

Fact Checking Louisiana Law on Pavement Deviations

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Procedural Considerations for Raising Constitutional Challenges in Louisiana State Courts

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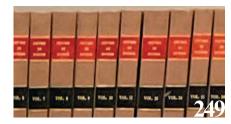
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The Louisiana Bar Journal (ISSN 0459-8881) is published bimonthly by the Louisiana State Bar Association, 601 St. Charles Avenue, New Orleans, Louisiana 70130. Periodicals postage paid at New Orleans, Louisiana and additional offices. Annual subscription rate: members, \$5, included in dues; nonmembers, \$45 (domestic), \$55 (foreign). Canada Agreement No. PM 40612608. Return undeliverable Canadian addresses to: Station A, P.O. Box 54, Windsor, ON N9A 6J5.

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

Subscriber Service: For questions on subscriptions or related issues, email publications@lsba.org.

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2025 Judicial Interest Rate is 8.25%

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 2025 will be eight and one quarter percent (8.25%) 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 ascertain the judicial interest rate for the calendar year following the calculation date. The commissioner has ascertained the judicial interest rate for the calendar year 2025 in accordance with La. R.S. 13:4202(B)(1).

The commissioner ascertained that on Oct. 1, 2024, the first business day of the month of October, the approved discount rate of the Federal Reserve Board of Governors was five percent (5.00%).

La. R.S. 13:4202(B)(1) mandates that on and after Jan. 1, 2025, 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 2024. Thus, the effective judicial interest rate for the calendar year 2025 shall be eight and one quarter percent (8.25%) per annum.

La. R.S. 13:4202(B)(2) provides that the publication of the commissioner's ascertainment 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 of Financial Institutions Date: October 14, 2024

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 2024

To review the Judicial Interest Rates History (from 1980 through 2024), go online: www.lsba.org/Members/JudicialInterestRate.aspx

go online: www.lsba.org/Members/Judicial	InterestRate.aspx
Date	Rate
Prior to Sept. 12, 1980	7.00 percent
Sept. 12, 1980 to Sept. 10, 1981	10.00 percent
Sept. 11, 1981 to Dec. 31, 1987	12.00 percent
Jan. 1, 1988 to Dec. 31, 1988	9.75 percent
Jan. 1, 1989 to Dec. 31, 1989	11.50 percent
Jan. 1, 1990 to Dec. 31, 1990	11.50 percent
Jan. 1, 1991 to Dec. 31, 1991	11.00 percent
Jan. 1, 1992 to Dec. 31, 1992	9.00 percent
Jan. 1, 1993 to Dec. 31, 1993	7.00 percent
Jan. 1, 1994 to Dec. 31, 1994	7.00 percent
Jan. 1, 1995 to Dec. 31, 1995	8.75 percent
Jan. 1, 1996 to Dec. 31, 1996	9.75 percent
Jan. 1, 1997 to July 31, 1997	9.25 percent
Aug. 1, 1997 to Dec. 31, 1997	7.90 percent
Jan. 1, 1998 to Dec. 31, 1998	7.60 percent
Jan. 1, 1999 to Dec. 31, 1999	6.73 percent
Jan. 1, 2000 to Dec. 31, 2000	7.285 percent
Jan. 1, 2001 to Dec. 31, 2001	8.241 percent
Jan. 1, 2002 to Dec. 31, 2002	5.75 percent
Jan. 1, 2003 to Dec. 31, 2003	4.50 percent
Jan. 1, 2004 to Dec. 31, 2004	5.25 percent
Jan. 1, 2005 to Dec. 31, 2005	6.00 percent
Jan. 1, 2006 to Dec. 31, 2006	8.00 percent
Jan. 1, 2007 to Dec. 31, 2007	9.50 percent
Jan. 1, 2008 to Dec. 31, 2008	8.50 percent
Jan. 1, 2009 to Dec. 31, 2009	5.50 percent
Jan. 1, 2010 to Dec. 31, 2010	3.75 percent
Jan. 1, 2011 to Dec. 31, 2011	4.00 percent
Jan. 1, 2012 to Dec. 31, 2012	4.00 percent
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Jan. 1, 2016 to Dec. 31, 2016	4.00 percent
Jan. 1, 2017 to Dec. 31, 2017	4.25 percent
Jan. 1, 2018 to Dec. 31, 2018	5.00 percent
Jan. 1, 2019 to Dec. 31, 2019	6.00 percent
Jan. 1, 2020 to Dec. 31, 2020	5.75 percent
Jan. 1, 2021 to Dec. 31, 2021	3.50 percent
Jan. 1, 2022 to Dec. 31, 2022	3.50 percent
Jan. 1, 2023 to Dec. 31, 2023	6.50 percent
Jan. 1, 2024 to Dec. 31, 2024	8.75 percent

Editor's Message

Wrap Up Your 2024 CLE Hours with Stellar LSBA Programs and Moving On to "25 in 2025"



By Valerie T. Schexnayder

OW! 2024 sure flew by! The end of 2024 is quickly approaching. This is the perfect time to double-check to make sure all end-ofthe-year filing deadlines and obligations are met and that your CLE requirements are complete.

If you are in need of CLE hours, the Louisiana State Bar Association (LSBA) is presenting several high-quality CLE seminars in December, including:

► On Dec. 4, the LSBA Appellate Section will host the Advanced Appellate Practice seminar at the New Orleans Marriott Warehouse Arts District Hotel, offering 6.25 hours of CLE credit, including professionalism.

► On Dec. 5, the LSBA will once again present the "Pursuit of Balance: Life & Law" CLE program at the Sheraton New Orleans Hotel, offering 4 hours of CLE credit, including 1 hour of ethics and 3 hours of professionalism.

▶ On Dec. 5, the LSBA will present the Trial Practice CLE at the Sheraton New Orleans Hotel, offering 7 hours of CLE credit, including 1 hour of ethics and 1 hour of professionalism.

► On Dec. 6, the LSBA's Health Law Section will host the 15th Annual J. Barrett Benton Health Law Section CLE Program at the Higgins Hotel in New Orleans, offering approved for 6.75 CLE and Health Law Specialization hours, including 1 hour of professionalism and 1 hour of ethics.

► On Dec. 6, the LSBA will present the "Ethics & Professionalism Watch Your P's & Q's" CLE at the New Orleans Marriott Warehouse Arts District Hotel, offering 7 hours of CLE credit, including 1 hour of ethics and 1 hour of professionalism.

► On Dec. 11, the LSBA Young Lawyers Division will present its annual virtual Professional Development CLE seminar from 8 a.m. to noon, offering 4 hours of CLE credit, including 1 hour of ethics, 1 hour of professionalism and 1 hour of law practice management.

► On Dec. 12, the LSBA will present "Breaking News in Arbitration and Mediation" at the Hilton Riverside Hotel in New Orleans, offering 6 hours of CLE credit, including 1 hour of ethics.

► On Dec. 13, the LSBA's Legal Services for Persons with Disabilities Committee will present the "Disability Law Training Series" at the Louisiana Bar Center in New Orleans.

► On Dec. 13-15, the LSBA will present A Grand CLE at the Grand Hotel in Point Clear, Ala., offering 13 hours of CLE credit, including 1 hour of ethics and 3 hours of professionalism.

► On Dec. 17, the LSBA will present "got CLE??" at the New Orleans Marriott Warehouse Arts District Hotel, offering 6.25 hours of CLE credit, including ethics and professionalism.

► On Dec. 19 and 20, the LSBA will present the Summer School Revisited CLE at the New Orleans Marriott Warehouse Arts District Hotel, offering 12.5 hours of CLE credit, including 1 hour of ethics and 1 hour of professionalism.

► On Dec. 19, the LSBA will present the CLE Wrap Up Seminar at the New Orleans Marriott Warehouse Arts District Hotel, offering 6.25 hours of CLE credit, including 1 hour of ethics.

For more information and to register for these CLE seminars, go online to:

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www.lsba.org/cle/.

I sincerely hope you enjoy reading the feature articles in this issue. Our feature articles include "Fact Checking Louisiana Law on Pavement Deviations" by Gregory L. Ernst, "Procedural Considerations for Raising Constitutional Challenges in Louisiana State Courts" by Mel Dugas and an article focusing on the Access to Justice Committee Pro Bono Subcommittee's "25 in 2025" Pro Bono Initiative.

This issue also includes the speech delivered by Louisiana Supreme Court Associate Justice Scott J. Crichton at the Bar Admissions Ceremony on Oct. 21, printed in its entirety. His speech focused on four pillars that should guide the new admittees throughout their practice: competence, work ethic, integrity and reputation. These four pillars should guide all attorneys throughout their years of practice.

If you are thinking about possible New Year's resolutions, may I suggest pro bono service in your community. The LSBA's Access to Justice Committee's Pro Bono Subcommittee is launching the "25 in 2025," encouraging attorneys to provide 25 hours of pro bono legal service in 2025.

I would like to thank all the lawyers who submitted articles to the *Louisiana Bar Journal* this year. Your scholarly research is valued and appreciated.

I hope everyone has a wonderful holiday season!

Valerie T. Schermayder

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Register now & let the MAGIC begin! Visit www.LSBA.org/CLE

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President's Message

The Gift of Justice: Giving Back Through Pro Bono



By Patrick A. Talley, Jr.

uring this month when we celebrate pro bono service in our state, I want to reflect briefly on how we can harness the spirit of giving to those most vulnerable in Louisiana. As we all know, poverty is rampant in our state. With nearly 20% of the population - approximately 880,000 people — living below the federal poverty guidelines, the challenges they face go far beyond meeting basic living expenses.¹ When legal issues arise, many of these individuals simply cannot afford the market rates for an attorney, leaving them without the help they so desperately need.

To make matters worse, many parts of Louisiana are considered civil legal deserts - areas where the nearest civil legal resource, such as a legal aid attorney, a self-help desk or a law library, is more than a 45-minute drive away.² For those living in these areas, the barriers to obtaining legal help are even more severe, compounding the difficulties of poverty. Without accessible legal guidance, vulnerable individuals are often left to navigate complex legal challenges on their own. It's in these moments that we, as members of the legal profession, have the opportunity — and the responsibility — to step in and fill the gap through pro bono work.

At this time of year, when generosity and community are at the forefront of our minds, it is especially important to remember our ethical duty as lawyers to ensure fairness in the courts. We hold a special power that allows us to serve as stewards of justice and, by offering our skills and time to those in need, we can make a real difference. By using our skills to serve those in need, we can ensure that justice isn't just a privilege for a few, but a right for all, regardless of their financial situation.

To demonstrate this commitment to pro bono, the Louisiana State Bar Association (LSBA) is a proud partner in the Lawyers in Libraries program. For the past decade, this program has partnered with public libraries across the state to offer free legal services during the American Bar Association's National Celebrate Pro Bono Week, also declared as "Pro Bono Week" in Louisiana by Gov. Jeff Landry. Each year, hundreds of attorney volunteers host legal presentations and Ask-A-Lawyer events to provide guidance and support to those who need it most. This year alone, more than 152 attorneys volunteered for Lawyers in Libraries, offering their time and talent to assist individuals at 135 events statewide.

The impact of this initiative has not gone unnoticed. In 2024, the LSBA and the Law Library of Louisiana were honored with the Excellence in Community Engagement Award from the American Association for Law Libraries. This recognition highlights the decade-long commitment our members have shown to serving those in need through programs like Lawyers in Libraries. But our dedication to pro bono work shouldn't be limited to one week a year — it should be a year-round commitment to supporting Louisiana's most vulnerable populations.

With the new year upon us, I want to double down on this commitment to pro bono and further encourage participation in the "LSBA's 25 in 2025" campaign. The LSBA is launching this initiative to challenge all Louisiana attorneys to provide 25 hours of pro bono service in the year 2025. This goal represented just half of the aspirational standard provided in Rule 6.1, but even a modest contribution of 25 hours can make a profound difference in the life of someone facing a legal issue. There are countless ways to get involved and so many wonderful pro bono organizations that can help you achieve this goal of doing 25 hours of pro bono in 2025.

Some of you may be thinking, "I just don't have the time to take on pro bono work." That's a fair concern. But what if I told you that there's a way to contribute without ever leaving your office? With the ABA-sponsored LA.FreeLegalAnswers. org program, you can offer legal assistance entirely online. Low-income individuals post civil legal questions, and you choose which ones to answer — on your own schedule and from the comfort of your own desk. It's a flexible, convenient way to hit that 25-hour goal without stepping away from your daily responsibilities.

For this coming year, I encourage each of you to consider how you can give the gift of justice through pro bono work. Whether it's participating in Lawyers in Libraries, answering questions online, or volunteering with a local legal aid or pro bono organization, every hour counts. Together, we can ensure that access to justice is not just an ideal but a reality for all Louisianans.

FOOTNOTES

1. United States Census Bureau, https://data. census.gov/profile/Louisiana?g=040XX00US22.

2. Civil Legal Deserts can be better understood by analogizing them to "grocery deserts," where grocery stores are not accessible and the community has to turn to fast food and convenience stores for food.

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Kelsey Funes is a construction lawyer and Partner at Phelps Dunbar LLP in

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Kelsey assists clients in drafting and negotiating construction agreements including AIA form contracts, design/build, and EPC agreements. She supports clients in managing disputes through the construction process and has experience trying and arbitrating construction cases in state and federal courts and before American Arbitration Association arbitrators. As a mediator, Kelsey leverages her extensive experience representing plaintiffs and defendants in complex cases to help parties find a path to resolution.

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Fact Checking Louisiana Law on Pavement Deviations

By Gregory L. Ernst



oes Louisiana premises liability jurisprudence recognize a bright-line rule regarding pavement deviations — *i.e.*, a pavement height differential less than $1\frac{1}{2}$ to 2 inches is not unreasonably dangerous as a matter of law? Some courts and advocates have asserted such a rule. However, definitive Louisiana Supreme Court precedent establishes a risk/utility balancing test to determine whether such an alleged premises defect presents an unreasonable risk of harm.¹ This article explores the conflict.

Basis for a Bright-Line Rule

Multiple times over the last 30 years, the Louisiana Supreme Court has addressed lower court findings that a pavement deviation was unreasonably dangerous. In *Boyle v. Board of Supervisors, LSU*, a pedestrian sued LSU after tripping over uneven sidewalk with a height variance of 1/2–1 inch.² Following a bench trial, the trial court found the condition of the sidewalk was defective and awarded damages, and the 1st Circuit affirmed. The Supreme Court granted writs and reversed, finding the trial court ruling was manifestly erroneous because it failed to apply a risk/utility balancing test.³ Applying the test itself, the Court focused on trial testimony that the depression was "relatively small," had been developing for some time due to the climate and soil, was located in a high traffic area, and the plaintiff's fall was the first reported.⁴ Further, the Court weighed the utility of the sidewalk (over 22 miles), including the cost of repair. Considering all of these factors, the Court concluded the sidewalk "does not present an unreasonable danger."⁵

A little over a year after Boyle, the Supreme Court intervened again in a pavement deviation case — this time under Louisiana's merchant liability statute, La. R.S. 9:2800.6. In Reed v. Wal-Mart Stores, Inc., the plaintiff tripped over an uneven expansion joint in the parking lot, where the height variance was 1/4 to 1/2 inch.6 Following a bench trial, the trial court found the expansion joint presented an unreasonable risk of harm and awarded damages. The 3rd Circuit affirmed. Just as in Boyle, the Supreme Court found manifest error and reversed because, although the trial court considered the cost of repair, it did not address "any other aspect of the balancing test."7 Applying the test, the Court found the variance was "minimal indeed" (only half the size in Boyle), and "one cannot expect paved surfaces of streets, sidewalks, and parking lots to be free of all deviations and defects."8 Also, the defect was in a high traffic area, this was the first reported accident, the expansion joint had social utility (absent the joints the concrete would crack and buckle), and the cost of repair was prohibitive.9 Accordingly, the expansion joint did not present an unreasonable risk of harm.

More recently, the Supreme Court considered whether a pavement deviation was unreasonably dangerous in *Chambers v. Village of Moreauville*, in which a pedestrian tripped on sidewalk with a $1\frac{1}{4} - 1\frac{1}{2}$ inch deviation.¹⁰ Applying La. R.S. 9:2800 for public entity liability, the trial court found the differential created an unreasonable risk of harm and found the municipality 100% at fault. The 3rd Circuit affirmed that the

differential was unreasonably dangerous but reversed in part to assess 10% fault to the plaintiff. The Supreme Court granted Moreauville's writ application and reversed.¹¹ Supporting its decision, the Supreme Court found the trial court failed to consider the cost of repair, "an indispensable component of the riskutility balancing test."12 In addition to the similar factors discussed in Boyle and Reed (size of the defect,13 absence of complaints, and utility of the sidewalk), the Court emphasized that, according to the plaintiff's own testimony, the condition was "readily observable."14 Under the circumstances, the Court found the deviation did not present an unreasonable risk of harm.15

Application of *Boyle, Reed* and *Chambers* on Summary Judgment

Although the above trilogy of cases involved review of trial determinations considering the dangerousness of alleged pavement defects, courts eventually cited the trilogy in premises liability cases decided on summary judgment. For example, in Buchanan v. Wal-Mart Louisiana, LLC, a case brought under Louisiana's merchant liability statute, a federal court granted summary judgment against a customer who tripped on a parking lot's uneven expansion joint with a variation of approximately 1 inch.16 Citing to Boyle, Reed and Chambers, the district court found that none of the evidence presented by the plaintiff created "a genuine dispute of material fact regarding the uneven concrete presenting an unreasonable risk of harm."17 And citing specifically to Chambers's comment that deviations less than 11/2 inches "generally" do not present an unreasonable risk of harm,18 the district court rejected caselaw cited by Buchanan that affirmed a trial judgment for a plaintiff who tripped at a gas station on uneven concrete measuring 11/4 inches.19 Alternatively, the district court found that a "risk-utility analysis" weighed "against a finding that the uneven surface posed an unreasonable risk of harm."²⁰ On appeal, based on the same Boyle-Reed-Chambers trilogy, the United States 5th Circuit affirmed.²¹



Louisiana Supreme Court Corrects Conflation Confusion

Farrell v. Circle K Stores, Inc. is a controlling precedent regarding application of Louisiana's risk/utility balancing test in premises liability cases decided on summary judgment.²² In Farrell, the plaintiff stopped at a Circle K to get gas. While her husband was refueling the car, plaintiff walked her dog. To reach a grassy area located at the edge of the store property, plaintiff had to cross a large pool of water in a low area of the parking lot. When plaintiff attempted to step over the water at the narrowest point (approximately one foot wide), she fell due to a slippery substance in the water and sustained personal injuries.23 Plaintiff sued Circle K under Louisiana's premises liability law, and Circle K defended arguing that the allegedly hazardous condition of the water was "open and obvious." On summary judgment, the trial court denied Circle K's motion, finding genuine issues of material fact in dispute as to whether the pooled water was "open and obvious." The court of appeal denied Circle K's request for supervisory review, but the Louisiana Supreme Court granted certiorari, reversed and rendered summary judgment for Circle K, finding the plaintiff failed to establish that she would be able to meet her burden of proof at trial to show a breach of duty by Circle K.24

Previously, the Supreme Court held that "a defendant generally does not have a duty to protect against an open and obvious hazard."²⁵ This was the so-called "no duty" rule under the second factor of the risk/utility balancing test - "the likelihood and magnitude of harm, including the obviousness and apparentness of the condition."26 In Farrell, the Supreme Court accepted responsibility for creating confusion regarding application of the second factor of the risk/utility inquiry.²⁷ "[B]y tethering the existence of a duty to a determination of whether a risk is unreasonable," the Court admitted it had "conflated" the duty and breach elements of Louisiana's negligence analysis.²⁸ Farrell attempted to "rectify" the problem, which the Court explained "has confused the role of the judge and jury in the unreasonable risk of harm inquiry and arguably transferred 'the jury's power to determine breach to the court to determine duty or no duty.""29 Ultimately, Farrell held "it is inaccurate to profess that a defendant generally does not have a duty to protect against an open and obvious condition."30

Besides repudiating the "no duty" rule, the Court made clear that whether a condition is open and obvious "is embraced within the breach of the duty element of the duty/risk analysis" and "falls within the ambit of the second factor of the risk/utility balancing test, which considers the likelihood and magnitude of the harm."31 Farrell also established a new test for determining whether summary judgment on the issue of an unreasonably dangerous condition is warranted — "upon a finding that no reasonable juror could have found that the defendant was in breach of the duty."32 In summary judgment proceedings, Farrell held that a plaintiff's awareness of the defective condition is irrelevant.³³ "Otherwise, the analysis resurrects the long ago abolished doctrines of assumption of the risk and contributory negligence."³⁴ Importantly, *Farrell* emphasized that courts must remain mindful of a case's procedural posture because "[a] fact intensive determination after a trial on the merits as to whether a defect is unreasonably dangerous differs from such a determination at the summary judgment stage."³⁵

Persistence of an Asserted Bright-Line Rule on Pavement Deviations

A recent state court case shows that defendants in premises liability cases continue to advocate for a bright-line rule on pavement deviations. In Seymour v. Murphy Oil, a plaintiff tripped due to a concrete deviation of 1 3/16 inches in the parking lot of a gas station.³⁶ Although Murphy Oil asserted that it was clearly entitled to summary judgment based on the same trilogy of pre-Farrell cases ("pavement height deviations of up to two inches do not pose an unreasonable risk of harm"),³⁷ the Louisiana Supreme Court unanimously refused to adopt Murphy Oil's argument and denied writs.³⁸ Instead, as explained by Justice Crain in a concurring opinion, under the four-factor risk/utility balancing test in Farrell, factual issues existed such that summary judgment was properly denied.39

Conclusion

A constant thread running through jurisprudential application of the risk/utility balancing test to alleged pavement deviations is that "there is no fixed rule in determining whether a defect in a sidewalk is unreasonably dangerous."⁴⁰ "Instead, the facts and surrounding circumstances of each case control."⁴¹ Further, the unreasonable risk of harm determination "entails a myriad of considerations" and "is not a simple rule of law which can be applied mechanically to the facts of the case."⁴² "Because of the plethora of factual questions and other considerations involved, the issue necessarily must be resolved on a case-by-case basis."⁴³ The Supreme Court has even emphasized "[t]here is no bright-line rule. The fact intensive nature of our risk-utility analysis will inevitably lead to divergent results."⁴⁴ This is because "each defect is equally unique, requiring the fact-finder to place more or less weight on different considerations depending on the specific defect under consideration."⁴⁵

Despite the above pronouncements, some lower courts and advocates continue to assert a bright-line rule that pavement deviations up to 2 inches can never present an unreasonable risk of harm. Considering the conflict, the Louisiana Supreme Court should clarify whether there is a Louisiana law on pavement deviations, which exempts a court from applying the risk/utility balancing test in determining dangerousness, or whether the determination of dangerousness is governed by general tort principles as articulated in *Farrell v. Circle K Stores, Inc.*

FOOTNOTES

1. Under Louisiana's duty/risk analysis for determining premises liability, courts apply the risk/ utility balancing test to determine whether there was breach of the duty owed. The test involves consideration of four factors: "(1) the utility of the complained-of condition; (2) the likelihood and magnitude of the harm, including the obviousness and apparentness of the condition; (3) the cost of preventing the harm; and (4) the nature of the plaintiff's activities in terms of social utility or whether the activities were dangerous by nature." *Farrell v. Circle K Stores, Inc.*, 2022-00849 (La. 3/17/23), 359 So.3d 467, 474.

2. Boyle v. Board of Supervisors, LSU, 96-1158 (La. 1/14/97), 685 So.2d 1080.

3. Id. at 1083.

- 4. *Id*.
- 5. *Id.* at 1084.

6. Reed v. Wal-Mart Stores, Inc., 97-1174 (La. 3/4/98), 708 So.2d 362.

- 7. Id. at 368 n.3.
- 8. Id. at 365.
- 9. Id. at 365-66.

10. Chambers v. Village of Moreauville, 2011-898 (La. 1/24/12), 85 So.3d 593.

11. Id. at 595.

12. Id. at 597.

13. The Court observed: "Louisiana jurisprudence has consistently held that a one-and-onehalf-inch deviation does not generally present an unreasonable risk of harm." *Id.* at 598. Notably, all of the cases cited involved review of trial decisions.

- 14. Id. at 601.
- 15. Id.

 Buchanan v. Wal-Mart Louisiana, LLC, No. 2019 WL 7018879 (W. D. La. Dec. 18, 2019). 17. Id. at *2.

18. Chambers, 85 So.3d at 598.

19. Buchanan, No. 2019 WL 7018879 at *2 (citing Cline v. Cheema, 2011-1029 (La. App. 4 Cir. 2/22/12), 85 So.3d 360, writ denied, 2012-0666 (La. 5/4/12), 88 So.3d 4650).

20. Buchanan, No. 2019 WL 7018879 at *3.

21. Buchanan v. Wal-Mart Stores, Incorporated, 834 F. App'x 58 (5 Cir. 2020).

22. Farrell v. Circle K Stores, Inc., 2022-00849 (La. 3/17/23), 359 So.3d 467.

23. Id. at 471.

24. Id. at 480.

25. Broussard v. State ex rel. Office of State Bldgs., 2012-1238 (La. 4/5/13), 113 So.3d 175, 184.

26. Id.

27. Farrell, 359 So.3d at 477-78.

28. Id. at 475.

29. Id. (quoting Broussard, 113 So.3d at 184-85). For a thorough discussion of the conflation problem, see Thomas C. Galligan, Jr., "Continued Conflation Confusion in Louisiana Negligence Cases: Duty and Breach," 97 Tul. L. Rev. 339 (2023). In a concurring opinion in Farrell, Chief Justice Weimer approvingly cited Professor Galligan's then forthcoming article. Farrell, 359 So.3d at 480 n.1.

- 30. Id. at 478.
- 31. Id. at 478.
- 32. Id. at 479-80.
- 33. Id. at 478.
- 34. Id.
- 35. Id. at 477.

36. Seymour v. Murphy Oil, 24-00448 (La. 6/19/24), 386 So.3d 312.

37. Murphy Oil's Application for Writ of Certiorari at 15 (emphasis in original).

38. Previously, the district court denied summary judgment, and the 3rd Circuit denied supervisory writs. Appendix to Murphy Oil's writ application, respectively at 6-7, 15.

39. Seymour, 386 So.3d 312 (Crain, J., concurring in denial of writ application).

40. Chambers v. Village of Moreauville, 85 So.3d at 598.

41. *Id*.

42. Reed v. Wal-Mart Stores, Inc., 708 So.2d at 364.

43. Id.

- 44. Broussard, 113 So.3d at 191.
- 45. Id.

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Procedural Considerations for Raising Constitutional Challenges in Louisiana State Courts

By Mel Dugas

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Louisiana Bar Journal December 2024 / January 2025



Precause constitutional challenges to statutes are relatively uncommon in ordinary practice, many lawyers may not be aware of the unique procedural requirements for raising such a challenge in a Louisiana state court. Failure to comply with proper procedures may result in the court dismissing the constitutional challenge without reaching the merits. The intent of this article is to provide some practical tips for avoiding these pitfalls.¹

General Requirements

The jurisprudence has recognized that, in order to successfully challenge the constitutionality of a statute, the party attacking the statute has a three-tier procedural burden. These requirements may be summarized as follows: (1) the constitutionality of a statute must first be questioned in the trial court, not the appellate courts; (2) the unconstitutionality of a statute must be specially pleaded; and (3) the grounds for the claim particularized.²

The requirement that the constitution-

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al challenge must be first raised in the trial court is based on the policy that "it is preferred that the parties to a dispute uncover any constitutional defects in a statute through the dialectic of our adversarial system "' However, the court has recognized exceptions to this general rule in cases where the statute is clearly unconstitutional on its face,4 where circumstances make it impossible for the party to raise the challenge in the trial court,⁵ or where the matter involves the constitutionality of a statute which interferes with or curtails the plenary power vested in the court by the state constitution.6

The remaining factors (specific pleading of unconstitutionality and particularization of the ground of unconstitutionality) flow from the longstanding principle that statutes are presumed to be constitutional and the party challenging the statute bears the burden of proving its unconstitutionality.⁷ Applying this presumption, the case law has held a party "who urges the unconstitutionality of a law must specially plead its unconstitutionality, and show specifically wherein it is unconstitutional."⁸

The jurisprudence has recognized that the Code of Civil Procedure does not require a single procedure or type of proceeding for challenging or assailing the constitutionality of a statute.9 However, in 2024, the Legislature enacted La. C.C.P. art. 855.1, which provides, "[a] ll civil actions alleging that a law is unconstitutional shall be in writing and be brought in an ordinary proceeding."10 At the same time, the Legislature enacted La. C.C.P. art. 1845, which provides "[a] judgment rendering a law unconstitutional is absolutely null and shall be void and unenforceable if the provisions of Article 855.1 have not been met."

The 2024 legislation does not appear to significantly alter the jurisprudential requirement holding the constitutional challenge must be raised in a civil pleading under La. C.C.P. art. 852, which recognizes the pleadings allowed as petitions, exceptions, written motions and answers, and cannot be raised in a memorandum, opposition or brief as those documents do not constitute pleadings.¹¹ The new legislation also appears to codify earlier decisions finding constitutionality should not be raised in a summary proceeding such as a request for a preliminary injunction.¹²

Service on the Attorney General

As originally enacted, La. C.C.P. art. 1880 provided that, in an action for declaratory relief where a statute, ordinance or franchise is alleged to be unconstitutional, "the attorney general of the state shall also be served with a copy of the proceeding and be entitled to be heard." The decisions interpreting this article have recognized that it did not require the attorney general to be joined as an actual party, but instead "contemplated that the attorney general be served and be given an opportunity to be heard and to participate in the case in a representative capacity."¹³

In 2024, La. C.C.P. art. 1880 was amended to add the following language: "[i]f the law is alleged to be unconstitutional, pleadings shall be made pursuant to the requirements in Articles 855.1 and 1845."14 At the same time, La. C.C.P. art. 855.1 was enacted, providing that, in a civil action alleging unconstitutionality, "[t]he pleading shall be served upon the attorney general of the state in accordance with Article 1314." Upon proper service, "the attorney general shall have thirty days to respond to the allegations or represent or supervise the interests of the state." As noted, La. C.C.P. art. 1845 mandates that any judgment of unconstitutionality is null and void if the provisions of La. C.C.P. art. 855.1 have not been satisfied.

