

LOUISIANA BAR JOURNAL

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- Navigating the AI Risk / Benefit Calculus
- Efficiency and Ethics: The Use of AI in Legal Practice
- The Competent Lawyer in the AI Era:
AI Competence Is Now Required of Every Lawyer,
Including the Ones Who Never Touch It
- When AI Compresses Time: Rethinking Associate
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- Basic, Practical and Cautionary AI Tips for the
Sensible Lawyer

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 white and blue diagonal stripes. The background behind him is a soft-focus blue and green.

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The Next Tech Leap: From NetDay to AI

By Bradley J. Tate, 2025–27 Louisiana State Bar Association Secretary



Putting together an issue of the *Louisiana Bar Journal* devoted to artificial intelligence has caused me to reflect on just how dramatically technology has changed during my lifetime.

I grew up in Albany, Louisiana, a small town in eastern Livingston Parish. My mother was a third-grade teacher at Albany Elementary School. Around 1991, she secured a grant through a program called *Computers in Education* that brought the first classroom computer to Albany Elementary. For many of us, it was the first computer we had ever seen.

A few years later, I vividly remember seeing the internet for the first time in a conference room at the school. Then, in 1996, Albany joined schools across the country in NetDay, a nationwide volunteer effort to wire classrooms for internet access. The initiative was often described as an “electronic barn raising,” bringing communities together to prepare schools for the digital future. I still remember my father and grandfather volunteering alongside others to pull cable through the school buildings as our community embraced what was then the next great technological leap.

Looking back, it is remarkable how quickly that future arrived. As students, many of us were told that we would never have a calculator with us all the time. Today, we carry not only calculators but devices that provide instant access to virtually the entirety of human knowledge. Technologies that once seemed extraordinary have become so commonplace that we rarely stop to think about them.

Artificial intelligence is the newest chapter in that story.

Like many of you, I find myself using AI almost every day. Whether answering a research question, organizing information, brainstorming ideas or improving a draft, AI has become a practical tool that is increasingly woven into

both our personal and professional lives. Its capabilities are impressive, sometimes astonishing and occasionally unsettling. More importantly, its influence continues to expand at a pace few of us could have imagined only a few years ago.

For lawyers, AI presents both extraordinary opportunities and significant responsibilities. These tools have the potential to improve efficiency, enhance client service and transform the practice of law. At the same time, they raise important questions about competence, confidentiality, supervision, accuracy, bias and our professional obligations. As with every technological advancement that has reshaped our profession, our challenge is not simply to adopt these tools, but to use them thoughtfully, ethically and responsibly.

The articles in this issue examine artificial intelligence from a variety of perspectives, offering practical guidance as well as thoughtful discussion about the opportunities and challenges AI presents to the legal profession. My hope is that this issue will help each of us better understand not only what these technologies can do, but also how we, as Louisiana lawyers, can use them in a manner consistent with the high standards of our profession.

The future that seemed unimaginable when that first computer arrived in my mother’s classroom is now our everyday reality. Artificial intelligence represents the next evolution in that journey. As members of the legal profession, we have the privilege and the responsibility to help shape how this technology is used in the service of our clients, our courts and the rule of law.

Inaugural Address

*By Curtis R. Joseph, Jr.
Louisiana State Bar Association
2026–27 President*



Good afternoon, what a day! I want to be relatively brief. Now, for the lawyers out there, you know that every word matters. So, key here is my use of the word “relatively.” If you know me at all, then you know that brevity isn’t necessarily my strong suit.

I would not have made it to this point in my life and career without an inordinate amount of help from a lot of people. And I’m keenly aware of the fact that the many opportunities that God has blessed me with in terms of leadership positions are opportunities that have been granted to me so that I might serve others.

That said, my mother, Linda Johnson, is and has always been my North Star, I always felt like I had the built-in cheat code. All I had to do was follow her example. God, family, education, service above self, and most importantly, don’t take yourself too seriously...Laugh hard and laugh often.

My Aunt Catherine and my uncle, the late Reverend James Beasley — they helped raise me while my mother obtained her degree in Chemistry and began her career. They treated me like a prince whose feet never touched the ground, and they imbued me with a sense of pride and self-worth that resonates to this very day.

My beautiful wife, Barbara, and the two amazing humans that I call my children, Caleb and Ivy — I’ve never wanted to be anything more than a father. I couldn’t have imagined having amazing children like them. They inspire me to be a better person daily.

My favorite cousin, Cindy — I know that you’re not supposed to have favorites, but you’ve always been mine. When I was preparing to take the bar exam, Cindy gave me a beautifully written card. After I’d failed the bar, I continued to read it. Suffice it to say, her kind and inspiring words got me through some low, dark points in life. As I’m sure you’ll agree, sometimes we all lose our way and need to be guided back to our destiny.

I want to thank Loretta and the entire LSBA staff for all you do for our Bar and for Louisiana’s lawyers (all 23,168 of them). You consistently put us in the best position to serve the public and our profession.

And last, but certainly not least, I want to thank Dana Southern and Valerie DeLatte who made the trip to attend my inauguration and celebrate with me. Valerie is a fine Shreveport attorney, and Dana is to the Shreveport Bar what Loretta is to the LSBA — in a word, everything. I can’t thank you all enough.

There is one person who is not here, but if she were alive, there is no doubt in my mind that she not only would have made the trip, but also would have organized a caravan, just as she did when I graduated from college and law school. That person is my Aunt Eula Mae Horton.

Every church, synagogue, place of worship or organization has a Eula Mae...the singular force keeping everything going. She saw potential in me at an early age. To be honest, there is nothing I do today that I did not begin doing in my church because of Eula Mae. She saw I had the capacity to teach, so when I was in middle school, she encouraged me to teach Sunday school. I use “encouraged” with air quotes, she “voluntold” me, but in her special way, so it didn’t feel like a mandate. But, be it drums, speeches, teaching or taking on any leadership opportunity, I learned it all in my church.

And to that point, mine is a Jonah story. I moved back to Shreveport after attending Washington & Lee in Virginia for both undergraduate and law school. For whatever reason, I thought I could pass the Louisiana bar exam without taking a bar review course. So I bought the *Civil Codes* and the *Code of Civil Procedure* and went about studying for the bar. I mean, really, show me a test that I cannot pass. Well, you can see where this is going. They showed me a test that I did not pass.

I passed the four common law sections and flunked the five civil code sections. Much like Jonah, I fled from the practice of law. Rather than taking the bar again right away, I convinced the guys I had been playing music with in Virginia to move to New Orleans. We rented a place on Octavia Street in Uptown...on the other end of the street from Barry and Cheri Grodsky. IYKYK.

I taught language arts, social studies and religion at an all-boys Catholic middle school in the Marigny. And I got on with it. But something was missing. I found that I longed to practice law. I actually missed it.

So, I enrolled in a bar review course. If my band had a gig in Tallahassee, I would drive the van through the night back to New Orleans while the other band members slept and make my way to class. When we were traveling all over the West Coast, if I wasn’t driving, I was in the back of the van with a Coleman camp light strapped to my head studying for the Louisiana bar. I settled my score with the bar exam and made my way down to Nineveh.

But why? Why did I want to return to the law? Why do any of us do it? Why practice law? That is the question I pose.

I recall exactly when I was confronted with the “what” of it all. I was attending a middle school career day wherein the students were rotated quickly among adults, taking notes as they learned about various professions. It was closely akin to speed dating, except the students were seeking career advice. Of all the questions posed by the students, one stuck with me: “What do you do every day?” Pause and reflect on that. What *do* we do every day? And, again,

more importantly, WHY do we do it?

Among the many things that I learned from my mentor Wellborn Jack, Jr. was a methodology for eliciting witness testimony. Using the following prompts, you can ask questions all day: who, what, where, when, how, explain, describe and tell me.

Wellborn purposefully left “why” out of the initial set. As he explained, people typically loathe to discuss the “why” of any given situation. Unlike the other questions, asking “why” requires introspection because it addresses motive and intent.

That brings me back to the question: Why do we become lawyers?

During the summer of 2001, I attended a two-week trial practice seminar at Mercer School of Law in Macon, Georgia. I was surrounded by some of the best trial lawyers in the country, and we were immersed in the nuts and bolts of practicing law, and specifically, how to try criminal jury trials.

Of the approximately 150 participants, I was the only one whose practice was primarily focused on civil litigation. The rest were state or federal public defenders. Given their caseloads, many rarely had the opportunity to visit with their clients before their cases were called for trial. Yet when it came to their motives for becoming lawyers, the “why” was plainly obvious.

Given the great lengths we go to in order to pursue this extraordinary calling, what is the payoff we hope to achieve? Aside from increased earning potential, many cite prestige, intellectual challenge, family tradition, transferrable skills, flexibility and the opportunity to advocate for others as reasons why they became lawyers. Those of us fortunate enough to practice the art and science of this noble profession know that, as with most arguments, there are at least two sides to the story.

Although the practice of law offers tremendous upshots, there are also certain drawbacks. Among the pitfalls we must navigate are stress, long hours, alcohol and drug addiction, marital and family strife and ever-rising law school debt.

We’ve all heard someone quip that a person would make a good lawyer because they like to argue. In truth, however, a penchant for arguing will take you only so far. When bogged down in the minutiae of the day-to-day grind, the focus of the argument will be directed inward: WHY did I do this?

To this point, Judge Learned Hand observed: “It is the daily, it is the small; it is the cumulative injuries of little people that we are here to protect... If we are able to keep our democracy, there must be one commandment: Thou shalt not ration justice.”

According to Justice Benjamin Cardozo, “Membership in the bar is a privilege burdened with conditions.” And, the Notorious RBG encourages us to “Fight for the things that you care about but do it in a way that will lead others to join you.” In that regard, Justice Ginsburg essentially took a page from my grandmother’s book: You attract more flies with honey than vinegar.

According to Clarence Darrow, “As long as the world shall last, there will be wrongs, and if no man objected and if no man rebelled, those wrongs would last forever.” I think he was onto something.

That said, many misinterpret the familiar quote from Shakespeare’s *Henry VI, Part 2*, when Dick the Butcher says, “The first thing we do, let’s kill all the lawyers.” The truth of the matter is that those who seek to establish tyranny or chaos must first eliminate those who strive to uphold the rule of law. That’s where we step in.

Consider the following examples: *Gideon v. Wainwright* (establishing the right to counsel), *Miranda v. Arizona* (the right to re-

main silent), *Cooper v. Aaron* (Little Rock school desegregation), *Heart of Atlanta Hotel v. United States* (regarding public accommodations so people like me can stay in a place like Sandestin), *Palmer v. Thompson* (swimming pool integration), and *Loving v. Virginia* (permitting interracial marriage such as mine).

These are just a few examples. Lawyers have made a difference for humanity throughout time. I see no reason for that to change now.

In his seminal work *Toward a Psychology of Being*, noted psychologist Abraham Maslow addresses his theories of self-actualization and the hierarchy of human needs. Personally, I have found that I’m happiest and most fulfilled when I am satisfying the many facets of my life, be they personal, professional, or societal.

As an enterprising lawyer, it is easy to think that I can work a few more hours and get a little more done. But, at what cost? While we engage in empire building, we often sacrifice our families, our health, our hobbies and the very things that make us unique, special and whole. That should not be the case.

The benefits of regular exercise and eating better are well established and they speak for themselves. Carve out time for family and friends. Most of all, as selfish as it may seem, remember that everyone is better served when we save time for ourselves.

Now come on, preacher, bring it on home! It has been said that charity begins at home. In that regard, I am reminded of a theme Booker T. Washington incorporated into his 1895 speech at the Cotton States and International Exposition in Atlanta, Georgia.

Washington was charged with convincing the Northern visitors to the exposition that racial progress had been made in the South. Washington recounted a story of a lost ship in the Atlantic that sent out a distress signal. Those on the ship were dying of thirst and pleaded for drinkable water. A neighboring vessel signaled back, “Cast down your bucket where you are.” The crew concluded that they’d been misunderstood, surely, they couldn’t cast their buckets into the Atlantic Ocean and retrieve fresh, drinkable water. Again, they signaled the need for drinkable water. And, again, the same reply. This went on until the crew of the lost ship cast down its bucket, which returned filled with the fresh water that flowed from the Amazon River into the Atlantic Ocean.

Washington offered the story to suggest that those on both sides of the proverbial aisle should cast down their buckets among one another, building relationships that would benefit all involved. I offer the story for a similar, albeit somewhat nuanced purpose.

To my fellow lawyers, I encourage you to cast down your buckets within the LSBA. Give freely of your love, your time and your talents to our association and the larger community as a whole. It has been said that a joy shared is a joy doubled. For my part, I gave a few hours of my time to our Bar, and it returned a bounty unto me.

As our nation recently celebrated July Fourth and marked 250 years since the signing of the Declaration of Independence, I’d like to close with a JFK quote. In a 1961 address to the National Industrial Conference Board, President Kennedy stated, “For I can assure you that we love our country, not for what it was, though it has always been great; not for what it is, though of this we are greatly proud; but, for what it someday can, and through the effort of us all, someday will be.”

This soaring rhetoric was meant to inspire and capture a soaring ideal.

I sincerely thank you for this opportunity to serve. And may God bless you all.

— Curtis, #86

THE AI ISSUE

Editor's Message: Artificial intelligence is already influencing the practice of law in ways both large and small. From legal research and document drafting to firm management and client service, attorneys are increasingly encountering AI-powered tools in their daily work. As their use becomes more widespread, so too do the questions surrounding professional responsibility, accuracy, confidentiality and supervision.

Recognizing the growing importance of these issues, the *Louisiana Bar Journal* has assembled a collection of articles examining AI from several practical perspectives. Rather than offering a single viewpoint, this feature package explores how artificial intelligence is affecting lawyers across different areas of practice and highlights the ethical and professional considerations that accompany its use.

The authors discuss topics ranging from technological competence and the Rules of Professional Conduct to practical applications, law firm workflows and the changing role of lawyers in an AI-assisted profession. Together, these articles underscore an important point: While the tools available to lawyers continue to evolve, the fundamental responsibilities of competence, independent judgment and service to clients remain unchanged. Those responsibilities remain, as always, in the hands of the lawyer.

Whether you are already incorporating AI into your practice or are simply seeking to better understand its implications, we hope this collection provides practical guidance and valuable perspective on one of the profession's most significant emerging topics.

NAVIGATING THE AI RISK / BENEFIT CALCULUS

by Antonio (T.J.) Clayton II

W

hen a New York federal court sanctioned two attorneys in *Mata v. Avianca, Inc.* for submitting a brief containing six fabricated case citations generated by ChatGPT,¹ the legal profession took notice. What many initially dismissed as an anomaly has since proved to be the leading edge of a significant and growing problem. Researcher Damien Charlotin's AI Hallucination Database now catalogs more than 1,200 cases worldwide in which generative artificial intelligence² produced fabricated legal content submitted to courts, with more than 700 of those arising in U.S. courts since January 2025 alone.³ Sanctions have escalated well beyond monetary penalties; attorneys have been publicly reprimanded, disqualified from proceedings and referred to state licensing authorities.

The danger extends beyond fabricated citations. In April 2026, Anthropic announced that its Claude Mythos Preview model had demonstrated the ability to autonomously discover and exploit zero-day vulnerabilities in every major operating system and web browser.⁴ The model identified thousands of previously unknown security flaws, prompting Anthropic to restrict its release to a small group of critical infrastructure partners under a coordinated initiative called Project Glasswing. The United Kingdom's AI Security Institute confirmed that Mythos was the first AI model to complete a simulated full-network takeover in its testing environment. For practitioners, the implications are significant: AI tools are no longer merely drafting assistants that might hallucinate a citation. They are rapidly becoming capable of penetrating the very systems on which law firms store confidential client data. The competence and confidentiality obligations that have always governed the profession now extend to understanding not just what an AI tool produces, but what AI systems are capable of doing to the digital infrastructure on which modern practice depends.

In a January 2024 letter to the Louisiana State Bar Association, the Court's General Counsel, writing on behalf of the Justices, observed that while AI applications in the legal profession are new, the ethical and professional rules "are not new and have been in place for decades" and remain broad enough to address the issues presented by AI.⁵ The old rules, in short, still apply. This article surveys the national sanctions landscape, maps Louisiana's existing ethical framework to the risks posed by generative AI and offers practical

guidance for practitioners navigating this rapidly evolving terrain.

The National Sanctions Landscape

The sanctions emerging from attorneys' misuse of generative AI have followed a clear trajectory.

Mata v. Avianca, Inc. remains the profession's most widely cited cautionary example. In that case, an attorney used ChatGPT to research a personal injury matter and submitted a brief containing six case citations that did not exist. When opposing counsel challenged the citations, the attorney returned to ChatGPT and asked the tool to confirm their authenticity — which it did, falsely. The court imposed a \$5,000 sanction under Rule 11 and ordered the attorneys to notify every judge whose name had been falsely attributed to the fabricated opinions. The case illustrated what has since become the most common pattern in AI sanctions: an attorney relied on AI-generated output without any independent verification of its accuracy.

Two years later, *Johnson v. Dunn*⁶ demonstrated how severely courts will respond when the same mistakes occur within a sophisticated practice environment. There, a partner and assistant practice group leader at Butler Snow LLP used ChatGPT to locate supporting caselaw and inserted fabricated citations into two discovery motions. An of-counsel attorney drafted, signed and filed both motions without independently reviewing the citations the partner had added. The supervising partner and practice group leader acknowledged that his ordinary practice was simply to assume others on the team had verified authorities. The court found that each attorney's conduct constituted recklessness tantamount to bad faith. The sanctions went well beyond a monetary penalty: the attorneys were publicly reprimanded, disqualified from further participation in the case and referred to the Alabama State Bar. Notably, Butler Snow had an internal policy requiring written approval before using ChatGPT for legal research, a policy the partner

disregarded. The court characterized AI misuse as "a serious and time-sensitive problem" that, if left unchecked, would impose escalating costs on litigants and damage public confidence in the justice system.

The California Court of Appeal's decision in *Noland v. Land of the Free, L.P.*⁷ introduced yet another dimension. There, plaintiff's appellate counsel submitted briefs in which nearly all legal quotations were fabricated: AI-generated text falsely attributed to real cases. The court sanctioned counsel \$10,000 and ordered the opinion forwarded to the State Bar. But the decision may be most significant for the questions it raised about opposing counsel's obligations. Although the court declined to sanction respondents' attorneys, it noted that they had not alerted the court to the fabricated citations and appeared to have discovered the issue only when the court itself raised it. Whether this observation matures into an affirmative duty remains to be seen, but practitioners would be wise to take notice.

These decisions are not outliers. Courts have sanctioned attorneys for AI-generated fabrications in *Park v. Kim*,⁸ where the 2nd Circuit referred counsel for discipline; in *Benjamin v. Costco Wholesale Corp.*,⁹ resulting in a \$1,000 penalty; in *Gauthier v. Goodyear Tire & Rubber Co.*,¹⁰ imposing \$2,000 in sanctions; and in *Coomer v. MyPillow, Inc.*,¹¹ where the court sanctioned each defense attorney \$3,000. In *Wadsworth v. Walmart Inc.*,¹² a Wyoming federal court sanctioned two Morgan & Morgan attorneys and local counsel from Goody Law Group a total of \$5,000 after the firm's internal AI platform generated eight nonexistent case citations in *motions in limine*; it also revoked the drafting attorney's *pro hac vice* admission. The pattern is unmistakable.

These risks are no longer hypothetical for Louisiana practitioners. In *Woodward Harbor L.L.C. v. City of Mandeville*, the Eastern District of Louisiana confronted an opposition brief that plaintiffs' counsel had prepared using ChatGPT and a commercial AI research tool, and that was, in the court's words, "replete with erroneous and hallucinated citations

to non-existent caselaw.” In granting the City’s motion to dismiss, the court found that the brief repeatedly relied on cases that do not exist, invented quotations and mischaracterized holdings, attributing the errors to “an astonishingly careless use of generative AI.” The court stressed that the brief had been signed by attorneys from two Louisiana firms and called their failure to perform even a cursory check of their authorities “wholly unacceptable,” echoing the supervisory breakdown that drove the sanctions in *Johnson*. Pointedly, opposing counsel had already flagged the nonexistent cases in its reply brief, yet plaintiffs’ counsel never moved to correct them. Following a separate show-cause proceeding, the court imposed a \$1,000 sanction on the attorney responsible and ordered him to complete continuing education on generative AI, while declining to sanction co-counsel who neither used nor knew of the tool. For Louisiana lawyers, *Woodward Harbor* confirms that the national trend has arrived in-state, and that the State’s existing rules, from Rule 1.1’s competence requirement to the certification compelled by Code of Civil Procedure article 863, will be enforced here as rigorously as elsewhere.

Louisiana’s Ethical Framework

In January 2024, the Louisiana Supreme Court addressed the profession’s obligations in a letter from General Counsel David Becker to then-LSBA President Shayna Sonnier.¹³ Writing on behalf of the Justices, Becker acknowledged that AI presents both opportunities and concerns from an ethics and professionalism standpoint. But the letter’s central message was unambiguous: while AI applications in the legal profession may be new, the ethical rules governing the bench and the Bar “are not new and have been in place for decades” and remain “robust and broad enough to cover the landscape of issues presented by AI in its current forms.” The Court specifically identified Rules of Professional Conduct 1.1, 1.3, 1.4, 1.6, 1.15, 3.1, 3.3 and 5.3, along with

Code of Civil Procedure articles 371 and 863, as the governing framework. The Court’s Technology Commission and Rules Committee continue to monitor developments, but the message to practitioners is clear: the existing rules apply now, in full.

Those rules apply directly to the risks illustrated by the national sanctions cases. Rule 1.1 requires competent representation, which the LSBA has already interpreted to encompass technological competence. In Public Opinion 19-RPCC-021,¹⁴ issued in 2019, well before generative AI entered widespread legal use, the LSBA concluded that lawyers using technology must do so competently and diligently, and that when relying on nonlawyer technology providers, Rule 5.3 requires reasonable efforts to ensure the provider’s conduct is compatible with the lawyer’s professional obligations. That framework extends naturally to AI: a lawyer who uses a generative AI tool without understanding its propensity to fabricate legal authority has failed the competence standard, just as the attorneys in *Mata* and *Johnson* did.

Rule 1.6, as amended in Louisiana in 2015 to add subsection (c), requires lawyers to make reasonable efforts to prevent the inadvertent or unauthorized disclosure of client information. Inputting confidential client data into a consumer-grade AI tool, where the provider may retain, train on or otherwise process that data, raises serious questions under this rule.¹⁵ Rule 3.3’s duty of candor toward the tribunal is implicated every time an attorney presents AI-generated citations without verification, as the courts in *Mata* and *Noland* recognized. In *Johnson*, the court stopped short of applying Rule 3.3, noting that the rule by its terms forbids only knowing misstatements and that the attorneys’ failures were reckless rather than intentional; but the court nonetheless observed that submitting unverified AI-generated citations is “wholly inconsistent with the duty of candor.” Whether or not Rule 3.3 reaches reckless conduct in every jurisdiction, the practical lesson is the same: verification is the practitioner’s obligation, not the tool’s. And

Rules 5.1 and 5.3, governing supervisory responsibilities, take on particular significance when AI is understood not as a trusted colleague but as a tool requiring the same oversight one would apply to a junior associate or paralegal, the very framework the ABA adopted in Formal Opinion 512.¹⁶

Louisiana Code of Civil Procedure article 863 reinforces these obligations from a procedural standpoint. An attorney’s signature on a pleading certifies that the document is well-grounded in fact and warranted by existing law. That certification is not diminished because the document was drafted with AI assistance. As the 5th Circuit recognized when it declined to adopt a standalone AI disclosure rule in June 2024,¹⁷ the existing obligations already require that filings “be carefully checked for truthfulness and accuracy.” The court added a pointed warning that has particular resonance for practitioners in this circuit: “I used AI” will not be an excuse for an otherwise sanctionable offense.”

Practical Guidance

The ethical framework is clear. The practical question is how Louisiana practitioners should operationalize it. Several principles, drawn from national guidance and reinforced by the cases discussed above, provide a workable starting point.

Generative AI should be understood through the lens of existing supervisory obligations. ABA Formal Opinion 512, issued in July 2024, provides the most comprehensive national guidance to date on lawyers’ use of generative AI tools. The opinion addresses competence, confidentiality, communication, candor, supervisory responsibilities and fees, organizing each under the applicable Model Rules. Under Model Rules 5.1 and 5.3, managerial and supervisory lawyers must establish clear policies regarding AI use, provide training on associated risks and ensure that all AI-assisted work product is reviewed before submission. The functional result is that AI-generated work product warrants the same level of scrutiny a lawyer would apply to a memorandum prepared

by a paralegal or junior associate. The tool may draft; the lawyer must verify.

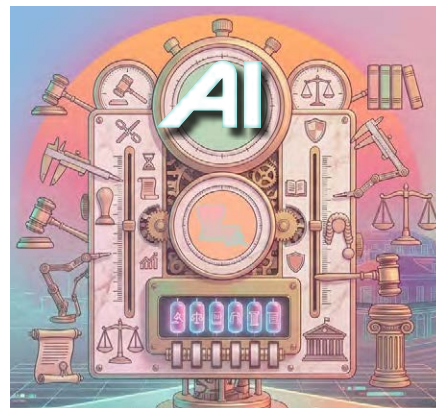
Firm AI policies must be implemented and enforced — not merely adopted.¹⁸ *Johnson v. Dunn* is the starkest illustration of this point. Butler Snow had a policy requiring written approval before using ChatGPT for legal research. The partner who generated the fabricated citations disregarded it. Although the court released the firm without sanction after finding it had acted reasonably in its preventive efforts, the individual attorneys were publicly reprimanded, disqualified and referred to the state bar. A policy that exists on paper but is not reinforced through training, supervision and accountability offers little protection when sanctions are at issue. Effective policies should identify approved AI tools, require independent verification of all AI-generated content, prohibit the input of confidential client information into consumer-grade platforms and mandate periodic training for all attorneys and staff. In light of the rapidly evolving cybersecurity landscape, those policies should also address the security architecture of approved AI platforms, establish protocols for evaluating new tools before deployment and include incident response procedures in the event of a data breach involving AI-processed client information.

Confidentiality demands particular attention, and the risks extend beyond ethical obligations to discoverability and security. Louisiana Rule 1.6(c) requires reasonable efforts to prevent the inadvertent or unauthorized disclosure of client information. When a lawyer inputs client-specific data into a third-party AI tool, that information may be retained, used for model training or otherwise processed in ways the lawyer cannot control. Florida Bar Opinion 24-1,¹⁹ issued in January 2024, recommended that lawyers obtain the affected client's informed consent before using a third-party generative AI program if doing so would involve the disclosure of confidential information. Although that opinion is specific to Florida, its reasoning applies with equal force under Louisiana's parallel rule. The distinction between enterprise AI platforms,

which typically offer contractual data protections, and consumer-grade tools is a material one that practitioners should evaluate before incorporating any AI tool into client work.

The AI platform distinction also carries consequences beyond ethics compliance. Recent federal decisions have addressed whether a party's communications with AI tools are discoverable, and the choice of platform and its terms of service figure prominently in the analysis. In *Warner v. Gilbarco Inc.*,²⁰ the Eastern District of Michigan held that a *pro se* litigant's interactions with ChatGPT for purposes of formulating legal strategy were entitled to work-product protection under Federal Rule of Civil Procedure 26(b)(3), which extends protection to materials prepared by parties, not merely attorneys. The court rejected the argument that disclosing information to an AI tool waives that protection, reasoning that an AI tool is not an adversary and that ordering disclosure would nullify work-product protection wherever software is used as a drafting aid. The District of Colorado reached the same conclusion in *Morgan v. V2X Inc.*,²¹ following *Warner's* reasoning while holding that the identity of the specific AI tool used was not itself protected. Although *United States v. Heppner*²² — a criminal case in which the Southern District of New York found that a defendant's communications with an AI tool were neither privileged nor work-product protected — may appear contrary, that court explicitly noted that work-product protection under the federal discovery rules was not at issue because the government obtained the materials through a search warrant, not through pretrial discovery. Critically, the *Heppner* court also found that the defendant lacked a reasonable expectation of confidentiality because the AI tool's terms of service permitted the provider to collect and disclose user data. The emerging framework in the civil discovery context confirms what the ethical rules already require: platform choice matters, terms of service matter and the existing rules already provide the governing structure.

