinn
Senior Vice President
Shreveport

Serving you in locations across Louisiana.



INTERNAL PRESSURE

*"I don't know what I'm doing."
"I don't belong."
"Who am I kidding?"
"I'm not good enough."
"I'm in way over my head."
"I don't deserve this."
"I think I deserve that treatment."
"I do not have what it takes."
"I keep making mistakes."
"Should I have even said anything?"*

Do these thoughts sound familiar? This is the voice of Impostor Syndrome.

Do you often find yourself agonizing over mistakes, viewing constructive criticism as evidence of your inadequacies, and attributing your accomplishments to luck rather than skill? Do you hesitate to speak up in meetings for fear of being wrong? Do you try to maintain a low profile? Are you uncertain about your talents and abilities? Do you frequently think that everyone around you is more intelligent, quicker, more productive, and generally better suited for the legal profession than you are?¹

While early studies primarily examined highly successful women and individuals from diverse communities, it has become evident that Impostor Syndrome affects professionals in all fields, regardless of their level of success. This phenomenon can impact anyone in the legal profession, ranging from law students to shareholders.²

What is Impostor Syndrome?

First described by psychologists Suzanne Imes and Pauline Rose Clance in 1978, Impostor Syndrome is characterized by anxiety and self-doubt that prevents individuals from recognizing their own successes.³ It manifests as a persistent inability to believe that one's achievements are deserved or earned through one's own efforts or skills.⁴ Those who experience Impostor Syndrome often feel inadequate compared to their peers, regardless of their education, experience, and accomplish-

ments. This syndrome leads to a detrimental cycle of self-criticism, wasted energy, perfectionism, and a fear of failure.⁵ While some studies estimate that around 70% of people experience Impostor Syndrome at some point in their lives, newer research suggests the figure could be as high as 82%.⁶

Many individuals suffer from Impostor Syndrome in silence. On the outside, they may appear confident and capable, yet internally, they grapple with feeling inadequate, overwhelmed, and struggle with perfectionism and negative self-talk. In the legal profession, which is inherently demanding, a competitive culture, long hours, high stakes, and constant deadlines can heighten feelings of inadequacy.

From law school to practice, lawyers are continuously evaluated based on grades, client outcomes, and peer recognition.⁷ This constant scrutiny can lead to performance anxiety and a lack of confidence, especially for those who are new to the profession. The high-stakes nature of legal cases amplifies the fear of failure, reinforcing the belief that any mistake could indicate incompetence. Furthermore, lawyers often fixate on problems and potential pitfalls, creating a continuous cycle of self-criticism and negative self-talk. Even the most accomplished professionals can feel out of place. Unfortunately, many hesitate to seek help or acknowledge their struggles due to concerns about damaging their reputation.

If left unchecked, Impostor Syndrome can severely limit personal growth, increase stress and anxiety, and negatively impact one's confidence.⁸ The persistent worry about being "caught" as a fraud and ongoing self-criticism can hinder career progression.⁹ It is crucial to address these issues promptly.

Lawyers should assess whether certain individuals or settings trigger their feelings of inadequacy, as a relentless pursuit of perfection may contribute to

stress, burnout, depression, decreased job satisfaction, and could even lead to coping mechanisms such as substance abuse.¹⁰

Signs of Impostor Syndrome to be on the lookout for:

- ▶ Low mood/experiencing anxiety at work
- ▶ Frequent use of negative language, especially when discussing yourself or your performance
- ▶ Spending excessive time on tasks due to overthinking or questioning your work
- ▶ Hesitance to volunteer for new opportunities or complete avoidance.¹¹

Here are some strategies to overcome Impostor Syndrome:

- ▶ Acknowledge your feelings – Impostor Syndrome is a common experience that can be managed.
- ▶ Share your feelings – Talk openly with mentors, colleagues, or friends who will respond with compassion. Remember, irrational beliefs thrive in isolation. Seeking support, guidance, and reassurance is essential. Discussing Impostor Syndrome can help normalize these thoughts and experiences.
- ▶ Document your achievements – Keep a record of your accomplishments and successes. This can include positive feedback from clients or colleagues and successful cases you have worked on.
- ▶ Invest in continuous learning – Ongoing learning and professional development will gradually build your confidence.
- ▶ Challenge negative thoughts – Separate feelings from facts. Evaluate your thoughts and ask yourself if there is any concrete evidence supporting your feelings of inadequacy. Often, you may find that your fears are unfounded.
- ▶ Stop comparing yourself to others – Comparison is the thief of joy. There will always be people who seem to have more, know more, earn more, or

are more recognized and accomplished than you.

► Embrace failure – rather than criticizing yourself for mistakes, view them as opportunities to learn and improve.

► Use social media moderately – Excessive usage can lead to feelings of inferiority, making it seem like everyone else has it all figured out.

► Practice self-care – Make time for hobbies and social activities that help you relax and recharge.

► Refuse to let Impostor Syndrome hold you back – Pursue your goals and keep moving forward.¹²

It is important to be kind to yourself and recognize that everyone makes mistakes from time to time. Practice self-compassion and focus on the strengths you bring to the table instead of dwelling on mistakes.¹³

Remember, your harshest critic is often yourself. Setbacks are a part of any challenging journey, and they do not define your abilities or potential. Each day presents an opportunity to improve yourself, both personally and professionally.

Silence the critical voice within you, acknowledge your true worth, and celebrate your successes. You have earned your seat at the table through hard work, dedication, and skill.

If you are experiencing feelings and thoughts related to Impostor Syndrome,

know that you are not alone and help is available. You can reach out to JLAP at 985-778-0571, email us at jlap@louisianajlap.com, or visit our website, www.louisianajlap.com. We are a CONFIDENTIAL and safe haven for healing, dedicated to supporting you on your journey toward a balanced, healthy, and fulfilling life.

FOOTNOTES

1. Gallagher, Caroline. “Impostor Syndrome: What Young Lawyers Can Learn from Depp v. Heard.” Virginia State Bar. May 18, 2022. <https://vsb.org/YLC/groups/YLC/articles/20220518-Impostor-syndrome-docketcall.aspx>.

2. “I Don’t Belong – Impostor Syndrome in the Legal Profession.” Faegre Drinker. Dec. 06, 2022. <https://www.faegredrinker.com/en/insights/events/2022/12/i-dont-belong-Impostor-syndrome-in-the-legal-profession#tab-Overview>.

3. “Impostor Syndrome? 8 tactics to combat the anxiety.” American Bar Association. October 2018. https://www.americanbar.org/news/abanews/publications/youraba/2018/october-2018/tell-yourself_yet--and-other-tips-for-overcoming-impostor-syndr/; Newman, Martha McIntire. “Do You Suffer From Impostor Syndrome?” State Bar of Texas. Accessed Jun. 4, 2025. <https://www.texasbar.com/AM/Template.cfm?Section=articles&ContentID=43594&Template=/CM/HTMLDisplay.cfm>.

4. Newman, supra note 3.

5. Gallagher, supra note 1; “Impostor Syndrome? 8 tactics to combat the anxiety,” supra note 3; “Getting a Grip on Impostor Syndrome: Turning Self-Doubt into Self-Confidence.” Minnesota Lawyers Concerned for Lawyers. Mar. 27, 2025. <https://mnlcl.org/getting-a-grip-on-Impostor-syndrome-turning-self-doubt-into-self-confidence/>.

6. Newman, supra note 3; Abramson, Ashley. “How to overcome Impostor phenomenon.” American Psychological Association. Jun. 1, 202. <https://www.apa.org/monitor/2021/06/cover-impostor-phenomenon>.

7. Dreyer, Shelly. “President’s page: ‘I often felt like an Impostor’ – understanding and overcoming self-doubt as lawyers’.” The Missouri Bar. Feb. 3, 2025. <https://news.mobar.org/presidents-page-i-often-felt-like-an-Impostor--understanding-and-overcoming-self-doubt-as-lawyers>.

8. “Getting a Grip on Impostor Syndrome: Turning Self-Doubt into Self-Confidence,” supra note 5.

9. Dreyer, supra note 7.

10. “I Don’t Belong – Impostor Syndrome in the Legal Profession,” supra note 2.

11. “Impostor Syndrome? 8 tactics to combat the anxiety,” supra note 3; Newman, supra note 3.

12. “Getting a Grip on Impostor Syndrome: Turning Self-Doubt into Self-Confidence,” supra note 5. Gupta, Sanjana. “Is It Regular Self-Doubt or Impostor Syndrome?” Very Well Mind. Apr. 3, 2024. <https://www.verywellmind.com/Impostor-syndrome-quiz-8622818>; “She Belongs: Crushing Impostor Syndrome in Female Attorneys.” Alameda County Bar Association. Feb. 5, 2024. <https://www.acbanet.org/2024/02/05/she-belongs-crushing-Impostor-syndrome-in-female-attorneys/>.

13. Newman, supra note 3.

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



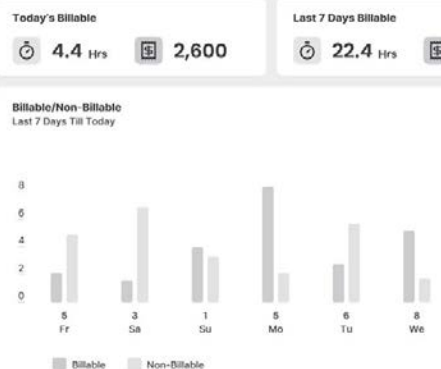
Claim Your FREE Trust & Billing Software

for LSBA members



Or visit
smokeball.com/louisianabill

Billing Dashboard



Louisiana
State Bar
Association

Larry Smith
General

Unpaid

LEADERSHIP LSBA 2024-25 CLASS PROJECT, WELL-BEING IN THE LEGAL PROFESSION



(Pictured L to R): Kaylin E. Jolivet, Lewis Brisbois Bisgaard & Smith LLP, Lafayette, LA; Thomas R. Hightower III, Thomas R. Hightower, Jr., APLC, Lafayette, LA; Dr. Angela White-Bazile, Judges and Lawyers Assistance Program (JLAP), New Orleans, LA

Leadership LSBA 2024-25 Class Project: Leadership LSBA Well-being in the Legal Profession Lafayette

On May 16, 2025, the Leadership LSBA Class held its final session in the three-part series, Well-Being in the Legal Profession, at The Jefferson in Lafayette, LA. The seminar focused on burnout and emphasized the importance of mental health among legal professionals. The event featured a special presentation by Dr. Angela White-Bazile from the Judges and Lawyers Assistance Program (JLAP).

Leadership LSBA 2024-25 Class Project: Leadership LSBA Well-being in the Legal Profession New Orleans

On May 12, 2025, the 2024–2025 Leadership LSBA Class hosted the second seminar in its three-part series, Well-being in the Legal Profession. Held at the Louisiana State Bar Association headquarters in New Orleans, Louisiana, the seminar provided valuable insights into the importance of self-care and recognizing signs of burnout within the legal profession. The event featured a special presentation by Dr. Angela White-Bazile from the Judges and Lawyers Assistance Program (JLAP).



(Picture L to R) Dasha D. Myles, Wood Smith Henning & Berman LLP, New Orleans, LA; Dr. Angela White-Bazile, Judges and Lawyers Assistance Program (JLAP), New Orleans, LA; Catherine R. Filippi, Duetsch Kerrigan LLP, New Orleans, LA.



(Pictured L to R): Dasha D. Myles, Wood Smith Henning & Berman LLP, New Orleans, LA; Catherine R. Filippi, Duetsch Kerrigan LLP, New Orleans, LA.



Dr. Angela White-Bazile, Judges and Lawyers Assistance Program (JLAP), New Orleans, LA.

Specialty Bars CLE Conference – May 8, 2025

On May 8, 2025, the LSBA Diversity Committee's Specialty Bars Subcommittee hosted its Annual Specialty Bars Conference at the Louisiana Bar Center. A variety of topics were covered, allowing attendees to earn 7.00 continuing legal education credits.

Sessions included "Ethics Pop Quiz," an interactive ethics presentation; "What Non-Immigration Practitioners Need to Know About Immigration Law," offering insight into complex immigration issues; "Recent Developments in Disciplinary Matters," covering rules, amendments, and recent cases; "The Current State of LGBTQ+ Civil Rights: What Practitioners Need to Know," addressing legislative impacts and advocacy strategies; "The Intersection of LGBTQ+ and Disability Rights: Current Issues and Challenges," focusing on overlapping legal protections and evolving threats; and "New Developments in Louisiana Data Privacy and Cybersecurity," reviewing legislative updates and trends in data protection.



Eric K. Barefield,
LSBA Ethics
Counsel, New
Orleans, LA



J. Dalton Courson,
Litigation Director,
Disability Rights
Louisiana, New
Orleans, LA



Micah J. Fincher,
Attorney at Law,
New Orleans, LA



Erin C. Hebert,
Ware | Immigration,
Metairie, LA



Paul H. Scott, The
Scott Law Firm,
Baton Rouge, LA



Shelly L. Skeen,
Regional Director,
Lambda Legal,
Dallas, TX

YOUR TRUSTED CO-COUNSEL FOR OVER 80 YEARS

Since 1942, HKGC has litigated some of the most important cases in Louisiana history. We are proud to have served as the trusted co-counsel of generations of Louisiana lawyers. Let's discuss how HKGC can add value to your important case.



LA-24-18185
Jed Cain



LESSONS LEARNED: AVOIDING THE EARLY ERRORS OF LEGAL PRACTICE

Starting a legal career is both exciting and overwhelming. Young lawyers, fresh from law school, often enter the profession with enthusiasm, ambition, and a strong theoretical foundation, yet the practical transition to legal work can be challenging. In the early stages, it's common to make missteps that, while usually correctable, can hinder growth. Recognizing and avoiding common and frequent mistakes young lawyers make can help pave the way to professional success and offer insights on how to avoid the same mistakes, for a more confident and successful legal practice.

Protect Health and Avoid Burnout

Too many young lawyers often conflate professional dedication with personal depletion. Early in practice, especially in competitive environments, new attorneys often accept exhaustion, isolation, and mental strain as necessary components of professional growth. But the failure to recognize and respond to signs of deteriorating health, particularly depression, can have profound consequences, not only for the individual attorney but also for their clients, firms, and the legal profession at large. One associate at a national law firm, despite impressive credentials, experienced clinical depression within four years of graduating due to unchecked stress and a culture of silence, perfectionism, and overachievement.

Overcommitment compounds these issues. All too often, the most junior lawyers on the team are forced to deal with a system that conditions lawyers to suppress signs of struggle, ignore the need for rest, and internalize the all too often unrealistic expectations of others.

The result is as pervasive as it is preventable. For young lawyers, the takeaway is clear: your health is not an issue for the side bar. Learning to recognize the difference between manageable workload spikes and chronic overextension is essential. Asking for help and pushing back on unrealistic expectations are not weaknesses, but a mark of professionalism. Clear communication with supervising attorneys can help identify when workloads exceed reasonable capacity. Setting clear boundaries and practicing strategic decision-making is essential to building a sustainable legal career. Protecting mental and physical health by setting realistic limits is a professional strength, not a weakness.

Resources like the Louisiana Judges and Lawyers Assistance Program (JLAP) provide confidential support to attorneys dealing with mental health, addiction, or other personal challenges—reminding all lawyers that help is always available.

Documenting Professional Achievements

One of the most avoidable mistakes young lawyers make is failing to document their substantive professional accomplishments. Early practice can be consumed by deadlines, billing targets, and learning curves, overshadowing the importance of tracking contributions that reflect growth and capability. Whether preparing a dispositive motion, conducting a solo deposition, or managing key client communications, these milestones should be recorded, not just mentally, but in a formal and retrievable format.