The 2024 amendments broaden the scope of the service requirements. While the original version of La. C.C.P. art 1880 was limited to declaratory judgments, La. C.C.P. art. 855.1 now requires the attorney general to be served in all civil actions in which a law is alleged to be unconstitutional.¹⁵ Additionally, the new legislation establishes a specific time limit for the attorney general to respond and nullifies any judgment of unconstitutionality where the attorney general has not been served. However, the new



articles do not appear to overrule the earlier jurisprudential pronouncements which held the attorney general need not be made an actual party, but instead may elect to appear in a representative or supervisory capacity.¹⁶

Finally, La. R.S. 13:4448 provides an additional safeguard to protect the attorney general's interests. That statute mandates that, prior to adjudicating the constitutionality of a state statute, the courts of appeal and the Louisiana Supreme Court shall provide notice by certified mail to the attorney general and afford the attorney general an opportunity to be heard. In the event of failure to comply with this requirement, the statute provides the court must hold adjudication of the case open, pending notification to the attorney general.

Appeals

Article V, §5(D) of the Louisiana Constitution provides a case shall be appealable to the Louisiana Supreme Court when "a law or ordinance has been declared unconstitutional." The courts of appeal lack jurisdiction to review an appeal of a judgment of unconstitutionality.¹⁷ If the appeal is taken to a court which lacks jurisdiction, it may be transferred to the proper court under the provisions of La. C.C.P. art. 2162 and La. R.S. 13:4441.

Once the Supreme Court assumes appellate jurisdiction over the judgment of unconstitutionality, it "has appellate jurisdiction over all issues involved in a civil action properly before it."18 The Court has interpreted this provision as applying only to those issues which have been ruled on by the trial court.¹⁹ The Supreme Court's appellate jurisdiction does not attach unless there is a substantive declaration of unconstitutionality.20 In deciding jurisdiction, the Court has looked to whether the constitutional determination was essential to the judgment.²¹ This analysis developed from the well-settled principle that "courts should refrain from reaching or determining the constitutionality of legislation unless, in the context of a particular case, the resolution of the constitutional issue is essential to the decision of the case or controversy."22 Thus, if the trial court's reference to unconstitutionality is in the nature of obiter dictum, the Supreme Court's appellate jurisdiction will not attach.23

A frequent problem arises when the trial court's reasons for judgment indicate a statute is unconstitutional, but the written judgment does not contain a formal declaration of unconstitutionality. In such instances, the Supreme Court has frequently found it lacks appellate jurisdiction on the ground that a trial court's oral or written reasons form no part of the judgment.²⁴ However, in cases where the record contains detailed reasons that can fairly be characterized as a substantive declaration of unconstitutionality, the Court has found the judgment falls within its appellate jurisdiction.²⁵

If the Supreme Court finds it lacks appellate jurisdiction, it may still exercise its supervisory jurisdiction pursuant to Article V, $\S5(A)$ of the Louisiana Constitution. The constitutional grant of supervisory authority to the Supreme Court is plenary, unfettered by jurisdictional requirements, and exercisable at the complete discretion of the court.²⁶ In determining whether to exercise its discretionary supervisory authority, the Court considers factors such as whether resolution of the issue would greatly aid the parties and the courts, and whether it would avoid further delay in the disposition of the matter.27

An unusual situation may arise when a declaration of unconstitutionality is rendered by the court of appeal rather than the trial court. This scenario can occur when the trial court finds a statute to be constitutional, but the court of appeal reverses this judgment on appeal. In such a case, the court of appeal's judgment should be appealable to the Supreme Court, but the proceeding may not fall within the code's definition of appeal.²⁸ To address this procedural conundrum, the Supreme Court has developed a practice in which it grants a party's application for certiorari as a matter of right in a case where the appellate court has declared a law unconstitutional.29

Conclusion

As seen by this brief overview, the procedural requirements for raising a constitutional challenge can be rather complex. However, compliance with these requirements is necessary in ensuring the constitutional issue is properly postured for review on the merits.

FOOTNOTES

1. This article focuses primarily on constitutionality challenges in civil proceedings. However, some of these same requirements may be applicable in criminal proceedings.

2. Williams v. State, Dep't of Health & Hosps., 1995-0713 (La. 1/26/96), 671 So.2d 899, 902; Vallo v. Gayle Oil Co., 1994-1238 (La. 11/30/94), 646 So.2d 859, 864-65.

3. *Prejean v. Barousse*, 2012-1177 (La. 1/29/13), 107 So.3d 569, 571.

4. Board of Comm'rs of Orleans Levee Dist. v. Connick, 1994-3161 (La. 3/9/95), 654 So.2d 1073, 1076.

5. See, e.g., Long v. Northeast Soil Conservation Dist. of La., 226 La. 824, 831, 77 So.2d 408, 410 (1954) (explaining "in view of the fact that the act became effective after this case was lodged in this court, it was impossible for relator to urge and plead its unconstitutionality in the lower court.").

6. City of Baton Rouge v. Stauffer Chem. Co., 500 So.2d 397, 400 at n. 7 (La. 1987).

7. Fransen v. City of New Orleans, 2008-0076 (La. 7/1/08), 988 So.2d 225, 234.

8. City of Shreveport v. Pedro, 170 La. 351, 353, 127 So. 865, 865 (1930).

9. Vallo v. Gayle Oil Co., 1994-1238 (La. 11/30/94), 646 So.2d 859, 864.

10. This article also provides for service on the attorney general, which will be discussed in more detail in the next section.

11. Marcile v. Dauzat, 2010-1822 (La. 9/24/10), 44 So.3d 678, 679 (quoting Vallo v. Gayle Oil Co., 94-1238 (La. 11/30/94), 646 So.2d 859, 865).

12. See Farmer's Seafood Co. v. State ex rel. Dep't of Pub. Safety, 2010-1534 (La. 9/3/10), 44 So.3d 676; Women's Health Clinic v. State, 2001– 2645 (La.11/9/01), 804 So.2d 625; and Kruger v. Garden Dist. Ass'n, 1999–3344 (La. 3/24/00), 756 So.2d 309.

13. Chamberlain v. State Through Dep't of Transp. & Dev., 624 So.2d 874, 877 (La. 1993).

14. La. Acts 2024, 2nd Ex. Sess., No. 12.

15. While criminal proceedings are outside the scope of this article, it is noteworthy that a corresponding provision was added in 2024 to La. C.Cr.P. art. 62(D), which provides:

D. Any pleading containing an allegation of unconstitutionality of a criminal law shall be in writing and served upon the attorney general of the state. Upon proper service, the attorney general shall have thirty days to respond to the allegations or represent or supervise the interests of the state. The attorney general shall have a right to directly appeal adverse rulings to the Supreme Court of Louisiana for supervisory review whether or not the attorney general participated in the underlying proceeding.

This amendment may call into question the validity of *State in Int. of A.N.*, 2018-01571 (La. 10/22/19), 286 So.3d 969, 973-74, in which the court declined to apply the notice provisions of the

Code of Civil Procedure to a post-conviction criminal proceeding established by and defined in the Code of Criminal Procedure.

16. Pursuant to La. R.S. 49:257, "[t]he attorney general, at his discretion, shall be permitted to present, represent, or supervise the representation of the state's interest in the proceeding if the proceeding is in accordance with Code of Civil Procedure Articles 855.1 and 1845 and Code of Criminal Procedure Article 62(D)."

17. See, e.g., Cartesian Co., Inc. v. Div. of Admin. L. Ethics Adjudicatory Bd. Panel A, 2022-0158 (La. App. 1 Cir. 9/16/22), 352 So.3d 1021.

18. La. Const. Art. V, §5(F).

19. Church Point Wholesale Beverage Co. v. Tarver, 614 So.2d 697, 701 (La. 1993).

20. Twin Parish Port Comm'n v. Berry Bros., 1994-2594 (La. 2/20/95), 650 So.2d 748, 749.

21. Marcile v. Dauzat, 2011-1509 (La. 10/16/12), 103 So.3d 335, 338.

22. Ring v. State, Dep't of Transp. & Dev., 2002-1367 (La. 1/14/03), 835 So.2d 423, 426.

23. Blocker v. City of New Orleans, 218 La. 669, 670-71, 50 So.2d 643, 643 (1951).

24. Lillie v. Stanford Trust Co., 2022-00328 (La. 4/12/22), 335 So.3d 828, 829; Barber v. Louisiana Workforce Comm'n, 17-0750 (La. 6/5/17), 221 So.3d 38; Perez v. Evenstar, Inc., 2012-1003 (La. 6/22/12), 91 So.3d 288; Fla. Gas Transmission Co. v. Louisiana Tax Comm'n, 09-0729 (La. 5/15/09), 10 So.3d 1219; Meaux v. Galtier, 07-2474 (La. 1/25/08), 972 So.2d 1137; Burmaster v. Plaquemines Par. Gov't, 2007-1311 (La. 8/31/07), 963 So.2d 378; Carmena v. East Baton Rouge Parish Sheriff's Office, 2006-0260 (La. 2/2/07), 947 So.2d 715.

25. State v. Williams, 2011-0958 (La. 7/2/12), 94 So.3d 770, 777; St. Charles Gaming Co. v. River Boat Gaming Comm'n, 1994-2697 (La. 11/10/94), 645 So.2d 208.

26. Unwired Telecom Corp. v. Par. of Calcasieu, 2003-0732 (La. 1/19/05), 903 So.2d 392, 400.

27. *Mayeux v. Charlet*, 2016-1463 (La. 10/28/16), 203 So.3d 1030, 1035.

28. La. C.C.P. art. 2082 defines "appeal" as "the exercise of the right of a party to have a judgment of a *trial court* revised, modified, set aside, or reversed by an appellate court." [emphasis added].

29. Bradford v. Dep't of Hosps., 255 La. 888, 894, 233 So.2d 553, 555 (1970).

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By Patrick A. Talley, Jr. and Rachael M. Mills



nited States Supreme Court Justice Lewis Powell, Jr. said, "Equal justice under the law is not merely a caption on the façade of the Supreme Court building. It is perhaps the most inspiring ideal of our society . . . it is fundamental that justice should be the same, in substance and availability, without regard to economic status."

Three years ago, the Louisiana State Bar Association (LSBA) Access to Justice Committee's Pro Bono Subcommittee launched the "20 in 2022" campaign, encouraging every attorney to dedicate 20 hours of pro bono work that year. In 2025, the subcommittee is revitalizing and expanding that campaign with "25 in 2025," asking attorneys to provide 25 hours of pro bono legal services in the year 2025.

Some may ask, "Why does the LSBA continue to champion campaigns like this?" The answer is simple — pro bono is not just a professional responsibility; it's a lifeline. The services attorneys provide have the potential to transform lives, offering relief, protection and dignity to those who cannot afford legal representation. Pro bono is more than an obligation — it's a moral imperative and a practical solution to some of the most pressing issues facing Louisiana today.

The Urgent Need for Pro Bono in Louisiana

Louisiana is home to some of the highest poverty rates in the nation. In 2024, the poverty rate was 18.65%.¹ For these families, paying for legal representation is not an option, even when their fundamental rights and live-lihoods are at risk.

Nationally, 74% of low-income households experience at least one civil legal issue each year, yet an overwhelming 92% of those families receive little to no help in addressing their legal problems.² These issues range from housing instability to healthcare access, family law matters, and employment disputes.

This justice gap not only harms individuals and families but it undermines the very foundation of the legal system — equal justice for all. In 2025, the need for pro bono legal representation is more significant than ever. Attorneys contributing their skills and time can be part of the solution, ensuring that more Louisianans can access justice and relief through the courts.

Why Pro Bono?

The Louisiana Rules of Professional Conduct, Rule 6.1, suggests that every attorney should aspire to render at least 50 hours of pro bono legal services per

PRO BONO PROGRAMS IN LOUISIANA

Acadiana Legal Services Corporation Gregory Hopkins ghopkins@la-law.org

Baton Rouge Bar Foundation Pro Bono Project Lynn Haynes • lynn@brba.org or Robin Kay • robin@brba.org

Central Louisiana Pro Bono Project, Inc. Lizz Moreau probonopro.lizz@yahoo.com

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Shreveport Bar Association Lucy Espree lespree@shreveportbar.com

Southeast Louisiana Legal Services Doug Carey dcarey@slls.org

SLLS Northshore Pro Bono Program Cynthia Bordonaro cbordonaro@slls.org TOP 5 REASONS TO DO PRO BONO THROUGH A PRO BONO PROGRAM

CLE Credit for pro bono hours.

Guidance from experienced mentors to support you.



Malpractice insurance provided by pro bono programs.

CLE training on critical issues like family law, consumer rights and successions.

4

Networking opportunities with colleagues and potential employers. year.³ Every Louisiana attorney is encouraged to meet that goal. However, balancing work, life and pro bono commitments can be challenging. This is why the "25 in 2025" campaign sets an attainable goal of 25 hours — a small but impactful step toward fulfilling the professional and moral obligations.

The Legal, Moral and Practical Importance

Pro bono work benefits not only the clients, but also the legal profession and society at large. On a legal level, it reinforces the principle that justice is not reserved for those who can afford it but is a right for all. Morally, attorneys have a duty to use their skills to support vulnerable communities — providing legal help where it is most needed. Practically, pro bono provides opportunities for attorneys to grow professionally while giving back to the community.

This work does not diminish the dignity of the people served. On the contrary, offering legal assistance affirms their humanity and their right to be heard and protected under the law. Those living in poverty are often met with systemic barriers that prevent them from accessing the justice system on their own. By providing pro bono services, attorneys empower them to navigate these obstacles, ensuring their voices are heard and their legal issues are addressed.

The Benefits for You

Pro bono work is not just good for the public — it's good for you. Pro bono programs throughout Louisiana offer malpractice insurance, free CLE training and mentorship opportunities to help you succeed. Additionally, you can earn CLE credit for every 5 hours of pro bono work (up to 3 CLE credits per year).

Whether you are a new attorney looking for courtroom experience or a seasoned professional wanting to give back, pro bono work offers meaningful opportunities to engage with colleagues, expand your skills, and make a real difference.

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How to Get Started

You don't have to take on this work alone. Louisiana's pro bono programs are here to support you, offering screened clients, resources and mentorship. They provide opportunities to assist with cases ranging from domestic violence and consumer protection to wills and estates. There are both in-person and remote volunteer options available, making it easier than ever to find time in your schedule.

Join the Campaign

Join the "25 in 2025" campaign and commit to 25 hours of pro bono service this year. Not only will you be helping individuals and families who need your experience, but you will also be upholding the fundamental values of the legal profession and ensuring that justice remains accessible to all, regardless of income.

For more information on how to get involved, visit *www.probono.net/la* and start making your pro bono hours count today.

FOOTNOTES

1. https://bestdiplomats.org/pooreststates-in-america/.

2.https://justicegap.lsc.gov/resource/ executive-summary/.

3. See Louisiana Rules of Professional Conduct, www.ladb.org/ Material/Publication/ROPC/ROPC.pdf.

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Address to New Bar Admittees: The Four Pillars in the Practice of Law

By Louisiana Supreme Court Associate Justice Scott J. Crichton

Editor's Note: This address to the new admittees of the Louisiana State Bar Association was delivered at the Oct. 21, 2024, Bar Admission Ceremony.

As I complete my 34th and final year as a member of the judiciary, it is a special honor and privilege to stand before you on this extraordinary and memorable day. My colleagues Chief Justice John Weimer, Associate Justices Jeff Hughes, Will Crain, Jay McCallum, Piper Griffin, Associate Pro Tempore Jeannette Knoll and I congratulate you on your hard work and this significant accomplishment.

I also extend congratulations to those who helped you along the way in achieving your goal of becoming an attorney. No one made it here alone. The celebration of your accomplishments is rightfully shared by those who helped to make it possible. Attorneys, please give a round of applause to your loved ones.

I recognize and thank the members of the Committee on Bar Admissions. These individuals have spent countless hours in volunteer service to the entire bar membership, giving up valuable time from their families and their own practices knowing that their only compensation is in maintaining the integrity and privilege of being in our profession. To all members and volunteers with the Committee on Bar Admissions, we thank you.

More than a century ago, United States Supreme Court Justice Benjamin Cardozo eloquently stated: "Membership in the bar is a privilege — burdened with conditions." This brief statement expresses



The new admittees of the Louisiana State Bar Association took their oath at the Oct. 21Bar Admission Ceremony. *Photo courtesy of the Louisiana Supreme Court.*

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great wisdom about the unique position you will have as an attorney throughout your lives. As an attorney, you will have significant power: you will represent clients, you will give legal advice, and you will stand up in courts of law as the voice of the voiceless. These are privileges not afforded to the general public. But with these privileges come conditions and responsibilities. Today, as you embark on your new career, I want to speak about four pillars that I hope will guide you throughout your practice, as they have mine for 44 years — competence, work ethic, integrity and reputation.

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The First Pillar: Competence

Competence is foundational to the practice of law. It is the first requirement of the Rules of Professional Responsibility. Competence is not just about having passed the bar exam, but also about maintaining the knowledge and skill required to represent your clients effectively. The complexities of cases will challenge you. The law is dynamic. Each year there is new state and federal legislation; each year there is a new body of jurisprudence. And, now even more than ever, technology is rapidly changing the practice of law. You should always look to the Rules of Professional Conduct and the Professionalism Guidelines as guideposts. As lawyers, the Rules of Professional Conduct hold us to high standards — not just in court, but in everything we do. A lapse in competence can be costly, not only to your career but, more significantly, to those who depend on your guidance.

The Second Pillar: Work Ethic

The next pillar is work ethic. Some cases will be demanding of your time, your knowledge, your resources. There are no shortcuts to excellence. Long hours, detailed research, and often grueling tasks are part of the conditions about which Justice Cardozo spoke. Your success and the outcomes you achieve for your clients depend on your willingness to put in the work — despite the challenges.

In discussing work ethic, Supreme Court Justice Ketanji Brown Jackson recently quoted a selection from an 1847 Henry Wadsworth Longfellow poem that she keeps in her office. It is titled "The Ladder of St. Augustine:"

The heights by great men reached and kept

Were not attained by sudden flight,

But they, while their companions slept,

Were toiling upward in the night.

Standing on what too long we bore With shoulders bent and downcast eyes.

We may discern – unseen before – A path to higher destinies.

Similarly, Alfred Lord Tennyson's 1842 poem, "Ulysses," among other things, is about striving against adversity with resilience, determination and the refusal to succumb. It concludes with my favorite line: "To strive, to seek, to find and not to yield." That is my charge to you as you embark on your career.

That said, however, please also heed this advice: temper that hard work with rest and relaxation. Balance your work life with a fulfilling personal life.



Louisiana Supreme Court Associate Justice Scott J. Crichton delivered the address to the new admittees of the Louisiana State Bar Association. *Photo courtesy of the Louisiana Supreme Court.*

The Third Pillar: Integrity

Over the course of your career — and likely sooner than you could imagine you will face situations that may tempt you to compromise your integrity. As a teenager, I attended a boarding school, the Latin motto of which was, *Noli Res Subdole Facere*, which translates to "Do Nothing on the Sly." These five words have been a grounding moral compass throughout my life. As our Code of Professionalism provides in its very first line, your word is your bond. In every contract, every negotiation, every courtroom exchange, your integrity is what allows others to trust you.

The Fourth Pillar: Reputation

Finally, related to integrity, I want to talk about reputation. You are building your reputation as an attorney from this very moment. Every case you take, every client interaction, every time you engage with opposing counsel or the court, you are defining who you are in the eyes of the legal community. Be mindful of how you conduct yourself. Be courteous, even in the heat of battle. Strive to be known not only as someone whose work is of high quality, but also as someone whose character is beyond reproach.

A Harvard law professor wrote: "Loss of reputation is the greatest loss you can suffer. If you lose it, you will never recover it. Whether other lawyers or judges or clerks or commissioners trust you and take your word, whether you are straight with your clients (and everyone else), whether principles and people matter to you, whether your adversaries respect you as honest, fair and civil, whether you have the guts to stand up for what you believe — these are some of the hallmarks of integrity."

If your reputation for integrity is alive and well, so will be your career and your well-being. You are the architect of your reputation — which begins today.

As you step into the legal profession, I urge you to carry these four pillars with you: competence, work ethic, integrity and reputation. If you do, I am certain you will be fulfilled in knowing that you have honored both the law and the clients you serve.

Conclusion

Borrowing from Longfellow, Tennyson and my own high school motto, let me direct you to reach that higher destiny. Do nothing on the sly and strive to seek, to find and not to yield. You have earned the privilege of joining the legal profession. If you stay true to these timehonored principles and the four pillars I discussed, you will have satisfied the conditions of which Cardozo spoke, and, as I have, you will have an immensely rewarding career in our profession.



MEMORIALS... PROGRAMS... SPECIALIZATION

Reminder: MCLE Compliance Deadline is Dec. 31, 2024

The deadline for earning mandatory continuing legal education credits is Dec. 31, 2024. The deadline for filing those credits or an exemption is Jan. 31, 2025.

For the 2024 compliance period ending Dec. 31, 2024, the limitation for computerbased 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/.*

vLex Fastcase Changes

n June 20, 2024, Fastcase merged with vLex and is now known as vLex Fastcase. Now when Louisiana State Bar Association (LSBA) members access Fastcase, they will see a new platform for vLex/Fastcase. Fastcase is still the same product and free to LSBA members with some improvements and tweaks. The mobile app will stay the same.

In addition to the free Fastcase tool, vLex Fastcase will also be offering its new artificial intelligence product, Vincent AI, at an extra cost. Members are not obligated to use Vincent AI and not doing so will not affect their use of Fastcase. More information about that product and the cost are available on its website at: *https://vlex.com/vlex-fastcase*.

In June 2005, the LSBA became the first state bar association in the nation to offer the Fastcase tool as a free benefit to its members. Since then, the LSBA has continued to offer the service to members.

The vLex Fastcase member benefit is unlimited — with no restrictions on time or number of transactions, unlimited printing, unlimited reference assistance and unlimited customer service included for free, as well as a newspaper archive, legal forms and a one-stop PACER search of federal filings. Training webinars and tutorials, industry-leading mobile apps, and live customer support are all available from members of the vLex Fastcase team.

For more information, visit: www.lsba.org/PracticeManagement/ AboutFastcase.aspx.

Attorneys Apply for Certification as Legal Specialists

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

Appellate Practice

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

Employment Law

Jill L. Craft Baton Rouge

Estate Planning & Administration

Jessica Bach	New Orleans
Michael Stephen Donovan	Slidell
Daniel J. Finch	Lafayette
Katelyn Parks Gunn	New Orleans
Rebecca S. Luster Radford	Shreveport

Family Law

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

Health Law

Jeffrey K. Clement, Jr Patrick D. Seiter	
Tax Law Andrew J. Lorenz	New Orleans

"Lawyers in Libraries" Turns 11: A Decade of Pro Bono Legal Service

By Stephanie M. Beaugh

or the 11th consecutive year, Louisiana attorneys provided essential legal assistance during the Louisiana State Bar Association's (LSBA) "Lawyers in Libraries" week of service, held in conjunction with the American Bar Association's "National Celebrate Pro Bono Week." This year's events occurred from Oct. 21-26 and had its most successful program yet. This annual event offered free legal consultation sessions — both in person and by phone — along with live presentations streamed via social media. Throughout the week, 152 attorneys volunteered to help connect hundreds of Louisiana residents with free legal services that might otherwise be out of reach. Together, they provided more than 365 hours of pro bono service through consultations and workshops. Since its inception over a decade ago, nearly 1,200 attorneys have participated in the program, helping more than 8,000 people in public libraries across the state.

Lawyers in Libraries is part of the award-winning Legal Education and Assistance Program (LEAP),¹ a collaborative effort between the LSBA, the Law Library of Louisiana, the State



Caddo Parish, Mooretown Branch: From left, attorney Jasmine C. Cooper, attorney Terry (TJ) Pittman and attorney Felicia M. Hamilton.

Library of Louisiana and public libraries throughout the state. Launched in 2014, the program aims to bridge Louisiana's access to justice gap by providing free, limited legal services to people who may not otherwise be able to afford an attorney. Coinciding with National Celebrate Pro Bono Week, which typically falls the last full week of October each year, the program plays a critical role in expanding legal resources for those facing financial barriers.

Over the years, Lawyers in Libraries has expanded its services to better meet the needs of Louisiana residents. When all in-person events were cancelled in 2020 due to the pandemic, the program shifted to a virtual format, which included Ask-A-Lawyer consultations by phone and educational legal presentations by Zoom and Facebook. Providing consultations by phone has increased accessibility for individuals who may not be able to attend in-person events. Last year, the program introduced the "On Call" volunteer system which coordinates attorneys to cover any lastminute cancellations either by phone or in-person.

In addition, the program rebranded virtual presentations as "Law Talks," which are now also offered bi-monthly. These educational sessions, covering topics such as family law and housing rights, are live-streamed on social media. Libraries are also encouraged to host in-person "Watch Parties" for their patrons for these events. These additions have broadened the reach of the program, ensuring that more Louisianans have access to critical legal information and services regardless of their location or availability to attend events in person.

In his proclamation declaring October 21-26, 2024, as "Pro Bono Week" in Louisiana, Gov. Jeff Landry



Louisiana Supreme Court Chief Justice John L. Weimer with the Proclamation declaring October 21-26, 2024, as "Pro Bono Week" in Louisiana, signed by Louisiana Gov. Jeff Landry.

emphasized the importance of legal aid and pro bono programs like Lawyers in Libraries in supporting vulnerable populations, including the nearly 20% of the state's residents living below the poverty line.

Longtime attorney volunteer Daniel W. Nodurft praised the Lawyers in Libraries program for connecting the legal community with underrepresented populations. "I have had the privilege of working with and organizing the Lawyers in Libraries program in St.



Attorneys Barry M. Barnett, left, and Robert G. Levy with Rapides Parish library staff member Tara DeMarco.

Bernard since 2017. During this time, the need for pro bono services became real," Nodurft said. "Many people don't know where to turn or what to do with legal problems for which they just want guidance. This program has brought together lawyers who are both empathetic and knowledgeable with ordinary people who just want help to solve their problems. It is both gratifying and humbling to know that we make a difference for those in need," Nodurft added.

Nodurft's sentiments reflect the broader mission of Lawyers in Libraries and similar pro bono initiatives — to ensure that everyone, regardless of financial circumstances, has access to the legal support needed. As Louisiana continues to confront significant socioeconomic challenges, programs like these provide a crucial safety net, helping individuals navigate their le-

Thanks to Attorney Volunteers

Janeane G. Abbott Joseph Accardo, Jr. Mike F. Adoue R. Royal Alexander Joshua D. Allison Darnell-Terri C. Andrews Kenesha D. Antoine Andretta B. Atkins Erin C. Bagent Christina F. Baldwin Hailey A. Barnett Barry M. Barnett Herman L. Bastian Patricia M. Beasley Stephanie M. Beaugh Sadye K. Bernheim Loyd T. Bourgeois Charles C. Bourque, Jr Amanda Brown Somer G. Brown Sophia Dixon Brown Shentell W. Brown Christina M. Bryant Brittany Carnes Melancon Courtnei J. Carter Gerald J. Casey Christopher T. Castro Michele P. Childress Tanner M. Choate

Janet M. Clemons Lauren G. Coleman Rebecca M. Collins Mariarenee Contreras Katherine M. Cook Jasmine C. Cooper Keith M. Couture Mekisha S. Creal Dolph B. Curet III Nick N. Cusimano Krishant Dania Chelsea D. Dazet Marla L. Dickerson Amy E. Duncan Jeff D. Easley Charles D. Elliott Linda K. Ewbank Paula J. Ferreira Huey L. Fischer Garcia Edward (Jim) Gaidry, Jr Jordan T. Giles John C. Ginart Wendy E. Giovingo Maurice D. Gipson Lewis M. Gladney Eugene G. Gouaux III Temia P. Griffin John R. Guenard Burton P. Guidry Max E. Guthrie Emily R. Hager

Pamela D. Hall Felicia M. Hamilton Schalyece M. Harrison Taetrece Harrison Markita S. Hawkins Ranee L. Haynes Maurice Hebert Amanda D. Hogue Christopher J. Huddleston Joseph G. Jevic III Devin T. Jones Jack E. Jowers Erin D. Kalus Nancy Jane Karam Derrick D. Kee Evelyn A. Kelly Michael W. Kelly Robert P. Kemp Megan C. Kiefer Daniel A. Kramer Ross A. Ledet Jessica C. Ledet Sarah A. Legendre Kathleen M. Legendre Andrew T. Leonards Robert G. Levy Ashley M. Liuzza Christopher S. Liuzza Erin M. Lorio Kelley S. Mackenroth

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James G. Maguire Hailey E. Manint Amber Mason Narcisse Sharon McCoy Peter M. Meisner Brandon J. Melerine Barbara B. Melton Rachael M. Mills Natalie K. Mitchell Chad J. Mollere Neil D. Montgomery Bianca N. Moore Christina D. Moore David S. Moyer Patrick G. Murray Alexandria H. Nichols Daniel W. Nodurft Claire M. Ojeh Julianna P. Parks David C. Peltier Terry (TJ) Pittman DeVonna M. Ponthieu Matthew J. Posey Ewell C. Potts III Barry S. Ranshi Audrius M. Reed Brooke A. Roach John (Van) Robichaux Joshua M. Robin Miguel D. Robles-Coles Leon E Roy IV

Jovian V. Scafati William P. Schieffler Cynthia F. Schmidt Carl V. Sharp Amber C. Sheppard Margaret D. Simon Matt S. Smith Meagan M. Smith Meredith Smith S. Christie Smith IV Sharita L. Spears Amie D. Stassi John M. Stefanski Brittany Sullivan Dory L. Tarver Perry W. Terrebonne Porcha C. Thompson Brian L. Thornhill Matt J. Tillery Adam J. Triplett John B. White Laureli I. White Madison Clay Williams Adrianna J. Williams Lauren E. Williams Jennifer R. Woodland Revettea D. Woods Tracie J. Woods Zachary L. Wool Hilary A. Wooley Joyce D. Young



St. Bernard Parish: Attorneys, from left, John (Van) Robichaux, Ashley M. Liuzza, Ewell C. Potts III, Daniel W. Nodurft and Christopher S. Liuzza.



Attorney Jeff D. Easley with Rapides Parish library staff member Tara DeMarco.



Jefferson Parish: Attorney Peter M. Meisner at River Ridge branch with library staff member.



Attorney Cynthia F. Schmidt at the Orleans Parish New Orleans East branch.

gal obstacles. Through the dedication of attorney volunteers, the Lawyers in Libraries program reaffirms the legal profession's commitment to justice and service, helping to build stronger, more equitable communities across the state.

The LSBA would like to acknowledge the LSBA members who volunteered in their communities, the pro bono agencies, local bar associations, private practitioners, and legal service providers who helped to coordinate events in individual parishes across the state. The 152 attorneys who offered



Amber C. Sheppard presented "Law Talks" on Service Animals.

their time are listed on page 250.