The cybersecurity dimension of con-



fidentiality has likewise taken on new urgency. The emergence of AI models with autonomous vulnerability-discovery capabilities means that the systems on which law firms rely, including cloud-based AI platforms, may themselves become targets of increasingly sophisticated cyberattacks. Rule 1.6(c)'s requirement of "reasonable efforts" to prevent unauthorized disclosure now encompasses not only understanding how an AI provider handles client data but also evaluating the security architecture of the platforms through which that data is transmitted and stored. Firm AI policies should address cybersecurity protocols alongside confidentiality and verification requirements, including encryption standards, vendor security assessments and periodic reviews of approved AI tools.

Independent verification of AI output is nonnegotiable. Every citation, every factual assertion and every legal conclusion generated by AI must be confirmed before it is presented to a court or relied upon in advising a client.²³ The lesson of *Mata*, where an attorney asked ChatGPT to confirm the validity of its own fabricated citations, bears repeating: the tool that generated the output cannot be the tool that verifies it. This principle is not novel; it is the same duty of care that has always required lawyers to confirm the accuracy of their work before submitting it, regardless of how that work was produced.

Billing practices must also reflect the reality of AI-assisted work. Louisiana Rule 1.5 requires that fees be reasonable. Florida Opinion 24-1 addressed this issue directly, concluding that while

a lawyer may charge for reasonable time spent on case-specific research and drafting when using generative AI, the increased efficiency “must not result in falsely inflated claims of time.” ABA Formal Opinion 512 similarly noted that a fee charged for work in which little or no effort was performed is unreasonable regardless of the billing structure. Practitioners should communicate transparently with clients about AI use and consider whether alternative fee arrangements better align the benefits of AI efficiency with the client’s interests.²⁴

Conclusion

The national sanctions landscape leaves little room for doubt: courts will hold attorneys accountable for AI-generated errors with the same rigor they apply to any other failure of professional responsibility and, increasingly, with greater severity. From the \$5,000 fine in *Mata v. Avianca* to the disqualification and bar referrals in *Johnson v. Dunn* to the modest \$1,000 fine but burdensome CLE imposed in *Woodward Harbor v. City of Mandeville*, the trajectory is unmistakable.

What remains is execution. The rules that Louisiana practitioners have followed throughout their careers are more than sufficient to navigate this new terrain, provided those practitioners apply the same skepticism and diligence to AI-generated output that they would to the work of any unsupervised assistant. That means verifying every citation, safeguarding every confidence and billing with transparency. The technology is new. The professional obligations are not. And the imperative extends beyond avoiding sanctions. Generative AI represents one of the most significant shifts in the practice of law in a generation, and practitioners who fail to engage with it responsibly will find themselves at a growing disadvantage to those who do. The old rules still apply, and for Louisiana lawyers prepared to follow them, this moment is less of a threat than an opportunity.

FOOTNOTES

1. *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023).

2. Generative artificial intelligence refers to AI systems that produce new text, images, or other content in response to user prompts. These systems—including large language models such as OpenAI’s ChatGPT, Google’s Gemini, Anthropic’s Claude, and Microsoft’s Copilot—are trained on large datasets and generate outputs by predicting likely sequences of words. They are distinct from earlier forms of AI used in legal practice, such as predictive coding in e-discovery or contract analysis tools, which classify or extract information from existing documents rather than generating new content.

3. Damien Charlotin, AI Hallucination Database, <https://www.damiencharlotin.com/hallucinations/> (tracking documented instances of AI-generated fabrications in court filings worldwide).

4. Nicholas Carlini et al., *Assessing Claude Mythos Preview’s Cybersecurity Capabilities*, Anthropic (Apr. 7, 2026), <https://red.anthropic.com/2026/mythos-preview/>. Anthropic restricted the model’s release to a limited group of critical infrastructure partners, including Amazon Web Services, Apple, Google, JPMorganChase, Microsoft, and Nvidia, under an initiative designated Project Glasswing.

5. Letter from David Becker, Gen. Counsel, La. Supreme Court, to Shayna Sonnier, President, La. State Bar Ass’n (Jan. 22, 2024). The letter and its implications are discussed in detail in Part II, *infra*.

6. *Johnson v. Dunn*, 792 F. Supp. 3d 1241 (N.D. Ala. 2025).

7. *Noland v. Land of the Free, L.P.*, 114 Cal. App. 5th 426, 336 Cal. Rptr. 3d 897 (2025).

8. *Park v. Kim*, 91 F.4th 610 (2d Cir. 2024).

9. *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341 (E.D.N.Y. 2025).

10. *Gauthier v. Goodyear Tire & Rubber Co.*, No. 1:23-CV-281, 2024 WL 4882651 (E.D. Tex. Nov. 25, 2024).

11. *Coomer v. MyPillow, Inc.*, No. 1:22-cv-01129-NYW-SBP (D. Colo. July 7, 2025).

12. *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, No. 23-CV-118, 2025 WL 608073 (D. Wyo. Feb. 24, 2025).

13. Letter from David Becker, Gen. Counsel, La. Supreme Court, to Shayna Sonnier, President, La. State Bar Ass’n (Jan. 22, 2024).

14. La. State Bar Ass’n, Pub. Op. 19-RPCC-021 (Feb. 6, 2019).

15. The distinction between “open” and “closed” AI systems is material to the confidentiality analysis. Consumer-grade tools such as ChatGPT’s free tier may retain user inputs for model training, meaning client data entered into the system could be incorporated into the model’s training dataset and potentially surfaced in responses to other users. Enterprise platforms, by contrast, typically offer contractual commitments that user data will not be used for training and will be processed in accordance with specified data-handling protocols. Practitioners should review the terms of service and data processing

agreements of any AI tool before inputting client information. For a recent commentary arguing that state bars should move beyond general reasonableness standards and evaluate specific AI tools by plan tier, see Nick Berk, *State Bars Need To Get Specific About AI Confidentiality*, Law360 (Apr. 13, 2026).

16. ABA Comm. on Ethics & Prof’l Responsibility, Formal Op. 512 (July 29, 2024).

17. U.S. Court of Appeals for the Fifth Circuit, Notice Regarding Use of Artificial Intelligence (June 11, 2024).

18. ABA Formal Opinion 512 concludes that supervisory obligations under Model Rules 5.1 and 5.3 require firms to establish policies governing the use of generative AI tools. Practitioners developing or updating firm AI policies may wish to consult ethics counsel to ensure those policies address the specific risks and obligations applicable to their practice.

19. Fla. State Bar Ass’n, Prof’l Ethics Comm., Op. 24-1 (Jan. 19, 2024).

20. *Warner v. Gilbarco Inc.*, No. 2:24-cv-12333, 2026 WL 373043, at *4 (E.D. Mich. Feb. 10, 2026).

21. *Morgan v. V2X Inc.*, No. 25-cv-01991-SKC-MDB, 2026 WL 864223, at *4–5 (D. Colo. Mar. 30, 2026).

22. *United States v. Heppner*, ___ F. Supp. 3d ___, No. 25 Cr. 503 (JSR), 2026 WL 436479 (S.D.N.Y. Feb. 17, 2026). For a comprehensive analysis reconciling these decisions, see Joshua Dunn, 2 *Discovery Rulings Break with Heppner on AI Privilege Issue*, Law360 (Apr. 17, 2026).

23. Verification requires confirming that each cited authority exists, that the reporter citation is accurate, and that the case stands for the proposition cited. This should be done through an authenticated legal research platform such as Westlaw or Lexis, not through the AI tool that generated the citation.

24. Whether an attorney must disclose AI use to a client depends on the circumstances. ABA Formal Opinion 512 addresses this under Model Rule 1.4 (Communication), noting that lawyers should keep clients reasonably informed about the means by which their matter is being handled. Where AI use materially affects the scope, cost, or nature of the representation, disclosure and discussion with the client are warranted. Florida Opinion 24-1 goes further, recommending informed consent before using a third-party generative AI tool if doing so involves the disclosure of confidential information.

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EFFICIENCY AND ETHICS:

The Use of Artificial Intelligence in Legal Practice

by Prof. Rebecca I. Moreno

The practice of law has always evolved alongside technology, from the adoption of word processors to the rise of electronic discovery, but few innovations have advanced as rapidly as artificial intelligence (AI). Today's AI tools promise unparalleled efficiency: generating documents in seconds, summarizing voluminous records in a fraction of the time and even proposing litigation strategies. For the busy attorney, the appeal is obvious. As these tools become more deeply embedded in legal practice, they raise pressing questions, one being: how do we maintain our ethical obligations under the Rules of Professional Conduct (the Rules) while employing an algorithm's help?

This convergence of ethics and efficiency is causing tension in modern law practice. On one hand, lawyers are encouraged (and actually expected) to use technology to provide competent and cost-effective representation. On the other hand, that technology introduces risks that strike at the core of professional responsibility, such as competence, communication, confidentiality and candor to the tribunal. While AI can certainly enhance a lawyer's capabilities, it does not diminish our responsibilities to the client, to the court or to the profession.



AI in the legal field can mean a myriad of things. Attorneys are likely to use AI-based tools every day in their practice. Even a quick Google search utilizes AI without being prompted to do so. As used in this article, the use of AI in the legal field refers to “the theory and development of processes performed by software instead of a legal practitioner, whose outcome is the same as if a legal practitioner had done the work.”¹ Essentially, it is technology that handles work attorneys usually do themselves, such as research, drafting or document review, and produces results that one would expect from an attorney. AI technology has been used in software well before the recent rise in popularity of generative AI. For example, Westlaw has used AI technology since 2003 to understand research queries and provide targeted search results.²

The Ethical Implications

The very shortcuts that make AI attractive are often those that get lawyers into ethical trouble. Ethical AI usage requires thoughtful implementation rather than mere plug-and-play adoption. AI has been presented as a magical solution to mundane tasks or a billable hour workaround. The paradox, though, is that AI works best in the hands of the experienced attorney who knows what to look for, quickly spots errors and efficiently verifies accuracy. Less experienced attorneys do not possess the same knowledge base to verify AI-generated work efficiently. Ultimately, an attorney’s ethical obligations dictate that the attorney is responsible for all work that leaves his or her office, even if that work was assigned to someone (or something) else.³

The Duty of Competence

The duty of competence commands that attorneys must provide competent representation to their clients. The American Bar Association’s comments develop this further and provide clarification that this duty means that attorneys “should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology[.]”⁴ Thus, attorneys have an ethical duty to keep informed about how

to use these tools, while also understanding any associated risks and benefits, such as quicker turnaround times, more efficient work, training cutoffs and possible biases. This comment raises two interrelated points: first, attorneys should use only technology that they are competent to use, and second, attorneys cannot choose willful ignorance of emerging technology. Taken to an extreme, under the duty of competence, could an attorney who conducts judicial opinion research solely on printed reporters bill for the additional time it took when compared to conducting the same research online?

Additionally, this rule and comment suggest that if an attorney cannot competently represent a client without using AI to augment the work, the attorney should not accept the matter and should either acquire the necessary skills himself prior to engaging in the representation or otherwise associate with another competent lawyer for that type of work. Under the duty of competence, AI cannot replace the attorney’s competence, only supplement it. Practically, this means attorneys should educate themselves on emerging technologies (e.g., attending continuing education programs or workshops on legal-based AI tools) and continually monitor and evaluate the AI output to ensure accuracy and reliability. Lawyers with supervisory authority should also ensure that subordinate staff receives training on AI and its ethical implications.

The Duty of Communication

The duty of communication provides that attorneys shall reasonably consult with the clients about how the client’s objectives are to be accomplished.⁵ This broad duty requires effective communication. With respect to AI-assisted work, this carries four primary disclosure obligations to the client. First, attorneys must communicate that they are using AI platforms. This should be discussed both in your consultation and engagement letter. Call attention to the matter to make it abundantly clear. Second, attorneys must communicate how AI will be used in the representation. This does not mean a step-by-step tutorial, but it does mean that the client should be in-

formed about the tasks AI will (e.g., legal research, document drafting or discovery review) and will not (e.g., final decision-making or strategic judgment calls) be involved in completing. Third, attorneys must communicate any data security and confidentiality implications raised by using AI platforms in their practice. Clients should be informed that the use of these tools means that their confidential data will be shared with third-party vendors and about the vendor’s data retention and use policies. Finally, the attorney must communicate to the client how any AI use will impact billing practices. The attorney should provide the client with realistic expectations on billing. Incorporating AI into your practice can but does not automatically equate to major cost savings, because additional review and adjustments are necessary.

The Duty of Confidentiality

The duty of confidentiality provides that attorneys are required to keep confidential everything learned within the course of a representation unless the client gives informed consent for disclosure. The rule further provides exceptions to this duty; however, generally, everything must be kept confidential.⁶ Inputting a client’s confidential information into an AI platform constitutes a breach of that duty. This is especially compounded because most generative AI platforms use the information acquired from users for training their LLM model.⁷ When considering the risks and benefits of inputting a client’s confidential information into an AI tool, the attorney should (1) assess the nature of the information being inputted, (2) determine whether that information will be used by the service provider and (3) evaluate the risk of unauthorized access to that information. Of course, the attorney can always obtain the client’s informed consent to input any information into an AI platform.

The Duty of Candor

Under the duty of candor, attorneys cannot knowingly make false statements of law or fact or offer false evidence to a tribunal.⁸ This is an affirmative duty, not merely prohibitive. Thus, not only does the rule prohibit attorneys from making

false statements, but the attorney must also correct any prior false statements and take reasonable remedial measures. In other words, the duty persists after a false statement has been made.

With respect to AI-assisted work, courts have not barred the use of AI (and such a prohibition is unlikely to happen); however, some courts are requiring attorneys to disclose AI-assisted work in court filings. In mid-2024, the United States 5th Circuit Court of Appeals considered a rule requiring attorneys to certify the extent generative AI was used to draft documents filed with the court. While the 5th Circuit ultimately did not adopt this rule, it did remind attorneys of their duty to ensure that the truthfulness and accuracy of all filings are verified.⁹

The duty of candor also persists after the statement has been made, as Rule 3.3 requires that we correct false statements made to the tribunal. If an attorney submits a pleading or other document and later discovers that the document contains AI-generated false information, the attorney should immediately notify the court and opposing counsel of the error, explain what happened and, if necessary, withdraw the filing or submit a corrected version.

Likewise, Louisiana Code of Civil Procedure article 863 requires attorneys to make a reasonable inquiry into the law and facts prior to signing the pleadings. The Louisiana 5th Circuit recently decided a matter involving the sanctioning of an attorney who submitted pleadings that contained AI-fabricated case citations, misrepresented the holding of real cases and included false or altered quotations from cited cases.¹⁰ In reaching its ruling, the court emphasized that attorneys cannot delegate the obligation to verify the accuracy of every statement made in a filing to a computer or any other form of technology. The court further emphasized that AI use raises ethics concerns such as the duty of candor, finding that the matter “warrant[ed] further inquiry” into whether the Rules were violated. The court ultimately referred the matter to the Louisiana Attorney Disciplinary Board’s Office of Disciplinary Counsel.¹¹

Practical Framework for Ethical AI Use

A practical framework for the ethical use of AI in legal practice could be organized into three stages: (1) considerations before adoption, (2) obligations during use and (3) responsibilities after use.

Prior to the adoption of any AI programs or platforms, attorneys should evaluate the tool. First, ensure an understanding of how the platform works, and review data practices and terms of service for the platform. After gathering this information, assess the risk level. Ask questions such as: will this platform put your clients’ confidential information at risk? Are unfavorable terms, such as those affecting confidential information, negotiable? What if it mislabels discovery documents? How often will it create errors in documents it generates? Be sure to evaluate available alternatives, whether that means implementing a different platform or opting out of that type of service. Finally, always get the client’s informed consent (preferably in writing) regarding the implementation of any AI platform in the representation.

Once a platform has been adopted into your practice, attorneys should implement safeguards. One safeguard is adequate training and supervision. Require everyone who may use the platform to attend workshops or seminars on these platforms. Then, establish “clear use cases” where the platform can and cannot be used in your practice. For example, the platform can be used to summarize public court opinions, generate first drafts of routine documents or automate workflow procedures in a new file. Next, create verification protocols such as a checklist for filing and a “two-person rule.” In your checklist, include items such as verifying every citation in a reputable database, Shepardizing all cases and reading cases to confirm content. Under the two-person rule, one person would use the platform, while a different person independently verifies the output.

Perhaps the two most important safeguards that can be implemented are limiting the data input into the platform

and maintaining human judgment to ensure the accuracy and reliability of AI-generated outputs. The former mitigates risks to client confidentiality by anonymizing or redacting information provided to the platform or using hypotheticals when possible. The latter calls on the user to critically evaluate AI-generated outputs, questioning results that appear unusually precise or legal arguments that seem overly convenient, such as a judicial opinion that is perfectly on point, and reserve all strategic final decisions to the attorney, not the platform.

Finally, after using the platform, maintain accountability. This includes tracking AI use, conducting regular quality checks, staying current on platforms and their relevant updates and reviewing and updating firm usage policies. Importantly, responsibility for these tasks should be assigned to specific individual(s) within the firm. Maintaining accountability begins with clearly designating who is responsible for overseeing and ensuring that accountability. The designated individual(s) should also serve as a point of contact for attorneys and staff when they have questions or concerns regarding the use of AI. When tracking AI use and conducting quality checks, track which AI tools are used on which client matters, track the types of tasks AI assisted with, analyze errors rates and the types of errors and adjust protocols accordingly. Always stay current on updated ethical guidelines and court rules, as well as changes in the platforms and new tools. When the platforms are changed, revise the firm’s policies to comply with the changes. Ultimately, the efficacy of these platforms should constantly be reviewed, and the firm’s policies should be updated in accordance with these findings.

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THE COMPETENT LAWYER IN THE AI ERA:

AI Competence Is Now Required of Every Lawyer, Including the Ones Who Never Touch It

by Prof. Tracy L. M. Norton¹

A lawyer can decide not to use artificial intelligence in practice. But courts have now made it impossible to decide not to understand it. AI may already be in the work of the associates and paralegals whose filings a supervising lawyer signs, in the briefs opposing counsel serves and in the hands of clients who paste their case facts into a consumer chatbot before they ever call an attorney. Increasingly, courts are expanding what a competent lawyer must do to include accounting for the AI use of others.

The lawyer at highest risk for submitting hallucinated content is not the AI skeptic or even the complete AI-phobe. The danger lives at the point where comfort with the tool has out-run understanding of how it fails. How often a lawyer uses AI and how well that lawyer understands it are separate measures, a distinction Susan Tanner and I drew in a recent presentation on building institutional AI capacity.² When use exceeds understanding, a lawyer reads with less skepticism, and the instinct is well earned. With a human associate, fluency and judgment develop together, so polished work signals careful work and a spot check suffices. AI breaks that link. It produces correct *Bluebook* form, confident doctrinal vocabulary and an authoritative tone, the same signals a lawyer relies on to credit a strong associate's work, but behind the signals is no judgment. The polish outpaces the lawyer's judgment about whether any of it is right, and the lawyer must supply that judgment every time.

None of this requires a new ethics rule. Rule 1.1 of the Rules of Professional Conduct, regarding competence, is sufficient, and judges are starting to consider the rule as running in three directions.³

Supervision is not verification

Verification asks whether the output is accurate. Supervision asks whether it is good lawyering. Those are not the same question. A brief can be accurate in every citation, faithful to every quoted holding, and still be wrong for this client, in this posture, before this judge. Verification catches the fabricated case. It does not catch the brief that argues the losing theory competently.

This is why opting out of AI does not opt a lawyer out of the obligation. Supervision runs toward the work an attorney signs, whoever or whatever produced it. No one can supervise what they do not understand. A lawyer who has never opened a chatbot still signs an associate's AI-assisted brief, still re-

ceives opposing counsel's AI-assisted motion, still advises a client who used AI before the first meeting. The duty of competence attaches to all three.

Direction one: the work you sign

Rules 5.1 and 5.3 already establish that a lawyer answers for the work of the people that lawyer supervises. AI does not change that rule. It adds a new supervisee. The associate who used a chatbot to draft the brief, the paralegal who ran the research, the contract lawyer who summarized the record: their AI use becomes the supervising lawyer's problem when the filing goes out under the firm's name.

Hill v. Workday makes the point concrete.⁴ A lawyer filed a brief containing citations fabricated by AI. The court sanctioned not only that lawyer but the supervising attorney, who had not drafted the brief and had not written the fake citations, for failing to supervise the work. The court put the duty plainly: a supervising lawyer should read and understand the content of all pleadings and check the citations to ensure their accuracy. Supervisors who do not draft the defective pleading still fail in their duty of supervision when they do not catch what is in it. The court grounded part of its reasoning in Louisiana authority, citing *In re Kenney*.⁵ A decision not to touch AI personally offers no shelter here. Someone under that lawyer's supervision used it, and the filing went out under the firm's name.

Supervising that work is not the same as spot-checking it. This is where DIAL comes in, the workflow that turns supervision from a posture into a practice: Deliberate, Iterate, Audit, Log.⁶ Each stage draws on substantive legal knowledge, from framing a question precise enough to evaluate the answer to logging the basis for what the lawyer approved. A lawyer who cannot frame the right question, recognize a wrong answer or measure the output against what the matter actually requires is not supervising anything. That lawyer is laundering AI output through a signature line.

Direction two: the other side's filings

No rule requires a lawyer to police the opponent's brief. That is worth saying plainly, because the emerging norm can be overstated. Rule 3.3 governs a lawyer's own candor to the court, not the adversary's. But two things pull in the same direction anyway. Checking the authorities an argument relies on is ordinary Rule 1.1 diligence. And a fabricated citation in the other side's brief is an advantage available only to the lawyer who finds it. A hallucination in an opponent's filing is a gift, but only to the lawyer who opens it.

Courts are beginning to expect as much. In *Dec v. Mullin*, the 7th Circuit admonished the lawyer who filed non-existent citations and a false quotation, then added that opposing counsel's failure to catch the errors and bring them to the court's attention "also gives us pause, albeit to a lesser degree."⁷ In *Noland*, the California Court of Appeal confronted an opening brief in which 21 of 23 quotations were fabricated, yet opposing counsel answered on the merits without ever catching the problem, and the court noted the omission.⁸ Neither court held that the adversary breached a duty. Both courts noticed. That is how a norm forms before it hardens into a rule. The prudent reading is not to wait for the case that names the duty, but to read the other side's citations as carefully as one's own.

Direction three: the client who got there first

By the time a client retains counsel, the client may have already told an AI platform everything. *United States v. Heppner* shows the cost.⁹ A criminal defendant created documents using a public generative AI platform and later shared some with his lawyers, then asserted privilege over them. The court held that the documents were protected by neither the attorney-client privilege nor the work product doctrine. Sharing the information with the platform waived any protection, just as sharing it with any other third party would. A consumer chatbot is a third party.

Two lessons follow, and they run in opposite directions. The first is a duty to warn. Clients treat these tools as private. They are not, and Rule 1.4 makes explaining that risk part of competent representation, before the client hands a matter to a platform whose terms permit the provider to retain and read what it receives. The second is subtler. The court stressed that the defendant had not acted at counsel's direction. Counsel-directed AI use, structured to stay confidential, may stand differently. That distinction is why engagement letters are beginning to address AI, and why a lawyer's own confidentiality analysis under Rule 1.6 now extends to the platforms a client might use alone.

What competence looks like this month

None of this requires overhauling a practice overnight. It requires one deliberate step. Pick a single task where AI already shows up in the work, whether a lawyer runs it personally or signs it after someone else did. Write down which tool, what client information it touches, what will be verified and what will be disclosed. That one page is the start of a supervisory workflow, and it converts a vague worry about AI into a documented professional judgment. The five moves to the right are where to begin.

Footnotes

1. Assistant Professor of Law, Louisiana State University Paul M. Hebert Law Center.

2. Tracy L. M. Norton & Susan Tanner, *AI as a Team Sport: Building Institutional AI Capacity in Legal Education*, Ass'n of Am. Law Schs. Tech., Law & Legal Educ. Section Summer Webinar Series (June 10, 2026).

3. Beyond Rule 1.1, judges evaluating hallucinated AI output increasingly ask three further questions: whether the attorney supervised the work of nonlawyer assistants, junior lawyers and, in one case, cocounsel under Rules 5.1 and 5.3; whether the attorney checked opposing counsel's submissions and alerted the court to AI fabrications under Rule 3.3; and whether the attorney communicated with the client about AI use in the matter under Rule 1.4.

4. *Hill v. Workday, Inc.*, No. 3:23-cv-06558-PHK (N.D. Cal. Apr. 28, 2026), 2026 WL 1146289.

5. *In re Kenney*, 25-389 (La. App. 5 Cir. 10/23/25), 422 So.3d 905, 924.

6. Tracy L. M. Norton, *The Supervision Gap: AI and the Emerging Professional Identity Formation Obligation That Begins in Law School's First Year*, 31 Legal Writing: J. Legal Writing Inst. (forthcoming Mar. 2027), <https://ssrn.com/abstract=6471718>.

7. *Dec v. Mullin*, 171 F.4th 940, 947 (7th Cir. 2026).

8. *Noland v. Land of the Free, L.P.*, 114 Cal. App. 5th 426 (2d Dist. 2025).

9. *United States v. Heppner*, 820 F. Supp. 3d 292 (S.D.N.Y. 2026).

Practice Pointers: Five Moves Before You Sign

- 1 Run DIAL on any AI-assisted work: Deliberate, Iterate, Audit, Log.
- 2 Read and cite-check everything you sign, including work you did not draft (Rules 5.1 and 5.3).
- 3 Tell clients not to put case facts into consumer AI, and address platform terms in the engagement letter (Rule 1.6).
- 4 Check opposing counsel's authorities. Diligence and advantage point the same way (Rule 3.3).
- 5 If an error reaches a filing, disclose it fast. The cover-up is always worse.

Tracy L. M. Norton holds the Erick Vincent Anderson Professorship and Professional Responsibility Professorship #6 at the Louisiana State University Paul M. Hebert Law Center. Her scholarship and teaching address the professional responsibility questions raised by generative AI in law practice, including a forthcoming article, *My Brothers' Keeper: Competence, Generative AI, and the Practitioner Who Opt's Out*, arguing that competence now reaches the lawyer who declines to use AI. She received the 2026 Association of American Law Schools Technology, Law and Legal Education Section Mentorship Award.





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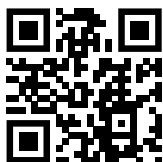
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WHEN AI COMPRESSES TIME:

Rethinking Associate Value in Louisiana Practice

by Kaylan R. Richardson

For most Louisiana firms, the billable hour still does a lot of heavy lifting. It shapes staffing decisions, associate development and how fees are explained to clients who want work done well and efficiently. But the profession is living through a quiet shift: generative artificial intelligence, AI, is compressing the time it takes to do legal work without compressing the lawyer's responsibility for the result. That distinction matters most to associates, because it changes what makes their value visible.

Most firms already use systems that include AI features by default, spanning document management (ndMAX), research (Westlaw Precision AI), email (Microsoft Copilot for M365) and drafting tools that can search, summarize, compare and generate first cuts (Harvey AI). The practical consequence is not replacement, but acceleration. Routine work arrives faster and in greater volume. Associates feel this first, because they are drafting ancillary documents, building closing sets, scrubbing disclosure schedules, triaging data rooms, preparing chronologies and turning markups into clean work product. Used carefully, AI speeds the mechanics. Used carelessly, it manufactures risk. Either way, the lawyer stays on the hook.