Failing to do so has strategic consequences. In performance evaluations, lateral applications, or within the context of partnership consideration, attorneys are often asked to articulate their

value in ways that are not reflected in the monthly hours report. Until the phrase “I make your practice possible by handling the impossible” becomes more widely accepted as *prima facie* grounds for an excellent annual performance evaluation, you will want your professional achievements documented for later reference. Establishing a structured system, whether a spreadsheet, a private log, or a simple weekly recap, ensures a credible record of growth and capability.

Documenting achievements is not the same as publicizing hollow accomplishments. As Jordan Rothman notes in his 2025 *Above the Law* column, there is a growing trend among lawyers to trumpet underwhelming career milestones, such as bar admissions acquired via reciprocity or vanity awards that can be purchased outright¹. These posts, common on platforms like LinkedIn, often generate visibility but little substance. Rothman's critique is clear: in a profession that values actual competence, superficial recognition should not be mistaken for merit.

The purpose of documenting real achievements is not to manufacture accolades, but to preserve evidence of professional development. Tracking substantive work allows a young attorney to advocate from a position of strength. When asked to demonstrate growth, initiative, or readiness for elevated responsibility, the documented history provides clear support via an accurate log of real accomplishments.

Effective Questioning and Communication

In the early stages of legal practice, few missteps are as persistent or as avoidable as the failure to ask questions. New lawyers often believe they must project confidence and competence

at all times, even when they lack clarity or complete understanding in connection with an internal assignment. This creates silent confusion, wastes time, and results in preventable errors. The reluctance to ask questions is not a sign of professionalism. It is a missed opportunity to grow, improve, and deliver reliable and accurate work.

Law school prepares attorneys to think critically, but no curriculum can teach the unspoken expectations of a specific firm, the procedural preferences of a local judge, or the unique objectives of a given client. Learning to ask thoughtful, timely questions is essential. A clear question asked at the beginning of a project is far more professional than an incorrect work product turned in at the end.

This hesitation often stems from pride or imposter syndrome. Young attorneys may fear appearing unprepared or unqualified, especially in competitive environments. According to BARBRI's 2024 report on imposter syndrome among lawyers², many attorneys fall into the "soloist" or "expert" mindset, believing they must operate independently or master every issue without assistance. This mindset is counterproductive. Asking questions signals engagement, not incompetence.

Young lawyers should also view questioning as a form of strategic communication. Asking about the larger context of an assignment, about client priorities, or about how a task fits into the broader litigation or deal strategy builds institutional awareness. Such proactive interaction not only improves results but increases visibility and credibility across the team.

Experienced attorneys expect and appreciate when junior lawyers seek clarity. It demonstrates diligence, attention to detail, and commitment to quality. It also builds rapport with supervising attorneys, who are more likely to mentor and invest in associates who show initiative and the willingness to acknowledge what they do not know. Failing to ask questions, by contrast, can isolate young attorneys and deprive them of critical learning moments that shape judgment and develop professional maturity.

The legal profession rewards clarity, precision, and sound judgment. Learning to ask the right questions at the right time is a core skill that supports each of these attributes. Silence is rarely the safer choice. For attorneys in their first few years of practice, a well-phrased question is often the most effective tool available to avoid mistakes, earn trust, and accelerate professional development.

FOOTNOTES

1. Jordan Rothman, Some Lawyers Celebrate Underwhelming Career Milestones, Above the Law, Jan. 2025, <https://abovethelaw.com/2025/01/some-lawyers-celebrate-underwhelming-career-milestones/>.

2. BARBRI, Conquering Imposter Syndrome as a Lawyer, BARBRI Legal Education Blog, 2024, <https://www2.barbri.com/blog/professional-development/conquering-imposter-syndrome-as-a-lawyer/>.

Brian J. Lindsey earned his JD from LSU Paul M. Hebert Law Center in 2014. He is a senior associate at Kean Miller LLP in the Lafayette office, where his practice focuses on offshore energy, maritime, personal injury, environmental litigation, and insurance coverage. (brian.lindsey@keanmiller.com; Lafayette, LA.)



Karina Shareen earned her JD from LSU Paul M. Hebert Law Center. She is an associate at Deutsch Kerrigan LLP in New Orleans, representing insurance companies and their insureds in a wide range of matters including automotive accidents, premises liability, professional liability, toxic torts, and bankruptcy cases. (kshareen@deutschkerrigan.com; New Orleans, LA.)



SPOT

MENTORING

Experienced Lawyers Sharing Knowledge

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

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

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

www.lsba.org/mentoring

REPORTING DATE 6/9/25

REPORT BY DISCIPLINARY COUNSEL

Public matters are reported to protect the public, inform the profession and deter misconduct. Reporting date June 9, 2025.

Decisions

James S. Burland, Baton Rouge, (2025-B-00329) **disbarment; retroactive to Jan. 8, 2025, the date of his interim suspension**, by order of the Louisiana Supreme Court on April 29, 2025. JUDGMENT FINAL and EFFECTIVE April 29, 2025. *Gist:* respondent pleaded guilty to felony possession of child pornography.

Michael L. Cave, Baton Rouge, (2025-B-0509) has **consented to suspension from the practice of law for a period of three years, retroactive to July 18, 2023, the date of his interim suspension**, by order of the Louisiana Supreme Court on May 29, 2025. JUDGMENT FINAL and EFFECTIVE May 29, 2025. *Gist:* the respondent committed a criminal act.

Trina Trinhthi Chu, Shreveport, (2024-B-0479) has been **disbarred, retroactive to Oct. 7, 2020, the date of her interim suspension**, by order of the Louisiana Supreme Court on Dec. 13, 2024. JUDGMENT FINAL and EFFECTIVE Dec. 27, 2024. *Gist:* Ms. Chu intentionally disclosed confidential court documents to a litigant. Chu also

conducted legal research and drafted pleadings and memoranda for the litigant, all while the judge she worked for was recused from the case. As a result of these actions, Chu was criminally charged and entered a *nolo contendere* plea to one count of misdemeanor offense against intellectual property.

Tonya F. Courson, West Monroe, (25-CD-004) has **consented to probation for two years concurrent with the execution of a probation agreement between herself and the ODC, subject to conditions**, by order of the Louisiana Attorney Disciplinary Board on Apr. 28, 2025. JUDGMENT FINAL and EFFECTIVE Apr. 28, 2025. *Gist:* the respondent mishandled her client trust account.

Frank G. Desalvo, New Orleans, (2025-B-00244) has been **suspended for six months, fully deferred, subject to a two-year period of probation**, by order of the Louisiana Supreme Court on May 6, 2025. JUDGMENT FINAL and EFFECTIVE May 6, 2025. *Gist:* respondent engaged in a lack of proper record keeping, has commingled with client funds, and has potentially converted client funds.

Kelly Rae Englert, Thibodaux, (2025-B-00170) **probation revoked and the deferred suspension of one year and one day imposed in *In re: Englert, 21-1819 (La.2/8/22)* made immediately executory** by order of the Louisiana Supreme Court on April 1, 2025. JUDGMENT FINAL and EFFECTIVE on April 1, 2025. *Gist:* respondent violated the terms of her agreement with the Judges Lawyers Assistance Program and failed to comply with the requirements of her probation.

Leonard Knox Fisher III, Metairie, (2025-B-0527) has **consented to suspension from the practice of law for a period of one year and one-day, with all but ninety days deferred, followed by a two-year period of probation, governed by conditions**, by order of the Louisiana Supreme Court on June 3, 2025. JUDGMENT FINAL and EFFECTIVE June 3, 2025. *Gist:* the respondent mishandled his client trust account.

Ronald Sidney Haley, Jr., Baton Rouge, (2025-B-0337) has been **suspended from the practice of law on an interim basis** by order of the Louisiana Supreme Court on April 2, 2025. JUDGMENT FINAL and EFFECTIVE on April 2, 2025.

Paul H. Hattaway, Bend, Oregon, (2024-B-1405) has been **suspended for sixty (60) days; fully deferred** by order of the Louisiana Supreme Court on April 8, 2025. JUDGMENT FINAL and EFFECTIVE April 22, 2025. *Gist:* respondent neglected a client's legal matter and failed to promptly advise the client of his malpractice.

Willie G. Johnson, Jr., Baton Rouge, (2025-B-0241) has by consent been **suspended from the practice of law for a period of one year, fully deferred, retroactive to March 12, 2024, the date of the imposition of suspension in**



CHRISTOVICH
& KEARNEY, LLP
ESTABLISHED 1926

DEFENSE OF ETHICS
COMPLAINTS AND
CHARGES

KEVIN R. TULLY
H. CARTER MARSHALL
OSCAR McDUFFIE GWIN IV

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

LSBA FILING NO: LA-24-17847

In re: Johnson, 24-0147 (La. 3/12/24) subject to a two-year period of probation by order of the Louisiana Supreme Court on April 8, 2025. JUDGMENT FINAL and EFFECTIVE April 8, 2025. *Gist:* respondent engaged in a concurrent conflict of interest.

Leslie R. Leavoy, Jr., Deridder, (2025-B-0178) **suspended for one year, deferred in its entirety, with conditions** by order of the Louisiana Supreme Court on June 3, 2025. JUDGMENT FINAL and EFFECTIVE on June 3, 2025. *Gist:* the respondent neglected a legal matter, resulting in abandonment of the client's matter, failed to communicate with his client, failed to produce a written contingency fee agreement, and failed to obtain his client's consent to associate and share attorney's fees with another attorney.

Paul A. Lemke III, Harrisonburg, (2025-B-0397) has **consented to a one-year and one-day suspension, with all but six months deferred**, by order of the Louisiana Supreme Court on May 20, 2025. JUDGMENT FINAL and EFFECTIVE on May 20, 2025. *Gist:* re-

spondent knowingly made false statements of fact to a tribunal, improperly notarized affidavits, instructed his staff to falsely witness affidavits, engaged in dishonest conduct and engaged in conduct prejudicial to the administration of justice.

Drew M. Louviere, Baton Rouge, (2025-B-00225) has been **suspended from the practice of law for one year and one day, and shall participate in fee dispute arbitration prior to seeking reinstatement** by order of the Louisiana Supreme Court on April 29, 2025. JUDGMENT FINAL and EFFECTIVE on May 13, 2025. *Gist:* respondent neglected a matter, failed to communicate with a client, failed to return an unearned fee, and engaged in dishonest conduct.

Timothy Mathison, Slidell, (2025-B-0227) **suspended from the practice of law for a period of ninety days, fully deferred, subject to respondent's successful completion of the Louisiana State Bar Association's Ethics School** by order of the Louisiana Supreme Court on April 8, 2025. JUDGMENT FINAL and EFFECTIVE on April 8, 2025. *Gist:*

respondent failed to witness the signing of a document he notarized, where the document contained a forged signature and was filed into the public record.

Timothy A. Meche, New Orleans, (2025-B-0229) **has been suspended 60 days, all deferred**, by order of the Louisiana Supreme Court on April 29, 2025. JUDGMENT FINAL and EFFECTIVE on May 14, 2025. *Gist:* respondent failed to cooperate with the ODC in two disciplinary investigations.

John Michael Mezaraups, Mandeville, (2024-OB-01398) **transferred to disability inactive status**, by order of the Louisiana Supreme Court on April 9, 2025. JUDGMENT FINAL and EFFECTIVE on April 9, 2025.

Tiffany Gosselin Moore, North Carolina, (2025-OB-00574) has been **transferred to disability inactive status**, by order of the Louisiana Supreme Court on May 16, 2025. JUDGMENT FINAL and EFFECTIVE May 16, 2025. *Gist:* Moore may not practice law until further orders from the Court.

Continued on page 122



Advice and Counsel Concerning
Legal & Judicial Ethics

Defense of Lawyer &
Judicial Discipline Matters

Representation in
Bar Admissions Proceedings

SCHIFF MANNING LLP

www.smethicslaw.com

LSBA Filing No. LA-24-17712

Leslie J. Schiff

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

Damon S. Manning

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

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

The following is a verbatim report of the matters acted upon by the United States District Court for the Eastern District of Louisiana, pursuant to its Disciplinary Rules. This information is published at the request of that court, which is solely responsible for the accuracy of its content. This report is as of June 2025.

Respondent	Disposition	Date Filed	Docket No.
Burland, James S.	[Reciprocal] Interim Suspension	04/29/25	25-241
DePetrillo, Michael B.	Interim Suspension	04/08/25	25-511
Haley, Ronald Sidney Jr.	Interim Suspension	05/08/25	25-708
Joseph, Michael Thomas Jr.	[Reciprocal] Suspension	04/29/25	25-239
Kirk, Sonjia D.	[Reciprocal] Suspension	04/14/25	25-185
Thompson, Ivan J.	[Reciprocal] Suspension, fully deferred	04/29/25	25-240
Upton, Timothy French	Interim Suspension	05/08/25	25-707

Discipline continued from page 121

Jamar Akai Brooks Myers-Montgomery, Everett, Washington, (2025-OB-0079) has been **denied re-admission to the practice of law** by order of the Louisiana Supreme Court on April 1, 2025. JUDGMENT FINAL and EFFECTIVE April 15, 2025. *Gist:* the

petitioner may not apply for readmission until three years have passed from the date of judgment, but in no event until conditions of the judgment have been satisfied.

Clayton Paul Schnyder, Jr., New Orleans, (2025-B-00201) has been **suspended from the practice of law for three years**, by order of the Louisiana

Supreme Court on April 15, 2025. JUDGMENT FINAL and EFFECTIVE April 29, 2025. *Gist:* Schnyder failed to comply with his professional obligations, mishandled his trust account, and failed to cooperate with the Office of Disciplinary Counsel in its investigation.

Continued on page 124



*St. Thomas More
Catholic Lawyers Association
Invites*

*All Members of the
Bench and Bar
Of All Faiths to Attend*

*The Red Mass
Monday, October 6, 2025*

St. Louis Cathedral

Guest Homilist:

Fr. Mark E. Thibodeaux, SJ

Assembly 9:00 a.m.

Procession 9:15 a.m.

Mass 9:30 a.m.

Followed by a Reception at Bourbon Orleans Hotel

Paid advertisement

The Firm *Louisiana Attorneys* Can Turn To



TALBOT
CARMOUCHE
& MARCELLO

For more than 50 years, Talbot, Carmouche & Marcello has been the firm Louisiana's attorneys can turn to. We help you litigate your cases with resources, support, and competitive referral fees – serving as your trusted ally from start to finish.



*Scan to learn more
or call us at
8448-TCMLAW*

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

The following is a verbatim report of the matters acted upon by the United States District Court for the Middle District of Louisiana, pursuant to its Disciplinary Rules. This information is published at the request of that court, which is solely responsible for the accuracy of its content. This report is as of June 4, 2025.

Respondent	Disposition	Date Filed	Docket No.
Jason F. Giles	Suspended (Reciprocal)	1/2/2025	24-mc-173
Vanessa Motta	Suspended (Reciprocal)	1/2/2025	24-mc-174
Michael B. Depetrillo	Suspended (Reciprocal)	3/12/2025	25-mc-025
Ronald S. Haley	Suspended (Reciprocal)	4/3/2025	21-mc-215
Kelly Rae Englert	Suspended (Reciprocal)	4/14/2025	25-mc-036
Timothy French Upton	Suspended (Reciprocal)	4/14/2025	20-mc-019
James Burland	Disbarred (Reciprocal)	5/7/2025	25-mc-010
Drew Louviere	Suspended (Reciprocal)	5/27/2025	25-mc-048

Discipline continued from page 122

Dalonschia Shunette Thomas, Lake Charles, (2025-B-00495) has been **suspended from the practice of law for 6 months, fully deferred, subject to a two-year period of probation**, by order of the Louisiana Supreme Court on May 29, 2025. JUDGMENT FINAL and EFFECTIVE May 29, 2025. *Gist:* Thomas mishandled her client trust account.