The LSBA also gives special thanks to the State Library of Louisiana, the Louisiana Library Association, the Law Library of Louisiana and the dedicated staff of libraries across Louisiana who helped to coordinate and promote events throughout the state.

FOOTNOTE

1. In 2024, LEAP won the Excellence in Community Engagement Award from the American Association of Law Libraries.

Attorney Dolph B. Curet III and St. Mary Parish library staff.

Stephanie M. Beaugh is the Louisiana State Bar Association's Access to Justice projects counsel. She is the liaison to the Access to Justice Commission's Accessibility, Self-Represented Litigant and Technology Committees. She assists in the development and implementa-



tion of Self-Help Resource Centers for litigants without attorneys. (stephanie.beaugh@lsba.org; 601 St. Charles Ave., New Orleans, LA 70130)

Participating Libraries (by Parish and Branch)

Ascension: Donaldsonville Ascension: Dutchtown Ascension: Galvez Ascension: Gonzales Bossier: Benton Bossier: Central Caddo: Hollywood Union Ave. Caddo: Mooretown Calcasieu: Epps Calcasieu: Sulphur Cameron: Grand Lake Cameron: Hackberry Library Concordia: Ferriday East Baton Rouge: Carver East Carroll: Lake Providence East Feliciana: ARL Clinton East Feliciana: ARL Jackson Evangeline: Mamou Iberia: Main Iberville: Plaquemine Jefferson: East Bank Regional Jefferson: Gretna Jefferson: Orth Kenner Jefferson: North Kenner Jefferson: Old Metairie Jefferson: River Ridge Lafourche: Lockport Lafourche: Thibodaux Livingston: Denham Springs-Walker Branch Livingston: Main Morehouse: Bastrop Orleans: East New Orleans Orleans: Rosa Keller Ouachita: Main Rapides: Libuse Branch Rapides: Main Rapides: Westside St. Bernard: Main St. Charles: East Regional St. Charles: Paradis St. Charles: West Regional St. Helena: ARL Greensburg

St. John the Baptist: Leroy D.

Williams

St. Martin: St. Martinville St. Martin: Breaux Bridge St. Mary: Franklin St. Tammany: Causeway St. Tammany: Covington St. Tammany: Madisonville Terrebonne: Main Terrebonne: Main Terrebonne: North Branch Vermilion: Abbeville Vermilion: Kaplan Vernon: Leesville Washington: Franklinton West Baton Rouge

Attorneys, Judges Participate in Law School Professionalism Orientations

he Louisiana State Bar Association's (LSBA) Committee on the Profession hosted law school professionalism orientations at two of Louisiana's law schools. Forty attorneys and judges from across the state participated in the programs in August 2024 at Louisiana State University (LSU) Paul M. Hebert Law Center and Southern University Law Center (SULC).

LSBA President-Elect Edward J. Walters, Jr. led an impressive list of speakers addressing first-year law students at the outset of the two programs.

Other speakers included Louisiana Supreme Court Associate Justice Jay B. McCallum and Associate Justice Piper D. Griffin; LSBA Committee on the Profession Chair Barry H. Grodsky; and Dr. Angela White Bazile, executive director of the Judges and Lawyers Assistance Program. Also addressing students were LSU Paul M. Hebert Law Center Associate Dean Andrea B. Carroll; Dr. Dennis J. Shields, president of the Southern University System; and SULC Interim Chancellor Alvin Washington.

Following the opening remarks, the law students were divided into smaller groups, where they discussed various ethics and professionalism scenarios with attorney and judge volunteers.

This orientation program, inaugurated in August 2000, has been institutionalized as a yearly project for the LSBA and the law schools. The deans and admissions staffs of the law schools have been accommodating in assisting with the logistical challenges of putting this program together.

Attorneys and judges volunteering their services this year were:

Louisiana State University Paul M. Hebert Law Center

H. Kent Aguillard Judge (Ret.) Jerome J. Barbera III Virginia Gerace Benoist Jay R. Boltin Fred Sherman Boughton, Jr. Andrew M. Casanave



Southern University Law Center: Louisiana Supreme Court Associate Justice Piper D. Griffin; Dr. Dennis J. Shields, president of the Southern University System; and SULC Interim Chancellor Alvin Washington offered welcome comments before the start of the Law School Professionalism Orientation at the law center.



Southern University Law Center: Following the introductory talks, first-year law students discussed ethics and professionalism scenarios with attorney and judge volunteers in breakout groups.



Louisiana State University Paul M. Hebert Law Center: Addressing the first-year students included, from left, LSBA President-Elect Edward J. Walters, Jr., LSBA Committee on the Profession Chair Barry H. Grodsky, attorney H. Kent Aguillard and former LSBA President Frank X. Neuner, Jr.



Louisiana State University Paul M. Hebert Law Center: First-year law students discussed ethics and professionalism scenarios with attorney and judge volunteers in breakout groups.

Judge (Ret.) Marilyn C. Castle Brian L. Coody S. Guy deLaup Bridget B. Denicola Monique M. Edwards Catherine S. Giering Judge (Ret.) Charles W. Kelly IV Karen J. King James B. Letten David A. Lowe Judge (Ret.) J. Michael McDonald Frederick A. Menner, Jr. Adrian G. Nadeau Frank X. Neuner, Jr. Kelly M. Rabalais Rene I. Salomon

Joseph L. (Larry) Shea, Jr.

Southern University Law Center

Brett L. Bajon R. Danielle Barringer Virginia Gerace Benoist Monique M. Edwards Lisa A. Freeman Roderick A. James April M. Leon Jackie M. McCreary Harry J. Philips, Jr. Michael H. Rubin Valerie T. Schexnayder Ike Spears

LBLS Accepting Application Requests for Board Certification

The Louisiana Board of Legal Specialization (LBLS) is accepting applications for board certification in seven areas appellate practice, employment law, estate planning and administration, family law, health law, labor law and tax law — from now through Feb. 28, 2025. The LBLS will accept applications for business bankruptcy law and consumer bankruptcy law certification from Jan. 1, 2025, through Sept. 30, 2025.

In accordance with the Plan of Legal Specialization, a Louisiana State Bar Association member in good standing who has been engaged in the practice of law on a full-time basis for a minimum of five 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 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. Refer to the LBLS standards online for the applicable specialty for a more detailed description of the requirements for application.

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 approved appellate practice CLE.

► Employment Law — 15 hours of approved employment law CLE.

Estate Planning and Administration — 18 hours of approved estate planning and administration CLE.

► Family Law — 15 hours of approved family law CLE.

► Health Law — 15 hours of approved health law CLE.

► Labor Law — 15 hours of approved labor law CLE.

Tax Law — 18 hours of approved tax law CLE.

► Bankruptcy Law — CLE is regulated by the American Board of Certification, the testing agency. Approved specialization CLE courses may be viewed online on the LBLS Approved Course Calendar at: *www.lsba. org/MCLE/MCLECalendar.aspx?L=S.* Check off the "Specialization Credit" and click "Search Courses" to find approved CLE in that 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 LBLS 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.

To access the Plan of Legal Specialization online, go to: www.lsba.org/ Specialization/.

Board Certified Specialists: Earn CLE Hours, Report to MCLE and LBLS to Avoid Penalties

In accordance with the requirements of the Louisiana Board of Legal Specialization (LBLS), as set forth in the individual Specialization, board certified attorneys and applicants in a specific field of law have to meet a minimum CLE requirement for the calendar year ending Dec. 31, 2024. The requirement for each area of specialty is as follows:

► Appellate Practice — 15 hours of approved appellate practice CLE.

► Employment Law — 15 hours of approved employment law CLE.

► Estate Planning and Administration — 18 hours of approved estate planning and administration CLE.

► Family Law — 15 hours of approved family law CLE.

► Health Law — 15 hours of approved health law CLE.

► Labor Law — 15 hours of approved

labor law CLE.

► Tax Law — 18 hours of approved tax law CLE.

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

The Louisiana Supreme Court amended the Rules for Continuing Legal Education, Supreme Court Rule XXX, Rule 3(d), effective June 26, 2023. For the 2024 compliance period ending Dec. 31, 2024, the Court has set the limitation for "computer-based credit" at 4.0 hours annually. "Computer-based credit" includes interactive live webcasts, webinars and on-demand recordings.

LBLS 2024-25 Chair Susan J. Burkenstock discusses the 2024 specialization CLE requirements in a letter to board certified specialists and applicants. Review at: *www.lsba.org/specialization*.

Preliminary specialization transcripts were sent in late November to board certified specialists delinquent in their specialization CLE hours for 2024. Specialization CLE requirements have to be satisfied by Dec. 31, 2024, and 2024 CLE attendance has to be reported to MCLE and LBLS no later than Jan. 31, 2025, to avoid penalties.

For more information, contact Specialization Director Mary Ann Wegmann, Louisiana Board of Legal Specialization, at (504)619-0128, or email maryann.wegmann@lsba.org.

Specialization transcripts may be accessed directly at: www.lsba.org/Specialization/ SpecializationTranscripts.aspx.

To find approved specialization CLE courses, consult the specialization CLE calendar at: www.lsba.org/MCLE/ MCLECalendar.aspx?L=S. Check off your specialization and click on "Search Courses" to find approved specialization CLE.

Attorneys Apply for Recertification

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

Business Bankruptcy Law

Patrick Shawn Garrity	Metairie
Michael David Rubenstein	Houston, TX

Estate Planning & Administration

Orr Adams, Jr.	Metairie
Ralph R. Alexis III	. New Orleans
Rachel South Bouquet	Houma
Shelley Babineaux Bouillion .	. Lake Charles
M. Elizabeth Bowman	Gretna
David M. Charlton	. Baton Rouge
Laura Elizabeth Fine	. New Orleans
Ronda Mary Gabb	Covington
Carl S. Goode	. Baton Rouge
Lawrence Dietrich Huter	Lafayette
Gregory Scott LaCour	Metairie
Gregory Jesse Logan	Lafayette
Ronald Wayne Morrison, Jr	Metairie
Joseph Michael Placer, Jr	Lafayette
Joseph A. Prokop, Jr.	. Baton Rouge
Beau P. Sagona	Metairie
Eric M. Schorr	. New Orleans
Carla Hines Sibille	Zachary
Amanda Pendleton Sigur	Metairie
Scott Joseph Sonnier	

Family Law

Dawn Amacker	Covington
Ernest S. Anderson	Slidell
James H. Askew	Shreveport
Alfred R. Beresko	Shreveport
David A. Blanchet	Lafayette
Lisa Leslie Boudreaux	Baton Rouge
Jennifer C. Carter	New Orleans
Robert P. Cuccia	Houma
Karen D. Downs	Baton Rouge
Jack L. Dveirin	
Patricia M. Franz	
Frank A. Granger	Lake Charles
Grace Phyllis Gremillion	Covington
Helen Popich Harris	
Mitchell J. Hoffman	
Lila Tritico Hogan	Hammond
Patricia M. Joyce	Gretna
Debra M. Kesler	Metairie
Philip C. Kobetz	Lafayette
Robert D. Levenstein	Laplace
Robert G. Levy	
Robert C. Lowe	New Orleans
Lorraine Jane Andresen McCormi	ckBaton Rouge
Patrice Wightman Oppenhein	nMandeville
David R. Paddison	Covington
Philip Riegel, Jr.	Metairie
Walter M. Sanchez	

period Jan. 1, 2025, to Dec. 31, 2029. Any person wanting 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

Diane A. Sorola	Lafayette
D. Reardon Stanford	Lafayette
Susan L. Theall	Lafayette
Linda A. Veazey	Abbeville

Health Law

Robert J. Bozeman	Monroe
Clay J. Countryman	Baton Rouge
Kathleen Lewinski DeBruhl	Mandeville
Sean Lyons Finan	Baton Rouge
Tara Lopez Foto	
Gregory D. Frost	Baton Rouge
Emily Townsend Black Grey	Baton Rouge
Lesleigh Hobbs Hall	Madisonville
W. Scott Keaty	Baton Rouge
Peter Alden Kellogg	New Orleans
Carolyn Buckley King	New Orleans
Vinson Joseph Knight	New Orleans
Paul A. Lea, Jr.	Covington
Daniela Kratka Loose	Folsom
Louis J. Lupin	New Orleans
Chris Martin	Metairie
Conrad Meyer	Metairie
Elizabeth France Pretus	New Orleans
Lamar Powell Pugh	Shreveport
Robert Warren Robison, Jr	Baton Rouge
Lyn Smith Savoie	Baton Rouge
Jacob Simpson	Baton Rouge
Jennifer Jones Thomas	Baton Rouge

Tax Law

Ian Law	
Hirschel T. Abbott, Jr.	New Orleans
A. Albert Ajubita	New Orleans
Robert S. Angelico	New Orleans
Walter Antin, Jr.	New Orleans
William M. Backstrom, Jr	New Orleans
Dale R. Baringer	Baton Rouge
Hilton S. Bell	New Orleans
Thomas G. Blazier	Lake Charles
Sidney M. Blitzer Jr.	Baton Rouge
Robert T. Bowsher	Baton Rouge
Timothy Paul Brechtel	New Orleans
Susan J. Burkenstock	New Orleans
Richard M. Campbell	Monroe
Donald A. Capretz	Lafayette
David R. Cassidy	
John P. Cerise	New Orleans
David M. Charlton	Baton Rouge
John W. Colbert	New Orleans
J. Grant Coleman	New Orleans
Katherine Conklin	New Orleans
Gary L. Conlay	Natchitoches
Paul D. Cordes, Jr	New Orleans
David N. Corkern	Dallas, TX

email maryann.wegmann@lsba.org, no later than Dec. 20, 2024.

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

Learne T. Creaser	Matainia
Jeanne T. Cresson Michael L. Eckstein	
Mark S. Embree	
Mandy Mendoza Gagliardi	
Edward N. George III	
Carl S. Goode	
David S. Gunn	
Kernan August Hand, Jr.	
Steven E. Hayes	
Robert L. Henderson, Jr.	
Ted W. Hoyt Edwin Kidd Hunter	Laka Charles
Steven I. Klein	
William H. Langenstein III	
John Paul LeBlanc	
Brian T. Leftwich	Now Orleans
Lawrence M. Lehmann	
Dwayne O. Littauer	
Peter J. Losavio, Jr.	
David J. Lukinovich	
Richard E. Matheny	Baton Kouge
Michael A. Mayhall	Covington
Van R. Mayhall, Jr.	
Ray C. Mayo, Jr.	
John F. McDermott	Baton Kouge
W. Deryl Medlin	Shreveport
Joel A. MendlerBi	
Marla Anne Miller	
J. Tracy Mitchell	
William A. Neilson Laura Walker Plunkett	New Orleans
Europe E Dellingue In Dalm De	New Orleans
Eugene F. Pollingue, Jr Palm Be	
Betty Ann Raglin	
Rudolph R. Ramelli	
Patrick K. Reso	
John A. Rouchell	
Robert E. Rowe	
H. Brenner Sadler	
Douglas L. Salzer	
Robert C. Schmidt	
David L. Sigler	Lake Charles
Scott Joseph Sonnier	
David Bruce Spizer	
Mark S. Stein	
William P. Stubbs, Jr.	
Robert E. Tarcza	
Barry E. Waguespack	Baton Rouge
Jess J. Waguespack	Napoleonville
J. Benjamin Warren, Jr.	
William Brooks Watson	
John J. Weiler	
Jack G. Wheeler	Lake Charles
Jacob C. White	Shreveport

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. 7, 2024, honoring members of the Bench and Bar who died in the past year.

LSBA 2024-25 President Patrick A. Talley, Jr. of New Orleans 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. He also presented the General Eulogy.

LSBA 2024-25 President-Elect Edward J. Walters, Jr. of Baton Rouge read the names of all deceased members being recognized.

Louisiana Supreme Court Associate Justice Scott J. Crichton of Shreveport gave the closing remarks.

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

The members recognized included:

IN MEMORIAM **Members of the Judiciary**

IN MEMORIAM **Members of the Bar** Hon. George C. Murray, Jr. Vidalia, LA July 19, 2024

Hon. Robert Lane Pittard Benton LA December 12, 2023

Hon. Eddie L. Sapir New Orleans, LA February 6, 2024

Hon. M. Joseph Tiemann Metairie, LA July 25, 2024

S

William T. Abbott, Jr. New Orleans, LA November 26, 2023

Hon. R. Harmon Drew, Jr.

Minden, LA

December 17, 2023

Hon. Sean P. Early

New Orleans LA

August 20, 2024

Linda S. Abshire Lafavette, LA October 6, 2023

Glynn E. Alexander New Orleans, LA October 17, 2023

J. Francois Allain Plymouth, MA January 29, 2024

Douglas J. Authement Houma, LA March 6, 2024

Samuel A. Bacot Baton Rouge, LA December 22, 2023

Reid B. Bateman Baton Rouge, LA November 27, 2023

Daniel A. Bent Honolulu, HI December 17, 2023

Eric R. Bissel Covington, LA December 27, 2023

Eugene A. Booth Baton Rouge, LA December 2, 2023

Edward J. Bourdeau Lafavette, LA August 8, 2024

Lawrence Maurice Bourgeois Mandeville, LA August 23, 2024

Hon. Richard J.

Ganucheau

Metairie, LA

February 22, 2024

Hon. George G. Kiefer

Sevierville, TN

July 7, 2024

Sean Patrick Brady Covington, LA December 17, 2023

Jacqueline Marie Brettner Madisonville, LA May 23, 2024

Angela L. Brown Tarzana, CA October 1, 2022

Attlah Deniece Burrell Houston, TX September 22, 2023

Stephen Joseph Caire Metairie, LA May 7, 2024

Burt K. Carnahan New Orleans, LA March 4, 2024

David E. Caruso, Jr. Newport Beach, CA May 23, 2023

Randall J. Cashio Baton Rouge, LA March 30, 2024

W. Donald Cashio Metairie, LA January 22, 2024

Paul V. Cassisa, Sr. Baton Rouge, LA August 16, 2024

Herman A. Castete Winnfield, LA April 20, 2024

Hon. Walter E. Kollin

River Ridge, LA

February 20, 2024

Frans J. Labranche, Jr.

Louisiana Supreme Court

Clerk of Court

Mandeville, LA

September 8, 2023

Stanley E. Cheatham Baton Rouge, LA October 14, 2023

Carlton J. Cheramie Thibodaux LA July 21, 2023

Christopher Thomas Chocheles New Orleans, LA July 30, 2023

James A. Churchill New Orleans, LA January 10, 2024

George L. Clauer III Georgetown, TX November 19, 2023

Edward B. Cloutman III Crockett, TX March 15, 2024

Chadwick William Collings Mandeville, LA December 14, 2023

Harry F. Connick, Sr. New Orleans, LA January 25, 2024

John W. Cox Pass Christian MS May 7, 2024

> Jack R. Crais Luling, LA March 25, 2024

Richard G. Crane Mandeville, LA April 7, 2024

Hon. F. A. Little, Jr.

Alexandria, LA

March 31, 2024

Hon. Ruche J. Marino

Norco LA

March 30, 2024

Shanice Aunshel Crawford Marshall, TX May 10, 2024

Alexandru A. Cristea Fullerton, CA June 20, 2023

Frank J. D'Amico, Sr. Slidell, LA

August 8, 2024 C. Jerome D'Aquila New Roads, LA

October 19, 2023 Hubert R. Davis Ruston, LA

February 6, 2023 Vincent J. DeSalvo Baton Rouge, LA

March 1, 2024 John L. Dorsev

New Orleans, LA April 26, 2024 Mary Lintot Dougherty

Houston, TX July 21, 2023 James B. Dovle Lake Charles, LA

December 20, 2023 Frank C. Dudenhefer, Jr.

New Orleans, LA December 10, 2023

James E. Durbin Denham Springs, LA April 16, 2024

Ann Elaine Duvic Slidell, LA May 1, 2024

Samuel R. Exnicios Harahan, LA December 4, 2023

Pauline G. Feist New Orleans, LA March 15, 2024

Cassie Erin Felder Baton Rouge, LA January 17, 2024

Walter R. Fitzpatrick, Jr. Trophy Club, TX December 18, 2023

J. William Fleming Shreveport, LA February 22, 2024

Jason Philip Franco River Ridge, LA April 27, 2024

A. Remy Fransen, Jr. New Orleans, LA June 10, 2024

John F. Frederickson Shreveport, LA October 10, 2023

February 26, 2024

Wayne E. Garrett New Orleans, LA November 11 2023 Elizabeth Lawrence Gibson Shreveport, LA January 31, 2024

Darren Carl Giles Haughton, LA April 15, 2023

George E. Gilkers Metairie, LA February 23, 2024

James H. Gill, Jr. Baton Rouge, LA June 13, 2024

J. Wayne Gillette New Orleans, LA January 22, 2024

Fred R. Godwin Bellaire, TX August 14, 2020

Ronald J. Gossen Lafayette, LA June 11, 2023

Jocelyn D. Guarisco Metairie, LA June 19, 2024

Jules E. Guglielmo, Jr. Lake Charles, LA January 17, 2023

> Steven A. Hansen Monroe, LA July 4, 2024

Terry Michael Hays Covington, LA June 20, 2024

Continued next page

Julie Anne Gardner Silver Spring, MD

IN MEMORIAM continued from page 255

Van Addison Heard Baton Rouge, LA May 22, 2024

D'Juan Miguel Hernandez New Orleans, LA May 29, 2024

Edley M. Hixson, Jr. De Ridder, LA April 16, 2023

Joseph A. Hoffmann, Jr. New Orleans, LA June 14, 2024

Walter James Horrell Covington, LA January 17, 2024

Paul E. Hurley New Orleans, LA March 10, 2024

Cornelius J. Hyde III Baton Rouge, LA April 14, 2024

Carl J. Jackson Baton Rouge, LA November 14, 2023

George Kim Johnson Baton Rouge, LA April 7, 2024

Author R. Joiner Leesville, LA December 18, 2022

Jared Haynes Jones Deridder, LA November 22, 2023

Mark Stephen Karam Kinder, LA January 1, 2024

Patrick C. Kelley Jefferson, LA July 19, 2023

John R. Keogh Sulphur, LA June 6, 2023

Karen L. Knight Mandeville, LA November 16, 2023

R. Joshua Koch, Jr. New Orleans, LA August 2, 2024

Kimberly Anne Koko Metairie, LA August 15, 2023

Victor I. Koock New Orleans, LA March 28, 2024

John H. Korns II Alexander, VA January 10, 2024 Dennis M. LaBorde Barataria, LA November 23, 2023

> Frank J. Larre Kenner, LA May 7, 2023

Deborah E. Lavender Arabi, LA October 23, 2023

H. Lyn Lawrence, Jr. Elm Grove, LA October 19, 2023

Leslie E. LeDoux II Lafayette, LA February 26, 2023

Thomas Berthelot Lemann New Orleans, LA February 12, 2023

Arthur A. Lemann III New Orleans, LA December 30, 2023

Joshua Tucker Leonard Monroe, LA November 28, 2023

Neil P. Levith Metairie, LA November 22, 2023

Donovan Anthony Livaccari New Orleans, LA May 18, 2024

Bradley Joseph Luminais, Jr. Metairie, LA May 13, 2024

John William Maloy Shreveport, LA December 27, 2023

James A. Marchand, Jr. Covington, LA September 1, 2023

David E. Marquette Baton Rouge, LA June 6, 2024

Willie D. Maynor Baton Rouge, LA February 14, 2024

Robert V. McAnelly Baton Rouge, LA December 17, 2023

Samuel A. McElroy Covington, LA July 25, 2024

John F. McKay Baton Rouge, LA September 24, 2023

Louisiana Bar Journal December 2024 / January 2025

James C. McMichael, Jr. Shreveport, LA August 2, 2024

Jesse L. Means, Jr. St. Francisville, LA February 5, 2023

Henry F. Mestayer Bay Saint Louis, MS September 25, 2020

Conrad Meyer IV Metairie, LA May 20, 2024

Bobbie-Sue B. Miller Jacksonville, FL August 20, 2022

C. A. Miller, Jr. Lake Charles, LA April 4, 2022

Richard B. Minogue New Roads, LA January 13, 2024

Guy O. Mitchell Ville Platte, LA November 10, 2023

J. Mart Mitchell Destin, FL May 1, 2020

Warren L. Montgomery Mandeville, LA November 10, 2023

Gary Charles Mooney Gonzales, LA January 25, 2024

Richard E. Moore New Orleans, LA February 16, 2023

Pamela S. Moran New Orleans, LA June 2, 2023

Robert E. Morgan Lake Charles, LA June 1, 2024

Gregory K. Moroux Lafayette, LA May 14, 2024

Arthur D. Mouton Lafayette, LA August 4, 2024

Tonya Schneller Music Metairie, LA June 13, 2023

> Stephen H. Myers Lafayette, LA March 3, 2024

August W. Mysing, Jr. Covington, LA April 15, 2024

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Leonard R. Nachman Baton Rouge, LA December 23, 2023

Boris F. Navratil Baton Rouge, LA December 8, 2023

Mark D. Nolting Laplace, LA September 3, 2023

Ronald M. Ohlsen New Orleans, LA October 6, 2022

O'Neil J. Parenton, Jr. Prairieville, LA November 13, 2023

> John W. Parra, Jr. Metairie, LA March 10, 2024

Marcus Ray Patillo Minden, LA

April 14, 2024 Joseph A. Perrault, Jr. Baton Rouge, LA June 21, 2024

Mary B. Petruccelli Covington, LA November 4, 2023

Christopher C. Pickren Destin, FL October 26, 2023

> Barry E. Pike Independence, LA July 27, 2024

Robert F. Pitard Mandeville, LA January 9, 2024

Normand F. Pizza Slidell, LA

May 31, 2024 Nick Pizzolatto, Jr. Lake Charles, LA

November 10, 2023 Michael J. Rees Angleton, TX

December 18, 2021 Mark L. Riley Lafayette, LA

October 26, 2023 Linda Nuss Russo New Orleans, LA

September 23, 2023 Henry Allyn Sale Shreveport, LA

October 29, 2023 Harold L. Savoie

Duson, LA January 6, 2020 Dominick Scandurro, Jr. Buras, LA September 14, 2023

> David L. Shall Metairie, LA April 23, 2024

Don Francis Shaw II Blanco, TX February 2, 2024

Michael E. Shelton Houston, TX October 16, 2023

Jack P. Showers Lafayette, LA February 13, 2024

Mary E. Slatten New Orleans, LA December 28, 2023

Catherine J. Soutullo River Ridge, LA September 20, 2023

A. Hartie Spence Baton Rouge, LA May 23, 2024

Myles Bradford Steib Metairie, LA March 20, 2024

William A. Stewart Ruston, LA April 26, 2024

Taylor Carson Stone New Orleans, LA October 8, 2023

David Anthony Szwak Baton Rouge, LA January 24, 2024

> Nelson D. Taylor Baton Rouge, LA October 21, 2023

S. E. Thames, Jr. Baton Rouge, LA March 15, 2024

John C. Tollefson Dallas, TX March 13, 2024

Robert Wayman Tucker, Sr. Baton Rouge, LA January 24, 2024

Harold A. Van Dyke Alexandria, LA March 13, 2024

Caryl H. Vesy New Orleans, LA February 22, 2024

John G. Villarrubia Metairie, LA December 21, 2023

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Sue C. Watson Lake Charles, LA August 17, 2024

George L. Wax Metairie, LA November 30, 2023

Timon V. Webre New Orleans, LA July 4, 2024

Leopold Weill III New Orleans, LA March 16, 2024

Victoria N. Weiner

New Orleans, LA

May 29, 2024

Lynn E. Williams

Baton Rouge, LA

August 25, 2023

John B. Williams

Baton Rouge, LA

October 17, 2023

Evelyn L. Wilson

Columbia, SC

May 4, 2024

Charles Connell Wilson

Hahnville, LA

September 13, 2023

Katherine Schwab

Yeargain

Ponchatoula LA

January 30, 2021

Leonard E. Yokum, Jr.

Hammond, LA

December 14, 2023

Leonard A. Young

New Orleans, LA

August 2, 2024

Paul L. Zimmering

New Orleans, LA

March 4, 2024



Bourgeois Bennett

A LIMITED LIABILITY COMPANY

Board of Governors, Louisiana State Bar Association, New Orleans, Louisiana

Opinion

We have audited the consolidated financial statements of Louisiana State Bar Association and Affiliates (the "Association") (non-profit organization), which comprise the consolidated statement of financial position as of June 30, 2023, and the related consolidated statements of activities, functional expenses, and cash flows for the year then ended, and the related notes to the consolidated financial statements.

In our opinion, the accompanying consolidated financial statements present fairly, in all material respects, the financial position of the Association as of June 30, 2023, and the changes in its net assets, its functional expenses, and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Consolidated Financial Statements section of our report. We are required to be independent of the Association and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Consolidated Financial Statements

Management is responsible for the preparation and fair presentation of the consolidated financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Association's ability to continue as a going concern for one year after the date that the consolidated financial statements are available to be issued.

Auditor's Responsibilities for the Audit of the Consolidated Financial Statements

Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the consolidated financial statements.



In performing an audit in accordance with generally accepted auditing standards, we:

Exercise professional judgment and maintain professional skepticism throughout the audit.

· Identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the consolidated financial statements.

 Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Association's internal control. Accordingly, no such opinion is expressed.

 Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the consolidated financial statements.

 Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Association's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Report on Summarized Comparative Information

We have previously audited the Association's 2022 consolidated financial statements, and we expressed an unmodified audit opinion on those audited consolidated financial statements in our report dated June 12, 2023. In our opinion, the summarized comparative information presented herein as of and for the year ended June 30, 2022 is consistent, in all material respects, with the audited consolidated financial statements from which it has been derived.