The Compression of Time

I have felt this shift as an associate in more than one practice setting. The quickest gains are unglamorous but real. On the transactional side, AI can help generate an initial closing checklist from a purchase agreement, compile signature packet instructions, compare drafts, spot defined term inconsistencies and build diligence issue lists from data rooms. On the disputes side, including bankruptcy matters that orbit deals, the same dynamic appears in first cut timelines, draft discovery responses and exhibit lists. The work does not disappear; the associate's job shifts from starting at zero to starting with a draft and verifying it.

Empirical work tracks what many practitioners already see: AI can accelerate foundational tasks such as drafting, summarization, comparison and review, while still requiring attorney oversight. One experiment in the *Journal of Empirical Legal Studies* reported roughly a 30% reduction in task time with AI assisted highlighting without a corresponding drop in measured quality.¹ Another randomized trial reported productivity improvements that varied by task and tool, but consistently moved in the direction clients will notice: faster first drafts and faster first pass review, followed by human editing and verification.² The trend line is consistent even if the settings differ from our day-to-day practice.

This creates a practical tension for associates: if a task takes less time, but still demands the same legal judgment and ethical verification, how should the work be measured? As AI shrinks the “doing,” the value of the “thinking” becomes easier to see and more important.

“System Error”

Speed brings a predictable tradeoff: these systems can be confidently wrong. Research has shown that language models frequently hallucinate, producing legally incorrect statements even when responding to verifiable questions.³ In practice, that risk shows up in familiar places: a summary that skips the no assignment clause that drives the deal, a citation that looks plausible until you

pull the case, a definition pulled from the wrong agreement version, or a diligence chart that misses a consent requirement because the source document was scanned poorly or mislabeled.

For that reason, AI does not shift risk; instead, it concentrates it. *ABA Formal Opinion 512*⁴ makes clear that lawyers may use these tools only with adequate supervision, verification and client-specific judgment. Louisiana's Rules of Professional Conduct reach the same result. Competence under Rule 1.1 includes understanding what the tool does and does not do. Rule 1.5 requires billing for lawyer judgment, not machine output. Supervisory duties under Rules 5.1 and 5.3 cannot be delegated to software. If an AI-generated draft is filed, sent or signed, the lawyer owns it.

This mix of speed and risk does not reduce an attorney's responsibility. It changes where lawyers add the most value. For associates, the job becomes less about producing volume and more about quality control, issue spotting and judgment, especially in practice environments where associates are expected to engage early in strategy, client communication and execution.

How Do We Move Forward?

My perspective is not theoretical. I have practiced as an associate in both large firm and regional settings. In each, I have worked directly on real estate and corporate transactions, including closing packets, ancillary documents, disclosure schedules, signature page logistics and data room review, as well as the litigation and bankruptcy matters that follow when deals fracture. Across those contexts, the pattern is consistent: hours still matter, but ownership, judgment and error spotting matter more, and AI makes that easier to see.

The economics of practice reinforces the point. The *2024 Report on the State of the U.S. Legal Market* describes increasing client sensitivity to efficiency and value across many segments of the profession.⁵ Louisiana firms experience similar pressure. Clients expect quality work to be delivered promptly and reasonably, and they are often less focused

on how much time a task should take than on whether the analysis is clear, accurate and useful.

AI accelerates this shift by reducing time spent on mechanics while raising the importance of professional judgment. Louisiana's Rules of Professional Conduct make the boundaries clear. Rule 1.1 requires competence, Rule 1.5 requires reasonable fees and Rules 5.1 and 5.3 impose supervisory obligations that cannot be delegated to software. AI can help generate language or identify patterns, but it cannot supply an attorney's understanding of Louisiana law, procedural posture, evidentiary nuance or the practical realities of client service.

Actionable Tip: Add an “AI Review & Responsibility Note” to Time Entries

The most practical step firms can take, without changing billing structures or abandoning the billable hour, is to memorialize judgment when AI is used. An internal AI Review and Responsibility Note added to the time entry narrative or an internal matter log can do exactly that. This is not about justifying a shorter bill. It documents supervision, protects the firm and makes the associate's contribution visible when the first draft happens quickly.

The note should capture three things:

1. What the AI tool generated (e.g., initial draft, comparison chart, issue summary)
2. What the attorney reviewed or verified (e.g., citations, factual accuracy, Louisiana authorities, client constraints)
3. What legal judgment the attorney added (e.g., analysis, restructuring an argument, correcting inaccuracies, strategy)

In practice, this note is rarely elegant and rarely uniform, but even a brief reference can prevent confusion later. For example:

Litigation Sample: “Reviewed AI-generated motion outline; validated record citations; replaced non Louisiana authorities; revised argument structure and edited for posture.”

Transactional Sample: “Used AI to generate an initial ancillary document list from the PSA or LOI; cross-checked against deal terms and lender requirements; reconciled defined terms across the closing set; flagged consent and assignment issues from diligence for partner and client discussion.”

Support Staff Sample: “Used AI to prepare an initial index of closing deliverables and organize signature pages; confirmed document names, dates, parties, and version control against the source files; routed discrepancies, missing items, and unclear instructions to the responsible attorney for review before circulation.”

This simple practice yields several benefits:

- It documents attorney supervision and independent judgment, consistent with Louisiana’s professional responsibilities.

- It provides transparency under Rule 1.5 by clarifying how the billed time was spent and why attorney involvement remained necessary.

- It makes the associate’s substantive contribution visible, especially when the drafting took less time than before.

- It protects the firm in the event of billing questions, malpractice concerns or client misunderstandings about the role of AI.

Aligning AI With the Realities of Louisiana Practice

The most important takeaway is that AI’s impact is not primarily technologi-

cal. It is structural. It accelerates the parts of practice that used to signal value while magnifying the parts that require mature legal judgment. For firms built on relationships, trust and quality, this is an opportunity if we train to it and supervise it.

Clients are placing greater emphasis on responsiveness, accuracy and practical guidance. AI can shorten turnaround time, but it does not ensure correctness, and it does not supply context. Associates who learn to use these tools responsibly, while maintaining the profession’s standards, will make more meaningful and more visible contributions.

Firm leaders should also broaden evaluation beyond hours billed and focus instead on judgment, risk management and analytical strength. Those criteria capture what associates increasingly contribute in an AI-shaped workflow.

Tying It All Together

Generative AI is not eliminating the billable hour in Louisiana. It is changing assumptions that once made time a reliable stand-in for value. As routine tasks become faster, the measure of an associate’s worth is increasingly found in work only an attorney can perform: supervising automated output, applying legal judgment, contextualizing analysis and ensuring accuracy consistent with professional obligations.

By adopting simple adjustments such as the AI Review and Responsibility Note, and by evaluating associates based on judgment as well as output, Louisiana

firms can meet client demands for efficiency without surrendering quality or ethics. AI may compress the hours. It does not compress accountability. The lawyers who thrive will be the ones who move faster and still catch what the tools miss.

FOOTNOTES

1. See Aileen Nielsen et al., *Building a Better Lawyer: Experimental Evidence that Artificial Intelligence Can Increase Legal Work Efficiency*, 21 J. Empirical Legal Stud. 979 (2024).

2. See Daniel Schwarcz et al., *AI-Powered Lawyering: AI Reasoning Models, Retrieval Augmented Generation, and the Future of Legal Practice* (Working Paper, Univ. of Cal. Berkeley Sch. of Law, 2025), <https://www.law.berkeley.edu/wp-content/uploads/2025/12/AI-Powered-Lawyering.pdf>.

3. See Matthew Dahl et al., *Large Legal Fictions: Profiling Legal Hallucinations in Large Language Models*, 16 J. Legal Analysis 64 (2024).

4. See ABA Comm. on Ethics & Prof’l Responsibility, Formal Op. 512 (2024).

5. See Thomson Reuters Institute, *2024 Report on the State of the U.S. Legal Market* (2024), <https://www.thomsonreuters.com/en-us/posts/wp-content/uploads/sites/20/2024/01/State-of-US-Legal-Market-2024.pdf>

Kaylan R. Richardson is a transactional associate at Breazeale Sachse in Baton Rouge and New Orleans, Louisiana. His practice focuses on corporate and commercial transactions, including real estate matters and complex agreements. He represents clients in asset acquisitions and developments, entity structure and formation, NIL matters, and other transactional needs, with an emphasis on practical, efficient execution.



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BASIC, PRACTICAL, AND CAUTIONARY AI TIPS FOR THE SENSIBLE LAWYER

By Shawn L. Holahan

A

rtificial intelligence is no longer a futuristic concept reserved for technologists and Silicon Valley startups. Generative AI tools like OpenAI's ChatGPT, Clio AI, CoCounsel, Claude and Gemini (just to name a few) have rapidly entered mainstream professional life, including the legal profession. Lawyers are increasingly experimenting with AI tools for drafting correspondence, summarizing information, brainstorming arguments, improving workflow and automating repetitive administrative tasks.

The legal profession's reaction to AI has generally fallen into two camps: enthusiastic adoption and fearful resistance. Neither extreme is particularly helpful. The sensible lawyer should instead approach AI with cautious curiosity, recognizing both its extraordinary utility and its serious limitations. The central truth is simple: AI will not replace lawyers. But lawyers who effectively use AI will replace lawyers who refuse to adapt.

This article provides a basic, practical overview of generative AI for attorneys, focusing on what tools like ChatGPT actually do, how lawyers are currently using them, the ethical concerns involved and the growing body of cautionary tales arising from careless AI use in litigation.

Understanding Generative AI

What Is ChatGPT?

Publicly launched just a handful years ago (on November 30, 2022), ChatGPT quickly became one of the fastest adopted technologies in history. Developed by OpenAI, ChatGPT is based on a type of artificial intelligence known as a large language model (LLM). GPT stands for “Generative Pre-Trained Transformer.” In simple terms, it is a system trained on enormous amounts of text data to predict and generate human-like language.

Despite the sophistication of its writing, ChatGPT is not “thinking” in the human sense. It does not reason like a lawyer, judge or law clerk. Rather, it only *predicts* what words are statistically likely to come next based on patterns in its training data. *This is very important to remember when using AI.*

A useful analogy is this: ChatGPT is a very advanced autocomplete system with excellent manners. It generates polished prose, often instantly, but it does not truly “understand” the material that it produces.

You may have heard this adage spoken about a confidently incorrect person: “He may be wrong, but he is never in doubt.” The same could be said of AI. AI responses arrive typo-free and sound confident, regardless of whether the answer is accurate. Wrong answers will be delivered with the same fluency and assurance as correct information. That’s because AI is designed to provide the best *prediction* of an answer. It will never say, “I don’t know.”

Competing AI Tools

ChatGPT is only one of many rapidly developing AI systems with even shorter timelines. Other major players include:

- ▶ Anthropic’s Claude
- ▶ Google’s Gemini

- ▶ Meta’s LLaMA
- ▶ Microsoft Copilot
- ▶ Perplexity AI
- ▶ DeepSeek

Legal-specific AI products are also proliferating, including:

- ▶ Harvey
- ▶ Casetext
- ▶ LawDroid
- ▶ Josef

And many more are on the way. The appropriate AI tool often depends on the task. Some systems excel at writing, others at coding, search, summarization, workflow automation or document review. And the platforms are changing rapidly with new skills being added almost daily. So, the AI product good for a particular task today may be different from the AI product for that same task a few months from now.

Lawyers Are Adopting AI Rapidly

Lawyers are embracing generative AI because it is easy to use and immediately useful. Common reasons for adoption include: saving time, overcoming writer’s block, organizing thoughts, producing first drafts quickly, improving tone and clarity and automating repetitive administrative tasks. AI is particularly effective at handling the *least* enjoyable parts of legal practice — the repetitive drafting, formatting, summarizing and organizational work that consumes valuable time.

Importantly, and *at all times*, AI works best when considering its product only as a starting point, rather than a final product.

Practical Uses for Lawyers

Client Communication and Drafting

One of the most valuable uses of generative AI is drafting communication: emails, letters, memos and summaries. AI can quickly adjust the tone of a communication or help simplify complex language.

For example, let’s say you have been putting off drafting a sensitive disengagement letter to a difficult client. Kicking the can down the road is just making the tough

task even worse with the passage of time. Generative AI can help you overcome paralyzing inertia by providing an immediate starting draft that you can refine and send. AI can significantly reduce the friction involved in getting started. At all times, however, the attorney remains responsible for accuracy, professionalism and judgment.

Research Support and Brainstorming

Although AI should not be trusted for unsupervised legal research (more on this later), it can still assist with issue spotting, outlining arguments, brainstorming approaches, summarizing materials provided by the attorney, organizing facts chronologically, and identifying missing information quickly. AI can also help lawyers generate checklists, workflows, intake forms, marketing materials, CLE outlines and internal policies.

Document Review and Summarization

Generative AI is especially effective at processing large amounts of text. Thus, lawyers are increasingly using AI tools to summarize depositions, extract timelines, comparing documents versions, identifying missing clauses or condensing lengthy materials into digestible summaries.

However, attorneys must remember that AI summaries can omit critical information. A document summary that is “80% accurate” may still be professionally dangerous if the omitted 20% contains the decisive fact. This is the inherent limitation of AI and the particular task that lawyers must commit to being increasingly “hands on.”

Prompting: The Key Skill

AI output depends heavily on a user’s instructions to the AI platform, commonly called “prompts.” And the process of prompting is interactive, almost like a conversation, in that successive prompts are to be anticipated. AI platforms are built for additional instructions.

A good prompt generally includes:

- ▶ WHO the communication involves
- ▶ WHAT should be said
- ▶ TONE desired
- ▶ PURPOSE of the communication

Here's an example of a first prompt to an AI platform: "Provide a draft email to an angry client who is behind on legal fees. She wants her stepson removed from her late husband's will, but no legal grounds exist. She is threatening to file a complaint. Add that the attorney-client relationship is terminated." Let's assume you have used that prompt but the AI result that you received is not quite hitting the mark. Maybe you need it to be more aggressive or softer in tone, or maybe shorter, or you might need to add more facts. Successive prompting can be quite useful to remodeling the result to the point where your touches are easy to do.

Or, perhaps you've already written a draft, but you need to refine it. You can cut and paste your first draft into the AI tool and ask it to improve it. Then you can add your finishing touches to the new draft provided by the AI tool. So, in practice, one prompt may not be enough. More times than not, successive prompting will be necessary to assist you in creating your final draft.

Better prompting will lead to better lawyering with AI. Consider taking a prompting online course specifically for lawyers to help you avoid common AI missteps and sharpen your results. An increasing number of law schools are offering prompt-specific curriculum, and there are private companies that teach this essential legal task (Clio and MasterClass being two popular platforms).

Safeguarding Client Information

Confidentiality Risks

A very important concern surrounding AI use is confidentiality. Free AI systems often retain user data and use a user's prompts to improve all of its future training models. Attorneys therefore must exercise extreme caution when entering client information into public or free AI systems.

Best practices include avoiding identifiable client information in your prompts, using hypothetical descriptions in your prompts, deleting stored conversations in the AI platform and adjusting privacy settings of the AI platform so it doesn't store

your prompts. Finally, the best advice that legal staff should remember is to use subscription-based or business AI accounts with contractual data protections.

At all times, lawyers remain bound by duties of confidentiality regardless of the technology used. AI does not abrogate your duties as a lawyer.

Hallucinations, Sycophancy and the Loss of Critical Thinking: The Greatest Dangers

AI hallucinations occur when an AI system generates false information while presenting it confidently as true. This is perhaps the single most dangerous characteristic of generative AI. In simple terms, that means AI can:

- ▶ Invent cases
- ▶ Fabricate quotations
- ▶ Misstate holdings
- ▶ Create false factual claims
- ▶ Generate nonexistent citations

And they do so with flawless grammar and remarkable confidence.

As legal technology expert and a founder of the legal database company, Fastcase (now owned by Clio), Ed Walters, famously observed: "The answers are often totally wrong, but highly convincing."

Hallucinations happen because AI is in the business of *predicting* plausible language, rather than *verifying* truth. If the AI model lacks reliable information, it may simply create or generate content that sounds correct. This creates an especially dangerous situation for lawyers because its polished writing can falsely signal reliability.

Remember: Perfect syntax is not proof of accuracy whether coming from AI or even a first-year associate, law clerk or paralegal.

Sycophancy is another AI use problem. AI platforms are often relentlessly complimentary to the user (you) and never critical. The AI platform's algorithm is doing exactly as it is designed to do — to keep you engaged while continuing to use the product. Further, AI results are written flawlessly. No typos, no grammar errors.

Its flawlessness, coupled with its generous praise (whether earned or entirely unwarranted), both serve the same purpose which is simply to support the user's continued use and confidence in the particular AI product. The polished AI drafts can lull the unwary user into lowering their critical guard and assuming the output is stronger, more accurate or more complete than it actually is.

Resist the temptation and engage that lawyer brain! Perfect grammar is not the same as good judgment. A clean draft is not necessarily persuasive, accurate, strategic or well-tailored for the purpose intended. When reading the AI product, ask yourself: *Is this fully accurate? Does this reflect my voice and objectives? Are there missing nuances and strategies?* If so, modify it to fit your particular legal purpose.

Another issue that lawyers may question in using AI is whether AI is detectable. The short answer is that it can be. AI writing is often very formulaic and/or flat, albeit with no typos or grammar errors. You can protect against this with a critical eye and your human additions.

How can you tell if something was written by AI? AI writing might be overly polished and monotonous in tone or it may have a heavy reliance on clichés with over-the-top positivity. Other dead giveaways might include strange paragraphing or an irrational bolding of words, or an insane reliance on frequent em dashes and bullets. Most notably, however, AI writing will lack personal anecdotes, deep analysis where needed and well, just the human touch.

Review your AI product with this in mind and add your human-attorney spin to the final draft to distinguish it from just an automated AI product. Maybe not all communications will require this, but many times, the human touch will prove essential, especially for sensitive communications.

Red Flags and Risk Reduction

Warning Signs and Minimizing Risk

If you've asked the AI product to do a legal related task, be circumspect if its

“authoritative” prose contains no citations or has citations that cannot be independently verified. Lawyers should treat AI-generated legal authorities with *MUCH* skepticism unless they are independently confirmed through trusted research databases. *Do not skip the important step in verifying legal cites provided by an AI tool.*

Reduce your risk with better prompting and cross-checking cites. Request in your prompt that the AI product provide full citations and source documents *with links*. You can also flat out ask it to identify any uncertainties in the AI draft or simply ask it what it made up. Even with these precautions, *be advised that you should verify every authority independently by cross-checking cases using trusted legal databases.*

The attorney, not the software, remains professionally responsible for all work-product.

Ethical Duties, Emerging Regulation, and Court Responses

Numerous jurisdictions are issuing ethics guidance regarding AI use. States such as Florida, California, New York, Pennsylvania and West Virginia have adopted varying guidance concerning technological competence, confidentiality, fee reasonableness and supervision obligations. Some jurisdictions now require AI-related CLE education or disclosure of AI assistance in court filings. Although Louisiana currently lacks a specific technological competence rule, existing professional obligations still apply. The Louisiana State Bar Association Ethics Opinion 19-RPCC-021 emphasizes that lawyers must use technology competently and safeguard client information.¹

In all jurisdictions, AI usage does not relieve the lawyer from his or her professional duties. Increasingly, state and federal courts throughout the U.S. are responding strictly, with stark warnings that reliance on AI does not excuse professional negligence and reminding lawyers that they are officers of the court and of their duty of candor toward the court.²

Emerging Issues

AI technology is improving rapidly and will almost certainly remain a permanent feature of legal practice. Even though AI is quickly embedding into legal practices, serious emerging issues are revealing themselves: deepfake evidence and authentication issues, client disclosure obligations and increasing judicial scrutiny, to name a few.

Law firm leaders would be wise to get ahead of these issues by adopting internal AI policies addressing:

- ▶ Confidentiality
- ▶ Verification
- ▶ Training
- ▶ Supervision
- ▶ Acceptable use standards

Ongoing education will no doubt be essential as AI technology evolves.

Conclusion

The sensible response to AI is neither panic nor blind enthusiasm. AI is extremely useful, incredibly efficient and capable of improving legal workflows dramatically. That said, it is prudent to remember that AI is also confidently wrong at times, incapable of exercising legal judgment and unable to replace an attorney’s responsibility. Thus, embrace AI while always maintaining professional skepticism and oversight.

Generative AI represents one of the most significant technological shifts in modern legal practice. Used properly, it can save time, improve efficiency, reduce drafting burdens and help lawyers focus more attention on strategic and human-centered aspects of representation. Used carelessly, however, it can expose lawyers to sanctions, malpractice exposure, ethical violations, reputational damage and lead to loss of client trust.

The guiding principle here is the same as it has always been: review everything you sign, send or file.

AI may be a powerful tool, but it remains just that — a tool. The responsibility for the final work product still rests with the lawyer. That includes the accuracy of the content, protecting client confidences, exercising independent professional judg-

ment and upholding the integrity of the legal system. No matter how polished the AI-generated draft may appear, the lawyer, not the algorithm, is ultimately accountable.

Footnotes

1. For recent treatments by state and federal courts in Louisiana, see *In Re: Sanctions Order of Kenny, Kerry*, No. 25-C-389 (La. App. 5th Cir., Oct. 23, 2025) and *Woodward Harbor LLC v. City of Mandeville*, 23-cv-05824 (E.D. La., Order & Reasons, Feb. 5, 2026).

2. Rule 3.3. Candor Toward the Tribunal

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer’s client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

(d) In an *ex parte* proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Shawn L. Holahan is practice management and loss prevention counsel for the Louisiana State Bar Association’s Professional Programs Department where she is responsible for the Law Office Management Program and the Fee Dispute Resolution Program. She is also Co-Chair of the ABA TECHSHOW Planning Board and Vice-Chair of the ABA’s Law Practice Division and fellow-elect of the College of Law Practice Management. (shawn.holahan@lsba.org; New Orleans)



2026 LSBA Annual Meeting & LJC / LSBA Joint Summer School

May 31 – June 5, 2026 • Destin, Florida



LSBA Installs 2026-27 Officers and Board of Governors

The Louisiana State Bar Association's 2026-27 officers and members of the Board of Governors were installed June 4 at a ceremony during the LSBA's Annual Meeting in Destin, Fla. Judge Carl E. Stewart of the U.S. 5th Circuit Court of Appeals administered the oath of office to the president. Louisiana Supreme Court Chief Justice John L. Weimer administered the oaths of office to members of the Board of Governors and the Young Lawyers Division leadership.

Curtis R. Joseph, Jr., a partner in the Shreveport law firm Blanchard, Walker, O'Quin & Roberts, APLC, was installed as the 86th LSBA president for the 2026-27 term.

Lawrence J. (Larry) Centola III, a principal in the New Orleans law firm Martzell, Bickford & Centola, was installed as the 2026-27 president-elect. He will assume the presidency in 2027-28.

Bradley J. Tate, an attorney with Sternberg, Naccari & White, LLC, in New Orleans, is beginning the second year of his two-year term as secretary. He also serves as editor of the *Louisiana Bar Journal*.

Carrie LeBlanc Jones, Of Counsel in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P., is beginning the first year of her two-year term as treasurer.

Edward J. Walters, Jr., a partner in the Baton Rouge law firm Walters, Thomas, Cullens, LLC, will continue his service to the LSBA as the 2026-27 immediate past president.



Curtis R. Joseph, Jr., 2026-27 LSBA President, is given the oath of office by Judge Carl E. Stewart, U.S. 5th Circuit Court of Appeals during the Installation Luncheon.

Christopher J. (Chris) Sellers Jr., assistant vice president and associate general counsel for Ochsner Health in New Orleans, was installed as the 2026-27 chair of the LSBA Young Lawyers Division.

Members of the 2026-27 Board of Governors also were installed by Chief Justice Weimer.

First District

► Lindsey A. Cheek, founding attorney of The Cheek Law Firm LLC in New Orleans.

► J. Christopher (Chris) Zainey, Jr., a partner in the New Orleans law firm Lambert Zainey Smith & Soso, PLC.

Second District

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



The Louisiana State Bar Association's 2026-27 officers and members of the Board of Governors. Seated from left, Sen   D. Hall, Lindsey A. Cheek, Bradley J. Tate, Carrie LeBlanc Jones, Curtis R. Joseph, Jr., Edward J. Walters, Jr., Lawrence J. (Larry) Centola III, Christopher J. (Chris) Sellers Jr. Standing from left, Charles D. Elliott, Sandra K. Cosby, John M. Church, Tina L. Suggs, Todd S. Clemons, Shannon Seiler Dartez, Valerie Briggs Bargas, Daniel A. Cavell, Christopher K. Jones, G. Trippe Hawthorne, J. Christopher (Chris) Zainey, Jr. and Kristen D. Amond. All photos by Matthew Hinton Photography.

Third District

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

Fourth District

► Todd S. Clemons, founder of Todd Clemons & Associates in Lake Charles.

Fifth District

► Christopher K. Jones, a partner in the Baton Rouge law firm Keogh Cox.

► Valerie Briggs Bargas, a partner with Long Law Firm in Baton Rouge.

Sixth District

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

Seventh District

► Amy J. Miller, an assistant U.S. attorney in the Western District of Louisiana, where she serves as a federal prosecutor in the Criminal Division in Ruston.

Eighth District

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

At-Large Members

► 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.

► Charles D. Elliott, a solo practitioner with Charles Elliott & Associates, LLC, in Alexandria.

LSU Paul M. Hebert Law Center/ Faculty Representative

► Prof. John M. Church, professor of law at the 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 with Kean Miller in Baton Rouge.

House of Delegates Liaison Committee

► Chair Larry E. Pichon, a solo practitioner in Lake Charles.

► Member Aaron R. Wilson, an attorney with Aaron R. Wilson, Attorney at Law, APLC, in Bossier City.

► Member Kristen D. Amond, an attorney with Kristen Amond LLC, in New Orleans.



Chief Justice John L. Weimer inducts the 2026-27 Board of Governors during the Installation Luncheon.



Hon. Kelly E. Balfour presented with the LSBA President's Award by 2025-26 LSBA President Edward J. Walters, Jr.



Bradley J. Tate presented with the LSBA President's Award by 2025-26 LSBA President Edward J. Walters, Jr.



C.A. (Hap) Martin III presented with the LSBA President's Award by 2025-26 LSBA President Edward J. Walters, Jr.

LSBA Recognizes 2026 Annual Meeting Award Recipients

The Louisiana State Bar Association recognized members of the legal profession and an organization for their leadership, service and contributions to Louisiana's legal community during the LSBA's 2026 Annual Meeting in Destin, Fla.

Awards were presented June 4, 2026 during the General Assembly just before the House of Delegates met.

President's Awards

Three LSBA members received 2026 President's Awards. The recipients were selected by 2025-26 LSBA President Edward J. Walters, Jr. and recognized for their service to the association.

► Hon. Kelly E. Balfour of Baton Rouge was recognized for his leadership, service to the legal profession and support of the LSBA. Balfour serves on the Louisiana 1st Circuit Court of Appeal and previously served as a judge of the 19th Judicial District Court. He also has served in the LSBA House of Delegates and on the LSBA Nominating Committee. He received the LSBA Michaelle Pitard Wynne Professionalism Award in 2008.

► C.A. (Hap) Martin III of Monroe was recognized for his leadership and longstanding service to the LSBA. A member of Shotwell, Brown & Sperry, APLC, Martin previously served as LSBA secretary and editor-in-chief of the Louisiana Bar Journal. He remains active in LSBA leadership roles, committees and programs.

► Bradley J. Tate of New Orleans was recognized for his leadership and service to the LSBA. An attorney with Sternberg, Naccari & White, LLC, Tate serves as LSBA secretary and editor-in-chief of the Louisiana Bar Journal. He also serves as president of the Louisiana Judges and Lawyers Assistance Program.

Distinguished Service to the Profession Award

► Patrick A. Talley, Jr. of New Orleans received the 2026 Distinguished Service to the Profession Award in recognition of his longstanding leadership and service to the legal profession.

Recently retired from Phelps, Talley served as LSBA president in 2024-25. He previously served as president-elect, secretary and editor of the Louisiana Bar

Journal and as a member of the Board of Governors and House of Delegates.

► Annette Cambronero Buras received the 2026 Distinguished Service to the Profession Award posthumously.

