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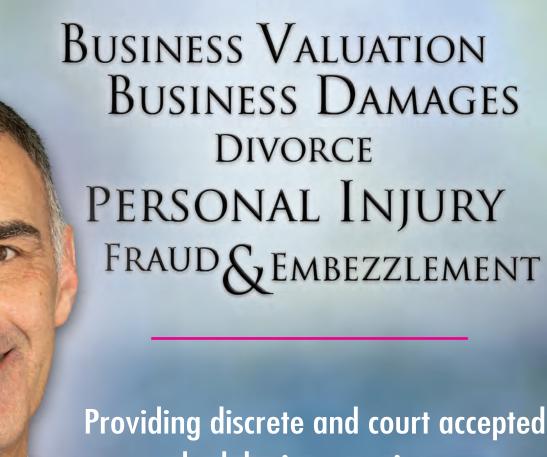
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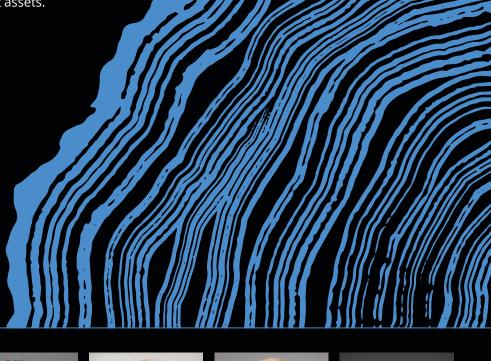
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# LSBA Membership Provides Great Value to All



By Valerie T. Schexnayder

ur Louisiana State Bar Association (LSBA) membership provides us with tremendous value. So the next question must be... Do we take full advantage of our multiple member benefits?

These benefits range from practice-related opportunities to travel-related programs.

One of the most popular practice-related benefits is vLex/Fastcase, a free legal research tool available to LSBA members. Access to this free research tool can save members several hundred dollars per year.

Another free practice-related member benefit is the Ethics Advisory Service, which provides free, confidential, non-binding ethics opinions to Louisiana licensed attorneys. The Ethics Advisory Service does NOT answer HYPOTHETICAL questions. Rather, its goal is to assist Louisiana lawyers by providing non-binding, confidential opinions regarding a member's own prospective conduct.

The Transition Into Practice (TIP) Mentoring Program is another popular member benefit. This program matches one mentor with one mentee, giving newly admitted attorneys access to veteran attorneys to assist with their transition into the practice of law. During the program, mentees will learn practical skills, professionalism, as well as what is expected of them as LSBA members. To date, hundreds of attorneys have participated in this program.

Additionally, the Law Practice Management Program offers free advice on law practice management questions, including opening or closing a practice, technology choices, personnel alternatives and solutions, questions about document retention, client communication issues, and disaster or business continuity issues.

The LSBA's Practice Assistance and Improvement Program administers two Alternatives to Discipline Programs. Referrals to both programs come from the Office of Disciplinary Counsel (ODC). The first program is the Attorney-Client Assistance Program, an informal mediation program to resolve complaints referred by the ODC. The second program is the Diversion Program, which allows lawyers guilty of minor misconduct to be diverted from the disciplinary process to a program administered by the LSBA. The program includes an Ethics School, Trust Accounting School, Advertising School, Practice Management, Stress Management and the Practice of Law Workshop.

The LSBA also administers the fee dispute resolution program, designed to resolve minor attorney fee disputes between lawyers and their clients or between lawyers. The arbitrators in the program are members of the Bar who volunteer their time to provide this service and generally do not receive any compensation for their work as arbitrators. The LSBA charges a nominal fee (\$50-\$100) for this service to help defray its administrative costs.

The LSBA also offers free and affordable high-quality Continuing Legal Education programs (CLE). Through the 7 Points CLE program, the LSBA travels with seasoned speakers to seven cities throughout Louisiana, bringing free daylong CLE programming on the latest in law practice management, legal technology, ethics and professionalism. The Ethics Fridays low-cost (\$10) CLE series is held at the Louisiana Bar Center and transmitted online to give members the opportunity to attend an hour of ethics on a variety of topics and to assist members with understanding ethics issues and the Louisiana Rules of Professional Conduct. The Solo, Small Firms & Tech Conference (low cost/cover cost program) is dedicated to the small firm practitioner, with emphasis on law office

management and technology. Sessions cover relevant substantive areas of law impacting the small office practitioner.

Additionally, the LSBA presents multiple high-quality CLE seminars throughout the year, including practice-related seminars on Trial Practice, Health Care Practice, Maritime Law, Family Law or Successions. There are also multi-topic seminars throughout the year, including more than 40 hours of CLE credits offered during the Annual Meeting.

The LSBA offers an online CLE catalogue with seminars in more than 35 timely topic areas, including ethics and professionalism.

The LSBA offers online publications on an array of topics, including Disaster Planning — It's Not just for Hurricanes, Hanging Out Your Shingle — Louisiana Style, Practice Transition Handbook: Shutting Down a Law Practice and Practice Management Guide — The Essentials of Law Office Management. The LSBA also offers a Lending Library to members, allowing members to borrow up to three titles at no charge.

The LSBA also has negotiated discounts for its members for a variety of different travel products and services. The complete list of member benefits can be found at: <a href="https://www.lsba.org">www.lsba.org</a>, then click on the Members Resources tab.

To recap, our LSBA membership — for which we pay \$200 dues per year — is a tremendous value. The comparable value of practice-related benefits, CLE programs and discounts included in our membership can easily exceed \$1,000. I encourage each of you to review our list of benefits and to take advantage of the benefits of LSBA membership...today and every day!

Valerie T. Schernayder

# 2025 LSBA Annual Meeting & Joint LSBA/LJC Summer School



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# President's Message



By Patrick A. Talley, Jr.

# Lawyer Wellness in the Legal Profession

e entered this year with the normal anticipation and enthusiasm for a new year, but we would be remiss to forget the unusual start that occurred with 2025. First, the city of New Orleans had the terror attack on Bourbon Street on New Year's Day, and, a few days later, we learned of another lawyer's suicide. For me, these two tragedies bring to light the impact mental health has within our profession.

The statistics which relate to depression are both staggering and sobering. In a report by the American Psychological Association (APA) released earlier this year, the legal profession has the highest percentage of burnout rates in any field citing work-related stress, physical fatigue, cognitive weariness, and emotional exhaustion among lawyers. In addition, a recent survey conducted by the American Bar Association (ABA) shows that the problem is getting worse and that these causes are clearly related to our profession. This is most likely true because we are asked to keep track of, think about, and respond to items twenty-four hours a day, seven days a

We know that lawyers face disproportionally high rates of depression and suicide compared to the general population. Findings indicate that ap-

proximately 28% of lawyers experience depression at some point in their careers, compared to about 8% of the national populace, yet in some states, little has been done to acknowledge the emotional aspects of the practice of law or take any steps to assist lawyers in handling them.. Additionally, suicide is 3.6 times more likely to claim the life of lawyers than any other occupation, making it one of the leading causes of death in the profession. Negative contributions linked to this unfortunate reality are isolation and lack of social support, substance abuse issues, which often cooccur with depression (21-36% of lawvers meet criteria for alcohol use disorders), burnout and feelings of failure or inadequacy, and financial pressures and job insecurity in some segments of the profession.

Even more alarming is the fact that the demographics have changed in recent decades, as young lawyers are experiencing mental health problems more commonly than their counterpart senior lawyers. Indicators vividly show that working long hours in a high-stress environment within an adversarial and competitive field to meet billable hour requirements, having a lack of work-life balance, and experiencing the societal stigmatism surrounding mental health within the profession as factors that are

increasing these issues.

I believe that all of these points can be summarized by stating that lawyers have two personality traits, which substantially contribute to anxiety and depression in our legal realm: perfectionism and pessimism. Within the confines of perfectionism, lawyers are driven by the need to avoid failure and the inability to derive satisfaction from what might be considered average performance. Our errors are not countenanced. In conjunction, clients and our families count on us to not make any mistakes. Of course, perfection is an impossible goal which no one can achieve, yet that ideation leads to feelings of disappointment and other mental illnesses, forms of long-term suffering. Lawyers are also pessimists and trained to expect the worse-case scenario and, thereby, prepare for it. As a result, lawyers are skillful at being skeptical toward what people tell them. While this quality is helpful to our skill of cross examination, pessimism leads to stress, disillusionment, and depression.

Another obstacle we face as lawyers that affects our mental health is the blurring of life and work. As our members embrace more flexible habits – and possibly more work in general – in the post-Covid work environment, we run the risk of our work negatively

impacting our personal lives, and vice versa, which creates a state of imbalance in our lives. Today, more and more lawyers are working outside the normal business hours. Working a non-traditional schedule can lead to poorer outcomes both personally and professionally and can also be harmful to relationships with family, friends, work colleagues, and our clients, exacting emotional toil. As lawyers continue to work remotely, we need to address this imbalance in our profession and find better ways to harmonize our work with our own personal goals and commitments. Blending work and life may be inevitable for many, but it may have a less negative impact if we can avoid being distracted by work when we are off the clock or distracted by life when we are back on the clock.

Also, we have a problem with lawyeraging. The first baby boomer turned 65 in 2011, marking the beginning of a significant demographic shift in the legal profession. According to the ABA, there were 1.3 million practicing attorneys in the United States last year, and 13% of them are 65 or older. Many of these seniors are often the most respected attorneys in the firm and responsible for a large part of the firm's business; therefore, they cannot be expected to simply

retire and walk away from the firm.

These are not just individual issues – they are systemic ones. So, what can we do? Fortunately, there are efforts underway to address this crisis. We further understand that we need to better address mental, physical, and other health concerns of lawyers in our profession who want to stay well and continue to practice law. Nationally, The National Task Force on Lawyer Wellbeing was established in 2016 to help lead a response to the challenges being faced, and, in 2017, they issued a report setting forth 44 recommendations. The ABA also has a model policy for legal employees in law firms. Across the country, state bar associations have also created special committees and task forces to work on resolutions to this problem with fellow states around them. A prime example would be the robust lawyer wellness programs in states that surround us, e.g., Texas, Florida, and Mississippi.

For the reasons set forth in this article and more, the Judges and Lawyers Assistance Program (JLAP), through its THRIVE In 2025 program, has embarked on a path to create a wellness program for Louisiana lawyers. This new initiative will exclusively focus on "wellness in the profession" to tackle the

persistent imbalance and emotional toil in our lives and livelihoods. Although JLAP was initially created to focus on alcohol and drug-related issues, it is expanding to address all physical and mental health challenges of attorneys who wish to maintain well-being. JLAP has formed a new task force to develop and implement this wellness program, helping to ensure that lawyers are better equipped to recognize and manage these challenges. The goal of the program will be to feature programming to help lawyers keep their overall well-being at the forefront of their days. We are hopeful that this program will help reduce stress and anxiety in our lives.

The conversation about mental health in the legal profession is beginning to change – but there is still much work to be done. By fostering a culture that prioritizes well-being, supports those individuals in need, and normalizes seeking help, we can begin to confront the unique issues lawyers face so that they are heard, seen, and, therefore, cared for. In time, the overall wellness bar will rise in our legal profession.

Prany





n 2024, Gov. Jeff Landry signed into law a significant piece of legislation that aims to regulate third-party litigation funding. The law is composed of two primary parts — the Transparency and Limitations on Foreign Third-Party Litigation Funding Act¹ and the Litigation Financing Disclosure Act.² This law follows a similar bill that was passed in 2023 but was vetoed by then-Gov. John Bel Edwards. With Landry's signature, Louisiana has now joined a growing list of states taking action to address the complexities surrounding third-party litigation funding.

The third-party litigation funding industry is estimated to have grown significantly in recent years, with assets under management in the U.S. litigation finance market reaching approximately \$15.2 billion in 2023.<sup>3</sup> Proponents of the industry argue that litigation funding promotes access to justice, allowing plaintiffs who may lack resources to pursue legal action against well-funded corporations. Critics, however, argue that such funding may encourage unnecessary litigation and may raise ethical concerns about the extent to which outside funders can influence legal strategy or settlements.

As the industry grows, the large amount of capital being directed into litigation funding has drawn increased scrutiny, raising questions about transparency, fairness and potential conflicts of interest. The enactment of Louisiana's law reflects concerns about the need for greater disclosure of funding sources and agreements to ensure that parties involved in litigation understand who has a financial interest in the outcome of a case, among other objectives.

Several other states have also begun to focus on regulating third-party litigation funding. Indiana, West Virginia and other states have recently enacted comparable laws to address similar concerns.<sup>4</sup> At the federal level, there has been growing attention on this issue as well. In October 2024, at the request of lawmakers and major companies with combined market capitalizations in the trillions of dollars, the U.S. Judicial Conference's Advisory Committee on Civil Rules agreed to create a subcommittee to examine amending the Federal Rules of Civil Procedure to

include uniform rules for the disclosure of litigation funding agreements in civil cases.<sup>5</sup> While any resulting federal standards could eventually shape state frameworks, Louisiana's new law currently sets the standard within the state.

This article will review the key provisions of Louisiana's newly enacted law and potential implications for impacted stakeholders, including plaintiffs' counsel, funders and the courts.

# Transparency and Limitations on Foreign Third-Party Litigation Funding Act

One of the most significant aspects of Louisiana's newly enacted legislation is its focus on restricting the involvement of foreign third-party litigation funders, particularly from countries deemed adversarial to the United States. The law explicitly targets entities from "foreign countries of concern" which are defined in 15 C.F.R. § 7.4 (2023).6 The intention behind this part of the law is to protect the national security interests of the United States and to prevent certain foreign entities from gaining access to sensitive trade secrets and other proprietary information through their involvement in litigation funding.

# What is a Foreign Third-Party Litigation Funder?

A foreign third-party litigation funder is defined as any foreign entity<sup>7</sup> that provides financial support to cover litigation expenses or lessen the impact of a negative judgment with the expectation of receiving a return contingent on the outcome of the litigation.<sup>8</sup> The law carves out several exceptions to this definition. These exceptions include counsel of record, named parties and law firms directly involved in the case, referring counsel, nonprofit legal organizations, health insurers and individuals providing funding for personal living expenses of the parties.<sup>9</sup>

Most of these exceptions are clear-cut, but La. R.S. 9:3580.2(7)(e) introduces a potential area of ambiguity. It refers to loans provided by financial institutions where repayment is not contingent on the outcome of the civil action or a portfolio

of actions within which the civil action is included. This wording opens the possibility that certain recourse loans — loans where personal or business assets secure repayment — might fall under this exception. Whether this was the intended scope of the exception or how courts will interpret such agreements could become a focal point in future litigation.

# Prohibited Actions by Foreign Third-Party Litigation Funders

The law prohibits foreign third-party litigation funders from engaging in several activities. These prohibitions are designed to limit the influence of foreign entities over litigation. Foreign funders are prohibited from entering agreements that allow a third party, other than the named parties or their attorneys, to receive or make payments funded by foreign entities, repayment of which is contingent on the outcome of the case or a portfolio of actions within which the case is included;10 exerting control or influence over the litigation itself, including settlement negotiations;11 and receiving an assignment of rights in the civil action they are funding, except for the right to receive a share of the proceeds as specified in the litigation financing agreement.12

# **Disclosure Requirements**

The law imposes disclosure requirements on any third-party litigation funder using funds from a foreign entity. These requirements aim to provide clear visibility into who is financially supporting a case and whether any sensitive information is at risk. There are several key disclosures that must be made by the third-party litigation funder to the Louisiana Attorney General:

- ▶ Disclosure of the Foreign Entity's Information: the name, address and citizenship or country of incorporation or registration of any foreign entity that has a right to receive payment contingent on the outcome of the civil action or has an obligation to make payment contingent on the outcome of the case;<sup>13</sup>
- ▶ Disclosure of Proprietary or National Security Information: the name, address, citizenship or country of incorporation or registration of any foreign entity that has received or is entitled to receive proprietary

information or information affecting national security interests as a result of the funding agreement. The law specifically clarifies that this disclosure requirement does not pertain to information received by the parties directly involved in the action;<sup>14</sup> and

► The funder must provide the Attorney General with a copy of the funding agreement.<sup>15</sup>

These disclosures must be made under penalty of perjury. <sup>16</sup> The disclosures must be made within 30 days of the execution of the agreement or the filing of the civil action. <sup>17</sup> If the funding agreement is executed after the filing of the action, the disclosure must be made by the party who entered the agreement within 30 days of being served. <sup>18</sup> Additionally, the third-party litigation funder must supplement any disclosures within 30 days if it becomes aware that the previous disclosure was incomplete or inaccurate. <sup>19</sup>

# **Enforcement for Noncompliance**

Failure to comply with these requirements can result in significant penalties. The law provides three primary consequences for violating these provisions:

- ► The funding agreement itself is null and void <sup>20</sup>
- ► The violation is classified as a deceptive and unfair trade practice, which is actionable under Louisiana law.<sup>21</sup>
- ► The Attorney General is authorized to pursue legal action to enforce the law and seek a range of penalties against the violators.<sup>22</sup>

# Annual Reporting by the Attorney General

In addition to enforcement responsibilities, the law requires the Attorney General to submit an annual report to both the President of the Senate and the Speaker of the House of Representatives. This report will provide a summary of the disclosures made under the law, as well as any violations and enforcement actions taken.<sup>23</sup>

# **Litigation Financing Disclosure Act**

The Litigation Financing Disclosure Act is the second part of Louisiana's new legislation on third-party litigation



funding. This law aims to increase transparency in civil litigation by providing a framework for disclosure of litigation financing agreements. Its intended purpose is to protect the integrity of the legal process by preventing outside financial interests from unduly influencing the course of litigation or settlement outcomes.

# What is a Litigation Financer?

Under the law, a litigation financer is an entity or person who provides financial support to cover litigation expenses or lessen the impact of a negative judgment with the expectation of receiving a return contingent on the outcome of the lawsuit.<sup>24</sup> This typically involves third-party entities — often financial firms or investors — who fund the legal process in exchange for a portion of the settlement or judgment.

The law outlines several exceptions to the definition of a litigation financer. Specifically, the following entities are not considered litigation financers: a party to the litigation; attorneys or law firms involved in the case; certain entities that may have a preexisting contractual obligation to defend or indemnify a party to the litigation; and health insurers with lien rights.<sup>25</sup> Additionally, individuals or entities providing funds for the personal and family use of a party are not classified as litigation financers if the funding is unrelated to litigation expenses.<sup>26</sup>

# What Is a Litigation Financing Agreement?

A litigation financing agreement is broadly defined as any contract in which a litigation financer provides financial support for a party's legal case in exchange for a return on investment contingent on the outcome of the case. However, there are specific exceptions to what is considered a litigation financing agreement.