Bourgesin Bennett, LL.C. Certified Public Accountants

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New Orleans, Louisiana September 4, 2024

Consolidated Statement of Financial Position

June 30, 2023 (with comparative totals for 2022)

		Affiliates, Sections,		
		Funds, and	To	tals
	Operating	Grant Funds	2023	2022
	ASSET	<u>[8</u>		
Cash and cash equivalents	\$ 2,081,004	\$2,776,305	\$ 4,857,309	\$ 4,821,345
Accounts receivable	27,833	31,121	58,954	61,602
Other receivables	19,755	-	19,755	10,319
Receivable from LCJC	53,153	-	53,153	53,153
Contribution receivable, net	5,000	146,687	151,687	241,779
Accrued interest receivable	50,101	-	50,101	54,258
Investments	14,296,193	1,647,955	15,944,148	14,006,002
Prepaid expenses	109,308	6,676	115,984	104,192
Operating lease right of use asset	-	74,645	74,645	-
Property and equipment, net	1,303,248	1,556	1,304,804	1,418,672
Deposits	-	2,250	2,250	2,250
Total assets	\$17,945,595	\$4,687,195	\$22,632,790	\$20,773,572
LIA	BILITIES AND	NET ASSETS		
Deferred revenue Accounts payable and	\$ 2,946,892	\$ -	\$ 2,946,892	\$ 2,859,655
accrued expenses	878,499	50,310	928,809	1,037,001
Due to broker	499,998	-	499,998	-
Operating lease liability		74,645	74,645	
Total liabilities	4,325,389	124,955	4,450,344	3,896,656
Net Assets				
Without donor restrictions	13,620,206	2,217,931	15,838,137	14,477,240
With donor restrictions		2,344,309	2,344,309	2,399,676
Total net assets	13,620,206	4,562,240	18,182,446	16,876,916
Totals	\$17,945,595	\$4,687,195	\$22,632,790	\$20,773,572

See accompanying notes to consolidated financial statements.

Consolidated Statement of Activities

For the year ended June 30, 2023 (with comparative totals for 2022)

	Without Donor Restrictions			With Donor Restrictions		
	Undesignated	Designated For a Specific Purpose		Affiliates		
	Ondesignated	Sections		and	То	tals
	Operating	and Funds	Total	Grant Funds	2023	2022
Support, Revenue, Gains, and						
Reclassifications						
Membership dues	\$ 4,093,750	\$ 181,133	\$ 4,274,883	\$ -	\$ 4,274,883	\$ 4,290,360
Mandatory continuing legal education	801,480	-	801,480	-	801,480	777,605
Seminars, conferences, programs, and luncheons	1,232,164	40,207	1,272,371	54,750	1,327,121	891,484
Royalties	426,433	40,207	426,433	54,750	426,433	440,321
Contributions and grants	126,709	-	126,709	374,565	501,274	656,219
Advertising	226,014	-	226,014	574,505	226,014	265,104
Advertising Annual meeting	315,901	-	315,901	-	315,901	360,659
Lawyer advertising filing fees	281,225	-	281,225	-	281,225	232,500
Disciplinary assessment processing	46,667	-	46,667	-	46,667	43,376
		04 225		1 1 4 5		
Gain (loss) on investments, net	716,356	84,335	800,691	1,145	801,836	(1,144,248)
Interest and dividends, net	317,453	41,911	359,364	745	360,109	281,767
Rental income	56,124	-	56,124	-	56,124	51,324
Sales of membership labels	5,551	-	5,551	-	5,551	2,495
Penalties	15,100	4,125	19,225	-	19,225	14,575
Other income	6,450	-	6,450	-	6,450	35,910
Net assets released from restrictions	486,572		486,572	(486,572)		
Total support, revenue, gains,						
and reclassifications	9,153,949	351,711	9,505,660	(55,367)	9,450,293	7,199,451
Expanses						
Expenses Program services:						
e	840.020		940.020		940.020	916 205
Governance	849,020	-	849,020	-	849,020	816,305
Communications and publications	596,552	-	596,552	-	596,552	630,926
Member outreach and diversity	422,038	-	422,038	-	422,038	415,103
Membership services and meetings	513,577	-	513,577	-	513,577	507,879
Access to Justice	645,564	-	645,564	-	645,564	618,576
Practice management and assistance	2,121,737	-	2,121,737	-	2,121,737	1,681,663
Information technology	549,976	-	549,976	-	549,976	557,151
Mandatory CLE	345,498	-	345,498	-	345,498	330,083
Membership and finance	525,882	-	525,882	-	525,882	461,119
Judges and Lawyers Assistance Program	427,242	-	427,242		427,242	459,123
Louisiana Center for Law and Civic						
Education	171,375	-	171,375	-	171,375	110,276
Sections		191,747	191,747	-	191,747	181,884
Legal Specialization Fund		133,016	133,016		133,016	121,631
Total program services	7,168,461	324,763	7,493,224	-	7,493,224	6,891,719
Supporting services:						
General operations	651,539		651,539		651,539	608,734
General operations	031,339		031,339		031,339	008,/34
Total expenses	7,820,000	324,763	8,144,763		8,144,763	7,500,453
Change in Net Assets	1,333,949	26,948	1,360,897	(55,367)	1,305,530	(301,002)
Not Assots						
Net Assets Beginning of year	12,286,257	2,190,983	14,477,240	2,399,676	16,876,916	17,177,918
End of year	\$13,620,206	\$ 2,217,931	\$15,838,137	\$2,344,309	\$18,182,446	\$16,876,916

See accompanying notes to consolidated financial statements.

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Consolidated Statement of Functional Expenses

For the year ended June 30, 2023 (with comparative totals for 2022)

	Program Services					
			Member	Member Membership		Practice
	Governance	Communications and Publications	Outreach and Diversity	Services and Meetings	Access To Justice	Management and Assistance
				8_		
Expenses						
Committees	\$ 29,158	\$ -	\$ -	\$ 1,445	\$ 639	\$ 22,664
Computer assisted legal research	-	-	-	-	-	124,644
Conferences	30	-	-	-	-	-
Contributions and sponsorships	-	-	-	-	-	-
Depreciation	-	-	-	-	-	-
Directors - expenses	19,494	5,099	-	-	-	-
Dues and subscriptions	-	405	1,505	-	3,083	-
Equipment and supplies	-	-	-	-	-	-
House of Delegates	20,081	-	-	-	-	-
Insurance	-	-	-	-	-	-
Intern stipends	-	-	-	-	12,000	-
Internet	-	-	-	-	-	-
IT support	-	-	-	-	-	-
Local bar outreach	-	-	22,866	-	-	-
Louisiana Bar Journal	-	189,031	-	-	-	-
Meetings and summer school	-	-	-	330,104	-	-
Nominations and elections	13,549	-	-	-	-	-
Officers and board	201,025	-	-	-	-	-
Other expenses	186	-	-	-	6,328	32,086
Printing and postage	-	-	145	-	326	2,346
Professional services	_	-	-	-		_,0 .0
Projects	_	-	39,178	-	11,864	_
Property management	-	-	-	_	-	_
Rent	-	-	-	_	-	_
Salaries and benefits	435,997	399,418	278,223	180,311	549,910	1,322,597
Seminars and programs		577,410	66,346	100,511	46,462	584,398
Software and upgrades			00,540		40,402	504,570
Supplies, awards, and gifts	983	1,306	2,289	347	3,020	11,314
Telephone	1,384	1,293	1,892	1,370	1,960	4,930
Travel and training	1,504	1,295	9,594	1,570	9,972	16,758
Young Lawyers Division	127,133	-	2,324	-	9,972	10,758
I builg Lawyers Division	127,133					
Total functional expenses	\$849,020	\$596,552	\$422,038	\$513,577	\$645,564	\$2,121,737

See accompanying notes to consolidated financial statements.

Consolidated Statement of Functional Expenses

For the year ended June 30, 2023 (with comparative totals for 2022)

	Program Services						
	Information Technology	Mandatory CLE	Membership and Finance	JLAP	LCLCE	Sections	Legal Specialization Fund
Expenses							
Committees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Computer assisted legal research	-	-	-	-	-	-	-
Conferences	-	-	-	11,916	-	-	-
Contributions and sponsorships	-	-	-	-	-	65,450	-
Depreciation	-	-	-	-	-	-	-
Directors - expenses	3,357	-	-	-	-	-	-
Dues and subscriptions	-	-	-	960	-	-	435
Equipment and supplies	20,583	-	-	997	1,666	-	-
House of Delegates	-	-	-	-	-	-	-
Insurance	-	-	-	3,258	2,149	-	-
Intern stipends	-	-	-	-	-	-	-
Internet	13,819	-	-	-	-	-	-
IT support	2,939	-	-	-	-	-	120
Local bar outreach	-	-	-	-	-	-	-
Louisiana Bar Journal	-	-	-	-	-	-	-
Meetings and summer school	-	-	-	-	-	-	-
Nominations and elections	-	-	-	-	-	-	-
Officers and board	-	-	-	-	-	-	-
Other expenses	2,985	14,998	-	7,104	1,522	1,861	863
Printing and postage	-	1,933	47,051	774	1,390	56	2,184
Professional services	-	-	37,832	21,549	9,441	-	-
Projects	1,850	-	-	- í	-	-	-
Property management	-	-	-	3,940	-	-	-
Rent	-	-	-	30,621	6	-	3,000
Salaries and benefits	383,802	319,312	441,763	309,633	88,596	45,370	119,183
Seminars and programs	-	-	-	12,418	11,459	63,244	6,108
Software and upgrades	118,013	-	-	7,880	-	-	-
Supplies, awards, and gifts	367	3,878	(3,692)	7,446	13,818	4,108	516
Telephone	2,261	1,769	732	8,275	6	-	607
Travel and training	_,_ 01	3,608	2,196	471	41,322	11,658	
Young Lawyers Division		- ,			-		
Total functional expenses	\$549,976	\$345,498	\$525,882	\$427,242	\$171,375	\$191,747	\$133,016

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Consolidated Statement of Functional Expenses

For the year ended June 30, 2023 (with comparative totals for 2022)

	Total Program Expenses	Supporting Services General Operations	Total E 2023	xpenses
	Expenses	Operations	2023	2022
Expenses				
Committees	\$ 53,906	\$ -	\$ 53,906	\$ 47,229
Computer assisted legal research	124,644	-	124,644	124,644
Conferences	11,946	-	11,946	16,754
Contributions and sponsorships	65,450	-	65,450	46,000
Depreciation	-	137,298	137,298	143,894
Directors - expenses	27,950	-	27,950	19,004
Dues and subscriptions	6,388	-	6,388	5,280
Equipment and supplies	23,246	22,023	45,269	59,489
House of Delegates	20,081	-	20,081	18,725
Insurance	5,407	116,079	121,486	104,457
Intern stipends	12,000	-	12,000	9,000
Internet	13,819	-	13,819	14,290
IT support	3,059	-	3,059	5,729
Local bar outreach	22,866	-	22,866	30,210
Louisiana Bar Journal	189,031	-	189,031	176,327
Meetings and summer school	330,104	-	330,104	325,755
Nominations and elections	13,549	-	13,549	17,649
Officers and board	201,025	-	201,025	187,568
Other expenses	67,933	(37,097)	30,836	82,519
Printing and postage	56,205	6,123	62,328	47,980
Professional services	68,822	3,301	72,123	77,929
Projects	52,892	-	52,892	34,845
Property management	3,940	165,333	169,273	117,344
Rent	33,627	-	33,627	31,401
Salaries and benefits	4,874,115	214,871	5,088,986	4,997,001
Seminars and programs	790,435	-	790,435	385,381
Software and upgrades	125,893	-	125,893	131,251
Supplies, awards, and gifts	45,700	(5,444)	40,256	34,175
Telephone	26,479	20,909	47,388	41,093
Travel and training	95,579	8,143	103,722	52,914
Young Lawyers Division	127,133		127,133	114,616
Total functional expenses	\$7,493,224	\$651,539	\$8,144,763	\$7,500,453

Consolidated Statement of Cash Flows

For the year ended June 30, 2023 (with comparative totals for 2022)

	2023	2022
Cash Flows From Operating Activities		
Change in net assets	\$1,305,530	\$ (301,002)
Adjustments to reconcile change in net assets to	+ - , ,	+ (===,===)
net cash provided by operating activities:		
Depreciation	137,298	143,894
Loss on disposal of property and equipment	3,006	-
Loss (gain) on investments	(801,836)	1,144,248
Decrease (increase) in accounts receivable	2,648	(22,178)
(Increase) decrease in other receivables	(9,436)	6,209
Decrease (increase) in contribution receivable	90,092	(204,279)
Decrease (increase) in accrued interest receivable	4,157	(30,036)
Increase in prepaid expenses	(11,792)	(2,080)
Increase in deferred revenue	87,237	118,882
Increase (decrease) in accounts payable and accrued expenses	(108,192)	165,605
Net cash provided by operating activities	698,712	1,019,263
Cash Flows From Investing Activities		
Purchase of investments	(5,688,313)	(5,915,041)
Proceeds from sale of investments	5,052,001	3,717,498
Purchases of property and equipment	(26,436)	
Net cash used in investing activities	(662,748)	(2,197,543)
Net Increase (Decrease) In Cash and Cash Equivalents	35,964	(1,178,280)
Cash and Cash Equivalents		
Beginning of year	4,821,345	5,999,625
End of year	\$4,857,309	\$4,821,345
Noncash Investing and Financing Activities		
Addition of operating right-of-use asset	\$ 104,308	\$ -
Addition of operating lease liability	\$ 104,308	\$-
Investment purchases pending settlement	\$ 500,000	\$ -
Supplemental Disclosure of Cash Flow Information		
Cash paid during the year for unrelated		
business income taxes	\$ -	\$ 18,500

See accompanying notes to consolidated financial statements.

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Notes to Consolidated Financial Statements

June 30, 2023

Note 1 — ORGANIZATION AND NATURE OF ACTIVITIES

The Louisiana State Bar Association (LSBA) is a nonprofit corporation organized under the laws of the State of Louisiana (R.S.37:211). The objects and purposes of LSBA are to regulate the practice of law, advance the science of jurisprudence, promote the administration of justice, uphold the honor of the Courts and the profession of law, encourage cordial intercourse among its members, and generally, to promote the welfare of the profession in the State of Louisiana. LSBA is self-governing, and its membership is comprised of all persons who are now, or may hereafter be, licensed to practice in the State of Louisiana.

Note 2 — SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

a. Basis of Accounting

The consolidated financial statements of the Louisiana State Bar Association and Affiliates (the "Association") are prepared on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America.

b. Consolidation Policy

The consolidated financial statements of the Association as of and for the year ended June 30, 2023 include the accounts of LSBA; Judges and Lawyers Assistance Program, Inc. (JLAP); and Louisiana Center for Law and Civic Education, Inc. (LCLCE). JLAP and LCLCE are exempt organizations under Section 501(c)(3) of the Internal Revenue Code. LSBA is the sole member of JLAP. LSBA and LCLCE entered into an agreement through which LSBA committed to provide funding to LCLCE and which gave LSBA's Board of Governors the power to appoint the Board of Directors of LCLCE. Since LSBA has both an economic interest in and control of each of these organizations, the financial positions and activity of JLAP and LCLCE are included in these consolidated financial statements. All material intra-entity transactions have been eliminated.

c. Financial Statement Presentation

The Association's net assets, support and revenues, and expenses are classified based on the existence or absence of restrictions. Accordingly, the net assets of the Association and changes therein are classified and reported as follows:

- Net Assets without Donor Restrictions Net assets that are not subject to donor or grantor restrictions and, unless subject to board designations to be used for a specific purpose, may be expended for any purpose in performing the primary objectives of the Association. The Association receives membership dues, conference fees, and other revenues which are designated for expenditure and accounted for by the Legal Malpractice Insurance Fund; Legal Specialization Fund; and each of the Section accounts created by the House of Delegates. Certain other net assets without restrictions have been designated by the Board of Governors for capital expenditures related to the Bar Center building.
- Net Assets with Restrictions Net assets subject to donor or grantor stipulations that may or will be met either by actions of the Association or its affiliates and/or the passage of time, or net assets that are maintained in perpetuity. During the year ended June 30, 2020, the Louisiana Supreme Court transferred funds from its administration of the Mandatory Continuing Legal Education (MCLE) program to the Association. Fifty percent of the funds transferred were restricted for funding JLAP and fifty percent were restricted for initiatives benefiting the education of new attorneys, including providing continuing legal education programs at no cost. Net assets related to Access to Justice Program -Project Grants, Access to Justice Program - Legal Services, Young Lawyers Division - Grant Funds, Young Lawyers Division - Bridging the Gap, and are restricted for those purposes. The net assets of JLAP and LCLCE are restricted for use by those entities and, therefore, are presented as net assets with restrictions in the consolidated financial statements.

Note 2 — SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

d. Comparative Financial Information

The consolidated financial statements include certain prior year summarized comparative information in total but not by net asset class. Such information does not include sufficient detail to constitute a presentation in conformity with accounting principles generally accepted in the United States of America. Accordingly, such information should be read in conjunction with the Association's consolidated financial statements as of and for the year ended June 30, 2022, from which the summarized information was derived.

e. Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

f. Cash and Cash Equivalents

For purposes of the Consolidated Statement of Cash Flows, the Association considers all highly liquid investments in money market funds, other than endowment assets included in investments, to be cash equivalents.

g. Accounts Receivable

Accounts receivable primarily represent amounts due for program services. Receivables are individually evaluated for collectability and an allowance is provided for any that are deemed by management to be uncollectible.

h. Contributions Receivable

Contributions receivable consist of unconditional promises to give and are recorded in the year the promise is made. Unconditional promises to give that are expected to be collected within one year are recorded at their net realizable value. Unconditional promises to give expected to be collected in future years are recorded at the present value of estimated future cash flows. The discounts on those amounts are computed using risk-adjusted interest rates applicable to the years in which the promises are received. Amortization of the discount is included in contribution revenue. The discount will be recognized as contribution revenue in future fiscal years as the discount is amortized over the duration of the contributions.

Conditional promises to give are recognized when the conditions on which they depend are substantially met and the promises become unconditional. As of June 30, 2023 and 2022, there were no outstanding conditional promises to give.

i. Investments

Investments are reported at fair value. Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. See Note 7 for a discussion of fair value measurements.

Unrealized gains and losses on investments are included in the Consolidated Statement of Activities as increases or decreases in net assets without restriction unless their use is restricted. Investment income and realized and unrealized gains and losses from the investment accounts referred to as the Core and Operating Investments are without restrictions. Investment income on the Legal Malpractice Insurance Fund, Legal Specialization Fund, LCLCE, and Section accounts is restricted for use for those specific purposes.

j. Property and Equipment

Property and equipment acquisitions are recorded at cost if purchased or fair value if contributed. Depreciation is recorded over the estimated useful lives of the respective assets using the straight-line method. The useful lives range from 3 to 10 years for furniture and equipment, from 10 to 15 years for building improvements, and 39 years for the building. Additions and major improvements are capitalized, while expenditures for maintenance and repairs are expensed as incurred.

k. Leases

The Association determines whether an arrangement is a lease at its inception. Effective with the adoption of Accounting Standards Codification (ASC) 842, *Leases*, (ASC 842) on July 1, 2022, leases are classified as either operating leases or finance leases. Lease right-of-use assets and lease liabilities are recognized at the present value of the future lease payments, generally for the base noncancellable lease term, at the lease commencement date for each lease. The Association has elected to use the risk-free rate as a practical expedient to determine the present value of future lease payments when the interest rate implicit in the lease is not readily determinable. The right-of-use asset is amortized, and the lease liability is accreted over the lease term.

Note 2 — SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Prior to July 1, 2022, the Association accounted for leases in accordance with ASC 840. Rent expense for operating leases was recognized on a straight-line basis over the lease term.

The 2023 financial statements are presented in accordance with ASC 842. The statement of financial position as of June 30, 2023 includes an Affiliate's operating lease right-of-use asset and operating lease liability. Amortization of the right-of-use asset and accretion of the lease liability is included in office lease expenses in the statement of functional expenses for the year ended June 30, 2023. The financial statements as of and for the year ended June 30, 2022 are presented in accordance with ASC 840. The Association had no material finance or capital leases as of June 30, 2023 or June 30, 2022.

I. Deferred Revenue

Deferred revenue consists of dues received in advance for the following year and registration fees received as of year-end for seminars to be held in the following year.

m. Revenue Recognition

Contributions and grants are recognized when cash, securities, or other assets, and unconditional promises to give, or notification of a beneficial interest is received. Conditional promises to give are recognized when the conditions on which they depend have been substantially met.

Revenue from exchange transactions is recognized when the related performance obligation has been met. The Association has the following exchange transactions:

Membership dues: Membership dues are recognized as LSBA's performance obligation is satisfied over the annual membership period by the provision of member benefits.

Mandatory continuing legal education; Seminars, conferences, programs, and luncheons; and Annual meeting: The Association conducts several educational events and meetings for members throughout the year for which fees are charged. The related performance obligation is satisfied, and revenue is recognized when the event has occurred.

Advertising: LSBA accepts advertising in the Louisiana Bar Journal, Bar Briefs, and on its website. The performance obligation related to the sale of advertising space is satisfied, and the related revenue is recognized, when the advertising is published.

Lawyer advertising filing fees: LSBA offers advertisement review and filing services to members for a predetermined fee. This obligation is satisfied, and revenue is recognized when the member's advertisement is reviewed and filed.

Disciplinary assessment processing: Fees for performing this service are recognized when the related assessments are processed.

Rental Income: Rental income is recognized over the period to which it pertains.

n. Contributed Services

A portion of the Association's functions, including educational activities and publications, is conducted by unpaid volunteers. The value of this contributed time is not reflected in the accompanying consolidated financial statements since the volunteers' time does not meet the criteria for recognition under accounting principles generally accepted in the United States of America.

o. Functional Expenses

The financial statements report certain categories of expenses that are attributable to more than one program or supporting function. Therefore, these expenses require allocation on a reasonable basis that is consistently applied. Salaries and benefits are allocated based on estimates of time and effort. Utilities, which are included in property management expense in the Consolidated Statement of Functional Expenses, are allocated based on estimated usage by department. All other expenses are directly charged to the applicable program.

p. Recently Adopted Accounting Guidance

Leases

The Association adopted Accounting Standards Codification (ASC) 842, Leases on July 1, 2022, and elected the optional transition method to apply the transition provisions from the effective date of adoption. This transition method requires reporting of the cumulative effect of the adoption of the standard on the date of adoption with no changes to the prior period balances. Pursuant to the practical expedients, the Association elected not to reassess: (1) whether expired or existing contracts are or contain leases, (ii) the lease classification for any expired or existing leases, or (iii) initial direct costs for any existing leases. The Association further elected to apply the short-term lease measurement and recognition exemption to its leases, where applicable. Additionally, as permitted by Accounting Standards Update 2021-09, *Leases* (Topic 842): Discount Rate for Leases That Are Not Public Business Entities adopted concurrently with ASC 842, the Association elected to use the risk-free rate of return as a practical expedient for determining the discount rate for valuing the right-of-use asset and lease liability when the rate implicit in the lease is not readily determinable.

Upon adoption of ASC 842, an operating right-of-use asset and operating lease liability for JLAP's office space lease was valued based on the present value of the future minimum rental payments. As of July 1, 2022, the Association recorded a cumulative-effect adjustment recognizing both an operating lease right-of-use asset and operating lease liability in the amount of \$104,308.

q. Reclassifications

Certain prior period amounts have been reclassified to conform to the current year presentation. The reclassification of these prior period amounts had no impact on net assets or change in net assets in the 2022 consolidated financial statements.

r. Subsequent Events

Management evaluates events occurring subsequent to the date of the consolidated financial statements in determining the accounting for and disclosure of transactions and events that affect the consolidated financial statements. Subsequent events have been evaluated through September 4, 2024, which is the date that the consolidated financial statements were available to be issued.

Note 3 — CASH AND CASH EQUIVALENTS

Cash and cash equivalents consist of the following as of June 30, 2023 and 2022:

	2023	2022
Without donor restrictions: LSBA	\$2,081,004	\$2,091,522
With donor restrictions: LSBA LCLCE JLAP	1,616,864 405,896 753,545	1,704,150 447,248 578,425
	2,776,305	2,729,823
Totals	\$4,857,309	\$4,821,345

Note 4 — CONCENTRATIONS

The Association periodically maintains cash and cash equivalents in bank accounts in excess of insured limits. The Association has not experienced any losses and does not believe that significant credit risk exists as a result of this practice. As of June 30, 2023, the Association had cash and cash equivalents of approximately \$2.25 million in excess of insured limits.

Membership dues are a substantial portion of LSBA's revenue. Membership in LSBA is mandatory for attorneys practicing in Louisiana.

Note 5 — CONTRIBUTION RECEIVABLE

Unconditional promises by donors to make contributions to JLAP are included in the consolidated financial statements at the present value of expected future cash flows discounted at 2.25%. Contributions receivable as of June 30, 2023 and 2022 consists of the following:

	2023	2022
Unconditional promises to give Less unamortized discount	\$155,000 (3,313)	\$250,000 (8,221)
Contributions receivable, net	\$151,687	\$241,779
Amounts due in: Less than one year One to five years	\$105,000 50,000	\$100,000 150,000
Totals	\$155,000	\$250,000

No allowance for uncollectible contributions was considered necessary as of June 30, 2023 and June 30, 2022.

Note 6 — INVESTMENTS

Investments held as of June 30, 2023 and 2022 are summarized as follows:

	20	023	20	022
	Cost	Fair Value	Cost	Fair Value
LSBA:				
Without restrictions:				
Common stock	\$ 3,603,164	\$ 7,104,575	\$ 3,365,170	\$ 6,149,188
Corporate bonds	5,879,080	5,611,598	4,368,521	4,131,212
U.S. treasury bonds	1,384,700	1,396,344	1,681,596	1,682,923
Municipal bonds	200,015	183,676	407,448	386,520
With restrictions:				
Common stock	607,983	857,620	585,484	744,846
Corporate bonds	471,148	436,469	530,337	492,624
Variable annuity				
contract	309,847	309,847	376,494	376,494
Total - LSBA	12,455,937	15,900,129	11,315,050	13,963,807
LCLCE:				
With restrictions:				
Pooled asset fund	42,314	44,019	-	-
Money market	-	-	20,187	20,187
Exchange traded funds			21,448	22,008
Total - LCLCE	42,314	44,019	41,635	42,195
Totals	\$12,498,251	\$15,944,148	\$11,356,685	\$14,006,002

Note 6 — INVESTMENTS (Continued)

Presented below is a summary of realized and unrealized gains and losses on investments as of and for the years ended June 30, 2023 and 2022:

2022.		2023	
	Cost	Fair Value	Excess of Fair Value Over Cost
Balances as of June 30, 2023 Balances as of June 30, 2022	\$12,498,251 \$11,356,685	\$15,944,148 \$14,006,002	\$ 3,445,897 2,649,317
Unrealized gain on investments Realized gain on investments, ne	t		796,580 5,256
Gain on investments			\$ 801,836
		2022	
	Cost	Fair Value	Excess of Fair Value Over Cost
Balances as of June 30, 2022 Balances as of June 30, 2021	\$11,356,685 \$ 8,745,622	\$14,006,002 \$12,952,707	\$ 2,649,317 4,207,085
Unrealized loss on investments Realized gain on investments, ne	t		(1,557,768) 413,520
Loss on investments			\$(1,144,248)

Interest and dividends earned on investments for the years ended June 30, 2023 and 2022 were \$360,109 and \$281,767, respectively, net of investment expenses of \$48,099 and \$51,631, respectively.

Note 7 — ASSETS MEASURED AT FAIR VALUE

The framework for measuring fair value provides a fair value hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (Level 1) and the lowest priority to unobservable inputs (Level 3). The three levels of the fair value hierarchy under FASB ASC 820 are described as follows:

Level 1 - Inputs to the valuation methodology are unadjusted quoted prices for identical assets or liabilities in active markets that the Association has the ability to access.

Level 2 - Inputs to the valuation methodology include:

- · quoted prices for similar assets or liabilities in active markets;
- · quoted prices for identical or similar assets or liabilities in inactive markets;
- inputs other than quoted prices that are observable for the asset or liability;

• inputs that are derived principally from or corroborated by observable market data by correlation or other means.

If the asset or liability has a specified (contractual) term, the Level 2 input must be observable for substantially the full term of the asset or liability.

Level 3 - Inputs to the valuation methodology are unobservable and significant to the fair value measurement.

Note 7 — ASSETS MEASURED AT FAIR VALUE (Continued)

The asset or liability's fair value measurement level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. Valuation techniques maximize the use of relevant observable inputs and minimize the use of unobservable inputs.

The following is a description of the valuation methodologies used for assets measured at fair value. There have been no changes in the methodologies used as of June 30, 2023 and 2022.

• Common stock, U.S. treasury bonds and bills, and exchange traded fund (ETF). Valued at the closing price reported on the active market on which the individual securities are traded.

• Corporate and municipal bonds. Valued using pricing models maximizing the use of observable inputs for similar securities. This includes basing value of yields currently available on comparable securities of issuers with similar credit ratings.

• *Money market funds*. Valued at the daily closing price as reported by the fund. Money market funds held by the Association are open-end mutual funds that are registered with the Securities and Exchange Commission. These funds are required to publish their daily net asset value (NAV) and to transact at that price. The mutual funds held by the Association are deemed to be actively traded.

• Variable annuity contract. Valued at cash redemption value as reported to the Association by MassMutual Financial Group.

• *Pooled fund*. Certain investments are held in a pooled asset fund managed by the Louisiana Bar Foundation (LBF). These investments are reported at net asset value which approximates fair value and are included in Level 2 in the fair value hierarchy. The LBF pooled asset funds are diversified and include a mix of primarily equity and fixed income securities.

These methodologies may produce fair value calculations that may not be indicative of net realizable value or reflective of future fair values. Furthermore, while the Association believes these valuation methodologies are appropriate and consistent with those of other market participants, the use of different methodologies or assumptions to determine the fair value of certain financial instruments could result in a different fair value measurement at the reporting date.