Buras was recognized for her extraordinary dedication and service to Louisiana's legal community during more than 33 years with the LSBA. During her tenure, she coordinated more than 1,000 continuing legal education seminars and became widely known throughout the profession for her professionalism, kindness and dedication to LSBA members.

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

► Hon. Rachele D. (Shelly) Dick of Baton Rouge received the 2026 Catherine



Annette C. Buras' husband, Tommy, and son, Jack, are presented with her Distinguished Service to the Profession Award by 2025-26 LSBA President Edward J. Walters, Jr.





Edmund J. Giering IV awards Judy Y. Barrasso with the Curtis R. Boisfontaine Trial Advocacy Award.

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

Dick, chief judge of the U.S. District Court for the Middle District of Louisiana, was recognized for her leadership, commitment to public service and dedication to the fair administration of justice. She became the first woman to serve on the Middle District bench when she was appointed in 2013.

Chief Justice Bernette Joshua Johnson Trailblazer Award

► Hon. Janis van Meerveld of New Orleans received the 2026 Chief Justice Bernette Joshua Johnson Trailblazer Award.

Van Meerveld, chief U.S. magistrate judge for the Eastern District of Louisiana, was recognized for her leadership, commitment to inclusion and diversity, mentorship of younger attorneys and long-standing service to the profession and community.



Carrie LeBlanc Jones presented with the Stephen T. Victory Memorial Award by LSBA Secretary Bradley J. Tate.



Hon. Bryan D. Haggerty presented with the Judge Benjamin Jones Judges in the Classroom Award by Hon. Shayna Beevers Morvant.

Guardian of Diversity Award

► The A.P. Tureaud American Inn of Court received the 2026 Guardian of Diversity Award.

Founded in 2005, the Inn was recognized for its long-standing commitment to diversity, inclusion, professionalism and service. Its programming and outreach initiatives promote access, mentorship and professionalism throughout Louisiana's legal community.

Judge Benjamin Jones Judges in the Classroom Award

► Judge Bryan D. Haggerty of Slidell received the Louisiana Center for Law and Civic Education's 2026 Judge Benjamin Jones Judges in the Classroom Award.

Haggerty, a judge of the City Court of East St. Tammany, was recognized for his commitment to civic education and public service. He has remained active in educational initiatives, judicial leadership organizations and outreach programs throughout Louisiana.

Curtis R. Boisfontaine Trial Advocacy Award

► Judy Y. Barrasso of New Orleans received the Louisiana Bar Foundation's 2026 Curtis R. Boisfontaine Trial Advocacy Award.

Barrasso, a founding member of Barrasso Usdin Kupperman Freeman & Sarver, L.L.C., was recognized for her nationally distinguished trial advocacy career, leadership within the profession and decades of mentorship and teaching.



Margaret L. Manning presented with the Bat P. Sullivan, Jr. Chair's Award by 2025-26 YLD Chair Collin R. Melancon.

Stephen T. Victory Memorial Award

► Carrie LeBlanc Jones of Baton Rouge received the 2026 Stephen T. Victory Memorial Award, which recognizes outstanding contributions to the Louisiana Bar Journal.

Jones was honored for her article, "The Role and Regulation of Pharmacy Benefit Managers: A Legal Perspective from Louisiana," published in the August/September 2025 issue of the Journal.

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

► John L. (Jay) Dardenne, Jr. of Baton Rouge received the 2026 John A. "T-Jean" Hernandez III Memorial Award, presented in recognition of achievements in Francophone leadership.

Dardenne, an attorney with Kennon, Odom & Dardenne and a mediator with Perry Dampf Dispute Solutions, was recognized for his decades of public service, leadership and support of Louisiana's Francophone heritage.

Bat P. Sullivan, Jr. Chair's Award

► Margaret L. Manning of New Orleans received the LSBA Young Lawyers Division's 2026 Bat P. Sullivan, Jr. Chair's Award.

Manning, an associate attorney with Stanley Reuter Alford Owen Munson & Paul, LLC, was recognized for her leadership and work with the YLD's Richard N. Ware IV Memorial Mock Trial Competition for high school students.

LSBA Young Lawyers Division Installs 2026-27 Officers and Council

The Louisiana State Bar Association Young Lawyers Division's 2026-27 officers and Council members were installed June 4 during the LSBA's Annual Meeting in Destin, Fla. Louisiana Supreme Court Chief Justice John L. Weimer administered the oath of office.

Christopher J. (Chris) Sellers Jr., assistant vice president and associate general counsel for Ochsner Health in New Orleans, was installed as the 2026-27 YLD chair.

Other officers installed were:

► Chair-Elect **Rachal Cox Cassagne**, an assistant U.S. attorney for the U.S. Attorney's Office for the Eastern District of Louisiana in New Orleans.

► Secretary **Christina K. (Cristy) Chazan**, an associate attorney in the New Orleans office of Galloway, Johnson, Tompkins, Burr & Smith.

► Immediate Past Chair **Collin R. Melancon**, a partner and owner of Mansfield Melancon – Injury Lawyers in Baton Rouge.

Members of the 2026-27 YLD Council also were installed by Chief Justice Weimer.

District 1

► Margaret L. Manning, an associate attorney with Stanley Reuter Alford Owen Munson & Paul, LLC, in New Orleans.

► Jennifer Gordon Lampton, a research attorney for Judge Nakisha Ervin-Knott of the Louisiana 4th Circuit Court of Appeal, Division A, in New Orleans.

District 2

► Lauren T. Kirichkow, legal director at the Justice and Accountability Center of Louisiana in New Orleans.

► Andrew A. (Andy) Maberry, an attorney with Winston Bergeron LLP, in New Orleans.

District 3

► Jared E. Nelson, an associate attorney in the Lafayette office of Galloway, Johnson, Tompkins, Burr & Smith, LLP.

District 4

► Micah O. Clemons, an associate attorney with Todd Clemons & Associates, APLC, in Lake Charles.

District 5

► Manning P. Greene, an associate with Kean Miller, LLP in Baton Rouge.

► Mary Catherine Joiner, an associate with Bradley Murchison Kelly & Shea LLC in Baton Rouge.

District 6

► Ashley U. Johnson-Firven, a partner with Hammonds, Sills, Adkins, Guice, Noah & Perkins, LLP, in Baton Rouge.



Christopher J. (Chris) Sellers Jr., 2026-27 YLD Chair, is given the oath of office by Chief Justice John L. Weimer during the Installation Luncheon.

District 7

► Jana L. Robinson Tuma, senior legal counsel for 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 Representatives

► Taylor B. Ashworth, an associate in the Baton Rouge office of Kean Miller LLP.

► Malika L. Howard, judicial law clerk for Judge Robin D. Pittman, Section F, Orleans Parish Criminal District Court, in New Orleans.

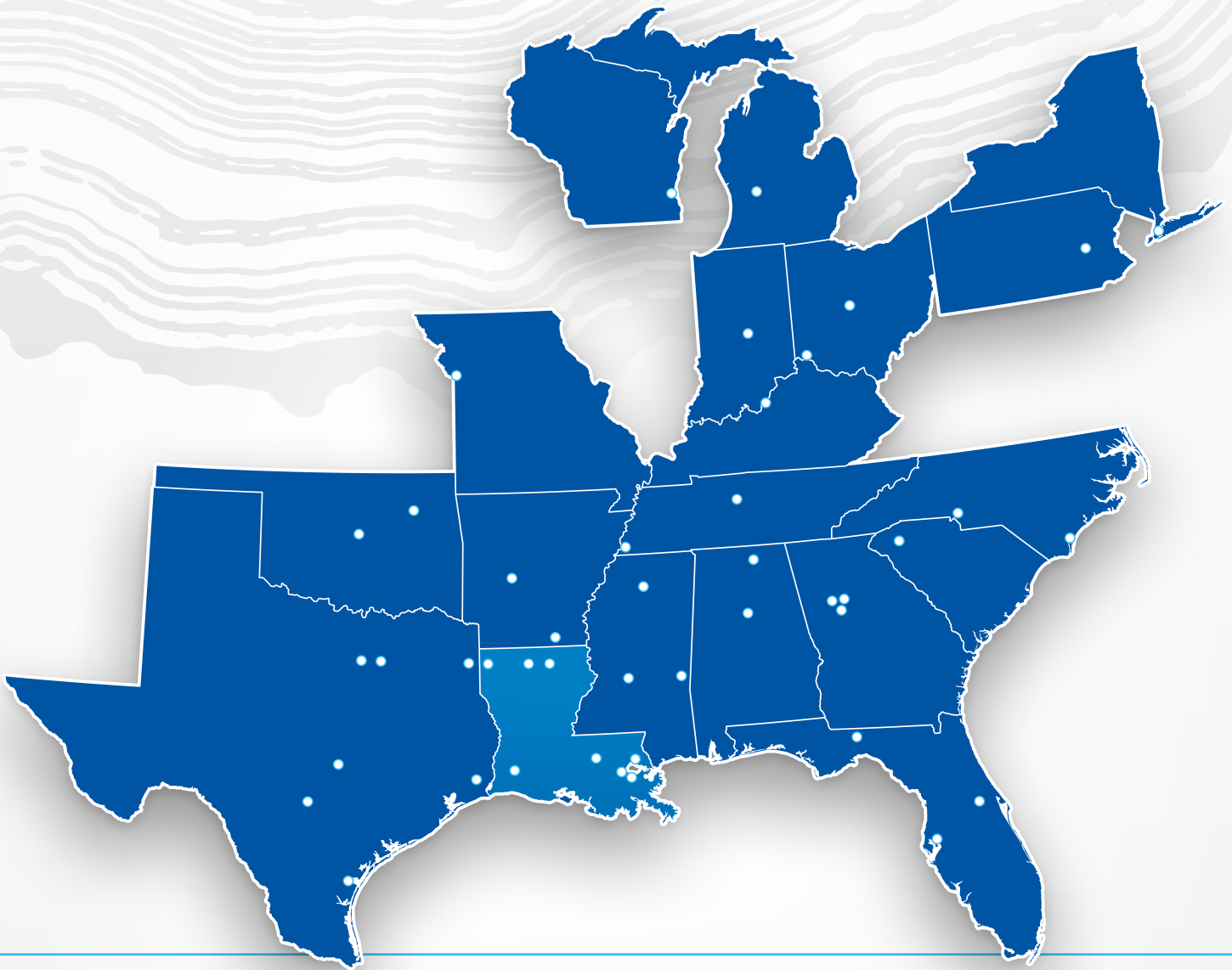
► Joseph T.D. Tran, associate general counsel for LAMMICO in Metairie.

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



Chief Justice John L. Weimer inducts the 2026-27 Young Lawyers Division Council during the Installation Luncheon.

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Nominating Committee to Meet Aug. 20 to Nominate President-Elect, Secretary

The Nominating Committee of the Louisiana State Bar Association (LSBA) will meet on Thursday, Aug. 20, in New Orleans to nominate a president-elect for the 2027-28 term and a secretary for the 2027-29 term.

The president-elect will automatically assume the presidency in 2028-29.

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

According to the secretary rotation, the nominee must have his/her preferred mailing address in Nominating Committee District 3 (parishes of Lafayette, Acadia, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Martin, St. Mary, Vermilion, Allen, Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry, Vernon, Bossier, Caddo, Bienville, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Red River, Richland, Tensas, Union, Webster, West Carroll and Winn).

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

Election Schedule

For the 2026-27 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 Friday, Aug. 21.

On Monday, Sept. 14, 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. 12. First election ballots will be available to members on Monday, Nov. 2. Deadline for electronically casting votes is Monday, Nov. 16.

Other Positions Open

Other positions to be filled in the 2026-27 elections are:

Board of Governors (three-year terms beginning at the adjournment of the 2027 LSBA Annual Meeting and ending at the adjournment of the 2030 LSBA Annual Meeting) — one member each from the Sixth, Seventh and Eighth Board Districts.

LSBA House of Delegates (two-year terms beginning at the commencement of the 2027 LSBA Annual Meeting and ending at the commencement of the 2029 LSBA Annual Meeting) — one delegate from each of the Twentieth through Forty-Second Judicial Districts, plus one additional delegate for every additional district judge in each district.

Nominating Committee (15 members, one-year terms beginning at the adjournment of the 2027 LSBA Annual Meeting and ending at the adjournment of the 2028 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 (2027-28 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, Fourth, Fifth, Sixth and Eighth districts (two-year terms).

American Bar Association House of Delegates (must be members of the American Bar Association) — three delegates from the membership at large. The delegates will serve a two-year term, beginning with the adjournment of the 2027 ABA Annual Meeting and expiring at the adjournment of the 2029 ABA Annual Meeting, as provided in Paragraph 6.4(e) of the ABA Constitution.

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

Board-Certified Specialists and 2026 Applicants Under the Age of 65 May Earn Up to Four (4) Hours of Approved Specialization “Computer-Based CLE” Credits for 2026

The Louisiana Supreme Court amended Rule XXX of the Rules for Continuing Legal Education, modifying the longstanding age-based exemption for attorneys, by order dated Nov. 10, 2025. See the order at www.lsba.org/documents/Publications/2025MCLEOrderReAgeMCLE.pdf. Under the revised Louisiana Supreme Court rule, attorneys who turn 65 on or after Jan. 1, 2026, may earn all of their required CLE through computer-based programming.

Considering the Nov. 10, 2025 order of the Louisiana Supreme Court, the Louisiana Board of Legal Specialization (LBLS) approved that all board-certified specialists and applicants, who are age 65 or older in 2026, may earn all of their required hours of specialization CLE either in person or online in 2026.

For the 2026 compliance period ending Dec. 31, 2026, there is no longer a limitation on “computer-based CLE” at four (4) hours annually for board-certified specialists and applicants, who are age 65 or older in 2026. “Computer-based CLE” includes interactive live webcasts, webinars and on-demand recordings. See the Mandatory Continuing Legal Education (MCLE) website at www.lsba.org/MCLE/.

The LBLS Board did not change any of the required number of specialization CLE hours for board-certified specialists, no matter what their age.

For the 2026 compliance period ending Dec. 31, 2026, LBLS Estate Planning and Administration specialists and Tax Law specialists, who are 65 or older in 2026, may earn all of their required 18 hours of approved specialization CLE either in person or by “computer-based CLE” credits on or before Dec. 31, 2026. See Rule 3(d) of Louisiana Supreme Court Rule XXX: www.lasc.org/Supreme_Court_Rules?p=RuleXXX

For the 2026 compliance period ending Dec. 31, 2026, LBLS Appellate Practice specialists, Employment Law specialists, Family Law specialists, Health Law specialists and Labor Law specialists, who are 65 or older in 2026, may earn all of their required 15 hours of approved specialization CLE either in person or by “computer-based CLE” credits on or before Dec.

31, 2026. For the 2026 compliance period ending Dec. 31, 2026, LBLS Business Bankruptcy Law specialists and Consumer Bankruptcy Law specialists must satisfy the continuing legal education requirements of the American Board of Certification (ABC).

For the 2026 compliance period ending Dec. 31, 2026, board-certified specialists and applicants, who are younger than 65 in 2026, are subject to the limitation on “computer-based CLE” at four (4) hours annually (as defined in Rule 3(d) of Louisiana Supreme Court Rule XXX: www.lasc.org/Supreme_Court_Rules?p=RuleXXX). The remaining required specialization CLE hours are to be “in person attendance.”

For the 2026 compliance period ending Dec. 31, 2026, LBLS Estate Planning and Administration specialists and Tax Law specialists, younger than 65 in who are 2026, may earn up to four (4) hours of approved specialization “computer-based CLE” credits on or before Dec. 31, 2026. The remaining fourteen (14) hours of their required 18 hours should be “in person attendance.” See Rule 3(d) of Louisiana Supreme Court Rule XXX: www.lasc.org/Supreme_Court_Rules?p=RuleXXX.

For the 2026 compliance period ending Dec. 31, 2026, LBLS Appellate Practice specialists, Employment Law specialists, Family Law specialists, Health Law specialists and Labor Law specialists, who are younger than 65 in 2026, may earn up to four (4) approved specialization “computer-based CLE” credits on or before Dec. 31, 2026. The remaining eleven (11) hours of their required 15 hours should be “in person attendance.” For the 2026 compliance period ending Dec. 31, 2026, LBLS Business Bankruptcy Law specialists and Consumer Bankruptcy Law specialists must satisfy the continuing legal education requirements of the ABC.

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

If you have any questions, please contact Specialization Director, Mary Ann Wegmann, at (504) 619-0128, 1-800-421-5722 or maryann.wegmann@lsba.org.

LBLS Accepting Bankruptcy Law Certification Applications Through Sept. 30

The LBLS is accepting applications for certification in business bankruptcy law and consumer bankruptcy law through Sept. 30, 2026.

In accordance with the Plan of Legal Specialization, a LSBA member in good standing who has been engaged in the practice of law on a full-time basis for a minimum of five years may apply for certification. Further requirements are that, each year, a minimum percentage of the attorney’s practice must be devoted to the area of certification sought, and the attorney must pass a written examination to demonstrate sufficient knowledge, skills and proficiency in the area for which certification is sought and provide five favorable references. Peer review is used to determine that an applicant has achieved recognition as having a level of competence indicating proficient performance

handling the usual matters in the specialty field. Refer to the LBLS Bankruptcy Law Standards for a detailed description of the requirements: www.lsba.org/Specialization/BusinessBankruptcy.aspx?Area=Standards.

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

With regard to applications for business bankruptcy law and consumer bankruptcy law certification, although the written test(s) is administered by the American Board of Certification, attorneys should apply for approval of

Continued on page 119

LSBA Recognizes Pro Bono Service at 40th Annual Awards

The LSBA held its annual Pro Bono Publico & Children's Law Awards Ceremony on May 19 at the Louisiana Supreme Court in New Orleans, marking 40 years of recognizing pro bono and public interest work within the legal profession. Louisiana Supreme Court justices presided over the ceremony from the bench during an official court session.

Following welcome remarks by 2025-26 LSBA President Edward J. Walters, Jr. and Louisiana Bar Foundation President Edmund J. Giering IV, Access to Justice (ATJ) Commission Co-Chair Chief Justice John L. Weimer recognized the award recipients for their pro bono and public interest service. ATJ Commission Co-Chair and 2020-21 LSBA President Alainna R. Mire served as master of ceremonies.

2026 David A. Hamilton Lifetime Achievement Award

Professor Ramona G. Fernandez, New Orleans, directs the Civil Litigation Clinic at Loyola University New Orleans College of Law, where she oversees matters spanning child advocacy, family law, succession, paternity, intra-family adoption and Special Immigrant Juvenile Status matters for undocumented minors. She also works with the Family Preservation Court team to support families affected by addiction. Her work with Southeast Louisiana Legal Services and United Way, through the Louisiana Prison Re-Entry Initiative, helps incarcerated individuals preparing to re-enter society. Through her work with The Pro Bono Project, she has expanded access to legal services for underserved communities. For more than eight years, she has taught a Street Law course that provides legal education in high schools, alternative schools and correctional facilities across the region.

2026 Career Public Interest Awards

Veronica Williams London, St. Francisville, has worked for 23 years to represent the interests of children in state

custody. She oversees court proceedings, trains and mentors volunteers, and produces thorough, timely court reports. Her work focuses on advocating for each child's best interests while helping secure safety, stability and permanency for vulnerable youths.

Gwendolyn Scovell, New Orleans, served as Intake Unit Manager for more than 30 years at SLLS. During her tenure, she kept operations running smoothly despite reductions in funding, office mergers, Hurricane Katrina, the COVID pandemic and countless other crises. She also mentored staff and supported attorneys. Even in retirement, she continues to volunteer at SLLS.

2026 Children's Law Awards

Children's Advocacy Center – Hope House, St. Tammany and Washington Parishes, provides forensic interviewing, advocacy, specialized counseling and prevention education at no cost to families. In 2025, the organization served 643 child victims, conducted 571 forensic interviews, facilitated more than 3,060 counseling sessions and supported 593 caregivers.

Natalie L. Paul, Destrehan, focused her legal career on children and juvenile justice. Following law school, she joined Southeast Louisiana Legal Services' CINC Unit, where she represented children in foster care statewide. She later joined the St. Charles Parish District Attorney's Office, where she serves as an Assistant District Attorney handling juvenile matters for the parish.

2026 Pro Bono Publico Awards

Mary Lee DeVun, Washington Parish, a solo practitioner in Washington Parish since 2018, handles bankruptcy and estate matters while volunteering with Southeast Louisiana Legal Services.

Mouledoux, Bland, Legrand & Brackett, LLC, New Orleans, encourages attorneys to accept pro bono referrals in family law, housing and consumer matters, and volunteer at Self-Help Resource

Centers. The firm has long supported the Louisiana Bar Foundation, The Pro Bono Project, Southeast Louisiana Legal Services, and the New Orleans Bar Association, with attorneys serving on boards and committees.

Pamela King Newlen, Shreveport, volunteers at the Shreveport Bar Foundation (SBF)'s Ask-A-Lawyer Clinics, assists with the *pro se* Divorce Clinic, and represents pro bono clients through the SBF's Pro Bono Project.

David Rozas, Baton Rouge, and his office established a dedicated federal *habeas* team focused on securing release for individuals held in unconstitutional detention. In addition to their regular caseload, the firm handles a significant number of pro bono matters particularly for children seeking Special Immigrant Juvenile Status, survivors of sex trafficking and pregnant women in detention.

Devin Jones, Bastrop, volunteers with the Northeast Louisiana Bar Foundation, providing free legal clinics across multiple parishes to ensure community members have access to legal guidance. He provides legal assistance on expungement matters that arise through Ask-A-Lawyer sessions.

Sharita L. Spears, St. Francisville, was recognized for her work with Eviction Court and Mission for Mark initiatives. She remains engaged through the Baton Rouge Bar Association Pro Bono Project, the LSBA's Lawyers in Libraries program and through various justice initiatives statewide.

2026 Friend of Pro Bono Awards

Liskow & Lewis, New Orleans, participates in "Adopt-a-Month" at the Self-Help Resource Center with attorneys providing pro bono legal services and serving on the organization's board. The firm also supports Pro Bono Project's Justice For All Ball fundraising efforts and educational lunch-and-learns, CLEs, pro bono workshops as well as guidance on nonprofit governance and strategic legal matters.

Diane Bourgeois, Baton Rouge, serves



Pro Bono and Children's Law award recipients with the Louisiana Supreme Court and ATJ Commission members during the May 19 ceremony at the Louisiana Supreme Court. Photo by Matthew Hinton Photography.

as Service Line Administrator of Oncology and Cardiology at Baton Rouge General Medical Center. She partnered with SLLS and the Cancer Association of Louisiana to provide hospital patients with free legal services including wills, powers of attorney and advance directives. The program has become a regularly scheduled service ensuring patients can access essential legal resources.

Dean Cole, Lafayette, served as chair of the Lafayette Bar Foundation and played a pivotal role in advancing its mission by helping launch the Elder Wills program in 2025 providing senior citizens with wills, powers of attorney, and medical powers of attorney at no cost. In 2026, he also helped establish an expungement program in partnership with Acadiana Legal Service Corp.

East Baton Rouge Parish Library partnered with the Baton Rouge Bar Foundation to host an Ask-A-Lawyer program that connects volunteer attorneys with residents for free legal consultations. The library also collaborates with the 19th JDC and the East Baton Rouge Clerk of Court to provide online filing access for certain legal documents at library locations.

Ernest Senzer, Covington, volunteers two days a week with Southeast Louisiana Legal Services' Northshore Pro Bono Project, and participates in community outreach events.

2026 Lawyers in Libraries Award

Adolph B. Curet III, Franklin, volunteers with the Lawyers in Libraries program assisting patrons with a wide range of legal issues, including elder law, wills, probate, housing, contracts, divorce and landlord-tenant issues.

2026 LA Free Legal Answers Award

Earlnisha Danyell Williams, Shreveport, volunteers at monthly Ask-A-Lawyer Clinics sponsored by the Shreveport Bar Association, represents divorce and estate matters for low-income residents and consistently contributes to *LA.FreeLegalAnswers.org*.

2026 Law Student Pro Bono Awards

Kaylee Raquel Odom, Louisiana State University Paul M. Hebert Law Center, completed pro bono work involving children without immigration status, Child in Need of Care proceedings and juvenile delinquency matters.

Gabrielle Stewart, Southern University Law Center, assisted self-represented litigants at the Self-Help Center in the 19th JDC and volunteers with the Baton Rouge Bar Association's Ask-A-Lawyer program.

Andrew D. Jones II, Loyola University New Orleans College of Law, participated in the Gillis Long Poverty Law Center's Summer Internship Program, externed with the Southern Poverty Law Center's Democracy, Education, and Youth division, and worked in the Child Welfare and Domestic Violence Clinic. He also served two terms as president of the Lambda Law Alliance and mentored fellow students.

Jaxon R. H. Cummings, Tulane University, assisted survivors of domestic violence with protective orders and custody petitions, researched Medicaid reimbursement pathways to sustain services for survivors of domestic violence and human trafficking, and utilized Tulane's Medico-Legal Screening Clinic to connect individuals with

legal protections and health care resources.

2026 Pro Bono Century Club

Rusty John Savoie, Covington, and James Alex Watkins, New Orleans were recognized for providing over 100 hours of volunteer pro bono legal services in one calendar year.

The 2026 Pro Bono Publico & Children's Law Awards recognized attorneys, law firms, law students and community partners from across Louisiana for their contributions to pro bono. Additional photos from the event are available on the LSBA's Access to Justice page www.lsba.org/probono/.

LBLS continued from page 117

the LBLS simultaneously with the testing agency to avoid delay of board certification by the LBLS. Information concerning the American Board of Certification will be provided with the application form(s) and can be viewed at: www.abcwORLD.org.

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

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

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

Practicing Professionalism in an Era of Ever-Evolving Technology

As a practitioner who began practicing law (licensed in 1992) when we used snail mail, I was slow to switch to email as my primary form of communication with clients and other lawyers. I have welcomed the reduction in phone time that email and other technologies have afforded. There have been vast advancements in the use of technology in the practice of law. While such advancements have in many ways improved the legal profession, it has also created some professionalism pitfalls.

The LSBA Code of Professionalism includes the following:

I will stay informed about changes in the law, communication and technology which affect the practice of law.

The recognition that technology and forms of communication are ever changing was added to the Code as revised in 2018.

Email

The use of email has greatly advanced the speed with which we can keep our clients informed of the progress of their case and that we can communicate with opposing counsel. On the other hand, it has also resulted in some informality that can, at times, be troubling and lead to unprofessional conduct. One of the disadvantages of the use of email is that we now live in an “instant response” world.

This can lead to responding hastily before thinking out the most appropriate response. It can also lead to clients expecting 24/7 access to us, so it’s important to set boundaries so as to avoid burnout. Set expectations with your clients about response times. Expecting an instant response from opposing counsel is also unrealistic.

Some very practical issues I have encountered in the use of email includes the following:

- ▶ Failing to proofread before sending.
- ▶ Referring to attachments that are not actually attached or don’t open.
- ▶ Not properly using “reply all.”
- ▶ Including your client on the email

either through the use of “cc” or “bcc.” Copying your client on emails to opposing counsel can open up accidental communication between counsel and the opposing party. The best practice would be to send to the client afterward.

▶ An important rule of thumb in email communications is to presume that whatever you put in an email will be read by the judge in the case at some point. Also keep in mind emails can be easily forwarded so keep your tone professional.

ABA Formal Opinion 477R (Revised May 22, 2017) addressed the importance of secure communication of protected client information as follows:

A lawyer generally may transmit information relating to the representation of a client over the internet without violating the Model Rules of Professional Conduct where the lawyer has undertaken reasonable efforts to prevent inadvertent or unauthorized access. However, a lawyer may be required to take special security precautions to protect against the inadvertent or unauthorized disclosure of client information when required by an agreement with the client or by law, or when the nature of the information requires a higher degree of security.

Failing to secure communication of protected client information could lead to violation of the Rules of Professional Conduct and, therefore, potentially discipline.