The law does not consider the following to constitute litigation financing agreements:

- ▶ Recourse Loans. In a recourse loan, the lender can recover its return on investment and funds from the personal or business assets of the loan recipient. This exemption could apply where the loan is not contingent on the outcome of the case but secured by other means.<sup>27</sup>
- ► Legal Services on Contingency. Agreements between a plaintiff and their attorney that involve contingency fees are also excluded. This ensures that traditional legal service arrangements are not confused with third-party litigation funding.<sup>28</sup>
- ► Healthcare lienholders. The bills, receivables or liens held by a healthcare provider or its assignee are not financing agreements.<sup>29</sup>
- ► Nonprofit legal services. Funding provided by certain nonprofit legal support entities would not constitute litigation financing.<sup>30</sup>

# **Key Provisions**

The Litigation Financing Disclosure Act includes several key provisions that define how litigation financers and litigation financing agreements must operate:

- ▶ Prohibition on Influence. A litigation financer may not influence the litigation process or the settlement of a case. This means a financer cannot dictate legal strategy, affect settlement decisions or otherwise interfere in the resolution of the litigation.<sup>31</sup>
- ► Subject to Discovery. In civil actions, the existence of a litigation finance agreement is subject to discovery under the Code of Civil Procedure and Code of Evidence <sup>32</sup>

The law applies prospectively, affecting only contracts and agreements entered after the law was enacted, avoiding any retroactive application.

# Implications of Discoverability

One notable aspect of the law is its approach to discovery. The law makes the existence of litigation financing agreements subject to discovery. While this creates judicial discretion in determining when these agreements or information about the agreements must be produced, it creates challenges for attorneys and judges who are navigating these issues for the first time.

# **Practical Approaches in Other Jurisdictions**

Courts around the country have dealt with similar discoverability provisions when determining the relevance of litigation financing agreements. Some courts have employed in camera reviews or ex parte proceedings, allowing judges to privately review the agreement to assess its relevance. This method ensures that sensitive information is protected but can create concerns about transparency for other parties involved in the litigation.

In other instances, courts have only required certain attestations from law firms, meaning that the law firm must confirm specific aspects of the agreement without disclosing the full document. This approach has the advantage of maintaining confidentiality but can lead to challenges when opposing counsel wants a more complete understanding

of the terms and parties involved.

Another approach seen in some jurisdictions is to disclose only portions of the agreements, such as those provisions that might directly impact the litigation process and parties involved, without revealing the full terms of the financing arrangement. This strikes a balance between confidentiality and transparency, but it may also leave room for disputes over what should or should not be disclosed.

# Conclusion

Louisiana's new law regulating litigation finance marks a significant step toward governing the involvement of third-party funding in civil litigation. By imposing strict disclosure requirements and limiting the influence of foreign funders from countries of concern, the state aims to protect both national security and the integrity of its legal system.

Further, making financing agreements subject to discovery under the Code of Civil Procedure and Code of Evidence creates a framework for courts to determine when such agreements must be produced. However, the judicial discretion for determining relevancy, for example, may introduce new challenges as attorneys and courts must now navigate when and how these agreements should be produced.

As other states and federal courts grapple with similar issues, Louisiana's approach provides a similar framework that prioritizes transparency while recognizing the evolving role of litigation funding. The law's prospective application provides some clarity moving forward, but as is the case in other jurisdictions, much will depend on how courts handle the first cases under these new rules. This legislation reflects the broader national conversation about the role of third-party funding, which may ultimately benefit from federal rulemaking and amendments to the Federal Rules of Civil Procedure

# **FOOTNOTES**

1. La. R.S. 9:3580.1 through 3580.7 (effective Aug. 1, 2024).

- 2. La. R.S. 9:3580.11 through 3580.13 (effective Aug. 1, 2024).
- 3. Westfleet Advisors, The Westfleet Insider 2023 Litigation Finance Market Report, https://www.westfleetadvisors.com/wp-content/uploads/2024/03/WestfleetInsider2023-Litigation-Finance-Market-Report.pdf (last visited Oct. 14, 2024).
- 4. See Indiana (Ind. Code Ann. § 24-12-1-0.5); Montana (see MT LEGIS 360 (2023), 2023 Mont. Laws Ch. 360 (S.B. 269) (enacted 2023)); West Virginia (W. Va. Code Ann. § 46A-6N-6 (enacted 2019); S.B. 850, 2024 Reg. Sess. (W.V. Mar. 9, 2024) (signed Mar. 27, 2024)); and Wisconsin (Wis. Stat Ann. § 804.01(2)(bg) (2017); 2017 Wis. Act 235, https://docs.legis.wisconsin.gov/2017/related/acts/235).
- 5. Nate Raymond, U.S. Judicial Panel to Examine Litigation Finance Disclosure, Reuters, Oct. 10, 2024, https://www.reuters.com/legal/government/us-judicial-panel-examine-litigation-finance-disclosure-2024-10-10/.
- 6. 15 C.F.R. § 7.4 (2023) defines Iran, Russia, China, North Korea, Cuba and Venezuelan politician Nicolás Maduro as foreign adversaries.
  - 7. As defined by La. R.S. 9:3580.2(2).
  - 8. La. R.S. 9:3580.2(3).
  - 9. La. R.S. 9:3580.2(7)(a)-(d), (f).
  - 10. La. R.S. 9:3580.5(1).
  - 11. La. R.S. 9:3580.5(2).
  - 12. La. R.S. 9:3580.5(3).
  - 13. La. R.S. 9:3580.3(A)(1).
  - 14. La. R.S. 9:3580.3(A)(2).
  - 15. La. R.S. 9:3580.3(A)(3).
  - 16. La. R.S. 9:3580.4(A).
  - 17. La. R.S. 9:3580.3(B)(1).
  - 18. La. R.S. 9:3580.3(B)(2).
  - 19. La. R.S. 9:3580.4(B).
  - 20. La. R.S. 9:3580.6(A). 21. La. R.S. 9:3580.6(B).
  - 22. La. R.S. 9:3580.6(C).
  - 22. La. R.S. 9:3580.6(C). 23. La. R.S. 9:3580.7(A)-(D).
  - 24. La. R.S. 9:3580.12(2).
  - 25. La. R.S. 9:3580.12(3)(a)(i)-(iii).
  - 26. La. R.S. 9:3580.12(3)(b).
  - 27. La. R.S. 9:3580.12(4)(c).
  - 28. La. R.S. 9:3580.12(4)(a).
  - 29. La. R.S. 9:3580.12(4)(b).
  - 30. La. R.S. 9:3580.12(4)(d). 31. La. R.S. 9:3580.13(A).
  - 32. La. R.S. 9:3580.13(B).

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# In-Depth Look at the New AAA Construction Industry Arbitration Rules

By Iman Hyder-Eliz and Anthony M. DiLeo



he American Arbitration Association® (AAA) revised its Construction Industry Arbitration Rules, effective on March 1, 2024. These updates reflect ongoing changes in the construction industry and are designed to streamline processes, enhance efficiency and maintain fairness for all parties involved in arbitration. This article delves into the reasons behind these revisions, the most significant changes, and how they are expected to impact the arbitration process for construction disputes.

# Why Were the Rules Revised?

The AAA regularly updates its arbitration rules to address the evolving needs of the construction industry, incorporating feedback from stakeholders and ensuring that the arbitration process remains effective. Updates typically happen every few years, driven by both

industry developments and a need to refine arbitration procedures. Feedback is gathered through surveys, public comments, advisory committees, and consultations with industry professionals, attorneys and arbitrators. This broad approach allows the AAA to ensure its rules meet the practical needs of everyone involved in construction arbitration.

# When Do the New Rules Apply?

The revised Construction Arbitration Rules apply to all arbitration cases filed on or after March 1, 2024. However, parties with previously filed cases can also choose to adopt the new rules to benefit from the improved processes. An exception is made for arbitration clauses that specifically reference a different set of rules or specify that the rules in effect at the time of contracting apply.

# **Key Revisions in the New Rules**

Several significant revisions have been made to the Construction Arbitration Rules, all aimed at enhancing the efficiency and effectiveness of arbitration in the construction industry. Some of the key updates include:

- ► Fast Track Procedures Threshold: The monetary threshold for cases to qualify for Fast Track Procedures has increased from \$100,000 to \$150,000. This change is designed to expedite smaller disputes and reduce costs.
- ▶ Electronic Submissions and Virtual Hearings: The new rules enhance provisions for electronic document submissions and mandate email addresses for all parties, eliminating outdated communication methods like fax. Virtual hearings are also encouraged, increasing flexibility and reducing the logistical burden of in-person meetings.

- ▶ Arbitrator Selection: New guidelines make it easier to select arbitrators with specific experience, ensuring that disputes are handled by individuals with the right knowledge. Arbitrators are now generally required to be on the AAA's National Roster, promoting quality and consistency in the selection process.
- ▶ Procedural and Financial Updates: The rules introduce stricter deadlines for joinder and consolidation requests, clarify the role of arbitrators in procedural decisions, and update financial responsibility requirements, including how parties should handle deposit payments for arbitrator fees.

# Focus on Rule R-7: Consolidation and Joinder

One of the most important updates to the rules is found in Rule R-7, which governs the consolidation and joinder of parties. These changes aim to address the complexities often seen in multiparty construction disputes. The new rules require consolidation and joinder requests to be filed before the Merits Arbitrator is confirmed, streamlining the process and preventing delays caused by late-stage procedural changes.

Additionally, the response period for consolidation requests has been extended from 10 to 14 days, allowing parties more time to prepare their responses. The updated rule also includes provisions to handle situations where a joined party fails to pay required deposits. In such cases, the party requesting joinder must initially cover these costs, with the potential for later reapportionment.

By addressing consolidation and joinder earlier in the process, the rule aims to minimize delays and reduce costs. It also enhances fairness by providing clearer guidelines and stricter deadlines for managing these procedural complexities.

# Flexibility and Modernization

Several rule changes are aimed at making arbitration more flexible and responsive to the needs of modern



construction disputes. The move toward electronic submissions and virtual hearings helps reduce administrative burdens, making it easier for parties to participate in arbitration without geographical constraints. These updates also support more efficient case management, allowing disputes to be resolved more quickly and with fewer interruptions.

# Practical Advice for Arbitrators and Attorneys

To maximize the benefits of the new rules, arbitrators and attorneys should familiarize themselves with the updates and embrace the technological changes, such as virtual hearings and electronic submissions. Parties should also collaborate to tailor the arbitration process to suit their specific needs, selecting arbitrators with the appropriate experience for their dispute.

# Conclusion

The updated AAA Construction Industry Arbitration Rules represent a significant improvement in how construction disputes are resolved through arbitration. By incorporating feedback from industry professionals and adapting to modern practices, the AAA has created a more efficient, streamlined process that saves time and costs for all parties involved. These revisions will ultimately enhance the

fairness and effectiveness of arbitration, making it a more attractive option for resolving construction disputes.

Iman Hyder-Eliz is the regional vice president for the Construction Division at the American Arbitration Association (AAA), overseeing operations in the Southeast and Midwest regions. She is responsible for managing large complex cases, panel recruitment, and spearheading outreach and education initiatives.



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# Claws and Divorce Laws:

Reconsidering Pet Custody in Louisiana

By Ryan P. Simoneaux





# **Editor's Note:**



This article received first-place recognition in the Louisiana State Bar Association Family Law Section's Student Writing Contest in 2024.

The LSBA Family Law Section fosters the development of future legal minds through its annual writing contest for law students. This initiative not only encourages academic excellence but also highlights emerging voices in the field of family law. In an era where pets are often considered integral members of the family, Ryan Simoneaux's exploration of how Louisiana courts navigate this issue is both timely and engaging.

We extend our congratulations to Ryan on this well-deserved recognition and thank all the participants for their contributions. We hope our members find Ryan's winning article informative and thought-provoking, as it sheds light on a niche, yet significant, area of family law.

ets are family. The modern family has opened its arms to dogs, cats and other household pets. Formerly utilized as tools, modern-day pets were domesticated thousands of years ago for all sorts of purposes.1 Humans used dogs for hunting and guarding, while cats warded off mice from stored crops.2 Yet, pets "are a relatively recent [social] invention."3 Their placement in our homes and hearts has changed throughout the modern era.4 Ownership statistics and changes in the law demonstrate how important pets are to the modern family. To start, 66% of American households own a pet,5 and 80% of those owners "view their pets as family members" and spend \$136.8 billion per year on their pets. Besides the inherent value of pets in the American home and pocketbook, legislative bodies throughout the United States have passed laws that acknowledge the importance of pets.

Louisiana trust law permits pet owners to create a legal trust for the care of their pets.8 Aside from private law, pets' significance abounds in public law. Congress and the Louisiana Legislature enacted laws providing for the planning, evacuation and housing of pets during natural disasters after Hurricane Katrina in 2006.9 La. R.S. 29:729 and the federal Pets Evacuation and Transportation Standards (PETS) Act were enacted in response to the overwhelming number of New Orleanians who remained in the city during the disaster because they refused to leave their pets behind.10 In addition to these laws, there are state and federal laws that criminalize acts of animal cruelty.11 Despite pets' valued placement in the law, their legal status as official members of the family is not recognized under Louisiana divorce law.

# Pets as Property

At present, Louisiana's divorce laws, unlike other states,12 provide no workable scheme for determining "pet custody" with the pet's best interest in mind. Instead, "pet custody" is determined by the law of community property because pets are considered corporeal movables under Louisiana law.13 When a commu-



nity-property regime is terminated by a divorce judgment,14 "the provisions governing co-ownership apply to former community property, unless otherwise provided by law or by juridical act."15 Thus, a pet acquired by a married couple under a community-property regime is considered co-owned property upon a judgment of divorce, 16 and either owner may petition the court to grant sole ownership of the pet through a partition proceeding.<sup>17</sup> A judge considers "the nature and source of the asset or liability, the economic condition of each spouse, and any other circumstances that the court deems relevant" when partitioning a divorced couple's community property.<sup>18</sup> Therefore, Louisiana courts generally do not take into account the pet's wellbeing or the owners' attachment when determining sole ownership of the pet.<sup>19</sup>

# **Best Interest of the Pet**

Although Louisiana law, at present, omits the importance of a pet's wellbeing during community partition proceedings, there is persuasive authority by which Louisiana district court judges may use when tasked with splitting the fur baby. Extra-jurisdictional authorities,<sup>20</sup> not binding in Louisiana, may serve as powerful guides to trial judges who possess wide discretion over community property partition proceedings.<sup>21</sup>

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# Moore v. Knower

One guiding source is the Louisiana 4th Circuit Court of Appeal's decision in Moore v. Knower.22 The case involved a dispute between an ex-boyfriend and girlfriend competing for ownership of their shared dog, Abby.<sup>23</sup> Even though Moore involved an unmarried couple, the court's holding and reasoning are nonetheless instructive. Guided by the Civil Code articles of co-ownership,<sup>24</sup> the Moore court held that the ex-boyfriend was "the best person to determine the use and management of Abby."25 After their breakup, the couple shared custody over Abby for "approximately two years." 26 The parties abided by this unwritten agreement until the ex-girlfriend decided to keep the dog for herself.<sup>27</sup> According to the court, the use and management of Abby, as co-owned property, was best determined by the parties' shared agreement to co-possess the dog.<sup>28</sup> Because the ex-girlfriend disturbed this agreement by keeping Abby as her own, the court ruled that the ex-boyfriend was entitled to sole ownership of Abby.<sup>29</sup> Thus, the ex-girlfriend's conduct, as a co-owner, was dispositive in determining the sole ownership of Abby.30

Moore v. Knower serves as persuasive authority for Louisiana courts and suggests that trial judges, during a community partition proceeding, may evaluate the pet owners' conduct in relation to the pet.31











# Best Interest of the Pet Laws<sup>32</sup>

As of 2024, there are as many as six states that have "pet custody" laws that either require or permit judges to consider certain circumstances before awarding ownership of an animal to an ex-spouse. 33 Among these states, Alaska was the first to pass such a law (2016). 34 Alaska and the states that followed responded to the needs and realities of the modern American family by enacting these statutes. Through the enactment of these laws, the controversy of pet ownership after a divorce has become a distinct family law concern.

Despite the progress created by these "best interest of the pet" laws, there is divergence in the approach taken by courts in these jurisdictions.<sup>35</sup> To start, some states require a judge to implement the "best interest" standard,36 whereas other states give judges the discretion to apply the standard.37 Second, some laws grant judges the authority to enter an order of joint ownership of the pet,<sup>38</sup> while other states prohibit joint ownership.39 A third category of distinction lies between the states that offer a statutory definition of animals that qualify for a "best interest" analysis 40 and those that resort to jurisprudence to determine whether a particular animal is covered

under the law.41

Last and most important are the differences in the application of the "best interest" standard. The various laws can be placed on a spectrum with minimal guidelines at one end and comprehensive guidelines at the other. At the lowest ebb are state laws that instill a "best interest" standard in namesake without defining the standard.<sup>42</sup> On the other end are laws that define the standard within the statutory text or refer to a definition offered in a separate provision of law. California and Maine are states that include statutory guidelines for the application of the "best interest" standard.<sup>43</sup>

In California, judges "may assign sole or joint ownership of a pet animal taking into consideration the care of the pet animal." California's "pet custody" law defines the care of the animal to include, "but is not limited to, the prevention of acts of harm or cruelty . . . and the provision of food, water, veterinary care, and safe and protected shelter." While judges are not limited to these factors, the statutory language places the animal's health and safety at the forefront of the judge's decision.

Maine's law offers a more comprehensive guide for judges who must grant sole ownership of the pet to one ex-spouse over the other.47 The law requires district court judges to consider a minimum of seven relevant factors. While Maine's law, like California's, requires an examination into the needs and safety of the pet,48 the statute also instructs judges to examine the historical relationship between the pet and its owners,49 the owner's (and their children's) emotional bonds to the pet,50 and the presence of domestic violence in the home, if any.51 Taking a broad view, Maine's "pet custody" law is by far the most comprehensive because it requires a full-scale evaluation of the pets' wellbeing in addition to the family's emotional ties to the pet.<sup>52</sup>

# Proposals for Change: Why Louisiana Should Rethink Pet "Custody"

Although many pet owners can successfully and amicably agree to a "custody" arrangement over Fido, judges who receive a request to partition the ownership of a pet animal are left with little guidance. Despite the gaps left in Louisiana state law, Louisiana judges, under the authority of La. R.S. 9:2801, can look to other states' "pet custody" laws to incorporate a comprehensive inquiry into the best interest of the pet. Such an inquiry would, without a doubt, be relevant in a partition proceeding and would not contravene Louisiana's civilian principles of law.<sup>53</sup>

# **FOOTNOTES**

- 1. See Matthew Wills, The Invention of Pets, JSTOR Daily (April 5, 2024), https://daily.jstor.org/the-invention-of-pets/. ("In the 18th and 19th centuries, pethood arose in the split between farm animals and home animals.").
- 2. Carlos A. Driscoll et al., In the Light of Evolution III: Two Centuries of Darwin 89 (John C. Avise & Francisco J. Ayala eds., 2009). See David Zax, A Brief History of House Cats, Smithsonian Magazine (April 5, 2024), https://www.smithsonianmag.com/history/a-brief-history-of-house-cats-158390681/.
  - 3. Supra, note 1.
- 4. See id.; c.f. Rabideau v. City of Racine, 627 N.W.2d 795, 799 (Wis. 2001) ("Humans have an enormous capacity to form bonds with dogs, cats, birds and an infinite number of other beings that are non-human."); Barrios v. Safeway Ins. Co., 2011-1028, p. 7 (La. App. 4 Cir. 3/21/12), 97 So.3d













1019, 1023-24 ("Although a pet is considered corporeal movable property in Louisiana, clearly, pets are not inanimate objects. [We acknowledge] the emotional bond that exists between some pets and their owners and the 'family' status awarded some pets by their owners.").