Note 7 — ASSETS MEASURED AT FAIR VALUE (Continued)

The following tables set forth by level within the fair value hierarchy, the Association's assets at fair value as of June 30, 2023 and 2022:

			Based on:	
		Quoted Prices	Other	
	Total Assets	In Active	Observable	Unobservable
Description	Measured At	Markets	Inputs	Inputs
June 30, 2023	Fair Value	(Level 1)	(Level 2)	(Level 3)
Investments:				
Common stock:				
Information technology	\$ 2,071,227	\$ 2,071,227	\$ -	\$ -
Financials	1,825,873	1,825,873		-
Health care	1,257,307	1,257,307		-
Consumer staples	1,220,252	1,220,252		-
Industrials	926,183	926,183		-
Consumer discretionary	705,337	705,337		-
Communication services	681,200	681,200		-
Energy	358,471	358,471		-
Real estate	299,961	299,961		-
Utilities	198,115	198,115		-
Materials	10,350	10,350		-
Corporate bonds:				
Credit rating:				
A	184,429	-	184,429	-
AA-	194,369	-	194,369	-
BBB+	1,394,877	-	1,394,877	-
BBB	2,200,872	-	2,200,872	-
BBB-	481,438	-	481,438	-
U.S. treasury bills	1,396,344	1,396,344	-	-
Municipal bonds	183,676	-	183,676	-
Variable annuity contract	309,848	-	309,848	-
Pooled asset fund	44,019	-	44,019	-
Totals - investments	15,944,148	10,950,620	4,993,528	-
Money market funds				
included in cash and cash				
equivalents	1,147,664	1,147,664	-	-
- Im memory				
Totals	\$17,091,812	\$12,098,284	\$4,993,528	\$ -

Note 7 — ASSETS MEASURED AT FAIR VALUE (Continued)

			Based on:	
		Quoted Prices	Other	
	Total Assets	In Active	Observable	Unobservable
	Measured At	Markets	Inputs	Inputs
Description	Fair Value	(Level 1)	(Level 2)	(Level 3)
June 30, 2022				
Investments:				
Common stock:				
Information technology	\$ 1,742,936	\$ 1,742,936	\$ -	\$ -
Health care	1,148,686	1,148,686	-	-
Consumer staples	1,049,575	1,049,575	-	-
Financials	932,764	932,764	-	-
Industrials	665,296	665,296	-	-
Consumer discretionary	530,873	530,873	-	-
Communication services	467,323	467,323	-	-
Energy	347,683	347,683	-	-
Materials	8,897	8,897	-	-
Corporate bonds:				
Credit rating:				
A	188,967	-	188,967	-
A-	189,182	-	189,182	-
AA-	197,731	-	197,731	-
BBB+	1,237,027	-	1,237,027	-
BBB	2,213,077	-	2,213,077	-
BBB-	547,817	-	547,817	-
Not rated	50,036	-	50,036	-
U.S. treasury bonds	1,682,923	1,682,923	-	-
Municipal bonds	386,520		386,520	-
Variable annuity contract	376,494	-	376,494	-
Exchange traded fund	22,008	22,008	-	-
Money market fund	20,187	20,187		
Totals - investments	14,006,002	8,619,151	5,386,851	-
Money market funds				
included in cash and cash				
equivalents	1,825,467	1,825,467		
Totals	\$15,831,469	\$10,444,618	\$5,386,851	\$ -

Note 8 — RISKS AND UNCERTAINTIES

The Association invests in various investments including stocks and fixed income obligations. Investment securities, in general, are subject to various risks such as interest rate, credit, and overall market volatility. Due to the level of risk associated with certain investments, it is reasonably possible that changes in the values of investments could occur in the near term and that such change could materially affect amounts reported on the consolidated financial statements.

Note 9 — PROPERTY AND EQUIPMENT

Major classes of property and equipment as of June 30, 2023 and 2022 are summarized as follows:

	2023	2022
LSBA Louisiana Bar Center:		
Building	\$1,881,646	\$1,881,646
Improvements	1,860,401	1,840,219
Furniture and equipment	582,756	662,509
Less accumulated depreciation	4,324,803 (3,019,999)	4,384,374 (2,965,702)
	1,304,804	1,418,672
JLAP		
Furniture and equipment	30,219	30,219
Less accumulated depreciation	(30,219)	(30,219)
Property and equipment, net	\$1,304,804	\$1,418,672

Depreciation expense for the years ended June 30, 2023 and 2022 totaled \$137,298 and \$143,894, respectively.

Exhibit E (Continued)

Note 10 — NET ASSETS

Net assets consist of the following as of June 30, 2023 and 2022:

liowing as of June 30, 2023 and 2022:	2023	2022
Net assets with donor restrictions:		
Net assets with purpose restrictions - LSBA		
New Attorney Initiative	\$ 619,289	\$ 640,733
Fund for JLAP	337,718	437,718
Young Lawyers Division - Bridging the Gap	16,353	16,353
Young Lawyers Division - Grant Fund	5,000	47
Access to Justice Program - Project Grants	2,140	8,468
Total net assets with purpose restrictions - LSBA	980,500	1,103,319
Net assets with time or purpose restrictions - JLAP	920,428	823,177
Net assets with purpose restrictions - LCLCE	399,362	430,985
Net assets restricted in perpetuity - LCLCE	44,019	42,195
Total net assets with donor restrictions	2,344,309	2,399,676
Net assets without donor restrictions - LSBA:		
Board-designated net assets:		
Legal Malpractice Insurance Fund	1,377,987	1,262,224
Capital Reserves	1,020,112	1,013,201
Legal Specialization Fund	339,874	376,236
Sections:	6.440	
Administrative Law	6,419	6,224
Alternative Dispute Resolution	34,797	29,540
Animal Law	6,804	7,194
Antitrust and Trade Regulation Law	4,217	4,112
Appellate Section	8,069	12,489
Art, Entertainment, and Sports Law Section	2,704	2,259
Bankruptcy Law	2,127	11,544
Bench and Bar	8,803	8,715
Civil Law and Litigation	33,639	44,365
Class Action, Mass Tort, and Complex Litigation Law	11,715	13,260
Consumer Protection Law	6,590	6,485
Corporate and Business Law	9,868	20,476
Criminal Law	821	5,875
Environmental Law	13,343	12,081
Family Law	28,407	32,871
Fidelity, Surety, and Construction Law	36,823	35,658
Francophone	1,502	3,384
Government and Public Law	5,229	8,129
Health Law	13,548	13,454
Immigration Law	2,522	2,152
Insurance, Tort, Workers' Compensation, and Admiralty Law	19,561	20,114
Intellectual Property	6,679	9,368
International Law	4,038	,
		4,282 25,787
Labor Relations and Employment Law Mineral Law	28,359 42,599	42,585
Minority Involvement	10,079	11,009
Public Utility	21,945	19,667
Solo and Small Firm	10,035	15,570
Taxation	43,197	42,976
Trusts, Estate, Probate, and Immovable Property Law	75,631	80,898
Total - Sections	500,070	552,523
Total board-designated net assets - LSBA	3,238,043	3,204,184
Undesignated net assets - available for operations - LSBA	12,600,094	11,273,056
Total net assets without donor restrictions	15,838,137	14,477,240
Total net assets	\$18,182,446	\$16,876,916

Note 10 — NET ASSETS (Continued)

Net assets restricted in perpetuity represent gifts to LCLCE's endowment. Based on LCLCE's interpretation of the Uniform Prudent Management of Institutional Funds Act (UPMIFA), the fair value of gifts to the endowment are being maintained in perpetuity, unless there are donor stipulations to the contrary. As of June 30, 2023 and 2022, there were no such donor stipulations. As a result of this interpretation, LCLCE retains in perpetuity (a) the original value of initial and subsequent gift amounts (including promises to give net of discount and allowance for doubtful accounts) and (b) any accumulations to the endowment made in accordance with the direction of the applicable donor gift instrument at the time the accumulation is added. Donor-restricted amounts not retained in perpetuity are subject to appropriation for expenditure by LCLCE in a manner consistent with the standard of prudence prescribed in UPMIFA.

As of June 30, 2023 and 2022, the endowment fund consisted solely of donor-restricted net assets with a carrying value of \$44,019 and \$42,195, respectively. For the years ended June 30, 2023 and 2022, the change in the endowment fund balance was comprised of investment return of \$1,824 and (\$2,392), respectively. The endowment net assets consist of cash held and administered by the Louisiana Bar Foundation. Investment earnings on the endowment funds is reported in donor-restricted net assets. No distributions may be made from the endowment assets administered by the Louisiana Bar Foundation and from the endowment assets administered by the Louisiana Bar Foundation.

From time to time, certain donor-restricted endowment funds may have fair values less than the amount required to be maintained by donors or by law (underwater endowments). LCLCE has interpreted UPMIFA to permit spending from underwater endowments in accordance with prudent measures required under the law. As of June 30, 2023 and 2022, the fair value of the endowment funds is in excess of original gift values.

Note 11 — RESTATEMENT

As of June 30, 2023, management of the Association reassessed the classification of net assets of the Legal Malpractice Fund, the Legal Specialization Fund, and the Sections and concluded that the net assets would be more properly presented as designated, rather than restricted. Therefore, net assets as of June 30, 2022 have been restated to reflect this change, as follows:

	Net Assets without Restrictions	Net Assets with Restrictions	Total Net Assets
Net assets as of June 30, 2022	\$12,286,257	\$4,590,659	\$16,876,916
Restatement:			
Legal Malpractice Insurance Fund	1,262,224	(1, 262, 224)	-
Legal Specialization Fund	376,236	(376,236)	-
Sections	552,523	(552,523)	
Net assets as of June 30, 2022, as restated	\$14,477,240	\$2,399,676	\$16,876,916

Note 12 — REVENUE FROM CONTRACTS WITH CUSTOMERS

The following table provides information about significant changes in deferred revenue for the years ended June 30, 2023 and 2022.

	2025	
Deferred membership dues, beginning of year Revenue recognized that was included in deferred membership dues at the	\$2,859,655	\$2,740,773
beginning of the year	(2,859,655)	(2,740,773)
Increase in deferred revenue due to cash received during the year	2,946,892	2,859,655
Deferred membership dues, end of year	\$2,946,892	\$2,859,655
Accounts receivable from contracts with customers were as follows:		

2023

2022

	2023	2022
Accounts receivable, beginning of year	\$61,602	\$39,424
Accounts receivable, end of year	\$ 58,954	\$61,602

Note 13 — RENTAL INCOME

A portion of the Louisiana Bar Center building not currently needed for the Association's operations is rented to the Judiciary Commission of Louisiana under a month-to-month lease which commenced on July 1, 2016. Rental income for the years ended June 30, 2023 and 2022 totaled \$56,124 and \$51,324, respectively.

Note 14 — RETIREMENT PLAN

The Association has a defined contribution plan covering substantially all employees who meet certain eligibility requirements. The plan is a profit-sharing plan with a cash or deferred arrangement. The contributions during the years ended June 30, 2023 and 2022 totaled \$348,917 and \$349,851, respectively.

Note 15 — CONSOLIDATED AFFILIATES

As discussed in Note 2b, the Association entered into an agreement with LCLCE which gave it an economic interest in and control of LCLCE, effective June 7, 2010. The Association committed to provide annual funding to LCLCE annually for an initial term of five years with automatic renewals in one-year increments unless either party elects to terminate the agreement. During the years ended June 30, 2023 and 2022, funding totaled \$63,000 per year. Net assets of the consolidated affiliate totaling \$443,381 and \$473,180 have been included in the Consolidated Statements of Financial Position as of June 30, 2023 and 2022, respectively.

Effective September 29, 2014, JLAP amended and restated its bylaws, making LSBA its sole member. The Association has committed to providing annual funding to JLAP in an amount to be determined annually. During the years ended June 30, 2023 and 2022, funding totaled \$218,864 and \$300,000, respectively. Net assets of JLAP totaling \$920,428 and \$823,177 have been included in the Consolidated Statements of Financial Position as of June 30, 2023 and 2022, respectively.

Note 16 — RELATED PARTIES

The Association and the Louisiana Civil Justice Center (LCJC) are separate functioning organizations sharing a common mission. The LSBA's Board of Governors appoints the LCJC Board of Governors. LCJC is currently inactive, but in prior years, LSBA processed payroll for LCJC. As of June 30, 2023 and 2022, payroll funds receivable from LCJC totaled \$53,153.

The Association and the Louisiana Client Assistance Foundation (LCAF) are separately functioning organizations sharing a common mission. The LSBA's Board of Governors appoints the LCAF Board of Governors. There were no transactions between the Association and LCAF during the years ended June 30, 2023 and 2022.

Note 17 — INCOME TAXES

The Association is exempt from federal income taxes under Section 501(c)(6) of the Internal Revenue Code and qualifies as an organization that is not a private foundation as defined in Section 509(a) of the Internal Revenue Code. It is exempt from state income taxes under Section 121(6) of Title 47 of the Louisiana Revised Statutes of 1950. Net operating profits from unrelated business income, if any, are subject to federal and state income tax. The Association had taxable unrelated business income from the sale of advertising in its publications for the years ended June 30, 2023 and 2022 of approximately \$11,500 and \$45,000, respectively. Unrelated business income tax totaled \$2,412 and \$9,338 for the years ended June 30, 2023 and 2022, respectively.

Accounting principles generally accepted in the United States of America require management to evaluate tax positions taken by the Association and recognize a tax liability (or asset) if the Association has taken an uncertain position that more likely than not would not be sustained upon examination by the Internal Revenue Service or other taxing authorities. Management has analyzed the tax positions taken by the Association, and has concluded that as of June 30, 2023 and 2022, there are no uncertain positions taken or expected to be taken that would require recognition of a liability (or asset) or disclosure in the consolidated financial statements. The Association is subject to routine audits by taxing jurisdictions; however, there are currently no audits for any tax periods in progress.

Exhibit E (Continued)

Note 18 — AVAILABILITY OF FINANCIAL ASSETS

The Association is substantially supported by membership dues, seminar and conference fees, and investment income. Certain programs of the Association are also supported by contributions, which typically are restricted by the donor for use in that program. Because a restriction requires resources to be used in a particular manner or in a future period, the Association must maintain sufficient resources to meet those responsibilities to its donors. Thus, certain financial assets may not be available for general expenditure within one year. As part of the Association's liquidity management, it has a policy to structure its financial assets to be available as its general expenditures, liabilities, and other obligations become due. The Association has established guidelines for making decisions related to managing short-term cash reserves and other investments in a prudent manner.

The following reflects the Association's financial assets as of June 30, 2023 and 2022, reduced by amounts not available for general use due to restrictions.

	2023	2022
Financial assets:		
Cash and cash equivalents	\$ 4,857,309	\$ 4,821,345
Accounts receivable	58,954	61,602
Other receivables	19,755	10,319
Receivable from LCJC	53,153	53,153
Contributions receivable, net	151,687	241,779
Accrued interest receivable	50,101	54,258
Investments	15,944,148	14,006,002
Total financial assets	21,135,107	19,248,458
Less amounts unavailable for general expenditures		
within one year, due to:		
Assets with donor restrictions:		
Restricted for specified periods or purposes	(2,300,290)	(2,357,481)
Restricted in perpetuity	(44,019)	(42,195)
Financial assets available to meet cash needs		
for general expenditures within one year		
before governing board designations	18,790,798	16,848,782
before governing board designations	10,790,790	10,040,702
Less: governing board designations	(3,238,043)	(3,204,184)
Financial assets available to meet cash needs		
for general expenditures within one year	\$15,552,755	\$13,644,598

Note 19 — LEASE

JLAP leases office space under a 60-month operating lease agreement which was to expire on November 30, 2022. Prior to that date, the lease agreement was renewed for an additional 36 months extending from December 1, 2022 through November 30, 2025 at a base rent of \$2,667 per month. Because the discount rate implicit in the lease is not readily determinable, JLAP utilized the 2.85% risk-free rate of return as of July 1, 2022, the date of adoption of ASC 842, as the discount rate in measuring the operating lease right-of-use asset and lease liability. For the years ended June 30, 2023 and 2022, rent expense under the lease totaled \$30,621 and \$28,397, respectively. As of June 30, 2023, the remaining lease term is 29 months. As of June 30, 2023, the operating right-of-use asset and operating lease liability totaled \$74,645.

Note 20 — COMMITMENT

Since 2005, the Association has had an agreement with Fastcase.com, Inc. ("Fastcase"), to provide members of the Association with unlimited access to the Fastcase legal research system. Effective in June 2018, the agreement was extended for an additional five-year term. At the end of the term, the agreement will automatically renew in one-year increments until such a time either party elects to terminate the agreement. Fees under this agreement totaled \$124,644 for each of the years ended June 30, 2023 and 2022. Fees remaining under the agreement will be \$124,644 for the year ending June 30, 2024.



By Brett A. Bonin PEACE OF MIND & MALPRACTICE INSURANCE

he cost of committing one act of legal malpractice can be staggering in terms of potential damage awards. On April 28, 2022, an Ohio appellate court upheld a jury's verdict in a legal malpractice claim awarding more than \$32 million in compensatory damages against a law firm that was hired by a company to represent it in litigation to enforce its patents related to methods of laser abrading denim garments.¹

The costs of committing one act of legal malpractice can also be staggering in terms of obtaining a proper defense. For those affected by potential legal malpractice, it is, of course, advisable to consult with legal malpractice lawyers who can provide guidance and representation based on extensive experience with similar cases. This is particularly important given the complexities and specific nuances of legal malpractice law. Additionally, defense of a malpractice claim may require specialized experts.

How much could this defense cost a lawyer? According to one firm that prosecutes lawyer malpractice claims, the cost of experts alone can be overwhelming. "Malpractice cases handled by this firm have involved expert costs ranging from nearly zero to nearly \$200,000. Depositionrelated expenses have ranged from approximately \$1,000 to over \$20,000."²

In the ever-evolving landscape of law, where the intricacies of cases and client expectations can vary widely, legal malpractice insurance emerges not just as a necessity but as a vital asset for attorneys practicing in Louisiana. This insurance protects lawyers against the financial and professional repercussions of claims made against them by clients and other third parties. This article discusses why obtaining malpractice insurance is essential and the array of benefits it offers to legal professionals in Louisiana.

Legal malpractice insurance, often referred to as professional liability insurance, is designed to cover the costs associated with defending against claims of negligence, errors or omissions made during the provision of legal services. Such

claims, whether substantiated or not, can be costly, time-consuming and damaging to a lawyer's reputation.

In Louisiana, as in other states, the legal landscape is fraught with potential pitfalls where a single oversight or misjudgment can lead to significant financial and professional consequences. Although Louisiana does not mandate malpractice insurance for lawyers, the absence of coverage can expose attorneys to risks that could potentially derail their careers.

Financial Security: The primary advantage of malpractice insurance is financial protection. Defense costs in legal malpractice suits can be astronomical, often exceeding hundreds of thousands of dollars. Malpractice insurance can cover these costs, as well as any settlements or judgments, up to the policy limits.

Risk Management Resources: Many insurers offer risk management resources, such as consultations, training and educational materials, to help attorneys minimize the likelihood of a claim. These resources are invaluable in helping lawyers stay abreast of best practices and regulatory changes.

Client Trust: Holding a malpractice insurance policy can enhance a lawyer's credibility and instill confidence in potential clients. It assures clients that they are protected if something goes wrong, which can be a decisive factor for clients in choosing a lawyer.

Peace of Mind: Knowing that they have coverage allows lawyers to focus on their practice rather than worrying about the potential fallout from a malpractice claim. This peace of mind is perhaps the most significant intangible benefit, allowing lawyers to concentrate on their work and advocate for their clients effectively.

Selecting the appropriate malpractice insurance requires careful consideration of several factors, including the policy's coverage limits, deductibles and exclusions. Lawyers should assess their practice areas as some fields, like medical malpractice and securities, carry higher risks and consequently might require more extensive coverage.

It's advisable for lawyers to consult with insurance professionals who understand the legal landscape of Louisiana to tailor a policy that best fits their specific needs. Additionally, comparing offers from multiple insurers can ensure that attorneys receive the most comprehensive coverage at a competitive price.

For lawyers in Louisiana, malpractice insurance is not just about risk mitigation - it's an essential component of a responsible and sustainable practice. The benefits of obtaining appropriate coverage extend beyond the individual attorney, enhancing the overall health and integrity of the legal profession. As the legal environment continues to grow in complexity, the role of malpractice insurance as a safeguard for both lawyers and their clients cannot be overstated. Engaging with this protective measure ensures that attorneys can continue to provide the highest standards of legal services with confidence and security.

FOOTNOTES

1. RevoLaze, LLC v. Dentons US, LLP, 191 N.E.3d 475 (Ohio Ct. App. 2022), appeal not allowed sub nom. RevoLaze, LLC v. Dentons US, LLP, 167 Ohio St.3d 1498, 193 N.E.3d 577 (2022), reconsideration denied, 168 Ohio St.3d 1449, 197 N.E.3d 593 (2022).

2. The Rundle Law Firm, Q: What costs are involved in prosecuting a legal malpractice case? https://www.rundlelaw.com/what-costs-are-involvedin-prosecuting-a-legal-malpractice-case.

Attorney Brett A. Bonin received a BA degree in philosophy (minor in history) from Loyola University and his JD degree from Loyola University College of Law. He has been a member of the Louisiana State Bar Association's Practice Assistance and Improvement Committee since 2002 and has taught



law office management to new admittees since 2003. In 2023, he was named chair of the Regulatory Attorneys Committee of the Association of Racing Commissioner's International, where he continues to serve. From 2016-19, he was an attorney for the Louisiana State Office of Alcohol and Tobacco Control. (brettboninatty@gmail.com; 201 Violet St., Metairie, LA 70005)



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By Andrea Brewington Owen

MINIMIZING FIRM'S RISK WHEN USING VENDORS

trategic outsourcing of law firm operations to external vendors is commonplace in today's law firm business model. To lower costs and operate efficiently, firms look to third-party service providers or vendors for many routine operations of the firm. Vendors may include case management systems, IT services, consultants, marketing firms, cybersecurity services, e-discovery vendors, cloud storage providers, document production services, accounting firms, phone providers, web hosting services, cleaning services and payment processing systems. It goes without saying that the more vendors with access to confidential data of your clients and firm, the more risk your firm accepts. Bad actors know that law firms are teeming with sensitive data and, in turn, know that vendors to those law firms also have access to that data. Firms must be proactive and create an outsourcing management protocol for selection, contracting and managing third-party vendors to protect their clients and mitigate risk to their practice.

Start by conducting a risk assessment of current vendors. First, make a list of current vendors that have access to client and law firm data. The list will include vendors that have access to data stored electronically as well as vendors that may encounter data in the physical office environment like temporary staff or document destruction services. Second, thoroughly review the vendor contracts and determine whether proper controls are in place to protect the firm's data. If you are not satisfied with the vendor, review the termination provisions or plan to address those data protection vulnerabilities at renewal.

Thoroughly investigate any potential vendors. Conduct your due diligence and speak with more than one vendor during this process. Ensure the vendor is taking steps to safeguard data by reviewing their information security policies, cybersecurity practices and audits. Question them about past breaches. During this process, be aware of the existence of additional duties to protect client data imposed by law due to the type of clients you work with and the data that you possess. For example, if the firm is a subcontractor to a covered entity under HIPAA and HITRUST, there are additional responsibilities laid out in HIPAA and the Business Associate Agreement.

Use contractual controls to mitigate risk. The contract must include the vendor's obligation to keep your firm's data private and establish a standard of care for your data that you believe is reasonable based on the risk. The contract needs to include robust confidentiality language. Set standards for the vendor's compliance with cybersecurity and information security standards. Establish ownership of the data both during the term of the contract and at contract termination. Make sure to include record retention and data destruction language. Be aware of provisions that limit the vendor's responsibility for breaches and seek to use risk-shifting provisions in the contract that would shift the burden back to the vendor in the event of a breach. You may want to contractually require the vendor to keep professional liability, errors and omissions, and cyber liability insurance policies in place that would protect your firm in the case of a breach. If the vendor is aware of a potential breach that may affect your firm's data, the sooner you know the better. If the vendor is unwilling to consider offering protections for the data, you need to assess the sensitivity of the data that the vendor can access, evaluate alternative vendors and make an educated risk assessment.

An additional way to mitigate risk is directly with your clients. For another

layer of protection, consider getting client consent through a provision in your Engagement Agreement that specifies the types of vendors you use that may have access to their data. This approach shields your firm's risk upon the onset of the relationship as data is just beginning to accumulate. Minimizing your exposure through client consent and comprehensive vendor agreements is a natural extension of your obligations.

The firm must hire and evaluate their vendors through the lens of their legal and ethical duties to their clients. Attorneys have an ethical duty to maintain client confidentiality, act with competence, and supervise non-attorneys, to name a few. These duties require a firm to take steps to safeguard their client's data against a cyber-attack or breach, monitor that vendor and take any reasonable action needed to mitigate a breach. Take advantage of the business practice of outsourcing with confidence by following these recommendations to protect your data and that of your clients. It goes without saying that your firm should have a robust cyber liability policy of its own. Contact an experienced broker, like Gilsbar, the LSBA-endorsed broker, for assistance.

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



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

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By Dr. Angela White-Bazile, Esq.

THE WORKING WOUNDED

any of us have or will experience an event considered traumatic at some time in our lives. A traumatic experience is personal and can affect us differently, *i.e.*, how we react or process the trauma. Trauma is very unpredictable, can happen at any age, and can affect us anytime, including after much time has passed since the event. You may not realize how you are affected by a traumatic event, especially when the response is to someone else's trauma.¹

Trauma is defined as an emotional response to a shocking, terrible or dangerous event, such as a natural disaster; experiencing or witnessing an act of violence (assault, abuse, terrorist attack, mass shooting); car crash or other accident; or death of a loved one.2 Individuals in certain professions are at a greater risk of experiencing secondary trauma — a stress response to another person's trauma. Secondary trauma is also referred to as vicarious trauma, indirect trauma or compassion fatigue and is common among social workers, doctors, nurses, first responders, mental health professionals, journalists and even lawyers who are indirectly exposed to the trauma and suffering of others.³

Judges, lawyers and legal professionals listen to clients' cases and review legal documents while sometimes experiencing a traumatic response to the clients' stories, perhaps even unknowingly. We dedicate ourselves to fighting for our clients or rendering fair and impartial judgments, but the impact on us mentally, emotionally and physically is rarely discussed. For this reason, judges, lawyers and legal professionals need to be able to cope with the effects of secondary trauma.⁴

Have you ever considered how your clients and cases affect you personally



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and professionally? If you have ever made the following statements, you may have been experiencing secondary trauma:

"I can't stop thinking about what I heard/saw."

"I shouldn't be bothered. It didn't happen to me."

"It could have been me or someone I loved."

"I don't know how much more of this I can take."

"I should be stronger than this."

"I'm afraid of becoming numb to all the suffering."

In recent years, there has been increasing research regarding alcohol use, substance abuse, mental health issues and well-being among lawyers, indicating significant levels of depression, anxiety and stress. We need to ask ourselves how much of our stress may be related to secondary trauma, as unchecked secondary trauma can have farreaching negative impacts on judges, lawyers, legal professionals, clients and society at large.⁵ Secondary trauma ultimately erodes our sense of self, changes our worldview and sense of safety and trust, and harms our overall well-being.⁶ Secondary trauma causes distressing symptoms similar to post-traumatic stress disorder (PTSD) including feeling increasingly anxious; experiencing chronic exhaustion; extreme feelings of guilt, shame, anger or fear; and the development of substance use disorders.⁷

We are trained to manage our emotions and stick to the facts, but sometimes the facts can be deeply disturbing.⁸ Judges, lawyers and legal professionals are at risk of experiencing vicarious trauma every day when listening to emotional stories about what is most likely the worst or most horrifying thing that has happened to someone; viewing gruesome and disturbing photos of injuries, crime scenes and accident scenes; and reviewing police and medical records.⁹

Along with the violent and horrific nature of criminal matters, public defenders and criminal defense lawyers frequently see clients lose their jobs, housing and familial support; watch innocent clients take plea deals; and see clients with mental illness and substance abuse disorders not being able to get the treatment they need. In personal injury cases, there are often graphic depictions of injuries, whether in photographs or through testimony. Family law practitioners see multiple domestic dispute matters involving divorce, spousal support, child custody, child support, spouse/parent/child abuse, and protective orders. In immigration asylum rulings, families may be separated or forced to return to a country where they are certain to face conflict, violence, persecution or human rights abuses. Employment attorneys represent victims of unfair treatment and harassment or the alleged perpetrator of the discrimination. These are just a few examples of trauma in the legal

Continued on page 286

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Assistance continued from page 284

profession. The effect of continuous exposure to trauma can build and result in problematic symptoms, usually suffered alone and without tools to address the impact.¹⁰

Although secondary trauma is quite common among those who work in a high-stress, high-stakes environment like lawyers, it is rarely discussed due to stigma. Stigma and internal repression can lead to unproductive or dangerous coping mechanisms, further exacerbating the problem.

Here are some of the signs of secondary trauma.

▶ Physical: Headaches, stomach pain, sleep disturbance and nightmares, extreme fatigue, and weight gain or loss.

▶ Behavioral: Shutting down or numbing with alcohol and drug use, avoidance (arriving late, leaving early, missing meetings, avoiding clients), procrastination, social withdrawal, and anger and irritability.

Emotional: Anxiety, frequent crying, loneliness and depression.

► Cognitive: Inability to concentrate, forgetfulness and inability to make decisions.¹¹

The first step to solving a problem is awareness and acceptance that there is a problem. If you are overwhelmed and struggling with any impairment, consider if your work environment may be contributing to an imbalance in your life.¹² To be a good lawyer, one has to be a healthy lawyer. Therefore, any trauma or mental health issue should not be approached with shame, and do not ignore the signs. If you find yourself experiencing signs of secondary trauma, it is not a weakness but a natural human response. You do NOT have to work wounded. The good news is there are ways to cope:

▶ Prioritize your health and wellbeing.

▶ Practice self-care.

► Schedule guilt-free time to unplug, take a break, relax and recharge.

► Set boundaries.

► Seek the help and support you need and deserve.

► Stop trying to be everything to everyone, including your clients.

▶ Remember, you are never alone.¹³

Consider visiting The Professional Quality of Life website at *https://proqol.org/* for resources, including slides, handouts and self-assessment tools.

For additional resources, contact the professional clinical staff at JLAP at (985)778-0571, email jlap@ louisianajlap.com, or visit the website, *www.louisianajlap.com*. The call costs nothing but could make a huge difference.

We are a CONFIDENTIAL Safe Haven of Healing to help you on your path to live a more balanced, healthy and rewarding life.

FOOTNOTES

1. "How PTSD Affects Legal Professionals," Chateau Health & Wellness (July 17, 2022), www.chateaurecovery.com/how-ptsd-affectslegal-professionals.

2. "Trauma," American Psychological Association, www.apa.org/topics/trauma; "Coping With Traumatic Events," National Institute of Mental Health, www.nimh.nih.gov/ health/topics/coping-with-traumatic-events.

3. "How PTSD Affects Legal Professionals,"

supra note 1; Rebecca Howlett and Cynthia Sharp, "The Legal Burnout Solution: How Secondary Trauma Impacts the Mental Health of Legal Professionals," The Legal Burnout Solution (June 25, 2021; updated Aug. 21, 2021), *www.legalburnout.com/post/secondary-trauma*.

4. "How PTSD Affects Legal Professionals," supra note 1.

5. "How PTSD Affects Legal Professionals," supra note 1.

6. Howlett and Sharp, *supra* note 3; Stacy Miles-Thorpe, "Trauma for the tough-minded prosecutor," Texas District & County Attorneys Association, The Texas Prosecutor Journal (July-August 2016), *www.tdcaa.com/journal/trauma-for-the-tough-minded-prosecutor/.*

7. "How PTSD Affects Legal Professionals," supra note 1.

8. Tish Vincent, "Lawyers and Post-Traumatic Stress Disorder," Mich. B.J. (June 2014) at 58-59, www.michbar.org/file/barjournal/article/documents/ pdf4article2386.pdf.