Use of Artificial Intelligence

The use of Artificial Intelligence is growing in society in general and particularly in the legal community. Lawyers have used AI to write briefs that literally cited non-existent cases, leading to lawyer discipline. Use of AI should be undertaken carefully and responsibly. It cannot ever substitute for the duty of competence. If you are to use AI, check that work like you would a first-year law clerk’s.

ZOOM

The increased use of ZOOM can be a valuable tool for out-of-town witnesses and clients. Be sure to ask for Court permission, as allowing its use can vary by different courts. Check with your opposing counsel to be sure there is no objection.

Texting / Cell Phone Access

Texting is such a common form of communication that clients will often expect access to texting or calling their counsel via cell phone. As a family law practitioner, I generally do not allow these communications. There are rare exceptions made. While there is nothing prohibiting such communications, I keep strict boundaries to access outside of office hours. This is important for work-life balance and to keep the relationship professional. No one is reasonably expecting to have access to their physician’s cell phone because they understand the nature of professional boundaries. Such boundaries are appropriate to keep our attorney-client relationship professional in nature.

The greater use of technology in the practice of law is inevitable. It is up to us as lawyers to use technology professionally. The way we practice can change, but the underlying principles of professionalism should not.

Katherine L. Hurst is a solo practitioner in Lafayette whose primary practice areas are attorney disciplinary defense and complex domestic litigation. She is a member of the Louisiana State Bar Association’s (LSBA) Committee on the Profession and the LSBA’s Practice Assistance and Improvement

Committee. She served on the Subcommittee to Revise the Code of Professionalism that was adopted by the LSBA House of Delegates and approved by the Louisiana Supreme Court in 2018. She is also a member of the LSBA House of Delegates. She received her JD degree in 1991 from Louisiana State University Paul M. Hebert Law Center. Prior to establishing her firm, she clerked for former Louisiana Supreme Court Justice Catherine D. (Kitty) Kimball, the Office of Disciplinary Counsel and the 3rd Circuit Court of Appeal. (klh@katherinehurst.com; Lafayette, LA)



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More than Meets the Eye

“It is with broken hearts that we share the loss of our beloved husband, father, son, brother, uncle, and friend, Michael,” the Instagram post began. “To many, Michael was known as a tireless advocate and exceptional litigator. To us, he was so much more.” The post remembered Michael as “intelligent, curious, creative, and endlessly fascinated by the world around him. He loved the outdoors, enjoyed fishing and boating, created art, and never stopped learning. He showed compassion, empathy, kindness, generosity, and love throughout his life.”

All these kind words and I am sure many flowers were sent, but who checked on Michael? By reflecting on Michael’s life, this article aims to emphasize the importance of compassionate understanding within the legal profession and to highlight the urgent need for addressing mental health challenges among legal professionals.

The family’s statement further recognized that Michael faced challenges but emphasized, “We do not believe any person’s life should be defined solely by their lowest moments.” This is an important reminder for the legal profession, where many individuals face various struggles. As lawyers, we can support each other by not looking past hardships and encouraging open dialogue which will help reduce stigma and create a more caring community.

A colleague whispered, “Michael’s tragic outcome is particularly difficult to comprehend given that Michael appeared so full of life and potential.” This paradox highlights how pervasive stigma surrounding mental health can discourage even the most outwardly successful individuals from seeking support. Stigma often compels individuals to conceal personal struggles to maintain a façade of resilience and competence, especially

988 Suicide & Crisis Lifeline Recommendations

Call or text 988 to reach the confidential Suicide & Crisis Lifeline. Know that you are not alone. Reaching out can save lives. If someone is threatening death by suicide, the 988 Suicide & Crisis Lifeline recommends:

- ▶ **Be direct.** Talk matter-of-factly and openly about death by suicide.
- ▶ **Be willing to listen with empathy.** Allow expressions of feelings and accept the feelings.
- ▶ **Be non-judgmental.** Do not lecture on the morality of death by suicide, the validity of their feelings or the sanctity of life.
- ▶ **Do not be sworn to secrecy.** Seek help and support from persons or agencies specializing in crisis intervention and death by suicide prevention.
- ▶ **Act.** Remove access to any means for killing oneself.⁹

within professions like law that emphasize strength and self-reliance. As a result, those who seem to be thriving externally may, in reality, face significant internal challenges that go unnoticed and unaddressed.

The legal profession is demanding. Lawyers experience some of the highest rates of stress, burnout and mental health challenges, including depression. The rates of death by suicide in this field are significantly higher than in many others. Many lawyers relate to receiving urgent client or student emails late at night, facing the stress and anxiety of an upcoming trial, or worrying about meeting billable hour targets while balancing personal commitments. Long hours, high stress, financial concerns, and exposure to trauma, combined with pressure to win cases, managing heavy workloads and shouldering the weight of clients’ lives and livelihoods, seriously impacts mental health.¹

Death by suicide affects individuals of all ages and is the 11th leading cause of death in the U.S.² Someone dies by suicide every 11 minutes, highlighting the frequency and severity of this public health crisis. The statistics are alarming. Still, many individuals are uncomfortable discussing death by suicide. The stigma around mental health and death by suicide often keeps those struggling from seeking help.³

Lawyers contemplate death by

suicide at almost twice the rate of the general population, indicating that legal professionals are disproportionately affected. While approximately 5% of U.S. adults report having suicidal thoughts, studies demonstrate that between 10% and 12% of lawyers have experienced such thoughts. A 2022 survey showed that nearly one in five legal professionals (19%) reported having considered death by suicide during their careers, underscoring the urgency for targeted mental health interventions.⁴ Consider the individuals who did not respond to or participate in the survey.

Death by suicide is complicated and can be caused by many factors, such as mental illness, substance misuse, chronic illness, trauma, loss, violence and social isolation.⁵ Victims who die by suicide and those who contemplate death by suicide do not necessarily want to die. Often, they are looking for relief from intense emotional or physical pain or want to escape overwhelming stress when they feel there are no other options.⁶ We must work together to shatter the silence around death by suicide and mental health. September marks National Suicide Prevention Awareness Month, with World Suicide Prevention Day on September 10. Honest, open conversations can help reduce stigma and offer hope and support to those who need it most.

Most mental health conditions increase the risk of death by suicide, especially for individuals with bipolar disorder, depression or schizophrenia.⁷ The best way to prevent death by suicide is to notice any of the following warning signs early and take them seriously:

- ▶ Missed deadlines or appointments
- ▶ Talking about being a burden to others
- ▶ Feeling unusually anxious, agitated, hopeless or trapped
- ▶ Feeling uncontrolled anger
- ▶ Acting recklessly or engaging in risky activities
- ▶ Increased alcohol or drug use
- ▶ Being unable to sleep or sleeping too much
- ▶ Experiencing dramatic mood changes
- ▶ Withdrawing from friends, family and society
- ▶ Seeing no reason to live or having no sense of purpose in life
- ▶ Seeking access to firearms, available pills or other means for killing oneself.⁸

You can also contact JLAP at 985-778-0571, JLAP@LouisianaJLAP.com, or www.LouisianaJLAP.com. When you reach out, you will have a private conversation with a caring professional. You will be listened to without judgment, and together you can talk about your concerns and the next steps. JLAP offers guidance, connects you to resources and supports you every step of the way. Everything you share is kept completely confidential.

Our commitment to confidentiality and support creates a safe environment for all in the legal community — including lawyers, judges, law students, legal professionals and their families — to seek assistance without judgment. By fostering compassionate understanding and prioritizing mental health, we can help reduce stigma and promote healing within the legal profession. It is essential to recognize that help is available and that hope remains, even in the most challenging times.

FOOTNOTES

1. Jones, Donna A. "Suicide Prevention Month: Supporting Lawyers and Their Mental Health."

Advocate Capital, Inc. Sept. 17, 2025. www.advocatecapital.com/blog/suicide-prevention-month-supporting-lawyers-and-their-mental-health/.

2. "Suicide." National Institute of Mental Health. www.nimh.nih.gov/health/statistics/suicide.

3. Ergenzinger, Ed. "Suicide and the Legal Profession." NCBarBlog. Oct. 7, 2022. www.ncbarblog.com/ip-suicide-and-the-legal-profession.

4. Irish, Niki. "Breaking the Silence: A Lifesaving Guide to Lawyer Suicide Prevention." Washington Lawyer January/February 2026. www.dcbar.org/news-events/publications/washington-lawyer-articles/breaking-the-silence-a-lifesaving-guide-to-lawyer-; Ergenzinger, *supra* note 5.

5. "Warning Signs of Suicide." Substance Abuse and Mental Health Services Administration. Last updated 11/01/2024. www.samhsa.gov/mental-health/suicidal-behavior/warning-signs.

6. Ergenzinger, *supra* note 5.

7. *Id.*

8. Irish, *supra* note 6; Ergenzinger, *supra* note 5.

9. Ergenzinger, *supra* note 5.

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 jlapp@louisianajlap.com.



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CLE SEMINARS



J. Dalton Courson, Litigation Director, Disability Rights Louisiana, New Orleans; Nicholas J. Hite, Lambda Legal, Dallas, TX; Hieu T. (Scott) Le, Mouledoux, Bland, Legrand & Brackett, LLC, New Orleans; Rachel M. Scarafia, Special Counsel, Jones Walker LLP, New Orleans.

LGBT Legal Issues CLE Seminar

On Sept. 23, 2025, the LSBA Diversity Committee's LGBT Subcommittee and the LSU OUTLaw Student Organization hosted a CLE seminar titled *Out in the Law: Building a Career with Pride and Protection*. The seminar addressed how Title VII and related case law protect identity in the workplace.



Kellie Jackson, Tulane Law Lutz Fellow, Disability Rights Louisiana, New Orleans; J. Dalton Courson, Litigation Director, Disability Rights Louisiana, New Orleans.



Cloyd Benjamin, Jr., Assistant District Attorney, Natchitoches Parish District Attorney's Office, Natchitoches; Monica D. Doss, Assistant District Attorney, Rapides Parish District Attorney's Office, Alexandria.



Anderson O. Dotson III, Chief Disciplinary Counsel, Louisiana Attorney Disciplinary Board, Baton Rouge.



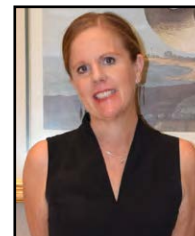
Justin S. Brashear, Founder and CEO, Brashear Law LLC, Lake Charles.



N. Kordell Caldwell, Associate, Baker, Donelson, Bearman, Caldwell & Berkowitz, Jefferson.



Edgar (Dino) Gankendorff, Co-Managing Partner, Provosty & Gankendorff, L.L.C., New Orleans.



Ashlye M. Keaton, Attorney at Law and co-founder, The Ella Project, New Orleans.



Walter (Fritz) Metzinger III, Associate, Stone Pigman Walther Wittmann LLC, New Orleans.



Brianna M. Spikes*, Attorney at Law, Atlanta, GA.



Michael B. Victorian, Counsel, Phelps, Baton Rouge.



Shane D. Williams, Maven Sports Group, Strategic Partner of Cash Money Records, Alexandria.

LSBA Entertainment Law CLE Seminar

The LSBA Diversity Committee's Pipeline to Diversity and Outreach Subcommittee hosted a two-day Entertainment Law CLE Seminar on April 16–17, 2026, in New Orleans. The CLE seminar brought together legal professionals and industry experts to examine key issues and trends at the intersection of law, sports and entertainment.

Natchitoches Lights CLE Seminar

On Dec. 11, 2025, the LSBA Diversity Committee's Specialty Bars Subcommittee hosted the Natchitoches Lights CLE Seminar at Mariner's Lakefront Restaurant. The CLE seminar offered legal professionals the opportunity to earn up to 6.0 CLE credit hours.



Shelvia R. G. Davis, Founder, Grant Davis Law LLC, Shreveport.



Brandon E. Davis, Partner, Phelps, New Orleans; Laura N. Buck, Associate, Phelps, New Orleans.



Andrew B. Mims, Founder and Managing Attorney, Oak Grove Estate Planning, Lafayette.

*Not licensed in Louisiana.

CLIENT ASSISTANCE FUND PAYMENTS - DEC. 2024, MARCH & MAY 2025

Attorney	Amount Paid	Gist
Samuel R. Aucoin	\$800.00	#2214 - unearned fee in a divorce matter
Jeffrey Dee Blue	\$850.00	#2330 - conversion of funds in a succession matter
Christopher Hatch	\$15,000.00	#2389 - unearned fee in a criminal matter
Robert J. Lounsberry, Sr.	\$2,000.00	#2238 - unearned fee in a family law matter
Robert J. Lounsberry, Sr.	\$3,000.00	#2279 - unearned fee in a family law matter
Robert J. Lounsberry, Sr.	\$6,850.00	#2302 - unearned fee in a family law matter
Robert J. Lounsberry, Sr.	\$10,950.00	#2326 - unearned fee in a property law matter
Robert J. Lounsberry, Sr.	\$1,500.00	#2328 - unearned fee in a criminal matter
Robert J. Lounsberry, Sr.	\$6,300.00	#2378 - unearned fee in a criminal matter
Aaron P. Mollere	\$8,750.00	#2117 - unearned fee in a criminal matter
David R. Opperman	\$5,250.00	#2163 - unearned fee in a criminal matter
Kevin M. Steel	\$2,500.00	#2352 - unearned fee in a succession matter
Kevin M. Steel	\$5,000.00	#2376 - unearned fee in a succession matter

Q&A

LOUISIANA CLIENT ASSISTANCE FUND

What is the Louisiana Client Assistance Fund?

The Louisiana Client Assistance Fund was created to compensate clients who lose money due to a lawyer's dishonest conduct. The Fund can reimburse clients up to \$50,000 for thefts by a lawyer. It covers money or property lost because a lawyer was dishonest (not because the lawyer acted incompetently or failed to take certain action). The fund does not pay interest nor does it pay for any damages done as a result of losing your money.

How do I qualify for the Fund?

Clients must be able to show that the money or property came into the lawyer's hands.

Who can, or cannot, qualify for the Fund?

Almost anyone who has lost money due to a lawyer's dishonesty can apply for reimbursement. You do not have to be a United States citizen. However, if you are the spouse or other close relative of the lawyer in question, or the lawyer's business partner, employer or employee, or in a business controlled by the lawyer, the Fund will not pay you reimbursement. Also, the Fund will not reimburse for losses suffered by government entities or agencies.

How do I file a claim?

Because the Client Assistance Fund Committee requires proof that the lawyer dishonestly took your money or property, you should register a complaint against the lawyer with the Office of Disciplinary Counsel. The Disciplinary Counsel's office will investigate your complaint. To file a complaint with the Office of Disciplinary

Counsel or to obtain a complaint form, write to: Disciplinary Counsel, 4000 South Sherwood Forest Blvd., Suite 607, Baton Rouge, LA 70816-4388. Client Assistance Fund applications are available by calling or writing: The Client Assistance Fund, 601 St. Charles Ave., New Orleans, LA 70130-3427, (504) 566-1600 or (800) 421-5722. Applicants are requested to complete an Application for Relief and Financial Information Form.

Who decides whether I qualify for reimbursement?

The Client Assistance Fund Committee decides whether you qualify for reimbursement from the Fund, and, if so, whether part or all of your application will be paid. The committee is not obligated to pay any claim. Disbursements from the Fund are at the sole discretion of the committee. The committee is made up of volunteer lawyers who investigate all claims.

REPORTING DATES 6/4/26 & 6/9/26

REPORT BY DISCIPLINARY COUNSEL

Public matters are reported to protect the public, inform the profession and deter misconduct. Reporting date June 4, 2026.

Decisions

G. Karl Bernard, New Orleans, (2023-B-01134) has **consented to a 12-month extension to his probation period**, by order of the Louisiana Supreme Court on Mar. 26, 2026. JUDGMENT FINAL and EFFECTIVE Mar. 26, 2026. *Gist:* Respondent failed to timely request service of a petition, resulting in the dismissal of his clients' lawsuit without prejudice; and although Respondent advised his clients of the error, he attempted to resolve the potential claim without advising his clients in writing of the desirability of seeking the advice of independent counsel.

Patricia Anne Bethancourt, Harahan, (2026-OB-00468) has been **transferred to Disability Inactive Status**, by order of the Louisiana Supreme Court on Apr. 22, 2026. JUDGMENT FINAL and EFFECTIVE Apr. 22, 2026. *Gist:* Bethancourt cannot practice law pending further orders from the court.

Michelle Andrica Charles, Baton Rouge, (2026-B-00336) has been **suspended from the practice of law for three years**, by order of the Louisiana Supreme Court on Apr. 21, 2026. JUDGMENT FINAL and EFFECTIVE Apr. 21, 2026. *Gist:* While actively suspended from the practice of law, Charles performed numerous notarial acts and filed a petition in a state court on behalf of a client.

James Huhner Eberle, New Orleans, (2026-OB-00528) has been **transferred to Disability Inactive Status**, by order of the Louisiana Supreme Court dated May 6, 2026. JUDGMENT FINAL and EFFECTIVE May 6, 2026. *Gist:* Eberle cannot practice law pending further orders from the court.

Richard L. Fewell, Jr., West Monroe, (2026-OB-00466) has been **transferred to Disability Inactive Status**, by order of the Louisiana Supreme Court on Apr. 16, 2026. JUDGMENT FINAL and EFFECTIVE Apr. 16, 2026.

Daryl Gold, Shreveport, (2026-

OB-00221) has **permanently retired** from the practice of law, by order of the Louisiana Supreme Court on Mar. 31, 2026. JUDGMENT FINAL and EFFECTIVE Mar. 31, 2026.

Christian M. Goudeau, Opelousas, (2026-OB-00324) has **permanently retired** from the practice of law by order of the Louisiana Supreme Court on Apr. 21, 2026. JUDGMENT FINAL and EFFECTIVE Apr. 21, 2025.

James Andrew Hatch, Metairie, (2026-B-0445) has **consented to suspension from the practice of law on an interim basis**, by order of the Louisiana Supreme Court on Apr. 16, 2026. JUDGMENT FINAL and EFFECTIVE Apr. 16, 2026.

Louis R. Koerner, Jr., New Orleans, (2026-OB-00092) has been **transferred to Disability Inactive Status**, by order of the Louisiana Supreme Court on Apr. 6, 2026. JUDGMENT FINAL and EFFECTIVE Apr. 6, 2026. *Gist:* Koerner cannot practice law pending further orders from the court.

Drew M. Louviere, Baton Rouge, (2026-B-00036) has been **disbarred**, by order of the Louisiana Supreme Court on Mar. 18, 2026. JUDGMENT FINAL and EFFECTIVE on Apr. 1, 2026. *Gist:* Engaged in a pattern of serious attorney misconduct, including the neglect of multiple client matters, failure to communicate with his clients, engaged in dishonest or misleading conduct, failure to refund unearned fees and failure to cooperate with ODC.

Continued on page 128



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

The following is a verbatim report of the matters acted upon by the United States District Court for the Eastern District of Louisiana, pursuant to its Disciplinary Rules. This information is published at the request of that court, which is solely responsible for the accuracy of its content. This report is as of June 2026.

Respondent	Disposition	Date Filed	Docket No.
Harris, Jonathan C.	[Reciprocal] Suspension	04/21/26	26-255
Joffrion, Jacob Ryan	[Reciprocal] Suspension, fully deferred	05/21/26	26-622
Vidrine, Ginger	[Reciprocal] Public Reprimand	05/11/26	26-256

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 9, 2026.

Respondent	Disposition	Date Filed	Docket No.
Tanzanika Q. Ruffin	Suspended (Reciprocal)	4/1/2026	26-mc-00030
Drew M. Louviere	Disbarred (Reciprocal)	4/13/2026	25-mc-00048
James Andrew Hatch	Suspended (Reciprocal)	4/28/2026	26-mc-00034
Christian M. Goudeau	Inactive (Reciprocal)	5/6/2026	26-mc-00038

Discipline continued from page 126

Brian Allen Miller, Monroe, (2026-B-0430) has been **suspended from the practice of law for three years. This suspension shall be retroactive to Feb. 1, 2024, the date of the imposition of suspension in *In re: Miller*, 24-0141 (La. 2/1/24), 420 So.3d 1**, by order of the Louisiana Supreme Court on May 12, 2026. JUDGMENT FINAL and EFFECTIVE on May 12, 2026. *Gist*: Miller pleaded guilty to one count of conspiracy to possess with intent to distribute controlled substances.

Jacqueline A. Scott, Bossier City, (2026-CD-005) has **consented to probation for two years from the formal execution of a probation plan, with conditions**, by order of the Louisiana Disciplinary Board on May 20, 2026. JUDGMENT FINAL and EFFECTIVE on May 20, 2026. *Gist*: The respondent ran a magazine advertisement that did not disclose the city or town of a bona

fide office location, as required by Rule 7.2(a)(2) of the Rules of Professional Conduct.

Stephen Sterling III, Baton Rouge, (2023-B-01094) by **consent has had the previously ordered two (2) year period of probation imposed upon him in *In Re: Sterling*, 23-1094 (La. 10/3/23), 370 So.3d 1049 be extended for a period of twelve (12) months**, by order of the Louisiana Supreme Court on May 12, 2026. JUDGMENT FINAL and EFFECTIVE on May 12, 2026. *Gist*: Respondent was held in direct contempt of court for eight (8) violations of trial decorum during the course of litigating a criminal case before a jury.

Dorothy L. Tarver, Metairie, (2026-B-0014) has been **suspended from the practice of law for eleven months (reciprocal)**, by order of the Louisiana Supreme Court on Mar. 25, 2026. JUDGMENT FINAL and

EFFECTIVE Apr. 8, 2026. *Gist*: The respondent failed to provide competent representation to a client; failed to act with reasonable diligence and promptness in representing a client; failed to communicate with a client; and termination of the representation.

Julie Brown White, Baton Rouge, (2026-B-00263) has been **suspended from the practice of law for one year, fully deferred, subject to one year of probation**, by order of the Louisiana Supreme Court on Apr. 9, 2026. JUDGMENT FINAL and EFFECTIVE Apr. 9, 2026. *Gist*: White practiced law while ineligible to do so.

ADMONITIONS

No Admonitions.

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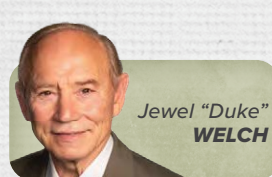


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In re Babcock & Wilcox: Bankruptcy Court Limits Scope of Plan Discharge

On June 13, 2026, Judge Meredith S. Grabill of the U.S. Bankruptcy Court for the Eastern District of Louisiana issued a memorandum opinion and order in adversary proceeding No. 21-1014 in the reopened case of *In re Babcock & Wilcox Co.*, Case No. 00-10992. The Reorganized Babcock & Wilcox sought a declaratory judgment that products-liability claims asserted against it in a Pennsylvania state court action by Philadelphia Energy Solutions Refining & Marketing, LLC and PES Liquidating Trust (collectively PES) were discharged by the confirmed joint plan of reorganization of Babcock & Wilcox (B&W), which became effective on February

22, 2006. PES' claims arose from a June 21, 2019, explosion at the Girard Point Refinery, allegedly caused by the failure of an elbow joint manufactured by B&W and installed in the refinery's hydrofluoric-acid alkylation unit in the early 1970s.

After a four-day trial, the court denied the Reorganized B&W's declaratory action, holding that PES' products-liability claims are not prepetition bankruptcy claims discharged by the confirmed joint plan. The court placed the burden of proof on PES as the party seeking to be excepted from the consequences of the confirmation order, following the reasoning of *In re Waterman Steamship Corp.*, 200 B.R. 770 (Bankr. S.D.N.Y. 1996).

The court first addressed whether PES was bound by the confirmed joint plan at all. Applying the 5th Circuit's res judicata framework, the court found sufficient identity between Sunoco — which had received actual notice of B&W's bankruptcy, participated in the case and filed a proof of claim — and PES, which was a joint venturer with or successor-in-interest to Sunoco's interest in the Girard Point Refinery. The court therefore concluded that PES would be bound by the discharge injunction if the claims at issue were indeed prepetition

bankruptcy claims. The court then turned to the central issue and applied the 5th Circuit's "prepetition-relationship" test from *Lemelle v. Universal Mfg. Corp.*, 18 F.3d 1268, 1277 (5th Cir. 1994), which requires "some prepetition relationship, such as contact, exposure, impact or privacy, between the debtor's prepetition conduct and the claimant." The court identified two conditions that must exist for a future claim to qualify as a dischargeable prepetition claim: first, the future injury must be relatively certain to manifest itself at some point and be attributable to the debtor; and second, the debtor must be able to identify the claimant to provide notice sufficient to satisfy due process.

The court found on the critical first prong that the injury caused by the T-1 Elbow's failure was not relatively certain to manifest at any point during B&W's bankruptcy case. The evidence established that the industry was only beginning to understand the impact of residual elements such as nickel and copper on carbon-steel piping in hydrofluoric-acid environments in the early 2000s, and operators were reasonable in assuming that pre-1985 piping was made of high-purity carbon steel and thus extremely resistant to corrosion. Inspection programs



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at the refinery complied with recognized and generally accepted good engineering practices and revealed no corrosion concerns in the relevant circuit as late as 2001. The T-1 Elbow performed for over 45 years before the 2019 explosion, and no statistical or other evidence suggested it was destined to fail. The court also rejected the Reorganized B&W's argument that broadly worded plan definitions of "Claim" and "Contingent Claim" could independently discharge all future claims, holding that due process requires the independent application of the prepetition-relationship test regardless of plan language.

Thus, for bankruptcy and restructuring counsel, the opinion makes clear that broadly drafted discharge and injunction provisions may not, standing alone, insulate a reorganized debtor from post-confirmation liability. Practitioners drafting plans of reorganization for manufacturing debtors or other companies with long-lived products in the market should not rely exclusively on sweeping plan language to capture future tort exposure.

Instead, debtors' counsel should conduct a diligent prepetition analysis of the debtors' product portfolio, identify categories of products that could foreseeably give rise to future injury claims and build a record during the case that demonstrates whether each category of potential future claim satisfies both prongs of the prepetition-relationship test. Where the foreseeability prong cannot be established, counsel should advise clients that those claims will survive discharge and plan accordingly rather than assuming the plan's discharge injunction will provide a complete shield.

The ruling underscores the importance of notice in the bankruptcy case itself. Because the court assessed foreseeability based on the state of scientific and engineering knowledge available during the pendency of the bankruptcy case, counsel should document what was known and knowable about product risks at the time of filing and confirmation. The existence of a contemporaneous record could be critical in any future proceeding regarding the scope of the

discharge. On the creditors' side, the decision equips tort claimants' counsel with a framework for challenging discharge in cases involving latent product defects — particularly where the risk was not scientifically understood during the bankruptcy proceeding and the injury manifested simultaneously with its discovery, years after confirmation.

Finally, the opinion is persuasive and directly applicable authority across all Louisiana federal courts. For state-court litigation practitioners, the ruling confirms that bankruptcy courts will not automatically enjoin post-confirmation tort actions where the prepetition-relationship test is not satisfied, preserving the ability to pursue products-liability claims in forums like the Pennsylvania state court action at issue.

— **Christopher T. Caplinger**
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State or Federal Court? It Depends.

In 2013 and the years following, various parish governments brought 42 distinct lawsuits against oil-and-gas companies alleging violations of the State and Local Coastal Resources Management Act of 1978 (La. R.S. 49:214.21–214.42). By and large, these suits alleged that oil-and-gas exploration and development in Louisiana’s coastal zone — going back to its origins in the early twentieth century — damaged the integrity of the state’s defenses against storms and rising sea levels. The

suits sought to force the companies to commit substantial sums (or in-kind remediation) to the protection and restoration of Louisiana’s coastal zone. In the succeeding 13 years, two of those cases went to trial. During that same time, all, then most, and then a few of the cases originally filed in respective state district courts have been removed to and remanded from federal court. By the early 2020s, the handful of cases still remaining in federal court were there under a theory that the subject companies or their corporate ancestors were acting under the color of a federal officer due to activities undertaken in the area during World War II and thus were entitled to federal court jurisdiction.