- 5. Press Release, American Pet Product Association, Latest Pet Ownership and Spending Data from APPA Reveals Continued Strength of National Pet Industry in the Face of Economic Uncertainty (March 23, 2023), https://www.americanpetproducts.org.
- 6. Melissa Chan, Pets Are Part of Our Families. Now They're Part of Our Divorces, Too, Time.com (April 5, 2025), https://time. com/5763775/pet-custody-divorce-laws-dogs/ (citing a survey from the American Veterinary Medical Association).
  - 7. Supra, note 6.
  - 8. La. R.S. 9:2263.
- 9. La. R.S. 29:729; Pets Evacuation and Transportation Standards Act of 2006, PL 109-308, Oct. 6, 2006, 120 Stat 1725.
- 10. See Louisiana SPCA, Hurricane Katrina Animal Rescue Facts, LouisianaSPCA.org (April 5, 2024), https://www.louisianaspca.org/aboutus/hurricane-katrina/animal-rescue-facts/#/; American Veterinary Medical Association, PETS Act (FAQ), AVMA.org (April 5, 2024).
- 11. La. R.S. 14:102 et seg; Preventing Animal Cruelty and Torture Act, Pub. L. No. 116-72FT, 133 Stat. 1151 (2019).
  - 12. See discussion infra Part III.b.
- 13. La. Civ.C. art. 471; Smith v. Univ. Animal Clinic, Inc., 2009-745, p. 1 (La. App. 3 Cir. 2/10/10), 30 So.3d 1154, 1156.

- 14. La. Civ.C. arts. 159, 2356. The same applies to a judgment declaring a marriage null.
  - 15. La. Civ.C. art. 2369.1.
  - 16. See La. Civ.C. art. 2369.2
- 17. See La. R.S. 9:2801; La. Civ.C. arts. 2369.8, 811, 812.
  - 18. La. R.S. 9:2801.
  - 19. Compare id. with note 34, infra.
  - 20. See e.g., note 34, infra.
- 21. See La. R.S. 9:2801. ("The court shall consider the nature and source of the asset or liability, the economic condition of each spouse, and any other circumstances that the court deems relevant.") (emphasis added).
- 22. 2016-0776 (La. App. 4 Cir. 3/23/17), 214 So.3d 165, writ denied, 2017-0653 (La. 6/16/17), 220 So.3d 757.
  - 23. Id. at p. 1, 214 So.3d at 166.
  - 24. La. Civ.C. art. 802-803.
- 25. Moore, 2016-0776 at p. 8, 214 So.3d at
  - 26. Id. at p. 4, 214 So.3d at 167.
  - 27. Id. at p. 8, 214 So.3d at 171.
- 28. See Moore v. Knower, 2016-0776, p. 8 (La. App. 4 Cir. 3/23/17), 214 So.3d 171.
  - 29. Id.
  - 30. See id.
  - 31. See La. Civ.C. art. 2369.1; La. R.S. 9:2801.
- 32. Although some states use the terms "wellbeing" or "care" of the animal, this article - when referring to the standard in general — will use the term "best interest of the pet."
- 33. The six states include Alaska (Alaska Stat. Ann. § 25.24.160 (2024)); California (Cal. Fam. Code § 2605 (West 2024)); Illinois (750 III. Comp. Stat. Ann. 5/503(n) (West 2024)); Maine (Me. Rev. Stat. tit. 19-A, § 953 (West 2024));

New Hampshire (N.H. Rev. Stat. Ann. § 458:16-a (2024)); and New York (N.Y. Dom. Rel. Law § 236 (McKinney 2024)).

- 34. H.B. 147, 29th Leg., Second Reg. Sess., 2016 Alaska Laws Ch. 60.
- 35. The jurisdictions referred to here are listed supra, note 34.
- 36. Illinois, Maine, New Hampshire and New York require judges to consider the best interest of the pet. See supra, note 34.
- 37. The laws in Alaska and California are permissive. See supra, note 34.
- 38. Alaska, California and Illinois permit postdivorce joint ownership of pets. See supra, note 35.
- 39. For example, Maine's law requires an award of ownership "to only one party." Me. Rev. Stat. tit. 19-A, § 953 (West 2024). As an aside, none of the six "pet custody" laws provide for the visitation of pet animals. See supra, note 34.
- 40. The laws in California, Maine and New York provide statutory definitions of the animals entitled to a "best interest" analysis for the purposes of pet ownership. See supra, note 34.
- 41. In Alaska, Illinois and New Hampshire, judges must refer to related statutory provisions or rely on jurisprudence to determine whether a particular animal is one entitled to statutory protections. See supra, note 34.
- 42. The Alaska, Illinois, New Hampshire and New York statutes all fail to provide statutory guidelines for the application of the "best interest" standard. See supra note 34.
- 43. See Cal. Fam. Code § 2605 (West 2024); Me. Rev. Stat. tit. 19-A, § 953 (West 2024).
  - 44. Cal. Fam. Code § 2605 (West 2024).
  - 45. Id.
  - 46. See id.
  - 47. Me. Rev. Stat. tit. 19-A, § 953 (West 2024).
  - 48. § 953(10)(A)-(C), (G).
  - 49. § 953(10)(B).
  - 50. § 953(10)(D)-(E).
  - 51. § 953(10)(F).
- 52 Compare Me. Rev. Stat. tit. 19-A, § 953 (West 2024) with Cal. Fam. Code § 2605 (West
- 53. See La. R.S. 9:2801 ("The court shall consider . . . any other circumstances that the court deems relevant); La. Civ.C. art. 4.

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# Justice Community Conference Focuses on Building Partnerships

he 21st annual Louisiana Justice Community Conference (LJCC), hosted in November 2024 by the Louisiana State Bar Association (LSBA), brought together attorneys and advocates from across the state to advance access to justice for underserved communities. The theme, "Collaborative Justice: Building Partnerships to Enhance Access to Legal Services," emphasized the importance of cross-disciplinary collaboration to address the complex challenges facing Louisiana residents in need of legal assistance. With 19% of Louisianans living in poverty and 32% classified as ALICE (Asset-Limited, Income-Constrained, Employed), access to legal aid remains essential for many to navigate the legal system and secure stability.

The conference began with the Child In Need of Care (CINC) Pre-Conference, designed to provide timely training for children's attorneys on topics identified by the CINC Task Force. Attended by CINC attorneys from around Louisiana, the pre-conference covered a range of subjects, including motion practice, holistic representation, youth engagement, trauma-informed care, special immigrant juvenile status, and ethical duties to clients. The sessions were designed to foster skill-building, promote collaboration and deepen understanding of these critical issues, enhancing the practice of those who represent the state's most vulnerable children.

For the first time, the Domestic Violence Conference was held on Nov. 22. Sponsored by the Louisiana Bar Foundation, this conference trained new attorneys on domestic violence issues, providing a comprehensive overview of the latest family law developments, the



Presenters from the Trauma Informed Care Panel with attendees, from left, Callie Jones and Dana Southern, Shreveport Bar Foundation; Kelli Todd, Volunteers for Youth Justice; Mary E. Winchell, Shreveport Bar Foundation; David N. Matlock, Department of Children and Family Services; Lucinda Miles, Volunteers for Youth Justice; Sasha, the emotional support dog at the Calming Studio in Caddo Parish Juvenile Court; and Chelsee C. Green, Louisiana Coalition Against Domestic Violence.



Presenting the judges' perspective in domestic violence cases at the Domestic Violence Conference were, from left, Judge LaKeisha N. Jefferson, Orleans Parish Civil District Court; Judge Timothy C. Ellender, Jr., 32nd Judicial District Court; and Julie Pelegrina and Jacy Boudreaux, The Haven.

Post-Separation Family Violence Relief Act, protective order hearings and negotiation skills. Presenters included legal aid attorneys, private practitioners and family law judges, offering a diverse range of perspectives on supporting survivors and improving legal responses.

Throughout the two-day event, attendees participated in various sessions designed to inspire and inform. Notable sessions included "Ensuring Legal Services Reach ALICE," "Legal Advocacy and the Courts: A Trauma-Informed Perspective" and "Expanding Access to Legal Aid Through Technology and Innovation."



Marie A. Wright, right, with Southeast Louisiana Legal Services, received the Legal Service Excellence in Advocacy Award. With her is Louisiana State Bar Association Access to Justice Director Monte T. Mollere.

One session, "Serving Our Staff to Better Serve Our Clients — Cultivating a Fun and Professional Environment," underscored the importance of internal collaboration to enhance client services.

The conference also recognized outstanding contributions to public interest law during its annual Civil Legal Aid Awards ceremony. This year, Marie A. Wright received the Legal Service Excellence in Advocacy Award for

# **LBLS Accepting Applications 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 — through Feb. 28, 2025.

The LBLS is accepting applications for business bankruptcy law and consumer bankruptcy law certification from now 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.
- ► Employment Law 15 hours of approved employment law.
- ► Estate Planning and Administration
   18 hours of approved estate planning and administration.
- ► Family Law 15 hours of approved family law.
- ► Health Law 15 hours of approved health law.
- ► Labor Law 15 hours of approved labor law.
- ► Tax Law 18 hours of approved tax law.

▶ 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.

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 and the approved course calendar online, go to: www.lsba. org/Specialization/.



Acadiana Legal Services Corp. (ALSC) received the Legal Service Innovation Award for its Justice Bus. From left, Louisiana State Bar Association Access to Justice Director Monte T. Mollere; and ALSC representatives Sachida R. Raman, Courtnei J. Carter, Donna Fields, Christopher J. Breaux, Jr., Hailey A. Barnett, Christine Northcutt, Kelly Millett and Jonell Dupre.

# **Justice Community Conference** continued from page 342

her 27 years of service with Southeast Louisiana Legal Services, impacting more than 19,000 individuals and securing \$15 million in economic benefits. The Legal Service Innovation Award was presented to the Acadiana Legal Service Corporation's Justice Bus, which exemplifies the LSBA's commitment to delivering justice to underserved communities by meeting clients where they are.

In conjunction with the conference, several task force meetings were con-

ducted to develop actionable strategies to improve access to justice across Louisiana. The event highlighted the importance of collaboration among legal aid organizations, social workers, healthcare providers, educators and community advocates to create a holistic support system for clients.

The LSBA remains dedicated to advancing collaborative justice and increasing access to legal services for all Louisianans. The conference served as a powerful reminder of the collective efforts required to make justice a reality for those who need it most.

# 2025 LBLS Annual Dues Notices: Payments Due by March 11 to Avoid Penalties

The 2025 Annual Dues Notices were mailed in mid-January to all qualified Louisiana Board of Legal Specialization (LBLS) specialists. The completed original dues notice, together with proof of professional liability insurance and the appropriate fee, should be mailed or delivered to the LBLS office, 601 St. Charles Ave., New Orleans, LA 70130, no later than March 11, 2025, to avoid a penalty assessment.

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

# Enhance Your Career with LSBA Mentoring Programs

Start the New Year off right by taking advantage of the Louisiana State Bar Association's (LSBA) mentoring programs. The LSBA Committee on the Profession's "Transition Into Practice" (TIP) mentor program provides new lawyers with an exceptional opportunity to gain practical experience and connect with seasoned attorneys. At the same time, it allows experienced Bar members to give back by guiding new lawyers in the right direction.

Mentors and mentees meet four times during the program to discuss a range of well-defined and organized topics. Meetings can be held via Zoom or in person, and a comprehensive handbook is available with all the necessary information to guide these discussions. Mentors are not required to prepare extensively; most insights come from their personal experiences, with the handbook serving as a helpful resource.

Topics covered include civility, professionalism, work-life balance, career planning, law school debt, conflict resolution, ethical considerations, managing difficult clients, timekeeping, billing, fees and trust accounts.

Interested in joining? Register as a mentor or mentee at the LSBA weblink below.

The SPOT Mentoring Program is an ondemand resource for attorneys with two to seven years of practice experience. This program connects young lawyers with a database of more than 700 mentors from diverse career fields, offering guidance, advice and information. Participation requires no prior sign-up — eligibility is determined by years of admission. Attorneys can access the program through their LSBA accounts, where they can post questions securely to mentors.

Topics for SPOT mentoring questions include career development, legal practice skills, professionalism, business development, client service/management and work-life balance. This innovative program serves as a valuable resource, providing young attorneys with meaningful insights and practical advice. Many participants have praised the program for its accessibility and the breadth of knowledge available through the mentor database.

For more information on both programs, go to: www.lsba.org/Mentoring/.

# **Committee Preferences: Get Involved in Your Bar!**

Committee assignment requests are now being accepted for the 2025-26 Bar year. Louisiana State Bar Association (LSBA) President-Elect Edward J. Walters, Jr. will make all committee appointments. Widespread participation is encouraged in all Bar programs and activities. Appointments to committees are not guaranteed, but every effort will be made to accommodate members' interests. When making selections, members should consider the time commitment associated with committee assignments and their availability to participate. Also, members are asked to list experience relevant to service on the chosen committees. The deadline for committee assignment requests is Wednesday, April 9. The current committees are listed below.

# **Access to Justice Committee**

The committee works to ensure that every Louisiana citizen has access to competent civil legal representation by promoting and supporting a broad-based and effective justice community through collaboration between the Louisiana State Bar Association, the Louisiana Bar Foundation, Louisiana law schools, private practitioners, local bar associations, pro bono programs and legal aid providers.

## **Bar Governance Committee**

The committee ensures effective and equitable governance of the association by conducting an ongoing evaluation of relevant procedures and making recommendations to the House of Delegates regarding warranted amendments to the association's Articles of Incorporation and/or Bylaws.

# Children's Law Committee

The committee provides a forum for attorneys and judges working with children to promote improvements and changes in the legal system to benefit children, parents and the professionals who serve these families.

# **Client Assistance Fund Committee**

The committee protects the public and maintains the integrity of the legal profession by reimbursing, to the extent deemed appropriate, losses caused by the dishonest conduct of any licensed Louisiana lawyer practicing in the state.

# Continuing Legal Education Program Committee

The committee fulfills the Louisiana Supreme Court mandate of making quality and diverse continuing legal education opportunities available at an affordable price to LSBA members.

# **Criminal Justice Committee**

The committee recognizes and addresses issues affecting the Louisiana criminal justice

system, provides a forum for discussion, and works with stakeholders to develop programs and solutions for fair and effective administration of justice.

# **Diversity Committee**

The committee assesses the level of racial, ethnic, national origin, religion, gender, age, sexual orientation and disability diversity within all components of the legal profession in Louisiana, identifies barriers to the attainment of full and meaningful representation and participation in the legal profession by persons of diverse backgrounds, and proposes programs and methods to effectively remove barriers and achieve greater diversity.

# **Ethics Advisory Service Committee**

The committee encourages ethical lawyer conduct by supporting the LSBA's Ethics Counsel in his/her provision of informal, non-binding ethics opinions to members of the Bar.

# **Insurance Committee**

The committee ensures the long-term stability of all Bar-endorsed insurance plans, balancing the most favorable rates, coverage and service for Louisiana lawyers by overseeing the relationship between the Louisiana State Bar Association, its carrier and its third-party administrator. The committee is charged with management of the professional liability, life, disability and other group plans offered to members of the Louisiana State Bar Association. The committee is comprised of a chair and up to 18 additional members.

# Legal Services for Persons with Disabilities Committee

The committee provides members of the bench, Bar and general public with a greater understanding of the legal needs and rights of persons with disabilities, and helps persons with disabilities meet their legal needs and understand their rights and resources.

Continued next page

# **Committee Descriptions**

continued from page 344

# Medical/Legal Interprofessional Committee

The committee works with the joint committee of the Louisiana State Medical Society to promote collegiality between members of the legal and medical professions by receiving and making recommendations on complaints relative to physician/lawyer relationships and/or problems.

## **Outreach Committee**

The committee develops and implements sustained outreach to local and specialty bars throughout the state and increases awareness of the member services and benefits provided by the LSBA. The committee encourages member participation in all aspects of the LSBA and facilitates participation through the use of technology and other feasible alternatives.

# **Practice Assistance and Improvement Committee**

The committee serves the Bar and the public in furtherance of the association's goals of prevention and correction of lawyer misconduct and assistance to victims of lawyer misconduct by evaluating, developing and providing effective alternatives to discipline programs for minor offenses, educational and practice assistance programs, and programs to resolve minor complaints and lawyer/client disputes.

# **Committee on the Profession**

The committee encourages lawyers to exercise the highest standards of integrity, ethics and professionalism in their conduct; examines systemic issues in the legal system arising out of the lawyer's relationship and duties to his/her clients, other lawyers, the courts, the judicial system and the public good; provides the impetus and means to positively impact those relationships and duties; improves access to the legal system; and improves the quality of life and work/life balance for lawyers.

# **Rules of Professional Conduct Committee**

The committee monitors and evaluates developments in legal ethics and, when appropriate, recommends changes to the Louisiana Rules of Professional Conduct; acts as liaison to the Louisiana Supreme Court on matters concerning the Rules of Professional Conduct; reviews issues of legal ethics and makes recommendations to the LSBA House of Delegates regarding modifications to the existing ethical rules; oversees the work of the Ethics Advisory Service and its Advertising Committee, Publications Subcommittee and other subcommittees; and promotes the highest professional standards of ethics in the practice of law.

# **Transitioning Lawyers Committee**

The committee safeguards the public by educating members of the legal profession about age-related disabilities. The committee also helps attorneys suffering from impairments that prevent them from practicing law competently to transition out of the practice of law with dignity.

# **Unauthorized Practice of Law Committee**

The committee protects the public from incompetent or fraudulent activities by those who are unauthorized to practice law or who are otherwise misleading those in need of legal services.

# LSBA 2025-26 Committee Preference Form

Indicate below your committee preference(s). If you are interested in more than one committee, list in 1-2-3 preference order. On this form or on a separate sheet, list experience relevant to service on your chosen committee(s).