Carl V. Williams, New Orleans, (2025-B-0200) has been **suspended from the practice of law for a period of one year and one day**, by order of the Louisiana Supreme Court dated April 23, 2025. JUDGMENT FINAL and EFFECTIVE May 7, 2025. *Gist:* the respondent neglected a legal matter; failed to communicate with a client; failed to safeguard and remit client funds resulting in conversion; and, engaged in dishonest conduct.

Admonitions

2 violations of Rule 1.1(c) – Competence – A lawyer is required to comply with all of the requirements Supreme Court’s rules regarding annual registration.

1 violation of Rule 1.3 Diligence – A lawyer shall act with reasonable diligence and promptness in representing a client.

1 violation of Rule 1.4 Communication.

1 violation of Rule 1.5(a) – Fees – Reasonable fees.

2 violations of Rule 1.15(a) – Safekeeping Property – A lawyers shall hold property of clients or third persons that is in a lawyer’s possession in connection with a representation separate from the lawyer’s own property.

1 violation of Rule 1.15(c) – Safekeeping Property – Safeguarding client money.

2 violations of Rule 8.1(c) – Bar Admission and Disciplinary Matters – Fail to cooperate with the Office of Disciplinary Counsel in its investigation of any matter before it except for an openly expressed claim of a constitutional privilege.

1 violation of Rule 8.4(a) – Misconduct – Violate or attempt to violate the Rules of Professional Conduct.

1 violation of Rule 8.4(c) – Misconduct – Engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

LSBA eBooks available for FREE download



Currently, four books are featured:

Practice Aid Guide: The Essentials of Law Office Management

Hanging Out Your Shingle Louisiana Style

Disaster Planning: It's Not Just for Hurricanes - Are You Ready?

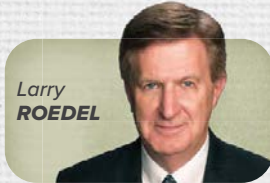
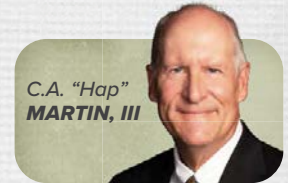
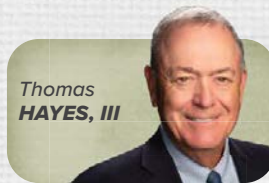
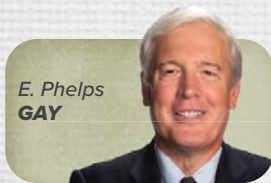
Practice Transition Handbook: Shutting Down a Law Practice in Louisiana

Visit: www.lsba.org/NewsAndPublications/eBooks.aspx

These valuable resources are full of practical tips, step-by-step tutorials and various necessary forms and valuable checklists.

THE Patterson RESOLUTION GROUP

Mediation and Arbitration



Meet **DUKE WELCH**

For over 30 years, Judge Jewel "Duke" Welch served Louisiana as a jurist.

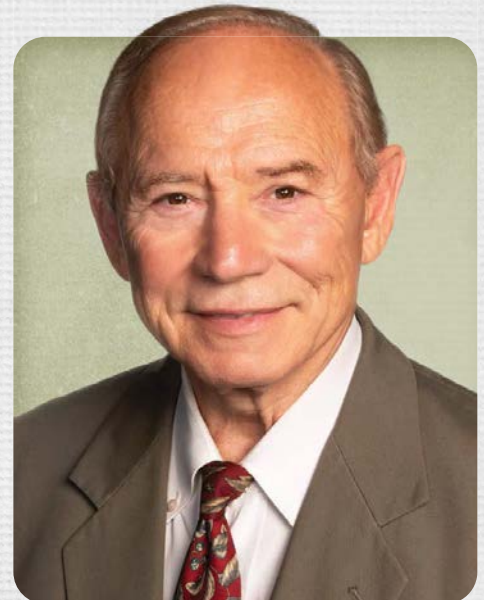
He presided as a trial judge for 10 years in the 19th Judicial District in criminal court and civil court. For 20 years, he served on the First Circuit Court of Appeal as an Appellate Judge. He was awarded his LLM Degree in Alternative Dispute Resolution from the Pepperdine Law School and has been certified as a mediator at the National Judicial College.

His many years of gathering judicial wisdom provide the ability to quickly and completely synthesize issues that are presented and those that reveal themselves through the facts. As an associate of the Patterson Resolution Group, he has the education, legal knowledge, and judicial experience to help resolve your clients' conflicts.

RESOLUTION is the SOLUTION

Baton Rouge | Lafayette | Lake Charles | Monroe | New Orleans | Northshore | Shreveport

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





Disease Coverage Possible, Even After 36-Month Exclusion

On June 11, 2025, the Fourth Circuit Court of Appeal, through a five-judge panel, found liability insurance coverage for an insured employer and its injured employee despite the presence of a temporal-coverage exclusion. *May v. Cooper/T. Smith Stevedoring Co.*, 24-0272 (La. App. 4 Cir. 6/11/25), ___ So.3d ___, 2025 WL 1663633. This appeal arose in the context of mesothelioma litigation, but the 4th Circuit's opinion may apply in other long-latency-disease cases.

The policy form in issue in *May* could be read to exclude coverage for disease "unless prior to thirty-six months after the end of the policy period written

claim is made or suit is brought against the insured for damages because of such injury or death resulting therefrom" (the 36-month exclusion). Mesothelioma, like other dust diseases, almost never manifests less than 10 years after exposure. For this reason, medical science has classified mesothelioma as a long-latency disease.

Monroe May worked as a stevedore at the Port of New Orleans during the 1960s and '70s. May's family filed civil survival and wrongful death actions against his employers and insurers of employers for the asbestos exposures that caused Monroe to develop mesothelioma and die.

Liberty Mutual Insurance Company and the Louisiana Insurance Guaranty Association (LIGA) defended the actions by asserting the 36-month exclusion. The district court considered the exclusion in the context of three motions for summary judgment addressing a certain liability policy form known in the 1960s and '70s as the Workers' Compensation and Employer's Liability form (the WC/EL Form).

Liberty and LIGA argued, and the

district court agreed, that the WC/EL Form clearly and unambiguously offered no coverage for mesothelioma because suit had been filed more than 36 months after the end of the policy period. The district court also denied the plaintiffs' competing motion regarding policy form ambiguity. On appeal, the 4th Circuit considered whether Liberty and LIGA met their burdens to prove that the 36-month exclusion existed in their insured's policy and whether the 36-month exclusion was ambiguous and, therefore, capable of being interpreted in favor of coverage.

After de novo review, the court concluded that Liberty and LIGA failed to meet their burdens of proof because they could not place the actual policies into evidence or offer direct evidence that their policies contained the 36-month exclusion. Liberty and LIGA instead had relied on secondary and circumstantial evidence, including the opinion of an insurance expert that the WC/EL Forms issued by Liberty and the insurer represented by LIGA would most likely have included the 36-month exclusion. The court found this kind of evidence inadequate because



Ronald E.
Corkern, Jr.



Steven D.
Crews



J. Chris
Guillet



Randall B.
Keiser



R. Chris
Nevils



Herschel E.
Richard



Kay Stothart
Celles



Joseph Payne
Williams

UPSTATE MEDIATION GROUP

Resolving Disputes in Central and North Louisiana

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

**New virtual meeting rooms at
our Natchitoches location.**

To schedule with panelists, please call Tina Coffey at the Natchitoches location (318-352-2302) or email Tina at tbcoffey@ccglawfirm.com.

an insurer sought to use it to enforce an exclusion to liability coverage.

The next inquiry proved to be more involved, as it included consideration of other WC/EL Form provisions alongside testimonial evidence about both the form and the occurrences that led to Monroe May's mesothelioma. The court considered the form's definition (c) because its phrasing appeared in the 36-month exclusion. Definition (c) reads as follows about disease claims: "only such disease as results directly from a bodily injury by accident is included within the term 'bodily injury by accident.'"

The court then considered the testimony of experts because the phrasing of definition (c) and the 36-month exclusion beg the question, "What is bodily injury by accident?" Liberty's industrial-hygiene expert indicated that asbestos exposures described by fact witnesses in the case could be described as accidents. LIGA's insurance expert indicated that the WC/EL Form underwent a transformation in the mid-1980s because the insurance industry found it to be less than clear and likely not understandable by anyone outside the insurance industry.

The court then transitioned to jurisprudential analysis, including its historical opinion about the same liability-policy form language in the context of another long-latency dust-disease case in which an insurer sought to apply the 36-month exclusion, *Faciane v. Southern Shipbuilding Corp.*, 446 So.2d 770 (La. App. 4 Cir. 1984). The *Faciane* court thought definition (c) was unclear and opined, as follows:

On one hand it seems to exclude contraction of disease as an injury by accident. However, the next clause of the same sentence seems to allow the contraction of some diseases to be classified as accidental injury. Given these circumstances it seems that a genuine issue of material fact as to the classification of appellant's injury existed. The granting of summary judgment was therefore inappropriate.

Id. at 774.

Defendants countered that the court had issued two subsequent opinions on the same WC/EL Form at issue here, and those opinions applied the 36-month exclusion in mesothelioma cases. Those opinions were *Hayes v. Eagle, Inc.*, 03-1575 (La. App. 4 Cir. 5/12/04), 876 So.2d 108, and *Courville v. Lamorak Insurance Co.*, 20-0073 (La. App. 4 Cir. 5/27/20, 301 So.3d 557). The *May* panel distinguished those later opinions because they did not address whether mesothelioma should be classified under the WC/EL Form as "bodily injury disease" or "disease caused by bodily injury by accident."

Ultimately, the court concluded that definition (c)'s declaration that "the contraction of a disease is not an accident within the meaning of the word 'accident' in the term 'bodily injury by accident'" does not unambiguously exclude

mesothelioma as a disease caused by accident. Hence, long-latency disease plaintiffs and their employers have legitimate coverage claims under the WC/EL Form.

—**Matthew C. Clark**

Member, Insurance, Tort, Workers' Compensation & Admiralty Law Section
Landry & Swarr, LLC
1100 Poydras St., Energy Centre –
Suite 2000, New Orleans, La 70163
Telephone: (504) 299-1214

And

Mickey P. Landry

Member, Insurance, Tort, Workers' Compensation & Admiralty Law Section
Landry & Swarr, LLC
1100 Poydras St., Energy Centre –
Suite 2000, New Orleans, La 70163
Telephone: (504) 299-1214



OUR SERVICES

Five decades of experience in state ethics, campaign finance, professional licensing and governmental compliance, together with construction and commercial litigation – with passion and commitment, yielding unmatched service and quality.

LAW OFFICES
OF
R. GRAY SEXTON

YOU'VE WORKED HARD TO
BUILD YOUR REPUTATION
AND BUSINESS.

WE WORK
HARD TO
PROTECT THEM!

LA-24-16611



225-767-2020



8680 Bluebonnet Boulevard, Suite D
Baton Rouge, Louisiana 70810



sextonlaw.net



The U.S. Supreme Court Clarifies NEPA Judicial Review

On May 29, 2025, Justice Kavanaugh, writing for a unanimous court (with Justices Sotomayor, Kagan and Jackson joining and concurring and Justice Gorsuch recusing), set forth the standard for judicial reviews of challenges to environmental impact statements (EIS) under the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 et seq., in what many observers have called a game-changer in environmental law for several reasons. The primary holdings of significance relate to the scope of NEPA judicial reviews and the deference due to

agency decisions under NEPA.

At issue in *Seven County Infrastructure Coalition v. Eagle County*, 145 S.Ct. 1497 (2025), was whether the United States Surface Transportation Board (Board), in permitting an 88-mile rail line in rural Utah, had adequately considered the upstream and downstream implications of the railroad construction when conducting its EIS analysis pursuant to NEPA. What the Board did not consider and what a coalition of local governments and environmental groups challenged was what environmental impacts the railroad would ultimately cause by way of increased mineral exploration and production (the upstream impacts) and by way of increased refining-related contamination in Texas and Louisiana, where the products would ultimately be received for processing (the downstream impacts). Instead, the Board's EIS focused specifically on the environmental impacts of the railroad and its construction. This case was a direct appeal from the Board to the D.C. Circuit Court of

Appeals, where the EIS was vacated due to the absence of these upstream and downstream considerations.

Before embarking on its legal analysis, the Court reviewed the history and nature of NEPA and how it is intended to function. Specifically, the Court observed that "[t]he goal of [NEPA] is to inform agency decision-making, not to paralyze it." *Id.* at 1507. In this vein, the Court also observed that "some courts have assumed an aggressive role in policing agency compliance with NEPA." *Id.* at 1511. This aggressive role, according to the Court is particularly troubling for a law that "does not mandate particular results, but simply prescribes the necessary process." *Id.* at 1510 (quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989)). The Court stated that NEPA's environmental-review process, including EIS and other instruments, do "not require [an] agency to weigh environmental consequences in any particular way," but rather require agencies to undertake thorough

Bourgeois Bennett

CERTIFIED PUBLIC ACCOUNTANTS | CONSULTANTS
A LIMITED LIABILITY COMPANY

WHEN YOUR CASE
INVOLVES NUMBERS,

SEE HOW MUCH
WE CAN ADD.

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

bourgeoisbennett.com

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

environmental analyses of specific projects to inform decision-making by those agencies, to “ensure good project management” and to provide an analysis on which the public may comment. *Id.* at 1507, 1510.

With this context in mind, the Court reversed the appellate court’s decision. The Court distinguished between separate projects and the primary project subject to NEPA review and stated that such projects as mineral exploration and production in remote Utah and refining on the Gulf Coast are too attenuated from the authorization to construct a rail line in Utah to fall within the ambit of a single NEPA project. Specifically, the Court observed that “the separate project breaks the chain of proximate causation between the project at hand and the environmental effects of the separate project.” *Id.* at 1516. The Court observed that the exploration and production as well as the refining would be subject to separate federal and state actions that would ensure consideration of environmental effects via their own project-specific EIS

or other review documents. Moreover, the Court cautioned that NEPA does not permit agencies to “analyze the effects of projects over which they do not exercise regulatory authority.” *Id.* In other words, because the upstream and downstream activities with which the appellate court was concerned would be subject to other state and federal regulatory schemes and because the Board’s jurisdiction was narrowly tailored to reviewing and permitting railroad projects, such matters would be properly managed by other entities.

Another noteworthy aspect of this case is the Court’s return to matters of administrative deference. Since *Loper Bright Enterprises v. Raimondo*, 144 S.Ct. 2244 (2024), federal court deference to agency decisions has been all but eliminated. However, in *Seven County*, the Court explicitly noted that substantial deference is due to agency decisions under NEPA. Indeed, the Court explicitly restored such deference in NEPA contexts thusly: “The bedrock principle of judicial review in NEPA cases can be stated in a word: Deference.” *Id.* at 1515.

Though the Court alludes to the fact that this deference was explicitly provided by Congress in NEPA alone, the term is absent from the law. The Court instead cites to pre-*Chevron v. NRDC*, 104 S.Ct. 2778 (1984), cases noting the limited role of the federal judiciary in NEPA cases and cautioning against courts substituting their judgment for expert-based agency analyses.