The removals giving rise to the recent U.S. Supreme Court opinion in *Chevron USA Inc. v. Plaquemines Parish, La.*, 146 S.Ct. 1052 (2026), were based on allegations in a preliminary plaintiffs’ expert report that stated that Chevron used earthen pits instead of steel tanks,

used canals instead of building roads and used vertical drilling techniques — all of which allegedly contributed to environmental damage — during their wartime exploration and development activities. The defendant companies argued that the same report alleged that they were in “bad faith” and failed to protect the marshland from contamination and excessive land losses.” *Id.* at 1059. Because these alleged activities occurred partially related to wartime activity, the defendants maintained that the suits sounded in federal rather than state jurisdiction.

Specifically, several of the companies’ arguments ran thusly: Pursuant to direction from Franklin D. Roosevelt’s Petroleum Administration for War (PAW), companies such as Chevron and its predecessors were directed to refine crude oil into special aviation fuel called “avgas” to support the U.S. war effort. As quoted by the Supreme Court, PAW, which was vested with oversight of the

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entire petroleum industry, declared, “[F]orget economic considerations — forget everything except getting out more and more ... [avgas] as quickly as you can.” *Id.* at 1058. As the modern lawsuits were further honed regarding their jurisdictional bases, the cases moved back and forth between federal and state court for several years.

Ultimately, the basic theory of many of the parishes’ suits that avgas (among other things) derived from crude-oil exploration and development from damaging activity in Louisiana’s coastal marshes was the nexus of the jurisdictional dispute. Thus, the legal question of whether the exploration and development activity was “relating to” the federal wartime directive for refining became the critical focal point of the cases. Several judges in the Eastern and Western Districts of Louisiana, following removal on the theory that the exploration and development was related to the refining, remanded the cases, finding no meaningful relationship be-

tween the refining on behalf of the federal government and the exploration and development of the oil from Louisiana’s coastal zone sufficient to support federal jurisdiction. The federal Fifth Circuit Court of Appeals agreed with the lower courts. The U.S. Supreme Court granted certiorari for the 2025-2026 term, hearing arguments of the parties on January 12, 2026. The Supreme Court reversed these decisions.

For its part, in support of its conclusion that Chevron’s activity was “related to” avgas refining, the Court observed: “In this all-hands-on-deck, wartime context, Chevron needed to produce more crude oil as quickly as possible to facilitate more avgas refining, including its own.” *Id.* at 1062. From this directive, Chevron, its contemporaries, and their corporate ancestors were, at least as to the refining, acting “under color of” a federal officer (i.e., PAW). On the refining end, the Supreme Court noted, “In 1942, Chevron was refining 4,000 barrels of crude oil per day from fields in Plaquemines Parish.” *Id.* at 1058. Based on this support, the Court concurred that the theory of refining under color of a federal officer was not in dispute in these cases, largely because the refining was not the subject activity challenged by the lawsuits.

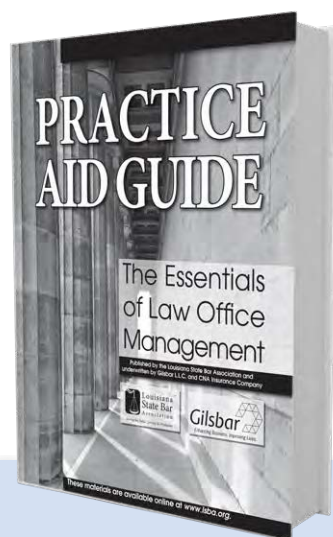
What was challenged was the exploration for and development of crude oil from Louisiana’s coastal zone. Thus, whether some of the defendants in these coastal lawsuits were entitled to try the cases in federal court revolved around whether the exploration for and development of crude oil in Louisiana’s

coastal zone was similarly classified — as was the refining activity — as unquestionably representing an action “for or relating to any act under color” of a federal officer (28 U.S.C. 1442(a)(1)).

In a unanimous decision authored by Justice Clarence Thomas on April 17, 2026, the Court held that, in this situation, there was a sufficient connection between the refining of avgas and the exploration and development of crude oil from Louisiana’s coastal zone such that the exploration and development of crude oil was sufficiently “relating to” avgas refining to warrant federal court jurisdiction under 28 U.S.C. 1442(a)(1). *Id.* at 1057. Accordingly, this case and the other similarly situated cases would remain in federal court.

Thus, whether Louisiana’s coastal cases will end up in state or federal court is somewhat clearer than it was 13 years ago and depends on the involvement of the exploration-and-development activities in World War II-era refining activities. Cases involving parties operating under the World War II directives to produce avgas will likely remain in federal court. For many of the other suits, the removal delay has lapsed or the underlying facts are different, and they will most likely remain in state court.

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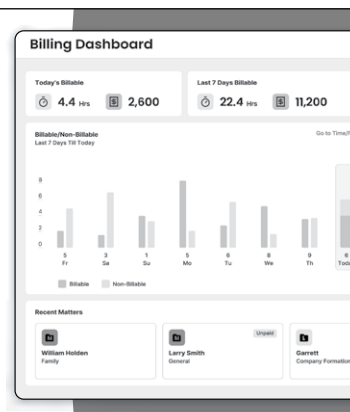
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Custody – Joint Custody Implementation Orders

Crovetto v. Crovetto, 26-0131 (La. App. 5 Cir. 05/08/26), ___ So.3d ___, 2026 WL 1262545.

Danielle Crovetto appealed a judgment awarding her and Giuseppe Crovetto equal shared custody of their children. Ms. Crovetto argued that the trial court failed to render a legally sufficient joint custody implementation order under La. R.S. 9:335, failed to properly analyze the children's best interests and erred in its school-placement determination.

The 5th Circuit vacated the judgment and remanded, holding that the trial court failed to render a legally sufficient joint custody implementation order because it failed to allocate the legal authority and responsibility for the children, declined to designate a domiciliary parent without articulating good cause and omitted the emergency evacuation provision required by La. R.S. 9:335. The court declined to conduct a de novo review because resolution of the custody issues depended heavily upon witness credibility and factual determinations.

Custody – Modification

Lepetich v. Lepetich, 26-0160 (La. App. 4 Cir. 04/06/26), ___ So.3d ___, 2026 WL 925612.

Malena Lepetich sought supervisory review of a judgment modifying an earlier temporary custody order awarding her sole custody of their children.

She argued that, among other things, Mathew Lepetich's motion to modify failed to state a cause of action because "the allegations are not true and lack evidentiary proof," and that he failed to satisfy the heightened burden for custody modification under *Bergeron v. Bergeron*.

The 4th Circuit exercised its supervisory jurisdiction but denied the writ application. The court held that Mr. Lepetich's motion sufficiently alleged a material change in circumstances. In doing so, the court emphasized that an exception of no cause of action tests the legal sufficiency of the pleadings and does not consider whether the allegations are true or supported by sufficient evidence. The court further held that *Bergeron* did not apply because the judgment at issue was a temporary custody order rather than a considered permanent decree. Applying the standard governing modification of interim custody orders, the court found no abuse of discretion in the

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trial court's determination that changed circumstances and the children's best interests supported modification of the temporary custody arrangement.

Custody – Nonparents

J.P. v. L.T., 25-0482 (La. App. 1 Cir. 04/30/26), ___ So.3d ___, 2026 WL 1191824.

J.P., a nonparent who had obtained temporary sole custody of a child pursuant to an ex parte order, appealed a judgment dismissing her petition for sole custody. J.P. argued, among other things, that the trial court erred by failing to consider the best-interest inquiry and factors of Louisiana Civil Code articles 131 and 134, by failing to apply the standard governing modification of a consent custody decree, and by improperly modifying custody through an ex parte procedure.

The 1st Circuit affirmed. The court held that the matter was an initial custody dispute between a parent and a nonparent governed by article 133, under which J.P. bore the burden of proving by clear and convincing evidence that an award of custody to the biological mother would result in substantial harm to the child. Because the trial court reasonably found that J.P. failed to meet that burden, it was not required to proceed to a best-interest analysis under articles 131 and 134. The court further held that the consent judgment between J.P. and the child's father did not require application of the standard governing modification of consent custody decrees because the mother was not a party to that agreement. The court also rejected J.P.'s reliance on Louisiana Code of Civil Procedure article, explaining that the judgment under review was rendered after an adversarial custody hearing and was not an ex parte custody order.

Custody – UCCJEA

Morris v. Morris, 25-0746 (La. App. 3 Cir. 05/13/26), ___ So.3d ___, 2026 WL 1322044.

Mason Morris appealed a judgment denying his petition to make executory in Louisiana an Alabama divorce and

custody judgment awarding him sole legal and physical custody of the parties' daughter. Mr. Morris argued that Alabama's jurisdiction over the custody proceedings had already been conclusively determined and could not be relitigated in Louisiana.

The 3rd Circuit reversed and remanded. The court held that Alabama's prior determination of its own jurisdiction constituted a valid final judgment entitled to res judicata effect. The court further held that its prior decision recognizing Alabama's exclusive, continuing jurisdiction constituted law of the case and precluded further litigation of the jurisdictional issue in Louisiana.

Child Support

Simon v. Zaunbrecher, 25-0576 (La. App. 3 Cir. 04/08/26), ___ So.3d ___, 2026 WL 947303.

Burton Zaunbrecher appealed a judgment requiring him, a nonparty, to produce attorney-fee invoices he paid on behalf of his ex-wife, Sarah Zaunbrecher, in litigation with Scottie Simon. Mr. Zaunbrecher argued the invoices were not discoverable because they were protected by the attorney-client privilege, irrelevant to child support and sought from a third party.

The 3rd Circuit affirmed in part, reversed in part, and remanded with instructions. The court held that the trial court did not abuse its discretion in ordering production of the invoices for in camera review to determine whether they satisfied the requirements

of Louisiana Code of Evidence article 506(B). The court also found no abuse of discretion in ordering the invoices produced for the court's review because Mr. Simon alleged that payments made on Ms. Zaunbrecher's behalf could be relevant to determining her income for purposes of child support. However, the court held the trial court erred by ordering redacted copies produced to Mr. Simon before conducting the in camera review and determining whether the invoices were subject to attorney-client privilege.

Hebert v. Hebert, 25-0843 (La. App. 4 Cir. 04/13/26), ___ So.3d ___, 2026 WL 982913.

Judy Hebert appealed an order dismissing her claim for child support as abandoned. Ms. Hebert argued that multiple motions to continue and reset the child support hearing constituted steps in the prosecution of the action and interrupted abandonment under Louisiana Code of Civil Procedure article 561.

The 4th Circuit reversed and remanded. Relying on *Board of Supervisors of Louisiana State University & Agricultural & Mechanical College v. Bickham*, 23-1364 (La. 10/25/24), 395 So.3d 792, the court held that motions to continue accompanied by orders resetting hearing dates constitute steps in the prosecution of a case because they advance the matter toward judgment. The court found that the last qualifying step occurred in September 2022, when the parties reset the child support hearing to a specific future date. Accordingly, the



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trial court erred in concluding the child support claim had been abandoned and prematurely dismissed the action.

Scaife v. Scaife, 25-0735 (La. App. 3 Cir. 05/20/26), ___ So.3d ___, 2026 WL 1407815.

Timothy Scaife appealed a judgment establishing his child support obligation. Mr. Scaife argued that, among other things, the trial court erred in finding him voluntarily underemployed and in imputing income from an inflatable-rental business and a vacant residence he owned.

The 3rd Circuit affirmed. The court found no manifest error in the trial court's determination that Mr. Scaife was voluntarily underemployed despite his testimony that a disabling back injury prevented him from working. The court noted that the evidence showed he remained active in farming and other outdoor activities. The court further upheld the imputation of income from

Mr. Scaife's inflatables-rental business and potential rental income from a vacant second home. In doing so, the court found no abuse of discretion in the trial court's rejection of Mr. Scaife's testimony that the residence was not rentable, noting evidence that the home had previously been occupied by a family friend.

Contempt

Bridges v. Jones, 25-1192 (La. App. 1 Cir. 05/20/26), ___ So.3d ___, 2026 WL 1428709.

Brandon Jones appealed a judgment holding him in constructive contempt for failing to comply with a court order requiring him to produce funds necessary to complete the sale of immovable property he co-owned with his former wife, Kashanna Bridges.

The 1st Circuit reversed and remanded with instructions. The court did not reach the merits of the trial court's

judgment that found Mr. Jones in constructive contempt, finding instead that the trial court failed to comply with the mandatory procedures governing constructive contempt proceedings under Louisiana Code of Civil Procedure article 225. The court noted that no rule to show cause was issued stating the facts constituting the alleged contempt and that Mr. Jones was not provided the notice and opportunity to defend required by article 225 before being adjudged guilty of contempt.

— **Elizabeth K. Fox**

Member, LSBA Family Law
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Essential Employer Technology Policies in Today's "WFH" ChatGPT Workforce

It has been said that millennials are the last generation to remember life before the internet, and that millennials form the bridge between the pre- and post-internet generations. It is no secret in my office, though, that I, a millennial raised in a small town in Louisiana with dial-up internet and AOL, despise keeping up with advances in technology. However, an employer's failure to stay informed about new technologies can lead to legal exposure or outdated policies that do not match the reality of the workplace. This article seeks to provide a practical overview for drafting essential technology policies that an employer in Louisiana should consider implementing after thoughtful consideration of the realities of its workplace.

Generative AI Policy

As artificial intelligence (AI) technology develops at a staggering pace, our employer clients grapple with "keeping up with the times" while also avoiding the risks with "generative AI." Generative AI uses a language-learning model to create new content, including images, video, audio, text or computer code. Examples include ChatGPT, Google Gemini and Claude.

Due to the breadth of uses for generative AI in the employment space, including recruitment, onboarding, payroll, email drafting, document summarization and meeting transcription, employers should consider drafting a policy that addresses its use in a way that aligns with the employer's preferences. Although outside the scope of this article, employers should also familiarize themselves with the latest guidance and legal challenges on the use

of generative AI in wage-and-hour compliance and its potentially discriminatory use in talent searches.

When drafting a policy regarding generative AI, an employer should include guidelines, including authorized and unauthorized uses, to balance productivity with technology and privacy concerns. At a minimum, such a policy should include a requirement that the employee thoroughly review all outputs from generative AI, especially with its tendency to fabricate information, to (1) ensure it does not contain biased discriminatory content, (2) confirm it does not use or disclose confidential information and (3) verify the accuracy with primary sources.

Another consideration is whether the employer wants to require and implement mandatory training *prior to* use of generative AI by any employee. It can be worth the time and expense to train employees at the front-end when some might be unfamiliar or inexperienced with generative AI. The employer should also conduct regular audits to ensure that generative AI is not being misused by employees.

Information Technology Policy

A comprehensive information technology (IT) and communications-systems policy (an IT policy) that conditions an employee's continued employment on compliance is crucial in today's technology driven world. Of particular importance is the need to protect the employer from hackers who can upend the entire network. These invasions often start with an employee who was uninformed about sophisticated phishing and spam e-mails. In addition

to training, another way to combat this threat is by requiring strong passwords, frequent password changes and multi-factor authentication in a well-written policy. Practically, this policy should be balanced by an IT administrator who has access to all IT in the event of sudden employee departure or unavailability.

When drafting the IT policy, employers should consider whether to include provisions that disallow logging into someone else's account, downloading software from the web (which may include viruses or malware) and infringing on confidentiality rights or third-party copyrights, trademarks or patents. With the different methods of communication, including email, text messaging, "chats" such as Slack and Teams, internet, social media use, telephone and voicemail, it is important to also consider whether personal use of these communication methods is allowed while employees are "on the clock." For policy drafting purposes, it should be explicitly written that the company will monitor all websites visited and that employees should have no expectation of privacy while using the employer's IT systems.

Remote Work Policy

The option for remote work, or its counterpart of "hybrid" work, has become exponentially prevalent with advances in technology. Therefore, we recommend to our clients that they include a remote-work policy, if applicable, as part of their technology policies.

A thorough remote-work policy clearly defines eligibility, procedures for requesting approval, employee responsibilities

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and employer expectations. Such a policy should also address specifics related to timekeeping practices, including set work hours for non-exempt employees, technology and equipment support hours, workplace injuries, e-signature concerns and any state-specific laws applicable to remote employees who reside in a separate state from the employer's place of business. One issue we see frequently is whether a remote worker from a different state is subject to Louisiana's employment laws, or vice versa, and the answer varies depending on the state where the employee resides.

Remote work also brings with it the potential for theft of company property, along with data-security concerns, as the employee works from a location not under the control of the employer. Consequently, a remote-work policy should cover secure remote-access procedures such as the use of a VPN and passwords for confidentiality. The policy should also clarify that the employee is responsible for securing the employer's property from theft.

One final consideration when drafting

a remote-work policy is whether to allow the employees to have their children present at the work site during business hours. Whether a company chooses to allow this or not, the expectation should be clearly communicated to the remote employee.

Conclusion

By implementing these policies, employers place themselves in a stronger position to comply with the law while still benefiting from technological innovation. In the modern workplace, the question is no longer whether employers should regulate the use of technology, including generative AI, and remote access to the employer's files, but whether they can afford not to.

— **Brittanie Wagnon Carpenter**

On behalf of the Labor Relations and
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Gross Negligence

Stevens v. CLHG-Oakdale, LLC, 26-0078, 432 So.3d 122 (La. 4/28/26).

The Louisiana Health Emergency Powers Act (LHEPA) established the standard of care in medical malpractice cases during the Covid era. The definition of "gross negligence" was debated throughout the state. In the Louisiana Supreme Court's most recent opinion, on a writ of certiorari, the court wrote:

There is a distinction between a medical standard of care and a legal standard of care. The medical standard of care is a determination made by the medical review panel, *medical experts*, whose duty it is to apply their medical expertise and

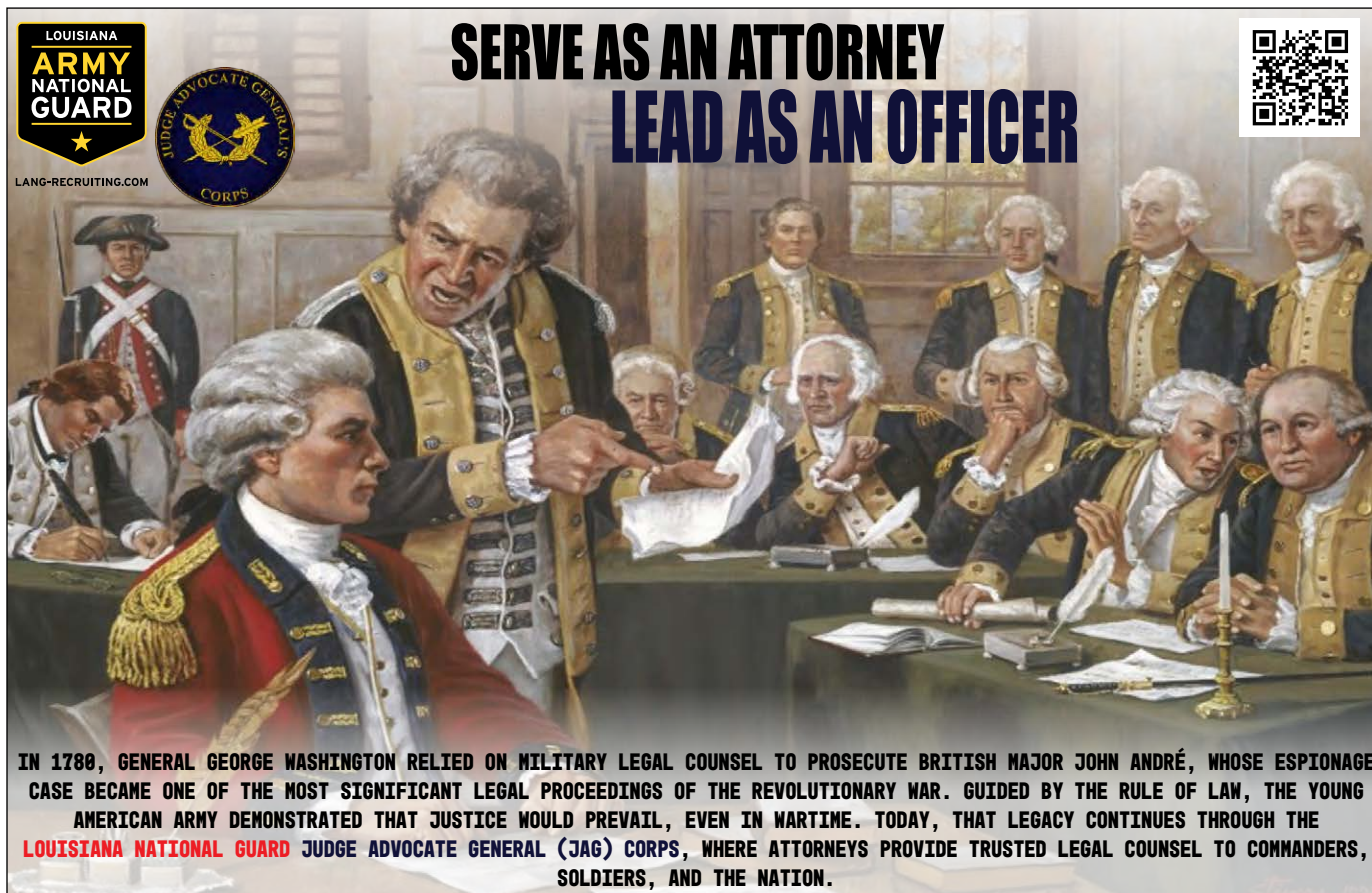


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IN 1780, GENERAL GEORGE WASHINGTON RELIED ON MILITARY LEGAL COUNSEL TO PROSECUTE BRITISH MAJOR JOHN ANDRÉ, WHOSE ESPIONAGE CASE BECAME ONE OF THE MOST SIGNIFICANT LEGAL PROCEEDINGS OF THE REVOLUTIONARY WAR. GUIDED BY THE RULE OF LAW, THE YOUNG AMERICAN ARMY DEMONSTRATED THAT JUSTICE WOULD PREVAIL, EVEN IN MARTIME. TODAY, THAT LEGACY CONTINUES THROUGH THE LOUISIANA NATIONAL GUARD JUDGE ADVOCATE GENERAL (JAG) CORPS, WHERE ATTORNEYS PROVIDE TRUSTED LEGAL COUNSEL TO COMMANDERS, SOLDIERS, AND THE NATION.

opine on whether the defendant health care provider failed to adhere to the appropriate medical standard. By contrast, the LHEPA sets forth a legal standard of care, *which is a determination left to the trier of fact*, lay persons, who consider all of the evidence, including the medical review panel's opinion, in making a determination of whether the defendant health care provider's conduct was grossly negligent. In other words, a finding by a medical review panel that there was a breach in the standard of care is a "baseline" determination; *the degree of that breach is a judicial determination by the trier of fact*.

Id. at 122-23 (quoting *Sebble ex rel. Estate of Brown v. St. Luke's #2, LLC*, 23-0483 (La. 10/20/23), 379 So.3d 615, 621).

The court concluded that LHEPA "plaintiffs do not have the burden of establishing gross negligence on a motion for summary judgment. The degree of negligence is a question for the trier of fact. Given the evidence of negligence presented by plaintiffs, summary judgment is inappropriate at this juncture." *Id.* at 123. The trial court's grant of summary judgment for the defendants was reversed.

Negligent Credentialing Claim

Soileau v. Khan, 25-0481, ____ So. 3d ____ (La. App. 3 Cir. 2/11/26), 2026 WL 380256.

The 3rd Circuit considered whether a hospital's alleged negligent credentialing of physicians constitutes medical malpractice subject to the Louisiana Medical Malpractice Act (LMMA) or ordinary negligence that may proceed directly in district court. The court reversed the trial court's judgment sustaining an exception of prematurity and held that plaintiff's claims sounded in general negligence.

Soileau, a 70-year-old woman who was living independently and actively employed before her treatment, underwent a cardiac procedure at Our Lady of Lourdes Heart Hospital of Lafayette in September 2020 under the care of Drs. Azeem Khan and Imtiaz Khan. Following the proce-

dures, she suffered catastrophic complications that ultimately resulted in the amputation of all four limbs. In addition to pursuing malpractice claims against the physicians through the medical-review-panel process, Soileau alleged that Heart Hospital was independently negligent in granting privileges to the physicians despite allegedly known concerns regarding their complication rates, questionable procedures, postoperative-monitoring practices, scheduling habits and patient-safety culture.

The Heart Hospital argued that the credentialing allegations fell within the LMMA and therefore required submission to a medical-review panel before suit could proceed. The district court agreed and dismissed the claim as premature.

Finding that the issue concerned a question of law, the 3rd Circuit conducted a *de novo* review, focused on the distinction between negligent credentialing and claims involving the staffing, training or supervision of health-care providers. The court emphasized that the LMMA must be strictly construed because it limits tort remedies otherwise available to injured patients. While the statutory definition of malpractice under the LMMA includes liability arising from staffing, training and supervision, it does not expressly encompass the initial credentialing of physicians, which instead is governed under a separate statute, La. R.S. 40:2114.

The court relied heavily on the Louisiana Supreme Court's decision in *Billeaudeau v. Opelousas General Hospital Authority*, 16-0846 (La. 10/19/16), 218 So.3d 513, which recognized that a hospital's decision to grant privileges is fundamentally an adminis-

trative function rather than a medical one. Like the plaintiff in *Billeaudeau*, Soileau alleged that the hospital failed to follow its own bylaws, policies and credentialing procedures when granting privileges to the physicians involved.

Although the hospital attempted to analogize the case to *Thomas v. Regional Health System of Acadiana*, 19-0507 (La. 1/29/20), 347 So.3d 595, which involved repeated re-credentialing reviews and ongoing peer oversight, the court found the evidence lacking in the case before it. The hospital merely established that the physicians were "subject to" credentialing review. The record contained no evidence of actual peer-review activity, re-credentialing decisions or meaningful supervisory efforts. Accordingly, the court concluded that the allegations remained administrative in nature and did not transform into medical-malpractice claims.

The court further rejected the argument that the issue had become moot because Soileau's medical-review panel proceedings had concluded. Reversing the judgment sustaining the exception of prematurity, the court remanded the matter for further proceedings.

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Destiny Home Health Care, Inc.
v. *La. Dep't. of Rev.*, BTA Docket No.
13799C (3/5/26).

Destiny Home Health Care, Inc. (Taxpayer) is a Louisiana corporation in the home healthcare business operated by Penny J. Dukes (Petitioner). Petitioner was Taxpayer's sole officer. During 2017 and 2018, Taxpayer employed at least 20 and 50 employees respectively. For those years, Taxpayer

engaged a tax-return preparer to assist in the preparation and filing of its tax returns, including Forms 940, 941, W-3, W-2, L-1 and L-3 (payroll-tax returns).

Petitioner provided the information to prepare the payroll-tax returns. Taxpayer prepared the payroll summaries, which provided detailed information regarding each employee's wages and payroll deductions and the amount Taxpayer withheld from each employee.

Taxpayer failed to remit or account for any of the Louisiana income tax withheld from its employees' wages for the periods ending 6/30/2017, 9/30/2017, 12/31/2017, 3/31/2018, 6/30/2018 and 9/30/2018.

The Louisiana Department of Revenue sought an alternative means of collecting the unpaid and unremitted Louisiana income tax withheld from the employee's wages, along with penalties, interest and fees due by Taxpayer pursuant to the personal liability provisions of La. R.S. 47:1561.1. The Department determined that Petitioner was a responsible officer of the Taxpayer.

The Department issued a Notice of Assessment to Petitioner to collect the unremitted income tax Taxpayer withheld. Petitioner appealed the Assessment to the Louisiana Board of Tax Appeals (BTA).

Employers in Louisiana are required to withhold income taxes from their employees' wages. La. R.S. 47:114. Louisiana provides several enforcement mechanisms for the collection of taxes. Louisiana provides special authority to collect taxes that are withheld but not remitted. La. R.S. 47:1561.1 authorizes the Department to enforce collection through the use of personal liability on the responsible officers, directors, managers and members.

