

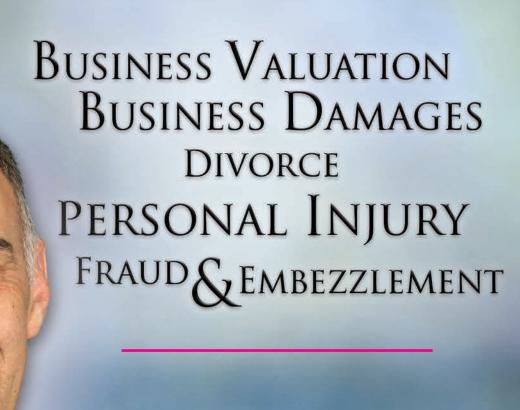
#### A Guide to the Timeliness Rules of the Louisiana Supreme Court



#### Also Inside

- o A Decade of Advancement: Celebrating the 10th **Anniversary of the Louisiana Access to Justice Commission**
- o When Witnesses Can't Take the Stand: Legal Pathways to Ensure Their Voice is Heard
- o Addressing Mental Illness in the Criminal Justice **System: Lessons from the Ninth Judicial District Behavioral Health Court**

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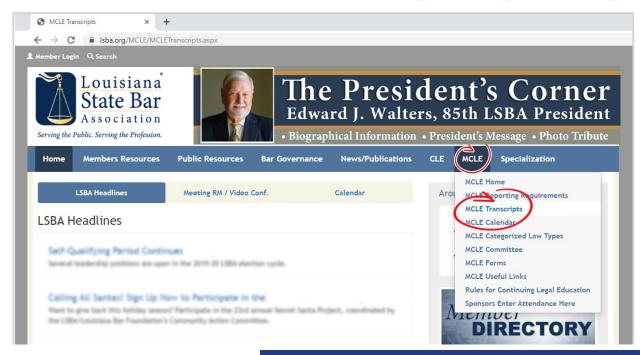


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- Attorneys newly admitted in 2024, see Rules for Continuing Legal Education 3(b).
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- All 2025 CLE hours and exemption forms must be reported by January 31, 2026.
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#### 2026 Judicial Interest Rate is 7.5%

Pursuant to authority granted by La. R.S. 13:4202(B)(1), as amended by Acts 2001, No. 841, the Louisiana Commissioner of Financial Institutions has determined that the judicial rate of interest for calendar year 2026 will be seven and one-half percent (7.5%) per annum.

La. R.S. 13:4202(B), as amended by Acts 2001, No. 841, and Acts 2012, No. 825, requires the Louisiana Commissioner of Financial Institutions to determine the judicial interest rate for the calendar year following the calculation date. The commissioner has determined the judicial interest rate for the calendar year 2026 in accordance with La. R.S. 13:4202(B)(1).

The commissioner ascertained that on Oct. 1, 2025, the first business day of the month of October, the approved discount rate of the Federal Reserve Board of Governors was four and one-quarter percent (4.25%).

La. R.S. 13:4202(B)(1) mandates that on and after Jan. 1, 2026, the judicial interest rate shall be three and one-quarter percentage points above the Federal Reserve Board of Governors-approved discount rate on the first business day of October 2025. Thus, the effective judicial interest rate for the calendar year 2026 shall be seven and one-half percent (7.5%) per annum.

La. R.S. 13:4202(B)(2) provides that the publication of the commissioner's determination in the Louisiana Register "shall not be considered rulemaking within the intendment of the Administrative Procedure Act, R.S. 49:950 *et seq.*, and particularly R.S. 49:953." Therefore, (1) a fiscal impact statement, (2) a family impact statement, (3) a poverty impact statement, (4) a small business statement, (5) a provider impact statement, and (6) a notice of intent are not required to be filed with the Louisiana Register.

— P. Scott Jolly Commissioner, Office of Financial Institutions Date: October 22, 2025

## Judicial Interest Rate Calculator Online!

Need to calculate judicial interest? Check out the Judicial Interest Rate Calculator (courtesy of Alexandria attorney Charles D. Elliott) on the Louisiana State Bar Association's website.

> Go to: www.lsba.org/Members/ JudicialInterestRate.aspx.

#### Judicial Interest Rates Through 2025

To review the Judicial Interest Rates History (from 1980 through 2025), go online: www.lsba.org/Members/JudicialInterestRate.aspx

Date	Rate
Prior to Sept. 12, 1980	
Sept. 12, 1980 to Sept. 10, 1981	*
Sept. 12, 1980 to Sept. 10, 1981 Sept. 11, 1981 to Dec. 31, 1987	•
Jan. 1, 1988 to Dec. 31, 1988	*
Jan. 1, 1989 to Dec. 31, 1989	*
Jan. 1, 1990 to Dec. 31, 1990	
Jan. 1, 1991 to Dec. 31, 1991	•
Jan. 1, 1992 to Dec. 31, 1992	
Jan. 1, 1993 to Dec. 31, 1993	•
Jan. 1, 1994 to Dec. 31, 1994	*
Jan. 1, 1994 to Dec. 31, 1994	
Jan. 1, 1996 to Dec. 31, 1996	•
Jan. 1, 1997 to July 31, 1997	
Aug. 1, 1997 to Dec. 31, 1997	•
Jan. 1, 1998 to Dec. 31, 1998	•
Jan. 1, 1999 to Dec. 31, 1999	
Jan. 1, 2000 to Dec. 31, 2000	*
Jan. 1, 2001 to Dec. 31, 2001	*
Jan. 1, 2002 to Dec. 31, 2002	*
Jan. 1, 2003 to Dec. 31, 2003	
Jan. 1, 2004 to Dec. 31, 2004	*
Jan. 1, 2005 to Dec. 31, 2005	
Jan. 1, 2006 to Dec. 31, 2006	*
Jan. 1, 2007 to Dec. 31, 2007	
Jan. 1, 2008 to Dec. 31, 2008	
Jan. 1, 2009 to Dec. 31, 2009	•
Jan. 1, 2010 to Dec. 31, 2010	•
Jan. 1, 2011 to Dec. 31, 2011	•
Jan. 1, 2012 to Dec. 31, 2012	
Jan. 1, 2013 to Dec. 31, 2013	
Jan. 1, 2014 to Dec. 31, 2014	•
Jan. 1, 2015 to Dec. 31, 2015	•
Jan. 1, 2016 to Dec. 31, 2016	*
Jan. 1, 2017 to Dec. 31, 2017	*
Jan. 1, 2018 to Dec. 31, 2018	
Jan. 1, 2019 to Dec. 31, 2019	
Jan. 1, 2020 to Dec. 31, 2020	
Jan. 1, 2021 to Dec. 31, 2021	•
Jan. 1, 2022 to Dec. 31, 2022	•
Jan. 1, 2023 to Dec. 31, 2023	*
Jan. 1, 2024 to Dec. 31, 2024	*
Jan. 1, 2025 to Dec. 31, 2025	

# The Work Continues:

#### Why Pro Bono Matters Now

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



n this issue of the *Louisiana Bar Journal*, we celebrate 10 years of the Louisiana Access to Justice Commission. The Commission is one of the best examples of how the legal community in Louisiana exemplifies the LSBA tag line, "Serving the Public, Serving the Profession." The purpose of the Commission is to "assure continuity of policy and purpose in the collaboration between the private bar, the courts, and the civil justice community so as to further the goal of assuring that Louisianans, regardless of their economic circumstance, have access to equal justice under the law."

Access to justice in Louisiana remains a significant challenge, particularly for low-income individuals and rural communities. Many residents face legal issues involving housing, domestic violence, public benefits, consumer debt, or succession matters but cannot afford an attorney. Civil legal aid organizations work tirelessly to assist those in need, but there remains a wide gap between the legal needs of the public and the resources available. This gap means that thousands of Louisianans navigate the legal system on their own, often in matters that affect their homes, families, and financial stability.

Pro bono legal work plays a critical role in narrowing that gap. Louisiana attorneys, through the LSBA and local bar associations, legal aid partners, and law school clinics, can volunteer their time to provide free representation, advice, and community education. These services help ensure that individuals who cannot pay for legal counsel still have access to the protections and remedies the law affords. Pro bono lawyers are important during emergencies, such as natural disasters, evictions, or protective-order hearings, where timely legal intervention can make a life-altering difference.

We continue to make strides in advancing access to justice causes, yet the need continues to outpace available help, making the commitment of volunteer lawyers even more vital. Strengthening access to justice in Louisiana ultimately depends on a combination of systemic investment, ongoing pro bono participation, and continued public awareness of the

essential role legal assistance plays in protecting rights and promoting fairness.

The continued ability to assist underserved communities relies on all of us to step up and take on pro bono matters and partner with legal aid organizations to help close the justice gap. Every small commitment of time can change someone's life and the communities we serve.



Have you ever wanted to publish a feature article in the *Louisiana Bar Journal*? Do you have a compelling, timely, substantive or just plain interesting idea focused on the practice of law?

- 1) Email your feature topic or idea to LSBA Secretary and *Journal* Editor Bradley J. Tate at publications@lsba.org.
- 2) All feature articles and proposals are first reviewed by the *Louisiana Bar Journal*'s Editorial Board. Your submission will be placed on the next Board agenda for discussion.
- 3) If your article is selected for publication, it will be assigned an editor and slotted into an upcoming issue. You will become a published author and eligible to receive CLE writing credits for your efforts.

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



#### RECENT DEVELOPMENTS VOL. 73, NO. 3 - OCT./NOV. 2025 LOUISIANA BAR JOURNAL

#### To the Editor:

I'd like to suggest a correction to one of the case notes produced in the October/November 2025 issue of the *Louisiana Bar Journal*'s Recent Developments. In the *Journal*'s report on *Short v. Short*, 24-0656 (La. App. 1 Cir. 7/11/25), \_\_ So.3d \_\_\_\_, 2025 WL 1910776, it provides the following statement:

"It reversed several contempt findings, including those for failing to report life insurance and misleading discovery responses, on grounds of insufficient evidence or lack of intent, and vacated associated penalties." The First Circuit did not reverse the trial court's finding of contempt for the defendant's discovery responses, and the First Circuit did not vacate the associated penalties for these contempts. In total, the First Circuit reversed only 4 of 29 contempt findings in the judgment on appeal.

The 1st Circuit did *not* reverse the trial court's finding of contempt for Mr. Short's discovery responses. Indeed, it *affirmed* that finding on pages 13 and 14 of the WestLaw publication of the Opinion (see pages at <a href="https://www.lsba.org/documents/Publications/2025">www.lsba.org/documents/Publications/2025</a> 12LetterToEditorShortvShort.pdf):

"After reviewing the record, it is clear Keith was not found in contempt for violating a discovery order issued pursuant to La. C.C.P. art. 1469.17. Instead, Keith was found guilty of violating La. C.C.P. arts. 1457(A), 1461, and 1420 and found in contempt pursuant to La. C.C.P. arts. 221 and 224(10). [...] The trial court factually determined that Keith's responses and objections to 14 identified discovery requests were not consistent with the rules of discovery, were not warranted by law, and were interposed for an improper purpose. [...] After reviewing the record, we find no manifest error in the trial court's factual determination that Keith's discovery responses violated La. C.C.P. art. 1420. The trial court also found that, through these discovery responses, Keith obstructed and interfered with the orderly administration of justice and was in contempt pursuant to La. C.C.P. arts. 221 and 224(10). The factual considerations that support the trial court's finding that Keith violated Article 1420 also support a finding of contempt for acts "intended to obstruct or interfere with the orderly administration of justice[.]" La. C.C.P. art. 224(10). Thus, we also find no abuse of discretion in the trial court's decision to hold Keith in contempt pursuant to Article 224(10)." These discovery responses, and the contempt litigation which followed, included the life insurance that the defendant "fail[ed] to report." See Footnote 29 of the Opinion: "For instance, Keith failed to disclose a life insurance policy issued to his parents, which named him as the sole beneficiary with a policy payout of \$1.8 million. After substantial expense, Gina learned about the policy and that Keith invested \$67,870.00 of community funds into the policy."

My interpretation of the 1st Circuit's affirmation of the discovery contempt finding is shared by the WestLaw team, wherein they provide the following Headnote No. 17: "Trial court in divorce proceeding acted within its discretion in holding husband in contempt of court for violating discovery rules; trial court factually determined that husband's responses and objections to 14 identified discovery requests were not consistent with rules of discovery, were not warranted by law, and were interposed for improper purpose, and found that, through those discovery responses, husband obstructed and interfered with orderly administration of justice."

In addition to affirming the finding of contempt for the defendant's violative discovery responses, the 1st Circuit also affirmed the award of attorney fees and related costs for the contempts, including discovery contempts (reproduced from page 19 of attached PDF): "Although we acknowledge the amount awarded for attorney fees is high, it is not so high that we find the trial court abused its vast discretion, considering the unique facts of this case, the trial court's familiarity with the proceeding and the parties, and the court's findings concerning Keith's pattern of willful contempt and discovery violations over several years. [...] Exercising its vast discretion, the trial court elected to award Gina a dollar-for-dollar reimbursement of all expenses she incurred due to Keith's contempt and discovery violations."

Michael A. Dalman
 Lafayette, LA

#### Correction - Short v. Short

The October 2025 column summarized *Short v. Short*, 2025-0173 (La. App. 1 Cir. 7/11/25), as reversing contempt findings related to Mr. Short's discovery responses concerning a \$1.8 million life insurance policy. That was incorrect. The 1st Circuit reversed four of 29 contempt findings but affirmed the trial court's finding that Mr. Short failed to adequately respond to discovery and disclose the life insurance policy. It also affirmed the associated penalties. I appreciate the reader who brought this to my attention.

- Elizabeth K. Fox

Family Law Recent Developments | Member Family Law Section | EKF Family Law, Springfield Louisiana

#### President's Message

# Ruminations on "Pushing Eighty"

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

So I made it.

"Pushing 80."

My grandfather, a New Orleans fireman, would always say if someone was almost 19, "He's pushing 20."

Well, as you are reading this, I'm almost 79, so, according to Martin Leahy, my grandfather (who everyone called 'Pappy'), I am "pushing 80."

Who woulda thought?

Like George Burns is reputed to have said, "Had I known I would a lived so long, I would taken better care of myself."

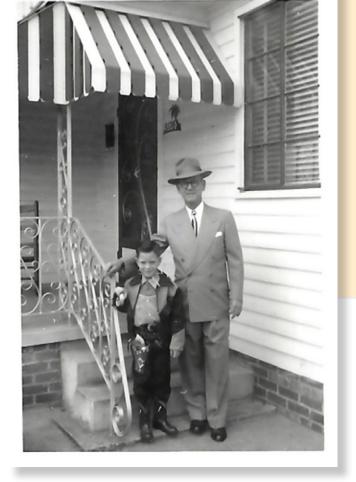
So what does this have to do with our traditional President's Page?

Well, I have refused to have the "traditional" President's Page (what great stuff the Bar is doing [it is], etc., and how you should get more involved, [you should]), but I wanted to make this article relevant to US and what WE do on a daily basis and what stresses WE subject ourselves to as lawyers and how we can survive.

I checked. I am the oldest person to be sworn in as the Louisiana State Bar Association President. When you are reading this, I will have been in the active practice of law for over 50 years.

I musta learned SOMETHING in all of those years.

Here's the most important lesson I've learned.



(That's me on the left)

Write it down.

This is a RELATIONSHIP business. Plain and simple.

This is a RELATIONSHIP business.

I know some REALLLLY, REALLLLY smart lawyers who are incredibly, incredibly UNSUCCESSFUL.

I know some lawyers who are "as dumb as a post" who are some of the most SUCCESSFUL lawyers in the nation.

Why?

I know the secret.

(Here's the secret)

Ours is a RELATIONSHIP business. All businesses depend on relationships, but OUR profession depends on RELATIONSHIPS more than any other profession.

Relationships with whom, you may ask?

Well, relationships with EVERYONE: your clients, your referring lawyers, your partners and associates, your opposing lawyers, your witnesses, your judges, your staff, and VERY importantly, the staff at the courthouse.

They can make you or break you.

Everyone knows to suck up to the judges and laugh at their lame jokes, but many of us treat the judge's staff like they are nobodies and are not worthy of even telling them

# He Not Busy Being Born Is Busy Dying

-Bob Dylan

"It's Alright, Ma (I'm Only Bleeding)" from his 1965 album Bringing It All Back Home

hello or asking them their name. Do you know the name of the minute clerk or the court reporter you were in court with last time you were there?

Don't lie.

You don't.

Who are they? WHAT IS THEIR NAME? Where are they from? Do they have a family or kids? What do they do on weekends? What is their passion? I promise you, they have one. You just don't know it. You should.

"You look nice today." Personal stuff. Relationship stuff. Stuff that means something. Stuff that COUNTS. You do remember when someone told you, "You look nice today," don't you?" They do, too.

My mother was a court reporter for 25 years before she retired. She worked for Judge Tom Malik in Edgard, Louisiana. Long story, as you can well imagine.

Back then, there was really no place to have lunch in Edgard, so he and my mother, his court reporter, had lunch in the judge's chambers every day.

And they talked.

Every day . . . for 25 years.

So he must have respected her judgment or she wouldn't have been there.

If a lawyer laughs at Judge Malik's jokes but treats his court reporter like she doesn't exist, or doesn't even merit his knowing her name, who do you think she and Judge Malik gossiped about during their daily lunches?

Lawyers and judges are the biggest gossips in the world, but you knew that.

If she told him at lunch that attorney Joe Smith treated her badly, for the rest of his career, Joe Smith could suck up all he wanted, and laugh at all of his lame jokes, but when his court reporter of 25 years told him that Joe Smith was a jerk to her, there's NOTHING Joe Smith could do for the rest of his career to erase that from the judge's mind.

Hmmm. . .

This is a relationship business.

What relationships are important to you and to your clients?

How are you handling the very-important little people?

They can make you or break you.

Trust me.

I have had "little people" from the courthouse call and tell me something "just got filed" in one of my cases. Nice "heads-up."

Even in today's world of "file everything electronically," we all know that every once in a while (and more often than we want to admit), sometimes there's a glitch in the electronics and we need to SPEAK TO SOMEONE . . . a PERSON . . . NOW . . . to get human help to get things filed correctly and timely. Those are the people we really need to treat with dignity and respect.