At present, this case sets a narrower NEPA review standard than what has existed for decades. It remains to be seen whether *Seven Counties* indicates a return to agency deference or whether Louisiana courts will follow the U.S. Supreme Court’s lead in similar environmental-review cases.

— **Ryan M. Seidemmann, Ph.D.**
Treasurer, LSBA Environmental
Law Section
The Water Institute of the Gulf
1110 River Road S., Suite 200
Baton Rouge, LA 70802



THE LOUISIANA NATIONAL GUARD IS LOOKING FOR A FEW GOOD LAWYERS






CONTACT: CPT Demetrus Franklin
demetrus.r.franklin.mil@army.mil
504-638-7591



DOL Retracts FLSA Guidance Regarding Independent Contractors (Again)

A worker's classification as an employee or independent contractor under the Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201–219, determines whether that worker is entitled to receive a minimum wage and overtime pay. The U.S. Department of Labor's Wage and Hour Division (DOL), which is responsible for administering and enforcing the FLSA, issues regulatory guidance on worker classification that has varied with different presidential administrations, particularly in recent years. On May 1, 2025, DOL announced it will no longer apply its January 2024 guidance regarding independent-contractor classification under the FLSA, signaling yet another shift in the regulatory winds regarding this hotly contested topic.

Worker Classification Under the FLSA

The FLSA establishes various workplace rights for many private and public sector employees, including the federal minimum wage, 29 U.S.C. § 206, and overtime pay, 29 U.S.C. § 207. However, these protections cover only employees, not "independent contractors" — a term that is not defined in the FLSA or its

implementing regulations. In the absence of a clear standard for independent-contractor classification, federal courts have "focus[ed]" on whether, as a matter of economic reality, the worker is economically dependent upon the alleged employer or is instead in business for himself." *Hopkins v. Cornerstone Am.*, 545 F.3d 338, 343 (5th Cir. 2008), *cert den.*, 129 S.Ct. 1635 (2009). The DOL, which is responsible for administering and enforcing the FLSA, has traditionally applied a similar "economic reality" test when tasked with interpreting which workers may be properly classified as independent contractors. In July 2008, the Bush-era DOL issued Fact Sheet #13 highlighting seven economic-reality factors the agency deemed "significant":

1. The extent to which the services rendered are an integral part of the principal's business;
2. The permanency of the relationship;
3. The amount of the alleged contractor's investment in facilities and equipment;
4. The nature and degree of control by the principal;
5. The alleged contractor's opportunities for profit and loss;
6. The amount of initiative, judgment, or foresight in open market competition with others required for the success of the claimed independent contractor; and
7. The degree of independent business organization and operation.

DOL Fact Sheet #13: Employment Relationship Under the Fair Labor Standards Act (FLSA), available at <https://www.dol.gov/sites/dolgov/files/>

WHD/fact-sheets/whdfs13.pdf; *see also* DOL Opinion Letter 2019-6 at 5, *available at* <https://www.dol.gov/sites/dolgov/files/WHD/opinion-letters/FLSA/FLSA2019-6.pdf> (describing "six factors derived from Supreme Court precedent" that DOL applies when evaluating a worker's "economic dependence" on his or her employer).

The 2021 Rule

At the end of the first Trump administration, DOL promulgated a business-friendly rule that made it easier for employers to classify workers as independent contractors. 86 Fed. Reg. 1168 (Jan. 7, 2021) (2021 Rule). The 2021 Rule prioritized "two core factors" over all others: (1) The nature and degree of the worker's control over the work; and (2) The worker's opportunity for profit or loss. 86 Fed. Reg. at 1168. DOL claimed that these two factors were "more probative of the question of economic dependence" than the other traditional economic reality factors and should "carry greater weight in the analysis than any others." *Id.* The 2021 Rule was widely viewed as a more lenient standard that, for better or worse, made it easier for businesses to classify workers as independent contractors. However, DOL rescinded the 2021 Rule after President Biden took office on Jan. 20, 2021. *See* 86 Fed. Reg. 24303 (May 6, 2021).

The 2024 Rule

On Jan. 10, 2024, the Biden-era DOL issued a new final rule regarding independent contractor classification under the FLSA. 89 Fed. Reg. 1638 (Jan. 10, 2024) (2024 Rule). DOL cited concerns about the 2021 Rule's material departure from "the longstanding analysis applied by courts" regarding independent-contractor classification and the prevalence of employee misclassification under the FLSA. 89 Fed. Reg. at 1653-1660. The 2024 Rule returned to a fact-based "totality-of-the-circumstances" test based on six non-exclusive factors:

- (1) Opportunity for profit or loss depending on managerial skill;
- (2) Investments by the worker

David R. Sobel
Your trusted Louisiana mediator
for professional liability and
personal injury cases.
(318) 769-9567
www.sobel-law.com

and the potential employer;

(3) Degree of permanence of the work relationship;

(4) Nature and degree of control;

(5) Extent to which the work performed is an integral part of the potential employer's business; and

(6) Skill and initiative.

89 Fed. Reg. 1638, 1742-1743.

The 2024 Rule provided that other factors could be taken into consideration so long as they "in some way indicate whether the worker is in business for themselves, as opposed to being economically dependent on the potential employer for work." *Id.* at 1743. Numerous employers and business groups challenged the 2024 Rule, and at least five related lawsuits are still pending across the country, including in the Fifth Circuit (*Frisard's Transportation, LLC v. LABR*, No. 2:24-CV-347 (5th Cir. Apr. 8, 2024)).

DOL's Revocation of the 2024 Rule

On May 1, 2025, DOL announced that it "will no longer apply the 2024 Rule's analysis when determining employee versus independent-contractor status in FLSA investigations." DOL Field Assistance Bulletin No. 2025-1 (May 1, 2025), *available at* <https://www.dol.gov/sites/dolgov/files/WHd/fab/fab2025-1.pdf> (FAB). Instead, DOL will apply the economic-reality factors described in Fact Sheet #13 and DOL Opinion Letter FLSA2019-6 when determining independent-contractor status in ongoing FLSA enforcement matters. However, the 2024 Rule will still apply in private FLSA litigation "[u]ntil further action is taken" by DOL.

Looking Forward

DOL has not formally rescinded the 2024 Rule just yet, nor has it proposed a new rule regarding independent contractors to replace it. However, a new proposed rule is almost certainly forthcoming: as stated in the FAB, DOL is actively "reviewing and developing the appropriate standard for determining FLSA em-

ployee versus independent contractor status." It is probable – though by no means certain – that the second Trump administration's DOL will attempt to resurrect the 2021 Rule developed during the first Trump administration. It is also unclear if DOL's shifting stances will have a significant impact on private FLSA classification lawsuits, particularly given the death of *Chevron* deference brought about by the Supreme Court in *Loper Bright Enter. v. Raimondo*, 144 S.Ct. 2244 (2024). In any event, the DOL's shifting regulatory guidance since early 2021 highlights the volatile nature of policymaking, particularly when it comes to the American workforce. For employers, workers and labor organizations alike, the only certainty appears to be continued uncertainty.

Justine G. Daniel

On Behalf of the LSBA Labor Relations
and Employment Law Section
Casey Denson Law, LLC
8131 Oak St. Suite 100
New Orleans, LA 70118

Quantum Analysis: required on appeal & settlement success

Eason's makes it easy & affordable

Best v. Boland, 370 So.3d 636

The Supreme Court requires appellate courts to review comparable quantum cases. District Courts to follow?

Eason's, the books you have used and trusted for over thirty years, is now online exclusively.



Lawyers Research Publishing
Reliable Research You Can Count On

lawyersresearch.com





Louisiana Court Says Pipeline Owner Cannot Block Pipeline Crossings

In *Louisiana Energy Gateway LLC v. Trunkline Gas Co.*, 24-0544 (La. App. 3 Cir. 4/2/25), ___So.3d___, 2025 WL 982045, the defendants—the owners of existing natural gas pipelines—asserted that the plaintiff could not construct a new gas pipeline that crossed under the defendants’ existing pipelines without getting consent from the defendants. The trial court disagreed and granted a judgment for the plaintiff. The Louisiana Third Circuit Court of Appeal affirmed.

Background

The defendants own existing natural gas pipelines that carry gas from northwest Louisiana to southwest Louisiana. The plaintiff is the owner of the Louisiana Energy Gateway project, which will consist of a 176-mile natural gas pipeline that runs from northeast Texas to southwest Louisiana. The plaintiff’s pipeline will cross under the defendants’ pipelines in about 42 locations, including three loca-

tions in Beauregard Parish.

The defendants’ pipelines in Beauregard Parish were built pursuant to a conventional servitude executed in 1950 that granted them “a right-of-way and easement to construct, lay, maintain, operate, alter, repair, ... and replace pipe lines ... for the transportation of oil, gas, petroleum products or any other ... substances which can be transported through pipe lines.” The 1950 agreement provided that the landowners could “[f]ully use and enjoy said premises except for the purposes herein granted to the said Grantee and provided Grantor shall not construct or permit to be constructed any house, structures or obstructions on or over that will interfere with the construction, maintenance or operation of any pipe line or appurtenances constructed hereunder....”

The plaintiff contacted the defendants about constructing pipelines that cross under the defendants’ pipelines. The parties had discussions but could not reach an agreement, and the defendants asserted that the plaintiff could not construct pipelines crossing under the defendants’ pipelines without the defendants’ consent.

The litigation

The plaintiff filed suit, seeking an injunction to prohibit the defendants from interfering with the plaintiff’s construction of its pipeline within Beauregard, including the portions that would cross under the defendants’ pipelines. After a trial, the district court issued a judgment

that granted the permanent injunction the plaintiff sought. The defendants appealed.

The 3rd Circuit noted that, under Louisiana law, servitudes are not presumed to give the servitude owner an exclusive right to use the land. Parties can agree to the granting of an exclusive servitude, but the defendants’ 1950 servitude agreement did not purport to be “exclusive.” Further, the servitude agreement did not expressly prohibit pipeline crossings or require the landowner to obtain the defendants’ consent prior to authorizing a pipeline crossing. The servitude agreement does prohibit the landowner from making or authorizing constructions that would “interfere with” the defendants’ servitude rights, but the district court had held a trial and made a factual finding that the plaintiff’s pipeline crossings would not interfere with the defendants’ pipeline operations. For these reasons, the 3rd Circuit affirmed the district court’s judgment that granted a permanent injunction, barring the defendants from interfering with the plaintiff’s construction of its pipeline within Beauregard Parish, including the portions that crossed under the defendants’ pipelines.

—Keith B. Hall

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



Jessica D. LeBlanc CPA, CFF

- ☐ Expert Witness Testimony
- ☐ Business Consulting
- ☐ Forensic Accounting
- ☐ Marital Dissolution
- ☐ Successions
- ☐ Personal Injury
- ☐ Insurance Claims
- ☐ Economic Damages

504-812-7105

www.JessicaLeBlanc.cpa
JessicaL@JessicaLeBlanc.cpa



Evidence Of Informed Consent

Cantrelle v. Sargent, 24-1545 (La. 04/08/25), 404 So.3d 642.

A medical-review panel concluded that the defendant, Dr. William Sargent, did not breach any standard of care. The plaintiff, Valarie Cantrelle, then filed a lawsuit that was met with the defendant's motion for bond for medical-review-panel costs, pursuant to La. R.S. 40:12311.8(I)(c), which requires a plaintiff to post a cash or surety bond when a panel unanimously rules in favor of the healthcare provider. The parties then entered into a "consent judgment" that required Cantrelle to post a cash or security bond by August 9, 2024. The consent judgment further provided that no action could be taken in the case until the bond was posted, and if plaintiff failed to meet the deadline, "then Defendant may file an ex parte motion to dismiss the suit, which shall be granted without the need of a hearing." *Id.* at 642.

The plaintiff did not post the bond by August 9, 2024, so the defendant filed an ex parte motion to dismiss the claim with prejudice. On August 26, 2024, the plaintiff filed an opposition to the motion to dismiss, contending that "[u]nfortunately, due to unforeseen circumstances, the plaintiff was not able to meet the August 9, 2024 deadline." She then posted the bond that day.

The district court denied the defendant's motion to dismiss, and the court of appeal denied the defendant's writ. The Louisiana Supreme Court granted the defendant's writ and granted his motion to dismiss, reversing the lower court rulings. The court observed: "A judgment, whether it results from the assent of the parties or is the result of a judicial

determination after a trial on the merits, is and should be accorded sanctity under the law." *Id.* at 643. The plaintiff's failure to meet the requirements of the "bilateral contract" required the court to "give effect to consent judgment and grant defendant's ex parte motion to dismiss the suit." *Id.*

Immunity Under The LHEPA

Welch v. United Med. Healthwest-New Orleans LLC, 24-0899 (La. 3/21/25), 403 So.3d 554.

Plaintiff, Kathleen Welch, filed a medical malpractice claim against United Medical Physical Rehabilitation Hospital, alleging that she developed pressure ulcers due to ordinary negligence while under its care from April 16 to May 6, 2020—after the COVID-19 public-health emergency was declared by the Governor on March 11, 2020. In response, the defendant invoked La. R.S. 29:771(B)(2)(c)(i), a provision under the Louisiana Health Emergency Powers Act (LHEPA) that limits liability for healthcare providers during a declared public-health emergency to cases involving gross negligence or willful misconduct.

The trial court dismissed Welch's claim, finding that she failed to meet the gross negligence threshold. The court of appeal affirmed the dismissal but remanded for a ruling on the constitutional claims that Welch raised in her opposition to the defendant's exceptions. Welch amended her petition and chal-

lenged the constitutionality of the statute, asserting violations of due process, the right of access to the courts under the Louisiana Constitution, and alleging that the provision constituted an unconstitutional special or overbroad law.

The trial court upheld the statute's constitutionality, and the court of appeal affirmed. The Louisiana Supreme Court granted the writ and likewise upheld the constitutionality of La. R.S. 29:771(B)(2)(c)(i), applying a rational-basis review. The court found the statute to be reasonably related to the legitimate state interest of ensuring continued access to healthcare services during emergencies. Because Welch's injuries occurred after both the declaration of the public-health emergency and the enactment of the statute, the court concluded that her claims did not implicate any vested right.

The court also rejected arguments that the statute was a prohibited "special law," noting that it applied uniformly to all healthcare providers, and dismissed the overbreadth challenge as inapplicable outside of First Amendment contexts.

Justices Griffin and Knoll dissented. Justice Griffin contended that immunity should apply only in instances in which the negligence specifically arose from emergency-related medical care. Justice Knoll concurred in that reasoning and emphasized that the case should have been resolved on statutory interpretation, rather than constitutional grounds, as Welch's care was unrelated to the public-health emergency – COVID-19.

The Court affirmed the dismissal of Welch's claim.



David F. Bienvenu
Mediator

Bringing parties together throughout Louisiana

PERRY♦DAMPF
DISPUTE SOLUTIONS

World-Class Dispute Resolution, Right Here at Home.

BATON ROUGE • LAFAYETTE • NEW ORLEANS | PERRYDAMPF.COM

See also: *Cortes v. Univ. Healthcare Sys.*, 24-0543 (La. App. 5 Cir. 4/2/25), ___ So.3d ___, 2025 WL 999776. The Louisiana Fifth Circuit Court of Appeal remanded to enable the plaintiff to amend her petition to address the gross negligence standard under the LHEPA as raised by the defendants as an affirmative defense to the plaintiff's original petition.