9. Jay Reeves, "Vicarious Trauma in the Legal Profession," Lawyers Mutual (Nov. 2, 2022), www.lawyersmutualnc.com/blog/vicarioustrauma-in-the-legal-profession; Stacy Miles-Thorpe, supra note 6.

10. Reeves, *supra* note 9; Kristine Kuzemka, "Secondary/Vicarious Trauma and Compassion Fatigue," Nevada Lawyer (Aug. 2021), *https:// nvbar.org/wp-content/uploads/NevadaLawyer_ Aug2021 Secondary-Trauma-and-Fatigue.pdf.*

11. Kuzemka, *supra* note 10.

12. Id

13. Howlett and Sharp, supra note 3.

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



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Filing Number LA-24-17602







By Katherine L. Hurst

AVOIDING UNNECESSARY DISCOVERY DRAMA

s a practitioner, I find one of the areas of the practice of law where professionalism is often neglected is in the discovery process. We probably all have "war stories" about depositions where opposing counsel has crossed lines and behaved inappropriately. The lack of professional courtesies in the written discovery process is more nuanced.

The applicable provisions of the amended Code of Professionalism are:

► I will not abuse the law, its procedures or the participants in the judicial process.

► I will cooperate with counsel and the court to reduce the cost of litigation and will not file or oppose pleadings, conduct discovery or utilize any course of conduct for the purpose of undue delay or harassment of any other counsel or party.

Ignoring the limitations of the Code of Civil Procedure is an abuse of the discovery process.

CCP 1457 Interrogatories to parties

B. During an entire proceeding, written interrogatories served in accordance with Paragraph A shall not exceed thirty-five in number, including subparts, without leave of court. Additional interrogatories, not to exceed thirty-five in number including subparts, shall be allowed upon ex parte motion of any party.

Uniform District Court Rule 10.0 also states:

A party shall be allowed to serve upon any party, without leave of court, thirty-five interrogatories, as allowed by La. Code Civ. Proc. Art. 1457(B). A court may not restrict the parties to fewer than thirty-five interrogatories except by amendment to these Rules.

Despite these clear limitations, these provisions are routinely ignored. Attorneys all too often send excessive interrogatories, causing unnecessary conflict, delay and expense to both clients.

In framing an interrogatory, you should

ask yourself, could this be asked as one question in court when questioning a witness? If not, then it is not one question for the purpose of counting interrogatories.

An example from discovery actually propounded that counsel purported was one question:

Interrogatory No: A2

For all the accounts that you and/or your spouse were able to sign on, other than the ones you just listed in response to Interrogatory A1, tell me:

a) The name and address of the bank or other institution at which the account is/ was held;

b) The account number for each account;c) What kind of account each one is/ was (checking/savings, etc.); and,

d) The name (s) on the account.

Subpart I:

e) Whether you think the money or stock or whatever in each account is community property, separate property or both and why;

f) The value or balance in each account on the day the petition for divorce was originally filed; and

g) The value or balance of the account as of the day you answered this interrogatory.

Common sense should dictate that this is not one question.

After ignoring the law on the discovery limitations, the attorney who has propounded the excess interrogatories often blames delays and additional costs of litigation on opposing counsel.

Professionalism would dictate that an attorney comply with the Louisiana Code of Civil Procedure to begin with. Then, to add insult to injury, the attorney sending excess interrogatories often ignores the district court rules to handle discovery disputes, specifically 10.1 of the Louisiana District Court Rules.

Uniform District Court Rule 10.1 Motions to Compel Discovery

(a) The moving party or attorney shall attempt to arrange a suitable conference date with the opposing party or counsel and confirm the date by written notice sent at least five (5) days before the conference date, unless an earlier date is agreed upon or good cause exists for a shorter period of time.

(b) No counsel for a party shall file, nor shall any clerk set hearing, any motion to compel discovery unless accompanied by a "Rule 10.1 Certificate of Conference."

Rule 10.1 was adopted to eliminate unnecessary litigation by forcing attorneys to do their due diligence to resolve these disputes before filing motions to compel.

Often counsel relying on the 10.1 rule ignores its very specific procedure by unilaterally scheduling a conference. One of my colleagues refers to this as "This is My calendar, not yours!"

So much unnecessary drama over discovery would be avoided if attorneys would simply follow the applicable provisions of the Code of Civil Procedure and Uniform District Court Rules. To ignore the rules is an abuse/misuse of the law, its procedures and participants in the process. Reducing delay and costs and avoiding harassment of litigants and other participants in the court system should always be goals of our profession.

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



She served on the Subcommittee to Revise the Code of Professionalism that was adopted by the LSBA House of Delegates and approved by the Louisiana Supreme Court in 2018. She is a member of the LSBA House of Delegates and a Louisiana Bar Foundation Fellow. She received her JD degree in 1991 from Louisiana State University Paul M. Hebert Law Center. Prior to establishing her firm, she clerked for former Louisiana Supreme Court Justice Catherine D. (Kitty) Kimball, the Office of Disciplinary Counsel and the 3rd Circuit Court of Appeal. (klh@katherinehurst.com; Ste. 555, 600 Jefferson St., Lafayette, LA 70501)



16TH ANNUAL DIVERSITY CONCLAVE: 8/9/2024

The LSBA acknowledges its sponsors, partners and partici-

One attendee said: "The program was both educational and

inspirational. That's something that only the Conclave pro-

All photos by Emily Scalf, Sunlit Studio Photography.

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vides, consistently every year."

pants from this year.

or 16 years, the Louisiana State Bar Association (LSBA) has hosted the Conclave on Diversity in the Legal Profession, an opportunity for attorneys and judges to discuss the importance of diversity, equity and inclusion in the legal profession.

The 16th Annual Conclave on Diversity in the Legal Profession, with the theme "Every Voice Counts: Bridging Divides, Celebrating Differences," was Aug. 9, 2024, at the



Conclave Chair, Co-Chair and Welcome Speakers, from left, Kristen D. Amond, LSBA 2024-25 Young Lawyers Division Chair; Monica M. Vela-Vick, Conclave Co-Chair, The Dugan Law Firm, APLC, New Orleans; Louisiana Supreme Court Associate Justice Piper D. Griffin; and Susan R. Laporte, Conclave Chair, Kuchler Polk Weiner, LLC, New Orleans.



Conclave Keynote Session Panel with Conclave Chair and Co-Chair, from left, Susan R. Laporte, Conclave Chair, Kuchler Polk Weiner, LLC, New Orleans; Mary Smith, President, American Bar Association, Washington, DC; Wayne J. Lee, Moderator, Stone Pigman Walther Wittmann, LLC, New Orleans; and Monica M. Vela-Vick, Conclave Co-Chair, The Dugan Law Firm, APLC, New Orleans.



Committee on Diversity in the Legal Profession Award recipient Denia S. Aiyegbusi, left, Deutsch Kerrigan LLP, New Orleans; with Susan R. Laporte, Conclave Chair, Kuchler Polk Weiner, LLC, New Orleans.



Conclave Plenary Session 1 and Corporate Breakfast Panel, from left, Gregory F. Rouchell, Senior Vice President of Human Resources, New Orleans Saints & Pelicans, New Orleans; Denia S. Aiyegbusi, Moderator, Deutsch Kerrigan LLP, New Orleans; Caren M. Cook, Deputy General Counsel Legal and Business Affairs, Atlanta Hawks, Atlanta, GA; and Valeria C. Williams, Vice President, General Counsel, Tennessee Titans, Nashville, TN.





The Louisiana Asian Pacific American Bar Association (LAPABA) was a Conclave co-host. From left, Eric C. Hatfield, attorney at law, Baton Rouge; Sowmya Mandava, LAPABA vice president, 24th Judicial District Court, Gretna; Rebecca Sha, LAPABA president, Phelps Dunbar, LLP, Conclave Platinum Sponsor, New Orleans; Conclave Chair Susan R. Laporte; and Haley Zhu-Butler, LAPABA member, Lugenbuhl, Wheaton, Peck, Rankin & Hubbard, New Orleans.

Left, Conclave Plenary Session 4 Panel, from left, Alena M. Allen, Dean, LSU Paul M. Hebert Law Center, Baton Rouge; John C. Brittain, University of the District of Columbia David A. Clarke School of Law, Washington, DC; and Esther G. Lander, Moderator, Orrick, Herrington & Sutcliffe, LLP, Washington, D.C.

Right, Conclave Plenary Session 3 Panel, from left, Lindsey A. Cheek, The Cheek Law Firm, LLC, New Orleans; Paula Hannaford-Agor, Director, Center for Jury Studies, Williamsburg, VA; and Jeffrey T. Frederick, Ph.D., Jeffrey Frederick Trial Consulting Services, LLC, Charlottesville, VA.

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Conclave Plenary Session 2 Panel, from left, Julian Posada, Ph.D., Assistant Professor, American Studies Program, Yale University, New Haven, CT; and Daniel W. Linna Jr., Director of Law and Technology Initiatives, Northwestern Pritzker School of Law, Chicago, IL.





Casey C. Hollins, right, representing Platinum Plus Sponsor Hammonds, Sills, Adkins, Guice, Noah & Perkins, LLP, Baton Rouge, with Conclave Chair Susan R. Laporte.



Erin L. Kilgore, left, representing Platinum Sponsor Kean Miller, LLP, Baton Rouge, with Conclave Chair Susan R. Laporte.



Mary H. Drabnis, left, representing Platinum Sponsor Phelps Dunbar, LLP, Baton Rouge, with Conclave Chair Susan R. Laporte.



Michael B. Taylor, left, representing Platinum Sponsor Jackson Lewis, PC, New Orleans, with Conclave Chair Susan R. Laporte.



Harvey S. (Tad) Bartlett, left, representing Gold Sponsor Fishman Haygood, LLP, New Orleans, with Conclave Chair Susan R. Laporte.



With Conclave Chair Susan R. Laporte, second from left, are representatives of Gold Sponsor Deutsch Kerrigan, LLP, New Orleans, from left, Rachael A. Buckley, Casey B. Wendling and Catherine R. Filippi.



With Conclave Chair Susan R. Laporte, center, are representatives of Bronze Sponsor Manning Gross & Massenburg, LLP, New Orleans, Kaylin S. Guillory, left, and Samantha J. Lopez, right.



Mark E. Best, left, representing Gold Sponsor Kuchler Polk Weiner, LLC, New Orleans, with Conclave Chair Susan R. Laporte.



Representing Gold Sponsor Strauss Massey Dinneen, LLC, New Orleans, from left, Cherish A. Kenner and Robin D. Cassedy, with Conclave Chair Susan R. Laporte.



Silver Sponsor/Co-Hosts, from left, Richard M. Pittman, Director of Field Placement and Pro Bono Programs and Assistant Professor of Professional Practice, LSU Paul M. Hebert Law Center, Baton Rouge; Conclave Chair Susan R. Laporte; and Gwendolyn L. Ferrell, Director of Career Services, LSU Paul M. Hebert Law Center, Baton Rouge.



Jean C. Bonilla Rivera, left, representing Bronze Sponsor The Kullman Firm APLC, New Orleans, with Conclave Chair Susan R. Laporte.



Representing Gold Sponsor Christovich & Kearney, LLP, New Orleans, are Fred S. Boughton, Jr., left, and Christy L. McMannen, right, with Conclave Chair Susan R. Laporte.



Darleene Darensbourg-Peters, left, representing Silver Sponsor Irwin, Fritchie, Urquhart, Moore & Daniels, LLC, New Orleans, with Conclave Chair Susan R. Laporte.



Frank J. Torres, left, representing Coffee Sponsor Blue Williams, LLC, Metairie, with Conclave Chair Susan R. Laporte.



With Conclave Chair Susan R.

Laporte, center, are representa-

tives of Gold Sponsor Liskow &

Lewis, APLC, from left, Trinity A.

Morale in the New Orleans office

and Denice Redd-Robinette in the

Baton Rouge office.

Tony B. Dooley, right, representing Bronze Sponsor The Dooley Law Office, LLC, New Orleans, with Conclave Chair Susan R. Laporte.



REPORTING DATES 10/2/24 & 10/4/24

REPORT BY DISCIPLINARY COUNSEL

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

Decisions

Michael Denver Bass, Carencro, (2024-B-00325) By consent, suspended from the practice of law for a period of one year and one day, six months deferred, subject to the condition that respondent must submit to an evaluation by the Judges and Lawyers Assistance Program, by order of the Louisiana Supreme Court on June 19, 2024. JUDGMENT FINAL and EFFECTIVE on June 19, 2024. *Gist:* Failure to cooperate with the ODC investigation; failure to render a periodic accounting; and failure to meet obligations upon termination of the representation.

Roy Stanley Bonner II, Houma, (2024-B-00948) **Consented to being suspended from the practice of law for a period of one year and one day. The suspension shall be deferred in its entirety and subject to a term of probation to coincide with Mr. Bonner's JLAP monitoring agreement, by order of the Louisiana Supreme Court on Oct. 1, 2024. JUDGMENT FINAL and EFFECTIVE on Oct. 1, 2024.** *Gist:* **Mr. Bonner was arrested for driving under the influence of alcohol.**

Nicole E. Burdett, Kenner (for-

merly New Orleans), (2024-OB-0883) **Reinstated to the practice of law** by order of the Louisiana Supreme Court on Sept. 24, 2024. JUDGMENT FINAL and EFFECTIVE on Sept. 24, 2024.

John Felder Crawford II, Baton Rouge, (2024-B-00953) Permanently resigned in lieu of discipline by order of the Louisiana Supreme Court on Sept. 24, 2024. JUDGMENT FINAL and EFFECTIVE on Sept. 24, 2024.

Shane Austin Jordan, Mandeville, (2024-OB-1075) Transferred to disability inactive status by order of the Louisiana

Continued next page



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Defense of Lawyer *©* Judicial Discipline Matters

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Louisiana Bar Journal December 2024 / January 2025

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

The following is a verbatim report of the matters acted upon by the United States District Court for the Eastern District of Louisiana, pursuant to its Disciplinary Rules. This information is published at the request of that court, which is solely responsible for the accuracy of its content. This report is as of Oct. 4, 2024.

Respondent	Disposition	Date Filed	Docket No.
John D. Acomb	[Reciprocal] Suspension (fully deferred).	9/24/24	24-1201
Michelle Myer Bennett	[Reciprocal] Suspension (partially deferred).	8/5/24	24-469
Leo Caillier III	[Reciprocal] Public reprimand.	9/24/24	24-1572
Yasha Latrice Clark	Interim suspension.	8/13/24	24-1202
Timmy Lee Fields	[Reciprocal] Suspension.	9/17/24	24-77
Grant Patrick Gardiner	[Reciprocal] Suspension.	9/17/24	24-468
James Arthur Graham, Jr.	[Reciprocal] Public reprimand.	9/4/24	24-1196
Willie G. Johnson, Jr.	[Reciprocal] Suspension (fully deferred).	9/17/24	24-1198
Dennis E. Kelly	[Reciprocal] Public reprimand.	9/17/24	24-1199
Henry L. Klein	[Reciprocal] Suspension.	9/17/24	23-1895
Karl J. Koch	[Reciprocal] Suspension (fully deferred).	8/5/24	24-466
Dedrick Arvell Moore	[Reciprocal] Suspension (fully deferred).	8/30/24	24-1194
Jessica L. Mullaly	[Reciprocal] Suspension (partially deferred).	9/4/24	24-1197
Kenneth M. Plaisance	[Reciprocal] Suspension (partially deferred).	9/4/24	24-1195
Gregory James Sauzer	[Reciprocal] Suspension (partially deferred).	9/24/24	24-1200
Jeremy Zivko Soso	[Reciprocal] Public reprimand.	8/30/24	24-467
Cameron Sean Snowden	[Reciprocal] Suspension.	8/30/24	24-75
Gregory Swafford	[Reciprocal] Suspension.	9/17/24	24-465

Discipline continued from page 291

Supreme Court on Aug. 29, 2024. JUDGMENT FINAL and EFFECTIVE on Aug. 29, 2024.

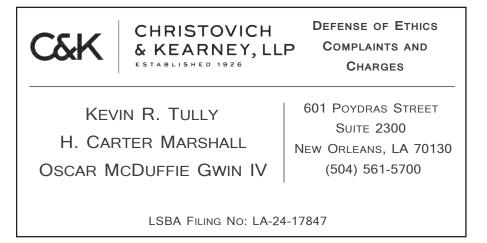
Virgil A. Lacy III, Metairie, (2024-B-0553) Consented to a public reprimand by order of the Louisiana Supreme Court on June 19, 2024. JUDGMENT FINAL and EFFECTIVE on June 19, 2024. *Gist:* Respondent neglected a legal matter and failed to communicate with a client.

Frank John Labruzzo, New Orleans, (2024-B-00601) **By consent, suspended from the practice of law for a period**

of three years, retroactive to Nov. 16, 2023, the date of his interim suspension, by order of the Louisiana Supreme Court on June 25, 2024. JUDGMENT FINAL and EFFECTIVE on June 25, 2024. *Gist:* Respondent pleaded guilty to one count of conspiracy to commit wire fraud, a felony violation of 18 U.S.C. § 371.

Lindsey J. Leavoy, Baton Rouge, (2024-B-0991) Placed on interim suspension by order of the Louisiana Supreme Court on Aug. 7, 2024. JUDGMENT FINAL and EFFECTIVE on Aug. 7, 2024.

Walter Kurtis Melnick, Baton Rouge, (2024-B-01022) By consent,



placed on interim suspension by order of the Louisiana Supreme Court on Aug. 17, 2024. JUDGMENT FINAL and EFFECTIVE on Aug. 17, 2024.

Jennifer A. Motlow, Ruston (formerly Baton Rouge), (2024-OB-01098) Transferred to disability inactive status by order of the Louisiana Supreme Court on Sept. 6, 2024. JUDGMENT FINAL and EFFECTIVE on Sept. 6, 2024.

Johannah C. Pizzini, Baton Rouge, (2024-B-0754) Consented to suspension from the practice of law for a period of six months, with all but 30 days deferred, followed by a two-year period of probation governed by conditions, by order of the Louisiana Supreme Court on Sept. 4, 2024. JUDGMENT FINAL and EFFECTIVE on Sept. 4, 2024. *Gist:* Respondent negligently included surgical estimates for another client along with her settlement demand in a personal injury case without disclosing this fact to the insurance company.

Admonition

1 Violation of Rule 1.7(a) — Conflict of Interest (a lawyer shall not represent a client if the representation involves a concurrent conflict of interest).

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ADMINISTRATIVE LAW TO TAXATION



Christian Doctrine Not That Expansive — GAO Reaffirms Limit to Use in Solicitations

Matter of Hamilton Pac. Chamberlain, LLC, 2024 U.S. Comp. Gen. LEXIS 365 (Comp. Gen. Aug. 14, 2024).

In September 2023, the Department of Veterans Affairs (VA) issued an invitation for bids (IFB) for the installation of new air-handler units at the VA Medical Center in Amarillo, Texas. In response to the IFB, the VA received bids from multiple vendors, including Hamilton Pacific Chamberlain, LLC. After opening bids, the VA determined that Hamilton was not a small business under the applicable North American Industry Classification System code and, although Hamilton was the lowest bidder, awarded the contract to the next lowest bidder. Hamilton filed a bid protest at the Government Accountability Office (GAO) challenging that determination, but the challenge was dismissed as academic in May 2023 when the VA notified the GAO that it was going to cancel the IFB as a form of corrective action. *See Hamilton Pac. Chamberlain, LLC*, B-422568, May 13, 2024.

After the VA canceled the IFB, Hamilton filed this bid protest, alleging that the VA's cancellation of the IFB was contrary to the terms of Federal Acquisition Regulation 14.404-1, which sets forth the conditions for canceling an IFB, and that Hamilton would be the awardee if the VA were to proceed with the procurement. *See Matter of Hamilton Pac. Chamberlain, LLC,* 2024 U.S. Comp. Gen. LEXIS 365, *2-3 (Comp. Gen. Aug. 14, 2024).

The VA decided to cancel the IFB because the IFB was missing certain language from mandatory Veterans Affairs Acquisition Regulation (VAAR) Clause No. 852.219-75, Limitation on Subcontracting (LoS), which requires a bidder to certify that it will comply with certain small-business-subcontracting requirements. *Id.* at *2; *see also* 38 U.S.C. § 8127(l)(2) (requiring this certification be completed before a bidder is awarded a contract by the VA). While the IFB did require bidders to include a copy of the certification that is included in the LoS Clause with their bid, the IFB did not include the certification language itself in the IFB. *Id.*

As a result, none of the bidders completed the LoS certification that should have been contained in the IFB. *Id.* Furthermore, the VA determined that because none of the bids received contained the LoS Clause certification, none of the bidders — including Hamilton — were eligible for award, and that it was going to cancel the IFB. *Id.* at *2-3. In its bid protest challenging that decision, Hamilton alleged — among other things — that the VA could use the *Christian* doctrine to read the LoS Clause into the eventual contract even though it was left out of the IFB, which would ostensibly cure Hamilton's ineligibility. *Id.* at *9.

Christian Doctrine in Solicitations

The *Christian* doctrine is a legal rule derived from the case of *G.L. Christian* &



Assoc. v. United States, 312 F.2d 418 (Ct. Cl. 1963), 320 F.2d 345 (on rehearing), which ostensibly provides that clauses that are required by regulation be "read into" a government contract, whether or not they are actually included in the contract. In Christian, the clause that was read in was the Termination for the Convenience of the Government Clause, which was a clause required under procurement regulations and was deeply ingrained into public-procurement policy. See Christian, 312 F.2d at 426. Here, Hamilton essentially argued that the VA could take an expansive view of the Christian doctrine and simply read in the LoS Clause into the eventual contract even though it was omitted from the IFB as the LoS Clause is required under VA procurement regulations. See Matter of Hamilton Pac. Chamberlain, supra. at *9. That way, under Hamilton's reasoning, the VA's concern would be moot, and Hamilton would be eligible for award. However, the GAO did not find Hamilton's expansive Christian doctrine argument persuasive for two reasons.

First, the *Christian* doctrine is not that expansive and does not apply to solicitations. As the GAO has often observed, the *Christian* doctrine provides only for incorporation by law of certain mandatory contract clauses into otherwise validly awarded government contracts; it does not stand for the proposition that provisions are similarly incorporated, by law, into solicitations such as an IFB. *See ORBIS Sibro, Inc.*, 2021 U.S. Comp. Gen. LEXIS 101, *7 (Comp. Gen. April 12, 2021) (citing *NCS/EML JV, LLC*, B-412277, Jan. 14, 2016, 2016 Comp. Gen. Proc. Dec. ¶ 21 at 10 n.102).

Second, the LoS certification must be completed and submitted to the VA before it can award any eventual contract. *See* VAAR 852.219-75(d). Therefore, because Hamilton did not complete the LoS certification before it submitted its bid, the VA cannot award it a contract, and therefore there is "no validly awarded contract into which the clause could have been incorporated" under the *Christian* doctrine. *Matter of Hamilton Pac. Chamberlain*, LLC, at *10.

As such, the GAO did not agree with Hamilton's expansive view of the *Christian* doctrine and determined that it would not have led to Hamilton's bid being eligible for award. Furthermore, based on this and other unrelated matters, the GAO found the VA's determination that Hamilton's bid was ineligible for award to be reasonable.

Conclusion

In the end, because Hamilton's bid was ineligible for award, the GAO determined that Hamilton was not an interested party to challenge the VA's corrective action and dismissed the bid protest. *Id.* at *12. This GAO decision serves as reminder that the *Christian* doctrine is not ever expansive and reaffirms one of its bright line limits, namely that it does not apply pre-award and it cannot be used — by industry or government — to read mandatory clauses into a contract that does not yet exist.

Disclaimer: The views presented are those of the writer and do not necessarily represent the views of DoD or its components.

> --Bruce L. Mayeaux On Behalf of the LSBA Administrative Law Section Lieutenant Colonel, U.S. Army Judge Advocate Washington, DC 20310-2200



Appeals of Partial Final Judgments

Gulf Prod. Co. v. Halliburton Energy Serv., 23-1111 (La. App. 1 Cir. 8/6/24).

A recent decision from the Louisiana 1st Circuit Court of Appeal involved a scenario in which the trial court dismissed the principal demand against a defendant who had filed a reconventional demand, while the reconventional demand remained pending. The threshold question on appeal was whether the judgment was appealable. To reach its ruling, the court interpreted Louisiana's partial final judgment rule in relation to the rule governing separate trials of incidental demands. After determining the judgment was final and appealable, the court affirmed the judgment in favor of the defendant and



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plaintiff-in-reconvention.

The case arose out of a claim by Gulf Production Co., an oil-and-gas well operator, against Halliburton, an oilfield-services contractor. Gulf Production claimed that Halliburton supplied a defective coring gun that caused damage to a well. In response, Halliburton filed a reconventional demand seeking amounts allegedly owed for services rendered.

During the briefing on a motion in limine, Gulf Production revealed for the first time that it had entered into an assignment with the lessee of the well, Gulf Exploration, by which Gulf Exploration assigned to Gulf Production its right to file suit against Halliburton for damage to the well. Gulf Production also revealed for the first time that the suit was brought to recover damages sustained by Gulf Exploration, rather than its own damages. In response, Halliburton filed a peremptory exception of no right of action and motion for partial summary judgment. The trial court sustained the exception and granted the motion. Gulf Production appealed.

Halliburton argued that the judgment was not a final and appealable judgment be-

cause its reconventional demand remained pending. However, the court noted that article 1915(A)(4) of the Louisiana Code of Civil Procedure provides that a partial final judgment may be rendered if the court signs a judgment on a principal or incidental demand, when the two have been tried separately as provided by article 1038 of the Louisiana Code of Civil Procedure. The court found that when the trial court ruled on the exception and motion without considering any issues relating to the reconventional demand, the trial court had tried the matter separately pursuant to article 1038. Accordingly, the court found that the judgment was final and appealable pursuant to article 1915(A)(4).

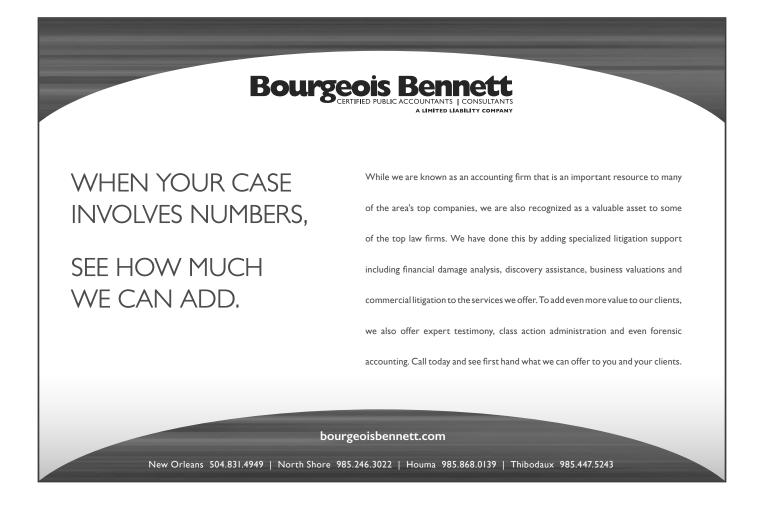
On the merits, the court affirmed the judgment. The basis of the ruling was twofold. First, the court found that Gulf Production had no real interest in the claims asserted because the damages were sustained solely by Gulf Exploration. Second, the court found that Gulf Production had failed to plead any facts to suggest it was filing suit in its capacity as assignee of Gulf Exploration.

Gulf Production presented two additional arguments in support of its claim. First, Gulf Production argued that it should have been allowed leave to amend its petition to assert the claim as assignee. Second, Gulf Production argued that Gulf Exploration should have been joined as an indispensable party.

In response to the first argument, the court found that the trial court properly denied leave to amend because the motion for leave was untimely and would have been a "vain and useless act." The court declined to consider the second argument because it was raised for the first time on appeal. Accordingly, the court affirmed the judgment dismissing Gulf Production's claims against Halliburton.

—Scott H. Mason

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Matrimonial Agreements

Adhvaryu v. Adhvaryu, 24-0315 (La. App. 1 Cir. 10/3/24), 2024 WL 4378820 (unpublished).

Mr. Adhvaryu and Ms. Adhvaryu purchased a home in 2016, executed a prenuptial agreement and married in August 2019, and divorced in March 2022.

In September 2022, Mr. Adhvaryu filed a petition for reimbursement that sought reimbursement for his payment of expenses for the jointly owned marital residence from the time of purchase in 2016 until the parties' marriage in 2019. Ms. Adhvaryu filed an exception of no cause of action, contending that Mr. Adhvaryu was not entitled to reimbursement because the prenuptial agreement, among other things, was "evidence of their joint intent to ignore all default rules pertaining to co-owned property."

During the hearing on Ms. Adhvaryu's exception, the trial court admitted documents offered into evidence by both parties. At the conclusion of the hearing, the trial court made various findings about the validity of the prenuptial agreement and the parties' intent before sustaining the exception and dismissing Mr. Adhvaryu's petition for reimbursement. Mr. Adhvaryu appealed.

The 1st Circuit Court of Appeal reversed the trial court's judgment, finding that the lower court erred in exceeding its limited scope on an exception by reviewing evidence and making factual findings.

Divorce

Khan v. Azeez, 24-0068 (La. App. 3 Cir. 10/2/24), ____So.3d___, 2024 WL 4366424.

Mr. Kahn and Ms. Azeez were married in India in 2003 but resided with their children in the United States since 2007. The parties traveled to India in November 2018, where Mr. Kahn purported to have divorced Ms. Azeez by uttering the word "talaq" three times and sought a formal judgment in India recognizing the divorce. However, divorce by the talaq method was declared illegal and unconstitutional in India in July 2019, retroactive to September 2018.

When Ms. Azeez returned to the United States in March 2019, she filed a petition for dissolution of marriage in Adams County, Ill., to which Mr. Kahn objected. The Illinois trial court denied Mr. Kahn's exception, finding that the UCCJEA and basic principles of human rights required a finding that divorce by talaq and any subsequent child custody determinations were invalid. Later, the Illinois trial court rendered judgment finding the India judgment invalid, dissolving the marriage, and awarding custody, child support and spousal support. Mr. Kahn did not appeal the Illinois judgments.

In June 2023, Mr. Kahn filed a petition seeking to make executory the Indian divorce judgment. He also sought declaratory relief and, alternatively, custody in Louisiana. Ms. Azeez filed an exception of res judicata, which the trial court sustained, dismissing Mr. Kahn's petition.