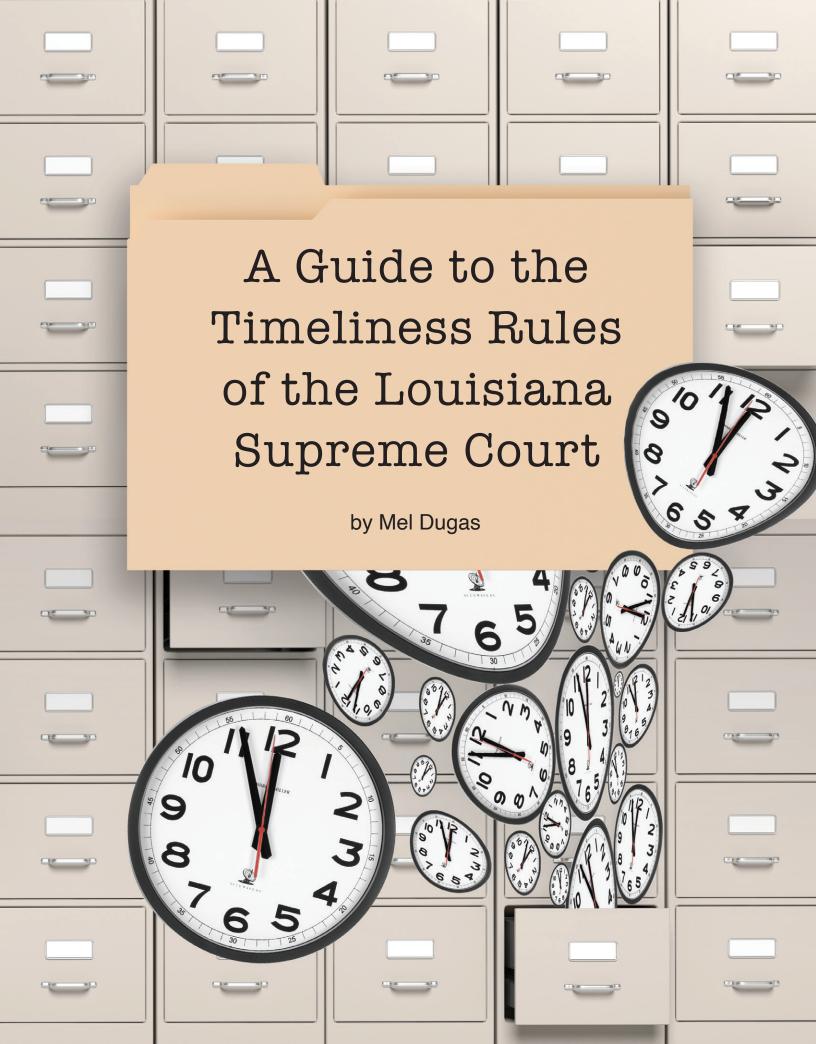
Do we?

They can make you or break you.

These are things you learn through many, many years in the courtroom and in the courthouse . . . and I have a few more years than you.

Work on it.

I hope to have a few more years and be "Pushing 81."



n a typical year, approximately eight percent of all writ applications filed in the Louisiana Supreme Court are not considered because the applications were not timely filed. The purpose of this article is to discuss the various timeliness requirements in the court's rules and to provide some tips for avoiding procedural pitfalls.

#### Applications from Judgments of the Courts of Appeal

The timeliness requirements for applications seeking review of a judgment of the court of appeal, either from an appeal or from an action on supervisory review, are set forth in La. Sup. Ct. Rule X, §5(a) (1), which mandates that the application "shall be made within thirty days of the mailing of the notice of the original judgment of the court of appeal." This rule is consistent with La. C.C.P. art. 2166(A), which provides, "[w]ithin thirty days of the transmission of the notice of the judgment of the court of appeal, a party may apply to the supreme court for a writ of certiorari." The rule further mandates that no extension of the filing delay will be granted.

The rule sets forth a specific exception in cases where a "timely application for rehearing has been filed in the court of appeal in those instances where a rehearing is allowed. . . ." [emphasis added]. In such cases, the application must be filed within thirty days of the mailing of the notice of denial of rehearing or the judgment on rehearing.

It is important to understand this exception is limited to situations where the court of appeal's judgment was subject to rehearing. In making this determination, the supreme court looks to the requirements for rehearing in the Uniform Rules of the Courts of Appeal, particularly URCA Rule 2-18.7. URCA Rule 2-18.7 permits a rehearing in only three instances, where the court has (1) granted a writ application on the merits; (2) dismissed an appeal; or (3) ruled on the merits of an appeal. This rule does not permit a rehearing when the court of appeal denies an application for supervisory writs. Therefore, a rehearing application from a writ denial will not extend the thirty-day delay in La. Sup. Ct. Rule X, §5(a).

#### **Expedited Applications**

In 2022, the supreme court promulgated special provisions in La. Sup. Ct. Rule X, §5(a)(2) for applications seeking expedited review of a judgment of the court of appeal. This rule mandates that applications seeking expedited review must be filed "as soon as possible after the court of appeal's disposition and in no event more than ten days after the mailing of notice of judgment by the court of appeal."

The rule allows an applicant who does not file within ten days of the mailing of notice of judgment to make a showing of good cause for the failure to comply. If the applicant fails to make a proper showing of good cause, the rule provides the court may deny expedited review and/or impose sanctions against the party seeking expedited review.

Notably, the rule does not mandate dismissal of the application if it otherwise complies with the thirty-day deadline set forth in La. Sup. Ct. Rule X, §5(a)(1), but permits review of the merits in "regular course." The official comment to the rule explains "[a]lthough this rule does not change the general thirty-day filing period set forth in La. Code Civ. P. art. 2166, it makes it clear that any request for expedited review must be made promptly."

#### **Direct Applications**

Pursuant to La. Const. Art. V, §5(A), the supreme court has "general supervisory jurisdiction over all other courts." The timeliness requirements for direct applications from the trial courts are set forth in La. Sup. Ct. Rule X, §5(b).

The rule references two categories of direct applications. The first category consists of cases in which the court of appeal lacks supervisory jurisdiction, such as a criminal case in which a death sentence has been imposed or in which a conviction and sentence were imposed before July 1, 1982. The second category consists of cases in which the court of appeal has supervisory jurisdiction but the applicant seeks to file an application directly or simultaneously in the supreme court. The rule cautions that applications falling within this second category will ordinarily not be considered by the supreme court absent extraordinary circumstances.

When an applicant seeks to file a direct

application, the rule authorizes the trial court to fix a "reasonable time" for the filing of the application in the supreme court. The rule further grants the trial court the authority to stay further proceedings pending review by the supreme court. The time period may be extended upon a "proper showing" by the trial court or the supreme court. If the application is not filed by the required deadline, the supreme court will not consider the application unless the applicant establishes that the delay in filing was not due to the applicant's fault.

#### **Election Cases**

Special timeliness provisions are set forth in La. Sup. Ct. Rule X, §5(c) for applications seeking review of a decision of the court of appeal on an objection to a candidacy or on an election contest. This rule mirrors the requirements set forth in La. R.S. 18:1409 and La. R.S. 18:1413 for such cases.

Pursuant to La. Sup. Ct. Rule X, §5(c) and La. R.S. 18:1409(G), the application to the supreme court must be filed within forty-eight hours of the rendition of the court of appeal's opinion. Both the rule and La. R.S. 18:1413 mandate that the forty-eight hour period includes Sundays and other legal holidays. However, if the time interval ends on a Sunday or other legal holiday, then noon of the next legal day shall be deemed to be the end of the time interval. To facilitate determination of timeliness, La. R.S. 18:1409(F) requires the court of appeal to "indicate the date and time rendered on the judgment."

#### Calculating Timeliness

Pursuant to La. C.C.P. art. 5059, the thirty-day period commences on the day after the mailing of notice of judgment by the court of appeal. If the thirtieth day falls on a weekend or legal holiday, the deadline expires on the first legal day thereafter. By special order, the supreme court may extend filing deadlines due to unanticipated circumstances such as severe weather events. These orders are published on the supreme court's website at www.lasc.org.

The provisions for calculating the timeliness of applications filed by mail are set forth in La. Sup. Ct. Rule X, §5(d). In general, an application will be deemed timely filed if mailed on or before the last day of the delay for filing. However, the rule

provides a rebuttable presumption of timeliness for applications filed on the first legal day following the expiration of the delay.

In cases where the presumption of timeliness does not apply, timeliness may only be established by (1) an official United States postmark or cancellation stamp or (2) an official receipt or certificate from the United States Postal Service, or bonafide commercial mail services such as Federal Express or United Parcel Service, made at the time of mailing which indicates the date thereof. Significantly, meter marks generated by private services or Automated Postal Center self-service kiosks, as well as sales receipts for purchase of postage, cannot be used to establish timeliness. Finally, applications which are filed by private delivery or courier services are treated as "by hand" filings and are deemed timely filed only if received by the clerk on or before the last day of the delay for filing.

The rules for determining the timeliness of electronic filings are set forth in La. Sup. Ct. Rule XLII, §6. In general, La. Sup. Ct. Rule XLII, §6(a) provides electronically-filed documents may be filed at any time and are deemed filed on the date and time of the electronic filing. For purposes of determining timeliness, La. Sup. Ct. Rule XLII, §6(e) provides "an electronically filed document will be considered timely filed if electronic filing is completed at any time before 12:00 Midnight Central Time on or before the date on which the document is due unless another specific time is mandated by order, rule or statute."

Because of the possibility of problems inherent in electronic transmission, La. Sup. Ct. Rule XLII, §6(f) provides that an applicant whose "electronic filing is untimely due to technical failure may seek relief from the Louisiana Supreme Court." The rule does not define the term "technical problems," but the court provided some jurisprudential guidance in Wieber v. Acme Truck Line, Inc., 2024-00741 (La. 10/8/24), 394 So. 3d 256. In that case, the application was filed one day after the June 10, 2024 deadline expired. Counsel for applicant argued she attempted to electronically file the writ application on the evening of June 10, 2024 but experienced technical difficulties as she attempted to reset her password, unlock her account, and register a new account. In rejecting this argument, the court explained "[r]

egardless of counsel's intent, the court's records establish no electronic filing was completed prior to midnight on June 10, 2024." *Wieber* therefore suggests that technical problems which are not beyond the applicant's control are not excusable.

Another common mistake is submitting a draft filing prior to the deadline but not completing the filing until after the deadline. The draft submission has no effect on timeliness; rather, timeliness is calculated based on the date and time of the final official submission. *See, e.g., Girod Titling Trust v. Pittman Assets, L.L.C.*, 2025-00192 (La. 4/15/25), 406 So. 3d 414 (finding an application untimely where the applicant began the draft submission at 11:52:19 p.m. on the night of the deadline but did not officially submit the application until 12:14:00 a.m.).

#### Special Rules for Cases Involving the Protection of Children

Special rules for applications arising from certain classes of cases involving children are set forth in La. Sup. Ct. Rule XXXIV. The rule contains a timeliness component in La. Sup. Ct. Rule XXXIV, Part III, §1, which provides, "[w]rit applications should be filed within 14 days of the mailing of the notice of judgment or denial of rehearing, unless a shorter period is specified by law." [emphasis added]. The official comment explains this fourteen-day time period is "aspirational" in nature in keeping with the goal of minimizing delays in cases that adversely affect children. In terms of timeliness, however, these applications are governed by the ordinary thirty-day provisions of La. Sup. Ct. Rule X, §5, unless the law expressly mandates a shorter period for filing.

#### Oppositions and Replies

Oppositions to writ applications are governed by La. Sup. Ct. Rule X, §6. This rule was amended in 2024 to increase the opposition delay from fifteen days to thirty days following the date of the letter acknowledging filing of the writ application. In conjunction with increasing the delay, the 2024 amendment to the rule restricted extensions by providing "[n]o extensions of this deadline shall be granted unless the party can demonstrate through clear and convincing evidence that the delay was the result of circumstances beyond its control."

On occasion, the court will request the filing of an opposition even though the normal opposition delays have expired. In such case, the court will specify a time for the filing of the opposition.

The filing of a reply memorandum is addressed in La. Sup. Ct. Rule X, §7. The rule indicates such filings are not encouraged, but where appropriate, they must be filed within ten days of the filing of the opposition. The rule expressly prohibits the filing of a response to a reply.

#### Rehearings

The filing of rehearing applications is governed by La. C.C.P art. 2167 and La. Sup. Ct. Rule IX, both of which specify an application for rehearing must be filed within fourteen days of the mailing of notice of judgment. As in La. Sup. Ct. Rule X, the rule provides for a presumption of timeliness for applications received by mail on the first legal day following the expiration of the delay.

The rule prohibits any extensions of the fourteen-day deadline. However, if the rehearing application is filed timely, the applicant may request additional time to file a brief in support of the application. The court retains discretion to grant or deny this request.

#### Conclusion

As shown by this brief overview, it is important to review the relevant sections of the court's rules prior to filing to ensure the application is timely filed. By doing so, the applicant will ensure the court has an opportunity to review the merits of the application and will avoid the dreaded "not considered, not timely filed" disposition.

Mel Dugas received his JD degree in 1988 from Tulane Law School, where he was a managing editor of the Tulane Law Review. Since 1997, he has served as Director of Civil Staff for the Supreme



Court of Louisiana. The views expressed in this article are the author's personal opinions and do not refect the office position of the Supreme Court of Louisiana. (mdugas@lasc.org, New Orleans)



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# A Decade of Advancement:

Celebrating the 10th Anniversary of the Louisiana Access to Justice Commission

By: Alainna R. Mire (Co-Chair), Chief Justice John L. Weimer (Co-Chair), and Monte Mollere

#### **Executive Summary**

Although work to ensure meaningful access to civil legal help in Louisiana began well before the ATJ Commission was created ten years ago, the creation of the Commission has been invaluable to Louisiana's efforts to address the need for equitable access to justice for our state's most vulnerable. While earlier efforts focused on expanding services, the Commission was designed to answer a related but distinct question: how can we better coordinate resources and systems to ensure every person—regardless of income, background, or geography—has meaningful access to civil legal assistance? Over the past decade since the Commission's formation, sustained collaboration, creativity and commitment have made progress not only possible but a reality for Louisiana's civil legal aid network. Together, we have built a more accessible and responsive legal system.

The path forward will require all of us. Whether by volunteering, advocating, mentoring, or simply staying informed, every LSBA member has a part to play. Together, we can shape the next decade of justice in Louisiana.

#### Introduction

Since its inception, the Louisiana State Bar Association has recognized an obligation to ensure justice for all. Over a decade ago, it significantly increased its level of commitment by joining with the Louisiana Supreme Court to create the Louisiana Access to Justice Commission. At the time, ATJ Commissions were being formed throughout the nation primarily in response to an understanding that a joint state-level response by state bar associations, state courts and the private bar could significantly increase support for access to justice issues.

Of course, this was not the LSBA's first foray into Access to Justice; an expanded commitment began in 1996 when Committees supporting pro bono and legal aid were melded into a single ATJ Committee and further in 1997 when the LSBA, Louisiana Bar Foundation and the Legal Services Programs financially supported the hiring of staff to create the LSBA's ATJ Department. With staff in place, the LSBA began working to address the well-known fact that too many Louisianans face life-altering civil legal issues—such as housing, family safety or access to benefits—without the legal help they need. With the creation of the ATJ Commission in 2015, under the leadership of Chief Justice Bernette J. Johnson, the Commission focused on strengthening partnerships amongst all members of Louisiana's civil legal aid network with an overarching pledge by the LSBA and Supreme Court to support policy and legal innovations that fortify the entire system.

With that history in mind, the ATJ Commission's tenth anniversary is a reason to celebrate. The Commission, in many ways, has accomplished a decade of dedicated service to improving fairness and accessibility in the state's civil legal system. It is a moment to reflect on the measurable impact of coordinated efforts to deliver justice for all, not just those who can afford it. Over the past ten years, the Commission has advanced initiatives that align with the mission of the LSBA: promoting justice, serving the public and strengthening the profession. This milestone provides an opportunity to reflect on key accomplishments, recognize the partnerships that made them possible and chart a course for the next decade of impact.

#### Formation and Purpose of the Commission

The Access to Justice Commission was established in 2015 as a joint initiative of the Louisiana Supreme Court and the LSBA, evolving from an earlier ATJ Committee and ATJ Steering Committee within the LSBA. What began in 1996 as the ATJ Committee was comprised of legal service and pro bono professionals and private bar members who worked together to both identify and address access to justice needs on the front line of Louisiana's poverty. In 2009, the ATJ Steering Committee (and later the ATJ Policy Committee) was formed to oversee the work of the ATJ Committee and strengthen access to justice ties to the private bar and the judiciary. It was then in 2015, that the ATJ Commission was formed to further advance civil legal aid partnerships, especially with the Supreme Court, and spur innovations and resources for low-income Louisianans. Though numerous efforts were already in motion to assist underserved populations before 2015, the ATJ Commission emerged with the dual purpose of bringing greater cohesion to access to justice initiatives and envisioning broader, more strategic solutions to Louisiana's civil legal challenges.

At the time, Louisiana—like much of the nation—was facing a deepening crisis. Tens of thousands of low-income residents were struggling with complex civil legal problems without any professional guidance. Legal aid providers were under-resourced and overwhelmed, while courts saw a sharp rise in self-represented litigants who lacked the tools to navigate legal proceedings.

Civil legal issues—ranging from housing disputes and consumer debt to family law matters-touch thousands of Louisiana households each year. For many, going unrepresented creates barriers that jeopardize financial security, health and family stability. Recognizing the need for a unified, statewide response, the Supreme Court and the LSBA created the ATJ Commission as a new entity to serve as a coordinating body to strengthen and expand civil justice access. Rather than functioning as a standalone entity solely within the LSBA, the Commission was designed as a catalyst-uniting efforts across the justice system, the profession and the broader community.

At its first meeting on January 8, 2016, the Commission convened a diverse group of leaders—judges, attorneys, legal aid providers, educators and community advocates—around a shared vision: ensuring that every Louisianan, regardless of income or background, can meaningfully access civil legal help. From its inception, the Commission's mission was clear: systematically address the civil justice gap, enhance coordination among service providers, advocate for policy reforms, leverage data for informed decision-making and ensure sustained commitment to improving access to justice for all.

#### A Decade of Impact – Top Accomplishments

Over the past ten years, the Commission has achieved significant progress across multiple fronts. Its work can be grouped into four overarching themes: expanding civil legal resources, strengthening legal aid and affordability, building partnerships and community engagement and improving processes within the justice system.

#### Expanding Access to Civil Legal Resources

One of the Commission's leading

initiatives has been the Justice For All Project, a statewide assessment designed to identify "civil legal resource deserts." By gathering input through community roundtables and mapping services, the Commission identified gaps in access to justice and developed creative solutions. In association with local entities such as libraries and community agencies, this work led to the launch of Legal Help Access Points in underserved communities, offering trusted, local entryways to legal information and assistance.

Public legal education is also a priority identified by the Commission. The Law Talks and Lawyers in Libraries programs, for example, bring lawyers directly into libraries and community centers to answer questions and lead sessions on everyday legal issues. These conversations not only inform residents but also strengthen the public's trust in Louisiana's legal community.

At the same time, the Commission has made major strides in supporting self-represented litigants (SRLs). It has promoted uniform, user-friendly court forms across jurisdictions and partnered with courts to expand self-help resources. Coordination with the Supreme Court's Technology Commission and Lagniappe Law Lab has allowed automated tools and improved website content to help make courts more navigable for those who cannot afford an attorney.

#### Strengthening Legal Aid and Affordability

Sustainable funding for civil legal aid has been a long-standing challenge in Louisiana and an issue important to the Commission's precursors. Working in partnership with Louisiana Appleseed, the Louisiana Bar Foundation, and the ATJ Funding Committee, a state appropriation for civil legal aid was successfully secured, ensuring more reliable support for programs serving low-income residents.

Recognizing that not all needs can be met through free legal aid, the Commission also launched the Modest Means Directory. This resource connects low- and moderate-income individuals with private attorneys offering affordable

representation, filling a crucial gap for those who earn too much to qualify for legal aid but too little to pay market rate for legal services.