**Print or Type** 

| Access to Justice   |  |  |  |  |  |
|---|--|--|--|--|--|
| Bar Governance  |  |  |  |  |  |
| Children's Law  |  |  |  |  |  |
| Client Assistance Fund  |  |  |  |  |  |
| Continuing Legal Education Program  |  |  |  |  |  |
| Criminal Justice  |  |  |  |  |  |
| Diversity   |  |  |  |  |  |
| Ethics Advisory Service   |  |  |  |  |  |
| Insurance   |  |  |  |  |  |
| Legal Services for Persons with Disabilities  |  |  |  |  |  |
| Medical/Legal Interprofessional   |  |  |  |  |  |
| Outreach  |  |  |  |  |  |
| Practice Assistance and Improvement   |  |  |  |  |  |
| Committee on the Profession   |  |  |  |  |  |
| Rules of Professional Conduct   |  |  |  |  |  |
| Transitioning Lawyers   |  |  |  |  |  |
| Unauthorized Practice of Law  |  |  |  |  |  |
| -<br>   |  |  |  |  |  |
| Response Deadline: April 9, 2025  |  |  |  |  |  |
| Mail, email or fax your completed form to:  |  |  |  |  |  |
| Christing A. Michard, Fregram Courdinator/Marketing & Sections  |  |  |  |  |  |
| Christine A. Richard, Program Coordinator/Marketing & Sections Louisiana State Bar Association 601 St. Charles Ave. New Orleans, LA 70130-3404 Fax (504)566-0930 Email: crichard@lsba.org   |  |  |  |  |  |
| Louisiana State Bar Association<br>601 St. Charles Ave.<br>New Orleans, LA 70130-3404<br>Fax (504)566-0930  |  |  |  |  |  |
| Louisiana State Bar Association 601 St. Charles Ave. New Orleans, LA 70130-3404 Fax (504)566-0930 Email: crichard@lsba.org  |  |  |  |  |  |
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| Louisiana State Bar Association 601 St. Charles Ave. New Orleans, LA 70130-3404 Fax (504)566-0930 Email: crichard@lsba.org  LSBA Bar Roll Number  Name  |  |  |  |  |  |
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| Louisiana State Bar Association 601 St. Charles Ave. New Orleans, LA 70130-3404 Fax (504)566-0930 Email: crichard@lsba.org  LSBA Bar Roll Number  Name  Address  City/State/Zip  Telephone  Fax  Email Address  List (on separate sheet) experience relevant to service on the chosen |  |  |  |  |  |

# UDGES IN THE CLASSROOM

# LAWYERS IN THE CLASSROOM

January 2025

To Members of the Bar,

The Louisiana Center for Law and Civic Education (LCLCE) is partnering with the Louisiana Supreme Court, Louisiana State Bar Association, and Louisiana District Judges Association to promote the Lawvers in the **Classroom** and **Judges in the Classroom** programs.

Our goal is to compile a pool of volunteer professionals from the legal community who are willing to visit classrooms and present on law-related topics. Students will benefit from having members of the legal community share their practical and real-world experiences.

The Lawyers in the Classroom and Judges in the Classroom programs have materials available on a wide variety of topics in the area of civics and law-related instruction, appropriate at the elementary, middle and high school level. Contact the LCLCE for an illustrative listing of the many topics/lessons that may be used to assist in classroom presentations and are available to judges and attorneys upon request.

If you would like to volunteer to participate in the Lawyers in the Classroom and Judges in the Classroom programs, please complete and return the attached form. The LCLCE will match your schedule with a classroom in your area that has requested a presentation.

If you have any questions, please utilize the contact information found on the enrollment form. We look forward to hearing from you.

Sincerely,

Hon. John L. Weimer Chief Justice

The Z. Warner

Louisiana Supreme

Court

Scott L. Sternberg President

Louisiana Center for Law and

Civic Education

Patrick A. Talley, Jr.

President

Drawy

Louisiana State Bar

Association

Hon. Lee Faulkner

President

Louisiana District Judges

Association









# JUDGES IN THE CLASSROOM LAWYERS IN THE CLASSROOM









# Volunteer to Visit a Classroom in your Area!

Would you like to make a law-related presentation in a classroom in your area?

A list of topics for presentation ideas is available at the LCLCE.

| Name of Judge/Lawyer:                                 |   |   |                                    |
|---|---|---|------------------------------------|
| Address:  |   |   |                                    |
|   |   |   |                                    |
|   |   |   |                                    |
|   |   |   |                                    |
|   |   |   |                                    |
|   | ):  |   |                                    |
| Examples of teachers' request  • I am going to review | ts:   | nent with my 5 <sup>th</sup> grade class ti | he first week of May. I would like |
| I would like a discuss                                | sion on the consequences of ir                                      | nappropriate behavior by juve               | niles.                             |
| • I would like a Law Da                               | ay presentation for my 10 <sup>th</sup> gra                         | ders in either April or May.                |                                    |
|   | nic in mind but would apprecial<br>ol classroom the first week in ( |   | neone from the legal community     |
| Specific topic you would like to p                    | resent:   |   |                                    |
| Grade level preference:                               | ☐ Elementary School   | ☐ Middle School                             | ☐ High School                      |
| Please indicate two or more day                       | s of the week that work best for y                                  | ou:   |                                    |
| Schools in your area (important)                      |   |   |                                    |

As requests are received from educators, the LCLCE will contact you to discuss scheduling a school visit.



By Andrea Brewington Owen

# USING CHECKLISTS IN LAW PRACTICE

aw firms must continually seek to identify and implemanagement ment firm practices that will increase efficiency while reducing risks. One effective practice is to implement firmwide checklists. While checklists seem like humble tools, their use ensures all I's are dotted and all T's are crossed. In "The Checklist Manifesto," Atul Gawande attributes routine success and predictability of outcomes to following checklists. He explores the fundamental importance of a checklist in organizing and managing complex processes in a variety of professions. He wrote that human memory is not perfect especially when it comes to routine tasks. Humans begin to skip important steps if nothing bad happened when they skipped that step before. But, when important steps are skipped, errors are more likely.

Creating processes takes time at the front end but are worth their weight on the back end. The standardization of firmwide expectations with checklists can reduce mistakes which can lead to malpractice. Checklists should not take the place of a lawyer's professional judgment. They alert the lawyers and staff to specific required processes and procedures and make them think of issues they may have otherwise forgotten. They are also a great tool to train and supervise staff on firm expectations. Here are a few that are particularly useful.

# Law Office Self-Audit Checklist

A law office self-audit checklist will guide leadership through a self-assessment of firm practices, identify potential gaps, and look for ways to improve processes on an annual basis. This checklist helps management take an honest look at client relations, calendaring, staff training and management, finances, client billing, conflict of interest practices, IT practices, trust accounting review practices and insurance coverage. Use

this self-audit to help improve weaknesses. As far as insurance is concerned, check coverage and limits on all insurance policies to ensure that you have the proper amount of business coverage, professional liability coverage, cyber coverage, etc.

## **Client Intake Checklist**

Create a written checklist for the intake of cases including conflicts checks for attorneys and support staff to follow. Be specific when describing the steps and who is responsible for completion of each step. If a conflict does exist, then determining whether it is waivable with the consent of the client under the rules is the next item on the checklist. The last item should be securing the client's signature on the Engagement Letter. Several checklists, including one for conflict checking, can be found on the LSBA's website, under Members Resources, in the Practice Aid Guide: The Essentials of Law Office Management.

# **Practice Area Specific Checklists**

Use a checklist to manage workflow on a specific type of case and standardize processes across different practitioners in the firm. Many research platforms provide checklists for specific areas of the law. These checklists will assist the practitioner in the organization of a legal matter and keep you from inadvertently forgetting something. Brainstorm all possibilities for how the case could go and be sure to circulate a draft checklist to experienced attorneys in your firm so that they can add any specific situations they have encountered. For example, if you are creating a checklist for preparation of a will, you will want a step to make sure the client has the capacity to execute that will considering their mental health, intelligence, age and so forth.

# **Trust Account Management Checklist**

Use a checklist to guide you in trust account management. Include all best practices that, if implemented, would prevent mismanagement and would ultimately cause you to be successful in an audit by the ODC. Make it a habit to run through your checklist whenever you complete your reconciliation.

# **File Closure Checklist**

Create a step-by-step checklist for closing a matter to make sure that all legal work that your client retained you to do is completed and that all documentation is placed into the file. When creating your checklist, brainstorm and include all work that that needs to be done at closure, including any filings that need to be made in court and a letter to the client with a closure and a final invoice. Also include an item on your list with the file retention procedure and direction on storing original hard copy and digital documents.

Any firm can benefit from incorporating clear and specific checklists for the management of cases and the office. Consider the areas at your firm where oversight has or may occur and begin by initiating checklists for those with the most risk potential. The initial work to set up checklists, either within a basic format such as Excel or Word or in a more sophisticated means such as a software tool for case management, will provide advantages to your firm over the years.

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



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



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By Marsha M. Wade

LEGAL BURNOUT & PROFESSIONAL COMPETENCY

recent survey of practicing lawyers by Bloomberg Law reveals that burnout is a significant issue for our profession. The results, set out in 2024 Attorney Well-Being Report: The Divide Between Health & the Legal Industry, show that roughly half all lawyers under 65 report being burned out almost half the time.

Percentages were higher among younger lawyers: 25-34 years (58%), declining gradually to just under 50% through age 64, and only dropping significantly for attorneys 65 and older (25%). But even though senior are attorneys are at much lower risk, the fact that one in four attorneys over 65 are experiencing burnout should give us pause.

Burnout for practicing attorneys occurs when unaddressed, chronic stress reaches a tipping point. It is equated with stress but looks very different. Stress can be motivating with low levels of stress focusing our attention and encouraging perseverance toward a goal. We need mild stress to push us to act, but that should be followed by a time of rest and recovery.

Routine stress from heavy workloads, a contentious climate of incivility, an adversarial environment, high-performance demands, and a competitive view of success keep us in a persistent state of threat arousal that, if unchecked, can lead to burnout.

Under stress we are still motivated. We feel overwhelmed, but also engaged and determined to prevail. We compete with one another from the day we start law school. The goal is attainable, we just have to push harder, think smarter, squeeze more time out of the day.

Burnout, on the other hand, is characterized by a sense of hopelessness, helplessness and detachment. There is no motivation or energy to undertake challenging work or pursue a goal. We

# **Legal Stress and Burnout Resources**

Programs and initiatives tailored to the mental health concerns of the legal community are available online. It is up to us to take advantage of those resources.

- ► Louisiana Judges and Lawyers Assistance Program | louisianajlap.com Offers direct, confidential assistance to lawyers struggling with mental health issues and substance abuse. They also offer online resources, including a self-assessment tool.
- ▶ Institue for Well-Being in Law | lawyerwellbeing.net
  The Institute for Well-Being in Law website, lawyerwellbeing.net, has articles,
  podcasts, speaker series, and an annual Well-Being in Law Week virtual conference.
  - ▶ Patrick Krill | www.prkrill.com

Patrick Krill, an attorney, board-certified addiction counselor, and a pioneer in lawyer mental health research and awareness, offers resources for lawyer mental health, including stress and burnout, on his website.

are emotionally drained, disengaged, and unmotivated, trapped in an impossible situation we feel helpless to change.

If chronic stress pushes us to overtax ourselves, burnout leaves us emotionally flat and unable to summon needed energy for meeting our professional responsibilities to our clients and to the legal system.

Chronic stress and burnout are both unhealthy states that threaten our mental and physical well-being and imperil our ability to perform our professional duties with competence and civility. Whether we're frantically operating in chronic stress mode or barely functioning due to burnout, professional competency is compromised.

Over time, chronic stress and burnout can lead to serious health consequences such as heart disease, high blood pressure, diabetes, depression, anxiety disorder and other illnesses. It also skews our perspective, compromises our judgment, and leads to irritability and overreaction.

Chronic stress is a precursor to burnout. Not everyone who suffers from chronic stress will experience burnout. But everyone who is in a state of burnout got there due to unaddressed chronic stress.

According to former Chief

Disciplinary Counsel Charles B. Plattsmier, "While 'burnout' in the legal profession is a legitimate health issue, it is also a significant regulatory concern. True 'burnout' often features delay, avoidance, and in some instances, dishonesty—all of which can result in ethical complaints resulting in discipline for the lawyer and harm to clients."

We not only risk our mental and physical health, but also risk failing to meet our responsibility to our clients when we do not address the stress and burnout that undermines our competency and ability to engage with clients, colleagues, and the court with civility and courtesy.

Marsha M. Wade is a member of the Louisiana State Bar Association's (LSBA) Committee on the Profession and a volunteer for the LSBA's Law School Professionalism Orientation Program. She earned her JD degree from Louisiana State University Paul M. Hebert Law Center. After a career



in legislative and public policy work, including with the Louisiana Senate and Louisiana Association for Justice, she speaks and writes on professionalism from a wellness perspective. (mwade50@gmail.com; 1511 Richland Ave., Baton Rouge, LA 70808)

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# Lawyers ASSISTANCE

By Dr. Angela White-Bazile, Esq.

COMPASSION: CRUCIAL COMPONENT TO LAWYERING

ompassion — the sympathetic consciousness of others' distress and a desire to alleviate it — is integral to being a lawyer.¹ As lawyers, we gather relevant facts, research applicable laws, analyze information and advocate on behalf of our clients. We are their support system, helping to relieve their stress, listening to their needs, and fighting for what is just and equitable. People depend on us to navigate their challenges and provide comfort during moments that threaten their livelihood, reputation, business or home.

In family law, we are acutely aware of the pain, grief and anger clients experience with a failed marriage and the suffering children endure in custody disputes. We show compassion to individuals harmed by negligence and those whose lives have been irrevocably altered by medical malpractice. Additionally, we extend our empathy to those accused of negligence or criminal behavior and support clients facing eviction or disputes over trusts and wills. These examples illustrate how compassion is essential in our profession. It is vital for building relationships of trust across the different areas of law.2

While we excel at supporting others, we often neglect our own well-being and hesitate to reach out when we are struggling with stress, burnout, depression, anxiety or addiction. This cycle must change.

We may recognize when clients, colleagues or students are in distress, but more frequently, they suffer in silence and solitude, hidden from view. It is imperative that we genuinely support those we interact with on a regular basis. Do we make time to ask someone how they are doing and truly listen to their response? Conversely, do we have anyone who makes time for us? Too often, we refrain

from being open about our struggles, leaving us feeling invisible and isolated.

Who comforts the comforter? Who helps the problem solver? Who provides the emotional support we need during our moments of anguish, self-doubt, depression, loneliness, anger, shame, guilt and obsessive thoughts? With whom can we share our feelings and vulnerabilities? We must recognize our own need for emotional support. Reflect on when you last felt seen, heard, understood and supported.

In general, we need to acknowledge our emotions. Just as we attend to our clients' needs, fears, frustrations and uncertainties, we must also confront our own. We are not superheroes and should refrain from resorting to distractions and maladaptive coping mechanisms that lead us to avoid, ignore or suppress painful emotions. Why do we prioritize the needs of students, clients, colleagues and judges at the expense of our own basic needs? This approach is unhealthy on every level — physically, mentally and emotionally. Ask yourself, "What do I need to thrive?," and answer honestly.<sup>3</sup>

Unfortunately, we often conceal our struggles behind a façade of busyness and immerse ourselves in work, burdened by multiple responsibilities. At times, we may want to shut down, but the fear of falling behind presses us to keep going. We know a missed deadline can disrupt our relationships with clients, employers and the courts. Overwhelmed by life's circumstances, we often feel we lack the time to rest, let alone take a break.

Start showing yourself the kindness you would readily extend to a friend or loved one in distress. Even when you feel unmotivated or apathetic, it is crucial to prioritize adequate rest, good nutrition and regular exercise. This will create a work-life balance that supports your wellness. Rediscover the outlets that en-

ergize you — whether it's walking, jogging, cycling or drawing. Engage in selfcare activities like reading, meditation, exercise or other hobbies that nurture you. Make time for the things that bring you joy. Prioritize well-balanced meals and commit to regular exercise to alleviate stress. Reduce reliance on stimulants like coffee, chocolate and cigarettes as they exacerbate stress levels. Do not numb your pain with drugs or alcohol; instead, turn to healthier alternatives like yoga or breathing exercises. You deserve happiness and health.JLAP encourages lawyers to practice self-compassion and seek support during challenging times. To learn more about the resources that JLAP offers, contact the professional and dedicated clinical staff at (985)778-0571, email jlap@louisianajlap.com, or visit the website at www.louisianajlap.com.

We are a CONFIDENTIAL safe haven for healing and are ready to support you on your journey toward a more balanced, healthy and rewarding life.

# **FOOTNOTES**

- 1. Compassion, Merriam-Webster Dictionary, www.merriam-webster.com/dictionary/compassion.
- 2. Kristin B. Gerdy, "The Heart of Lawyering: Clients, Empathy, and Compassion," Vol. 3 Religious Conviction. 189-202 (2013).
- 3. Rosario Lozada, "A lawyer's primer on loss: Grieving the death of a parent," ABA Journal (Jul. 28, 2021), www.abajournal.com/voice/article/a-lawyers-primer-on-loss.

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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# **Economic Damages**

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- Bankruptcy
- · Lost profits
- Personal injury
- · Wrongful death
- Wrongful termination
- Estate and trust disputes

# Fraud and Investigative Services

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

# **Business Valuation Services**

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

# Focus on DIVERSITY

**SUIT UP 2024** 

# Students in LSBA's Suit Up for the Future Program Participate in Job Shadowing

The Louisiana State Bar Association's (LSBA) Suit Up for the Future High School Summer Legal Institute and Internship Program had another successful year, with 18 students completing the program. The three-week program (June 10-28, 2024) included abridged law school sessions; job shadowing opportunities at law offices, courts and agencies, and tours

to law schools, courts and agencies. The LSBA acknowledges several law firms, courts and agencies for providing job shadowing opportunities.



Top Row: Matthew F. Bancroft; Ferdell A. Handy; Sia P. Mirpuri; Dillon C. Banks; Korry J. Hill; Deshan R. Joseph, Jr.; Charles N.H. Andrews.

Middle Row: Ray'ven A. Chancellor; Le'Ge P.J. Watts; Avishka R. Fernando; Dasia T. Ball; Allison L. Honeywood; Sydnee D. Ragas; Chief Justice John L. Weimer, Louisiana Supreme Court; Associate Justice Piper D. Griffin, Louisiana Supreme Court; Olivia E. Magee; Emma M. Bonney; Anisa M. Cleggett; Magdalena A. Sisto; Mia M. Mornay. Bottom Row: Intern Claire H. Carter; intern Eric J. Roshak; intern Sarah K. Warren; intern Kiera C. Martin; intern Brinley B. Pethe.



Job shadowing at 24th Judicial District Court, Division C. From left: Brittany Higginbotham, Criminal Minute Clerk, 24th JDC, Gretna; intern Matthew Gerrets; Deputy Joseph Franklin, Bailiff, 24th JDC, Gretna; intern Benjamin Wessel; Le'Ge P.J. Watts; Hon. June Berry Darensburg, 24th JDC, Division C, Gretna; Emma M. Bonney; intern Maxwell Means; Sowmya Mandava, Judicial Staff Attorney, 24th JDC, Gretna; Fernanza Gilmore, Administrative Assistant, 24th JDC, Gretna; Kendra Pierre, Civil Minute Clerk, 24th JDC, Gretna.



Job shadowing at 24th Judicial District Court, Division P. From left: Alexander Sobel, Loyola University New Orleans College of Law, Law Clerk, 24th JDC, Gretna; Dillon C. Banks; Hon. Lee V. Faulkner Jr., 24th JDC, Gretna; and Sydnee D. Ragas.



Job shadowing at Kelly Hart Pitre. From left: Demarcus J. Gordon, partner, Kelly Hart Pitre, New Orleans; Allison L. Honeywood; Loulan J. Pitre, Jr., Partner In Charge, Kelly Hart Pitre, New Orleans; Avishka R. Fernando.



Job shadowing at Liskow & Lewis, APLC. From left: Jared E.A. Nelson, Liskow & Lewis, APLC, Lafayette; Dasia T. Ball; Trinity A. Morale, Liskow & Lewis, APLC, New Orleans; Magdalena A. Sisto.