The testimony and documentary evidence presented to the BTA established the following: Petitioner was Taxpayer's "officer" and was the only officer; Petitioner prepared the payroll summaries, which were Taxpayer's financial records reflecting the withholding of and the amount of Louisiana income tax withheld from the employee's



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St. Louis Cathedral

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Assembly 9:00 a.m.

Procession 9:15 a.m.

Mass 9:30 a.m.

Followed by a Reception at Bourbon Orleans Hotel

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wages by Taxpayer; the payroll summaries were provided by Petitioner to the tax-return preparer to complete the payroll tax returns; the tax-return preparer prepared the Forms 941, 940, W-3 W-2, L-1 and L-3 for the years 2017 and 2018; Taxpayer provided a copy of the tax returns to Petitioner; the payroll-tax returns were filed with the Internal Revenue Service and the Department; and the amount of Louisiana income tax withheld from the employee's wages was not in dispute. It was also undisputed that Taxpayer made no payment to the Department of Louisiana of income taxes withheld.

The BTA-held Petitioner was Taxpayer's officer who had direct control or supervision of the Louisiana income taxes withheld from the Taxpayer's employees' wages, and that Petitioner was charged with the responsibility of filing such returns and remitting such taxes withheld. The BTA found Petitioner willfully failed to remit or account for these withheld taxes to the Department. Use of the alternative collection method authorized by La. R.S. 47:1561.1 of personal liability was held to be appropriate against Petitioner.

– **Antonio Charles Ferachi**

Immediate Past Chair,
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5th Circuit Addresses Limited Partner Exception to Self-Employment Tax and Louisiana Supreme Court Rules on Collection of *Ad Valorem* Taxes

In *Sirius Solutions, L.L.P. v. Commissioner of Internal Revenue*, 165 F.4th 374 (2026), the 5th Circuit held

that a “limited partner” for purposes of the self-employment tax exception under IRC Section 1402(a)(13) means a partner in a limited partnership with limited liability under state law, rather than only a “passive investor.”

Sirius Solutions, a Delaware limited liability limited partnership, excluded the distributive shares of its limited partners' partnership income from its calculation of net earnings from self-employment for the 2014–2016 tax years based on the Internal Revenue Code § 1402(a) (13) exception. On audit, the Internal Revenue Service determined that Sirius' limited partners did not qualify for the exception because it applied only to passive investors. Sirius contested that determination before the Tax Court, which relied on its prior decision in *Soroban Capital Partners LP v. Commissioner*, 161 T.C. 310 (2023), to hold in favor of the IRS.

On appeal to the 5th Circuit, Sirius argued that “limited partner, as such” simply means a limited partner under state law with limited liability. The IRS countered that federal law (not state law) controls the interpretation, that the term refers only to passive investors and that federal tax law should be interpreted uniformly on a nationwide basis.

The majority conducted a textual analysis, reviewed 1977-era dictionary definitions and concluded that the “touchstone” of the term “limited partner” was limited liability. Moreover, the phrase “as such” did not alter that inference but was merely intended to clarify how individuals serving as both limited and general partners are taxed. The court also noted that Congress could have used the term “passive investor” had it intended that meaning, as it had done in other Code provisions.

In addition, the court pointed to supportive “contemporaneous, long-standing, and consistent” interpretations by the IRS and the Social Security Administration (which administers an identical exception for Social Security benefits). Addressing the IRS's uniformity argument, the court explained that because limited partnerships are creatures of state law, the determination of whether a person is a “limited partner”

requires reference to state law. The court restricted its holding to limited partnerships, expressly excluding limited liability partnerships and limited liability companies from its analysis.

With regard to ad valorem taxes, the Louisiana Supreme Court in *Esplanade Mall Realty Holdings, LLC v. Lopinto*, 25-0708 (La. 3/6/26), 429 So.3d 278, held that La. R.S. 47:2131's three-year prescriptive period for tax sales does not prevent the inclusion of older property tax assessments in the price of a tax sale conducted to collect newer delinquent taxes.

Jefferson Parish attempted to collect 1992 ad valorem taxes during an automatic bankruptcy stay due to which the original tax sale was nullified, and the sheriff took no further collection action. In 2020, the sheriff conducted a new tax sale for unpaid 2019 taxes and included the 1992 taxes, interest and costs in the sale price.

The taxpayer argued the three-year prescriptive period barred collection of the 1992 taxes through the 2020 tax sale. The sheriff contended that La. R.S. 47:2154(C) required all “statutory impositions” to be included in the tax sale price.

The court held against the taxpayer, finding that the three-year prescriptive period in La. R.S. 47:2131 prohibited a stand-alone tax sale for old taxes, but did not operate to exclude old charges from the price of a timely tax sale for newer taxes. The matter was remanded for calculation of the redemption price. The court also noted that legislative amendments effective Jan. 1, 2026, preclude this outcome for future periods.

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The Young Lawyer's Journey: Career Changes

By Christopher J. (Chris) Sellers Jr., 2026–27 YLD Chair



I will always be grateful for the experience I had at my first law firm. When I think about it, it's really that experience that made me a lawyer. I earned the degree, and I passed the bar exam. But that firm gave me my first client and my first real legal issue to solve.

In many ways, I had a typical experience. It was a midsize health law firm, still owned and managed by the founding partners. I was fresh out of law school, waiting on bar exam results, and quickly coming to the realization that I didn't know much about how law was actually practiced.

The partner I worked for, Jack, was tough — very much “old-school” in his approach to training new associates — but over time, we found our stride. What he offered in experience I learned to match in effort, and notwithstanding the occasional reminder of my inexperience, I came to enjoy not just working his files but working with him, in partnership, to deliver for our clients.

So, when, at just two years into practice, I was presented with the opportunity to move in house with Ochsner Health, I had very mixed emotions. Transparently, I had thought my career might take me in that direction eventually. I had grown up around hospitals and healthcare providers, and hospital administration had always interested me. But I was very much still learning how to be a lawyer.

Moreover, I felt a deep sense of loyalty to my law firm. They had offered me my first clerkship, which led to an associate offer (my only associate offer). It's not lost on me that not everyone lands in their desired practice area right out of law school, but they took a chance on me and gave me the opportunity to be a health lawyer.

Maybe even more importantly, I had worked hard for that job. After I interviewed for a summer clerkship, I followed up — they might argue relentlessly — until they finally gave me an offer. I split my summer between their Lafayette and New Orleans offices, made my interests in an associate offer clear, and followed up on that offer with the same tenacity.

When I finally started as an associate, I used every misstep, every tough conversation (constructive or not) as an opportunity to redouble my efforts to prove to them — but, probably, even more to myself — that I belonged there. I was proud of the work I had accomplished and the reputation I had earned.

But I couldn't help but feel guilty. They took a chance on me; they were the first to give me an opportunity. How could I be so quick to explore perceived greener pastures?

Eventually, I made the tough decision; I took the job with Ochsner, not knowing where it would lead or if I'd even be successful. As of this July, I have been with Ochsner for ten years.

It will come as no surprise that the firm survived without me. I wasn't the first associate to leave, and they have hired many more since then. What did surprise me was that Jack congratulated me on the offer. If anything, I think he was proud. He used to brag that I wasn't the first associate he had trained to go on to work for one of Louisiana's top health systems.

In fact, our paths continued to cross routinely. My old firm represents a number of hospital service districts that do a variety of business with Ochsner. As any transactional attorney will tell you, it's not uncommon that some deals get done because of the relationships between opposing counsel, not in spite of them, and as it turned out, those first few years of practicing alongside Jack proved to be the very reason we were able to accomplish a lot of great things for our clients.

There are parts of my story that may differ from yours. You may choose to stay; certainly, some lawyers spend their entire careers fulfilled by the experience they have with their first firm. More likely, you too will choose to go — most lawyers do change jobs at least once in their careers — but maybe the boss you're leaving behind will struggle to be happy for you. For some, changing jobs may be an experience you undertake multiple times throughout your career.

But nearly all of us will be faced with the decision to stay or go at some point in our careers. As a young lawyer, you may be wrestling with that decision at this very moment. Remember that it's ok to choose what's right for you. Life will go on, for you and for them. Your former firm will survive; you will survive. Even if it ends up not being the right move, it won't be your last opportunity to make a change in your career.

Being a young lawyer can be scary, but making tough decisions is part of the job. If you're struggling with your career choices, know that you're just at the beginning of a story that's barely been written. Inevitably, we do our best work when we feel fulfilled by that work. If you haven't yet found fulfillment in our profession, know that you have options, and you can find the success you are looking for if you're just willing to take a leap.

CHAIR'S MESSAGE, YLD SPOTLIGHT & LSBA PROFESSIONAL DEVELOPMENT SEMINAR

YOUNG LAWYERS SPOTLIGHT

John Philip (J.P.) Graf Lafayette, LA

John Philip (J.P.) Graf is a member at Gordon Arata in Lafayette and practices as a commercial litigator who helps clients with business disputes, energy litigation, construction claims, banking disputes, property matters and other complex civil cases. He has served as lead trial counsel and co-counsel in state and federal courts across Louisiana and Texas.

Graf's approach to litigation is guided by a simple idea often attributed to Albert Einstein: "If you can't explain it simply, you don't understand it well enough." In practice, that means taking complicated, document-

heavy, fact-intensive disputes and turning them into clear, persuasive stories for judges, juries and clients. Additionally, Graf utilizes his litigation experience to effectively represent and assist clients in the start-up, acquisition and divestiture of their businesses.

Before entering private practice, Graf clerked for Hon. Patrick J. Hanna, U.S. Magistrate Judge for the Western District of Louisiana, and interned with the U.S. Attorney's Office for the Eastern District of Louisiana. While in law school, he was published in the *Journal of Energy Law and Resources*.



Graf's recent recognitions include *Best Lawyers: Ones to Watch in America*, *Lawdragon 500 X – The Next Generation*, *Louisiana Super Lawyers – Rising Stars*, *The National Trial Lawyers: Top 40 Under 40*, and the LSBA Young Lawyers Division Top 40. He was also named the Lafayette Bar Association's Outstanding Young Lawyer in 2022.

Outside the office, Graf enjoys hunting, cheering on UL Lafayette and LSU, and attending local festivals with his family. He currently serves as President of the Lafayette Bar Association Young Lawyers Section and as a board member for Downtown Lafayette Unlimited and the Beaver Club of Lafayette (a non-profit civic club).



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RETIRED JUDGES, APPOINTMENTS, DEATHS

Justice

22nd Judicial District Judge William H. Burris was elected as an Associate Justice of the Louisiana Supreme Court, effective June 17, 2026. Justice Burris earned his bachelor's degree from Louisiana State University in 2003 and his JD, *magna cum laude*, from Southern University Law Center in 2007. He began his legal career as an attorney at a Baton Rouge law firm, then opened his own practice in 2009. In 2018, he began serving on the 22nd Judicial District Court. As a former chief judge of the 22nd JDC, he presided over general jurisdiction matters. From 2018 to 2020, he oversaw the Washington Parish Adult Drug Court. He managed the 22nd JDC Reentry Court from 2020 until his election to the Supreme Court. He is married to Lacy Caine Burris, and they have two children.

Resignations

Shreveport City Court Chief Judge Brian H. Barber resigned effective Friday, May 22, 2026. Judge Barber earned a bachelor's degree from Louisiana State University in 1989 and his JD from the University of Mississippi School of Law in 1992. He served as a Special Assistant District Attorney in Caddo Parish, Assistant City Attorney and Chief City Prosecutor in Shreveport, and was an Assistant District Attorney for the Caddo Parish District Attorney's Office. Chief Judge Barber was elected to the Shreveport City Court in 2015, where he served until his appointment as United States Marshal for the Western District of Louisiana.

Winnfield City Court Senior Judge Justin Keith Gates resigned effective Friday, May 30, 2026. Judge Gates earned a bachelor's degree from Northwestern State University in 2004, a Bachelor of Civil Law degree, and his JD from Louisiana State University Paul M. Hebert in 2007. He was a law clerk for Louisiana Supreme Court Justice Jeffrey

P. Victory from 2007-2008 and worked as a founder and senior attorney at Cause of Action in Washington, D.C. from 2008-2011. In 2011, he began working in private practice, and from 2013 to 2020, he was a city prosecutor. He was elected to the Winnfield City Court in 2021 and served until his resignation.

Retirement

Morgan City City Court Judge Kim P. Stansbury retired effective May 30, 2026. Judge Stansbury earned his bachelor's degree *cum laude* from Nicholls State University in 1973 and his JD from Louisiana State University Paul M. Hebert Law Center in 1976.

Judge Stansbury began his legal career at the law firm of Lippman, Hunter & Rawls in 1976 and became a partner in 1981. In 1983, he established his own private law practice. In 1994, Gerard J. Bourgeois joined the practice as an associate. Judge Stansbury was elected to the Morgan City City Court bench in 1997, where he served until his retirement.

Death

Retired First Judicial District Court Judge Frank H. Thaxton III died Friday, June 26, 2026. He earned his bachelor's degree from Northeast Louisiana University in Monroe in 1974 and his JD from Louisiana State University Paul M. Hebert Law Center in 1977. He began his legal career at Bodenheimer, Jones, Klotz & Simmons, becoming a partner in 1980 and serving until his election to the First Judicial District Court in 1990. Judge Thaxton was frequently appointed by the Louisiana Supreme Court as Judge Ad Hoc and Judge Pro Tem, as well as to the Circuit Courts of Appeal and various District and City Courts. After leaving the bench in 2002, he continued in public service by working as a mediator in North Louisiana. In 2024, he was selected by the Supreme Court to lead a feasibility study into overcrowding at Caddo Correctional Center.

Appointments

Retired 1st Circuit Court of Appeal Judge Guy P. Holdridge was appointed by order of the Louisiana Supreme Court to the Executive Committee of the Consolidated Judicial Expense Fund for Orleans Parish for a term of office which commenced on June 30, 2026.

Retired Orleans Civil District Court Judge Ethel Simms Julien was appointed by order of the Louisiana Supreme Court to the Executive Committee of the Consolidated Judicial Expense Fund for Orleans Parish for a term of office which commenced on June 18, 2026.

9th Judicial District Court Judge Loren M. Lampert was appointed by order of the Louisiana Supreme Court to the Judiciary Commission of Louisiana for a term of office which commenced on June 18, 2026 and will end on June 17, 2030.

U.S. District Court for the Eastern District of Louisiana Judge Donna Phillips Currault was reappointed by order of the Louisiana Supreme Court to the Committee on Bar Admissions for a term of office which commenced on May 17, 2026 and will end on May 31, 2031.

Thomas P. Owen, Jr. was reappointed by order of the Louisiana Supreme Court to the Committee on Bar Admissions for a term of office which commenced on July 1, 2026 and will end on June 30, 2031.

Orleans Parish Criminal District Court Judge Camille G. Buras was appointed by order of the Louisiana Supreme Court to the Executive Committee of the Consolidated Judicial Expense Fund for Orleans Parish for a term of office which commenced on June 18, 2026.

22nd JDC Judge Alan A. Zaunbrecher was appointed by order of the Louisiana Supreme Court to the Executive Committee of the Consolidated Judicial Expense Fund for Orleans Parish for a term of office which commenced on June 25, 2026.



RICHARD J. ARSENAULT

2027 NATIONAL TRIAL LAWYERS PRESIDENT



Neblett, Beard & Arsenault congratulates our founder Richard J. Arsenault, on his selection as the 2027 President of The National Trial Lawyers. We celebrate this honor and look forward to his continued leadership on the national stage.



Richard Arsenault, Alexandria, LA-26-20546

LAWYERS ON THE MOVE, NEWSMAKERS, PUBLICATIONS

LAWYERS ON THE MOVE

Baker, Donelson, Bearman, Caldwell, & Berkowitz, PC welcomes real estate attorney F. Paul Simoneaux III as Of Counsel to the New Orleans office. Simoneaux focuses his practice on commercial real estate sales, development, financing and leasing.

Breazeale, Sachse & Wilson, L.L.P. is pleased to announce Caroline Cordell has joined the Baton Rouge office of Breazeale Sachse, where she focuses on administrative law and litigation. She represents clients in regulatory and administrative matters, including agency proceedings, compliance issues and administrative disputes.

Jackson Lewis P.C. is pleased to announce Principal Stacey C.S. Cerrone as leader of the firm's ERISA Complex Litigation group. Cerrone, with more than 20 years of ERISA litigation, joined the firm in 2020 and was previously the office litigation manager in New Orleans.

Scott R. Wolf has joined Dillard's, Inc. as in-house counsel overseeing all of the company's nationwide litigation.

Spencer Fane LLP is pleased to welcome Hunter W. Roser as an associ-

ate in the firm's Litigation and Dispute Resolution Practice Group in their New Orleans office. His focus is on complex financial and securities litigation,

Mouledoux, Bland, Legrand & Brackett welcomes seven new attorneys to their New Orleans location: Members Evan J. Godofsky (maritime, auto dealership liability, construction, energy, insurance defense, transportation), Jay M. Lonero (insurance coverage, insurance defense), and Morgan J. Wells, Jr. (maritime, auto dealership liability, construction, general casualty litigation); and Of Counsels Jazmine A. Duarte (insurance coverage, insurance defense, transportation), Stephen M. Larzelere (maritime, energy, insurance defense, transportation), Denise M. Ledet (workers' compensation) and Christopher R. Pennison (maritime, insurance coverage, insurance defense).

Longman Jakuback, APLC welcomes veteran criminal defense attorney James E. Boren to the firm as Of Counsel, further strengthening the firm's capabilities in complex criminal litigation at both the trial and appellate levels. Boren brings more than five decades of experience in criminal defense, with a practice spanning state and federal

courts in Louisiana and across the country.

Barrasso Usdin Kupperman Freeman & Sarver, L.L.C. is pleased to announce that **Richala K. Jackson** has joined the firm as an associate.

Stone Pigman Walther Wittmann is pleased to announce that **Donald W. Price** has joined the firm as special counsel in its Baton Rouge office. Price will focus on environmental law and litigation.

Fishman Haygood L.L.P. in New Orleans is pleased to announce that John Bel Edwards has been elected to the firm's board of directors.

Miller, Sullivan & DeMarcay, LLC is pleased to announce that **Conrad C. Rolling II** has joined the firm as an associate.

James G. (Jim) Knipe III is proud to announce the opening of his new law firm named Knipe Law Firm in Baton Rouge. With over 20 years of trial and courtroom experience, Jim will continue to practice criminal defense and personal injury.

Tyler S. Loga, an attorney in the Longshore practice at Mouledoux, Bland, Legrand & Brackett in New Orleans, has been elected a member of the firm.

Mouledoux, Bland, Legrand & Brackett welcomes eight new associates to their New Orleans location: Claire M. Colomb, Levi Darby Henderson, William H. Murphy and Jordan W. Shapiro (LHWCA, DBA & WHCA and hearing loss defense); Paige M. Dominick (insurance coverage); Justin G. Jenkins (maritime, auto dealership liability, construction, insurance defense, transportation); Carter L. Sayers (maritime, insurance defense); and Christopher J. Seemann (construction, insurance defense, transportation).

NEWSMAKERS

Richard J. Arsenault moderated an MDL Judicial Panel at an annual Mass Torts conference in Las Vegas. He was also a featured speaker regarding Mass Tort Resolution Options at Epiq's Mass and Class conference at Kiawah Island, SC. He spoke at the Mass Torts Puerto Rico conference on Litigation Funding and AI.



W. Raley Alford III



Richard J. Arsenault



Alan G. Brackett



D. Stephen Brouillette, Jr.



Blake R. David



Thomas M. Flanagan



Camille E. Gauthier



Richala K. Jackson

Daigle Fisse & Kessenich, APLC is pleased to announce that **D. Stephen Brouillette, Jr.** and **Paul R. (Trey) Trapani III** have been elected shareholders of the firm effective July 1, 2026.

Louisiana Super Lawyers has named **Blake R. David**, senior partner at Broussard, David & Moroux, to its Top 3 lawyers in Louisiana. He has been selected in the Top 50, Top 10, and now Top 3 from 2014-2026.

Flanagan Partners LLP is pleased to announce that six attorneys have been selected for inclusion in the *Super Lawyers* and Rising Stars lists for 2026. **Thomas**

M. Flanagan (Business Litigation), Harold J. Flanagan (Insurance Coverage), Anders F. Holmgren (Business Litigation), and **Camille E. Gauthier** (Business Litigation) were recognized in the 2026 *Louisiana Super Lawyers* list. Matthew R. Slaughter (Business Litigation) and Kansas Guidry Schneider (Appellate) earned recognition in the 2026 Louisiana Rising Stars list.

Stanley Reuter Alford Owen Munson & Paul, LLC had two attorneys, **Richard C. Stanley** and **W. Raley Alford III** receive rankings in *Chambers USA 2026* as well as the firm ranking in Energy

& Natural Resources: Utilities (Band 2) and Litigation: General Commercial (Band 3).

Mouledoux, Bland, Legrand & Brackett in New Orleans, is pleased to announce the following honors: *Super Lawyers 2026 Top 50 Lawyers New Orleans*: **Alan G. Brackett**; *Super Lawyers*: **Alan G. Brackett**, Wilton E. Bland III, Gerard J. Dragna, Mark E. Hanna, Georges M. Legrand, André J. Mouledoux and Michael E. Parks; and Rising Stars: Kathryn L. Briuglio, John P. D'Avello, Alex J. Domingue, JoAnn H. John,

Continued on page 148

2027 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 2026/January 2027 *Louisiana Bar Journal*. The directory is published annually, guaranteeing a year's worth of exposure in print and on the LSBA Web site.

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- Display ads must be provided camera-ready in PDF format.
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	Early-Bird Deadline 9/11/26	Final Deadline 10/16/26
½-page, black & white . .	\$425	\$525
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Full-page, color	\$850	\$1160

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

Tyffani L. Leveque, Christopher B. Prudhomme and **Ava M. Wolf**.

Breazeale, Sachse & Wilson, L.L.P. is pleased to announce that Trenton J. (Trent) Oubre has been elected to the Louisiana Association of Business and Industry Board of Directors.

Rena M. Price, Attorney Emeritus, was presented a Certificate of Service by the Chief Counsel of the Federal Aviation Administration (FAA), Department of Transportation (DOT), in recognition of her retirement as Supervisory Attorney Adviser for Aviation Litigation, 1987-2026. Rena, a Past President of the Federal Bar Association, New Orleans Chapter, served as staff attorney and Senior Attorney prior to her leadership of the Southwest Team of Enforcement attorneys in the Aviation Litigation Division, Office of the Chief Counsel, Dallas/Fort Worth, Texas.

Ava M. Wolf, an associate in the Longshore practice at Mouldoux, Bland, Legrand & Brackett in New Orleans, was recognized by the LSBA Young Lawyers Division with a 2026 Top Young Lawyers Award. The recognition honors outstanding professional achievements, leadership and service to the legal community.

Barrasso Usdin Kupperman Freeman & Sarver, L.L.C. is excited to announce that eight of our partners have been ranked by *Chambers USA*: Judy Y. Barrasso,

Jamie L. Berger, Chloé M. Chetta, George C. Freeman, Craig R. Isenberg, Kyle W. Siegel, Richard E. Sarver and Steven W. Usdin. The firm has also been ranked as a top tier firm in Louisiana for commercial, insurance and securities litigation.

Charles A. Landry, Louis S. Quinn, Jr., and Scott D. Chenevert, partners at Fishman Haygood L.L.P. in Baton Rouge, were named to the 2026 edition of the *Capital Region 500* by Baton Rouge Business Report.

PUBLICATIONS

Chambers USA 2026

- Fishman Haygood L.L.P. (Baton Rouge, New Orleans) Alicia M. Bendana; Brent B. Barriere; H.S. (Tad) Bartlett III; Jason W. Burge; Scott D. Chenevert; Noel J. Darce; Maureen B. Gershanik; Stephen J. Herman; Charles A. Landry; Tristan E. Manthey; Lance C. McCardle; Loretta G. (Lori) Mince; Cherie D. Nobles; William H. Patrick III; Louis S. Quinn, Jr.; E. Blair Schilling; Steven C. Serio; Dana M. Shelton; James R. (Jim) Swanson; and S. Scott Willis; Louis Y. Fishman, Senior Statespeople; Justin A. Swaim, Up and Coming.

- Gordon Arata: Stephen P. Beiser, Magdalen B. Bickford, Michael E. Botnick, Bobbie J. Duplantis, Ewell E. (Tim) Eagan, C. Peck Hayne, Jr., Terrence K. Knister, Armistead M. Long, Anthony

Marino, Cynthia A. Nicholson, Scott A. O'Connor, James D. (Doug) Rhorer and Marion W. Weinstock in its 2026 Louisiana legal guide. *Chambers* also ranked four of the firm's practice areas: Bankruptcy/Restructuring, Energy & Natural Resources: Oil & Gas, Litigation: General Commercial, and Real Estate.

- Breazeale Sachse: construction, environment, healthcare, insurance, labor & employment, litigation (general commercial) and tax.

- Breazeale Sachse attorneys recognized include J. Patrick Beauchamp (Public Finance); Thomas M. Benjamin (Gaming & Licensing); David R. Cassidy (Tax); V. Thomas Clark, Jr. (Insurance); Clay J. Countryman (Healthcare); Murphy J. Foster III (Construction, Labor & Employment); Nicole G. Frey (Tax); Gregory D. Frost (Healthcare); Philip Giorlando (Labor & Employment); Alan H. Goodman (Bankruptcy/Restructuring); Emily T.B. Grey (Healthcare); Timothy W. Hardy (Environment); John B. King (Environment); Catherine M. Maraist (Healthcare Litigation, White-Collar Crime & Government Investigations); Eve B. Masinter (Labor & Employment); Catherine B. Moore (Healthcare); E. Fredrick Preis, Jr. (Labor & Employment); Claude F. Reynaud, Jr. (Litigation, General Commercial); Jacob E. Roussel (Construction); Jacob Simpson (Healthcare).



James G. (Jim)
Knipe III



Tyler S. Loga



Donald W. Price



Rena M. Price



Conrad C. Rolling II



Richard C. Stanley



Paul R. (Trey)
Trapani III



Ava M. Wolf

2026 Legal 500: City Elite – New Orleans

- Fishman Haygood L.L.P. (New Orleans) Brent B. Barriere, Benjamin D. Reichard, and James R. (Jim) Swanson (Commercial Disputes); Maureen B. Gershanik and Steven C. Serio (Corporate and M&A); Noel J. Darce, Dana M. Shelton, and Justin A. Swaim (Energy).

2026 Lawdragon 500 Leading Plaintiff Financial Lawyers

- Fishman Haygood L.L.P. (New Orleans) Jason W. Burge, Lance C. McCardle, and James R. (Jim) Swanson.

2026 New Orleans Magazine Top Women in Law

- Fishman Haygood L.L.P. (New Orleans): Alicia M. Bendana, Maureen B. Gershanik, Loretta G. (Lori) Mince, Cherie D. Nobles, and Dana M. Shelton.



Judges/Lawyers in the Classroom Programs Reach Thousands

The Louisiana Center for Law and Civic Education (LCLCE) partners with the Louisiana Supreme Court, Louisiana State Bar Association and the Louisiana District Judges Association to bring volunteer lawyers, judges and educators together to provide interactive, law-related education presentations to Louisiana classrooms. Some members of the Louisiana judiciary organized their classroom and courtroom visits independently. The Judges/Lawyers in the Classroom programs impacted thousands of students during the 2025-26 school year.

Volunteer Louisiana Supreme Court Justices that participated this year were: Chief Justice John L. Weimer, former Chief Justice Bernette Joshua Johnson (Ret.), Justice Cade R. Cole, Justice William J. Crain (Ret.), Justice Scott J. Crichton (Ret.), Justice Piper D. Griffin, Justice John M. Guidry and Justice Jay B. McCallum.