To underscore the broader value of these investments, the Commission conducted an Economic Impact Study in 2016 funded by the Louisiana Bar Foundation (LBF) that quantified the return on investment of civil legal aid. By documenting how funding legal services benefits the economy-through reduced reliance on public benefits, preserved family stability and increased workforce participation, the study provided compelling evidence for policymakers and funders. The LBF continues to fund economic impact studies which show social return on investment of civil legal aid. The most recent 2023-24 study found for every \$1 invested in civil legal aid the citizens of Louisiana receive \$13.28 of immediate and long-term financial benefits.

#### **Building Partnerships and Community Engagement**

Collaboration has been at the heart of the Commission's approach. Through Access to Justice Conclaves, the Commission convened judges, lawyers, legal aid providers and community organizations to share strategies, identify common challenges and strengthen relationships. The results of these gatherings have built the foundation for long-term partnerships with organizations such as United Way of Louisiana and LA211 that link additional resources and continue to serve Louisiana residents.

The Commission has played a critical role in addressing the legal needs of individuals reentering society after incarceration. Convening entities essential to overcoming barriers such as outstanding debt, child support obligations and identification issues, the Commission helped create pathways for successful reintegration—a critical factor in reducing recidivism and strengthening communities.

#### Improving Legal Processes and Systems

The Commission has helped make the

legal system itself more accessible and equitable, especially in regards to In Forma Pauperis (IFP), which has been a decadeslong challenge to the civil legal aid community. Commission members participated in the Louisiana State Law Institute to ensure members were aware of, and would address, inefficiencies and inconsistencies in the process for waiving court fees for low-income litigants and address misapplication of those IFP laws. Most recently, the Commission has worked with Louisiana Appleseed, judges and legal aid attorneys to develop educational information to ensure these changes have helped, and will help, courts better serve those without the means to pay filing costs, ensuring that financial hardship is not the sole bar to access to justice.

Finally, language access has also been a major focus. The Commission helped and supported the Supreme Court's development of Louisiana's first Language Access Plan for Courts, ensuring that non-English speakers have access to qualified interpreters and can meaningfully participate in judicial proceedings.

#### Broader Impact and Looking Ahead

These are only a few of the accomplishments by the Commission. Over the past decade, the Commission's accomplishments have reached far beyond individual projects. These would not have been possible without the support, cooperation and engagement of many entities and organizations. Collectively, these accomplishments have strengthened Louisiana's legal profession, expanded access to justice and reinforced lawyers' ethical responsibility to serve. Initiatives like Lawyers in Libraries have provided direct opportunities for pro bono engagement, while systemic reforms—such as improvements to language access and in forma pauperis procedures—demonstrate the profession's ongoing commitment to fairness. For the public, these efforts have expanded access to resources once out of reach and built greater confidence in the justice system. For the profession, they have underscored the importance of service and collaboration in advancing justice statewide.

Looking ahead, the Commission remains focused on innovation, collaboration and sustainability. Future priorities include expanding technology-driven solutions for legal information and assistance, strengthening outreach to rural and underserved communities and ensuring long-term funding for civil legal aid. Central to this vision is continued engagement of Louisiana lawyers and judges. Every member of the LSBA can make our system of justice better —through pro bono service, modest means representation, or support for systemic reform. The Commission will continue to provide meaningful opportunities for involvement and leadership across the profession.

Chief Justice John L. Weimer became the 26th Chief Justice of the Louisiana Supreme Court in January 2021. He began his service on the Supreme Court in 2001 when he was elected to serve as an Associate Justice for District 6. In 2002 and again in 2012, he was reelected to a 10-year term



without opposition. He received his undergraduate degree from Nicholls State University and his JD degree from Louisiana State University Paul M. Hebert Law Center. (jweimer@lasc.org, Thibodaux)

Alainna R. Mire served as the 2020-21 Louisiana State Bar Association president. She is a member of the Louisiana Access to Justice Commission and of the Justice For All Steering Committee. She is the chief resilience officer and an assistant attorney for the City of Alexandria and a former human re-



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Monte Mollere earned a B.A. in accounting from Louisiana State University and a JD from Loyola University College of Law. He retired in 2025 as director of the Louisiana State Bar Association's Access to Justice Department after many years of service, helping expand legal resources statewide and establish the



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# When Witnesses Can't Take the Stand:



or litigators, going into court and speaking to judges and juries is part of the job. But for some people, testifying in a courtroom can present an insurmountable obstacle. Mental health conditions such as agoraphobia or post-traumatic stress disorder (PTSD) can make testifying in person nearly impossible and potentially detrimental. When your client or witness has such a condition, what are your options to accommodate their unique needs while keeping the case moving forward?

This article explains how the Americans with Disabilities Act<sup>1</sup> (ADA) and Louisiana District Court Rule 5.1 work together to ensure accessibility and non-discrimination in Louisiana courts for individuals with disabilities, particularly those with mental health disorders. It then evaluates Louisiana Code of Civil Procedure article 1450 as another pathway to seek accommodations through use of a deposition in lieu of live testimony and discusses the evidence required to support such a request.

### Americans with Disabilities Act and Louisiana District Court Rule 5.1

The ADA prohibits discrimination against individuals with disabilities in employment, public services and public accommodations. In the context of court proceedings, this means courts must take steps to ensure that individuals with qualifying mental health disabilities can effectively participate in their own case or in providing testimony.

Under the ADA, a mental illness qualifies as a disability if: (1) it substantially limits a major life activity; (2) the individual has a record or history of such a limitation; or (3) the individual is regarded as having such an impairment. Most accommodation cases involve the first category, where the impairment substantially limits a major life activity. Without sufficient evidence of a substantial limitation (or a record or perception thereof), a court may find that a condition is not a qualifying disability under

the ADA and that no accommodation is necessary. In Mazzini v. Strathman, for example, the Louisiana 4th Circuit found that a woman who testified she had severe allergies and depression, but did not introduce any medical evidence or evidence of a substantial limitation in a major life activity, did not carry her burden to show that her conditions qualified as disabilities under the ADA.<sup>2</sup> The court explained that "depression is not per se a disability, and in order for depression to constitute a disability under the ADA, it must substantially limit a major life activity."3 When requesting accommodations under the ADA, include evidence that the witness both has a disability and that it substantially limits a major life activity.

Louisiana District Court Rule 5.1 governs access to judicial proceedings. Subpart (a) requires that "[t]he facilities, services, and programs of the court shall be readily accessible to persons with disabilities." The ADA works together with Rule 5.1 to ensure accessibility and non-discrimination for individuals with disabilities in Louisiana court facilities, services and programs. Additionally, Rule 5.1(b) provides that courts having fifty or more employees shall develop, promulgate and maintain a problemresolution process and designate a responsible court officer or employee to coordinate access to court programs and services by persons with disabilities and to resolve complaints regarding such ac-

Appendix 5.1A to Rule 5.1 provides an ADA Form to request accommodations. The form requires the applicant to provide:

- ► A description of the specific accommodation requested;
- ► The impairment necessitating the accommodation;
- ► Any special requests or anticipated problems; and
- ► Whether the applicant requests their identity be kept confidential.

The court can grant and arrange the accommodation, offer an alternative form of accommodation, or deny the accommodation. A court may deny the accommodation if:

► The applicant does not have a cov-

ered disability;

- ► The accommodation creates an undue burden on the court; or
- ► The accommodation would fundamentally alter the nature of the service, program, or activity.

These denial grounds align with the limitations on public entities' accommodation duties under the ADA.<sup>4</sup>

Applicants can ask for any accommodation under the ADA and on the Rule 5.1 request form, and there is a range of accommodations a court may allow. In Bergmann v. Nguyen, for example, the Louisiana 4th Circuit discussed a trial court's accommodations for a plaintiff who sought accommodations under the ADA without any evidence of his disability other than his claim that he was disabled.5 Nonetheless, the trial court allowed the plaintiff to choose where to sit to testify, allowed him to move several times so that he could see the defendant better as she testified, suspended and continued the trial to a later date to allow the plaintiff to organize and better prepare, and assured the pro se plaintiff that the court would read the transcripts of prior proceedings because he did not know how to impeach a witness.<sup>6</sup> The appellate court found that, despite the litigant's failure to prove a disability entitling him to the ADA's protections, the trial court accommodated "reasonable requests for assistance," and did not err by declining to provide other, unspecified requested accommodations.7

A lawyer could use the Rule 5.1 request form to help a client who has difficulty testifying in person by asking for an accommodation that addresses the client's unique limitations, such as testifying in an empty courtroom or (as is sometimes done with minors) in the judge's chambers. If the client is more comfortable with a remote hearing, testifying via videoconferencing could be an option. Since COVID-19 began, many courts and lawyers have become more comfortable using technology in the courtroom to facilitate proceedings; however, use of technology in the courtroom varies by the courtroom and judge, and some district courts have established rules governing its use.

#### Perpetuation Deposition in Lieu of Testimony Under La. C.C.P. art. 1450(A)(3)

Louisiana law vests courts with authority to order the perpetuation deposition of testimony for a sick witness, and La. C.C.P. article 1450 allows the use of a deposition where the witness is unavailable for trial, or where exceptional circumstances make it desirable, in the interest of justice and with due regard to the importance of presenting testimony orally in open court, to allow a deposition to be used.8 This may provide another option for clients who are unable to testify live due to a mental health condition by allowing use of a deposition in lieu of live testimony. Although there is no caselaw specifically addressing whether a mental health condition could justify using a deposition in lieu of live testimony, Louisiana courts have permitted use of a deposition where a witness is unavailable due to illness.

A witness is "unavailable" for purposes of Article 1450(A)(3) if they meet the definition of that term found in Louisiana Code of Evidence article 804(A).9 Article 804(A) provides that a declarant is "unavailable as a witness" when they "cannot or will not appear in court and testify," including when they are "unable to be present or to testify at the hearing because of death or then existing physical or mental illness, infirmity, or other sufficient cause." A determination of unavailability is within the trial court's discretion, and courts have emphasized that the party seeking to use the deposition must provide sufficient evidence of unavailability. For example, in Sullivan v. City of Baton Rouge, the court required proof of a witness's health condition to establish unavailability and rejected the use of a deposition when the only evidence presented was the witness's statement that he was no longer available for trial testimony on the advice of his cardiologist. 10

Louisiana courts have found that a witness is unavailable in varying circumstances, including where testifying would harm a minor abuse victim by undoing the progress made with therapy,<sup>11</sup>



where a witness had dementia, 12 where a witness had prostate cancer<sup>13</sup> and where a witness had difficulty walking and was unable to travel to the courthouse to testify.14 While Louisiana appellate courts have not directly addressed whether a mental health condition could render a witness unavailable for purposes of Article 1450(A)(3), other jurisdictions have done so. For example, the 11th Circuit found a witness unavailable where a doctor testified that they could not function in a stressful situation due to a medical condition, 15 and a California appeals court found that a witness who had a panic disorder and agoraphobia, causing sudden onsets of shortness of breath, chest pain, dizziness and extreme fear, was unavailable to testify at trial.16 Similarly, the Middle District of Pennsylvania found that a plaintiff was unavailable based on a treating physician's testimony that they would "not be able to [withstand] court proceeding[s] due to mental instability and difficulties [coping] with stress."17 And, a California District Court quashed a trial subpoena for a third party witness whose anxiety "in connection with the underlying litigation was so severe that he had to guit his job and seek medical attention" and whose doctor had advised against testifying "for the foreseeable future."18

Any attorney asking the court to find a witness unavailable to permit the use of a deposition in place of live testimony should provide evidence of both the client's mental health condition and its impact on their ability to testify, such as a statement from their doctor or medical records. Statements made by an attorney alone to establish unavailability may not be enough. Jurisprudence is mixed in how much weight courts give to attorney representations regarding unavailability.19 Some courts have held that a lawyer's representations based on personal knowledge regarding their efforts to locate a witness are sufficient to establish unavailability under article 1450.20 In contrast, the Louisiana 1st Circuit found that a lawyer's representations regarding their client's claim that a doctor advised them not to attend trial was insufficient.21

Additionally, a deposition being used pursuant to Article 1450(A)(3) must be "admissible under the Louisiana Code of Evidence applied as though the witness were then present and testifying," and the opposing party must have been "present or represented at the taking of the deposition...or had reasonable notice thereof." The opposing party must also have had the opportunity to crossexamine the declarant.<sup>22</sup> Advance planning, transparency, and notice to the opposing party are crucial to ensure that these threshold requirements are met and to minimize any later objection by the opposing party based on a lack of opportunity to cross-examine the declarant.

Finally, where an accommodation is denied by a state trial court, the party that is thereby deprived of testimony could seek supervisory writs of review from the Court of Appeal. Of course, interlocutory review is discretionary,<sup>23</sup> and most writ applications are denied. Nonetheless, where a witness' testimony is crucial and the lack of accommodation could preclude them from testifying (or testifying effectively), seeking writs should be considered.

#### Conclusion

Obtaining accommodations for a client who is unable to testify in person seems daunting, but Rule 5.1 and Article 1450 may provide a starting point. While Louisiana courts are generally receptive to accommodating physical disabilities, little authority guides a decision to accommodate mental health considerations by deviating from standard courtroom procedures in civil cases. No litigant should lose a case, or be deprived of witness testimony, because they or one of their witnesses has a mental health condition that precludes them from testifying in the usual fashion. Attorneys should be prepared to seek accommodations where necessary, and to support accommodation requests with evidence to ensure everyone can participate in the judicial process.

#### **Footnotes**

- 1. 42 U.S.C § 12101 i
- 2. 2013-0555, pp. 8-9 (La. App. 4 Cir. 4/16/14), 140 So. 3d 253, 258-59.
  - 3. Id.
  - 4. See 28 C.F.R. 35.150(a).
- 5. Bergmann v. Nguyen, 2024-0093, pp. 4-5 (La. App. 4 Cir. 12/30/24), 407 So. 3d 762, 765-66
  - 6. Ia
  - 7. Id.
- 8. La. C.C.P. art. 1431; La. C.C.P. art. 1450(A) (3).
  - 9. See La. C.C.P. 1450 cmt. B.
- 10. Sullivan v. City of Baton Rouge, 2014-0964 (La. App. 1 Cir. 1/27/15), 170 So. 3d 186.
- 11. See Folse v. Folse, 98-1976, pp. 6-7, 15-16 (La. 6/29/99), 738 So. 2d 1040, 1044, 1048-49.
- 12. See 1026 Conti Condominiums, LLC v. 1025 Bienville, LLC, 2015-0301, p. 8 (La. App. 4

- Cir. 12/23/15), 183 So. 3d 724, 729 n. 3.
- 13. See Hillyard v. Cornelius, 2020-0428, p. 10 (La. App. 1 Cir. 3/25/21), 2021 WL 1135494, at \*4-5 (unpublished).
- 14. Quealy v. Paine, Webber, Jackson & Curtis, Inc., 464 So. 2d 930 (La. App. 4 Cir. 1985), writ granted, 467 So. 2d 528 (La. 1985), and aff'd in relevant part, rev'd in part, 475 So. 2d 756, 762 n.7 (La. 1985).
- 15. See Parrott v. Wilson, 707 F.2d 1262, 1268-69 (11th Cir. 1983).
- 16. See People v. Mays, 95 Cal. Rptr. 3d 219, 231, 233-34 (Cal. Ct. App. 2009), as modified on denial of reh'g (June 3, 2009).
- 17. Sheetz v. Wal-Mart Stores, Inc., No. 4:15-CV-02210, 2018 WL 8344383, at \*1 (M.D. Pa. Mar. 28, 2018) (unreported).
- 18. Forouzan v. BMW of N. Am., LLC, No. CV173875DMGGJSX, 2018 WL 6431004, at \*1 (C.D. Cal. Aug. 27, 2018) (unreported).
- 19. Bourgeois v. A.P. Green Indus., Inc., 06-0087, p. 21 (La. App. 5 Cir. 7/28/06), 939 So. 2d 478, 494; Rodriguez-Zaldivar v. Leggett, 2021-0478, p. 7 (La. App. 4 Cir. 9/28/22), 366 So. 3d 515, 521, writ granted, judgment vacated and set aside on other grounds, 2022-01688 (La. 2/7/23), 354 So. 3d 658
- 20. See, e.g., Ball v. Capital City Cornichon Corp., 11-1862 (La. App. 1 Cir. 5/2/12), 2012 WL 1550545 (unpublished opinion) (allowing the statement of an attorney that a witness was unavailable to suffice for introduction of testimony); Dunning v. Dapco Ventures, L.L.C., 01-2366 (La. App. 1 Cir. 11/8/02), 834 So. 2d 448 (allowing the use of deposition testimony of a witness when an attorney stated that he was unable to subpoena the witness to testify at trial); Snell v. United Parcel Services, Inc., 543 So. 2d 52 (La. App. 1 Cir. 1989).
- 21. Sullivan v. City of Baton Rouge, 2014-0964, pp. 8-9 (La. App. 1 Cir. 1/27/15), 170 So. 3d 186, 194.
- 22. See Graves v. Freeman, 2015-0041 (La. App. 1 Cir. 9/21/15); 2015 WL 5546969, at \*2 (unpublished) (citing *Trascher v. Territo*, 11-2093 (La. 5/8/12); 89 So.3d 357, 364).

23. Cf. *In re McDonough*, 930 N.E.2d 1279, 1288 (Mass. App. 2010), in which Massachusetts' highest court mandated interlocutory review of orders denying accommodation of a witness' disability in criminal cases, on the grounds that such orders implicate substantive rights of the witness under the ADA and state constitutional protections for disabled persons. The *McDonough* court suggested such procedures may apply in civil cases as well. *Id*. at 1287, n. 19.

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# Addressing Mental Illness in the Criminal Justice System:

Lessons from the Ninth Judicial District Behavioral Health Court

By Hon. Patricia E. Koch and Rebecca M. Collins

the Behavioral Health Court is called to order in Alexandria, Louisiana, it doesn't look like what you might expect. Judge Patricia Koch does not wear her black robe, nor does she sit behind the bench. Instead, she stands in front of the gallery, face to face with defendants as their cases are called. In the room, a variety of mental health service providers are present, all prepared to step in and ensure that each defendant's needs are met. This court is personal and centered on the individual defendant, meeting them where they are.

Since 2014, the 9th Judicial District has operated a Behavioral Health Court (BHC), transforming how individuals with mental illnesses interact with the criminal justice system in Rapides Parish. With a focus on improving public safety and reducing recidivism among criminal defendants with serious mental health conditions, the BHC emphasizes linking defendants to community treatment and support services. Instead of using a one-size-fits-all approach, the court carefully considers both the defendant's mental health needs and the severity of the offense to determine an individualized and suitable disposition for each person.