—**Robert J. David**

Gainsburgh, Benjamin, David, Meunier & Warshauer, LLC
601 Poydras St., Ste. 2355
New Orleans, LA 70130
And

Michael J. Ecuyer

Gainsburgh, Benjamin, David, Meunier & Warshauer, LLC
601 Poydras St., Ste. 2355
New Orleans, LA 70130



Solar Tax Credit Suit Seeking Class Action Dismissed as Moot

Gross v. Richard, BTA Docket No. 13677D (5/7/25).

Sarah Gross, individually and on behalf of all other similarly situated individuals, brought suit in tort and

contract to have La. R.S. 47:6030, the Solar Energy System Tax Credit, and any other “post hoc limitation, restriction or requirement” thereon, declared unconstitutional. Gross also asked for consequential damages suffered due to the delayed payment of the credit because of the retroactive application of La. R.S. 47:6030, as amended by 2015 Act 131.

In a prior hearing before the Louisiana Board of Tax Appeals (BTA), the BTA granted an exception of no cause of action filed by the Louisiana Department of Revenue, finding Gross’ claims based on theories of negligence, conversion and contract did not properly arise within the tax code. The BTA allowed Gross an opportunity to amend to raise any claims that arise under Louisiana’s laws related to taxes and fees or pursuant to the BTA’s jurisdiction over claims against the state. Gross amended the petition to add claims against the state under La. R.S. 47:1621 for delayed damages based on detrimental reliance and statutory interest. The Department filed exceptions of prescription, mootness, no cause of action, no right of action and lack of procedural capacity in response to the amended petition.

The BTA considered the mootness exception in light of the Louisiana Supreme Court’s ruling in *Ulrich v. Robinson*, 18-0534 (La. 3/26/19), 282 So.3d 180, which considered similar arguments to those raised by Gross regarding the credit. The BTA noted that the Louisiana Supreme Court had already found the voluntary-cessation

exception to the mootness doctrine does not apply to the curative effects of Act 413 (which provided additional funding to pay credits that had been deferred due to Act 131 credit caps). Further, the court had already found the collateral-consequences doctrine does not apply to claimants whose sole claim for relief was a declaration that Act 131 is unconstitutional.

The issue before the BTA was whether Gross’ purported consequential-damage claims distinguish this case from *Ulrich*. Gross maintained that her claims are in the nature of the secondary claims that did not exist in *Ulrich*. The BTA disagreed. The BTA noted that the court in *Ulrich* had addressed the same arguments that Gross was making. In *Ulrich*, the court held that the 19th JDC erred in improperly conflating the constitutional argument relative to Act 131’s elimination of the tax credits with the concept of damages and a consideration of whether the enactment of Act 413 made the plaintiffs whole. Moreover, the court held that Act 413 reinstated the plaintiffs’ right to the full amount of the tax credit. Thus, under *Ulrich*, claims for delay damages and interest resulting from the deferral of the credit do not trigger the collateral-consequences exception to the mootness doctrine. The BTA held the factual and statutory timeframe for the Gross and the *Ulrich* plaintiffs were the same with respect to Act 413 and its effects on interest on the credits. The BTA held the result for Gross must be the same as it was for the plaintiffs in *Ulrich*. The BTA dismissed the matter as moot. Because of the ruling, the BTA did not reach the Department’s remaining exceptions.

—**Antonio Charles Ferachi**

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

First Circuit Upholds BTA's Ruling on Nontaxability of Purchases for Nursing Home Meals

Camelot of N. Oaks, LLC v. Tangipahoa Par. Sch. Sys., Sales & Use Tax Div., 24-0840 (La. App. 1 Cir. 5/22/25), 2025 WL 1477685 (unpublished).

The First Circuit Court of Appeal of Louisiana affirmed the BTA ruling in favor of Camelot of North Oaks, LLC, Kentwood Manor Nursing Home, LLC and Summerfield of Hammond, LLC (Taxpayers), against the Tangipahoa Parish School System, Sales and Use Tax Division (Collector).

The Taxpayers, licensed as nursing homes and an Adult Residential Care Provider by the Louisiana Department of Health and Hospitals (DHH), are required to provide residents with meals. The Taxpayers contract with residents to provide daily meals, along with other services, for a lump-sum fee. During the periods at issue, the Taxpayers paid state and local sales-and-use taxes on purchases of ingredients used to prepare the meals. After internal audits, the Taxpayers filed refund claims for sales taxes they paid on the ingredients, arguing that the purchase of the ingredients was a nontaxable “sale for resale” under La. R.S. 47:301(10)(a)

(ii). The Collector denied the refunds on the basis that the meals were not sold to the Taxpayers’ residents and, as such, the Taxpayers were the end users of the ingredients.

The BTA ruled in the Taxpayers’ favor, finding that the “sale” definition at La. R.S. 47:301(12) includes “furnishing, preparing or serving, for a consideration, of any tangible personal property, consumed on the premises” Further, the absence of separate itemization of the meals among the various services provided for a lump-sum fee was not fatal to the Taxpayers’ argument. The Collector appealed.

The 1st Circuit agreed with the BTA and concluded that the meals were sold to the Taxpayers’ residents and thus the purchase of the ingredients was a nontaxable purchase for resale because the ingredient costs were factored into residents’ lump-sum fees, and the meals would not be provided without payment of those fees. In so holding, the Court rejected the Collector’s reliance on *S & R Hotels v. Fitch*, 25,690 (La. App. 2 Cir. 3/30/94), 634 So.2d 922, in which a luxury hotel’s purchases of ingredients used to provide complimentary food to guests was held taxable. The Taxpayers case differed from *Fitch* because the Taxpayers were required by DHH to provide the meals and the Taxpayers sold the meals to residents.

In addition, the 1st Circuit concluded that La. R.S. 47:305(D)(2)(a)(ii), which exempts sales of meals to the staff and patients of hospitals and to the

staff and residents of nursing homes, adult-residential-care providers and continuing-care retirement communities, applied. Therefore, the Taxpayers’ sales of meals to residents were exempt from sales tax. The court’s conclusion relied on *City of Baton Rouge v. Mississippi Valley Food Service Corp.*, 396 So.2d 353 (La. App. 1 Cir. 1981), which held that a hospital’s purchases from a contracted food vendor were entitled to the exemption under La. R.S. 47:305(D)(2)(a)(ii) because the exemption would otherwise be nullified if hospitals were required to pay tax and pass on the cost to residents. Because there was no dispute that the Taxpayers were licensed by DHH and sold meals to residents as required by DHH, the court concluded there was no genuine issue of material fact and the Taxpayers were entitled to the exemption under La. R.S. 47:305(D)(2)(a)(ii) as a matter of law. The court therefore affirmed the BTA’s judgment.

– William J. Kolarik II

Member, LSBA Taxation Section

Kean Miller, LLP

400 Convention St., Suite 700

Post Office Box 3513 (70821-3513)

Baton Rouge, LA 70802

and

Keeley Jones

Law Clerk, Kean Miller, LLP

Volunteers needed!



An Online Pro Bono Program
LA.FreeLegalAnswers.org



TULANE LAW SCHOOL

LAW FIRM CHALLENGE

Congratulations for reaching 100% participation in this year's Law Firm Challenge!

Barrasso Usdin

Chaffe McCall

Fishman Haygood

Flanagan Partners

Frilot

Irwin Fritchie

Lugenbuhl

McGlinchey Stafford

Phelps Dunbar

Sher Garner

A Personal Reflection on Leadership and Service:

Embracing the Future of the Louisiana State Bar Association

By Collin R. Melancon, 2025-26 Chair



The role of Chair of the Young Lawyers Division (YLD) of the Louisiana State Bar Association (LSBA) is an incredible honor and one that I approach with deep gratitude. When I first joined the YLD Council back in 2018, I didn't fully understand the scope of the work that lay ahead. But with each passing year, my understanding of the mission and purpose of the YLD has become crystal clear: this is not about titles or personal gain. It's about giving back to our profession and the people who rely on us during pivotal moments of their lives.

The Core of Service

One of the first questions I asked myself when I joined the Council was, "Why am I doing this?" The answer wasn't immediately obvious. But as time went on, I realized the power of serving something larger than myself. Service to your Bar, whether that be a state, local, or federal bar, often requires time away from family, from work, and from personal pursuits. Yet, for many of us, this sacrifice is worth it. We continue to give because we know that the work we put in today will shape the future of the legal profession in Louisiana for years to come. The programs we create and the initiatives we support aren't about recognition — they're about creating a lasting impact.

For all of us, service to your Bar is not a pursuit of accolades, but a commitment to making the legal system a better place for those who follow in our footsteps. It's about building a legacy of change that will benefit generations of lawyers to come. And that is what has driven me throughout my time with the YLD.

Growth and Change: My Journey with the YLD

Reflecting on the past seven years, I am immensely proud of what we have built together. When I first joined, the YLD was often seen as a smaller, less influential part of the LSBA. However, over the years, we've worked hard to change that. We've grown from offering a handful of programs to creating high-level initiatives that benefit both the legal profession and the people we serve. We've made meaningful contributions that will stand the test of time.

The YLD has become a powerful force within the LSBA, and I'm proud to have been part of that evolution. The future of our Division is incredibly bright, and I'm excited to see where we go from here. The passion and drive within the YLD is palpable, and

it's an honor to lead this group of young lawyers as we continue to build on what we've accomplished.

Personal Growth: Balancing Career and Family

While my journey with the YLD has been one of professional growth, it's also been a time of significant personal change. In 2018, I made the decision to start my own law firm, a leap of faith that has paid off in ways I couldn't have anticipated. Having the freedom to shape my own practice has given me a deeper sense of purpose in my work. But my life hasn't just changed professionally — it has changed in ways I never expected.

In December, my wife and I were blessed with the birth of our second child. This joy was tempered by the heartbreaking loss of my mother, who passed away after a heroic battle with cancer. Losing my mother, someone who dedicated her life to shaping elementary school students' lives in Lafayette, was the hardest thing I've ever faced. In the midst of this grief, I questioned whether I had the strength to continue in my role with the YLD.

But through those quiet moments of reflection, I remembered why I serve. I thought of my mother and the lessons she taught me about selflessness, service, and kindness. Her work at a small Catholic school in Lafayette profoundly impacted so many lives, and her dedication to others became a guiding force for me in my own journey. Her example reminded me that our work in the YLD is about much more than ourselves — it's about leaving a legacy of service for the generations that follow.

The Role of the YLD in Shaping the Future

The YLD is more than just a part of the LSBA — it's the heartbeat of the Bar. We are the ones who will carry this profession forward, infusing it with energy, creativity, and a commitment to justice. As young lawyers, we are shaping the future of law in Louisiana, and it's a responsibility I take seriously.

As I begin my term as chair, I'm not just stepping into a leadership role — I'm joining a community of like-minded individuals who are passionate about making the profession better for everyone. The future of the LSBA is bright because of the work we do today, and I'm excited to be a part of that.

A Tribute to Kristen Amond

I would be remiss if I didn't take a moment to thank Kristen Amond, the outgoing chair of the YLD. Kristen's leadership has

Continued on page 137

CHAIR'S MESSAGE, SPOTLIGHT, SAVE THE DATE

YOUNG LAWYERS SPOTLIGHT

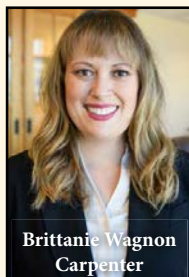
Brittanie Wagnon Carpenter Shreveport

Brittanie Wagnon Carpenter graduated magna cum laude and was elected to the Order of the Coif from the LSU Paul M. Hebert Law Center in 2016. She joined Bradley Murchison's Shreveport office in 2017. Prior to that, she practiced in the areas of insurance defense, employment law and general commercial litigation for a law firm in Lake Charles, Louisiana.

Since joining Bradley Murchison, Carpenter has represented major and independent energy companies in litigation, title examination and division order work. She advises clients at many stages of oil and gas exploration, in-

cluding lease disputes, landowner and royalty owner demands, title issues and Louisiana risk-fee matters. She has examined title in various oil and gas fields across Louisiana, and enjoys rendering drill site, preliminary and division order title opinions, as well as assisting with curative work.

Beyond oil and gas, Carpenter advises businesses on employment law, with an emphasis on handbooks, policies and contracts. She also defends large insurance companies—particularly their special investigative units—by providing coverage opinions, conducting ex-



Brittanie Wagnon
Carpenter

aminations under oath and defending both first-party and third-party claims. Her practice also includes general corporate representation in both litigation and transactional matters. She was recently named to the firm's Personnel Committee and enjoys mentoring young attorneys at the firm.

Carpenter has been recognized in The Best Lawyers in America: Ones to Watch in 2025 and in Louisiana Super Lawyers: Rising Stars in 2023 and 2024. She has presented at the NBI's Advanced Employment Law Seminar (2022) and the Louisiana Mineral Law Institute (2025). In her spare time, she chases her rambunctious two-year-old, is an active member of St. Paul's Episcopal Church and plays guitar and piano with friends.

YLD Chair's Message, Continued from page 136

been nothing short of transformative. She stepped into this role at a pivotal time and guided the YLD to new heights. Her unwavering commitment to the success of the YLD has earned her the respect and admiration of everyone involved. Kristen's ability to bring people together and inspire collaboration has shaped the YLD into the force it is today.

Kristen, your leadership will be felt for years to come, and we are all better for having had you at the helm.

Moving Forward: A Call to Service

As I step into this new role, I do so with a deep sense of humility and a renewed commitment to service. I'm excited to work

alongside all of you to continue the important work we've started. Together, we will ensure that the YLD remains a vibrant, impactful force within the LSBA and that the legal profession in Louisiana continues to be a beacon of justice, fairness, and compassion.

The work we do today isn't just for us — it's for the generations of lawyers who will follow. We are creating a legacy that will endure, and I'm proud to be part of it.

Thank you for your continued support, and let's keep working to make a difference.



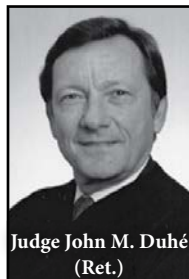
**LOUISIANA STATE BAR ASSOCIATION
YOUNG LAWYERS DIVISION
VIRTUAL PROFESSIONAL
DEVELOPMENT SEMINAR**

Save the Date! Wednesday, December 3, 2025 • 8 a.m. to Noon
4 CLE Credit Hours (pending approval) • \$50 Registration • Open to Young Lawyers Only

IN MEMORIAM

Deaths

Retired 16th Judicial District Court Judge John M. Duhé, Jr., 92, died, Friday, May 16, 2025. He earned his bachelor's degree from Tulane University and



Judge John M. Duhé (Ret.)

his juris doctor degree from Tulane University Law School in 1958. Following his graduation, Judge Duhé practiced law privately with the firms Helm, Simon, Caffery, and Duhé, as well as Caffery, Duhé, and Davis, along with their successor firms. In 1979, he was elected without opposition to the 16th Judicial District Court. Judge Duhé served on the 16th Judicial District Court until 1984, when he was appointed by President Ronald Reagan as a United States District Judge for the Western District of Louisiana, for the Lafayette-Opelousas Division. In 1988, he was appointed to the United States Court of Appeals for the Fifth Circuit, where he served until 2011. In support of efforts to enhance trial advocacy and the professional integrity of lawyers, Judge Duhé often served as a speaker and panelist at programs organized by the National Institute of Trial Advocacy, the Louisiana Association of Defense Counsel, the Louisiana Bar Association, and the American Inns of Court.