Job shadowing at Orleans Parish Civil District Court, Division K.
From left: Charles N.H. Andrews; Ferdell A. Handy; Hon. Bernadette G. D'Souza,
Orleans Parish Civil District Court, Division K, New Orleans; Matthew F. Bancroft;
Sia P. Mirpuri.



Job shadowing at Orleans Parish District Attorney's Office.

Top Row: Olivia E. Magee; Deshan R. Joseph, Jr.; Avishka R. Fernando; Matthew F. Bancroft; Mia M. Mornay; Charles N.H. Andrews; Dillon C. Banks; Korry J. Hill; Ferdell A. Handy.

Bottom Row: Émma M. Bonney; Sia P. Mirpuri; Magdalena A. Sisto; Ray'ven A. Chancellor; Anisa M. Cleggett; Dasia T. Ball; Allison L. Honeywood; Le'Ge P.J. Watts; Michelle Woodfork, Forensic & Intelligence Investigations Director, Orleans Parish District Attorney's Office; Sydnee D. Ragas.



Members of the Defense Team, From left:

Back Row: Deshan R. Joseph, Jr.; Mia M. Mornay; Matthew F. Bancroft; Allison L. Honeywood; Dillon C. Banks.

Front Row: Magdalena A. Sisto; Ray'ven A. Chancellor; Emma M. Bonney; Sia P. Mirpuri.



Job shadowing at United States District Court, Eastern District of Louisana.

Bottom Row: Mia M. Mornay; Allison L. Honeywood; Le'Ge P. J. Watts; Emma M. Bonney; Hon. Karen Wells Roby, Magistrate Judge, U.S. District Court, Eastern District of Louisiana, New Orleans; Sydnee D. Ragas.

Middle Row: Dillon C. Banks; Ferdell A. Handy; Ray'ven A. Chancellor; Dasia T. Ball; Magdalena A. Sisto; Anisa M. Cleggett; Olivia E. Magee; Charles N. H. Andrews. Top Row: Sia P. Mirpuri; Avishka R. Fernando; Korry J. Hill; Matthew F. Bancroft.



Job shadowing at Orleans Parish Criminal District Court.

Bottom Row: Dasia T. Ball; Ray'ven A. Chancellor; Le'Ge P.J. Watts; Anisa M. Cleggett; Hon. Tracey E. Flemings-Davillier, Section B, Orleans Parish Criminal District Court, New Orleans; Sydnee D. Ragas; Allison L. Honeywood.

Middle Row: Sia P. Mirpuri; Olivia E. Magee; Magdalena A. Sisto; Emma M. Bonney; Avishka R. Fernando.

Back Row: Korry J. Hill; Matthew F. Bancroft; Charles N.H. Andrews; Dillon C. Banks; Mia M. Mornay; Ferdell A. Handy; Deshan R. Joseph, Jr.



Members of the Prosecution Team, From left:

Back Row: Korry J. Hill; Charles N.H. Andrews; Ferdell A. Handy; Avishka R. Fernando.

Front Row: Olivia E. Magee; Le'Ge P.J. Watts; Sydnee D. Ragas; Anisa M. Cleggett; Dasia T. Ball.



#### **FUND PAYMENTS**

#### CLIENT ASSISTANCE FUND PAYMENTS - JAN., MARCH, MAY & SEPT. 2024

| Attorney                  | Amount Paid | Gist   |
|---------------------------|-------------|--|
| Samuel R. Aucoin          | \$1,500.00  | #2059 – unearned fee in a domestic matter      |
| Jeffrey Dee Blue          | \$2,500.00  | #2330 – unearned fee in a succession matter    |
| Melissa Ramsey Eldridge   | \$1,000.00  | #2332 - unearned fee in an adoption matter     |
| J. Antonio Florence       | \$4,600.00  | #1900 – unearned fee in a criminal matter      |
| Benjamin N. Gibson        | \$5,000.00  | #2243 – unearned fee in a criminal matter      |
| Christopher Dowd Hatch    | \$3,000.00  | #2293 - unearned fee in a criminal matter      |
| Christopher Dowd Hatch    | \$4,000.00  | #2246 – unearned fee in a criminal matter      |
| Christopher Dowd Hatch    | \$15,000.00 | #2228 – unearned fee in a criminal matter      |
| Christopher Dowd Hatch    | \$4,400.00  | #2205 – unearned fee in a criminal matter      |
| Christopher Dowd Hatch    | \$5,750.00  | #2288 – unearned fee in a criminal matter      |
| George R. Knox            | \$4,900.00  | #2261 – unearned fee in a child support matter |
| Robert A. Lenter          | \$1,872.40  | #1903 – conversion in a worker's comp matter   |
| Robert A. Lenter          | \$8,000.00  | #1907 – conversion in a worker's comp matter   |
| Robert J. Lounsberry, Sr. | \$2,750.00  | #2304 – unearned fee in a criminal matter      |
| Robert J. Lounsberry, Sr. | \$3,500.00  | #2308 – unearned fee in a domestic matter      |
| Robert J. Lounsberry, Sr. | \$5,000.00  | #2316 – unearned fee in a domestic matter      |
| Robert J. Lounsberry, Sr. | \$3,450.00  | #2346 – unearned fee in adoption matter        |
| Scott W. McQuaig          | \$6,920.12  | #2290 – conversion in a personal injury matter |
| Zachary R. Moffett        | \$5,000.00  | #1990 – unearned fee in a civil matter         |
| Harold D. Register, Jr.   | \$20,094.10 | #2252 – conversion in a personal injury matter |
| W. James Singleton        | \$6,680.80  | #2202 - conversion in a personal injury matter |
| Ned F. Sonnier, Sr.       | \$6,187.45  | #2360 – conversion in a personal injury matter |
| Timothy T. Yazbeck        | \$2,000.00  | #2256 – unearned fee in a criminal matter      |



#### LOUISIANA CLIENT ASSISTANCE FUND

#### What is the Louisiana Client Assistance Fund?

The Louisiana Client Assistance Fund was created to compensate clients who lose money due to a lawyer's dishonest conduct. The Fund can reimburse clients up to \$50,000 for thefts by a lawyer. It covers money or property lost because a lawyer was dishonest (not because the lawyer acted incompetently or failed to

take certain action). The fund does not pay interest nor does it pay for any damages done as a result of losing your money.

#### How do I qualify for the Fund?

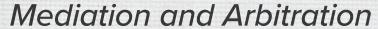
Clients must be able to show that the money or property came into the lawyer's hands.

#### Who can, or cannot, qualify for the Fund?

Almost anyone who has lost money due

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

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#### REPORTING DATES 12/4/24 & 12/10/24

#### REPORT BY DISCIPLINARY COUNSEL

Public matters are reported to protect the public, inform the profession and deter misconduct. Reporting date Dec. 10, 2024.

#### **Decisions**

Aaron Brock Avery, Baton Rouge, (2024-B-00977) By consent, suspended from the practice of law for a period of one year and one day, deferred in its entirety; and respondent shall be placed on a two-year period of probation to coincide with the term of his recovery agreement with the Judges and Lawyers Assistance Program, by order of the Louisiana Supreme Court on Oct. 1, 2024. JUDGMENT FINAL and EFFECTIVE on Oct. 1, 2024. Gist: Committed a criminal act, especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

Dale R. Baringer, Baton Rouge (formerly New Orleans), (2024-B-001130) Consented by being suspended from the practice of law for six months, fully deferred, by order of the Louisiana Supreme Court on Nov. 6, 2024. JUDGMENT FINAL and EFFECTIVE on Nov. 6, 2024. *Gist:* Mr. Baringer neglected his client's legal matter, which

resulted in the dismissal of that matter as abandoned, and then failed to communicate to the client that his malpractice caused the dismissal.

Clifton M. Davis III, New Orleans, (2024-OB-1088) Consented to suspension from the practice of law for a period of nine months, to run consecutively to the one-year-and-one-day suspension imposed in In re: Davis, 23-1222 (La. 12/19/23), 374 So.3d **966**, by order of the Louisiana Supreme Court on Oct. 15, 2024. JUDGMENT FINAL and EFFECTIVE on Oct. 15, 2024. Gist: Respondent failed to timely file a lawsuit on behalf of his client, attempted to fax-file the petition when he was ineligible to practice law, and misled his client about the status of the matter. This misconduct occurred during the same time period as the misconduct for which the respondent was previously suspended.

Desha M. Gay, Baton Rouge, (2024-B-00620) Suspended from the practice of law for six months, with all but 60 days deferred, followed by a

one-year period of probation, by order of the Louisiana Supreme Court on Oct. 25, 2024. JUDGMENT FINAL and EFFECTIVE on Nov. 8, 2024. *Gist:* Ms. Gay provided improper financial assistance to her client; made a misrepresentation to her client; and failed to cooperate with the Office of Disciplinary Counsel in its investigation.

Paul A. Grego, Prairieville, (2024-B-1110) By consent, been publicly reprimanded; and respondent shall be placed on probation for a period of one year with conditions, by order of the Louisiana Supreme Court on Oct. 15, 2024. JUDGMENT FINAL and EFFECTIVE on Oct. 15, 2024. *Gist:* Mishandled his client trust account.

F. Victor Hastings, Kenner, (2024-B-001133) Consented to being suspended from the practice of law for one year and one day, with six months deferred, by order of the Louisiana Supreme Court on Nov. 6, 2024. JUDGMENT FINAL and EFFECTIVE on Nov. 6, 2024. *Gist:* Mr. Hastings violated Rules 1.1, 1.3, 1.4(a), 3.2, 5.5(a) (e)(3) and 8.4(a)(c)(d).

William B. Hidalgo, Covington, (2022-OB-1343) Transferred to active status by order of the Louisiana Supreme Court on Nov. 20, 2024. JUDGMENT FINAL and EFFECTIVE on Nov. 20, 2024.

Jesse P. Lagarde, Hammond, (2024-B-00646) Suspended from the practice of law for one year and one day by order of the Louisiana Supreme Court on Oct. 1, 2024. JUDGMENT FINAL and EFFECTIVE on Oct. 15, 2024. *Gist:* Respondent neglected a legal matter; failed to communicate with

Continued on page 360



CHRISTOVICH & KEARNEY, LLP

DEFENSE OF ETHICS
COMPLAINTS AND
CHARGES

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

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LSBA FILING No: LA-24-17847

## 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 Dec. 4, 2024.

| Respondent             | Disposition                                 | <b>Date Filed</b> | Docket No. |
|------------------------|---|-------------------|------------|
| Michael D. Bass        | [Reciprocal] Suspension, partially deferred | 10/16/24          | 24-1776    |
| Marc G. Dorsey         | [Reciprocal] Suspension, fully deferred     | 10/15/24          | 24-1573    |
| Mark El-Amm            | [Reciprocal] Suspension, fully deferred     | 11/14/24          | 24-1781    |
| Paul A. Grego          | [Reciprocal] Reprimand                      | 12/03/24          | 24-2529    |
| N. Sundiata Haley      | [Reciprocal] Reprimand                      | 10/16/24          | 24-1778    |
| Robert W. Hjortsberg   | [Reciprocal] Suspension, partially deferred | 12/03/24          | 24-2023    |
| Tamara Jacobson        | [Reciprocal] Reprimand                      | 11/14/24          | 24-1779    |
| Robert C. Jenkins, Jr. | [Reciprocal] Suspension                     | 11/18/24          | 24-1782    |
| Sylvester K. Johnson   | [Reciprocal] Reprimand                      | 12/03/24          | 24-1783    |
| Virgil A. Lacy III     | [Reciprocal] Reprimand                      | 11/14/24          | 24-1777    |
| Lindsey J. Leavoy      | Immediate Interim Suspension                | 10/08/24          | 24-2285    |
| Jonas K. Nash          | [Reciprocal] Suspension, fully deferred     | 10/15/24          | 24-1775    |
| Don R. Williams        | [Reciprocal] Reprimand                      | 10/15/24          | 24-1774    |
| Adam G. Young          | [Reciprocal] Suspension, partially deferred | 12/03/24          | 24-2024    |



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#### Leslie J. Schiff

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leslie@smethicslaw.com

#### **Damon S. Manning**

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

#### Discipline continued from page 358

his client; failed to withdraw from the representation of a client; and failed to expedite litigation.

Toni Rachelle Martin, Georgia (formerly of Pineville), (2024-B-00685) Suspended from the practice of law for six months, with three months deferred, followed by a one-year period of probation, during which respondent shall attend LSBA's Ethics School, by order of the Louisiana Supreme Court on Oct. 1, 2024. JUDGMENT FINAL and EFFECTIVE on Oct. 15, 2024. Gist: Ms. Martin failed to timely refund

ATTENTION

an unearned fee.

Raleigh L. Ohlmeyer III, New Orleans, (2024-B-01091) Probation is revoked and the previously deferred one-year-and-one-day suspension imposed in *In re: Ohlmeyer*, 23-1164 (La. 10/10/23), 370 So.3d 1060, is made immediately executory, by order of the Louisiana Supreme Court on Oct. 15, 2024. JUDGMENT FINAL and EFFECTIVE on Oct. 15, 2024. *Gist:* Respondent failed to comply with the requirements set forth in his probation agreement.

Ned Franklin Pierce Sonnier, Sr.,

Scott, (2024-B-0520) **Disbarred** by order of the Louisiana Supreme Court on Oct. 25, 2024. JUDGMENT FINAL and EFFECTIVE on Nov. 8, 2024. *Gist:* The record of this deemed admitted matter supports a finding that respondent neglected client matters, failed to communicate with clients, failed to refund unearned fees, failed to return client files, abandoned his law practice, and failed to respond to notices of the associated disciplinary complaints.

No admonitions for this issue.

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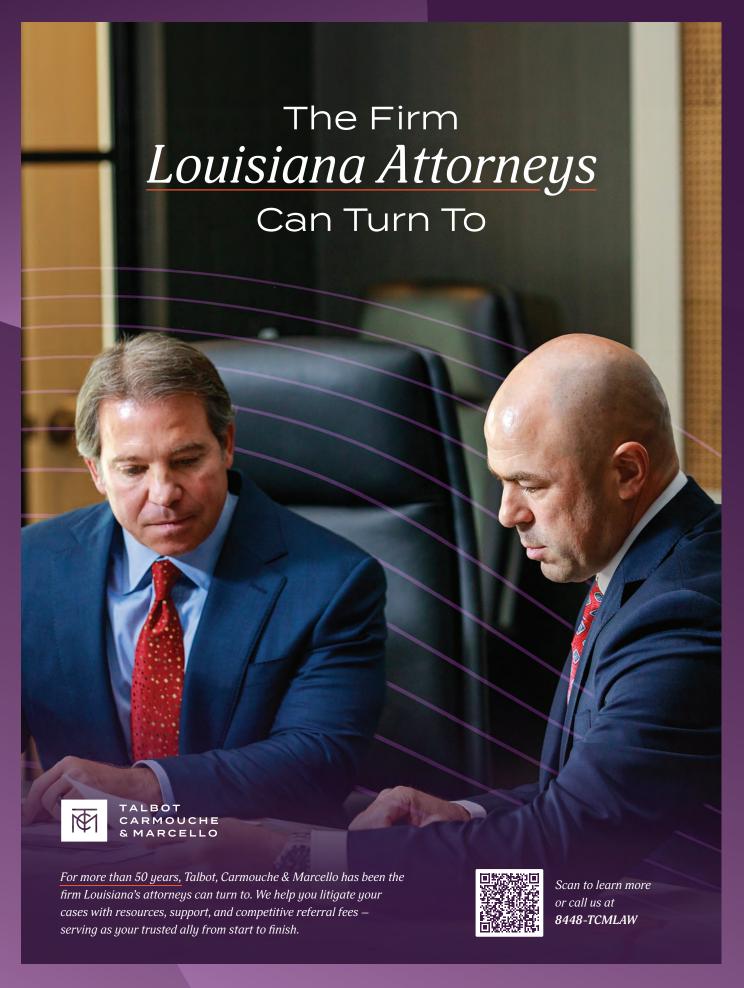
#### FIND OUT MORE! CONTACT

Amy Duncan, LSBA Access to Justice Training & Projects Counsel, at amy.duncan@lsba.org with any questions.

Or for more information online, visit www.lsba.org/ATJCommission/ModestMeans.aspx









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



#### **Spousal Support**

Shannon v. Shannon, 24-0140 (La. App. 4 Cir. 10/25/24), 2024 WL 4579142.

The Shannons were married in September 1993 and divorced in September 2006. On Feb. 11, 2013, Mr. Shannon and Ms. Shannon executed a consent judgment regarding final spousal support. The consent judgment regarding spousal support provided cash spousal support and life insurance payments for a policy on Mr. Shannon, with Ms. Shannon listed as the beneficiary. Further, that consent judgment contained a nonmodification clause and a termination clause, which stated:

IT IS FURTHER ORDERED. ADJUDGED AND DECREED that the above-mentioned spousal support and other payments shall not terminate upon the occurrence of Julia Westrich Shannon cohabiting with another man or her remarriage. These payments are only subject to termination upon the death of either party, or if Julia Westrich Shannon should inherit, be gifted, or in any other manner receive a sum of money equal to or in excess of \$1,000,000 from any third party other than Jack Shannon within a two-year period.

On July 17, 2020, Mr. Shannon filed a motion to modify and/or terminate spousal support, alleging a material change in circumstances since the consent judgment. Ms. Shannon moved for summary judgment, which the trial court granted in part, finding that the consent judgment was enforceable according to its terms and stating that "the provision of the consent judgment relating to the receipt by Ms. Shannon of \$1,000,000 over a period of two years was not addressed by the Court."

On Jan. 12, 2022, Mr. Shannon filed an amended motion to modify and/or terminate spousal support, alleging that spousal support should be terminated retroactive to a date in 2013 that had yet to be determined because the termination clause in the consent judgment had been triggered. Additionally, Mr. Shannon asserted that Ms. Shannon had intentionally withheld the material facts related to her receipt of the funds.

Mr. Shannon's amended motion was tried on three non-consecutive days. After the close of the first day of trial, on June 2, 2022, Ms. Shannon filed peremptory exceptions. Mr. Shannon responded, alleging that the exceptions were untimely. On the second day of trial, Oct. 25, 2022, the parties agreed that the trial court could defer ruling on Ms. Shannon's exceptions until the trial was completed. On the third day of trial, Nov. 25, 2022, the trial court took the matter under advisement.









Randall B.





R. Chris







Joseph Payne

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On March 31, 2023, the trial court rendered judgment granting Mr. Shannon's amended motion, finding that Ms. Shannon's receipt of \$1,650,000 on April 25, 2013, from her boyfriend Mr. Emmett triggered the termination clause in the consent judgment, but terminated spousal support retroactively only to Jan. 12, 2022, and awarded Mr. Shannon reimbursement from that date. Further, the trial court overruled Ms. Shannon's exceptions as untimely.

Ms. Shannon appealed, arguing that the trial court erred (1) in summarily dismissing her peremptory exceptions; (2) in finding that the termination clause was triggered by her receipt of \$1,650,000 on April 25, 2013, from Mr. Emmett; and (3) in terminating spousal support without first making a finding as to Ms. Shannon's necessitous circumstances. Mr. Shannon answered the appeal, arguing that the trial court erred in applying La. R.S. 9:321(C) rather than the rules on contract interpretation and payment of a thing not due when determining the retroactivity of termination and reimbursement.