The need for such a type of court is clear. Each year, 1 in 5 U.S. adults experiences a mental illness<sup>1</sup>, a statistic reflected in Louisiana, where more than 715,000 adults are living with a mental health condition.2 Nationally, about 44% of individuals in jails and 37% of the incarcerated in prisons have a mental illness.3 Many more go undiagnosed or lack treatment, who make up a substantial portion of the justice-involved population.4 In Louisiana, local jails have a significant number of individuals who have been diagnosed with mental health conditions, and people assumed incompetent to stand trial are often held in parish jails waiting extended periods for forensic evaluation or placement in state hospital facilities.<sup>5</sup> This underscores the urgent need for courts and communities to respond with treatment-focused solutions rather than incarceration. BHC's are one type of



specialty court designed to address this gap. Specialty courts generally exist to offer highly effective alternatives to incarceration for individuals involved in the criminal justice system who suffer from underlying health or social needs, such as addiction and substance use disorders.<sup>6</sup> There are a number of specialty courts across the state that exist to address these needs, including drug courts, recovery courts, reentry courts and veterans' courts, among others. According to the latest data from the Louisiana Supreme Court, there are a total of 71 specialty courts currently operating in Louisiana, yet only three of these are specifically designated as BHCs.<sup>7</sup>

In response to growing concerns about the overrepresentation of individuals with mental illness in jails, the 9th Judicial District developed a coordinated approach involving attorneys, prosecutors, law enforcement, the jail, mental health and substance abuse providers and a behavioral health outreach team to tackle the problem.

The success of the BHC in the 9th Judicial District has relied heavily on strong judicial leadership from its founding judge, the Honorable Patricia Koch. She saw people with mental health needs appearing in criminal court, where their issues wouldn't be addressed. Often, these individuals wouldn't qualify for a sanity commission, so there is no formal method within the court system to address their mental health needs. Judge Koch had previously listened to Judge Steven Leifman, a nationally recognized expert in criminal justice and

mental health, who established the 11th Judicial Circuit Criminal Mental Health Project in Miami-Dade County, FL, which aims to divert people with serious mental illnesses from the criminal justice system into treatment.<sup>8</sup> Inspired by Judge Leifman's actions and recognizing the need for intervention in her own community, Judge Koch decided to implement a BHC.

The first step was to call a meeting of stakeholders. When judges call a meeting, people tend to show up. Judge Koch utilized this power of convening to bring together community stakeholders to learn about existing resources and services. It was essential to hear from service providers to identify available community resources so that Judge Koch and her court could guide people to them. The court's goal was not to create new services but to connect individuals with providers already in the community, such as Beacon Behavioral Hospital, Compass, Ocean's IOP, and the Department of Veterans Affairs, among others, who ensure that participants have access to treatment and support. The leadership of the District Attorney's Office has also been essential to the success of the BHC. Prosecutors recognized the overlap between criminal justice involvement and mental health issues and were eager to develop solutions that help people get the support they need. Included with this article (on page 242) is a high-level tip sheet to help direct those interested in starting their own behavioral health court.

Following collaboration among

these partner agencies, the BHC was established and began accepting its first participants in October 2014. The pilot program started with five defendants but has grown to 86 participants today.

The success of the BHC is due to all its partners, who have long recognized this issue. Recognizing the need for an intercept between people suffering from mental illness and the courts, Judge Koch researched how to address the issue of individuals with mental health needs becoming involved in the criminal justice system. She relied on quality training, extensive online resources, technical assistance and models that could be duplicated during the BHC formation and leads by example, bringing together organizations that can offer services to those in her court.

Defendants must be referred to the BHC to become participants in the program. Referrals to the BHC may come from various sources, including district attorneys and ADAs, wardens, service providers or area hospitals, probation and parole officers, law enforcement officers, family members, attorneys and judges. After the referral, defendants are carefully screened by staff using evidence-based Texas Christian University screening tools. To qualify, individuals must have a diagnosed serious mental illness or co-occurring disorder, with their criminal behavior directly linked to this condition. Participants should likely benefit from treatment and understand why they are interacting with law enforcement. They are then referred to a provider for an assessment and evaluated by the Treatment Team. If they meet the criteria of having a serious mental illness, then the defendant is eligible and enters the BHC program. The Treatment Team is the one who ultimately makes recommendations to the court.

The BHC has a dedicated staff that works tirelessly to connect defendants with resources and support their success. Two case managers monitor participants, ensuring compliance with the Court, mental health providers and probation and parole. They may also assign tasks, such as attending Alcoholics Anonymous (AA) or Narcotics



Anonymous (NA) meetings and following up with providers. Additionally, they work to locate participants who miss scheduled hearings and gather information necessary to determine eligibility for referrals.

Peer support specialists play a crucial role in the BHC, providing assistance and encouragement to their peers while serving as role models. They help with various wraparound services, such as applying for local resources like cell phones, the Homeless Coalition, Volunteers of America, SNAP, Medicaid, SSI/SSDI and DMV appointments. Additionally, they remind participants of upcoming appointments and hearings and empower them in helping to identify their strengths, supports, resources, and skills. The Community Liaison/Data Clerk's role complements the peer support role, working together to connect participants with community resources and maintain the electronic filing system for participants.

Accountability is a key component of the BHC. BHC participants must attend the program weekly during the initial stabilization phase, with the duration of this phase determined individually. In the following phase, they will switch to bi-weekly sessions and then attend less often. Participants are required to follow prescribed medications, attend appointments with their providers, and follow the recommendations of their BHC provider, such as attending NA/AA meetings or doing community service. If a

participant cannot attend the program or group sessions, they must provide a doctor's note. They must also report to Probation and Parole when asked, attend all scheduled court hearings, stay sober and submit to random drug tests. Participation in BHC is voluntary and based on a true desire for lifestyle change. As always, public safety remains a top priority.

Since its implementation in 2014, the BHC program has continued to grow and expand. In January 2021, it underwent two significant changes. First, the court began tracking orders for protective custody (OPC), and second, it expanded its client population. When an OPC is involved, which is used when a person needs immediate treatment to protect themselves or others from physical harm, a community support specialist helps complete the form, obtains the judge's signature and directs the individual to file it with the sheriff's office. The community support specialist collaborates closely with behavioral health hospitals and their case managers to inform individuals that they have an order for protective custody, obtaining their consent for follow-up care. The community support specialist acts as a wraparound facilitator for defendants with an OPC, ensuring they can connect with a mental health provider and get medications. The community support specialist also refers individuals with additional needs to the Peer Support Specialist for assistance with services such as obtaining

government IDs, phones, food stamps, SSI/SSDI and other support. From 2021 to the present, the BHC has handled a total of 2,043 OPCs.

In 2021, the BHC broadened its client base to include not just individuals with serious mental illness, but also other community members with moderate to severe mental illness and/or co-occurring disorders who may be at risk of involvement in the justice system or could benefit from court-supervised treatment. The program's population has continued to grow, underscoring a persistent need in the community.

As of Sept. 2025, the BHC is currently monitoring 86 participants in the program, including 23 individuals on probation and parole, and 63 pre-trial individuals. A total of 322 individuals were served in August 2025. The evaluation team has continued to document a high level of engagement from team members, including the judge, case management, treatment providers and probation officers. The evaluation team has also tracked the number of hospitalization days by client, with the hypothesis that if the program was working as intended, then clients should experience a reduction in days spent hospitalized with the continued support and coordination provided by the staff. Tracking a client group of 63 participants and comparing the total number of hospitalization days from 2021 to 2024, the Team found that overall, there was an 85% decrease in days spent hospitalized.9 This reduction in hospitalization days at an estimated \$2,371 per day yields cost savings of \$9,301,433 to the local community.10

Consequently, the 9th Judicial District's BHC exemplifies what can happen when judges, prosecutors, service providers and community partners collaborate to address the root causes of involvement in the criminal justice system. What began in 2014 with just five participants has evolved into a program that now serves dozens of people at a time, reducing jail time and decreasing hospitalizations, all while maintaining a focus on public safety. The BHC offers a proven, compassionate, and cost-effective path forward. Its

success is a testament to the power of judicial and prosecutorial leadership, community collaboration, and a belief that treatment, not incarceration, is the most effective response. The success of the BHC relies on the participation of multiple stakeholders, all working toward the common mission of improving public safety and lowering recidivism among criminal defendants with serious mental health issues. The lessons from Alexandria show that specialty courts are not just an alternative, but an essential innovation toward building a more just and healthier Louisiana.

#### **FOOTNOTES**

- 1. Substance Abuse and Mental Health Services Administration, Key Substance Use and Mental Health Indicators in the United States: Results from the 2021 National Survey on Drug Use and Health, 39 (2022) https://www.samhsa.gov/data/sites/default/files/reports/rpt39443/2021NSDUHFFRRev010323.pdf.
- 2. National Alliance on Mental Illness Louisiana, Mental Health in Louisiana (2023) https://www.nami.org/wp-content/up-loads/2023/07/LouisianaStateFactSheet.pdf.
- 3. National Alliance on Mental Illness, Problem-Solving Courts/Specialty Courts https://www.nami.org/advocacy/policy-priorities/sup-porting-community-inclusion-and-non-discrimination/problem-solving-courts-specialty-courts/ (last visited Sept. 26, 2025).
- 4. Prison Policy Initiative, Chronic Punishment: The Unmet Health Needs Of People In State Prisons (2022) https://www.prisonpolicy.org/reports/chronicpunishment.html#mentalhealth.
- 5. The Advocate, Inside The Mental Health Treatment Backlog That's Clogging Louisiana Courts And Jails (2024) https://www.theadvocate.com/baton\_rouge/backlog-of-mental-health-patients-in-louisiana-clogs-courts/article\_a208416e-b186-11ee-aa25-bbd22b3eb2a5.html.
- 6. Louisiana Supreme Court, Drug and Specialty Courts, https://www.lasc.org/Drug\_Courts (Last visited Sept. 26, 2025).
- 7. Louisiana Supreme Court, Drug Court and Specialty Court Programs Map SCDCO 2022Map (2022) https://www.lasc.org/court\_managed\_prog/SCDCO\_MAP.pdf.
- 8. The Miami Foundation, Judge Steve Leifman, J.D.https://miamifoundation.org/profiles/judge-steve-leifman-j-d/ (Last visited Sept. 26, 2025).
- 9. Jada N. Hector & David N. Khey, 9th Judicial District Court of Louisiana Behavioral Health Court, Performance Report for Calendar Year 2024 (2025). "An examination of clients supported by this aspect of the court's program who experienced at least one acute crisis event in 2021 and at least another in years 2022-2024 is an early indicator of success of improvement in these com-

munity members' lives. Sixty-three clients experienced at least one crisis event in 2021 and at least another in 2022, 2023, or 2024. These 63 clients have a total of 4,602 hospitalization days in 2021, 3,945 hospitalization days in 2022, and 2,218 hospitalization days in 2023, and 679 hospitalization days in 2024, amounting to a 16% reduction in days spent hospitalized from 2021 to 2022, a 50% reduction in days spent hospitalized from 2021 to 2023, and an overall 85% decrease in days spent hospitalized from 2021 to current. These differences are statistically different and durable at the two-year mark (e.g., the decrease from 2021 to 2022 in hospitalization days did not yield statistically different results, yet the decrease from 2021 to 2023 and beyond produced a statistically significant decrease in hospitalization days (via ttest; p<0.01). The reduction of 3,923 in year-overyear hospitalization days at an estimated \$2,371 per day yields a cost savings of \$9,301,433 to the local community."

10. Id.

Hon. Patricia Evans Koch (Loyola Law 1991) is a judge of the 9th Judicial District Court, Division "E," in Rapides Parish, where she presides over civil matters, Adult Drug Court, and Behavioral Health Court. She earned a B.A. in history from the University of Louisiana at Monroe



(1985) and her J.D. from Loyola University New Orleans College of Law (1991). Elected to the bench in 2005, she previously served in the criminal and juvenile divisions and as a hearing officer for the district court, as well as an administrative law judge and mediator with the Office of Workers' Compensation.

Rebecca M. Collins (Elon 2021; Northeastern Law 2024) serves as access to justice training and projects counsel for the Louisiana State Bar Association, where she manages and directs projects that strengthen coordination across Louisiana's civil justice community. She staffs



the LSBA Children's Law and Criminal Justice Committees, coordinates five statewide public interest task forces, and plans continuing legal education programming for legal services providers and public interest attorneys. She collaborates closely with legal aid organizations, pro bono partners, and the Access to Justice Committee. She joined the LSBA in 2024.

### Behavioral Health Court Tip Sheet<sup>1</sup>

This tip sheet provides a high-level overview of the big-picture steps necessary when implementing a Behavioral Health Court (BHC). It should be consulted in connection with, not as a replacement for, other court resources.

- **1. Research.** Research other courts, your community, and how you envision a BHC could operate. Identify stakeholders and begin holding pre-meetings to explore how the court will operate.
- **2. Convene Stakeholders.** Plan a meeting with stakeholders, a broad-based group representing criminal justice, mental health, substance abuse treatment, and related systems, as well as the community, to guide the planning and administration of the court.
- **3. Target Population Discussion.** This one can be a sticky problem requiring eligibility criteria that address public safety and consider a community's treatment capacity, in addition to the availability of alternatives to pretrial detention for defendants with mental illnesses. Eligibility criteria should also consider the relationship between mental illness and a defendant's offenses. Allow for the individual circumstances of each case to be considered, for example, family disturbance versus public safety concerns.
- **4. Develop Point of Entry and Process.** Timeliness of the event and intervention with the participants is critical to success for identification and linkage to services. Participants are identified, referred and accepted into BHCs, and then linked to community-based service providers as quickly as possible.
- **5. Define the Participant's Terms of Involvement.** To ensure engagement, participants need clear terms of involvement that promote public safety, facilitate the defendant's involvement in treatment, are individualized to correspond to the level of risk that the defendant presents to the community and provide for positive legal outcomes for those individuals who complete the program.
- **6. Identify and Engage Treatment Supports and Services.** BHCs connect participants to comprehensive and individualized treatment support and services in the community. Strive to use—and increase the availability of— treatment and services that are evidence-based. When engaging providers, ensure that the confidentiality of both health and legal information is shared in a way that protects the confidentiality rights of potential participants as mental health consumers and their constitutional rights as defendants. Information gathered as part of the participants' court-ordered treatment program or services should be safeguarded if participants are returned to traditional court processing.
- **7. Develop a Court Team.** The court will need a team of justice and mental health staff, with the team to receive special, ongoing training which aids BHC participants to achieve treatment and criminal justice goals by regularly reviewing and revising the court process.
- **8. Explain Options to Participants.** Defendants have choices in choosing providers and should fully understand the program requirements before agreeing to participate. They are provided with legal counsel to inform this decision and subsequent decisions about program involvement.
- **9. Monitoring is Critical.** Not only of the participants but also the program as a whole. Engage a program evaluator, and develop methods to aid clients in adherence of court requirements. Criminal justice and mental health staff collaborate to monitor participants' adherence to court conditions, offer individualized graduated incentives and sanctions and modify treatment as necessary to promote public safety and participants' recovery.
- 10. Sustainability Needs Work. Collect data and spend time analyzing to demonstrate the impact of the BHC; its performance is assessed periodically (and procedures are modified accordingly), court processes are institutionalized and support for the court in the community is cultivated and expanded.

<sup>1.</sup> Adapted from the Bureau of Justice Assistance, Improving Responses to People with Mental Illness: The Essential Elements of a Mental Health Court (2007) https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/MHC\_Essential\_Elements.pdf.



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#### DUES, LEGAL SPECIALIZATION, PRO BONO CEREMONY

#### Reminder: MCLE Compliance Deadline is Dec. 31, 2025

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

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

Louisiana State Bar Association members may review their transcripts online at the weblink below. 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/.

#### Attorneys Apply for Recertification as Legal Specialists

Pursuant to the rules and regulations of the Louisiana Board of Legal Specialization, notice is hereby given that the following attorneys have applied for recertification as legal specialists for the period January 1, 2026 to December 31, 2030. Any person wishing to comment upon the qualifications of any applicant should submit his or her comments to the Louisiana Board of Legal Specialization, 601 St. Charles Ave., New Orleans, LA 70130 or maryann.wegmann@lsba.org, no later than Friday, December 19, 2025.

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

#### **Appellate Practice**

Kelly Brechtel Becker..... New Orleans

#### **Consumer Bankruptcy Law**

Robin Ronquillo De Leo..... Mandeville

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

Alison Cain Bondurant	Covington
James Kody Cannon	Lake Charles
Kevin Courtney Curry	.Baton Rouge
David Gregory Koch	.Baton Rouge
Erin Elizabeth Kriksciun	.New Orleans
Carl Joseph Servat III	Metairie

James Graves Theus, Jr	Alexandria
Beth-Anne Perez Watson	Metairie

#### Family Law

Layne M. Adams	Downsville
Mandi Borne Bucher	New Iberia
Louis J. Cosenza	Gonzales
Amanda Casey Desselles	Albany
Shelley Ann Goff	Ruston
Mark Joseph Mansfield	Covington
Frank P. Tranchina, Jr	Covington
Kristyl R. Treadaway	Metairie
Angela Cox Williams	Slidell
Jeffrey S. Wittenbrink	Baton Rouge

#### Tax Law

Stanley B. Blackstone	Lafayette
Dorrell J. Brister	Alexandria
Daniel Hamilton Bruni	Metairie
Jacob S. Capraro	Baton Rouge
Kevin Courtney Curry	Baton Rouge
Michele Moore Echols	Mandeville
Jeffrey W. Koonce	Baton Rouge
Caroline Devereaux Lafourca	adeNew
Orleans	
Orleans Brett Salvador Lala	Covington
	_
Brett Salvador Lala	Belle Chasse
Brett Salvador Lala Francis J. Lobrano	Belle Chasse New Orleans
Brett Salvador Lala Francis J. Lobrano Ashley Kelton Longwell	Belle Chasse New Orleans New Orleans
Brett Salvador Lala	Belle Chasse New Orleans New Orleans Lafayette

# LSBA Honors Deceased Members of the Bench and Bar

The Louisiana State Bar Association (LSBA) conducted its annual Memorial Exercises before the Louisiana Supreme Court on Oct. 6, 2025, honoring members of the Bench and Bar who died in the past year.

LSBA 2025–26 President Edward J. Walters, Jr. of Baton Rouge opened the memorial exercises, requesting that the court dedicate this day to the honor and memory of those members of the Bench and Bar who have passed away during the last 12 months.

LSBA 2026–27 President-Elect Curtis R. Joseph, Jr. of Shreveport read the names of all deceased members being recognized.

Past President H. Minor Pipes III of New Orleans gave the General Eulogy and following was a Special Eulogy for Retired Justice Harry T. Lemmon given by Timothy F. Averill, former Judicial Administrator of the Louisiana Supreme Court, of Mandeville.

Louisiana Supreme Court Chief Justice John L. Weimer of Thibodaux gave the closing remarks.

Following the exercises, the Supreme Court was adjourned in memory of the deceased members of the Bench and Bar.

# Attorneys Apply for Certification as Legal Specialists

Pursuant to the Rules Regulations of the Louisiana Board of Legal Specialization, notice is hereby given that the following attorneys have applied for certification as a legal specialist. Any person wishing to comment upon the qualifications of any applicant should submit his/her comments to the Louisiana Board of Legal Specialization, 601 St. Charles Ave., New Orleans, LA 70130, Mary Ann Wegmann, Specialization Director, no later than December 19, 2025.