Retired 14th Judicial District Court Judge Robert P. Jackson, 89, died, Wednesday, March 12, 2025. He earned his bachelor's degree from the University of Southwestern Louisiana (currently the University of



Judge Robert P. Jackson (Ret.)

Louisiana at Lafayette) in 1957, and received his juris doctor degree from Louisiana State University Law School in 1962. He began his career in private practice before serving as an investigator for the District Attorney's office from 1964-1965. From 1965-1974, he worked as an assistant district attorney. In 1974, he was elected 9th Judicial District Court judge and served until his retirement in 1990.

Retired Louisiana First Circuit Court of Appeal Judge Brady M. Fitzsimmons, 83, died, Monday, April 14, 2025. He earned his bachelor's degree from Spring Hill College in 1967, his master's degree from Louisiana State University of New Orleans (currently University of New Orleans) in 1969, and his juris doctor degree from Loyola University New Orleans College of Law in 1975. Judge Fitzsimmons served on the faculty at Southeastern Louisiana University and Loyola University College of Law as an adjunct faculty member. From 1979-1983, he practiced law in the private sector at LeGardeur & Fitzsimmons. He then worked as an assistant district attorney and served as the head of the Criminal Division at the 22nd District Court from 1986-1988. In 1988, Judge Fitzsimmons was elected to the 22nd Judicial District Court and was reelected without opposition in 1991. He was elected to the Louisiana First Circuit Court of Appeal in 1995 and served in that role until his retirement in 2004.

Retired Louisiana First Circuit Court of Appeal Judge Brady M. Fitzsimmons, 83, died, Monday, April 14, 2025. He earned his bachelor's degree from Spring Hill College in 1967,



Judge Brady M. Fitzsimmons (Ret.)

Retired Louisiana Supreme Court Justice Harry T. Lemmon, 94, died Friday, April 18, 2025. Justice Lemmon earned his bachelor's degree from Southwestern Louisiana Institute (currently the University of Louisiana at Lafayette) in 1952. After working as a chemist for four years and serving two years in the United States Army, he earned his law degree from Loyola University New Orleans College of Law, graduating *cum laude* in 1963. He began his legal career at the firm of Vial, Vial, and Lemmon in Hahnville. In 1970, he was elected to the Louisiana Fourth Circuit Court of Appeal. In 1980, he became a Justice of the Louisiana Supreme Court. Justice Lemmon was twice reelected without opposition and served until his retirement in 2001. He was dedicated to promoting the integrity of the legal profession. In addition to his judicial duties, Justice Lemmon taught law pro bono at Loyola University, Louisiana State University, and Tulane University. He also chaired the Ainsworth Lecture Committee, which aimed to uphold high standards in legal education, and he lectured both nationally and internationally. Justice Lemmon co-authored the "Louisiana Civil Law Treatise on Civil Procedure" and served on various committees for the Louisiana State Law Institute. For over 20 years, he led the Louisiana Judicial College, providing continuing legal education for judges. He held several national positions, including Chair of the American Bar Association's Committee on Continuing Education for Appellate Judges. His achievements were recognized with several honors, including an honorary Doctor of Laws from Loyola College of Law, the St. Ives Award in 2002, the Louisiana Bar Foundation's Distinguished Jurist Award, and induction into the LSU Law Center Hall of Fame.

Justice Harry T. Lemmon (Ret.)



Justice Harry T. Lemmon (Ret.)

Justice Harry T. Lemmon (Ret.)

A background image showing two men in business suits. One man is in the foreground, looking towards the right, while the other is slightly behind him, looking forward. They appear to be in a professional office environment.

\$36.7 MILLION

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

\$17.2 MILLION

Photo Dramatization

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

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

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

Call (866) 936-9211

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

PEOPLE

LAWYERS ON THE MOVE, NEWSMAKERS, PUBLICATIONS

LAWYERS ON THE MOVE

Richard J. Arsenault spoke at the Western Alliance Class Action Forum in San Diego. He was also selected to the 2025 AV Preeminent Attorney Judicial Edition of Martindale Hubbell.

Blue Williams, LLC is pleased to welcome three talented attorneys to the firm. Joining the firm as associates are Alexis Smith in our Mandeville office, Christian Edwards and Sara G. Ford, who will be based in our Metairie office.

Andrus, Boudreaux, Landry & Coussan, APLC, in Lafayette, announces that **Matt H. Long** has been named a partner. Long joined the firm in August 2022 and focuses

on real estate matters. He was named the 2024 Affiliate of the Year by the Realtor Association of Acadiana, serves on the YPN Board of Directors, and co-chaired the RAA Diversity Committee in 2023. He regularly teaches continuing education courses for realtors and presents CLE sessions for the Lafayette Bar Association on real estate transactions involving divorcing spouses. He is a member of the Louisiana State Bar Association, Lafayette Bar Association, Realtors Association of Acadiana, Realtor's Commercial Alliance, Acadiana Home Builders Association, and Acadiana Mortgage Lenders Association, and is admitted to practice in the United States District Court for the Western District of Louisiana.

Adams and Reese LLP, in New Orleans, announces that **Sara C. Valentine** has re-joined the firm as counsel in the Litigation Practice Group. She previously served as Special Counsel with the firm from 2017 to 2022 and most recently worked as corporate counsel for PBF Energy. Valentine has nearly 20 years of experience in commercial litigation, including environmental, oil and gas, energy, insurance, employee benefits, and contract disputes. She will also work with the firm's Appellate

Litigation Team.

Blake R. David, senior partner at Broussard, David & Moroux, in Lafayette, is President of the American Board of Trial Advocates (Louisiana Chapter).

Miller, Sullivan & DeMarcay, LLC is pleased to announce that **Sarah M. Guidry** has joined the firm as an associate.

Laura C. Cannon has joined Hinshaw & Culbertson LLP as a partner in the firm's Government Practice Group and appellate team in New Orleans. She previously served as a Criminal Justice Act attorney for the U.S. Court of Appeals for the Fifth Circuit. Cannon focuses on appellate matters involving commercial litigation, insurance, and consumer financial services. She also advises on white-collar compliance and defends public entities in constitutional cases. A former law clerk to Judges Stephen Higginson and Nanette Jolivet Brown, she earned both her B.A. and J.D. from Tulane University.

Gordon, Arata, Montgomery, Barnett, McCollam, Duplantis & Eagan, LLC, in New Orleans, announces that **Paul A. Babineaux** has joined the firm as an associate. He will work with the litigation



Richard J. Arsenault



Paul A. Babineaux



Michael L. Ballero



Thomas M. Benjamin



Danielle L. Borel



Peter J. Butler, Jr.



Alexa N. Candelora



Laura C. Cannon



David R. Cassidy



Joseph J. Cefalu III



Trevor C. Davies



Blake R. David



Thomas M. Flanagan



Harold J. Flanagan

team on matters involving construction, energy, and general commercial litigation. Babineaux previously practiced at an insurance defense firm and served as an Assistant Attorney General in the Civil Litigation Division of the Louisiana Department of Justice.

Simon, Peragine, Smith & Redfearn, LLC, announces that **Trevor C. Davies** (Partner), **Michael L. Ballero** (Partner), **Shannon O. Harrison** (Of Counsel), and **Gregory J. Sauzer** (Associate) have joined the firm.

PUBLICATIONS

Chambers USA 2025

Breazeale, Sachse & Wilson, LLP (Baton Rouge, New Orleans, Monroe): The firm received rankings in nine Louisiana practice areas: Construction; Environmental; Healthcare; Labor & Employment; Litigation: White-Collar Crime & Government Investigations; Gaming & Licensing; Insurance; Litigation: General Commercial; and Tax

Nineteen attorneys were recognized in the 2025 edition of Chambers USA: America's Leading Lawyers for Business:

Thomas M. Benjamin, David R. Cassidy, V. Thomas Clark, Jr., Clay J. Countryman, Murphy J. Foster III, Nicole Gould Frey, Gregory D.

Frost, Philip J. Giorlando, Emily Black Grey, Timothy W. Hardy, John B. King, Catherine M. Maraist, Eve B. Masinter, Van R. Mayhall, Jr., Catherine B. Moore, E. Fredrick Preis, Jr., Claude F. Reynaud, Jr., Jacob E. Roussel, and Jacob Simpson.

Chambers USA 2025

Gordon, Arata, Montgomery, Barnett, McCollam, Duplantis & Eagan, LLC (New Orleans, Lafayette): The firm received rankings in four Louisiana practice areas: Bankruptcy/Restructuring (Band 3); Energy & Natural Resources: Oil & Gas (Band 2); Litigation: General Commercial (Band 3); Real Estate (Band 3).

Nine attorneys were recognized in the 2025 edition of Chambers USA: America's Leading Lawyers for Business:

Michael E. Botnick, Bob J. Duplantis, Ewell "Tim" E. Eagan, Jr., C. Peck Hayne, Jr., Armistead M. Long, Terrence K. Knister, Cynthia A. Nicholson, Scott A. O'Connor, and Marion W. Weinstock.

Louisiana Super Lawyers 2025

Breazeale, Sachse & Wilson, LLP (Baton Rouge, New Orleans): Ten attorneys were named to the 2025 edition of Louisiana Super Lawyers, and twelve attorneys were recognized as Rising Stars.

Super Lawyers – Baton Rouge:

David R. Cassidy, Murphy J. Foster III, Thomas R. Temple, Jr., Douglas K. Williams

Super Lawyers – New Orleans:

Thomas M. Benjamin, Peter J. Butler, Jr., Alan H. Goodman, Eve B. Masinter, Richard G. Passler

Rising Stars – Baton Rouge:

Danielle L. Borel, Alexa N. Candelora, Joseph J. Cefalu III, David C. Fleshman, Alexandra C. Hains, Kelsey Luckett, Catherine B. Moore, Sarah A. Perkins

Rising Stars – New Orleans:

Philip J. Giorlando, Kayla M. Jacob, Rachael Jeanfreau

Louisiana Super Lawyers 2025

Flanagan Partners, LLP (New Orleans): **Thomas M. Flanagan** was named to the Top 10 Louisiana and Top 50 New Orleans Lawyers lists. **Harold J. Flanagan** was named to the Top 50 Louisiana and Top 50 New Orleans Lawyers lists. **Anders F. Holmgren** and **Camille F. Gauthier** were named to the 2025 Louisiana Super Lawyers list, and **Kansas M. Guidry** and **Matthew R. Slaughter** were recognized as Rising Stars.

Continued next page



David C. Fleshman



Murphy J. Foster III



Camille E. Gauthier



Philip J. Giorlando



Alan H. Goodman



Sarah M. Guidry



Kansas M. Guidry



Alexandra C. Hains



Shannon O.
Harrison



Anders F. Holmgren



Kayla M. Jacob



Rachael Jeanfreau

Louisiana Super Lawyers 2025

Broussard, David & Moroux (Baton Rouge): Five attorneys were named to the 2025 edition of Louisiana Super Lawyers, including Blake R. David, who earned a spot among the Top 10 Attorneys in Louisiana, and Emily C. Borgen, recognized for the first time this year. Other honorees include

Richard C. Broussard, Jerome Moroux, and Rachael Catalanotto.

Louisiana Super Lawyers & Rising Stars 2025

McGlinchey (Baton Rouge, New Orleans): Seventeen attorneys were honored across the Super Lawyers and Rising Stars lists.

Eleven attorneys were named Super Lawyers, and six were recognized as Rising Stars. Highlights include Magdalen Blessey Bickford named as one of the Top 25 Women Attorneys in Louisiana; Rudy J. Cerone among the Top 50 Attorneys in New Orleans; and Michael H. Rubin among the Top 50 Attorneys in Louisiana.



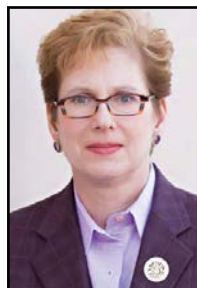
Lindsay F. Louapre



Matt H. Long



Kelsey C. Luckett



Eve B. Masinter



Catherine B. Moore



Sarah A. Perkins



Richard G. Passler



Gregory J. Sauzer



Matthew R. Slaughter



Thomas R.
Temple, Jr.



Sara C. Valentine



Douglas K. Williams

Deadlines!

For submitting People Announcements

Publication

Dec. 2025 / Jan. 2026

Feb. / March 2026

April / May 2026

June / July 2026

Aug. / Sept. 2026

Oct. / Nov. 2026

Deadline

Oct. 4, 2025

Dec. 4, 2026

Feb. 4, 2026

April 4, 2026

June 4, 2026

Aug. 4, 2026

Announcements are published free of charge for members of the Louisiana State Bar Association. Members may publish photos with their announcements at a cost of \$50 per photo. Send announcements, photos and photo payments (checks payable to Louisiana State Bar Association) to: Krystal Bellanger Rodriguez, Louisiana Bar Journal, 601 St. Charles Ave., New Orleans, LA 70130-3404 or email publications@lsba.org.

Southern University Law Center Commemorates the Civil Code's Bicentennial

On May 30, 2025, Southern University Law Center commemorated the Bicentennial of the 1825 Louisiana Civil Code with an excellent program featuring Shawn D. Vance, Vice Chancellor for Academic Affairs and Justice Revius O. Ortique, Jr., Endowed Professor; Ana A. Litvinoff, daughter of the late highly esteemed Civil Law scholar Saul Litvinoff; and John Michael Guidry, Associate Justice of the Louisiana Supreme Court.

This was the final educational event of the Supreme Court of Louisiana Historical Society's nine-month commemoration of the 1825 Code's Bicentennial.

In his address, entitled "A Mirror to Society: The Legacy of the 1825 Civil Code of Louisiana—What We Are, What We Could Have Been, and What We Will Be," based on a law review article he has written, Professor Vance highlighted two articles which "caught my attention" as he researched the history of the 1825 Code: one written by Judge John T. Hood, Jr. in 1958; the other by Tulane Law Professor Shael Herman in 1993.[1]

Prof. Vance, who has a J.D. from Southern and an LL.M. in Labor and Employment Law from Georgetown University Law Center, emphasized the importance of understanding the historical background against which the 1825 Code was created. Initially settled as French colony, and later coming under Spanish rule, the people of Louisiana had been governed by the civil laws of those countries for several decades.

After the 1803 Louisiana Purchase, some political figures expected little resistance to British common law which had been adopted in other American states up to that time. However, Vance noted, "Resistance is exactly what they experi-



Prof. Donald W. North, Southern University Law Center; E. Phelps Gay; Prof. Shawn D. Vance, Southern University Law Center; Ana A. Litvinoff and Louisiana Supreme Court Justice John Michael Guidry at the University's Commemoration of the Bicentennial of the 1825 Louisiana Civil Code.

enced in Louisiana." Its "resilient people," accustomed to civil law traditions, opposed common law and succeeded in the effort.

Prof. Vance alluded to Judge Hood's article describing Territorial Governor William C.C. Claiborne's struggles to govern Louisiana. Edward Livingston, a New York lawyer, became the leading advocate to maintain civil law in Louisiana and demanded immediate statehood.

In May 1806, the Louisiana legislature adopted a bill under which pre-existing Spanish and Roman laws would govern the territory, but Governor Claiborne vetoed it. In response, a New Orleans newspaper published a "manifesto," signed by ten members of the legislature, protesting his veto, explaining why they preferred civil law, and proposing dissolution of the legislature.

In June of 1806, the legislature appointed two attorneys—Louis Moreau-Lislet and James Brown—to produce a new civil code for the Territory of Orleans. This led to adoption of the 1808 Digest of the Civil Laws now in Force in the Territory of Orleans. While some believed this effectively repealed all ancient laws of the terri-

tory, in 1817 the Louisiana Supreme Court ruled that Spanish laws, not contrary to the Digest, were still in force.