In September 2023, Ms. Azeez filed a petition to make the Illinois judgment executory in Louisiana, which the trial court granted. Mr. Kahn then moved to vacate the Illinois judgment, to which Ms. Azeez filed another exception of res judicata. The trial court sustained Ms. Azeez's exception. Mr. Kahn appealed, arguing that the trial court committed legal error in granting Ms. Azeez's exception relying on the Illinois judgment, which had not been made executory after a full evidentiary hearing.

On appeal, the 3rd Circuit Court of Appeal affirmed the trial court's judgment sustaining Ms. Azeez's exception to Mr. Kahn's motion to vacate. The appellate court reasoned that La. R.S. 13:4241 prevented the trial court from denying full faith and credit to the Illinois judgment unless the Illinois court lacked jurisdiction. Further, the enforcement provisions of the UCCJEA, as the more specific law, do not require registration before recognition, enforcement or modification. The appellate court concluded by admonishing Mr. Kahn for his actions in the matter, noting that such actions approached an abuse of judicial process.

-Elizabeth K. Fox

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Contract for Services Cannot Be Challenged for Non-Compliance with Public Bid Law

Veolia Water N. Am.-So., LLC v. City of Baton Rouge, 24-0061 (La. App. 1 Cir. 9/20/24), 2024 WL 4245862.

The City/Parish released a Request for Proposal (RFP) for a long-term contract for services identified as "operations, maintenance[,] and asset management" of the City/ Parish's wastewater treatment facilities. The RFP set forth instructions for proposals, a description of the process for evaluation of proposals and details on how to protest the RFP or the award of the contract. The RFP provided that all proposals were subject to applicable provisions of Louisiana law, "including but not limited to" the Louisiana Public Bid Law.

Veolia Water, OMI and Inframark, LLC, submitted timely proposals. The City/Parish selected OMI for award of the contract and issued a Notice of Intent to all proposers on Jan. 12, 2023. Veolia Water filed a letter of protest on Feb. 15, 2023. The City/Parish promptly notified Veolia Water that its protest was untimely. On March 15, 2023, two days after the City/Parish executed the service contract with OMI, Veolia Water filed a petition seeking to enjoin award of the contract and requesting a temporary restraining order and a writ of mandamus concerning a public-records request. The City/Parish filed

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Louisiana Bar Journal 601 St. Charles Ave., New Orleans, LA 70130-3404 a peremptory exception of no cause of action for injunctive relief under public bid law and various other exceptions regarding use of summary proceedings and service of process.

Veolia Water argued it had a cause of action as an interested party under public bid laws. The 1st Circuit found no merit in that argument, noting that while public bid laws have long been applied to public works, it is not applicable to public service contracts. Because the contract at issue was for services identified as "operations, maintenance[,] and asset management" for wastewater facilities, the 1st Circuit held that it was a service contract and, therefore, did not fall within the purview of public bid laws. The court further noted that "while a public entity may elect to use the sealed bid process and must comply with the requirements in its bid documents, it does not necessarily follow that its service contracts will be subject to Louisiana public bid laws or provide remedies for contracts which are contrary to public bid laws."

Veolia Water also argued that it had a cause of action because it timely sued to enjoin the City/Parish from awarding the contract to OMI. The 1st Circuit found that Veolia Water untimely sought injunctive relief when it filed suit two days after the City/Parish awarded the contract to OMI. Because the act sought to be enjoined had already occurred, the need for injunctive relief ceased to be a justiciable issue.

—Douglass F. Wynne, Jr.

On Behalf of the LSBA Fidelity, Surety and Construction Law Section Simon, Peragine, Smith & Redfearn, LLP 1100 Poydras St., 30th Flr. New Orleans, LA 70163



U.S. Department of Commerce's Bureau of Industry and Security

Securing the Information and Communications Technology and Services Supply Chain: Connected Vehicles, 89 Fed. Reg. 187, 79008 (Sept. 26, 2024).

The U.S. Department of Commerce's Bureau of Industry and Security (BIS) pub-

lished a proposed rule on Sept. 26, 2024, that seeks "to address undue or unacceptable risks to national security and U.S. persons posed by" information and communications technology transactions involving certain foreign adversaries. The proposed rule targets Chinese- and Russian-made hardware related to "vehicle connectivity systems" and so-called "connected vehicles" incorporating software related to such systems. The United States alleges that these systems and vehicles pose significant national security threats, including potential exploitation of sensitive technology and data. The proposed rule will likely impose new compliance burdens on the automotive industry and its component supply-chain partners.

Final Rule on Voluntary Self-Disclosures,

89 Fed. Reg. 179, 75477 (Sept. 16, 2024).

The BIS issued a final rule on Sept. 16, 2024, revising certain provisions related to the voluntary self-disclosure process for exporters who may have violated the Export Administration Regulations. BIS has always tried to balance the carrot of self-disclosure with the stick of formal enforcement action and penalties. Recent sanctions involving China, Russia and other foreign adversaries have renewed BIS efforts on the enforcement side, including this new rule regarding





self-disclosures. The new rule changes, *inter alia*, penalty guidelines by removing penalty caps and schedule amounts to provide BIS with more penalty discretion; formalizes the dual-track process for serious and minor/ technical violations, with the latter benefiting from a "fast track" procedure aiming to resolve such violations within 60 days; and allows third parties to seek the benefit of GP10 Authorizations to engage in otherwise prohibited activities.

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



5th Circuit Upholds DOL's Authority to Determine Salary Threshold for Exemptions Post-Loper

In Loper Bright Enterprises v. Raimondo, 144 S.Ct. 2244 (2024), the U.S. Supreme Court overruled longstanding U.S. Supreme Court caselaw that required courts to give special deference to federal agencies' interpretations of laws when Congress did not address the issue in the law itself. The Loper court held that it is not agencies, but instead Congress and, in its absence, the courts, that are responsible for interpreting statutes on



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The 5th Circuit held that this rule to increase the salary threshold was within the DOL's authority because the DOL has explicit statutory authority to "define and delimit" the terms of the exemptions to the Fair Labor Standards Act.

This decision matters, but not because of the 2019 DOL rule to increase the salary threshold. In 2024, the DOL substantially increased the salary threshold required for an employee to be exempt from overtime requirements. The current threshold, effective July 1, 2024, is \$43,888 per year. That means that, as of today, employees must be earning a salary of at least \$43,888 to be properly classified as exempt. However, this threshold will not last long as another substantial increase takes effect Jan. 1, 2025, raising the threshold to \$58,656 per year.

Currently, this 2024 DOL rule is facing several legal challenges in courts, but the DOL rule is still in effect. It is almost certain that the DOL will rely heavily on the 5th Circuit's recent decision in *Mayfield* to support its 2024 salary threshold increase.

—Philip J. Giorlando Chair, LSBA Labor Relations and Employment Law Section Breazeale, Sachse & Wilson, LLP Ste. 1500, 909 Poydras St.

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Eminent Domain Authority for Pore Space Rights for CCS – Act No. 620 (H.B. 492)

As enacted in 2009 (La. Acts 2009, No. 517), La. R.S. 30:1108 in the Louisiana Geologic Sequestration of Carbon Dioxide Act authorized a company that receives a certificate of public convenience and necessity and any required permits from the Office of Conservation to use eminent domain (expropriation) to acquire pore space rights for carbon capture and storage (CCS). As originally enacted, La. R.S. 30:1108(B) provided that the exercise of eminent domain could not be used to "prevent persons having the right to do so from drilling through the storage facility in such manner as shall comply with the rules of the commissioner issued for the purpose of protecting the storage facility against pollution or invasion and against the escape or migration of carbon dioxide." This was amended by Acts 2022, No. 163, to create La. R.S. 30:1108(B)(2), which provided that, for any CCS project to be located in Caldwell Parish, eminent domain could be used to obtain a prohibition on anyone drilling through the CCS storage reservoir if certain requirements were met.

Act 620 amends La. R.S. 19:2 and 30:1108 to prohibit the use of eminent domain to acquire pore space rights for CCS,



except for projects to which 30:1108(B)(2) applies. The projects to which 30:1108(B)(2) applies would be CCS projects in Caldwell Parish that meet certain requirements specified in 30:1108(B)(2).

This does not mean, however, that except for CCS projects to be located in Caldwell Parish, Louisiana law no longer has a mechanism for dealing with holdout landowners. As noted below, other legislation that became law in 2024 created unitization authority for CCS.

Unitization for CCS – Act No. 645 (H.B. 966)

Act No. 645 adds a new statute — La. R.S. 30:1104.2 — to grant the Office of Conservation the authority to enter orders for the unitization of pore-space rights for CCS.

As a prerequisite for a unitization order, the Office of Conservation must find that three-fourths of the pore-space owners (based on acreage interest, as opposed to heads) have consented in writing to the CO2 geologic storage. *See* La. R.S. 30:1104.2(B). In that respect, the new unitization authority is more analogous to the fieldwide unitization authority for oil and gas that the Office has under La. R.S. 30:5 than to the authority of the Office to create drilling units for oil and gas under La. R.S. 30:9 and to order the pooling of separately owned interests in the drilling unit under R.S. 30:10.

An order for unitization of pore spaces for CCS must "provide for just and equitable compensation to all owners in interest, including the storage operator, other owners in interest who consented in writing to geologic storage, and owners in interest who did not consent in writing to geologic storage, except that the order shall not vary, alter, or otherwise apply a standard of benefit sharing or compensation to, the terms of any contracts between the storage operator and any owner in interest." *See* La. R.S. 30:1104.2(C), which also codified the requirements for a unitization order:

The order shall set forth the method, formula, or other basis by which the just and equitable sharing of the benefits shall be determined, including the timing of payments thereof. In determining the method, formula, or other basis, the commissioner may take into consideration such factors that include but are not limited to the computational modeling submitted by an existing or proposed storage operator, whether there is an impact to a tract, the extent of any impact to a tract, each separately owned tract's proportionate share of the total surface acreage contributed to the storage unit, the costs required to perform the unit operation, and the viability of any third-party geologic storage projects within the storage unit and any associated third-party contracts executed by an owner in interest.

The legislation provides that a unitization order can be issued only after notice and a public hearing. See La. R.S. 30:1104.2(B). The legislation also gives interested persons the right to judicial review of a unitization order pursuant to La. R.S. 30:12, which provides a process for judicial review of orders of the Office of Conservation. *See* La. R.S. 30:1104.2(D). Additionally, the legislation gives the Office of Conservation the authority, after notice and a public hearing, to revise or dissolve any order for a storage unit. *See* La. R.S. 30:1104.2(E).

Eminent Domain for CCS Pipelines

Since enactment of the Louisiana Geologic Storage of Carbon Dioxide Act in 2009, R.S. 30:1108 and 19:2 have authorized prospective owners of CCS projects to use eminent domain to acquire pipeline servitudes for CO2 pipelines for the projects, provided that the Office of Conservation has granted certificates of public convenience and necessity for the projects. Louisiana Acts 2024, No. 620, amends R.S. 19:2 to authorize the use of eminent domain to acquire a servitude for a pipeline to transport CO2 to such a CCS project, apparently without regard to whether the owner of the CCS project also is the owner of the pipeline.

-Keith B. Hall

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Attorney Malpractice

Nicholas v. Bonnie, 23-1250 (La. 5/31/24), 385 So.3d 1130.

Bonnie, an attorney, prepared a will intended to bequeath a home in full ownership to Nicholas. Omissions from the will prevented it from being probated. Thus, it "devolved intestate," and Nicholas inherited only a partial interest of the house.

Nicholas sued Bonnie, who admitted his errors in drafting the will and agreed to make Nicholas whole. Nicholas then filed a motion for partial summary judgment, Bonnie signed a consent judgment, and the court granted summary judgment on the issue of the defendant's negligence. Nicholas then filed a motion for summary judgment on quantum. Bonnie responded with an exception of peremption, arguing that the legal malpractice claim was perempted as it was filed more than three years from the date of the malpractice, thus invalidating the consent judgment. Nicholas countered that Bonnie renounced prescription when he voluntarily entered the bilateral contract prior to the consent judgment.

The trial court denied Bonnie's exception of peremption, but the appellate court reversed, granting Bonnie's claim and concluding that once peremption occurred, the claim was destroyed, and "the consent judgment could not revive the extinguished claim."

The Supreme Court granted Nicholas' writ and determined that Nicholas' action was "mischaracterized as legal malpractice rather than contract." The consent agreement



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stipulated to Bonnie's liability for all damages he caused. Thus, "while born in legal malpractice," the action to enforce the consent judgment was based in contract and was thus enforceable.

Attorney Malpractice

Hadwin v. ABC Ins. Co., 24-0072 (La. 4/9/24), 382 So.3d 827.

The plaintiff sued the defendants for legal malpractice. The defendants filed a motion for summary judgment. All parties agreed to a continuance of the summary judgment hearing until July 19. Louisiana Code of Civil Procedure article 966(B)(2) required plaintiff's opposition to be filed by July 5. Five days after the July 5 deadline, the plaintiff moved to continue the hearing, contending that "good cause existed for the continuance," to wit:

1) His office mis-calendared the deadline to file the opposition.

2) The judge's assistant "requested copies of pleadings be delivered to the judge eight days before the hearing, which caused the confusion with the deadline."

3) The defendants had styled the title of the pleading "as a motion for summary judgment or alternatively, exception of no cause of action," which caused confusion.

4) His expert was unavailable to sign an affidavit until July 10.

The trial court granted plaintiff's motion and continued the summary judgment hearing. The court of appeal denied the defendant's request for a supervisory review of the ruling.

The Supreme Court accepted the defendants' writ and began its per curiam by noting that article 966(B)(2) of the Code of Civil Procedure requires that opposition documents to a motion for summary judgment "shall be filed and served in accordance with Article 1313 not less than fifteen days prior to the hearing on the motion." Id. at 829.

The court added its ruling in an earlier opinion that, absent consent of the parties, the trial court has "no discretion to extend that article's fifteen-day deadline for filing an opposition," adding that "the trial court could have considered equitable concerns and continued the summary judgment hearing for good cause under the provisions of La. Code Civ. P. art. 966 (C)(2)," which it did not do. Id., quoting Auricchio v. Harriston (La. 10/10/21), 332 So.3d 660, 661. The court later "clarified" that portion of Auricchio's holding in Mahe v. LCMC Holdings, LLC, 23-0025 (La. 3/14/23), 357 3d 322, explaining that a continuance under the statute "cannot serve as a pretext to circumvent the deadlines set forth in La. Code Civ. P. art. 966(B)(2)." Id. The Mahe court observed that, while a plaintiff's argument that an expert was unavailable to provide a report can succeed, the plaintiff must "move for a continuance prior to the expiration of the 15-day deadline." In Hadwin, the court commented that the facts were "strikingly similar" to those found in Mahe.

The plaintiff's "purported confusion" caused by trial court's notice that copies of pleadings be delivered eight days before the hearing failed "to show any reason why this language would supersede the mandatory deadlines of La. Code Civ. P. art. 966(B) (2)," as there was no effort made to clarify any conflict between the dates. Id. Finding that the plaintiff had not demonstrated good cause for a continuance, the case was remanded to the trial court to rule on the motion "without consideration of plaintiff's untimely-filed opposition." Id. at 830.

> -Robert J. David Gainsburgh, Benjamin, David, Meunier & Warshauer, LLC Ste. 2800, 1100 Povdras St. New Orleans, LA 70163-2800

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Parish Assessment Was Not Final Because of Failure to Conduct Protest Hearing

Jefferson Davis Par. Sch. Bd. v. Rail Logix Lacassine, LLC, BTA Docket No. L01991 (7/30/24).

The Jefferson Davis Parish School Board and Amber Hymel, in her capacity as tax collector, filed a petition for rule to show cause to cease from the further pursuit of business and for tax against Rail Logix Lacassine, LLC (taxpayer) in the Local Division of the Louisiana Board of Tax Appeals. The collector's petition sought to enjoin the taxpayer from further operation of its business based, in part, on an alleged final sales-tax assessment.

In response, the taxpayer filed dilatory exceptions of prematurity, unauthorized use of a summary proceeding and vagueness or ambiguity of the petition, and peremptory exceptions of prescription, no cause of action and lack of subject matter jurisdiction. As it relates to the exception of prematurity, the taxpayer asserted that the tax assessment at issue was not issued in strict compliance with the procedures described in La. R.S. 47:337.49, nor in accordance with the collector's published "Assessment Procedures and Taxpayers Rights" policies. Specifically, the taxpayer asserted that the assessment was invalid, null and void because the collector failed to provide the taxpayer with a protest hearing before the issuance of the assessment as required by La. R.S. 47:337.49(A). The taxpayer further asserted that the collector failed to provide any preliminary audit findings, preliminary or final work papers or other schedules detailing the additional taxes due

La. R.S. 47:337.49 provides that, within 30 calendar days from the date of the notice of assessment provided in La. R.S. 47:337.48(A) or (B), the taxpayer may protest the determination and notice of tax due. The statute specifically states that the collector shall consider the protest and shall grant a hearing thereon before making a final determination of tax, penalty and interest due.

A hearing on the exceptions came before the Board. The Board sustained the exception of prematurity in part, holding that, with respect to that portion of the pleadings relying on the finality of the underlying assessment, the assessment was not final for failure to conduct a protest hearing pursuant to La. R.S. 47:337.49. The Board overruled the exception of prematurity, in part, with respect to the collector's ability to pursue collection of taxes through the summary rule procedure. The Board overruled the taxpayer's remaining exceptions.

—Antonio Charles Ferachi

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

Continued next page



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Changes to Louisiana Property Tax Sales in Wake of *Tyler v. Hennepin County*

In 2023, the U.S. Supreme Court issued a decision in *Tyler v. Hennepin County*, 143 S.Ct. 1369 (2023), which held that Hennepin County, Minnesota, violated the Takings Clause (U.S. Const. amend. V) by retaining the excess proceeds from the tax sale of a personal residence. In response, states around the country, including Louisiana, have been reviewing (and, where necessary, amending) their tax-sale provisions to avoid running afoul of the decision.

As part of that effort, in its 2024 Regular Session, the Louisiana Legislature passed Act 409, which proposed amendments to Article XII, Section 25, of the Louisiana Constitution relating to tax sales. The proposed amendments are on the ballot for the Dec. 7, 2024, statewide election. The *Tyler*-related amendments, and several other proposed changes to the property tax law, are part of a legislative overhaul aimed at moving substantive provisions into the statute while retaining enabling provisions in the Constitution.

If the constitutional amendment passes,

the Legislature "shall be required" to provide for a procedure for taxpayers to claim the excess proceeds from the sale of property resulting from the enforcement of a tax lien. To meet that requirement, in the same session, the Legislature also passed Act 774, which amends the statute to enable a taxpayer to recover such excess proceeds.

Under current law related to immovables, where property taxes are delinquent, an assessor may make a tax sale of the property to the highest bidder for all or a percentage of the property. The tax-sale purchaser obtains tax-sale title and is issued a tax-sale certificate but does not receive any ownership interest at that point. The taxpayer then typically has a three-year redemptive period in which to pay the delinquent amounts and retain the property. If no redemptive payment is timely made, the tax-sale purchaser may file a quiet-title suit to claim ownership of the property, and the taxpayer can raise any defenses in that proceeding or in a separate action. Where the parties do not settle and the tax-sale purchaser obtains judgment in its favor, the tax-sale purchaser owns the property in full (or the percentage purchased at tax sale) as a result of having paid the typically comparatively minimal outstanding tax liability. The law does not currently provide for the taxpayer to recover any excess proceeds, effectively giving the equity in the property to the tax-sale purchaser.

The amended law requires the holder of a tax-lien certificate to file an ordinary proceeding to enforce the lien, which will result in the seizure and sale of the property. The proceeds are then distributed in the following order:

1) The holder of the tax-lien certificate will receive the amount of the judgment plus interest, costs or attorney fees.

2) Other holders of mortgages, liens and privileges will receive proceeds to satisfy their claims.

3) Any excess will be paid to the owner(s) of the property.

The statutory changes are contingent on the constitutional amendment being adopted in the December election. If passed, both the constitutional and statutory amendments will take effect on Jan. 1, 2026, and will apply to tax lien auctions after that date.

> —Jaye A. Calhoun Member, LSBA Taxation Section Kean Miller, LLP Ste. 3600, 909 Poydras St. New Orleans, LA 70112 and Thomas J. Celles, CPA JD Candidate, Tulane Law School Law Clerk, Kean Miller, LLP

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By Kristen D. Amond

awyers hold unique а immediate and "lawyer power"-the ability to make real, meaningful differences in other people's lives. We have a responsibility to promote fairness and address access to justice issues that affect so many. For people unable to afford legal representation, the legal system can be overwhelming and inaccessible.

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There are many ways to get involved. You can reach out to legal aid and pro bono organizations across Louisiana, or join the civil pro bono panels of Louisiana's federal district courts. When an eligible case requires counsel, the court appoints a member of the panel to provide representation. This system ensures that people who need legal assistance but lack financial resources have access to qualified legal help.

Young Lawyers Division Initiatives

The YLD offers several initiatives to help young lawyers contribute to their communities. Follow us on social media and check the LSBA YLD's website for updates.

▶ Wills for Heroes: This program provides free estate planning services, including wills and powers of attorney, to first responders. These events take place statewide. If you're interested in hosting one, reach out!

Barristers for Boards: Young lawyers volunteer on the boards of local nonprofits, providing governance and compliance guidance that helps these organizations focus on their missions, from housing to education and health. Recent events have been held in Shreveport, Lake Charles, and Alexandria.

► Louisiana State High School **Mock Trial:** This program introduces high school students to the legal enhancing their critical system, thinking, public speaking, and teamwork skills. Young lawyers serve as mentors, coaches, and judges. The

YOUNG LAWYERS SPOTLIGHT

Conner J. LeBlanc Gonzales

The Louisiana State Bar Association's Young Lawyers Division Council is spotlighting Gonzales attorney Conner J. LeBlanc.

LeBlanc is a 2020 graduate of Louisiana State University Paul M. Hebert Law Center. Graduating during the height of the COVID-19 pandemic, he faced unique employment prospects. After weighing several, more traditional opportunities with Baton Rougebased law firms, he accepted a role as a business development manager with General Informatics, a locally-managed IT/cybersecurity service provider. After two years in that role, he was promoted to senior business development and compliance manager, where he now spends most of his time building compliance-driven cybersecurity solutions for law firms, banks, hospitals, ports and other highly regulated organizations through-

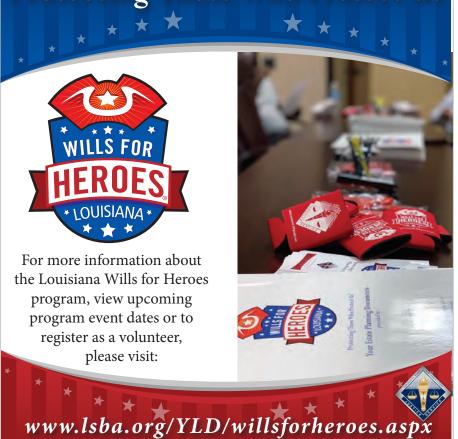


out Louisiana. In addition to his business development activities, he works with the General Informatics' leadership team to identify potential partnership and acquisition opportunities throughout the state.

He currently divides his time between New Orleans, Baton Rouge and the Bayou Region and is actively involved in professional and civic organizations, including GNO Inc.'s NextGen Council, the Louisiana Association of Business and Industry, the Baton Rouge Area Foundation and the New Orleans Chamber of Commerce. Through his involvement in the Baton Rouge and New Orleans Bar Associations, he is a regular presenter on technology-related topics, such as AI, cybersecurity, disaster recovery and data privacy/compliance.

LeBlanc, a Morgan City native, is a graduate of the LSU JD/MBA program and now lives with his wife, Victoria, in Gonzales. While obtaining his undergraduate degree in philosophy from LSU, he was a walk on for the "Fighting Tigers" football team as a long snapper and would go on to play for the 2014 Outback Bowl championship team. During his time in the MBA program, he and two friends co-founded Zenith, an immersive content production company, which they still own and operate today.

Protecting Those Who Protect Us



YLD Chair continued from page 304

state competition will be held at the U.S. District Court for the Western District of Louisiana in Lafayette on March 29, 2025.

We encourage all young lawyers to join us in these programs and other service opportunities that benefit the public and our profession.

A Call to Action

Whether you volunteer with a YLD program, join a pro bono panel, or participate in other community initiatives, I encourage all young lawyers to use their lawyer power to make a difference. Pro bono work is an opportunity to build your skills, connect with your community, and grow both personally and professionally. By giving your time, you gain experience, perspective, and a more resilient legal career.

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MARK YOUR CALENDARS! UPCOMING LSBA CLE OPPORTUNITIES



2024

REGISTER

0 D A Advanced Appellate Practice Dec. 4, 2024 | New Orleans Marriott Warehouse Arts District

Trial Practice Dec. 5, 2024 | Sheraton New Orleans Hotel

Pursuit of Balance: Life & Law Dec. 5, 2024 | Sheraton New Orleans Hotel

Ethics & Professionalism: Watch Your P's & Q's Dec. 6, 2024 | New Orleans Marriott Warehouse Arts District

Arbitration and Mediation in Louisiana 2024 Dec. 12, 2024 | Hilton Riverside Hotel A Grand CLE! Dec. 13-15, 2024 | The Grand Hotel, Point Clear, AL

got CLE?? Dec. 17, 2024 | New Orleans Marriott Warehouse Arts District

CLE Wrap Up Dec. 19, 2024 | New Orleans Marriott Warehouse Arts District

Summer School Revisited Dec. 19-20, 2024 | New Orleans Marriott WAD Hotel

2025 Dazzling at Disney March 3-5, 2025 | Disney's Grand Floridian

WWW.LSBA.ORG/CLE

HAVE ALL OF YOUR CLE HOURS BEEN REPORTED?

Check your transcript online now by logging into your LSBA member account at *www.lsba.org*.

Please contact mcle@lsba.org for any transcript discrepancies.



HELPFUL INFORMATION

- Members must earn 12.5 hours of CLE credit per calendar year (including 1 hour of ethics and 1 hour of professionalism).
- All credit hours must be completed by December 31, 2024.
- Attorneys newly admitted in 2023, see Rules for Continuing Legal Education 3(b).
- For the 2024 compliance period ending December 31, 2024, the limitation for computer-based CLE 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.
- All 2024 CLE hours and exemption forms must be reported by January 31, 2025.
- If you need CLE hours, visit the MCLE course calendar: www.lsba.org/MCLE/MCLECalendar.aspx

Louisiana Bar Journal December 2024 / January 2025



By Trina S. Vincent, Louisiana Supreme Court

JUDGES...APPOINTMENTS...MEMORIAM

New Judge

Brittany B. Arvie was elected Shreveport City Court Division D judge, effective Aug. 1, 2024. She earned her bachelor's degree in 2008 and her mas-



ter's degree in 2015 from Southern University A&M College. She earned her JD degree in 2015 from Southern University Law Center. From 2015-16, she was a law clerk at Legal Services of North Louisiana. From 2016-18, she worked as a judicial law clerk at the 1st Judicial District Court. From 2018-19, she was an assistant city prosecutor at Shreveport City Court and was an assistant district attorney (section chief) at the Caddo Parish District Attorney's office from 2019 until her election to the bench. Judge Arvie is married to Michael Arvie and they are the parents of two children.

Departure

Louisiana Supreme Court Associate Justice James T. (Jimmy) Genovese left the Supreme Court bench on Aug. 4, 2024, upon his appointment as president of Northwestern State University in Natchitoches. He earned his bachelor's degree in 1971 from Northwestern State University and his JD degree, with honors, in 1974 from Loyola University New Orleans College of Law. From 1974-95, he practiced law in Opelousas and served as a judge ad hoc of the Opelousas City Court from 1975-89. In 1995, he was elected as 27th Judicial District Court judge for St. Landry Parish, a position

he held until 2004 when he was elected as Louisiana 3rd Circuit Court of Appeal judge. He served at the 3rd Circuit until his election as an associate justice of the Louisiana Supreme Court in 2016. He is a former president, vice president and secretary-treasurer of the St. Landry Parish Bar Association. He is a member of the Colorado Bar Association and the American Bar Association. He is admitted to the bar in all state and federal courts in Louisiana and in the U.S. Supreme Court. He served on the Louisiana Supreme Court's Judicial Council Appellate Court Work Point Values Working Group and the Trial Court Committee to Review the Need for Judgeships and as chair of its long-term subcommittee. He was the Supreme Court's appointee to the Juvenile Justice Reform Act Implementation Commission. Justice Genovese served as a board member of the Supreme Court of Louisiana Historical Society. He has been a panelist, speaker and lecturer at conferences and continuing education seminars on recent updates, professionalism, ethics, summary judgment, writs and appeals, practices and procedures of the Louisiana 3rd Circuit Court of Appeal, and judicial review in the Louisiana Supreme Court.

Appointments

► Lewis O. Unglesby was appointed, by order of the Louisiana Supreme Court, to the Louisiana Judicial Campaign Oversight Committee for a term of office which began Sept. 5, 2024, and will end on June 23, 2028.

▶ Maxine Crump was appointed, by order of the Louisiana Supreme Court, to the Louisiana Judicial Campaign Oversight Committee for a term of office which began Sept. 5, 2024, and will end on June 14, 2028.

► Hardell H. Ward was appointed, by order of the Louisiana Supreme Court, to the Louisiana Judicial Campaign Oversight Committee for a term of office which began Sept. 25, 2024, and will end on June 23, 2028.

Deaths

▶ Retired Louisiana Supreme Court Justice Jeffrey P. Victory, 78, died Sept. 26, 2024. He earned his bachelor's degree in 1967 from Centenary College and his JD degree in 1971 from Tulane University Law School. While in law school, he joined the Special Forces, Airborne, Louisiana National Guard. After law school, he practiced with the law firm Tucker, Martin, Holder, Jeter, Jackson & Victory. In 1981, he was elected to the 1st Judicial District Court. In 1991, he was elected to the 2nd Circuit Court of Appeal. He served there until 1995 when he was elected as an associate justice of the Louisiana Supreme Court. He was subsequently re-elected to a second 10-year term, which began in 2005. As a justice, he was a charter member of the Louisiana Sentencing Commission and served as a director and board chair of the Louisiana Judicial College. He served on the Supreme Court's Internal Audit Committee and was a regular lecturer on ethics issues. Justice Victory was the recipient of the 2014 U.S. Chamber of Commerce Institute for Legal Reform's Judicial Leadership Achievement Award, which recognizes individuals and organizations for outstanding work contributing to reform of the United States civil justice system. He was a member of the National Lawyers Association and the American and Shreveport Bar Associations and was inducted into the C.E. Byrd High School Hall of Fame and the Centenary College Hall of Fame. After serving 20 years as

an associate justice, he retired from the Louisiana Supreme Court on Dec. 31, 2014.