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

#### **Appellate Practice**

Kathryn Zainey Gonski	New Orleans
Bradley Christopher Guin	Baton Rouge
Jane Catherine Hogan	Hammond
Kevin William Welsh	Baton Rouge

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

Jacob Carter White.....Shreveport

#### **Family Law**

Lindsey S. Olsen ...... Mandeville

#### **Health Law**

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David Dean Haynes, Jr	New Orleans
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Berryl Thompson II - Broussard	dLafavette

#### Tax Law

Lucius	La	mpton	Morris	11	Baton	Kouge
Phyllis	D.	Sims			Baton	Rouge

### LBLS Will Accept Applications for Board Certification Beginning Nov. 1

The LBLS is accepting applications for board certification in seven (7) areas — appellate practice, employment law, estate planning and administration, family law, health law, labor law, and tax law from Nov. 1, 2025 through Feb. 28, 2026. The LBLS is accepting applications for business bankruptcy law and consumer bankruptcy law certification from Jan. 1, 2026 through Sept. 30, 2026.

In accordance with the Plan of Legal Specialization, a Louisiana State Bar Association member in good standing who has been engaged in the practice of law on a full-time basis for a minimum of five (5) years may apply for certification. Further requirements are that each year a minimum percentage of the attorney's practice must be devoted to the area of certification sought, passing a written examination to demonstrate sufficient knowledge, skills and proficiency in the area for which certification is sought and five (5) favorable references. Peer review shall be used to determine that an applicant has achieved recognition as having a level of competence indicating proficient performance handling the usual matters in the specialty field. Please refer to the LBLS standards for the applicable specialty for a more detailed description of the requirements for application. View the Plan of Legal Specialization online at www.lsba. org/Specialization.

In addition to the above, applicants must meet a minimum CLE requirement for the year in which application is made and the examination is administered: Appellate Practice – 15 hours of appellate practice

Employment Law – 15 hours of employment law

Estate Planning and Administration — 18 hours of estate planning and administration

Family Law — 15 hours of family law Health Law – 15 hours of health law Labor Law – 15 hours of labor law Tax Law — 18 hours of tax law

Bankruptcy Law — CLE is regulated by the American Board of Certification, the testing agency.

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

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

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



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## THE DISCIPLINE SYSTEM IN LOUISIANA: HOW DOES IT WORK?

very lawyer in our State is familiar with the Louisiana Office of Disciplinary Counsel (ODC). I have heard all the jokes and I know how much people hate to receive any correspondence from the ODC, whether good or bad. However, very few attorneys actually understand the process of how a complaint goes from our office and matriculates through the Hearing Committee, Disciplinary Board and Supreme Court system. That ends with this article...

#### An Intake is Received

All matters originate in our office through a written allegation of a violation of the Louisiana Rules of Professional Conduct (RPC). At this point, it is called an "intake" which is then screened by our designated Screening Counsel who makes the determination as to whether that intake will be investigated and assigned a complaint number or if that matter will be closed in screening. If it is assigned a complaint number, it will be assigned to a Deputy Disciplinary Counsel for investigation. That Deputy Disciplinary Counsel then has the duty to determine whether that matter, after investigation, should be closed, put through a diversion, offered a consent whereby the Respondent Attorney and the ODC agree to an appropriate sanction as a resolution, or proceed to formal charges. There is no set standard to anyone of those possibilities. It solely rests with the decision of the Deputy Disciplinary Counsel as affirmed by the Chief Disciplinary Counsel (CDC). Our focus today is what occurs in a situation where the Deputy Disciplinary Counsel

and the Chief Disciplinary Counsel, following approval by the Hearing Committee Chair, file formal charges against a Respondent Attorney.

#### **Formal Charges are Tried**

Once formal charges are filed, the process going forward is no different than what occurs in most civil and criminal proceedings. It is more akin to an administrative proceeding but has all of the characteristics of a typical criminal or civil proceeding. The matter is assigned to a Hearing Committee made up of two lawyers and one non-lawyer. One of those lawyers being the Committee Chair. That Committee Chair sits as the hearing officer and will oversee all of the particulars of the proceeding. This includes the setting of a prehearing conference wherein prehearing deadlines will be set, the disposition of any pretrial motions, the handling of the hearing itself (including objections to any testimony or evidence), and the general decorum of the proceeding to ensure that it meets with standards established by the Louisiana Supreme Court.

The job of the Office of Disciplinary Counsel and the Respondent at that initial hearing is to simply put forth to the Hearing Committee all the facts and evidence that support their position of the recommended result or appropriate sanction for the Respondent Attorney. The Hearing Committee will then take the matter(s) under advisement and will issue findings of fact and its recommendation as to the appropriate sanction based upon the testimony, evidence, and the case law. If neither party has an issue with the decision of the Hearing

Committee, the recommendation (and entire record) would be sent to the Louisiana Supreme Court (LASC) as the LASC has plenary authority as to attorney discipline and thus makes the final determination as to the facts and a sanction, if any, to be imposed upon an attorney.

#### **Appeal Procedure?**

As in most other litigation proceedings, either the Office of Disciplinary Counsel or the Respondent may appeal that Hearing Committee recommendation and that appeal goes to a panel on the adjudicative committee of the Louisiana Attorney Disciplinary Board (LADB), akin to our circuit court of appeals. This panel is also made up of two attorneys and one non-attorney. The Committee Chair of that Adjudicative Committee will act in the same manner as the previous Chair of the Hearing Committee. They will set appropriate pre-argument deadlines and will maintain decorum at the hearing. This hearing is just like it would be before any circuit court of appeal. It is simply an argument before the panel after submission of briefing regarding the Hearing Committee recommendation. Generally, there is no new evidence presented at this stage. After arguments, this three-member panel will also make a recommendation as to whether the Hearing Committee recommendation should be affirmed or modified in any way. Just as before, if there is no desire to appeal by the Disciplinary Counsel or the Respondent then the matter is submitted to the LASC for its determination on the appropriate sanction.

If there is a desire for review of the

LADB recommendation, the next level of appeal goes to the LASC. The Court will then initiate its procedures in setting deadlines for briefing and any dates for oral argument. The parties will then file the appropriate briefing and make its argument to the Court. The Court will then make its final determination after review of the recommendations from the Hearing Committee and the Disciplinary Board as to whether to adopt or modify the prior findings of fact and what the appropriate sanction, if any, will be for the Respondent Attorney.

#### Any Advice or Thoughts from the CDC?

Having litigated for almost twentyfour (24) years prior to coming to the Office of Disciplinary Counsel has given me a unique opportunity to be able to compare litigating in the general criminal and civil arena to litigating in the disciplinary arena. I must admit, I don't see very much difference at all. I do not see any less formality especially when appearing before the Louisiana Supreme Court on an argument. So, I am saying all that to say this...when you handle a disciplinary matter before a Hearing Committee, the Disciplinary Board, or the Louisiana Supreme Court, you should approach it as if you are approaching any trial or appeal in any of our other court systems in the State of Louisiana: with respect, decorum, professionalism, and ethics in the way you prepare, draft pleadings, make your arguments, and present yourself/your client before the tribunal.

Anderson O. Dotson III is the Chief Disciplinary Counsel for the Louisiana Attorney Disciplinary Board, bringing a distinguished blend of private-practice, governmental and academic experience to the role. A native of Monroe, Louisiana, he earned a B.S. in Chemistry from Louisiana



State University in 1996 and his J.D., magna cum laude, from Southern University Law Center in 2000. Before his appointment in 2024, Dotson spent nine years at Phelps Dunbar LLP and then served the City/Parish of Baton Rouge/East Baton Rouge in successive roles including Assistant City Prosecutor, First Assistant City Prosecutor, Chief City Prosecutor and ultimately Parish Attorney. He has also taught as an adjunct professor at both Southern University Law Center and LSU's Paul M. Hebert Law Center, reflecting his commitment to mentoring the next generation of attorneys. (aodotson[II]@ladb.org; Baton Rouge)

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#### **CAN WE STOP IT WITH THE EMAILS?**

This past week, I went to Loyola Law School with two other attorneys at the firm to moderate an hour-long panel discussion on plaintiff litigation practice and how it differs from Defense Advocacy, the expectations of how to treat litigants and opposing counsel in active practice and answer questions from about thirty law students.

One of the questions we fielded dealt with the use of emails with opposing attorneys. Our immediate unplanned response "just act like an emotionally intelligent adult with your email please" stuck with me for a bit. The ask seems simple: don't conduct yourself unprofessionally in emails or send condescending or rude emails to opposing counsel.

Why do we struggle with this as a bar? Admittedly, I have sent some emails over the years I regret and had to apologize for. We have an incredibly broad and talented group of lawyers in our bar. Many are seemingly well-adjusted human beings in society overall. What other professional uses their iPhone trying to "own" people with email responses which they probably never should have sent? The whole concept, pulling yourself away from it and using a "30,000-foot view," seems silly.

To be fair, I do believe that professionalism in practice has improved since I became a lawyer just 14 years ago. The LSBA has focused more on professionalism, promulgated a new professionalism code, and emphasized the need for us to continue to push ourselves to handle the adversary system in a more professional manner. Yet, this is still a consistent theme across our firm with our lawyers: routinely miffed at the condescending and unprofessional emails that get sent to us on a weekly basis.

I would like to invite you to consider:

► Emails are not instant messages.

You should not expect a response in 10 minutes. In my opinion, if someone re-



sponds to your email in 24–48 hours, that is a timely response. If you expect a response sooner than that, you are respectfully unreasonable. What if it is an emergency and demands an immediate confer with opposing counsel? Simple: pick up the phone and call.

▶ When I get a rude email from another attorney, I just delete it. I also encourage the attorneys at my firm to delete it. We are not interested in letting emotionally unintelligent people ruin a minute of our day because they can't formulate intelligent words on a telephone and be kind. Nine times out of ten, if you are upset with opposing counsel, the discussion will be much more productive if you call them and talk through the situation on the phone. Just call them.

▶ You aren't "owning" anyone with that witty, verbally brilliant email you drafted in a fit of anger. It is always ok to write an email, save it in your drafts, and then go look at it the next morning. There is a good chance you will be mortified by what you wrote. I've done this and was embarrassed the next morning, reading the email that was sitting in my drafts.

► Last, and most importantly, phone calls are preferable to email. It will be harder for you and your opposing counsel to be rude if you are on a phone call. Additionally, you can talk through much more complex matters, talk through

things in your case in more detail, and potentially begin developing professional trust and respect by talking on the phone and/or in person.

None of us are perfect, and we have all probably sent an email or two that we regret. What I am advocating is that we recognize the problem with unprofessional emails and work harder each day not only to stop doing it ourselves but also to teach the next generation of practitioners to put the keyboard down and pick up the phone. If we do so, I believe it will benefit the profession, our clients, and the results we achieve for them.

David P. Vicknair (Loyola Law 2011) is one of the managing partners of the Scott Vicknair Law Firm, based in New Orleans. He practices in the areas of plaintiff personal injury litigation,



plaintiff maritime injury litigation, and plaintiff property damage and casualty loss litigation. He is on the board of directors for Volunteers of America Southeast Louisiana and is a member of the New Orleans Bar Association, the American Association for Justice and the Louisiana Association for Justice. (david@svlaw.law, New Orleans)



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#### LET'S TALK ABOUT WHAT MATTERS: YOU!

n the demanding field of law, the importance of mental health for lawyers cannot be overstated, as the statistics on depression, anxiety, substance abuse and even suicide rates among legal professionals are alarming. Lawyers experience mental health issues and mental illness at rates much higher than those of the average population and other professions. For many decades in American society, mental illness was hidden in the shadows and stigmatized. Thankfully, today, public awareness about mental illness is increasing.

Mental illness and mental health challenges affect every stage of the legal pipeline – from college students preparing for the LSAT to experienced practitioners. The prevalence of depression, anxiety, substance use disorders and other mental health challenges among millions of Americans is a stark reality, and lawyers and law students are not exempt from these broader trends.

There is a distinction between mental health and mental illness. Mental health involves our overall emotional, psychological, and social well-being, while mental illness refers to diagnosable conditions that disrupt thoughts, moods and behaviors. Mental illness can range from mild to severe, and can affect anyone irrespective of age, gender, geography, race, socioeconomic status and ethnicity.

Despite the prevalence of mental illness, only half of those affected seek treatment, primarily due to stigma. Stigma arises from attitudes or judgments we hold when we do not fully understand a condition or situation, leading us to fill in the gaps with negative assumptions. These assumptions can evoke fear, and the fear of being judged is a significant barrier that prevents individuals from seeking help.

Many minimize or deny their internal struggles because they worry about how others will perceive them. They fear that if others become aware of their diagnoses, they will experience embarrassment or shame, or that this knowledge could jeopardize their careers, livelihoods and reputations. As a result, denial often prevents legal

professionals from seeking help until their issues have escalated to a significant level.

Mental health and substance use can be uncomfortable to discuss due to a lack of understanding, and we fear what we do not understand. Physical illnesses, such as a broken arm, are visible, but conditions like bipolar disorder or depression are not. Seeking help from a medical professional is never judged; requesting support for mental health deserves the same understanding.

The legal profession is known for being fast-paced and high-pressure, with strict deadlines and long hours that make it difficult to achieve a work/life balance. These stressors tend to increase as lawyers progress in their careers. The responsibility of making critical decisions that can significantly impact lives, combined with the adversarial nature of legal proceedings and the emotional intensity of certain cases, presents additional challenges for lawyers.

When we ignore our own mental health, we fail to acknowledge how our well-being and performance as lawyers are significantly affected. Burnout, anxiety and depression can impair cognitive functions, reduce concentration and compromise decision-making abilities. This may lead to difficulties in managing cases effectively, communicating with clients, and collaborating with colleagues. Mental health challenges can also impact a lawyer's capacity to empathize with clients, understand their needs and convey information clearly and concisely.

Recognizing when something is wrong with our mental health is the first step in addressing it. Symptoms such as chronic fatigue, irritability or moodiness, difficulty concentrating, sleep disturbances, loss of appetite and increased reliance on substances can signal deeper issues. Awareness is crucial for addressing problems before they worsen. Individuals experiencing any of these symptoms should seek treatment immediately, rather than waiting until the symptoms become overwhelming.

Seeking help is not a sign of weakness; it is a sign of strength. There is no shame in seeking support. Open conversations

about mental health within the legal field are essential for creating positive change. It is important to remember that your mental health matters and you are not alone in this journey. Many resources and support systems are available to help you navigate these challenges.

One suggestion is self-care. Self-care is not a luxury; it is a critical component of maintaining mental health and being able to bring your best self to your role with clients. Think of it as putting on your own oxygen mask first – you cannot effectively help others if you are running on empty. By taking regular breaks, scheduling time for hobbies, exercising, and engaging in activities that recharge you, as well as setting boundaries with clients, you take control of your well-being and empower yourself to better serve those who depend on you.

The legal profession has made strides in reducing stigma around mental health, but there is still work to be done.

JLAP is dedicated to reducing stigma and ensuring that all lawyers, judges, and law students receive the support they need to become the best versions of themselves, both personally and professionally. JLAP offers education and confidential assistance for a variety of issues, including stress, depression, anxiety, other mental health concerns and substance abuse. The goal of JLAP is to support the prevention, early identification and intervention of issues that can affect professional conduct and quality of life. For more information, call 985-778-0571, email: JLAP @LouisianaJLAP.com, or visit LouisianaJLAP.com.

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





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# CONCLAVE ON DIVERSITY IN THE LEGAL PROFESSION

For seventeen years, the Louisiana State Bar Association has hosted the Conclave on Diversity in the Legal Profession. The Conclave continues to serve as a valuable opportunity for attorneys and judges to convene and discuss the importance of diversity, equity, and inclusion in the legal field. The LSBA extends its sincere appreciation to this year's sponsors, speakers, and participants.

The theme of the 17th Annual Conclave on Diversity in the Legal Profession was *Empowering Voices, Driving Impact: Leading in a New Era.* The event was held at the Four Seasons Hotel New Orleans on August 8, 2025.

Attendees had this to say about their experience:

#### Attendee 1:

"The level of effort and care put into the event was wonderful and refreshing. It made you want to stick around until the end and kept you engaged."

#### **Attendee 2:**

"This year's Conclave came with a powerful message and wake-up call to all of us in attendance—that today's po-

litical and social climate is the responsibility of us all, and that we, as an individual, can be a part of the change, even if we think our careers are not in areas related to the most pressing needs of the times. As lawyers, our profession is one that presents unique challenges when it comes to enacting change and putting an emphasis on diversity. However, the Facility speaker gave an inspiring and moving presentation, and the information discussed in various portions of the Conclave was relevant and useful, providing tips and guidance on ways to do good within our own organizations."

#### Attendee 3:

"The Diversity Conclave is one of the few CLEs that captures my undivided attention! The facility, speakers, lunch, and information get me fired up for justice and equality!"

#### Attendee 4:

"This was my first time attending the Conclave, and I am very happy I did! The presentations and speakers were all wonderful, informative, and relevant. The topics discussed today and conversations with attendees give me hope that there are professionals who want to do



Chief Justice John L. Weimer III, Louisiana Supreme Court, delivered a welcome to participants on behalf of the Louisiana Supreme Court. From left to right: Chair Demarcus J. Gordon with Chief Justice John L. Weimer III, Louisiana Supreme Court.

the work to create/make change, and I am leaving the Conclave feeling very inspired and looking forward to coming back for next year's!!"

#### Attendee 5:

"The Diversity Conclave gets better every year. It is truly an inspiring and motivating event."

Photos by Emily Scalf, Sunlit Studio Photography.



Committee on Diversity in the Legal Profession Award — Recipient: J. Dalton Courson. From left to right: Conclave Co-Chair Kellen J. Mathews; Conclave Co-Chair Monica M. Vela-Vick; J. Dalton Courson, Litigation Director, Disability Rights Louisiana, New Orleans, LA; and Conclave Chair Demarcus J. Gordon.



Keynote Speaker: Angela A. Allen-Bell — From left to right: Conclave Co-Chair Kellen J. Mathews; Conclave Co-Chair Monica M. Vela-Vick; Angela A. Allen-Bell, B. K. Agnihotri Endowed Professor, Southern University Law Center, Baton Rouge, LA; and Conclave Chair Demarcus J. Gordon.



Corporate Breakfast Session: The Connect – Pitch Perfect — From left to right: Cory J. Vidal, *Moderator*, Corporate Counsel & Senior Vice President, Hancock Whitney Bank, New Orleans, LA; Camille R. Bryant, Assistant General Counsel, Ochsner Health, New Orleans, LA; Nicholas "Nick" Austin, Senior Corporate Counsel, Microsoft, Washington, D.C.; and Reginald "Reggie" Johnson, Chief Talent and Inclusion Officer, Signet Jewelers, Dallas, TX.



Plenary Session Two: Beyond the Buzz – Practical Ethical AI for Lawyers Greg Siskind, Co-founding Partner, Siskind Susser, PC, Memphis, TN.



Conclave Chair and Co-chairs — From left to right: Conclave Co-Chair Kellen J. Mathews, Adams and Reese, L.L.P., New Orleans, LA; Conclave Co-Chair Monica M. Vela-Vick, The Dugan Law Firm, APLC, New Orleans, LA; and Conclave Chair Demarcus J. Gordon, Kelly Hart Pitre, New Orleans, LA.



Excellence in Diversity reception Wayne J. Lee, Partner, Stone Pigman Walther Wittmann L.L.C., New Orleans, LA.



Excellence in Diversity Reception — Plenary Session Two Panelist, Mich P. González.