Seeking an end to this "legal chaos," in March 1822 the legislature appointed three "jurisconsults"—Moreau-Lislet, Livingston, and Pierre Derbigny—to revise the Digest and draft not only a new Civil Code but also a commercial code and a code of practice.

Here, Vance noted, "we get to the secret sauce of my article."

While the drafters of the 1825 Civil Code embraced substantive civil law (drawn from a variety of sources), in their Code of Practice they adopted English rules of procedure. In the words of Prof. Herman: "Upon this civilian foundation would be engrafted American constitutional and procedural norms that were largely shaped by English law."

Prof. Vance concluded by citing Judge Hood's articulation of the Code's significance: "a living and durable monument to those who created it . . . a body of substantive law adequate for the present and capable of expanding to meet future needs."

Continued on page 146

Professor Markus Puder Speaks on 1825 Code Drafter Pierre Derbigny

On May 2, 2025, Markus G. Puder, the Herbert W. Christenberry Distinguished Professor of Law at Loyola University New Orleans College of Law, delivered a highly informative and well-received lecture at the Louisiana Supreme Court on Pierre Derbigny, one of three drafters of the 1825 Louisiana Civil Code.

An expert in comparative law, Prof. Puder has a Ph.D. in Law from Ludwig Maximilian University (Munich) as well as an LL.M. in common law studies from Georgetown University. At Loyola he teaches courses in Civil Law, European Union Law, and Louisiana Property Law (among other subjects). He has held visiting professorships in cities around the world, including Hamburg, Beirut, and Naples. Notably, he prepared the first English-German edition of the Louisiana Civil Code.

To some extent, Prof. Puder noted, Derbigny has “remained in the shadows,” at least vis-à-vis his better-known co-authors, Louis Moreau-Lislet and Edward Livingston. Due to a “scarcity of sources” and “gaps in the material,” not many books and articles have been written about him. Thus, “where there is no literature,” Puder observed, “people do not look further.” But “someone has to make the start,” and Prof. Puder pronounced himself happy to do so.

Born in Laon, France in October 1769, Pierre Auguste Charles Bourguignon Derbigny studied law at the Abbey of Sainte-Genevieve, a precursor to the University of Paris. In 1791, during the French Revolution, he fled to the French island of Sainte-Domingue. He then emigrated to America, residing in Pittsburgh (where he married Felicité Odile de Hault de Lassus), New Madrid, and Florida, after which he moved to Havana, Cuba. His “odyssey” ended in 1797 when he arrived in Louisiana toward the end of the Spanish colonial period.

A gifted linguist (like Prof. Puder, who speaks English, French, German, and Spanish), Derbigny became an interpreter in the Spanish province. This role continued after the 1803 Louisiana Purchase when Governor William C.C. Claiborne appointed him to serve as official interpreter of languages for the territory.

Throughout his address, Prof. Puder noted the “elasticity and nimbleness” of

Derbigny’s character—that is, his ability to get along with people from different backgrounds. This was reflected in the different ways he signed his name: to local French-speaking citizens he was “Pierre;” but when writing to Thomas Jefferson’s Treasury Secretary, Albert Gallatin, he signed off as “Peter.”

In response to the Governance Act of 1804, many people in Louisiana objected to the political system established by Congress, complaining that, instead of granting Louisiana the rights and privileges of statehood, Congress and President Jefferson were seeking to govern the Orleans Territory through an “omnipotent” territorial governor, who did not speak French. Derbigny was among those seeking self-government for the new territory.

This gave rise to a “Remonstrance of the People of Louisiana against the Political System Adopted by Congress for Them,” believed to have been written by Livingston, a document imbued with the “spirit of 1776”—liberty, natural rights, self-governance. Derbigny was one of men who delivered the Remonstrance to Congress in Washington, D.C.

Prof. Puder further noted that Derbigny and Moreau-Lislet opposed Edward Livingston in the “batture case,” where Livingston advocated for private ownership by the adjacent landowner. Derbigny’s position aligned with Jefferson’s; he believed under French law the batture belonged to “the sovereign.”

Prof. Puder characterized Derbigny as a central figure in the “chess game” between Governor Claiborne and the Louisiana legislature as to whether Louisiana would be governed by civil or common law. Derbigny advocated for retention of civil law authorities established during the French and Spanish colonial periods. Ultimately, a “great compromise” was reached allowing most private law—in areas such as inheritance, family law, and obligations—to be based on the civil law.

In 1813, Derbigny became a justice on the Louisiana Supreme Court, serving from 1813 to 1820. He authored some 160 opinions, including *Cottin v. Cottin* (1817) which held that the “civil laws in force” when the 1808 Digest was adopted “must be regarded as untouched.” This ruling,



Prof. Monica Hof Wallace, Loyola Law School, and Prof. Markus G. Puder at the Louisiana Supreme Court just after his lecture on Pierre Derbigny.

Puder added, “really irked” Livingston.

Derbigny resigned from the Court in 1820 to run for Governor—losing to Thomas B. Robertson. He then served as Secretary of State from 1821-1828. He ran again for governor in 1828—and won. Alas, on October 3, 1829, after ten months in office, Gov. Derbigny was thrown from a horse-drawn carriage and died three days later in Gretna, La. He was interred in St. Louis Cemetery No. 1 in New Orleans.

In 1822, the legislature appointed Derbigny, Livingston, and Moreau-Lislet, whom Puder designated “The Magnificent Three,” to revise the Digest of 1808. All were translators, Puder noted, and legal “comparativists.” He characterized Livingston as a “purist” in the field of codification, with Derbigny being “a little more elastic.” All three, as it happens, were freemasons. According to Prof. Puder, these three “jurisconsults” found a “common culture” based in Roman law and proceeded to produce an influential and enduring product.

Prof. Puder quoted the following assessment from renowned British scholar Sir Henry S. Maine. The 1825 Louisiana Civil Code was “perhaps the best of all modern codes throughout the world.” It was “of all the republications of Roman law . . . the clearest, fullest, the most philosophical and the best adapted to the exigencies of modern society.”

In sum, Prof. Puder characterized Pierre Derbigny as a “great personality” and a “totally underestimated legal and political player” in early Louisiana history. Further research is justified.

Ronald J. Scalise, Jr. on the Enduring Impact of the 1825 Civil Code

Ronald J. Scalise, Jr., the John Minor Wisdom Professor of Civil Law at Tulane Law School, delivered a stimulating lecture on May 16, 2025, at the Louisiana Supreme Court entitled, “How the 1825 Civil Code Shaped Modern Louisiana Civil Law.”

Part of the Supreme Court of Louisiana Historical Society’s commemoration of the Code’s Bicentennial, Prof. Scalise’s speech focused not only on how the 1825 Code came to be written, but also on its continuing relevance today.

On March 14, 1822, the Louisiana legislature appointed three “jurisconsults”—Louis Moreau-Lislet, Edward Livingston, and Pierre Derbigny—to revise the Digest of 1808 and draft a new Civil Code. They were also asked to draft a Code of Practice and a Commercial Code. They were given a preliminary payment of \$1,000 apiece.

The commissioners were asked to submit a new Code at the legislature’s “first session,” only a year away. Since this was a “daunting task,” in February of 1823 the jurisconsults instead submitted a Preliminary Report, essentially saying, “we’re working on it, but we’re not quite there yet.” Prof. Scalise characterized this Report as “a really good read,” which can be found at the beginning of the Thomson Reuters edition of today’s Civil Code.

In this Report, the commissioners described their mission as follows: “to furnish our fellow citizens with a single book, in which each may find an intelligible and concise rule to ascertain his rights, direct him in his duties, regulate his contracts, explain his civil relations, and guide him in his applications for justice.”

Codification, they said, 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 record, and the contradictory opinions of Jurists.”

The commissioners promised to keep a “reverent eye” on many sources of law, including the 1808 Digest, Spanish laws, the French Civil Code, Roman law, and English common law. Consulting Spanish

law was particularly important in light of the Louisiana Supreme Court’s 1817 decision in *Cottin v. Cottin*, holding that the 1808 Digest did not repeal prior Spanish Law, only those provisions inconsistent with the Digest.

But few copies of Spanish law were accessible in Louisiana, and most people did not speak Spanish. Thus, in 1819 the legislature authorized the publication and translation of *Las Siete Partidas* into English.

Although the drafters consulted numerous sources, Prof. Scalise emphasized that the influence of the Code Napoleon on the 1825 Louisiana Civil Code is clear. In their Report, the commissioners praised the French Code as “nearer to perfection than any which preceded it.” In writing the Code they were also able to draw from the French “exegetical school”—academic commentators like Jean Domat, Robert-Joseph Pothier, and Charles Bonaventure Marie Toullier.

More comprehensive than the 1808 Digest, the 1825 Louisiana Civil Code consisted of 3,522 articles. It contained 1,746 additions to the Digest, 423 amendments to it, and 276 deletions from it.

Professor Scalise cited several examples of how the impact of the 1825 Code is still felt today. One question he is often asked is: “Can I cut my neighbor’s tree?” The answer is no, but a landowner has the right to demand that the branches of a neighbor’s tree extending over or into his property be trimmed at the expense of the neighbor, if the branches interfere with the landowner’s enjoyment of his property. This comes directly from the 1825 Civil Code. (It was not in the 1808 Digest.)

In the field of family law, Prof. Scalise cited a recent case involving a man who thought he was divorced (but was not)



Prof. Ronald J. Scalise, Jr. 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 at the Louisiana Supreme Court after Scalise’s lecture.

and married a second wife. Under the Civil Code, such a marriage is “absolutely null.” However, Article 96 provides that an absolutely null marriage “nevertheless produces civil effects in favor of a party who contracted it in good faith . . .” Therefore, when the man died, the court gave usufruct to the second wife, even though technically the man had not been married to her. Article 96, Scalise noted, comes directly from the 1825 Code.

Further examples of the enduring influence of the 1825 Code, which Prof. Scalise illustrated through modern case law, are found in current Article 1498 which nullifies a donation *omnium bonorum*—donating all of one’s property without reserving enough for the donor’s subsistence; the “classic trilogy” of real, heritable, and strictly personal obligations; and in Article 3062, providing that where the principal obligation has been modified, a commercial suretyship is extinguished only to the extent the surety is prejudiced by the action of the creditor.

Prof. Scalise said that due to time limitations he only “cherry-picked” a few examples of the 1825 Code’s continued relevance to modern jurisprudence. While there have been many amendments to the 1825 Code over the intervening 200 years, to a large extent the 1825 Code “governs from the grave.” Indeed, it “serves as the foundation for the existing Civil Code in almost every aspect of modern civil law.”

Jefferson Bar Association's 36th Annual CLE by the Sea

On April 9–12, 2025, the Jefferson Bar Association held its 36th Annual CLE by the Sea. The multi-day event brought together legal professionals for continuing education, networking, and community engagement in a coastal setting.



(Pictured L to R): Judge Shayna Beevers Morvant –24th Judicial District Court, Division M, Gretna, LA, and Betty Maury, CLE Director, Jefferson Bar Association, Derbes Law Firm, LLC, Metairie, LA



(Pictured L to R): Judge June B. Darendburg, 24th Judicial District Court, Division C, Gretna, LA; Kevin M. Michot, 24th Judicial District Court, Gretna, LA; Micah C. Zeno, Vice President, Jefferson Bar Association, Attorney at Law, New Orleans, LA; Rachel I. Silvers, Representative-at-Large, Jefferson Bar Association, Silvers Law Firm, LLC, New Orleans, LA; Judge Raylyn R. Beevers, 2nd Parish Court, Division B, Gretna, LA; Nelson J. Cantrell III, Attorney at Law, Gretna, LA; Joseph R. McMahon II, Attorney at Law, Metairie, LA

St. Landry Parish Law Day CLE Seminar

The St. Landry Parish Bar Association recently hosted its annual Law Day CLE Seminar, focusing on the evolving role of artificial intelligence in the legal profession and the importance of professionalism in the courtroom. Guest speakers Leslie Schiff and Damon Manning of Schiff Manning, LLP in Hammond, LA, presented the LSBA's CLE program titled Machine Learning, Human Responsibility: AI and Legal Ethics.

Joining the conversation were Judge D. Jason Meche, 27th Judicial District Court, Division D; Judge Laura R. Garcille, 27th Judicial District Court, Division B; Judge Charles Cravins, 27th Judicial District Court, Division C; and Judge Gregory Doucet, 27th Judicial District Court, Division A, who shared their perspectives on courtroom conduct and the professional standards expected in today's legal environment.



William P. Morrow, 2025 St. Landry Parish Bar Association Treasurer, Morrow Law Firm, LLC, Opelousas, LA; Amber L. Vidrine, 2025 St. Landry Parish Bar Association President, St. Landry District Attorney's Office, Eunice, LA; Stephen Morrow, St. Landry Parish Bar Association Past President, Morrow Law Firm, LLC, Opelousas, LA

Louisiana Supreme Court Bar Admission Ceremony

On May 5, 2025, the Louisiana Supreme Court Committee on Bar Admissions hosted its annual Bar Admission Ceremony at the Pontchartrain Convention & Civic Center in Kenner, Louisiana. Edward J. Walters, Jr., President-Elect of the Louisiana State Bar Association (LSBA), delivered the welcoming address.

Code of 1825 continued from page 143

Next at the podium was Ana Litvinoff, who spoke movingly about her late father. Saul Litvinoff “always thought civil law was superior to any other legal system, because it was elegant, civilized, and organized.” He also “thought a truly civilized society embraced certain ideas,” such as forced heirship. “More than once,” she remembered, her father commented that “one can divorce as many times as one desires, but one does not divorce one’s children.”

As for community property, her father “firmly believed that work done at the home was equally as important and valuable as work done outside the home.”

In conclusion, Ms. Litvinoff said: “I know that my dad, if he was here today, would join me in saying, ‘Happy Birthday, Civil Code.’”

Wrapping up the proceedings, Justice Guidry, after thanking Prof. Vance for his scholarship and contribution to the commemoration of the 1825 Civil Code, said that one of the most important things he learned as a student is that “law is the expression of legislative will.” A judge’s role is to apply the law as written, which is the “whole idea of the civilian tradition.” The Civil Code remains the primary law of this state.

FOOTNOTES

[1] John T. Hood Jr., The History and Development of the Louisiana Civil Code, 19 La. L. Rev. 18 (1958); Shael Herman, The Louisiana Code of Practice (1825): A Civilian Essay Among Anglo-American Sources., 68 Tul. L. Rev. 52 (1993), Judge Hood’s article was based on an address he delivered in New Orleans marking the Code’s Sesquicentennial.



Pictured (L to R): Chief Justice John L. Weimer III, Louisiana Supreme Court; New Orleans, LA; Edward J. Walters, Jr., 2024-2025 Louisiana State Bar Association President-Elect, Walters, Thomas, Cullens LLC, Baton Rouge

Measuring Impact in Lives Changed

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



It is a profound honor to serve as President of the Louisiana Bar Foundation. I am filled with pride and gratitude for the work we do together in advancing access to justice and strengthening the legal profession's commitment to service. At the heart of our mission is the belief that justice should never be a privilege—it must be a right. Through the generous support of our Fellows, donors, and community partners, the Foundation has continued to provide essential funding for civil legal aid and other services that support the most vulnerable members of our society.