The 4th Circuit Court of Appeal affirmed the trial court's judgment. The appellate court found that:

- ▶ Ms. Shannon's first assigned error was without merit because the matter was a summary proceeding governed by La. C.C.P. art. 2592 and 2593, which require that exceptions to summary proceedings be filed before the trial begins, and she had not done so;
- ▶ Ms. Shannon's second assigned error was without merit because the trial court's decision to credit Mr. Shannon's expert was not manifestly erroneous, where the expert determined that there was no objective evidence to corroborate Ms. Shannon's claim that she had purchased a one-half interest in Mr. Emmett's home in New York and that the \$1,650,000 was a return on her investment;
- ▶ Ms. Shannon's third assigned error was without merit because the terms of the consent judgment governed and directly addressed modification, such that Ms. Shannon was not entitled to an evidentiary hearing as would occur under the default rules for termination of spousal support under the Louisiana Civil Code; and

▶ Mr. Shannon's assigned error was without merit because the more specific rule, La. R.S. 9:321(C), applied over the more general rules on contract interpretation and payment of a thing not due

#### **Community Property**

**Bajewski v. Bajewski**, 23-5520 (La. App. 5 Cir. 10/9/24), 2024 WL 4447831.

While married, Mr. Bajewski conveyed his undivided interest in a separate property home to himself and Mrs. Bajewski jointly by quitclaim deed signed April 19, 2007, by the Bajewskis, two witnesses and the notary. The Bajewskis divorced on March 1, 2013. Nearly one year later, Mr. Bajewski filed a petition for revocation of donation inter vivos for ingratitude, seeking, among other things, the return of his interest in the home. Mr. Bajewski later amended his petition to claim that the quitclaim deed was absolutely null because it was executed and witnessed outside the notary's presence.

When the trial finally occurred on May 1, 2023, the only outstanding issue was the validity of the quitclaim deed. The trial court rendered judgment dismissing Mr. Bajewski's claim with prejudice, finding that Mr. Bajewski failed to present clear and convincing evidence sufficient to overcome the presumption that the quitclaim deed was properly executed and notarized.

The 5th Circuit Court of Appeal affirmed the trial court's judgment, noting that Mr. Bajewski had not provided any objective evidence to support his claims or to contradict the testimony of Ms. Bajewski and the notary that the parties' signatures were properly witnessed and notarized. Further, the trial court's decision to credit the testimony of Ms. Bajewski and the notary over Mr. Bajewski and the witnesses was reasonable because the testimony was not so inconsistent or implausible that a reasonable factfinder would not credit it.

*Noel-Potier v. Potier*, 24-0194 (La. App. 3 Cir. 10/30/24), 2024 WL 4610764.

Ms. Noel-Potier appealed the trial court's judgment granting Mr. Potier's rule to show cause why his detailed descriptive list should not be deemed to constitute a judicial determination of the community assets and liabilities. The 3rd Circuit Court of Appeal affirmed the trial court's judgment, finding that Ms. Noel-Potier had no good cause for failing to timely file her detailed descriptive list. While Ms. Noel-Potier was not specifically ordered to file her detailed descriptive list within 45 days of service of Mr. Potier's petition for divorce, La. R.S. 9:2801(A)(1)(a) provides a statutory deadline. Ms. Noel-Potier did not seek clarification of the deadline, did not ensure her untimely detailed descriptive list would be filed by paying the necessary fees, and did not verify that it was filed before the hearing on Mr. Potier's rule to show cause.

—Elizabeth K. Fox

Member, LSBA Family Law Section and

LSBA Appellate Practice Section Fox Law Firm, LLC 23422 Cypress Cove Springfield, LA 70462





## U.S. International Trade Commission

Frozen Warmwater Shrimp from Ecuador, India, Indonesia and Vietnam (Nov. 19, 2024).

The U.S. International Trade Commission (ITC) voted affirmatively on Nov. 19, 2024, to impose antidumping and countervailing duties on imported shrimp from Ecuador, India, Indonesia and Vietnam. The ITC vote confirms that the domestic shrimp industry is being materially harmed by imported shrimp that is illegally dumped and/or subsidized. The U.S. Department of Commerce previously issued affirmative

determinations finding margins ranging from 2.24% to 221.82%. The four countries were responsible for more than \$5 billion worth of imported shrimp in 2023 and will now have to pay duties before their shrimp may enter the U.S. market.

#### U.S. Court of International Trade

**Ventura Coastal, LLC v. United States**, \_\_\_\_ F.Supp.3d \_\_\_\_, 2024 WL 4799469 (CIT Nov. 7, 2024).

In one of what some predict will be many cases addressing trade-agency statutory interpretations under *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), the U.S. Court of International Trade (CIT) recently rejected the U.S. Department of Commerce's (Commerce) definition of the term "partner" under the U.S. antidumping statute. The case involves a request by Ventura Coastal, LLC, to impose antidumping duties on certain lemon juice imported from Brazil. Commerce entered a negative fi-

nal determination finding, *inter alia*, that respondent Louis Dreyfous Company was not affiliated with a supplier as a "partner" for purposes of calculating dumping margins under the antidumping statute. Commerce found their relationship market-based, with arm's length transactions not relevant to its dumping calculation. Ventura Coastal appealed Commerce's final determination on the "partner" issue.

The CIT reviewed Commerce's interpretation under the direction of the U.S. Supreme Court's decision in *Loper Bright*. Accordingly, the court analyzed interpretation of the statutory term "partner" without deference to a reasonable agency interpretation. The CIT rejected Commerce's definition, finding it impermissibly restrictive, finding that the term statutory term "partner" may include not only those who jointly own things or engage in joint selling activities (as Commerce found), but also situations involving those who jointly share risk and reward. Congress enacted the statute to identify affiliate

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relationships ("partners") that impact price. Accordingly, Commerce's definition impermissibly limits the number of relationships that might impact price in the calculation of antidumping margins.

## U.S. 5th Circuit Court of Appeals

*Texas Truck Parts & Tire, Inc. v. United States*, 118 F.4th 687 (5 Cir. 2024).

The U.S. 5th Circuit Court of Appeals recently addressed the definition of "importer" under the Internal Revenue Service regulatory code. The case involved an IRS claim against tire retailer Texas Truck for approximately \$1.9 million in delinquent excise taxes related to its purchase and sale of automobile tires from several Chinese manufacturers. The Chinese companies imported the tires through their U.S.-based affiliates, which then arranged transportation of the tires to Texas Truck in Houston for retail sale. The IRS sought the payment, claiming Texas Truck was the beneficial owner of the tires.

The district court ruled that Texas Truck was not the "importer" under IRS regulations because the Chinese-affiliated companies entered the goods as the importers of record. The 5th Circuit reversed, reasoning that even though Texas Truck did not import the goods, it was the beneficial owner of the goods, making it the "importer" of the goods under the IRS regulatory scheme. The court rejected the district court's reliance on the U.S. Customs and Border Protection's definition of importer, finding only Treasury's definition applicable and relevant. Treasury's use of the phrase "any person who brings such an article into the United States ..." broadly includes nominal importers that induce the importation and derive future benefits from the good. The Chinese importers were importers in name only for purposes of the Internal Revenue Code and Texas Truck is the nominal importer that owes the excise tax.

#### —Edward T. Hayes

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



#### NLRB Plans to Prosecute Non-Competes and "Stay-or-Pay" Agreements

On Oct. 7, 2024, Jennifer A. Abruzzo, general counsel for the National Labor Relations Board (NLRB), issued Memorandum GC 25-01, "Remedying the Harmful Effects of Non-Compete and 'Stay-or-Pay' Provisions that Violate the National Labor Relations Act" (GC Memo 25-01). NLRB General Counsel Memoranda are issued to provide policy guidance to the agency's field offices,

www.nlrb.gov/guidance/memos-research.

Previously, on May 30, 2023, Abruzzo issued Memorandum GC 23-08, "Non-Compete Agreements that Violate the National Labor Relations Act," which explained "that, except in limited circumstances, the proffer, maintenance, or enforcement of non-compete provisions" limiting an employee's ability to work for a competitor is violative of the NLRA because these provisions "tend to chill employees in the exercise of Section 7 rights," including the right to "organize and act together to improve working conditions[,]" and undermine employee bargaining power in labor disputes because of the limited "ability to quit or change jobs" or work "with a local competitor to obtain better working conditions[.]" pp. 2-4.

GC Memo 25-01 builds on that position and explains that, for the same reasons, "stay-or-pay" provisions are "presumptively unlawful" under the NLRA as well. *Id.* at pp. 5. "Stay-or-pay" provisions typically require repayment to the employer if an employee leaves his/her



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position within a certain timeframe after receiving sign-on or relocation bonuses, repayment for moving expenses, or money for education or training, or ask for reimbursement for an employer directly providing training to the employee (training repayment agreement provisions, or TRAPs). Some agreements also require a departing employee to pay the employer for the employer's "business costs or losses," including the "costs of hiring and training a replacement, lost profits caused by the employment vacancy." *Id*.

#### Stay-or-Pay Provisions Must Be Narrowly Tailored

GC Memo 25-01 explains that "stay-or-pay" provisions are unlawful unless "narrowly tailored to minimize any interference with Section 7 rights." *Id.* An agreement is narrowly tailored if it "(1) is voluntarily entered into in exchange for a benefit; (2) has a reasonable and specific repayment amount; (3) has a reasonable 'stay' period; and (4) does not require repayment if the employee is terminated without cause." *Id.* at pp. 8-9.

**Voluntariness:** An agreement for a cash payment is "voluntary" if the employee has "the option between taking an up-front payment subject to a stay-or-pay or deferring receipt of the same bonus until the end of the same time period." An agreement to pay for training is "voluntary" where the training is optional, and the employee could choose to pay out-of-pocket to do that training with a third party if he or she wishes to do so. *Id.* at pp. 9-11.

Reasonable and Specific: GC Memo 25-01 explains an agreement must be reasonably limited to "no more than the cost to the employer of the benefit bestowed." Reasonableness is also assessed based on the "cost of the benefit bestowed, its value to the employee, whether the repayment amount decreases over the course of the stay period, and the employee's income." *Id.* at pp. 11-12. The amount to be repaid must be "specified up front" so that the employee knows the "exact amount of debt owed."

**Termination Without Cause:** Finally, "the provision must effectively state that the debt will not come due if the employee

is terminated without cause." GC Memo 25-01 explains that this is because this "could include termination for an unlawful reason," causing "fear of engaging in union activity and other concerted advocacy ...." *Id.* at pp. 12-13.

#### **December 2024 Deadline**

GC Memo 25-01 provides ample guidance on how to draft new stay-or-pay agreements moving forward, and Abruzzo states she "will exercise [her] prosecutorial discretion to decline to issue complaint, absent settlement" for a 60-day window from the date of memorandum's issuance to "cure any preexisting stay-or-pay provisions ... ." Further, if the only violation is that "the stay-or-pay provision was not entered into voluntarily," or the amount of the debt was not specified, the NLRB "will not issue complaint" so long as the amount is later specified. Further, Abruzzo will also "decline to prosecute any preexisting stay-or-pay arrangement if the employer cancels the debt," ends collections efforts, and notifies employees by the deadline. *Id.* at pp. 15-17.



#### Remedies

Employees with unlawful stay-or-pay agreements in place can seek the NLRB's assistance by filing an unfair-labor practice charge within 180 days of the unlawful act. The NLRB may order the employer "to rescind and replace it with a lawful provision" and "notify employees that the 'stay' obligation has been eliminated and that any debt has been nullified and will not be enforced ... ." If an employer already attempted or enforced an unlawful "stay-or-pay" and non-compete provision, the remedy is to "make employees whole for any financial harms resulting from its attempted enforcement." These makewhole remedies are expansive and include the repayment amount, lost employment opportunities, reimbursement for legal fees and costs expended to defend a claim by the employer, correction of credit ratings and other losses. *Id.* at pp. 13-15.

As the new administration transitions into the White House, there may be changes to how these types of charges are prioritized and prosecuted, and updated Memoranda may take a new approach in the future.

#### —Casey Rose Denson

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



## Revisions to Louisiana Oilfield Site Restoration Law

Revisions to the Louisiana Oilfield Site Restoration Law (La. R.S. 30:81, et seq.) were approved by the Legislature during the 2024 Third Special Legislative Session through House Bill No. 23 and are expected to become law upon approval by Gov. Landry.

The Louisiana Oilfield Site Restoration Law establishes procedures for the restoration of orphaned and unusable oilfield sites and related funding. An oilfield site may be declared "orphaned" where (1) it has no continued useful purpose for oil and gas exploration, production and development: (2) the site was not closed or maintained in accordance with law or it constitutes a danger or potential danger to public health, the environment or an oil-and-gas formation; and (3) no responsible party can be located, or such party has failed or is financially unable to restore the site. La. R.S. 30:82, 30:91. An oilfield site may be declared "unusable"

where a responsible party can be located but (1) the site has no continued useful purposes for the exploration, production or development of oil or gas; and (2) the responsible party fails to undertake site restoration. La. R.S. 30:82, 30:89. Once an oilfield site is declared orphaned or unusable, the commissioner may enter contracts and expend funds to plug and abandon wells, close pits, remove oilfield equipment and perform other site remediation and restoration. La. R.S. 30:84, 30:86, 30:89, 30:92, 30:93.

Oilfield Site Restoration Committee (OSR), consisting of 10 members, is granted authority to administer the Oilfield Site Restoration Fund and oversee site-specific trust accounts. La. R.S. 30:83. The oilfield-site restoration fees consist of (1) a fee of 1½ cents for each barrel of crude oil produced in the state if the price of oil is at or below \$60 per barrel, 3 cents per barrel if the price of oil is above \$60 and at or below \$90 per barrel,  $4\frac{1}{2}$  cents if the price of oil is above \$90 per barrel; and (2) a fee on natural gas produced in the state in the amount of 3/10 of 1 cent for each thousand cubic feet ,with special rules governing stripper wells and incapable wells. La. R.S. 30:87.

House Bill No. 23 creates a new governing body to oversee the Oilfield Site Restoration Fund and site-specific trust accounts and increases the fees for oil



and natural gas production. First, the bill replaces the OSR with a Natural Resources Trust Authority to administer funds with oversight by the State Mineral and Energy Board and perform functions traditionally afforded to the Commission. This includes setting priorities for annual site restoration, pledging revenues and securing bonds, approving contractors to conduct assessments and restoration, approving cooperative-endeavor agreements, reviewing site-restoration activities and assessments, administering and managing the fund and all site-specific trust accounts, and performing other functions authorized by law.

Second, House Bill No. 23 increases the fees under La. R.S. 30:87. For crude oil produced in the state, the fee is increased to 2 cents per barrel if the price of oil is at or below \$60, 4 cents per barrel if the price of oil is above \$60 and at or below \$90 and 6 cents per barrel if the price of oil is above \$90. For natural gas, the fee is increased to 3/10 of 1

cent per thousand cubic feet if the price of gas is at or below \$2.50 per thousand cubic feet, 4/10 of 1 cent per thousand cubic feet if the price of gas is above \$2.50 and at or below \$4.50 per thousand cubic feet, and 5/10 of 1 cent per thousand cubic feet if the price of gas is above \$4.50 per thousand cubic feet.

#### Revisions to State Property Leasing Laws

The Legislature approved House Bill No. 24 to expand the powers and authorities of the State Mineral Energy Board pursuant to La. R.S. 30:121, et seq. and revise and enact new laws related to the lease of state property for energy-related purposes.

First, House Bill No. 24 allows the State Mineral and Energy Board to lease state lands "for the development and production of minerals, oil, gas, or alternative energy sources and for the purposes set forth in R.S. 30:148.2" and

makes clear that payments to the state are a tax as opposed to rent for purposes of the bankruptcy code (11 U.S.C.A § 503).

Second, House Bill No. 24 provides that no mineral lease shall contain more than 5,000 acres, and no lease for solar-energy production shall exceed 35 acres unless the Senate and House Committees approve a larger acreage (up to 5,000 acres).

Third, the bill increases fees collected by the State Mineral and Energy Board and the Office of Mineral Resources to reflect agency costs. The mineral board may charge a \$175 fee to cover transfer/assignment costs and a \$100 fee for lease applications. Additionally, 25% of revenues collected from any operating agreement must be credited to the Mineral and Energy Operation Fund.

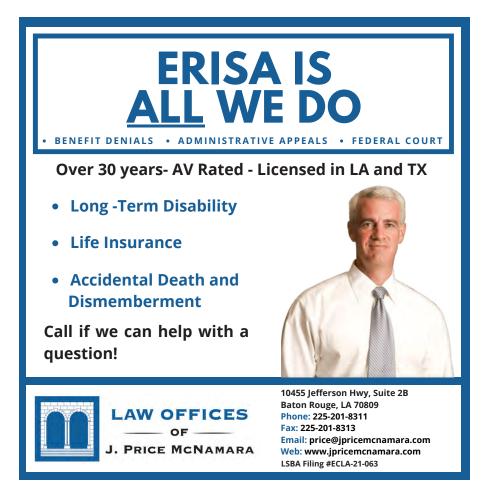
Last, House Bill No. 24 revises R.S. 30:129 to clarify that Pugh clauses are required for mineral leases (but not other leases) granted under R.S. 30:129.

#### -Keith B. Hall

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#### Informed Consent

**Lucas v. Ochsner Clinic Found.**, 24-0628 (La. App. 4 Cir. 10/10/24), \_\_\_\_ So. 3d \_\_\_\_, 2024 WL 4457155.

During intubation of aortic-reconstruction surgery, a nasal-gastric tube created a tear in the patient's esophagus. The tear was repaired, despite which blood loss and other complications led to her death.

The patient's surviving relatives sued the hospital and the anesthetist. The plaintiffs filed a motion in limine requesting that the consent form and all evidence concerning "informed consent" be excluded from evidence because they had not raised the issue of informed consent, and thus the issue was irrelevant. They also argued that, irrespective of any relevance, "the balance required by La. C.E. art. 403 demands its exclusion because of the high probability of prejudice." The defendants countered that the informed consent agreement formed a portion of the patient's certified medical records and was therefore admissible, adding that there was no risk of undue prejudice if the consent was admitted. The trial court denied the patient's motion in limine.

The appellate court noted that the issue of the admissibility of a consent form is "part of a relatively new body of law in our state," adding that there was "no broad ruling from the Louisiana Supreme Court" concerning the admissibility or exclusion of consent forms in medical malpractice cases "when informed consent is not part of the claim presented."

The court noted that under Louisiana Code of Evidence article 402, the general rule is that "all relevant evidence is admissible," but Louisiana Code of Evidence article 403 tempers that general rule. Accordingly, the court recognized that, under article 403, "relevant evidence may be excluded if its probative value is substantially outweighed by the danger of un-

fair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, or waste of time."