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Plenary Session One: Navigating Backlash and Going Beyond Best Practices — From left to right: Conclave Co-Chair Monica M. Vela-Vick; Kira H. Banks, Professor at St. Louis University, St. Louis, MO; and Conclave Chair Demarcus J. Gordon.



Plenary Session Four: Legal Aid's Innovation Imperative – Building Sustainable Technology to Broaden Legal Access From left to right: Susan StVincent, Chief Operating Officer, Legal Aid Foundation of Los Angeles, Los Angeles, CA; Kirra Jarratt, Chief Executive Officer, DC Bar Foundation, Washington, DC; and Scheree M. Gilchrist, Chief Innovation Officer, Legal Aid of North Carolina, Raleigh, NC.



Plenary Session Two: From Policy to Practice – What Private Attorneys Need to Know About Immigration Law Today — From left to right: Conclave Co-Chair Monica M. Vela-Vick with panelists Paul H. "Woody" Scott, *Moderator*, The Scott Law Firm LLC, Baton Rouge, LA; Erin C. Hebert, Ware | Immigration, Metairie, LA; Mich P. González, Co-founder, Sanctuary of the South, New Orleans, LA; Danielle V. Hernandez, Founder, DVH Law Group, Tampa, FL; and Conclave Co-Chair Kellen J. Mathews.



Conclave Chair with a Representative from Blue Williams, L.L.C.—Coffee Sponsor From left to right: Conclave Chair Demarcus J. Gordon and Cynthia C. Roth, Partner.



Conclave Chair with Representative from the Federal Bar Association, New Orleans Chapter – Bronze Sponsor From left to right: Conclave Chair Demarcus J. Gordon; and Rachel M. Naquin, Daly and Black, PC, New Orleans, LA



Conclave Chair with Representatives from Deutsch Kerrigan LLP – Platinum Sponsor Conclave Chair Demarcus J. Gordon; Casey B. Wendling, Partner; and Stephen E. Downer.





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From left to right: Craig J. Hebert; Conclave Chair Demarcus J. Gordon; and Briana E. Whetstone.



Conclave Chair with Representatives from Fishman Haygood, L.L.P. – Gold Sponsor From left to right: Harvey S. Bartlett III, Partner; Conclave Chair Demarcus J. Gordon; and Virginia M. Hamrick.



Conclave Co-Chair with Representatives from Christovich & Kearney, L.L.P. – Gold Sponsor From left to right: Marcus K. Pierre; Olivia Gillis; Christy L. McMannen, Partner; and Conclave Co-Chair Monica M. Vela-Vick.



Conclave Chair with Representatives from Sher Garner Cahill Richter Klein & Hilbert L.L.C. – Silver Sponsor From left to right: Hannah L. Brewton; Kaylyn B. Handy; Conclave Chair Demarcus J. Gordon; Grace A. Van Hancock; and Sophie R. Trosclair.



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Conclave Chair with Representatives from Laborde Siegel, LLC – Silver Sponsor From left to right: Margaret L. Sunkel, Director of Recruiting and Marketing; Conclave Chair Demarcus J. Gordon; and Linda E. Gonzales.







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#### **REPORTING DATES 10/1/25 & 10/4/25**

#### REPORT BY DISCIPLINARY COUNSEL

Public matters are reported to protect the public, inform the profession and deter misconduct. Reporting date Oct. 1, 2025.

#### **Decisions**

Jade R. Blasingame, Lafayette (2025-B-00977) has consented to disbarment from the practice of law, retroactive to Jan. 21, 2016, the date of her interim suspension by order of the Louisiana Supreme Court on Sept. 10, 2025. JUDGMENT FINAL and EFFECTIVE as of Sept. 10, 2025. Gist: Respondent converted a substantial amount of client funds, pleaded guilty to theft and issuing worthless checks, and entered into a prohibited business transaction with a client.

Gerald V. Dandeneau, Melville, NY (2025-B-1028) has been enjoined for one year and one day from seeking

admission to the Louisiana Bar or seeking admission to practice in Louisiana on a temporary or limited basis, including but not limited to seeking pro hac vice admission before a Louisiana court pursuant to Supreme Court Rule XVII, § 13 or seeking limited admission as an in-house counsel pursuant to Supreme Court Rule XVII, § 14, by order of the Louisiana Supreme Court on Sept. 24, 2025. JUDGMENT FINAL and EFFECTIVE on Sept. 24, 2025. Gist: Respondent assumed the representation of clients in Louisiana and appeared on their behalf in a Louisiana court without first seeking pro hac vice admission.

Tristan Patrick Gilley, Shreveport

(2025-B-00713) has been **suspended for one year and one day** by order of the Louisiana Supreme Court on Sept. 10, 2025. JUDGMENT FINAL and EFFECTIVE on September 24, 2025. *Gist:* Respondent failed to communicate with his client, failed to return a requested client file, and failed to cooperate with the Office of the Disciplinary Counsel.

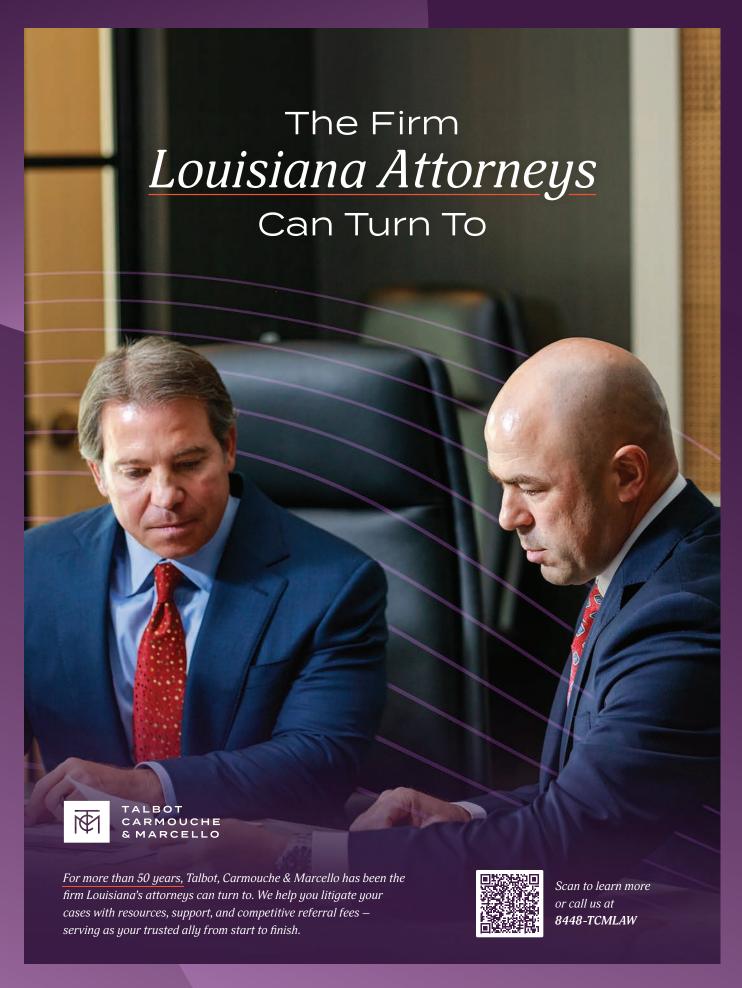
Michael Lynn Harris, Baton Rouge (2025-B-00999) has consented to suspension from the practice of law for 1 year and 1 day. It is further ordered that all but six months of the suspension shall be deferred, subject to a two-year period of supervised probation by order

Continued on page 258

# 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 October 2025.

Respondent	Disposition	Date Filed	Docket No.
Adams, Steven E.	[Reciprocal] Interim Suspension	08/26/25	25-1349
Christiansen, Jan Peter	[Reciprocal] Suspension, fully deferred	08/18/25	25-1308
Christiansen, Zachary Ryan	[Reciprocal] Disbarment	08/26/25	25-1307
Doyle, Kervin W.	[Reciprocal] Suspension, fully deferred	09/15/25	25-1353
Fisher, Leonard K. III	[Reciprocal] Suspension, partially deferred	08/11/25	25-1177
Gray, Daryl Andre	[Reciprocal] Suspension, partially deferred	09/02/25	25-1350
Hall, Maurice D.	[Reciprocal] Suspension, fully deferred	09/15/25	25-1351
Harris, Michal J.	Interim Suspension	08/11/25	25-1495
Jordan, Shane Austin	[Reciprocal] Suspension, fully deferred	08/18/25	25-1172
Leavoy, Leslie R. Jr.	[Reciprocal] Suspension, fully deferred	08/18/25	25-1173
Robinson, Jonas Mark	[Reciprocal] Suspension, partially deferred	08/18/25	25-1171
Ward, Samuel Charles Jr.	[Reciprocal] Suspension, fully deferred	09/15/25	25-1352



## 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 October 4, 2025.

RespondentDispositionDate FiledDocket No.Richard T. ConradPermanent Resignation (Reciprocal)8/11/202525-mc-00088

#### Discipline continued from page 256

of the Louisiana Supreme Court on Sept. 16, 2025. JUDGMENT FINAL and EFFECTIVE on Sept. 16, 2025. *Gist:* Respondent was arrested for driving under the influence of alcohol.

Sandra James Page, Baton Rouge (2025-B-00300) has consented to being suspended from the practice of law for a period of ninety days, with all but thirty days deferred, followed by a one-year period of probation by order of the Louisiana Supreme Court on Sept. 10, 2025. JUDGMENT FINAL and EFFECTIVE Sept. 10, 2025. Gist: Ms. Page made statements concerning the integrity of two judges with reckless disregard for the truth and engaged in conduct prejudicial to the administration of justice.

Chester J. Rothkamm, Jr., Baton Rouge (2025-B-01029) probation revoked, deferred suspension of one year and one day made executory by order of the Louisiana Supreme Court on Sept. 16, 2025. JUDGMENT FINAL and EFFECTIVE on Sept. 16, 2025. *Gist:* Failure to comply with the terms of his

probation agreement. He may not practice law until further order by the Court.

John C. Saunders, Jr., New Orleans (2025-OB-1120) has been transferred to disability inactive status by order of the Louisiana Supreme Court on Sept. 10, 2025. JUDGMENT FINAL and EFFECTIVE Sept. 10, 2025. *Gist:* Mr. Saunders cannot practice law pending further orders from the Court.

Joseph M. Sullivan, Jr., Dallas, TX (2025-OB-1147) has been transferred to disability inactive status by order of the Louisiana State Supreme Court dated Sept. 18, 2025. JUDGMENT FINAL and EFFECTIVE Sept. 18, 2025. *Gist:* Mr. Sullivan cannot practice law pending further orders from the Court.

Luke Joseph Thibodeaux II, Baton Rouge (2025-OB-00854) has been reinstated to the practice of law by order of the Louisiana State Supreme Court on Sept. 16, 2025. JUDGMENT FINAL and EFFECTIVE Sept. 16, 2025.

#### **Admonitions**

None this time.

# C&K

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CHARGES

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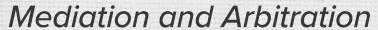
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# RECENT Developments

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



#### Custody

Robert v. Robert, 25-0957 (La. 08/05/25), 415 So 3d 931

The Louisiana Supreme Court reversed a judgment rejecting an arbitrator's decision regarding the child's high school enrollment. The parties stipulated that the arbitrator's ruling would carry the same legal effect as a decision by a domiciliary parent. Because the father failed to rebut the presumption that the decision was in the child's best interest under La. R.S. 9:335(B)(3), the arbitrator's ruling was reinstated and made the judgment of the court.

Thibodeaux v. Thibodeaux, 25-0972 (La. 08/06/25), 415 So.3d 932.

The Louisiana Supreme Court reversed a provision in a custody judgment requiring the children to remain enrolled in a specific school district as long as the mother resided there. Because the judgment failed to designate her as having legal authority over school choice under La. R.S. 9:335(B)(3), it was not a valid implementation order. The father, as domiciliary parent, retained sole authority to select the children's school, subject to judicial review upon motion by the mother.

#### Community Property – **Partition**

LeBlanc v. Guillot, 25-0070 (La. App. 1 Cir. 08/05/25), 418 So.3d 1065.

Luke Guillot appealed the trial court's partition judgment awarding Michelle LeBlanc \$256,780 for reimbursement of the income used to discharge his premarital medical school loans while they lived in Florida.

The 1st Circuit reversed in part and affirmed in part as amended. In reviewing the issue de novo, the appellate court held that the trial court committed legal error in applying La. C.C. art. 3526(1) to classify as community property the income used to discharge Guillot's premarital student loans. It reasoned that because the wages were no longer in existence, "there is no existing property at issue in this matter, [and thus] there can be no classification of movable property" under the code article. The trial court likewise erred in applying La. C.C. art. 3526(2) to classify as a separate obligation Guillot's premarital student loans. It reasoned that even if the loans "had not been extinguished prior to the community property regime, La. C.C. art. 3526(2) only allows classification of property, not an obligation." Thus, LeBlanc did not meet her burden of proving her reimbursement claim.

Finley v. Finley, 24-0618 (La. App. 5 Cir. 09/24/25), \_\_\_So.3d\_\_\_, 2025 WL 2715281.

Susan Finley appealed the trial court's community-property partition judgment, arguing that the court failed to allocate several liquidated assets and improperly denied reimbursement for community expenses.

The 5th Circuit affirmed in part, reversed in part and amended, finding that the trial court erred in omitting from the partition a cashed annuity and a liquidated Roth IRA. Because the annuity proceeds had been deposited into the parties' joint account during the community regime and the Roth IRA had been liquidated by Mr. Finley without allocation, the appellate court awarded the wife one-half of the annuity (\$2,063.87) and the full value of the IRA (\$16,334.66). The court otherwise affirmed the denial of Susan's claims for reimbursement related to credit card payments, a damaged gun safe and



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the alleged loss of a 2020 tax refund. The matter was remanded for recalculation of the net equalizing payment.

## Post-Separation Family Violence Relief Act

Marshall v. Thurman, 25-0309 (La. App. 5 Cir. 09/24/25), \_\_\_So.3d\_\_\_, 2025 WL 2715416, writ denied, 25-1266 (La. 11/12/25), \_\_\_So.3d\_\_\_, 2025 WL 3157768.

Travis Thurman appealed the trial court's judgment awarding sole custody of the parties' child to Laurie Marshall under the PSFVRA. The 5th Circuit affirmed and remanded for a determination of attorney fees. It found no violation of Thurman's due process rights in allowing Marshall to expand the scope of the custody hearing by presenting evidence of domestic violence because the testimony was admitted without objection. It also found no error in applying the PSFVRA based on evidence of emotional abuse toward the child and past acts of violence against former intimate partners.

#### - Elizabeth K. Fox

Member, LSBA Family Law & Appellate Practice Sections EKF Family Law, L.L.C. 23422 Cypress Cove Springfield, LA 70462



#### **Allocation Of Fault**

*Driver v. Willis Knighton Pierremont Health Ctr.*, 25-0391 (La. 6/25/25), 412 So.3d 215.

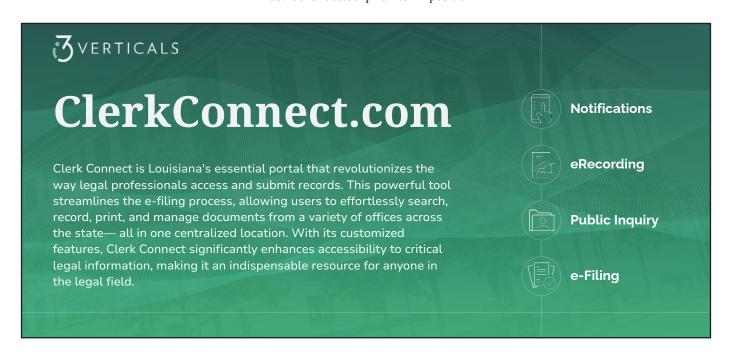
A court of appeal reversed a jury's verdict finding in favor of the defendants and rendered judgment against the defendants. The court of appeal did not, however, allocate fault between the two defendants.

The Louisiana Supreme Court noted that Louisiana Civil Code article 2323 requires that "[i]n any action for damages where a person suffers injury, death, or loss, the degree or percentage of fault of all persons causing or contributing to the injury, death, or loss shall be determined ... regardless of the basis of liability," and when multiple tortfeasors negligently injure a patient "the liability between them will be a joint and divisible obligation; they will not be solidarily liable, and each tortfeasor will be liable for only their portion of the fault." The court added that "comparative fault must be allocated prior to imposition of the Louisiana Medical Malpractice Act's damages cap." *Id.* at 216. The judgment was vacated, and the case was remanded to the court of appeal to perform the comparative-fault analysis.

# Admissibility of Panel Opinion

*Almon v. Laborde*, 25-0217 (La. 4/23/25), 406 So.3d 1172.

The plaintiff filed a motion to exclude a portion of the medical-review panel's opinion. The district court granted the plaintiff's motion, and the appellate court denied the defendant's writ application. The Supreme Court reversed the lower court's opinions, ruling that panel opinions are subject to mandatory admission unless the panel exceeded its statutory authority. The court noted that unlike the ruling in McGlothlin v. Christus St. Patrick Hospital, 10-2775 (La. 7/1/11), 65 So.3d 1218, "there is no indication the medical review panel ... found any inconsistencies in the evidence or made any credibility determinations." Almon, 406 So.3d at 1173. The court determined that the panel "relied on undisputed facts contained in the medical records and other evidence in reaching its opinion." *Id.* Thus, the entire panel opinion was admissible.



# Direct Action In A Medical Malpractice Claim

Farque v. La. Med. Mut. Ins. Co., 25-0022 (La. App. 3 Cir. 6/18/25), 416 So.3d 796, writ denied, 25-0912 (La. 11/5/25), So.3d \_\_\_, 2025 WL 3088979.

In this medical-malpractice action, the 3rd Circuit addressed whether recent amendments to Louisiana's Direct Action Statute, La. R.S. 22:1269, applied retroactively to bar plaintiffs' claims against a medical-liability insurer.

Plaintiffs, the family of the decedent Susan Farque, alleged negligence by CHRISTUS Ochsner St. Patrick Hospital and Dr. Justin Rudd during her hospitalization in early 2022. Suit was filed in September 2024 against the hospital, Dr. Rudd and his insurer, LAMMICO. By that time, Act 275 of 2024 had taken effect, amending La. R.S. 22:1269 to restrict direct actions against insurers except under limited circumstances. LAMMICO filed a peremptory exception of no cause of ac-

tion, asserting the amendment was procedural in nature and thus retroactively eliminated plaintiffs' right to name it directly. The trial court denied the exception, and LAMMICO sought a supervisory writ.

The court first clarified that the insurer's challenge was properly one of no right of action, as the Direct Action Statute governs a plaintiff's procedural right to proceed directly against an insurer. Louisiana courts have historically classified the statute as procedural, ordinarily subject to retroactive application. However, retroactivity cannot impair vested rights. The court examined federal and state precedent, including Baker v. Amazon Logistics, Inc. and Smith v. Fortenberry, which recognized that once a plaintiff exercises the right to bring a direct action prior to the amendment's effective date, that right becomes vested and cannot be divested retroactively.