Volunteer judges this year included: Marla M. Abel, Brian K. Abels, Luke H. Abrusley, Charles K. Anderson, Randy P. Angelle, Brittany B. Arvie, Dale N. Atkins, David J. Ayo, Kelly E. Balfour, Brian H. Barber, Jerome J. Barbera III, Roland L. Belsome, Jr., Matthew S. Belser, Luke A. Beslin, Randall L. Bethancourt, Paula A. Brown, Ree J. Casey-Jones, Desiree C. Cook Calvin, Desiree M. (Desi) Charbonnet, Tiffany G. Chase, Susan M. Chehardy, Aisha S. Clark, Monique B. Clement, Royale L. Colbert, Jr., Keith R. J. Comeaux, John E. Conery, Justin H. Courtney, Jeffrey S. Cox, Fred T.D. Crifasi, Jason A. Dagate, June Berry Darensburg, Ranord J. Darensburg, Stephen G. Dean, Marcus O. DeLarge, Errol D. Deshotels, Jr., Bernadette G. D'Souza, Katherine C.



Hon. Shayna Beevers Morvant and Hon. Nancy Anne Miller at Ruppel Academie Francaise during a recent Judges / Lawyers in the Classroom program.

Dorroh, Terry A. Doughty, David M. Duke, Desiree D. Dyess, Elizabeth A. Engolio, Nakisha Ervin-Knott, Charles G. Fitzgerald, Hadley W. Fontenot, Jenny R. Fore, Shaun-Philip J. George, Ericka L. Green, Colette M. Greggs, Shannon J. Gremillion, Gail S. Grover, Kendrick J. Guidry, Cynthia C. Guillory, Matthew H. Hagen, Bryan D. Haggerty, Roger P. Hamilton, Jr., Bruce E. Hampton, Kernan A. (Skip) Hand, Angel S. Harris, Todd W. Hernandez, Louise P. Hines, Natalie R. Howell, Mark T. Hoychick, Laurie A. Hulin, Sandra C. Jenkins, Donald T. Johnson, Rachael D. Johnson, Kim C. Jones, Jefferson B. Joyce, Christopher H. Juge, Jeanne N. Juneau, J. Kevin Kimball, William T. Kleinpeter, Patricia E. Koch, Loren M. Lampert, Rosemary Ledet, Bernard S. Leehy, Joyce C. Lobrano, Terri F. Love, Jacqueline F. Maloney, C. Wendell Manning, Craig O. Marcotte, Kayla D. McClusky, D. Jason Meche, Emily S. Merckle, Nancy A. Miller, John J. Molaison, Jr., Monique G. Morial, Shayna B. Morvant, Alan J. Norris, James C. Peters, Michael A.

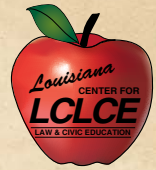
Pitman, Robin D. Pittman, Scott J. Privat, W. Mitchell Redd, Jennifer F. Richard, Eboni M. Johnson Rose, Anthony J. Saleme, Jr., Douglas J. Saloom, D. Kent Savoie, C. Sherburne Sentell III, Alvin R. Sharp, Sheva M. Sims, C. Britain Sledge III, Cynthia S. Spadoni, Raymond S. Steib, Jr., Angie D. Sturdivant, Susan L. Theall, Charles G. Tutt, Hu'Cheryl M. Walker, Sydney P. Walker, K. Anastasia Wiley and Thomas M. Yeager.

Volunteer attorneys were: Lauren R. Anderson, Taylor L. Anthony, Rachel W. Bays, Abigail B. Becnel, Nishant Bhushan, Dan M. Boudreaux, Jessica G. Braun, Rebekah D. Bunch, Brad J. Cascio, Shannon Christian, Nichelle N. Cook, Russell J. Cortazzo, Jr., Jacob D. Dagate, Dustin E. Danos, Claire B. Edwards, Corrie R. Gallien, Lauren E. Godshall, A. Spencer Gulden, Jack P. Harrison, Julhelene E. (Betsy) Jackson, DeVonna M. Ponthieu, Andrea L. Ribando, Jenel G. Secrease, Scott L. Smith, Jr., Angel G. Varnado, and John S. Williams.



Commemoration of the 250th Anniversary of the Declaration of Independence and Commencement of the American Revolution

Louisiana Center for Law and Civic Education Proclamation



Proclamation of the Louisiana Center for Law and Civic Education concerning the 250th anniversary of the commencement of the American Revolution and the resulting documents of American Freedom and Justice.

Whereas the American Revolution commenced more than 250 years ago in May of 1775 and;

Whereas the commencement of the American Revolution led to the ultimate liberation of the American people and the American colonies from oppressive British rule;

Whereas the American Revolution ultimately led to the American victory at Yorktown and the signing of the Treaty of Paris creating the United States of America;

Whereas the commencement of the American Revolution and the ultimate victory led to the great documents of American liberty, justice and freedom through the Declaration of Independence, the Constitution of the United States of America and the Bill of Rights;

Whereas the Constitution of the United States of America created the framework of our government and established the separation of powers and system of checks and balances that has served the people of the United States of America and protected our freedoms, liberties and system of justice;

Whereas the Louisiana Center for Law and Civic Education encourages all citizens of Louisiana to read, study and learn the contents of these great documents of freedom including the Federalist Papers which explains why the founding fathers included the component parts of the Constitution and the Declaration of Independence which sets out grievances and reasons for entitlement to independence;

Now, Therefore, be it Resolved, the Louisiana Center for Law and Civic Education resolves and declares that the citizens of Louisiana should remember and honor all persons that fought in and gave aid and comfort to the cause of the American Revolution and the freedoms won in that war;

It is Further Resolved and Declared that in this historic year of the 250th anniversary of the Declaration of Independence that the citizens of Louisiana should study the Declaration of Independence;

It is Further Resolved and Declared that the Citizens of Louisiana and of the United States of America should study the reasons for, causes of and history of the American Revolution;

It is Further Resolved and Decreed that all Louisiana schools should teach and all citizens of Louisiana and of the United States should study and learn the Declaration of Independence, the Constitution of the United States of America, the Bill of Rights and Amendments to the Constitution of the United States of America and the Federalist Papers;

It is Further Resolved that this proclamation and resolution shall be provided to all possible media sources and appropriate public bodies including ALL state officials, ALL members of the Louisiana legislature, The Superintendent of ALL Parish Schools and the Social Studies directors of ALL parish school boards and ALL universities and colleges in the State of Louisiana.

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- Quality of Earnings (QofE)
- Estate & Gift Tax Valuation
- Succession & Exit Planning
- Lost Business Value
- Community Property Partitions
- Deferred Compensation
- Eminent Domain

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Commemoration of the 250th Anniversary of the Declaration of Independence and Commencement of the American Revolution

Editor's Note: As lawyers, we spend our careers working within a system that traces its roots to the principles articulated 250 years ago. Now is the opportunity to reflect on the principles that form the foundation of our legal system: the rule of law, individual rights, equal justice and representative government.

The Declaration of Independence, Constitution and Bill of Rights continue to shape the work of courts, lawyers and judges every day. While generations of Americans have worked to expand and strengthen the promise of those founding ideals, the responsibility of preserving them remains ongoing.

As we commemorate this anniversary, we are reminded that our legal system depends upon informed citizens, an independent judiciary and a profession committed to justice. The semiquincentennial offers an opportunity to honor our nation's constitutional heritage and recommit ourselves to the principles that guide the practice of law.

Supreme Court of Louisiana Resolution

Commemorating the 250th Anniversary of the Declaration of Independence and in Support of Ongoing Efforts to Promote Civic Education and Public Engagement.

Whereas, on July 4, 1776, the Declaration of Independence articulated the foundational principles of liberty, equality, self-government and the rule of law that continue to guide the United States; and

Whereas, the Declaration's assertion that all persons are created equal and entitled to certain unalienable rights remains central to the American system of justice; and

Whereas, the Declaration of Independence condemned the King's obstruction of the administration of justice, including his refusal to assent to laws establishing independent judicial powers, a grievance that helped shape the Nation's commitment to a separate and coequal judicial branch; and

Whereas, for 250 years, state courts have served as guardians of those principles by resolving disputes peacefully, protecting individual rights, ensuring equal justice under law, and maintaining public confidence in the administration of justice; and

Whereas, as a separate branch of government, an independent judiciary is essential to preserving the rule of law and ensuring that every person receives fair and impartial treatment regardless of status, wealth or political influence; and

Whereas, the judiciary plays a vital role in advancing the ideals of the Declaration of Independence by promoting access to justice for all persons and supporting civic education initiatives that foster public understanding of the rule of law and the responsibilities of citizenship; and

Whereas, public understanding of the role of courts is critical to maintaining confidence in constitutional democracy and the fair administration of justice; and

Whereas, public trust and confidence in the courts is built not only through decisions, but through visibility, accessibility and engagement; and

Whereas, the 250th anniversary of the Declaration of Independence presents an opportunity for courts to engage with their communities, promote civic education and highlight the enduring importance of fair and impartial courts;

Now, Therefore, be it Resolved, that the Supreme Court of Louisiana commemorates the 250th anniversary of the Declaration of Independence and recognizes the enduring importance of the principles of liberty, equality, justice and the rule of law embodied in that document; and

Be it Further Resolved, that the Supreme Court of Louisiana reaffirms its commitment to fair and impartial courts as a cornerstone of constitutional government and equal justice under law; and

Be it Further Resolved, that the Supreme Court of Louisiana encourages courts to use the commemoration of the nation's 250th anniversary as an ongoing opportunity to engage the public, promote civic education and foster greater understanding of the role of courts; and

Be it Further Resolved, that the Supreme Court of Louisiana encourages courts to continue to commemorate the nation's 250th anniversary going forward through continued public engagement, civic education and community outreach activities, including courthouse tours, educational programs for students and teachers, public exhibits, off-site oral arguments, community conversations, partnerships with schools, libraries and civic organizations, and other efforts that promote understanding of the judiciary's role in protecting individual rights, preserving the rule of law and ensuring equal justice for all.

Chief Justice John L. Weimer • Justice Jefferson Hughes • Justice Jay B. McCallum • Justice Piper D. Griffin • Justice John Michael Guidry • Justice Cade R. Cole • Justice William H. Burris

Leadership LSBA: A Deep Dive into Modern-Day Legal Research

On March 24, 2026, the 2025–2026 Leadership LSBA Class hosted the CLE seminar, “A Deep Dive into Modern-Day Legal Research,” at the Louisiana Bar Center in New Orleans. The program featured panelists from LexisNexis, Thomson Reuters, Fastcase and PACER who demonstrated modern legal research tools and shared practical strategies for efficient case analysis.



Sharita L. Spears, Attorney at Law, Zachary; Christine E. Wells, Tanner and Justice, Baton Rouge; Aimee K. Bain, Customer Education Manager, Thomson Reuters, New Orleans; Karen McCardle, Legal Consultant, LexisNexis, Metairie; Erin N. Alpandinar, Jones Walker LLP, Baton Rouge; Meghan E. Notariano, Parker Layrisson Law Firm, Ponchatoula.

LSBA Lunch and Learn CLE Seminar

On April 15, 2026, the LSBA’s Diversity Committee’s Pipeline to Diversity and Outreach held a CLE seminar at the Louisiana Bar Center. The CLE seminar was presented by Dima Ghawi, where attendees earned 1.25 professionalism credit hour(s) for Continuing Legal Education, and she delivered an engaging and insightful presentation on *Generational Differences*.



Dima Ghawi, Dima Ghawi LLC, of Baton Rouge.



Swearing In-The 2026-27 LBF Officers being sworn in at the 40th Anniversary Gala. Pictured L-R, Michael J. (Mike) Mestayer, Colleen C. Jarrott, Charles C. (Chuck) Bourque, Jr., George D. (Dave) Ernest III, and Justice Piper D. Griffin. Photo by Patrick Niddrie.

LBF Installs New Officers, Recognizes Distinguished Honorees

The Louisiana Bar Foundation (LBF) celebrated its 40th Anniversary Gala in April at the Four Seasons New Orleans to install 2026-27 officers and to honor distinguished legal professionals.

New officers were installed by Louisiana Supreme Court Justice Piper D. Griffin and Justice John M. Guidry. President Michael J. (Mike) Mestayer of New Orleans; Vice President Charles C. (Chuck) Bourque, Jr. of Houma; Treasurer Colleen C. Jarrott of Washington, D.C.; and Secretary George D. (Dave) Ernest III of Lafayette.

Recognized during the Gala were 2025 Distinguished Jurist Hon. Dana

M. Douglas, U.S. Court of Appeals, 5th Circuit; Distinguished Attorney Michael A. Patterson of the Long Law Firm; Distinguished Professor Monica Hof Wallace, Loyola University New Orleans College of Law; and Calogero Justice Award Recipient Hon. Freddie Pitcher, Jr. (Ret.), Chancellor Emeritus of Southern University Law Center.

These individuals were recognized because they have distinguished themselves in their chosen profession, brought credit and honor to the legal profession and made significant contributions to the Louisiana justice system.



LBF Presidents and Honorees-The 2025-26 LBF President Edmund J. Giering IV and 2026-27 LBF President Michael J. (Mike) Mestayer gather with the gala honorees. Pictured L-R, Giering, Hon. Freddie Pitcher, Jr. (Ret.), Hon. Dana M. Douglas, Prof. Monica Hof Wallace, Michael A. Patterson, and Mestayer. Photo by Patrick Niddrie.

Pay It Forward:

Strengthening the Louisiana Bar Foundation Through Civility

by Michael J. Mestayer, 2026-27 Louisiana Bar Foundation President

One of the great benefits of the office of President of the Louisiana Bar Foundation is the opportunity to address the thousands of lawyers who make up the Louisiana State Bar Association. For those of you who pored over my responses to the annual President's Interview, as I am sure all of you did, you will know that civility in the practice of law is something that I hope to regain, at least in part, this coming year. The Louisiana Bar Foundation and its great work to aid the less fortunate members of our community with their civil legal needs can help in that regard. Civility and generosity to the underprivileged community can translate into civility toward your opponent in your practice. As an example of that notion, I offer the following anecdotes.

One Day

One day, I'm going to write something about that. We all say it. We all think it. Well, maybe not ALL of us, but certainly there must be someone else who thinks that. In any event, I was lamenting the fact that for years I have been working on an article for my law school class that I affectionately call, "Honey, Baby, Sugar, Darling." Now, before you call me sexist, the point of the article is to explain in simple terms the notion of the Law of Reciprocity. Basically, if I do something nice for you, without being asked for that action, then you feel compelled to do something nice for me. Waitresses [servers] in the South have been using that notion for years. Why? It works.

So, you are probably wondering to yourself how that notion has any relevance to the practice of law. I think I know the

answer. In law school and in practice, we are taught that we are adversaries; the other side is wrong and always wrong. Only in total victory can we deem ourselves successful attorneys. WRONG. The practice of law isn't now, and never has been, about total victory. It is about righting wrongs in a just and fair manner. We have far too much to worry about without layering on needless and wasteful fights over meaningless issues in our practice.

Use the Law of Reciprocity to make your work life a little better. Don't wait for your opponent to request production of critical documents and information that you know will eventually be needed by both sides. Send it over without a request. "I know you will be asking for the names of all the medical providers and their records, so here they are. If you need anything else, just let me know."

Your opponent will be shocked that you took that action, but once he/she overcomes that surprise action, you will find that cooperation unfolds in many ways. Only someone who has no outside life has never had a conflict between their personal life and their professional schedule. So, the next time such a conflict arises and you need to move that deposition to another date, continue that motion to another setting, or any of the other myriad deadlines we all face, if you were the cooperative one, you will receive cooperation in return. You'll be glad you took that first step.

Addendum:

After the above was prepared, a new Gallup poll was released on April 26, 2026, that indicated that for every act of kindness we receive, we perform an act of kindness

for another. In fact, 65% of Americans say that they had recently received an act of kindness from someone in their "community" in the previous week. Older Americans, particularly in the South, reported the most acts of kindness. Surprisingly, younger Americans [ages 18-29] reported seeing acts of kindness the least.

The pollsters concluded that perhaps performing or even noticing acts of kindness is a learned behavior — hence, a prime opportunity for the older legal community to not only mentor younger lawyers, but also to demonstrate the reciprocity that doing good produces. Pay it forward — it'll come back around. Becoming a member of the LBF where you can help others will help lift your spirits as well.

Just Join

Feeling isolated? Weighed down by the political rhetoric? Social media, the notion touted as the great gatherer of communities, seems to actually turn community against community while feeding us less and less of "the other side" until we all believe the division is truly real. Visualize a whirlpool spinning in tighter and tighter circles. That is the effect that many sense.

To dispel that notion, join something that piques your interest. Expand your community. Hopefully that interest will include the LBF or one of the more than 70 partner organizations that the LBF supports. Help to spread the idea that in the civil arena, there can be equal and fair access to justice. You'll not only help others and your community, but you'll help yourself.



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 in accordance with La. R.S. 49:258.

1. The attorney shall be admitted to practice law in the State of Louisiana, in another jurisdiction, or in the court in which 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, any other court within the United States, or the court in which the action is pending, or otherwise ineligible to practice law.
4. The attorney and any attorney associated with his/her firm shall not represent any plaintiff in any tort claim against the State and/or its departments, commissions, boards, agencies, officers, officials, or employees, unless specifically waived in writing by the Attorney General and the Office of the Governor, Division of Administration, Office of Risk Management (hereinafter, "Office of Risk Management"), or, if applicable, the institution exempted from the state risk management program pursuant to La. R.S. 17:3139.5(B)(2)(e) and/or 17:3393(A)(2)(e) (hereinafter, "exempted institution").
5. The attorney and his/her firm shall not have a conflict of interest as provided by the Rules of Professional Conduct of the Louisiana Supreme Court at any time during the attorney's appointment.
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 shall 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 until such time as the requirements have been met. During the period of probation, the attorney and supervising 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 of the Office of Risk Management or, if applicable, the Director for the Office of Risk Management of the exempted institution.

In the event the attorney's performance is unsatisfactory during the applicable probationary period, he/she may be removed from the matter in which he/she is appointed 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 institution.

Additional Requirements for the Defense of Medical Malpractice Claims

10. The attorney shall have three years' experience in the defense of medical malpractice claims.
11. The attorney shall 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 for 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 institution, discovers that cause may exist for an attorney to be removed or is disqualified from a case, the Office of Risk Management or, if applicable, the exempted institution, 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, Chapter 15 of Part II of Title 42 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 matters, an attorney must provide proof to the satisfaction of the Attorney General that the attorney and his/her firm meets the minimum qualifications.
2. The Attorney General shall notify in writing the Office of Risk Management or the exempted institution, if applicable, of the attorney appointed in all risk litigation matters. The Office of Risk Management shall advise the Attorney General of its concurrence in the attorney appointment in writing. The exempted institution, if applicable, shall advise the Attorney General of its acknowledgement of the attorney appointment in writing. The Attorney General shall send a letter to the attorney stating that the attorney and his/her firm have been appointed 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.

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

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

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\$85 per insertion of 50 words or less
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DEADLINE

For the Dec./Jan. issue of the Journal, all classified notices must be received with payment by Oct. 4, 2026. Check and ad copy should be sent to:

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Classified Notices
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New Orleans, LA 70130

RESPONSES

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

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Acadiana Legal Service Corporation seeks licensed, full-time staff attorneys to represent low-income and elderly clients with civil legal matters for offices in Shreveport, Monroe, Natchitoches, Alexandria, and Lafayette. Excellent salary and fringe benefits are available. A writing sample and cover letter are required. Visit www.la-law.org/careers or email careers@la-law.org to apply.

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NOTICE

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.

Notice is hereby given that Henry Klein 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.

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

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**Reminder: MCLE Compliance
Deadline is Dec. 31, 2026**

The deadline for earning mandatory continuing legal education credits is Dec. 31, 2026. The deadline for filing those credits or an exemption is Jan. 31, 2027.

For the 2026 compliance period ending Dec. 31, 2026, 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, compliance@lsbamembership.com.

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

Closing Argument in the Year 2051

By John Jerry Glas



Thank you for your jury service! It has been a long month. Our trial involved 42 witnesses over 21 days, totaling 56 hours of testimony. The parties introduced 135 exhibits, totaling more than 30,000 pages. It is a massive amount of evidence to process. Fortunately, the court isn't going to lock you in a room with 12 legal pads and a box of pens.

We don't do that anymore.

Your jury deliberation room is state-of-the-art. It is equipped with 12 dedicated computer monitors and an interactive video wall with integrated smart board, embedded applications, and touch screen annotation tools. The court has uploaded every exhibit admitted into evidence and every videotaped deposition played during the trial. Thanks to our courtroom video cameras, you also have access to video of every "live" witness, which has already been synched to the real-time official court transcript. You can read or rewatch all 56 hours of sworn testimony. We hope you don't. But you can.

Your monitors are voice-activated and equipped with court-approved Artificial Intelligence (AI). It is fast. It is secure. It is reliable. Ask AI to search the trial exhibits and trial transcripts for any word or phrase. Ask AI to summarize or compare the testimony of witnesses. Ask AI to generate timelines, charts, and graphs. Use AI to answer your questions and to resolve your disputes. It will save you time. It will save you from making mistakes.

So, where should you start? During closing argument, Plaintiff's counsel insisted that our product had a manufacturing defect. Please note that counsel failed to cite a single page of trial testimony or suggest a single AI search to support that claim. It was the kind of conclusory statement we don't hear much anymore.

25 years ago, trial lawyers often made conclusory statements regarding trial testimony because jurors had no access to trial transcripts. Yes, seriously. Courts trusted deliberating jurors with the physical evidence, but not with the testimonial evidence. Don't ask me why. It was a long time ago. But I remember very clearly how the jury's inability to fact-check closing arguments tempted some lawyers to cherry-pick, spin, ignore, or exaggerate testimony. Fortunately, those days are gone. We are held accountable now for what we say.

Technology eliminated temptation.

But I digress. To prove a manufacturing defect under

Revised Statute 9:2800.55, Plaintiff bears the burden of proving the product deviated in a material way from the manufacturer's specifications. So, I suggest you start by asking AI to search the trial testimony for those two magic words: "deviation" and "specification." That search will yield 33 hits. Click on the 33 hyperlinks and watch the 33 video clips. It won't take long. The clips total 10 minutes. You will see for yourself. No witness identified a deviation from specifications. Not one.

You can ask AI, "was the product built to the manufacturer's specifications?" The unbiased AI answer will be: "Yes, the product was built to the manufacturer's specifications." That answer is absolutely correct. And it is great for my client. But let's hit pause.

To be clear, you alone are the finders of fact. Not AI. We requested a trial by jury, not a trial by AI. And nobody in this courtroom wants AI to decide this case. In fact, the court will soon instruct you that jurors are permitted to use AI, but they must determine "for themselves" every question of fact. They must answer "for themselves" every jury interrogatory.

So, don't just read the unbiased AI answer. Click the 9 links on which that answer is based. Most of those links will be to the testimony of our expert, who inspected our product and repeatedly testified that our product "met specs." But the last link will be different. That last link will take you to my cross-examination of Plaintiff's expert, who candidly admitted that no "specific deviation" was ever found. That admission appears on Day 6, page 439, line 15.

Once again... Day 6. Page 439. Line 15.

Turning to Plaintiff's design defect claim, you don't need to ask AI whether Plaintiff proved the existence of an alternative design. We agree that they did. But Revised Statute 9:2800.56 requires Plaintiff to prove more than the mere existence of an alternative design. Plaintiff also bears the burden of proving that the alternative design "was capable of preventing the claimant's damages."

On this point, you heard conflicting testimony. Whereas Plaintiff's expert testified the alternative German design would "more likely than not" have prevented the accident, our expert testified the German design was "incapable" of preventing the accident and would have caused the exact same injuries. Which means you, the jury, must decide which testimony should be given greater weight.

Ask AI to generate a chart comparing their qualifications. We intentionally asked both experts the same 12 questions about their education and experience. As a result, AI will generate a chart comparing their answers to those 12 questions. Apples to apples. Discuss that chart. Decide for yourself whose testimony is objectively entitled to greater weight. Is it their expert who went straight from the classroom to the courtroom? Or is it our expert who spent decades working in the industry, designing and testing similar products?

Ask AI to identify inconsistencies in their testimony. The unbiased AI report will identify 16 potential inconsistencies for Plaintiff's expert, including 3 "substantive" inconsistencies. Maybe you remember how their expert crawfished on whether: (a) prior accidents were similar; (b) prior studies established the German design was safer; and (c) Plaintiff was misusing or abusing the product. In contrast, AI will identify no substantive inconsistencies for our expert. None.

Rewatch the turning point in this trial. Search for the phrase "angle and amount." Find the question we asked Plaintiff's expert: "If the defense expert is correct about the angle and amount of force involved, isn't it true the German design would have resulted in the same accident?" Watch Plaintiff's expert sit in total silence before nervously glancing at Plaintiff's counsel and answering, "I don't know." Ask AI to time that silence. It was 9.3 seconds. Ask AI whether any other question during the entire trial took that long to answer.

AI is wonderful, but common sense will always be the most important tool in your toolbox. You alone are the judges of an expert's credibility. Yes, AI may someday be able to assist you by measuring facial responses, analyzing micro-expressions of emotion, and monitoring involuntary bodily responses like heart rate and blood pressure. But that day is not today. Fortunately, you don't need that data to recognize how lost and evasive Plaintiff's expert was on the stand. You saw it with your own eyes.

Finally, I want to briefly address the allegation that Plaintiff somehow sustained permanent brain damage. Ask AI to search the first 6 months of medical records for the word "concussion," the phrase "brain injury," and the acronym "TBI." Those searches will yield no hits because nobody diagnosed a concussion during the first 6 months. In fact, AI will report that the word variant "concussed" appears only once during the first 6 months, when the ER nurse noted that Plaintiff "did not appear concussed."

We provided you with a neurological timeline. If you doubt its accuracy, ask AI to generate a timeline of every healthcare record during the first six months. Click every link. Read every word of every Progress Note. Ask AI, "when was Plaintiff first diagnosed with a concussion?" Confirm for yourself that the neurologist handpicked by Plaintiff's counsel was the first to diagnose a concussion - more than 6 months after the accident.

Consider when Plaintiff's symptoms started. Ask AI to generate a chart showing Plaintiff's neurological complaints. That chart will confirm that Plaintiff only reported a cervicogenic headache during the first 6 months. Then, during the initial evaluation, counsel's handpicked-neurologist suddenly



noted 11 new complaints. Eleven. That's not how a concussion works. That's how litigation works.

Panning back to the big picture, I believe that asking the right AI questions and requesting the right AI searches will result in a defense verdict. Our product was not defectively designed or manufactured. But if any of you disagree, or have lingering questions, search for the answers together. And should one of those searches yield more than 50 hits, take a deep breath and realize how lucky you are to be deliberating in the year 2051.

Twenty-five years ago, if jurors wanted to search through 135 exhibits, a bailiff had to grab a hand truck and wheel heavy cardboard boxes into the deliberation room. Then, the jurors had to use their hands to physically search page-by-page through the 30,000 printed pieces of paper. The prospect was so daunting that most exhibit boxes remained stacked and unopened in the courtroom. Never searched. Never read. Never requested.

Back then, jury interrogatories were crude tests of the jury's collective memory. Today, thanks to advances in courtroom technology, jury interrogatories are open-book exams that you take with your fellow jurors. Today, the court wants you to base your verdict on the evidence, not on your memory of the evidence. Today, the court wants you to take your time and get it right. Which is why the court has given you everything you need.

You have electronic access to the physical and testimonial evidence. You have the use of court-approved AI. And you have each other. You don't need me to tell you what your verdict should be. You know how and where to find the evidence.

The evidence speaks for itself.

John Jerry Glas is the chair of Civil Litigation at Deutsch Kerrigan in New Orleans. In 2023, the ABA peer-reviewed and published his book, The New Science of Trial Advocacy: The Waiter Pivot. (Email: jerry@deutschkerrigan.com; New Orleans)

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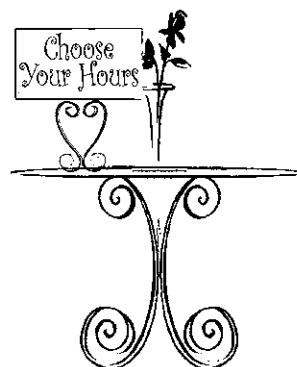
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