The court observed that in *Matranga v*. Parish Anesthesia of Jefferson, LLC, 14-0448 (La. App. 5 Cir. 5/14/15), 170 So.3d 1077, a trial court allowed the issue of informed consent to be placed before the jury. The appellate court reversed, commenting that during trial the defendants "highlighted" the dangers of the surgery "and evaluated those risks to the dangers/ risks of her intubation." The Matranga court commented that the argument "could easily lead to the conclusion that Ms. Greathouse acquiesced to her injury and subsequent death," leaving the court to conclude that the "informed consent evidence most likely caused confusion to the jury," and a defense verdict was reversed. The court noted that the "common thread" of the issue of informed consent evidence is "jury confusion."

The appellate court concluded that "[l]ogic and La. C.E. art. 403 dictate that [consent form] evidence should be excluded because its probative value is substantially outweighed by the danger of unfair prejudice[ and confusion] and often results in a waste of time." There being no evidence that informed consent was relevant to the alleged negligence, the court granted the plaintiffs' writ requesting removal of informed consent from evidence.

#### **Abandonment**

**Sylvester v. Santone**, 24-0310 (La. App. 4 Cir. 7/16/24), \_\_\_\_ So.3d \_\_\_\_, 2024 WL 3422614.

Three events in the prosecution of a claim occurred in 2019, the last of which were discovery requests to plaintiff. The plaintiff's lawyer withdrew as counsel of record in 2020. Discussions between the plaintiff and defendant concerning settlement occurred over the next two years, and on June 1, 2022, former counsel Smith emailed Ochsner stating: "[P]lease see attached supplemental IRS records for Paul Sylvester for 2013-2020," with plaintiff's tax records attached. The subject line email was "Paul Sylvester case 2019-09379."

In December 2023, Sylvester sent written discovery to Ochsner, which then filed a motion to dismiss based on abandonment. Sylvester responded to the motion, claiming that at the October 2021 meeting, Ochsner asked for supplemental responses to the 2019 discovery requests with tax records, which were provided, and which were "formal discovery and thus a step for abandonment purposes." Thus, the three-year abandonment would not have occurred until June 2025. The trial court agreed with the plaintiff's argument.

Ochsner's first argument was that the correspondence concerning the tax records was part of settlement negotiations, was informal correspondence and was an "extrajudicial effort—not formal discovery," and, moreover, the lawyer who sent the email was not enrolled as attorney of record. The plaintiff countered that the documents produced were responsive to defendant's request for production made in 2019. The appellate court opined "that the Email was a response to the informal requests" made by defendant's counsel during negotiations and did not constitute formal discovery.

Ochsner also posited that Smith was not an attorney of record when he sent the email, supporting that argument with reference to Louisiana Code of Civil Procedure article 1420(A), which provides that all discovery requests and responses are required to be signed by an attorney of record if the party is represented by an attorney. The court of appeal stated: "Generally, discovery not signed by an attorney of record cannot be formal discovery for purposes of being a step in the prosecution of the action. Such is the case here." The court concluded that it thus was "not a step for abandonment purposes pursuant to La. C.C.P. art. 596(B)." Smith's judgment was reversed.

-Robert J. David

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



#### Discounted and Complimentary Items Notice by the Louisiana Department of Revenue

The Louisiana Department of Revenue issued a sales-and-use-tax notice (Department Notice) on discounted and complimentary items provided by a casino, pari-mutuel facility or gaming establishment.

For purposes of Louisiana state sales tax, the sales price of discounted items and complimentary items provided by a casino, pari-mutuel facility or other gaming establishment as an incentive to the patrons of that casino, pari-mutuel facility or gaming establishment, and its affiliates, and those similarly situated, shall be the actual cash amount paid, if any, by the patron specifically for the discounted items and complimentary items at the time it is provided to the patron. Any "theoretical win" or casino winnings actually realized by the casino, pari-mutuel facility or gaming establishment will not be imputed as consideration given for any of the items, and no state sales or use tax is due on the complimentary items.

For purposes of the Department Notice, complimentary and discounted items include, but are not limited to, rooms, cabanas, meeting space, meals, priority services, VIP experiences, admissions to entertainment venues, audio/visual equipment, parking/valet and other like goods and services.

The Department Notice does not apply to sales or use tax levied on the purchase or use of tangible personal property by a casino, pari-mutuel facility or gaming establishment, including meals and beverages, used as a complimentary incentive or inducement, or to any other sale or use otherwise subject to Louisiana sales-and-use tax. For instance, the casino, pari-mutuel facility or gaming estab-

lishment is required to remit use tax on food purchased from its vendor using a resale certificate if that food is later provided as a discounted or complimentary meal to a patron.

—Antonio Charles Ferachi

Chair, LSBA Taxation Section
Director of Litigation-General Counsel
Louisiana Department of Revenue
617 North Third St.
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#### BTA Rules on Scope of Sales and Use Tax Manufacturing Exclusion

Kellogg Brown & Root, LLC v. Jefferson Par. Sheriff's Office, BTA Docket No. L01016 (9/30/24).

Kellogg Brown & Root, LLC (KBR) entered into a contract with Dyno Nobel Louisiana Ammonia, LLC (DNLA) for construction of an ammonia plant in Jefferson Parish. Pursuant to the contract, KBR would act as DNLA's agent to procure equipment required for the plant's construction and eventual operations. DNLA was the holder of a Manufacturer's Exemption Certificate issued by the Jefferson Parish Sheriff's Office Bureau of Revenue and Taxation (JPSO) in accordance with the exclusion for manufacturing machinery and equipment under La. R.S. 47:301(3)(i) and (13)(k). DNLA also designated KBR as its mandatary for purposes of claiming the exclusion, based on which KBR made nontaxable procurements of equipment to construct the plant.

JPSO audited both KBR and DNLA and issued proposed and/or final assessments on the basis that the exclusion did not apply. KBR and DNLA then filed petitions before the Board of Tax Appeals, and JPSO filed a petition for recovery of delinquent taxes, which were consolidated. The parties filed cross-motions for summary judgment to determine the applicability of the exclusion.

Before the Board, JPSO argued the exclusion did not apply for four reasons. First, DNLA did not qualify as a manu-

facturer during the construction of the plant since manufacturing operations had not yet commenced. The Board disagreed, ruling that such an interpretation would nullify the exclusion in "almost all applications," particularly if the purchases were made by new businesses that the exclusion was meant to attract.

Second, JPSO argued KBR could not claim the exclusion because it was not a manufacturer but a contractor. The Board rejected that argument, relying on legal principles surrounding agency as well as regulations promulgated under the salestax statute that permit a mandatary to be appointed for purposes of the exclusion.

Third, the Board considered whether the exclusion applies only to machinery/ equipment that physically touches and changes raw materials during the manufacturing process. The Board held the exclusion had no such requirement, and as long as an item has a "direct and immediate effect" on the manufacturing process, it could qualify for the exclusion.

Fourth, JSPO argued that the exclusion applied only to Jefferson Parish use tax (and not sales tax, which was at issue in this case) because the local ordinance in question provided for an exclusion from "cost price" and not "sales price." The Board noted that the ordinance seemed to use those terms interchangeably and held that the exclusion should be interpreted to apply to both sales and use tax, consistent with the sales-tax statute and consistent with sales and use tax being complementary. Any other interpretation would result in only intraparish purchases by manufacturers being taxed, which would put Jefferson Parish businesses at a competitive disadvantage.

Based on the above findings, the BTA partly granted KBR's motion for summary judgment, leaving certain genuine disputes of material fact regarding whether specific items qualified for the exclusion to be determined at trial.

—Jaye A. Calhoun and
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CHAIR'S MESSAGE... SPOTLIGHT

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

## Embracing Technology in Legal Practice

By Kristen D. Amond

he legal profession is not what it used to be—and that's a good thing. For young lawyers, these changes bring opportunities to redefine success. Technology, once viewed with skepticism in traditional legal circles, now empowers lawyers to reclaim time, adapt to challenges, and pursue professional fulfillment on their terms.



#### **Embracing the Shift**

The legal field has long been steeped in tradition. But technology is reshaping how lawyers approach their work. This transformation isn't just about efficiency; it's about evolving with the profession and the world around us. By adopting tech tools, lawyers can reduce administrative burdens, focus on strategy, and find time for personal growth.

#### **Finding Time to Focus on What Matters**

Technology offers lawyers something invaluable: time. By automating repetitive tasks, streamlining workflows, and enhancing communication, lawyers can focus on building meaningful client relationships, solving complex legal problems, or simply recharging.

These tools optimize efficiency, benefiting both lawyers and clients:

- ▶ Document automation platforms like Lawyaw and HotDocs cut drafting time, ensuring accuracy and faster turnaround.
- ► Case management software like Clio and PracticePanther track time, check conflicts, organize matters, and promote transparency with clients.
- ▶ Tools like ChatGPT and CoCounsel act as brainstorming partners, enabling lawyers to focus on refining ideas rather than starting from scratch. Lawyers can use them to create high-level outlines for complex matters and generate creative ideas for legal arguments or strategies.

- ► Writing tools like BriefCatch enhance clarity, conciseness, and persuasiveness in briefs and memos.
- ▶ Bill4Time simplifies time tracking and billing, ensuring accurate invoicing and communication.
- ► TrialPad is an iPad-based trial presentation tool for organizing and displaying case files.
- ► Task management apps like ToDoist help lawyers stay on top of deadlines and workloads.

#### **Adapting to Client Expectations**

As the legal profession evolves, so do client expectations. Today's clients demand transparency, accessibility, and efficiency. They want lawyers who communicate clearly, deliver value, and meet them where they are—whether through online portals, virtual consultations, or online payment options. Technology also allows lawyers to expand their client base across jurisdictions.

#### **Building a Future-Proof Practice**

The rapid pace of change in the legal profession demands adaptability and foresight. Here's how young lawyers can build durability and adaptability:

- ▶ Digital Transformation. Integrating technology into legal workflows requires planning. Embedding tools into your practice culture ensures efficiency and competitiveness.
- ► Collaborating Across Jurisdictions. Tools like Zoom and Microsoft Teams enable seamless collaboration across state lines and internationally, expanding reach and opportunities.
- ▶ Reskilling for Emerging Areas. Explore areas like data privacy law, technology compliance, and blockchain-related issues.
- ► Exploring Non-Traditional Paths. Specializing in legal technology allows lawyers to innovate within firms, consult for startups, or launch ventures.

Technology is a tool, not an end. Its value lies in enabling lawyers to streamline workflows, reflect, recharge, and realign their careers with personal values.

#### YOUNG LAWYERS SPOTLIGHT

#### Christina D. Moore Monroe

The Louisiana State Bar Association's Young Lawyers Division Council is spotlighting Monroe attorney Christina D. Moore.

Moore was born and raised in Vidalia, Louisiana, where she lived until she graduated from Vidalia High School in May 2012, at which time she relocated to Monroe to attend the University of Louisiana at Monroe. She graduated from there with a BA and MA in criminal justice. In 2018, she relocated to Baton Rouge to attend Southern University Law Center,

where she received her JD, magna cum laude, in May 2022. Thereafter, she served as a trademark attorney with the United States Patent and Trademark Office (USPTO).



Currently, Moore is an attorney in the law office of J. Garland Smith & Associates in Monroe, where she practices family law, immigration, personal injury, and probate/succession. Her goal is to open her own thriving law firm and, later in life, become a wellrespected and fair judge in her community.

Moore is an active volunteer with the Northeast Louisiana Bar Foundation, where she faithfully participates in Ask-A-Lawyer events, and she is a member of the LSBA Young Lawyers Division Wills for Heroes Committee. Her favorite thing about being an attorney is the interactions with clients. Moore is able to connect with her clients through her compassionate and warm spirit. She loves educating her clients about the legal system and helping them transform their lives for the better.

#### YLD Chair continued from page 372

#### Leading the Way with Technology

As the legal profession evolves, young lawyers have an opportunity to lead by embracing technology with intention. We can shape a future where success reflects balance, growth, and impact.

The LSBA YLD Council leverages technology to ensure that programming and resources reach lawyers statewide at low or no cost. For example, this year's Barristers for Boards program provided a statewide virtual CLE to pair young lawyers with nonprofits for board service. Our virtual Professional Development Seminar offers an affordable way for lawyers to finalize their CLE credits at the end of the year. Our Wills for Heroes program uses software tailored to Louisiana law, enabling attorney volunteers to easily provide wills for first responders around the state. At last year's Louisiana Young Lawyers Conference, we hosted a presentation on AI and the law.

Stay tuned for more CLEs on emerging topics. Together, let's use these tools to create meaningful, values-driven careers.





By Trina S. Vincent, Louisiana Supreme Court

JUDGES... RETIREMENT... APPOINTMENTS

#### **Associate Justice**

Louisiana 1st
Circuit Court of
Appeal Chief Judge
John Michael
Guidry was elected
as an associate justice of the Louisiana
Supreme Court,
2nd Supreme Court



District, effective Jan. 1, 2025. He is the fourth African-American justice elected to the Louisiana Supreme Court in its over 211-year history. He earned his bachelor's degree from Louisiana State University in 1983 and his JD degree, cum laude, from Southern University Law Center in 1987. Before his judicial career, he served as a legislative assistant and assistant clerk of the Louisiana House of Representatives and as an assistant parish attorney for the City of Baton Rouge and East Baton Rouge Parish. He served as commissioner on the Greater Baton Rouge Port Commission and the Greater Baton Rouge Metropolitan Airport Commission. Since 1988, he has been an adjunct professor at Southern University Law Center and taught at the Southern University Nelson Mandela School of Public Policy. He was elected to the Louisiana House of Representatives in 1991 and subsequently to the Louisiana State Senate in 1993. He was elected as a judge of the 1st Circuit Court of Appeal in 1997 and, in 2023, became the 15th chief judge and the first African-American chief judge in the court's 144-year history. He is a member of the Louis A. Martinet Legal Society, Inc.; the Baton Rouge, Louisiana, National and American Bar Associations; the American Judges Association; the

Louisiana Conference of Court of Appeal Judges; and the Louisiana Judicial Council of the National Bar Association. He served as the Louisiana Conference of Court of Appeal Judges' representative to the Louisiana Judicial Council in 2009 and 2012. He was twice appointed to the governing body of the Louisiana Judicial College. He served as president of the Louisiana Judicial College Board of Governors in 2014. He is a member of the Louisiana Domestic Violence Judicial Curriculum Advisory Committee and a contributor to the Baton Rouge Bar Association Pro Bono Committee. In 2024, he was appointed chair of the Louisiana Supreme Court Technology Commission. Justice Guidry is married to Carol Fowler Guidry and they are the parents of two children.

#### **Circuit Court Judges**

21st Judicial District Juvenile Chief Court Blair Judge D. **Edwards** was elected Louisiana 1st Circuit Court of Appeal judge, 3rd District, Division A,



effective Jan. 2, 2025. She earned her bachelor's degree from Nicholls State University in 1989 and her JD degree from Loyola University College of Law in 1999. She previously served as the executive director of the Ginger Ford Habitat for Humanity and was a board member of the Richard Murphy Hospice Foundation. She was a member and board chair for the Tangipahoa Parish United Way and served on the board of directors for Southeast Louisiana Legal Services, OPTIONS and the Hammond

Chamber of Commerce. Judge Edwards served on the 21st Judicial District Court from 2009 until her election to the 1st Circuit Court of Appeal. She is the first 21st Judicial District Juvenile Court judge.

19th Judicial
District Court
Judge Kelly E.
Balfour was elected
Louisiana 1st Circuit
Court of Appeal
judge, 2nd District,
Division C, effective Jan. 1, 2025.



He earned his bachelor's degree from Louisiana State University in 1995 and his JD degree from LSU Paul M. Hebert Law Center in 2001. He worked at the Louisiana Legislature and then spent nearly 20 years in general trial practice. He served in the Louisiana State Bar Association's (LSBA) House of Delegates and on the Nominating Committee. He has served on the board of directors of the Baton Rouge Bar Association. In 2008, he received the LSBA's Michaelle Pitard Wynne Professionalism Award. In 2019, he was elected, without opposition, as a 19th Judicial District Court judge. He was a legislative liaison and board secretary for the Louisiana District Judges Association. He works as an assistant grader for the Louisiana Bar Exam and is a guest lecturer at the LSU Law Center and the Louisiana Judicial College. Judge Balfour served as the deputy chief judge of the Civil Section of the 19th JDC and was the deputy presiding judge for the Recovery Court (formerly Drug Court) and the newly established Complex Litigation Section within the 19th JDC. He is married to Berry Balfour and they are the parents of three children.

1st City Court Judge Monique G. Morial was elected Louisiana 4th Circuit Court of Appeal judge, 1st Division District. E, effective Jan. 1, 2025. She earned her bachelor's degree



from Emory University in 1992 and her JD degree from Tulane University Law School in 1995. She worked as a law clerk at the Louisiana 4th Circuit Court of Appeal and the Orleans Parish Civil District Court. In 2003, she established the Law Office of Monique G. Morial, where she actively practiced civil litigation. In 2007, she joined the firm of Usry Weeks & Matthews. From 1998-2010, she served as the attorney for the 1st City Court Clerk's Office. In 2011, she began her term as a judge of the 1st City Court. Judge Morial has been a member of the Sugar Bowl since 1999 and served on the boards of CASA New Orleans and the Urban League of Greater New Orleans. She has served as secretary and vice chair of the New Orleans Bar Association's Young Lawyers Section.

#### Retirement

Louisiana Supreme Court Associate Justice Scott J. Crichton retired, effective Dec. 31, 2024. He earned his bachelor's degree from Louisiana State University in 1976 and his JD degree from LSU Paul M. Hebert Law Center in 1980. In the 1980s, he served as a Caddo Parish assistant district attorney and maintained a private civil practice in Shreveport. From 1991-2014, he presided over more than 25,000 cases as a judge on the 1st Judicial District Court. In 2015, he was elected as an associate justice of the Louisiana Supreme Court, serving until his retirement. Justice Crichton chaired the Louisiana Judicial College and the Louisiana Supreme Court's Executive Management Committee. He served as the Court's designee to the Louisiana Sheriffs' Executive Management Institute Board and on the Judges Imparting Knowledge, Education and Skills Task

Force. He is a former president of the Louisiana District Judges Association. He taught more than 200 CLE hours to lawyers and judges and, in recognition of this work, the Louisiana Judicial College Board of Governors honored him with its 2024 President's Award. From 2018-22, he was an adjunct faculty member at Tulane Law School, teaching an advanced legal ethics course and advanced appellate advocacy. He also spent several years on the faculty for the LSU Law Center Trial Advocacy Program. He has demonstrated a commitment to ensuring civic legal education by creating a program to teach basic concepts of criminal law and the real-life consequences of violating the law to high school students. This program, "Crime, Consequences and the Power of Choice," is shared with the state's judges and lawyers in order for them to present high-quality educational material to their own communities. Justice Crichton is married to Susie Simonton Crichton and they have two sons.