 Retired Louisiana Supreme Court Justice Marcus R. Clark, 68, died Sept. 25, 2024. He earned his bachelor's degree in 1978 from Northeast Louisiana University (now University of Louisiana at Monroe) and his JD degree in 1985 from Louisiana State University Paul M. Hebert Law Center. After college, he worked as a law enforcement officer. Following law school, he joined the Ouachita Parish District Attorney's Office as an assistant district attorney. In 1990, he was promoted to chief felony drug prosecutor, where he assisted state and federal law enforcement with many high-profile drug prosecution cases. He co-authored the Louisiana Drug Asset Forfeiture Law and co-developed the National TOP Gun Seminar for law enforcement. In 1997. he was elected as a 4th Judicial District Court judge. From 2000-01, he served as the judge for the newly established Drug Court and was chief judge from 2004-06. He was a member of the 4th Judicial District Court Bar Association and is a former member of the Louisiana District Judges Association, serving on its Executive Committee. As a district judge, he served on the New Judgeship Committee, Ad Hoc NCSC Study Committee, Criminal Judges Committee, Salary & Personnel Committee, Court Technology Committee, and the Supreme Court Uniform Rules Committee. He was a lecturer for the North Delta Police Training Academy, the Louisiana Sheriffs

the Louisiana District Association, Attorneys Association and the Louisiana District Judges Association. In 2009, he was elected as a Louisiana Supreme Court associate justice. He was re-elected to a 10-year term in 2016 after running unopposed. As a justice, he served on several Supreme Court boards and committees, including as chair of the Judicial Budgetary Control Board and as a member of the Internal Audit Committee and the Human Resources Committee. He also served as the Supreme Court's liaison to the Louisiana District Judges Association and was a member of the Sheriffs Executive Management Institute Board. Justice Clark retired from the Louisiana Supreme Court on June 30, 2020.

► Retired 3rd Circuit Court of Appeal Judge Oswald A. Decuir, 84, died Sept. 3, 2024. He received his bachelor's degree from Louisiana State University and his JD degree in 1966 from Tulane University Law School. From 1966-67, he worked as a law clerk at the Louisiana Supreme Court. From 1970-72, he was an assistant district attorney. From 1976-92, he served as a state senator while practicing law. He was elected to the 3rd Circuit Court of Appeal in 1992 and served until his retirement in 2012

▶ Retired 24th Judicial District Court Judge Walter E. Kollin, 90, died Feb. 16, 2024. He received his JD degree in 1958 from Loyola University New Orleans College of Law. He was elected 24th JDC judge in 1978 and served until his retirement in 1996.

► Retired 40th Judicial District Court

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Chief Judge Madeline Jasmine, 71, died Sept. 3, 2024. She received her bachelor's degree in 1975 from Dillard University and her JD degree in 1978 from Loyola University New Orleans College of Law. She worked as a law clerk in 1977. In 1978, she was an attorney at the New Orleans Legal Assistance Corporation. She worked as an assistant district attorney for 12 years and worked in private practice prior to her election to the 40th JDC bench in 1990. Judge Jasmine was the first African-American person elected to serve on the 40th JDC bench, where she served until her retirement in 2020.

▶ Retired Orleans Juvenile Court Judge George G. Kiefer, 81, died July 7, 2024. He received his bachelor's degree in 1964 from the University of New Orleans (then LSUNO) and his JD degree in 1970 from Loyola University New Orleans College of Law. He practiced law for 21 years. From 1978-92, he served as an Orleans Parish Criminal Court magistrate. In 1992, he was elected Orleans Juvenile Court judge and served until his retirement in 1999.

► Retired New Orleans Municipal and Traffic Court Judge Sean P. Early, 67, died Aug. 20, 2024. He received his bachelor's degree from Spring Hill University and his JD degree from Southern University Law Center. After graduating law school, he was a public defender. In 1994, he was elected judge of the New Orleans Municipal Court bench, which later merged with the New Orleans Traffic Court. Judge Early served for several years as chief judge and retired in 2022.



NEW RESOURCE: LSBA REFERENCE CARD ON INTERDICTION PROCEDURES & LESS RESTRICTIVE ALTERNATIVES

The LSBA recently published a reference card to educate the bench and the bar on the interdiction process and less restrictive alternatives, such as Supported Decision Making. An electronic version of the Reference Card can be accessed through the QR Code. Physical copies can be obtained at the Bar Center.



LAWYERS ON THE MOVE . . . NEWSMAKERS

LAWYERS ON THE MOVE

Breazeale, Sachse & Wilson, LLP, announces that Jackie M. Marve has joined the firm's Baton Rouge office as of counsel.

Broussard, David & Moroux, LLC, announces that attorney **Rachael P. Catalanotto** has joined John S. Alford and Blair B. Alford in its Covington office.

Erlingson Banks, PLLC, announces that **Beverly I. Perkins** has joined the firm's Baton Rouge office as an associate.

Fishman Haygood, LLP, announces that Margaret M. (Maggie) Daly and Dylan M. Futrell have joined the firm's New Orleans office as associates.

Gordon, Arata, Montgomery, Barnett, McCollam, Duplantis & Eagan, LLC, announces that Elizabeth A. McGovern and Benjamin M. Parks have joined the firm's New Orleans office as associates. Intellectual Property Consulting (IPC), a business and intellectual property law firm based in New Orleans, announces its merger with The Watson Firm, a boutique law firm based in Birmingham, Ala. The newly merged firm will operate under the IPC brand, retaining all current attorneys and staff from both firms. Website: *www. iplawconsulting.com*.

Jones Walker, LLP, announces that John D. Werner, A.O. (Chip) Saulsbury and J. Tyler Marquette have joined the New Orleans office as partners, and Meghan D. Montgomery, Tyler M. Andrews, Anne B. McAloon and Michael T. Stewart have joined the New Orleans office as associates. Montgomery will be admitted to the firm's partnership in January 2025.

Milling Benson Woodward, LLP, in Mandeville announces that **Stephen E. Covell** has joined the firm as of counsel and **Paige S. Stein** has joined the firm as an associate.

NEWSMAKERS

Richard J. Arsenault, a partner in the Alexandria firm of Neblett, Beard & Arsenault, was a speaker at the Louisiana Law Review Annual Symposium on Class Actions, MDLs and Complex Litigation. He also was selected by the National Association of Distinguished Counsel as a member of the Nation's Top One Percent.

Blake R. David, senior partner at Broussard, David & Moroux, LLC, in Lafayette, served as chair of the Nov. 7, 2024, Louisiana State Bar Association's Admiralty Symposium in New Orleans.

Robert M. Kallam, managing partner in the Lafayette office of Kean Miller, LLP, was appointed chair of the Louisiana State University Law Alumni Board of Trustees for the 2024-26 term by LSU Paul M. Hebert Law Center Dean Alena M. Allen.

Continued next page



Richard J. Arsenault



Soren E. Gisleson



Michael E. Botnick



Brian D. Katz



Joseph E. (Jed) Cain



Terrence K. Knister



Rachael P. Catalanotto



Martin E. Landrieu



Stephen E. Covell



Samuel E. Masur



Ewell E. (Tim) Eagan, Jr.



Elizabeth A. McGovern



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Brian D. Katz, a partner in Herman, Katz, Gisleson, Cain in New Orleans, was installed as the president of the Louisiana Association for Justice.

Lori G. Mince and E. Blair Schilling, partners at Fishman Haygood, LLP, in New Orleans, were named Fellows of the Litigation Counsel of America.

PUBLICATIONS

Best Lawyers in America 2025

Barrasso Usdin Kupperman Freeman & Sarver, LLC (New Orleans): Michael A. Balascio, Judy Y. Barrasso, Jamie L. Berger, Robert J. Dressel, George C. Freeman III, Craig R. Isenberg, John W. Joyce, Stephen R. Klaffky, Laurence D. LeSueur, Jr., David N. Luder, Shaun P. McFall, Richard E. Sarver, Kyle W. Siegel and Steven W. Usdin; and Whitney M. Antoine, Chloé M. Chetta, Lorcan L. Connick, Alexandra L. Gjertson, Janelle E. Sharer, Robert A. Waldrup and Lance W. Waters, Ones to Watch.

Fishman Haygood, LLP (Baton Rouge, New Orleans): Brent B. Barriere, H.S. (Tad) Bartlett, Jason W. Burge, Scott D. Chenevert (Lawyer of the Year, Corporate Law), Daniel J. Dysart, Louis Y. Fishman, Maureen B. Gershanik (Lawyer of the Year, Securities Regulation), Stephen J. Herman, Charles A. Landry, Tristan E. Manthey, Lance C. McCardle, Kerry J. Miller, Lori G. Mince (Lawyer of the Year, Litigation-Construction), Cherie D. Nobles, William H. Patrick III, Louis S. Quinn, Jr. (Lawyer of the Year, Public Finance Law), E. Blair Schilling, Steven C. Serio, James. R. (Jim) Swanson, Paul C. Thibodeaux and Sterling Scott Willis (Lawyer of the Year, Equipment Finance Law); and Monica L. Bergeron, Joseph A. Caneco, Kaja S. Elmer, Julie S. Meaders,

C. Hogan Paschal, Danielle C. Teutonico, Rebekka C. Veith and Molly L. Wells, Ones to Watch.

Gordon. Arata, Montgomery, Barnett, McCollam, Duplantis & Eagan, LLC (New Orleans): Phil J. Antis, C. Byron Berry, Jr., Michael E. Botnick, Steven W. Copley, Bob J. Duplantis, Gregory G. Duplantis, Ewell E. (Tim) Eagan, Jr., Francine A. Elliot, John Philip (J.P.) Graf, A. Gregory Grimsal, C. Peck Hayne, Jr., Terrence K. Knister, Martin E. Landrieu, Armistead M. Long, Daniel Lund, Anthony C. Marino, Samuel E. Masur, Cynthia A. Nicholson, Scott A. O'Connor, John Y. Pearce, James D. Rhorer, Alex B. Rothenberg, Gerald H. Schiff, Howard E. Sinor, Jr., Marion Welborn Weinstock, Stephen L. Williamson, R. Ethan Zubic and Micah C. Zeno.

Herman, Katz, Gisleson, Cain (New Orleans): Russ M. Herman, Brian D. Katz (Lawyer of the Year, Personal Injury Litigation-Plaintiffs), Soren E. Gisleson and Joseph E. (Jed) Cain.

Jackson Lewis, PC (New Orleans): Charles F. Seemann III, Stacey C.S. Cerrone, Lindsey H. Chopin, Howard Shapiro, René E. Thorne and Robert W. Rachal.

Chambers USA 2024

Jackson Lewis, PC (New Orleans): Charles F. Seemann III, Stacey C.S. Cerrone, Howard Shapiro, René E. Thorne and Robert W. Rachal.

Benchmark Litigation 2024

Barrasso Usdin Kupperman Freeman & Sarver, LLC (New Orleans): Judy Y. Barrasso, Top 250 Women in Litigation; and Chloé M. Chetta, Robert J. Dressel, Laurence D. LeSueur, Jr. and Shaun P. McFall, 40 & Under.

Scott A. O'Connor



Benjamin M. Parks



Beverly I. Perkins



Paige S. Stein

Benchmark Litigation 2025

Fishman Haygood, LLP (New Orleans): Brent B. Barriere, Jason W. Burge, Lance C. McCardle, Lori G. Mince, Benjamin D. Reichard and James R. Swanson; and Paul C. Thibodeaux and Molly L. Wells, Future Stars.

Lawdragon 500

Barrasso Usdin Kupperman Freeman & Sarver, LLC (New Orleans): Judy Y. Barrasso, Jamie L. Berger, George C. Freeman III, Craig R. Isenberg, Stephen H. Kupperman, David N. Luder, Richard E. Sarver and Steven W. Usdin, 2025 Lawdragon 500 Leading Litigators in America.

Fishman Haygood, LLP (New Orleans): Brent B. Barriere, Jason W. Burge, Kerry J. Miller, Lori G. Mince, James R. Swanson, and Paul C. Thibodeaux, 2025 Lawdragon 500 Leading Litigators in America.

Gordon, Arata, Montgomery, Barnett, McCollam, Duplantis & Eagan, LLC (New Orleans): Michael E. Botnick and Marion Welborn Weinstock, 2024 Lawdragon 500 Leading Global Real Estate Lawyers; and Ewell E. (Tim) Eagan, Jr., Terrence K. Knister, Martin E. Landrieu, Samuel E. Masur and Scott A. O'Connor, 2025 Lawdragon 500 Leading Litigators in America.

Legal 500 United States

Jackson Lewis, PC (New Orleans): Stacey C.S. Cerrone (Leading Lawyer), Lindsey H. Chopin, René E. Thorne, Charles F. Seemann III, Howard Shapiro (Hall of Fame) and Robert W. Rachal.

New Orleans CityBusiness 2024

Barrasso Usdin Kupperman Freeman & Sarver, LLC (New Orleans): Robert A. Waldrup, Leadership in Law Class of 2024.



Robert A. Waldrup



Marion Welborn Weinstock

NEWS

UPDATE

LSBA, Law Library of La. Receive AALL National Award for LEAP Program

The Louisiana State Bar Association (LSBA) and the Law Library of Louisiana received the 2024 American Association of Law Libraries' (AALL) Excellence in Community Engagement Award for their Legal Education and Assistance Program (LEAP).

The Excellence in Community Engagement Award honors outstanding achievement in public relations activities conducted over the past year by an AALL member, special interest section, chapter, library or any other group affiliated with the association. The award specifically acknowledges LEAP's innovative approach to community engagement, emphasizing its dedication to bridging gaps in legal understanding and access.

The award nomination was submitted by Louisiana Supreme Court Chief Justice John L. Weimer. "The Justices of the Louisiana Supreme Court and I congratulate the Louisiana State Bar Association and Law Library of Louisiana for receiving national recognition of their incredibly important, impactful and innovative program," Chief Justice Weimer said. "LEAP projects significantly benefit members of vulnerable communities with their legal issues who often cannot afford or access attorneys. The work LEAP has done has made a tremendous impact in our state, particularly in rural and under-served areas. Helping to enable and ensure access to justice for all is truly an honor of which Louisiana can be proud," he added.

In 2013, the LSBA and the Law Library of Louisiana began exploring potential collaborative outreach and assistance efforts for public librarians. Recognizing that public libraries are of-



The Louisiana State Bar Association (LSBA) and the Law Library of Louisiana received the 2024 American Association of Law Libraries' Excellence in Community Engagement Award for their Legal Education and Assistance Program (LEAP). From left, Louisiana Supreme Court Chief Justice John L. Weimer, Law Library of Louisiana Head of Public Services Sara V. Pixon, Law Library of Louisiana Director Miriam D. Childs, 2023-24 LSBA President Shayna L. Sonnier and LSBA Access to Justice Projects Counsel Stephanie M. Beaugh.

ten the first point of contact for individuals seeking legal help, LEAP was created to offer legal reference training, including resources and referral information to empower librarians. Initially, LEAP focused on in-person trainings, LibGuides and the annual Lawyers in Libraries week of events.

In 2023, LEAP experienced a revitalization of its projects and the launch of new initiatives. The updated LEAP training sessions were recorded and published on YouTube, making legal resource training accessible on-demand to libraries throughout Louisiana. Additionally, LEAP introduced a new inperson program at the Louisiana Library Association Conference to address how libraries can respond to patrons' family law questions. To address potential volunteer cancellations, LEAP added the On-Call Volunteer option to Lawyers in Libraries events.

Another notable 2023 LEAP initiative was the virtual "Law Talks" webinar series, featuring virtual presentations by legal aid and attorney volunteers on important legal issues for Louisiana communities. This series was expanded statewide, with local, in-person Watch Parties organized for patrons unable to join the virtual events. Also, a new LibGuide was developed specifically for public librarians, featuring LEAP resources, videos, quarterly tips, articles and research guides.

For more information about LEAP or to get involved, go online: *www. LouisianaLawyersinLibraries.org*.

La. Supreme Court Historical Society Holds Annual Meeting, Kicks Off 1825 Civil Code Bicentennial

The Supreme Court of Louisiana Historical Society held its Annual Members Meeting on Oct. 10 in Lafayette. The featured speaker was Louisiana Supreme Court Associate Justice (Ret.) James T. (Jimmy) Genovese, now serving as the 21st president of Northwestern State University.

Genovese presented a professionalism CLE program about the age of social media. Noting that with Google, Instagram, Facebook and Twitter everyone now "lives in a glass house," he cautioned lawyers and judges to "think about your social media imprint" and "to be smart with your smartphone, cool on the computer and intelligent on the Internet." He also observed that, while professionalism standards are not enforceable through disciplinary sanctions, a lack of professionalism "will definitely affect your credibility and reputation" as a lawyer or a judge. "Once lost, you cannot get it back," he added.

Also attending the meeting were Louisiana Supreme Court Associate Justice Scott J. Crichton; Lafayette attorneys Warren A. Perrin, Patrick S. Ottinger, Ralph E. Kraft, Douglas W. Truxillo and Charles R. Minyard; Shreveport lawyers Joseph L. (Larry) Shea, Jr. and Bobby S. Gilliam; Louisiana Law Library Director Miriam D. Childs; and Historical Society Board members E. Phelps Gay, John T. Olivier, Catherine J. Newsome, Rachel L. Emanuel and Harry J. (Skip) Philips, Jr.

At the Louisiana Judicial College Fall Judges Conference in New Orleans on Oct. 8, Louisiana State University Paul M. Hebert Law Center Professor Olivier Moréteau, who also serves as the director of civil law studies, kicked off the Historical Society's Commemoration of the Bicentennial of the 1825 Civil Code with an address titled "The Dynamics of Codification in Louisiana: Is the Civil Code Soft Law?"

Referring to code writers Pierre Derbigny, Edward Livingston and Louis Moreau-Lislet, Professor Moréteau noted that in some respects the 1808 *Digest* "was conceived as a Civil Code," whereas the



Louisiana Supreme Court Associate Justice (Ret.) James T. Genovese, left, was the featured speaker at the Oct. 10 Supreme Court of Louisiana Historical Society's Annual Members Meeting. Also attending the event were Historical Society board member E. Phelps Gay, center, and Louisiana Supreme Court Associate Justice Scott J. Crichton

much longer 1825 Civil Code, despite its abrogation clause, "was conceived as a Digest." As a result, the new Code looked like "a hybrid of a civil code and a textbook." He observed that "our ancestors believed in natural law" and "viewed their art as a continuum based on the legal wisdom accumulated over the centuries, whether in Rome, France, Spain or England."

Professor Moréteau discussed the 1870 revisions to the Civil Code following the abolition of slavery and tensions arising between "purists trying to restore a firm civilian practice" and "pragmatists pulling



Professor Olivier Moréteau, right, director of civil law studies at Louisiana State University Paul M. Hebert Law Center, discussed the Supreme Court of Louisiana Historical Society's Commemoration of the Bicentennial of the 1825 Civil Code at the Oct. 8 Louisiana Judicial College Fall Judges Conference. With him are Monica Hof Wallace and John T. Olivier.

private law towards common law solutions of the neighboring states." Turning to recent case law, he alluded to *Spencer v. Valero* (2023), a case involving claims for emotional distress wherein Chief Justice Weimer concurred in the result but maintained the Court's analysis should be rooted in the Civil Code.

To view the Historical Society's full schedule of events commemorating the Bicentennial, which will culminate on June 20, 2025, with a Closing Gala at the National World War II Museum in New Orleans, go online to: *www.sclahs.org*.



The Leadership LSBA 2024-25 Class members participated in an orientation on Aug. 23, 2024, in New Orleans. The Leadership LSBA program provides exposure for young lawyers on how the LSBA functions and on the pressing issues that face the association and the legal profession. The Class members include, from left, Stephanie M. Poucher, Leadership Class co-chair, Phelps Dunbar, LLP, New Orleans; Henry S. Rauschenberger, Jones Walker LLP, Baton Rouge; Katelyn B. Courville, NeunerPate, Lafayette; Sarah M. Day, Pipes Miles Beckman, LLC, New Orleans; Thomas R. Hightower III, Thomas R. Hightower, Jr., APLC, Lafayette; Shelvia R. Davis, Grant Davis Law, LLC, Shreveport; Fernando B. Grider, Jr., Caddo Parish District Attorney's Office, Shreveport; Casey C. Hollins, Hammonds, Sills, Adkins, Guice, Noah & Perkins, LLP, Baton Rouge; Garret W. Wick, Clary Suba Neale, Baton Rouge; Catherine R. Filippi, Deutsch Kerrigan, LLP, New Orleans; Alex J. Domingue, Mouledoux, Bland, Legrand & Brackett, LLC, New Orleans; Dashia D. Myles, Wood Smith Henning & Berman, LLP, New Orleans; Brisbois Bisgaard & Smith, LLP, Lafayette; Nicole T. Bowyer, State Farm Insurance, Metairie; Hailey E. Manint, Legacy Estate and Elder Law of Louisiana, LLC, New Orleans.



The Leadership LSBA 2024-25 Class networking event was Aug. 22, 2024, in New Orleans. During the event, class members networked with Louisiana State Bar Association (LSBA) past presidents and Board of Governors members. From left, Stephanie M. Poucher, Leadership Class co-chair, New Orleans; Karina Shareen, Leadership Class co-chair, New Orleans; 2024-25 LSBA Young Lawyers Division Chair Kristen D. Amond, New Orleans; and 2024-25 LSBA President Patrick A. Talley, Jr., New Orleans.



The Alexandria Bar Association held its Opening of Court ceremony on Sept. 4, 2024, at the 9th Judicial District Courthouse in Rapides Parish. The ceremony was opened by Chief Judge W. Gregory Beard, 9th Judicial District Court. From left, R. Morgan Briggs, Alexandria Bar Association secretary; Samuel J. Spurgeon, Alexandria Bar Association immediate past president; E. June Wells-Foster, Alexandria Bar Association president; Matthew L. Nowlin, Alexandria Bar Association treasurer; and Allison P. Nowlin, Alexandria Bar Association vice president.



The Louisiana State Bar Association's (LSBA) Professional Development CLE Workshop Series was hosted by the LSBA Diversity Committee's Pipeline to Diversity and Outreach Subcommittee on Aug. 23, 2024. The seminar was titled "Take Command, Be Empowered, and Own Your Future." Professional Development Workshop panelists were, from left, Kelsey K. Funes, Phelps Dunbar, LLP, Baton Rouge; Judge D. Nicole Sheppard, Orleans Parish Civil District Court, Division J, New Orleans; and Susan N. Eccles, Adams and Reese, LLP, Baton Rouge.



The Federal Bar Association, New Orleans Chapter, hosted "A Peek Behind the Curtain at the 5th Circuit Court of Appeals" on Aug. 7, 2024, in collaboration with the Bar Association of the 5th Federal Circuit. The program provided attendees with information regarding aspects of appellate practice at the U.S. 5th Circuit Court of Appeals. Participating, from left, Judge Dana M. Douglas, U.S. 5th Circuit Court of Appeals, New Orleans; Judge James E. Graves, Jr., U.S. 5th Circuit Court of Appeals, Jackson, MS; Judge Irma Carrillo Ramirez, U.S. 5th Circuit Court of Appeals, Dallas, TX; and Brian J. Capitelli, president, Federal Bar Association, New Orleans Chapter.



The Teche Bar Association held its inaugural meeting on Sept. 5, 2024, in New Iberia. The event was a networking opportunity for attorneys and judges and featured a one-hour professionalism CLE seminar. Members of the Teche Bar Association Interim Board are, from left, Judge Suzanne M. deMahy, 16th Judicial District Court, Division B, St. Martinville; Dustin M. Romero, interim president, Teche Bar Association, New Iberia; Judge Theodore M. (Trey) Haik III, New Iberia City Court, New Iberia; and Judge Roger P. Hamilton, Jr., 16th Judicial District Court, Division H, New Iberia.



The 4th Judicial District Bar Association held its Opening of Court event on Sept. 6, 2024, at the Ouachita Parish Courthouse. The event featured a welcome to new Bar members and a memorial for deceased members. From left, Tyler J.R. Sanderson, director, 4th Judicial District Bar Association, Sanderson Legal Solutions, LLC, Monroe; and Leah D. Sumrall, president, 4th Judicial District Bar Association, LaSalle Management Company, LLC, Ruston.



The Federal Bar Association, Baton Rouge Chapter, held its annual networking luncheon on Aug. 29, 2024. Guest speaker Professor Raymond T. Diamond discussed "Second Amendment in a Post-Rahimi World." Members of the Federal Bar Association, Baton Rouge Chapter, Executive Board are, from left, Edward H. Warner, vice president; J. Christopher Dippel, Jr., membership chair; Sharon S. Whitlow, president; Tara L. Johnston, president-elect; Magistrate Judge Richard L. Bourgeois, Jr., U.S. District Court, Middle District of Louisiana, Baton Rouge; Professor Raymond T. Diamond, Louisiana State University Paul M. Hebert Law Center, Baton Rouge; Patrick H. Hunt, treasurer; Candace B. Ford, public service chair; and Justin A. Jack, secretary.



Several judges attended the 4th Judicial District Court's (JDC) Opening of Court event on Sept. 6, 2024. Front row from left, Judge H. Stephens Winters, 4th JDC, Division D, Monroe; Judge Frederick D. Jones, 4th JDC, Division G, Monroe; Judge Robert C. Johnson, 4th JDC, Division J, Monroe; Chief Judge Larry D. Jefferson, 4th JDC, Division H, Monroe; Judge Sharon I. Marchman, 4th JDC, Division B, Monroe; and Judge Jefferson B. Joyce, 4th JDC, Division K, Monroe. Back row from left, Judge C. Wendell Manning, 4th JDC, Division F, Monroe; Louisiana Supreme Court Associate Justice Jay B. McCallum, Fourth District, Farmerville; Judge Daniel J. Ellender, 2nd Circuit Court of Appeal, First District, Section 2, Division B, Monroe; Judge Angie D. Sturdivant, Monroe City Court, Monroe; Judge Alvin R. Sharp, 4th JDC, Division I, Monroe; Judge J. Wilson Rambo, 4th JDC, Division C, Monroe; and Judge Walter M. Caldwell IV, 4th JDC, Division E, Monroe.

President's Message

A Time for Giving: Support Children's Legal Services

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

s the year draws to a close, I find myself reflecting on the tremendous impact the Louisiana Bar Foundation (LBF) has made this year. Thanks to your generous support, we have been able to make a significant difference in advancing our mission to increase access to justice for everyone, particularly for our state's most vulnerable populations.

Your commitment has allowed us to increase grant funding to organizations providing direct legal representation of children, in matters ranging from delinquency to access to special education, mental health and foster care services; organizations engaging in impact litigation and/ or systemic legal reform efforts on behalf of children; organizations that provide lay advocacy for children in legal proceedings; and organizations that assist with the administration of justice with respect to children. Every contribution, no matter the size, has played a crucial role in transforming lives and ensuring that justice is not a privilege reserved for a few but a right accessible to all.



While many of us will be caught up in celebrations soon, there are children facing serious legal and personal challenges. These vulnerable and disadvantaged children often find themselves entangled in legal issues through no fault of their own, whether it's about their care, education, welfare or housing. Many need protection and advocacy, which can be overwhelming without the right support. The LBF supports children's legal service programs that provide assistance to needy children in areas of law which affect their safety,

LBF Seeking Nominations for 2025 Boisfontaine Award

The Louisiana Bar Foundation (LBF) is seeking nominations for the 2025 Curtis R. Boisfontaine Trial Advocacy Award. Nominations must be received in the LBF office by Monday, Feb. 10, 2025. The award will be presented at the Louisiana State Bar Association's Annual Meeting in Destin, Fla. The recipient will receive a plaque and \$1,000 will be donated in the recipient's name to a non-profit, law-related program or association of the recipient's choice that provides services in Louisiana.

Nominations should include the nominee's name, contact information, a brief written statement on the background of the nominee, and reasons why the nominee is proposed as the award recipient. Nominations should be forwarded to Dennette Young at the Louisiana Bar Foundation, Ste. 1000, 1615 Poydras St., New Orleans, LA 70112, or email to dennette@raisingthebar.org by the deadline.

This trial advocacy award was established through an endowment to the Louisiana Bar Foundation in memory of Curtis R. Boisfontaine, who served as president of the Louisiana State Bar Association and the Louisiana Association of Defense Counsel. Donations from Sessions, Fishman, Nathan & Israel, LLP, the Boisfontaine Family and friends established the fund.

The award is given to a Louisiana attorney who exhibits longstanding devotion to and excellence in trial practice and upholds the standards of ethics and consideration for the court, litigants and all counsel. well-being and future development.

At this time of year, our personal and professional to-do lists grow increasingly long. Take the time to reflect on the blessings in your life and consider a taxdeductible gift to the LBF. Make your gift online at *https://give.raisingthebar.org/a/ yearend* or mail directly to the LBF, Ste. 1000, 1615 Poydras St., New Orleans, LA 70112. If you have any questions, contact our Development Team, Bri Foster or Uyen Dinh, at (504)561-1046 or email give@raisingthebar.org.

Thank you for your unwavering commitment to justice. Together, we can make a real difference in the lives of Louisiana's children and continue building a more just future for all.

LBF's 39th Annual Fellows Gala Set for April 2025 at New Venue

The Louisiana Bar Foundation's (LBF) 39th Annual Fellows Gala will be Friday, April 11, 2025, at the Four Seasons Hotel in New Orleans. During the Gala, the 2024 Distinguished Honorees and the recipient of the Calogero Justice Award will be recognized:

► 2024 Distinguished Jurist Cynthia T. Woodard (Ret.), 3rd Judicial District Court.

► 2024 Distinguished Attorney Glenn J. Armentor, Glenn Armentor Law Corporation.

► 2024 Distinguished Professor Madeleine M. Landrieu, Loyola University College of Law.

► 2024 Calogero Justice Award recipient Frank X. Neuner, Jr., Neuner Pate.

The Gala, the largest fundraiser hosted by the LBF, will begin with the Patron Party at 6:30 p.m., followed by the Gala.

For more information, go to: *https://us.givergy.com/LouisianaBarFoundation/*. Contact the LBF at (504)561-1046 or email gala@raisingthebar.org.



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DEADLINE

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

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www.justice.gov/ust/eo/private_trustee/ vacancies/11ad.htm.

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

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

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

Michel P. Wilty intends to file a petition and application for reinstatement and readmission to the Louisiana State Bar Association. Any person(s) concurring with or opposing this petition must file such within 30 days with the Louisiana Attorney Disciplinary Board, Ste. 310, 2800 Veterans Memorial Blvd., Metairie, LA 70002.

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