We do this through a network of organizations leading community-based efforts to support individuals and families navigating non-criminal civil legal challenges such as:

- ▶ **Housing**—fighting unlawful evictions and unsafe living conditions
- ▶ **Family law**—helping with custody, protective orders, and divorce in domestic violence situations
- ▶ **Public benefits**—ensuring people get access to food stamps, Medicaid, or Social Security
- ▶ **Consumer protection**—combating fraud and unfair debt collection
- ▶ **Education rights**—accessing rights for children with disabilities
- ▶ **Employment rights**—protecting low-wage workers from wrongful termination, wage theft, discrimination, and unsafe working conditions

The truth is, it isn't just about legal problems, it's about people:

- ▶ Seniors trying to stay in their homes.
- ▶ Veterans struggling to access their benefits.
- ▶ Parents escaping abuse.
- ▶ Children needing stable custody arrangements.
- ▶ Families in rural parishes where no lawyers are available.
- ▶ People with disabilities trying to live with dignity.

Our grant funding directly supports services that protect the health, safety, and stability of Louisiana's most vulnerable residents. Our impact is measured not only in the grants awarded, but in lives changed.

Here are a few stories that show the impact of civil legal aid successfully resolving life-altering legal issues:

Maria worked full-time but struggled to keep up with rent after a medical emergency drained her savings. One day, she came home to an eviction notice on her door—her landlord claimed nonpayment and wanted her out within days.

Maria contacted her local civil legal aid office. An attorney quickly determined the landlord hadn't followed proper legal procedures

and had failed to repair unsafe conditions that violated housing codes. The attorney represented Maria in court, got the eviction dismissed, and negotiated a payment plan while the landlord was required to fix the apartment. Maria and her children stayed in their home, repairs were made, and they avoided becoming unhoused.

Tanisha had endured years of abuse from her partner. She was terrified to leave but feared for her children's safety. A civil legal aid attorney helped her secure a protective order, accompanied her to court, and assisted with filing for custody of her children.

The court granted full custody and a permanent protective order. Tanisha and her children moved into a shelter and began rebuilding their lives free from violence.

After serving in the military, James developed a service-connected disability that prevented him from working. When his disability benefits were denied, James didn't know how to appeal or what evidence was needed.

A civil legal aid attorney specializing in veterans' benefits helped him file an appeal with supporting medical documentation. The attorney also coordinated with medical experts to testify on James's behalf.

James won his appeal, received full backpay, and now has access to regular benefits and healthcare.

An elderly man named Henry noticed large sums of money missing from his bank account. His caregiver had been writing checks to herself. A civil legal aid attorney helped file for a restraining order, connected Henry with Adult Protective Services, and worked with the bank to recover funds.

The caregiver was removed, funds were recovered, and a guardian was appointed to help manage Henry's finances safely.

Civil legal aid offices are often the first and only lifeline for people facing legal problems that threaten their homes, safety, health, or income.

When you support the Louisiana Bar Foundation, you're not just funding legal aid, you're funding fairness, justice, and stability in communities.

You're helping a mother safeguard housing for her children, protecting the rights of domestic violence survivors, empowering veterans to stand up for their rights, and accessing services seniors need.

You're investing in justice—for everyone! Contact the Louisiana Bar Foundation for more information on how you can get involved at info@raisingthebar.org or (504) 450-1874.

CLASSIFIED NOTICES

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

RATES

CLASSIFIED ADS

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

Non-members of LSBA

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

Members of the LSBA

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

Screens: \$25

Headings: \$15 initial headings/large type

BOXED ADS

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

DEADLINE

For the Dec./Jan. issue of the Journal, all classified notices must be received with payment by October 17, 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:

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

POSITIONS OFFERED

Louisiana Fifth Circuit Court of Appeal Notice of Job Opening – Judicial Research Attorney. Judge Fredericka Homberg Wicker of the Louisiana Fifth Circuit Court of Appeal is seeking a full-time, highly qualified attorney to serve as a judicial research attorney working under the judge's exclusive supervision. In this position, the attorney directly assists the judge on assigned cases, performing comprehensive legal research, reviewing trial records, briefs, and writ applications, drafting memoranda and proposed dispositions, as well as reviewing drafts prepared by other research attorneys. Salary is commensurate with qualifications and experience. Please email your cover letter, resume, law school transcript, and a recent writing sample to jobs@fifthcircuit.org. The Louisiana Fifth Circuit Court of Appeal is an equal opportunity employer.

Acadiana Legal Service Corporation seeks licensed, full-time staff attorneys to represent low-income and elderly clients with civil legal matters in its 42-parish service area. Offices are in Shreveport, Monroe, Natchitoches, Alexandria, Lake Charles and Lafayette. Excellent fringe benefits available. Writing sample and cover letter required. Visit www.la-law.org/careers to apply.

THE WRITE CONSULTANTS

Adele A. Thonn, CDE

Certified Forensic Document Examiner

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

Happily servicing the Greater New Orleans area and surrounding parishes

Phone: (504) 430-5117

Email: adele.thonn@cox.net

www.thewriteconsultants.com

SERVICES

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

Contract services and/or referrals.

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

Briefs/Legal Research/Analysis of Unusual or Problem Cases

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

VOCATIONAL EXPERT

Vocational testing / Evaluation
Labor Market Surveys

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

Jeff Peterson, M.Ed., CRC, CVE, CLCP

337-625-2526

www.jp-a.com

REAL ESTATE

Schwartz Law Firm LLC is seeking to rent office space to a fellow lawyer. Spacious conference rooms with high-speed internet. On-site parking and easy access to public transportation. Fully equipped kitchens and spacious bathrooms. Our office is located at 2901 N Causeway Blvd, Metairie, LA 70002. For more information or to schedule a tour, please email tram@lawyerschwartz.com or call (504) 837-2263.

NOTICE

Calvin Ben Lester 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.

Robert Wesley Malone 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.

Wesley T. Bishop 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, Suite 310, 2800 Veterans Memorial Blvd., Metairie LA 70002.

Lenise R. 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.

Michael Blake Hale 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.

Classified ads are paid advertisements. Publication of any advertisement or statement is not to be deemed a statement or an endorsement of the views expressed therein by the LSBA or any member of the LSBA. Views expressed are those of the advertisers only.

DIRECTORY OF PAID ADVERTISERS

Argent Trust	113
Baron & Budd	139
David Bienvenu	133
Bourgeois Bennett	128
Broussard David & Moroux	OBC
Christovich & Kearney, LLP	120
David S. Cook, Mediator	134
Expert Communications	148
Chad M. Garland, CPA, LLC	IFC
Gilsbar, Inc.	89, IBC
Herman Katz Gisleson Cain	117
LaPorte CPAs & Business Advisers	79
JD Bank, Louisiana's Community Bank	77
Jessica D. LeBlanc, CPA, CFF	132
Lawyers Research Publishing	131
Louisiana Association for Justice	152
Louisiana National Guard	129
The Patterson Resolution Group	125
Perry Dampf Dispute Solutions	111
Schiff Manning, LLP	121
Law Office of R. Gray Sexton	127
Smokeball	115
David R. Sobel	130
St. Thomas More Catholic Lawyers Association ..	122
Talbot, Carmouche & Marcello	123
Tulane Law School	135
Upstate Mediation Group	126
The Write Consultants	148

POUR A CUP.
TAKE A SCROLL.
DISCOVER A BENEFIT
YOU DIDN'T
KNOW YOU HAD.

#YourLSBA
Social Media
Perk Break

DID YOU KNOW...

As a member of the Bar you have access to many wonderful benefits, services, and discounts?

Visit: <https://lsba.org/Members/ToolsandServices.aspx>

Keep your 🧐 on social media
for LSBA Perks reminders!



The Sayings of Our Mentors

By Gregory Kent Moroux, Jr.

Ed Walters, this year's Louisiana State Bar Association president, encouraged me to try my hand at entertaining you in the back of the *Louisiana State Bar Journal*. Ed has been a tremendous mentor to so many of us in the legal profession, and I'm happy to follow in his footsteps.

But it's not just Ed that I'm following. My late father, Gregory Kent Moroux, Sr., wrote "The Bar Side" column for *The Promulgator*, the Lafayette Bar Association's magazine. Pam Landaiche at the Lafayette Bar Association recently gathered all of his articles from over the years and provided them to my family. In the articles, I can still hear his voice, especially in his list articles like "You Might be an 'Old' Lawyer if:" . . . "17. You ask out loud what this 'witness and exhibit exchange' nonsense is all about" and "18. You think mediation is a fist fight in the hallway." I have his old copy of the tongue-in-cheek *The Official Lawyer's Handbook* by D. Robert White, Esq. published in 1983. With chapters like "The Bar Exam (Thousands of Morons Have Passed It—So Can You)" and "Lawyers and Humor (There Are No Funny Lawyers—Only Funny People Who Make Career Mistakes)," it's not hard to spot Dad's early influences.

Beyond telling his humorous law stories—both in his column and in person—Dad collected quotes from other lawyers who mentored him. The quotes that stuck with him not only imparted wisdom, but also captured something essential about the practice of law.

Like my dad, my own career is marked by the pithy sayings of my mentors. Just like anything else in life, sometimes it's good to write those sayings down, think about what they meant, and consider whether they still hold true.

Professor Howard L'Enfant – "You will find where the law needs you to be."

Now retired, LSU Law Professor L'Enfant taught me Basic Civil Procedure ("Basic" is a misnomer), starting with *Pennoyer v. Neff*. In true Socratic method, he would pick one random 1L student in each class and refer to the rest of us as "gazelles" in the savanna, unwilling to come to the aid of the attacked member of the herd. Of course, assisting the attacked gazelle meant the lion would attack you also.



In his office, Professor L'Enfant was tamer. He was also an ordained Episcopalian priest, and after a blistering first semester's grades, I went to him for advice. He told me, "You will find where the law needs you to be." In a type-A world of hustling for the job you want, I had not considered that the legal profession might instead guide me to the place where my talents and gifts would flourish in service to it.

This one still holds up. Hard work is crucial, of course, and luck favors the prepared. But I still believe in a guiding hand, metaphysical or not, that puts you exactly where the law needs you to be.

Late LSU Law Professor Paul Baier – "In practice, you have to be the master of the microscope as well as the master of the telescope."

The late Professor Paul Baier taught Constitutional Law at LSU, and he loved to throw out poignant aphorisms either during his law lectures or, if he had enough time in the semester, while directing us unwitting students to act out the historical characters from his original play "Father Chief Justice: Edward Douglass White and the Constitution."

During one of his law lectures, a student struggled to recite the facts of a constitutional case, only able to verbalize its legal holding. Professor Baier thanked the student for his input but warned all of us: "In practice, you have to be the master of the microscope as well as the master of the telescope." Meaning, the details of the case are just as important as the case's holding, and you must know both.

This quote from Professor Paul Baier still holds up 100%. Litigation requires painstaking attention to the minute details and the big-picture themes, from opening to closing statement.

Late Gregory Kent Moroux, Sr. – "You are not building a baby grand piano; sometimes you just have to make the noise." – and – "Don't ever bill a client for more than they can default."

These two, which are corollaries, are sayings my dad col-

lected early in his practice from seasoned litigators. Mainly, don't overwork a pleading to death beyond the economy of the case. We have clients who pay for our services, and part of that service is making sure the product we provide is tailored to what the case can financially support.

Also, judges get it—don't overthink your legal point so much that you hesitate to make the argument in the first place.

After years of practice, I would add one caveat: sometimes a grand piano is exactly what the case needs, and if the case can support it, by all means, build that baby grand piano—and masterfully play it.

Late Randy A. Piedrahita – “Just don’t become the patron saint of lost causes.”

I tried my first trial against the late Randy Piedrahita, a talented plaintiff attorney in Baton Rouge. I was overprepared and impassioned as ever for a soft-tissue, damages-only bench trial at 8:30 a.m., and playing to a gallery of absolutely no one, I lost. Afterwards, instead of gloating, Randy sat with me and wanted to know my story. He loved the art of litigating, and I suspect he could detect when others felt that same calling.

I told Randy that I knew I would lose yet still wanted to try the case. He encouraged me to keep going—but to choose my battles as best I could.

This quote still holds true. Judges and other attorneys can distinguish between the attorneys who try good issues and

those who just fight everything. However, sometimes you do have to take your licks with dignity. It's part of the job.

William Helm – “You can only try a case in your own voice.”

This one from my former law partner is so true and is almost holy in the world of jury trials. A jury of 12 will examine every move you make in the courtroom, and those 12 have a way of sniffing out inauthenticity—no matter how much you practice in front of the mirror, emulating some style of another storied litigator.

Your voice is powerful enough. Just be you.

Some of the people who imparted this wisdom are no longer with us. Some may have forgotten the sayings they shared with me. And there are many others whose mentorship I cherish who are not listed here. I hope all these people know how grateful I am for their time and attention as I built towards the successes of my career.

Mentorship is powerful, and our words are powerful. May we all be a positive voice for someone just starting out in the practice of law who is looking for where the law needs them to be.

Gregory Kent Moroux, Jr. is a trial attorney in Baton Rouge at Chris Corzo Injury Attorneys and a mediator with Perry Dampf Dispute Solutions. He earned his JD degree in 2007 from Louisiana State University Paul M. Hebert Law Center. He is a member of the Baton Rouge Bar Association (kent@callcorzo.com; Baton Rouge, LA)

DISPUTE OVER LEGAL FEES?



The LSBA Lawyer

Fee Dispute Resolution Program may be able to help.

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

Counsel, at 504-619-0153 or by email shawn.holahan@lsba.org.

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

Louisiana's most popular CLE event

LAST CHANCE CLE Conference

December 11-12, 2025
Four Seasons Hotel, New Orleans

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

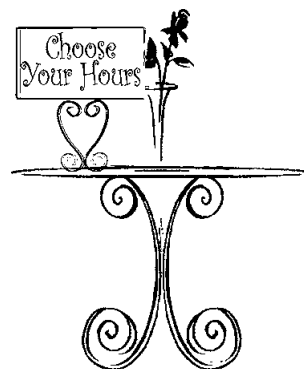
The Ultimate CLE Experience

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

The last week of the year ...

CLE à la Carte

**December 30-31, 2025
Windsor Court Hotel, New Orleans**



Finish 2025 with this flexible CLE program

A tradition for some attorneys, this seminar is the most convenient way to squeeze in those last few remaining CLE requirements for 2025 or to get a jump start on 2026. Two-day, one-day and by-the-hour registration options are available, and the program includes Ethics and Professionalism. Flexibility, great speakers and pertinent topics: This LAJ program has it all!

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



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



**GIVE LIFE
TO THOSE
YOU LOVE.**

UNDER 50?

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

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



Apply at gilsbar.com/lsba-members-insurance-program!





**LOUISIANA
REFERRAL
COUNSEL**

MILLIONS in fees earned by
our referral counsel annually.
Often monthly.



Need tried and trusted co-counsel?

Nationally renowned in personal injury law and licensed in Louisiana, Mississippi, and Texas, the attorneys of Broussard, David & Moroux are proven trial lawyers who work hand in hand with referral co-counsel. If you're considering counsel for major injury and death cases involving trucking, maritime, offshore, aviation, industrial, railroad, or product liability incidents - call us today.

Past results are no guarantee of future results. No recovery, no costs, no expense, free consultation.

**BROUSSARD
DAVID &
MOROUX**

INJURY LAW

LOUISIANA
TOP 10

RATED BY
Super Lawyers®

Blake R. David

**Call (337) 233-2323
BDM.Law**

L to R: Blake R. David & Jerome H. Moroux
LA-25-18445

Lafayette
New Orleans
Northshore