Here, although plaintiffs filed their petition after Aug. 1, 2024, the effective date of Act 275, they had already instituted their malpractice claim by filing a request for a medical-review panel in January 2023, as mandated by La. R.S. 40:1231.8. The court

reasoned that the filing of the panel request was the legally operative step to institute the malpractice action, thereby vesting plaintiffs with the right to pursue the insurer. To hold otherwise would undermine the procedural scheme of the Medical Malpractice Act, which requires such filings before suit can be brought in court.

Accordingly, the 3rd Circuit held that plaintiffs had a vested right in their direct action against LAMMICO and that the 2024 amendments could not be applied to extinguish that right. The writ was granted, relief denied and the matter was remanded for further proceedings.

#### - Robert J. David

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

#### Michael J. Ecuyer

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

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Timothy D. Quinn Senior Vice President Shreveport



#### IRA Distribution Not Made Under LASERS Provisions Was a Taxable Event

*Dowd v. La. Dep't of Rev.*, BTA Docket No. 13841A (9/11/25).

John Dowd and Evelyn Dowd (Taxpayers) filed an appeal with the Louisiana Board of Tax Appeals (Board) from the Louisiana Department of Revenue's (Department) Notice of Assessment and Notice of Right to Appeal, which assessed Taxpayers with additional income tax, penalties and interest.

John Dowd was employed by the State of Louisiana, Department of Public Safety. As a state employee, Mr. Dowd participated in the Louisiana State Employees' Retirement System (LASERS). Mr. Dowd participated in the Louisiana Deferred Retirement Option Plan (DROP) and ultimately

retired from state service in 2002. On or around Dec. 31, 2003, Mr. Dowd requested a rollover of the balance of his DROP account into an Edward Jones Individual Retirement Account (IRA). The rollover occurred in 2004. There was no dispute that the rollover was not a taxable event, and the treatment of the rollover is not at issue.

In 2022, Taxpayers received a gross distribution from the IRA in the amount of \$61,447. On their 2022 Louisiana individual-income-tax return, Taxpayers claimed an exemption for "other retirement income" in the amount of \$61,447. The Department denied exempt treatment for the \$61,447. The Department proceeded to issue the Assessment for the additional tax due based on the denial of the exemption. The Department filed a motion for summary judgment arguing that the Taxpayers are not entitled to treat the \$61,447 claimed on their return as exempt LASERS retirement benefits under La. R.S. 11:405.

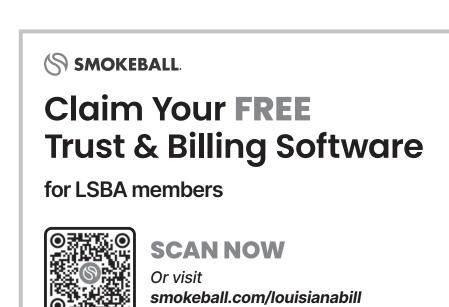
Louisiana Revised Statutes 11:405 provides an exemption for LASERS retirement benefits; the benefits paid to any person under the provisions of the LASERS statutes are exempt from any state tax. The problem for the Taxpayers, and the linchpin of the Department's argument, was that the distribution from the IRA to the Taxpayers in 2022 was

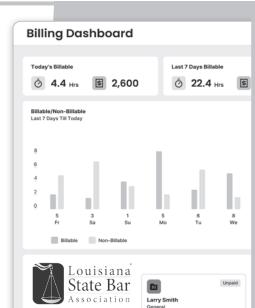
not paid "under the provisions" of the LASERS statutes.

The Board noted the Taxpayers did not provide any provision in the LASERS statutes that would bear upon the 2022 distribution. The Board held there is nothing in the statutory law or the competent summary judgment evidence that suggests that the LASERS provisions governed or had any bearing on the 2022 distribution from the IRA to the Taxpayers. The 2022 distribution from the IRA to the Taxpayers was held to be a taxable event. It was held that the exemption does not apply to a payment not made under the LASERS provisions of Chapter 1 of Subtitle 11 of the Louisiana Revised Statutes. The Board granted the Department's motion for summary judgment, finding that the Taxpayers are not entitled to treat the IRA distribution of \$61,447 as tax exempt under La. R.S. 11:405.

#### - Antonio Charles Ferachi

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







# A Welcome Letter to Louisiana's New Lawyers



By Collin R. Melancon, 2025-26 Chair

Each year, the Pontchartrain Center fills with families, mentors, and fresh bar cards. It is one of our profession's most hopeful rituals: new lawyers taking an old oath. If you were among those new lawyers sworn in this fall—congratulations. You did more than pass an exam; you accepted a calling to serve clients, the courts and communities across our state.

As chair of the Young Lawyers Division (YLD), I'd like to offer three guideposts for the season ahead—three habits that, if practiced early and often, will shape the kind of lawyer you become: Purpose, Professionalism and Participation. These aren't slogans. They're disciplines. And they will steady you when the calendar is crowded, the inbox is noisy and the stakes feel high.

## Purpose: Your "Why" Is a Daily Compass

Law practice will pull you in many directions—deadlines, discovery, billables and the occasional sleepless night. Amid the pull, decide what you stand for. Maybe you're drawn to rebuilding lives after disaster, protecting small businesses, advocating for children or widening access to justice. Whatever your lane, purpose is not marketing—it's a compass. When you know your "why," the "how" easily follows: hard days feel meaningful; good days feel earned.

A practical way to find (or refine) purpose early: notice when you lose track of time. If research on a particular issue lights you up, if client meetings energize you, if writing a motion quiets the room—pay attention. Your career will be a long conversation between your talents and what drives you. Let that conversation guide your case selection, your study time and your professional development. You may not land on a single practice area right away. That's okay. Keep digging, keep trying matters outside your comfort zone, and keep your curiosity moving.

Two quick exercises to discover your purpose:

- ▶ Write a one-sentence practice mission. Tape it inside your notebook. Revisit it quarterly.
- ▶ Audit your calendar. At the end of each week, circle the tasks that felt most purposeful. Do more of those on purpose.

#### Professionalism: Respect, Candor, Civility, Reliability

The oath we take is not words we repeat one time in our profession; it's instruction. Professionalism is where purpose becomes conduct—especially when the pressure is on. Four habits will carry you far:

Prepare relentlessly. Preparation is respect—for the court, for the client, and for the law. Be the lawyer who knows the record, can explain the rule, and has the cases tabbed. Preparation wins close calls and prevents avoidable mistakes.

Be candid. Candor to the court, opposing counsel, and your client is not only an ethical baseline; it's a strategic advantage. "I don't know, but I'll find out" beats a guess every time. Judges and clients remember honesty under pressure.

Practice civility. Civility is not weakness. You can be both fierce and fair. Keep your word. Meet deadlines. Argue the issues, not the person. Our bar is small; your reputation will travel faster than your filings.

Be reliable. Return calls. Own errors quickly and fix them. Protect your name like your most valuable file—because it is. Reliability compounds, and in a community as connected as ours, it's often the difference between getting the next referral and being politely avoided.

Finally, bring well-being into your professional duty. Clients deserve a present, clear-headed lawyer. Build healthy systems now: mentors you can call, colleagues you can confide in, daily routines that leave you better than they found you. YLD and LSBA resources exist to help—use them early, not just in emergencies.

# Participation: From Organization to Community

This profession is bigger than any one client-list. When you step into the life of the bar—statewide, specialty, and local—the oath you took becomes a network of service. Across Louisiana, lawyers run pro bono clinics, respond after

#### **CHAIR'S MESSAGE & YLD SPOTLIGHT**

#### YOUNG LAWYERS SPOTLIGHT

### Catherine Fastabend Lake Charles, LA

Catherine Fastabend was born and raised in Lake Charles, La., where she attended Immaculate Conception Cathedral School and St. Louis Catholic High School.

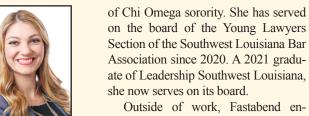
She earned a Bachelor of Science in psychology with a minor in sociology from Louisiana State University in 2016. She graduated *cum laude* from

Southern University Law Center with a juris doctor and was admitted to the Louisiana Bar in 2019.

Fastabend is a title attorney whose practice focuses on

real estate transactions, title examinations, successions and estate planning.

While at LSU, she was a member



Outside of work, Fastabend enjoys spending time with her husband, William Fastabend, and their daughter, Rosalie.

#### YLD Chair's Message, Continued from page 266

hurricanes, teach civics in schools, mentor students, and support lawyer well-being. When you participate, the bar stops being an organization and becomes a community. That's when the profession becomes more than a job—it becomes a place where you belong.

Not sure where to begin? Start small and specific:

- ▶ Pick one thing. Choose a single YLD or LSBA program to commit to this year—just one. Put the next meeting on your calendar today.
- ▶ Find two people. Identify a mentor for honest advice and a peer to grow alongside. Ask them which committees or sections sharpened their skills.
- ► Serve one client beyond your billables. Take a pro bono matter or volunteer at a clinic. One life changed can change your entire week.

### What the First Ten Years Teach

A decade into practice, many of us remember our own early milestones: the first "Your Honor" in court; the first hard client conversation; the first time a judge thanked us for being prepared; and yes, the mistakes that made us better.

- ▶ Purpose isn't found once; it's renewed across matters and seasons.
- ► Professionalism isn't a posture; it's how you show up every day.
- ▶ Participation isn't extra; it's how you grow and how our profession stays worthy of public trust.

If you build your habits around those three pillars, you will not only thrive—you will help ensure the next class of lawyers inherits a bar that is fairer, kinder, and stronger than the one you entered.

#### **A Final Welcome**

To Louisiana's newest lawyers: you are stepping into a profession with deep roots and open doors. Bring your full self—your energy, empathy, and curiosity. Ask good questions. Read the rules (twice). Seek feedback. Take calculated risks.

Most of all, remember that the oath you took is a daily invitation: find purpose, practice with professionalism, and participate in something bigger than yourself. Welcome to the Louisiana Bar.



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#### **NEW JUDGE, RETIREMENTS, DEATHS**

#### **New Judge**

Shaun-Philip J.
George was elected
17th Judicial District
Court, Division
E judge, effective September 2,
2025. He earned his bachelor's degree from Nicholls State



University in 2010 and his juris doctor degree from Loyola University New Orleans, College of Law in 2014. Prior to entering the legal field, he worked from 2000 to 2013 as a flight paramedic with Acadian Ambulance Service. From 2015 to 2025, he served as an assistant district attorney at the Lafourche Parish District Attorney's Office. He also worked as an Adjunct Instructor of Criminal Justice at Nicholls State University from 2018 to 2019, Fletcher Technical Community College from 2014 to 2016, and South Louisiana Community College from 2009 to 2013. At South Louisiana Community College, he also held the role of Clinical Instructor/Preceptor. Judge George is married to Celeste T. George, and they are the parents of three children.

#### **Retired Judges**

Orleans Criminal District Court, Section J Judge Darryl Derbigny, retired effective Thursday, July 31, 2025. He earned his bachelor's degree from Columbia University in 1973 and his juris doctor degree from Tulane University Law School in 1977. Judge Derbigny worked in private practice following college and was an assistant clinical professor at Loyola University Law Clinic. He was elected to serve as Orleans Criminal District Court, Section J judge in 2003, where he served until his retirement.

#### **Appointments**

Louisiana Supreme Court Justice John Michael Guidry was appointed by Order of the Louisiana Supreme Court to the Supreme Court Committee on Judicial Ethics for a two-year term of office, which commenced on November 10, 2025, and will conclude on November 9, 2027.

16th Judicial District Court Judge Curtis Sigur was reappointed by Order of the Louisiana Supreme Court to the Supreme Court Committee on Judicial Ethics for a two-year term of office, which will conclude on May 31, 2027.

Caddo Parish Juvenile Court Judge Ree Casey-Jones was reappointed by Order of the Louisiana Supreme Court to the Supreme Court Committee on Judicial Ethics for a two-year term of office, which commenced on September 12, 2025, and will conclude on May 23, 2027.

Ms. Darleene Darensbourg Peters was appointed by Order of the Louisiana Supreme Court to the Committee on Bar Admissions for a term of office which commenced on July 1, 2025, and will conclude on June 30, 2030.

#### **Deaths**

Retired Louisiana Fourth Judicial District Court Judge James H. Boddie, Jr., 76, died Tuesday, September 23, 2025. He earned his bachelor's degree from Louisiana Tech University in 1971 and his juris doctor degree from Louisiana State University Paul M. Hebert Law Center in 1974. He practiced law from 1974 to 1984, beginning his career at Gladney and Boddie in Bastrop, Louisiana. In 1985, he was elected judge of the Louisiana Fourth Judicial District Court, which covers Morehouse and Ouachita Parishes. He served until his retirement in 1996 and

continued to serve, being selected in 2020 and 2021 as Justice Pro Tempore and Justice Ad Hoc to the Louisiana Supreme Court.

Retired Louisiana 4th Circuit Court of Appeal Judge Steven R. Plotkin, 89, died Monday, August 25, 2025. He earned his bachelor's degree from Tulane University in 1956 and his juris doctor degree from Louisiana State University Paul M. Hebert Law Center in 1974. In 1986, he earned his Master of Laws Degree from the University of Virginia Law School. He also served in the United States Army Reserve as an enlisted soldier, receiving an honorable discharge in 1961. From 1961 to 1964, he was an Assistant District Attorney for the Parish of Orleans. He served as a past president of the Greater New Orleans Trial Lawyers Association. He was an adjunct professor of law and co-director of the Tulane University Trial Advocacy Course, as well as a director and lecturer at the Louisiana Judicial College. Judge Plotkin also taught at Harvard Law School and other law schools, as well as at the National Institute for Trial Advocacy (NITA) Programs, regionally and nationally. He has authored or co-authored more than 20 legal publications and is the recipient of numerous awards. He served on the New Orleans Bar Association's long-range planning committee, its Bench-Bar Conference, the Committee to Improve the Administration of Justice, and also devoted 15 years to the Bar Association as host of the locally televised TV series It's the Law, which won numerous journalism awards. Judge Plotkin was appointed as an Ad Hoc judge to the New Orleans Municipal Court in 1977. He was then elected to the Orleans Civil District Court in 1979 and reelected in 1982, serving until 1987. In 1988, he was elected to serve as a judge on the 4th Circuit Court of Appeal, where he remained until his retirement in 2002.

#### **PEOPLE**

#### LAWYERS ON THE MOVE, NEWSMAKERS, PUBLICATIONS

#### **LAWYERS ON THE MOVE**

Ottinger Hebert, L.L.C. in Lafayette is pleased to announce that **Kate B.** Landry, John R. Landry and Owen D. Thibodeaux have joined the firm.

W. Chase Gore, attorney at Neblett, Beard & Arsenault, recently spoke at a National Business Institute presentation, 11 Defense Tactics in Personal Injury Cases and How to Counter Them, which provided practitioners with practical strategies for anticipating and responding to common defense approaches in civil litigation.

Lamothe Law Firm is pleased to announce that **Frank E. Lamothe III** and **Julien Lamothe** have been selected for inclusion in The Best Lawyers in America 2026 for the practice area of Personal Injury – Plaintiff.

Gordon Arata congratulates twentynine attorneys selected to the 2026 The Best Lawyers in America® and Best Lawyers: Ones-to-Watch® in America lists. Members Marion W. Weinstock, C. Peck Hayne, Jr., and Anthony C. "Tony" Marino were selected as *Best Lawyers*® "Lawyer of the Year" – New Orleans in Securitization and Structured Finance Law; Natural Resources Law and Oil and Gas Law; and Energy Law respectively. Greg G. Duplantis was selected as *Best Lawyers*® "Lawyer of the Year"-Lafayette in Energy Law.

Barrasso Usdin Kupperman Freeman & Sarver, L.L.C. is pleased to announce that **Xavier J. Flavien** and **Ryan M. Tucker** have joined the firm as associates.

Breazeale, Sachse & Wilson, L.L.P. (BSW) is pleased to announce Kenneth Nilsson has joined the New Orleans office of Breazeale Sachse, where he focuses on Labor and Employment and Commercial Litigation. Kenneth earned his JD from the Paul M. Hebert Law Center at Louisiana State University and holds a B.A. from Brigham Young University.

Richard J. Arsenault spoke at the Mass Torts Puerto Rico seminar and was invited to speak at the LF Dealmakers Annual Forum in New York. He was also selected as a Member of the Nation's Top One Percent by the National Association of Distinguished Counsel and selected for inclusion in the Best Lawyers in America for his expertise in Admiralty, Maritime Law, and Mass Tort Litigation/Class Action litigation. Arsenault was recognized as a member of the Lawdragon 500 Leading Plaintiff Consumer Lawyers and appointed to the LSBA CLE Committee.

The Law firm of Staines, Eppling & Kenney is pleased to announce that **Jackson C. Vicknair** has become an Associate of the firm located at 3500 N. Causeway Blvd., Ste. 820, Metairie, LA 70002. Mr. Vicknair will practice in the areas of maritime and admiralty litigation, insurance defense, transportation, insurance coverage, general casualty litigation, and business litigation.



W. Raley Alford III



Richard J. Arsenault



Wilton E. Bland IV



Kathryn L. Briuglio



Chloé M. Chetta



Justin M. Chopin



Blake R. David



Robert J. David



Stevan C. Dittman



Alex J. Domingue



Greg G. Duplantis



Michael J. Ecuyer



Xavier J. Flavien



C. Peck Hayne, Jr.



JoAnn H. John



Mithun B. Kamath



Frank E. Lamothe III



Julien G. Lamothe

#### **NEWSMAKERS**

Kathryn W. Munson, a managing member of Stanley Reuter Alford Owen Munson & Paul LLC has joined the Federal Bar Association New Orleans Chapter, Board of Directors. Kathryn is currently President of the New Orleans Association for Women Attorneys.

Chaffe McCall reports that several of its attorneys have been named to The Best Lawyers in America<sup>©</sup> 2026. In addition, Wogan Bernard and Howell Crosby were recognized as Best Lawyers in America<sup>®</sup> 2026 "Lawyers of the Year," an honor awarded to a single lawyer in each practice area within a community based on peer surveys.

Mouledoux, Bland, Legrand and Brackett in New Orleans, is pleased to announce that associate **Alex Domingue** was a finalist for the 2025 Frank L. Maraist Award presented by the Louisiana Association of Defense Counsel and the LADC Young Lawyers Committee.

Barrasso Usdin Kupperman Freeman & Sarver, L.L.C. is pleased to announce that



John R. Landry



Kate B. Landry



Walter C. Kathryn W. Munson



Owen D. Thibodeaux Ryan M. Tucker

**Chloé M. Chetta** has been selected as one of the American Bar Association's On the Rise – Top 40 Young Lawyers for 2025.

Barrasso Usdin Kupperman Freeman & Sarver, L.L.C. is pleased to announce that **Mithun B. Kamath** has been named to the *New Orleans CityBusiness* Leadership in Law Class of 2025.

Gainsburgh, Benjamin, David, Meunier & Warshauer, L.L.C. announces that seven of its attorneys have been selected for The Best Lawyers in America® 2026. Robert J. David was recognized in Medical Malpractice Law and Personal Injury Litigation; Gerald E. Meunier in Mass Tort Litigation/Class Actions and Personal Injury Litigation; Irving J. Warshauer in Personal Injury Litigation and Product Liability Litigation; Stevan C. Dittman in Personal Injury Litigation; Michael J. Ecuyer in Medical Malpractice Law, Personal Injury Litigation and Admiralty and Maritime Law; and Walter C. Morrison IV in Medical Malpractice Law and Personal Injury Litigation. In addition, Brittany R. Wolf-Freedman was



Anthony C. "Tony"
Marino



Michael T. Neuner



Jackson C. Vicknair



Gerald E. Meunier



Thomas P. Owen, Jr.



Irving J. Warshauer

selected for Best Lawyers: Ones to Watch in America® in Appellate Practice and Personal Injury Litigation.

Irwin Fritchie Urquhart Moore & Daniels LLC is celebrating its 25th anniversary. Founded in 2000, the New Orleans-based firm now employs 100 attorneys and staff in Louisiana, with offices in New Orleans and Baton Rouge. The firm has been recognized in Best Law Firms, Best Places to Work and Best Places to Work for Women listings, and its attorneys are regularly listed in Best Lawyers in America, Super Lawyers and Chambers and Partners.

The **Chopin Law Firm** was voted the No. 1 Law Firm in *Gambit*'s 2025 Best of New Orleans annual reader's poll.

Jackson Lewis P.C. congratulates six attorneys from its New Orleans office recognized in the 2026 edition of The Best Lawyers in America®: Office Managing Principal Charles F. Seemann III (Employee Benefits (ERISA) Law; Employment Law -Management; Labor Law-Management; Litigation – Labor and Employment); Principal and Office Litigation Manager Stacey C.S. Cerrone (Litigation – ERISA); Principals Lindsey H. Chopin (Employee Benefits (ERISA) Law; Employment Law - Management), Howard Shapiro (Employee Benefits (ERISA) Law; Litigation - ERISA; Mass Tort Litigation/ Class Actions - Defendants), and René E. Thorne (Litigation – ERISA); and Of Counsel Robert W. Rachal (Employee Benefits (ERISA) Law; Employment Law - Management; Litigation - ERISA).



Bryan C. Reuter



Richard C. Stanley



Marion W. Weinstock



Brittany R. Wolf-Freedman

#### **PUBLICATIONS**

New Orleans Magazine 2025 Top Lawyers – Stanley Reuter Alford Owen Munson and Paul LLC - Four Members were voted 2025 Top Lawyers. W. Raley Alford III in Administrative/ Regulatory Law, Thomas P. Owen, Jr. in Appellate Practice, Bryan C. Reuter in Alternate Dispute Resolution and Commercial Litigation, and **Richard C. Stanley** in the Legal Malpractice Law.

City Business Leadership in Law Publication – Bryan C. Reuter, Member, has been named Leadership in Law Class of 2025 Honoree.

Super Lawyers ranks Blake R. David, senior partner at Broussard, David & Moroux, as one of the Top 10 Louisiana Lawyers of 2025.

Mouledoux, Bland, Legrand and Brackett in New Orleans, is pleased to announce that 5 attorneys have been included in Best Lawyers: Ones to Watch 2026: Wilton E. Bland IV, Alex J. Domingue and JoAnn H. John for Workers' Compensation Law – Employers; Michael T. Neuner for Insurance Law; and Kathryn L. Briuglio for Personal Injury Litigation – Defendants.

# **NEWS**

SUPREME COURT OF LOUISIANA
HISTORICAL SOCIETY

# Justice Guidry Speaks at Annual Meeting of Supreme Court of Louisiana Historical Society

At the Annual Members Meeting of the Supreme Court of Louisiana Historical Society held on September 12, 2025, Associate Justice John Michael Guidry gave a stimulating and informative address on the Rules of Professional Conduct for the Louisiana Bar.

Justice Guidry earned his bachelor's degree in political science from LSU in 1983 and received his J.D. degree, cum laude, from the Southern University Law Center in 1987. After working as an attorney for both the City of Baton Rouge and the Parish of East Baton Rouge, Justice Guidry was elected to the state legislature, where he served in both the House of Representatives and the Senate. In 1997, he was elected to serve as a Judge on the Louisiana 1st Circuit Court of Appeal, a position to which he was twice re-elected and where he became Chief Judge in 2023. In 2024, Justice Guidry was elected to serve on the Louisiana Supreme Court, beginning his term on January 1, 2025. He is the fourth African American elected to the high court over its 212-year history.

Citing "lawyer's responsibilities" set forth in the preamble to the ABA Model Rules and examples of professional misconduct listed in Louisiana Rule of Professional Conduct 8.4, Justice Guidry discussed recent cases wherein Louisiana lawyers have fallen short. These include making a false representation that opposing counsel have been contacted and have expressed no opposition to a pending motion; failure to conduct legal research leading to assertion of claims not supported by

law; failure to comply with Supreme Court rules on annual registration; engaging in a verbal altercation with counsel in open court; using the internet and social media in an effort to influence judges to overturn adverse rulings; and improper communication with persons represented by counsel.

Justice Guidry concluded his remarks by saying that if practicing attorneys can take heed of the matters addressed in these and other disciplinary cases, we can enhance the integrity of the profession.

Prior to Justice Guidry's address, the Historical Society conducted its Annual Members Meeting. Alan G. Brackett, John T. Olivier, and Harry J. "Skip" Philips, Jr. reported on the nine-month commemoration of the Bicentennial of the 1825 Louisiana Civil Code, culminating in a Closing Gala held at the National World War II Museum on June 20, 2025. Their report concluded with a short film containing excerpts from the Society's educational programs.

On hand as well were Professor Markus G. Puder, Herbert W. Christenberry Distinguished Professor of Law at Loyola University New Orleans College of Law, and Hannah C. Daniel, Editor-in-Chief of the 2025–2026 Loyola Law Review. They informed members of the Law Review's plans to publish the Historical Society's 1825 Civil Code Bicentennial speeches and papers in an upcoming special issue.

Sara Pixon, Head of Public Services at the Louisiana Law Library, updated members on a pamphlet she is preparing which will offer a chronological history of the buildings where Louisiana Supreme Court



Justice Guidry addresses the Supreme Court of Louisiana Historical Society.

has been located over the course of time. These include the Government House, the Presbytère, the Cabildo, 400 Royal Street, 301 Loyola Avenue, and the Court's return to 400 Royal Street in 2004.

E. Phelps Gay, Board Chair of the Society, reported on plans for upcoming CLE programs. These include a seminar on Supreme Court practice to be presented by Ike Ryan and Thomas Flanagan on November 20, 2025, and the Annual CLE for a Cause, co-sponsored by the A.P. Tureaud American Inn of Court and the Law Library of Louisiana, set for December 10, 2025. Presenters on professionalism and ethics are Judge Tiffany G. Chase of the Louisiana Fourth Circuit Court of Appeal and Kathryn W. Muson, Member of the firm of Stanley Reuter Alford Owen Musnson & Paul.

The Historical Society is a non-profit organization dedicated to preserving the history of the Supreme Court of Louisiana for the purpose of increasing public awareness of the Court's contribution to Louisiana's rich legal heritage. Membership is open to the public.

# **NEWS**

# Judge Robin D. Pittman Elected President of Louisiana District Judges Association



The Hon. Robin D. Pittman has been elected president of the Louisiana District Judges Association (LDJA), an organization that brings together district judges from across the state to promote judicial excellence, professional development and the fair administration of justice.

Judge Pittman, who serves on the Orleans Parish Criminal District Court, was elected by her peers in recognition of her longstanding commitment to the legal community. She said she is deeply honored by the opportunity to serve and grateful for the confidence her colleagues have placed in her.

The LDJA is a respected statewide association that supports Louisiana's judiciary through education, collaboration and advocacy, working to strengthen the courts and enhance public trust in the judicial system.

Judge Pittman's election reflects her reputation for fairness, efficiency and dedication, all qualities that have defined her judicial service and earned her the esteem of both colleagues and the wider legal community.

#### 2nd Circuit at Louisiana Tech

The Louisiana Second Circuit Court of Appeal recently held oral arguments on the campus of Louisiana Tech University in Ruston. The event was part of the Second Circuit's "Riding the Circuit" initiative, in the spirit of the La. Supreme Court's "Judges in the Classroom Program." The whole court, all nine of its judges, came to La. Tech's Howard Auditorium to sit in three-judge panels for a full day of six oral arguments on September 30, 2025.

Three local high schools, Quitman High School, Choudrant High School and Cedar Creek School (Ruston), brought students to the morning session. Two La. Tech classes in the Business Law Department, Legal Environment of Business and Business Law for Accounting Majors, attended morning and afternoon sessions. After each case, judges took the stage for students to ask questions. Some of these concerned the cases, but most covered the legal profession, the judicial system and the role of judges in society. Many students expressed a keen interest in pursuing a legal career.

Cases on the docket included a workers' compensation claim from OWC District 1-E (Winn Parish), a medical malpractice case from Lincoln Parish, a teacher employment dispute from Bienville Parish, a homicide case from Caddo Parish, a sexoffender case from Franklin Parish and a railroad employee claim under FELA from Caddo Parish.

The Second Circuit's "Riding the



La. Supreme Court Justice Jay B. McCallum, center, stopped by University Hall for a luncheon and reception. He offered thanks before the luncheon and visited with the various judges in attendance, including Judge Daniel J. Ellender, left, and Judge Jeffrey S. Cox of the 2nd Circuit.

Circuit" initiative has, in prior years, brought oral arguments to the campuses of the University of La. Monroe (ULM) and Grambling State University. For the session at La. Tech, the stage of Howard Auditorium was adapted to a "bench" for three-judge panels of the court, a lectern for argument, counsel tables and a desk for court personnel.

Chief Judge Frances Jones Pitman strongly supports "Riding the Circuit." "By taking our court proceedings to the students in north Louisiana, we give them a unique opportunity to learn about the judicial system," she said. "It's part of a valuable outreach that the judges of the Second Circuit are devoted to."

Robin Jones, the Second Circuit's clerk of court and judicial administrator, expressed her thanks to La. Tech personnel for their planning, execution and "impeccable hospitality," which included a buffet lunch for judges and court personnel.



A panel of Judges Cox, Pitman and Robinson sat on the Second Circuit bench at La. Tech's Howard Auditorium, September 30. Doug Harville was at the lectern and Eric Whitehead was at counsel table for the 11:00 a.m. case.

# Courtroom Dedicated in Memory of Assistant District Attorney Shentell Brown

On Oct. 13, 2025, the St. Martin Parish government formally dedicated Courtroom Two of the 16th Judicial District Court in honor of Assistant District Attorney Shentell Brown, who served in the Juvenile Division and passed away in February 2025. The dedication followed a resolution adopted by parish officials recognizing Brown's dedication to public service and her lasting impact on the community.

The Teche Bar Association hosted a reception to commemorate the occasion and presented a plaque honoring Brown's life and career.



Pictured (from left): Lee C. Durio, Hearing Officer Maggie Simar, Heather Moore and Judge Roger Hamilton at the 16th Judicial District Court dedication ceremony honoring the late Assistant District Attorney Shentell Brown.

#### Send in your Local Bar News

The Louisiana Bar Journal welcomes article submissions and news items highlighting activities, programs, achievements, and events from local and specialty bar associations across the state. Submissions of interest include recent CLE programs, community outreach initiatives, awards, leadership changes, and other notable bar happenings. Please send articles and high-resolution photos, along with captions and credits, to: publications@lsba.org

Or mail press releases or submissions to *Louisiana Bar Journal* news, 601 St. Charles Ave., New Orleans, LA 70130.



Pictured (from left): Judge Suzanne deMahy, Hearing Officer Maggie Simar, Judge Anthony Thibodeaux, and Judge Roger Hamilton at the 16th Judicial District Court dedication ceremony honoring the late Assistant District Attorney Shentell Brown.

# Save the Date: Friday, April 17, 2026 LBF 40th Anniversary Gala At The Four Seasons Hotel in New Orleans

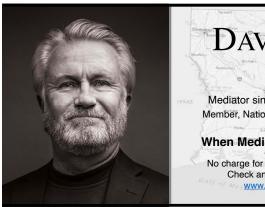
The Louisiana Bar Foundation (LBF) will hold its 40th Anniversary Gala on Friday, April 17, 2026, at the Four Seasons Hotel in New Orleans. During the event, the 2025 Distinguished Honorees and the recipient of the Calogero Justice Award will be recognized.

The 2025 honorees are Hon. Dana M. Douglas, U.S. Court of Appeals for the Fifth Circuit (Distinguished Jurist); Michael A. Patterson, Long Law Firm (Distinguished Attorney); and Monica Hof Wallace, Loyola University College of Law (Distinguished Professor). Hon. Freddie Pitcher Jr. (Ret.) will receive the 2025 Calogero Justice Award.

The Gala, the largest fundraiser hosted by the LBF, will begin with a Patron Party at 6:30 p.m., followed by the formal program. The event will commemorate the Foundation's 40th anniversary.

Additional information is available at *raisingthebar.org* or by contacting the Louisiana Bar Foundation at (504) 561-1046 or gala@raisingthebar.org





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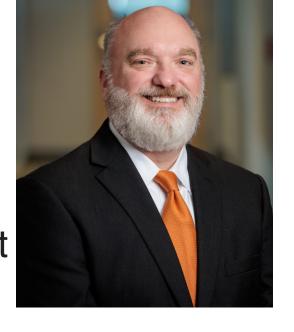
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# Louisiana Bar Foundation **President's Message**

# Bring Justice Within Reach: Make a Year End Impact

By Edmund J. Giering IV, 2025–26 LBF President



s we enter this holiday season—a time for reflection, gratitude, and generosity-I am reminded of how deeply the spirit of giving shapes the work of the Louisiana Bar Foundation. The holidays inspire us to care for our neighbors, to assist those facing hardship, and to strengthen the communities we call home. It is in this spirit that we at the Louisiana Bar Foundation are taking time to reflect on a year in which our mission-to preserve, protect and advance civil legal aid and access to justice for all Louisianans—has never been more vital.

Every day, across our state, vulnerable families and individuals face profound legal challenges: survivors seeking safety from domestic violence, children navigating the foster care system, veterans striving for housing stability, seniors confronting fraud or exploitation and communities rebuilding after

disaster. For many, civil legal aid is the difference between fear and safety, instability and hope, crisis and recovery.

The Louisiana Bar Foundation is the primary funder of civil legal aid in Louisiana. Through our network of grantees and strategic partners, we support thousands of people each year who would otherwise have nowhere to turn. And yet, the need continues to outpace available resources.

I ask you to join us in supporting our essential work. Your year-end gift—no matter the size—has a direct, measurable impact on the lives of those who rely on our civil legal aid partners for protection, stability, and hope.

Your financial support helps ensure that:

- ► Survivors of domestic violence find safety and legal protection.
- ► Children have advocates who safeguard their well-being.
- ► Families facing eviction receive fair treatment in the courts.

► Vulnerable communities have access to justice, not just in principle but in practice.

I invite you to make your tax-deductible contribution today. Together, we can continue building a more just and equitable Louisiana—one case, one family, one community at a time.

Giving is easy: please visit our website at https://give.raisingthebar.org/a/give or simply mail your contribution to: Louisiana Bar Foundation, 601 Poydras Street, Suite 1777, New Orleans, LA 70130.

On behalf of the Board of Directors and staff, thank you for your commitment to justice and your belief in the work of the Louisiana Bar Foundation. Your generosity ensures that our mission is not just an aspiration, but a reality for countless Louisianans. Together, we can provide impact that lasts far beyond this season of giving.





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For the April/May issue of the Journal, all classified notices must be received with payment by February 17, 2026. Check and ad copy should be sent to:

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# Excerpts From Judge Alvin Rubin's LSU Law Commencement Speech 1971



Old men are called on to deliver graduation addresses, for, as Thornton Wilder writes, "It is the duty of old men to lie to the young. Let these encounter their own disillusions."

But I will not lie to you. I will bring you only a simple bit of advice: Be a lawyer. Be the kind of lawyer you hoped to be when you came to law school.

The lawyer is his fellowman's agent, his alter ego in a complex world, his attorney at law, his counsellor. Whether you represent rich or poor, petroleum potentate or ghetto oppressed, only the lawyer and the rule of law he exemplifies, stand for the individual against the state, for the primary ordered principle against dominant force, for the ultimate sanctity of means over ends.

Be a lawyer, I say to you, who recognizes that due process is not reserved only for the deserving, the well-connected, or the innocent but is guaranteed also to the despised, the unpopular, and the apparent criminal.

Some say they are lawyers only for those whom they love. And there are those who are lawyers only for the rich and well-bred. Neither of these is a lawyer worthy of his name.

A lawyer named John Adams did not look to his political future or his personal popularity when he accepted the defense of the British soldiers charged with causing the death of the four persons killed in the Boston Massacre. A lawyer named Whitney North Seymour did not let his partnership in the Wall Street firm of Simpson, Thatcher and Bartlett prevent him from defending an alleged communist against deportation. If appointed counsel had never represented a scoundrel like Gideon, many others, perhaps more law abiding, would have gone without the benefit of counsel.

Let us not be dismayed at the charge that a lawyer who serves those in need is a hired gun. Medical care is not reserved for those whose lives are free from sin. The true lawyer is not a plaintiff's lawyer or a defendant's lawyer—though he may specialize in personal injury claims. He is not a Black Panther's lawyer or a bank embezzler's lawyer—though he may specialize in the defense of persons charged with crime.

The true lawyer recognizes that every man is entitled to his day in court. For what law worthy of its name is reserved only for those who fit into preconceived patterns of desert?

If we who are lawyers do not defend it, who will safeguard the privacy of the person against its invasion by bug and wiretap, by dossier and photograph, by computerized biography and intrusive state?

If we who are lawyers do not safeguard the individual, who will stand him against the massive government that by its nature seeks to arrogate all rights to itself in the name of national need and does so alike whether it governs by popular election or dictatorship, or in the service of capitalism or communism?

If we who are lawyers do not secure the ear of the massive bureaucracies of government and business, who will make them listen?

It is not happenstance that I refer to all of us alike as lawyers—for that is our calling as well as our profession, whether we teach, judge, or practice.

Nor need you, as young lawyers, fear to encounter the eloquent and the learned in the profession.

You know more law today than any one of them. All you lack is the finesse of its application. So take on your cases and stand by your guns as a lawyer—young though you may be.

The advice that famous Italian lawyer Calamandrei, gave in his Eulogy of Judges still applies:

"The modest lawyer, even the beginner, should not be alarmed to find himself facing one of those so-called Princes of the Forum, a man distinguished by his learning, his eloquence, his political influence, or perhaps only by the airs he gives himself. If the young lawyer is convinced that he is defending a just cause, and if he knows how to present his case simply and clearly, he will learn that where the powers of the opposing attorneys are unequal, the judges are generally disposed to bestow their admiration on the more brilliant and to give their protection to the least talented."

The law, the Constitution, the due process we cherish—these are all empty words without the efforts of men, the men we call lawyers. Be that kind of a lawyer: the lawyer who gives meaning to the law. Who stands for the principles of justice. Who opposes all forms of tyranny, including the tyranny of empty precedent.

After thirty years of exposure to all sorts of law: military law, active practice, teaching, trial judge—I know of no profession for which I'd swap.

So I say again, welcome to his unjust world, and to the task of bringing to it just a little better justice.



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