#### **Appointments**

- ▶ R. Alan Breithaupt was reappointed, by order of the Louisiana Supreme Court, to the Louisiana Attorney Disciplinary Board for a term of office which began Jan. 1, 2025, and will end on Dec. 31, 2027.
- ► Todd S. Clemons was reappointed, by order of the Louisiana Supreme Court, to the Louisiana Attorney Disciplinary Board for a term of office which began on Jan. 1, 2025, and will end on Dec. 31, 2027.
- ► Aldric C. Poirier, Jr. was reappointed, by order of the Louisiana Supreme Court, to the Louisiana Attorney Disciplinary Board for a term of office which began on Jan. 1, 2025, and will end on Dec. 31, 2027.
- ▶ Judge Cynthia Clay Guillory was appointed, by order of the Louisiana Supreme Court, to the Mandatory Continuing Legal Education Committee for a term of office which began on Jan. 1, 2025, and will end on Dec. 31, 2027.

#### **Deaths**

- ► Lafayette City Court Judge Jules D. Edwards III, 66, died Oct. 15, 2024. He earned his bachelor's degree from Loyola University in 1981 and his JD degree from Loyola University New Orleans College of Law in 1984. He earned a master's degree from Louisiana State University in 1994 and a master's degree from the U.S. Army War College in 2005. He enlisted in the U.S. Marine Corps Reserve in 1977 and served in the Louisiana Army National Guard until 2007. He served in the Infantry, Artillery and Judge Advocate General's Corps and served as the 256th Infantry Brigade's Inspector General and the State Judge Advocate. In 2007, he retired as colonel of the Louisiana National Guard and was recognized as the best Staff Judge Advocate in the United States. He served as an indigent defender attorney, assistant district attorney and counsel to the Louisiana Senate's Select Committee on Crime and Drugs. He worked as a partner at the Edwards and Edwards Law Offices. He was elected 15th Judicial District Court judge in 1993 and was appointed chief judge in 2001. He was a Drug Court judge and was appointed by the Louisiana Supreme Court as a judgemember of the Judiciary Commission. In 2020, he retired from the 15th JDC bench. In 2023, Judge Edwards returned to the judiciary when he was elected to serve as Lafayette City Court judge.
- ► Retired 22nd Judicial District Court Judge Larry John Green, 88, died Oct. 10, 2024. He earned his bachelor's degree from Louisiana State University in 1958 and his JD degree from Tulane University Law School in 1964. He was a second lieutenant in the U.S. Army and served in the Army Reserve and as a captain in the Judge Advocate General Corps until 1968. He worked in private practice for more than 28 years and helped to organize and implement the family mediation section in the 22nd Judicial District Court. In 1992, he was elected to the 22nd Judicial District Court and was a member and former president of the Covington Bar Association and the St. Tammany Bar Association. He served on the board of Court Appointed Special Advocates (CASA). Judge Green retired in 2008.

## PEOPLE

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

## LAWYERS ON THE MOVE

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, announces that Sophia R. Cefolia, J. William (Will) Groves and Alexis A. Smith have joined the New Orleans office as associates.

Breazeale, Sachse & Wilson, LLP, announces that Adam P. Guarisco, Robert S. (Rob) Hinyub III, John E. Shaw, Jr. and Charles C. (Chris) Szeszycki have joined the Baton Rouge office as associates.

Christovich & Kearney, LLP, in New Orleans announces that **Christy L. McMannen** has been elected to the Management Committee.

Fishman Haygood, LLP, announces that H.S. (Tad) Bartlett III has been named a partner in the firm's New Orleans office, and Virginia M. Hamrick has joined the firm's New Orleans office as an associate.



Adam P. Guarisco

Richard J. Arsenault



John E. Shaw, Jr.

Also, Megan A. Broussard has joined the firm's Baton Rouge office as an associate.

Patton Law Firm, LLC, in Baton Rouge announces that **P. Dean Jolly** has joined the firm as an associate.

Simon, Peragine, Smith & Redfearn, LLP, in New Orleans announces that **Ruth Ann Reeves** has joined the firm as an associate.

The Law Firm of Staines, Eppling & Kenney, LLC, in Metairie announces that **Evan D. Young** has joined the firm as an associate.

#### **NEWSMAKERS**

Richard J. Arsenault, a partner in the Alexandria firm of Neblett, Beard & Arsenault, recently spoke at a Mass Tort Conference in Las Vegas on "Evaluating Mass Tort Projects" and moderated a panel on "The Role of the Judiciary." He was nominated for membership to the



Robert S. Hinyub III P. Dean Jolly



Evan D. Young

Lawyers of Distinction and selected as a 2024 Top 10 Louisiana High Verdict Law Attorney.

Blake R. David, senior partner at Broussard, David & Moroux, LLC, in Lafayette, was named to the Community Foundation of Acadiana's board of directors

Jeff R. Tillery, a partner in the New Orleans office of Jones Walker LLP, has become a Fellow of the American College of Trial Lawyers.

#### **PUBLICATIONS**

New Orleans CityBusiness 2024
McGlinchey Stafford, PLLC (New Orleans): Magdalen Blessey Bickford, 2024 "Women of the Year" Award.

**Biz New Orleans Magazine Fishman Haygood, LLP** (New Orleans):
Sharonda R. Williams, 2025 edition of the New Orleans 500.



Christy L. McMannen



Ruth Ann Reeves

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Charles C. Szeszycki

## UPCOMING LSBA CLE OPPORTUNITIES



# SAVE

## T H E

## D A T F

2025

#### **Dazzling Disney**

March 3-5, 2025 Disney's Grand Floridian

#### **Seven Points Seminars**

March & May 2025 Covington • Baton Rouge • Houma • Lafayette • New Orleans • Shreveport • West Monroe

#### **Social Security/Disability**

March 21, 2025 Sheraton New Orleans Hotel

#### **Back to Basics**

March 28, 2025 Hyatt Centric French Quarter Hotel

### **Louisiana Young Lawyers Conference BARchella: Finding Your Rhythm**

April 11, 2025 New Orleans Marriott WAD Hotel

#### 17<sup>th</sup> Annual White Collar Crime Symposium

April 11, 2025 Hyatt Centric French Quarter Hotel

## **Decoding Deceit: Unmasking AI-Infused Scams in the Legal Landscape**

April 29, 2025 New Orleans Marriott WAD Hotel

#### **CLE during Jazz Fest**

April 25, 2025 New Orleans Marriott WAD Hotel

#### 65th Bridging the Gap

May 6 & 7, 2025

#### **Hanging Out Your Shingle Webinar**

May 8, 2025

#### **Summer School/Annual Meeting**

June 1-6, 2025 Sandestin Golf & Beach Resort Sandestin, FL

#### Ethics & Professionalism – Summer Rerun

June 13, 2025 New Orleans Marriott WAD Hotel

## 17th Annual Conclave on Diversity in the Legal Profession

Friday, August 8, 2025 Four Seasons New Orleans

## WWW.LSBA.ORG/CLE

## **NEWS**

#### **UPDATE**

## Portrait of Justice Blanchard Donated to Louisiana Supreme Court

A portrait of Louisiana Supreme Court Associate Justice Newton Crain Blanchard, who served on the Court from 1897-1904, has been donated to the Louisiana Supreme Court. The portrait will be on display at the Pascal F. Calogero, Jr. Courthouse on Royal Street in New Orleans.

Louisiana Supreme Court Associate Justice Jay B. McCallum accepted the portrait from heirs of Justice Blanchard, who recently acquired it from the estate of a Shreveport oilman and antiques collector. The Supreme Court did not previously have an official portrait of Justice Blanchard, making this a significant addition to the Court's archives and gallery.

The presentation was Nov. 25, 2024, in the courtroom of the Louisiana 2nd Circuit Court of Appeal. Robin N. Jones, the 2nd Circuit's clerk/judicial administrator, helped facilitate the donation.

Justice Blanchard was born in 1849 in Boyce (Rapides Parish). He attended Louisiana State Seminary of Learning (precursor to LSU) and the University of Louisiana (precursor to Tulane) law school. He earned his law degree in 1870 and began practicing in Shreveport. In 1880, he was elected to the U.S. House of Representatives. In 1893, he was appointed to the U.S. Senate. He was appointed associate justice of the Louisiana Supreme Court in 1897 and served until resigning to run for governor in 1904. He won that election and served as the



A portrait of Louisiana Supreme Court Associate Justice Newton Crain Blanchard, who served on the Court from 1897-1904, has been donated to the Louisiana Supreme Court. Louisiana Supreme Court Associate Justice Jay B. McCallum, right, accepted the portrait from heirs of Justice Blanchard. Descendants in attendance included Henry Jones, Robin Jones, Mary Ann Selber, Will Blanchard, Zama Dexter, Dan Jones, Arthur Jenkins, Amanda Aghdami and Anne Jenkins.

state's 33rd governor. During his single term, he spearheaded legislation to make most state and local offices elective instead of appointive, including Supreme Court associate justices. After completing his term as governor, he returned to Shreveport and became a founder of Blanchard Walker O'Quin & Roberts, which remains one of Shreveport's premier law firms. Later, he was elected

to the 1913 Constitutional Convention and served as its president. He died in Shreveport in 1922.

The donors of the portrait were Zama Blanchard Dexter, William Blanchard and Mary Anne Blanchard Selber, grandchildren of Justice Blanchard's nephew Francis Blanchard.

## Justice Guidry Chairing La. Supreme Court Technology Commission

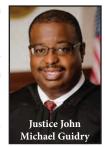
Louisiana Supreme Court Justice John Michael Guidry has been appointed as chair of the Louisiana Supreme Court Technology Commission. This standing commission, which consists of judges from all levels of the state judiciary, is tasked with identifying technology needs, establishing goals for implementation, devising best practices, and suggesting necessary rule changes and steps toward implementing articulated technology goals for the judiciary.

Also appointed to the Commission (for terms of service which began in September 2024 and will end on Sept. 9, 2026) are:

- ▶ Representing Louisiana Courts of Appeal: Judge Wilbur L. Stiles III, 3rd Circuit Court of Appeal; and Judge Karen K. Herman, 4th Circuit Court of Appeal.
- ▶ Representing Louisiana District Courts: Judge (Ret.) John LeBlanc, 17th JDC; Judge Nghana Lewis, 40th JDC; Judge Suzanne M. deMahy, 16th JDC; Judge Ellen M. Hazeur, Orleans Parish Civil District Court; Judge Laurie A. Hulin, 15th JDC; and Judge Cody M. Martin, 23rd JDC.
- ► Representing Louisiana Juvenile Courts: Judge Amanda L. Calogero, Jefferson Juvenile Court.
- ► Representing Louisiana Family Courts: Judge Pamela J. Baker,

East Baton Rouge Family Court.

► Representing
Louisiana City
Courts: Judge
Douglas J. Saloom,
Lafayette City Court;
and Judge Shaunn
Caillier-Harden,
Opelousas City Court.



► Representing Louisiana Justices of the Peace: JP Beau Bowman, St. Bernard Parish, District C.

The Louisiana Supreme Court Technology Commission has advanced Louisiana through innovation in the courts. Recently, the Commission was instrumental in the passing of HB 969/ Act 463 of the 2024 Regular Legislative Session, which sets forth provisions for holding remote proceedings and allows the court to require in-person attendance in certain circumstances. Based on the passage of this provision, the Technology Commission is working on a publication setting forth guidelines for Preferred Remote Proceedings. Additionally, the Commission is working on finalizing for judges "Guidelines for Usage of Generative AI." This manual aims to develop guidelines for the permissive uses of GenAI and encourages continued training of judges on its uses and pitfalls.

#### CLE at Bar Center



The Louisiana State Bar Association's Legal Services for Persons with Disabilities Committee hosted its annual Disability Law Training Series on Dec. 13, 2024, at the Louisiana Bar Center in New Orleans. This training was open to all Bar members, regardless of their experience level or familiarity with disability law. Topics included updates in special education law, interdiction and less restrictive alternatives, and a professionalism hour on working with neurodivergent clients. This series was designed to ensure that all attorneys are well-equipped to serve the public and fulfill the duties of the profession.

## Criminal Justice Stakeholders Collaborate on Sharing Information

With the efforts of Louisiana Department of Public Safety & Corrections (DPS&C) Secretary James M. LeBlanc and his staff, Louisiana Supreme Court Chief Justice John L. Weimer circulated to every Louisiana state judge with jurisdiction in criminal cases a "bench book" to use as a resource in sentencing decisions.

"Because most incarcerated offenders will eventually be released, sentencing requirements during incarceration should be tailored — as much as possible — to reducing the likelihood of committing crimes after incarceration. The safety of our citizens requires this, and incarcerated offenders who can learn strategies to rid themselves of drug addiction or who develop new job skills are key groups who stand to benefit by later transforming themselves into productive members of society," Chief Justice Weimer said.

The Louisiana Supreme Court partnered with the DPS&C, the Louisiana District Attorneys Association, the Louisiana Public Defender Board and other stakeholders in the criminal justice system to promulgate information on services offered by DPS&C to eligible incarcerated individuals designed to assist in their reentry into society after incarceration. These services include substance abuse treatment programs, reentry court programs, transitional work programs and Young Adult Programs.

In addition to Chief Justice Weimer and Secretary LeBlanc, participating in this collaborative effort were 22nd JDC Judge William H. Burris, chair of the Louisiana District Judges Association/Department of Corrections Liaison Committee and several committee members; Loren M. Lampert, past executive director, Louisiana District Attorneys Association (and now a judge); and Louisiana Public Defender Rémy V. Starns.

A copy of the bench book can be found on the website of the Department of Public Safety and Corrections.

### LBF's 39th Annual Fellows Gala Set for April 11

By G. Adam Cossey and Brooke Tigchelaar Gala Co-Chairs

The Louisiana Bar Foundation's (LBF) 39th Annual Fellows Gala is Friday, April 11, 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 LBF has a room block at the Hilton New Orleans Riverside. Email gala@raisingthebar.org to book a room.

Become a sponsor of the gala. To be included in the gala invitation, purchase sponsorships by Friday, Feb. 14. All sponsorships received thereafter will be recognized at the gala. Sponsorships are available at several levels. To review levels, sponsor or purchase tickets, go to: https://us.givergy.com/LouisianaBar Foundation/?controller=tickets.

The LBF recognizes the 2025 Gala

Committee: LBF President Hon. John C. Davidson (Ret.), Travis Alexander Beaton, Magdalen Blessey Bickford, Charles (Chuck) Bourque, Gabrielle C. Broders, Kordell Caldwell, Michael G. Calogero, Clerc H. Cooper, Edmund J. Giering IV, W. Brett Mason, John F. Olinde, Diedre Deculus Robert and Sharonda R. Williams.

For more gala information, go to: https://us.givergy.com/Louisiana BarFoundation/?controller=home. Or call or email (504)561-1046 or gala@raisingthebar.org.

#### Judge Schlegel Serving on Joint Technology Committee

Louisiana 5th Circuit Court of Appeal Judge Scott U. Schlegel was appointed by National Center for State Courts President Mary McQueen to serve on the Conference of State Court Administrators, the National Association for Court Management and the National Center for State Courts Joint Technology Committee for a three-year term ending on July 31, 2027.

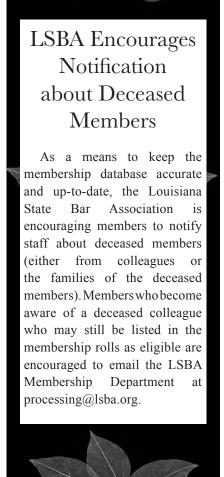
The Joint Technology Committee was established to develop and promote technology standards for the courts, improve court processes and business practices, ensure adequate education and training for court leaders in technology, and collaborate with the justice community and other stakeholders.

Judge Schlegel was elected to the Louisiana 5th Circuit Court of Appeal in 2023, after serving for 10 years as a Louisiana 24th Judicial District Court judge. He was appointed by American Bar Association President William R. Bay to the Advisory Council of the ABA Task Force on Law and Artificial



Joint Technology Committee Appointee Louisiana Fifth Circuit Court of Appeal Judge Scott U. Schlegel at the U.S. Supreme Court being recognized as a former NCSC William H. Rehnquist Award for Judicial Excellence recipient.

Intelligence. In 2021, he was the first Louisianian to receive the National Center for State Courts' 26th Annual William H. Rehnquist Award for Judicial Excellence.



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

#### Do the Best You Can Until You Know Better: My Access to Justice Awareness Journey

By Judge (Ret.) John C. Davidson, 2024-25 LBF President

joined the Louisiana Bar Foundation in 1999, initially believing that my free legal work was sufficient. My understanding of the critical need for civil legal aid among impoverished populations deepened after my election to the district court bench in 2004. Before then, my time was devoted to family, building my legal practice, and coaching sports, particularly soccer.

However, as a judge, I often encountered individuals unable to afford legal representation, struggling to navigate their cases alone. Public defenders, legal service attorneys, and pro bono lawyers worked tirelessly to address these challenges. My involvement with drug court revealed how clients often faced legal issues – housing, employment, child custody – while battling addiction, frequently unaware of their legal needs. My time on the juvenile docket further highlighted poverty as a recurring factor in cases ranging from child removals to truancy and criminal matters.

In 2019, I helped launch My Community Cares in Louisiana, a pilot project by the Pelican Center and the Department of Child and Family Services aimed at improving child welfare outcomes. Focused on high-removal areas, the initiative mobilized community activists to support at-risk families, working to prevent removals and keep families intact. This direct engagement with vulnerable populations reinforced my awareness of systemic challenges.

Although I had been a Bar Foundation Fellow for many years, I initially underestimated its impact. That changed when Judge Jules Edwards appointed me to join the executive board. Through this role, I saw firsthand how the foundation's efforts aligned with the needs I encountered in court, particularly in addressing access to justice. Serving on the board provided me with insights into the vast, unmet de-



mand for civil legal aid in Louisiana.

While legal representation is guaranteed in criminal cases, no such right exists in civil matters. Civil legal aid is crucial for addressing challenges such as housing, custody, and domestic violence. Louisiana's sobering poverty statistics – 2nd highest overall, 3rd in child poverty, and 3rd lowest in median income – emphasize the urgency. Many families are one paycheck away from homelessness, as evidenced by cases where divorce plunges individuals into poverty, even with child support.

Public service, whether through legal aid organizations, pro bono work, or other avenues, is essential for our communities and state. Justice cannot truly exist if access is denied. We must actively support public service efforts, engage with bar associations and foundations,

"Do the best you can until you know better. Then when you know better, do better."

- Maya Angelou

and participate in shaping the conversation about improving access to justice. By fostering statewide and national connections, we can drive meaningful change. Additionally, collaboration with agencies and nonprofits is vital to addressing the broader, nonlegal needs of our citizens, ensuring they receive the comprehensive support they deserve.

As I come to the end of my presidency, I am proud to be an LBF Fellow and proud of our mission to ensure access to justice remains paramount. Together, we can continue to make a significant impact in the lives of those in need. Join LBF and continue your access to justice awareness journey at www.raisingthebar.org.

## LBF Annual Fellows Membership Meeting Set for April 11

The Louisiana Bar Foundation's (LBF) Annual Fellows Membership Meeting is Friday, April 11, at the Four Seasons Hotel New Orleans. This luncheon meeting is an opportunity for Fellows to be updated on LBF activities and elect new board members. The President's Award will be presented, and recognition will be given to the 2024 Distinguished Honorees and the Calogero Justice Award recipient.

All LBF Fellows in good standing will receive an official meeting notice with the Board slate in early March. For more information, call the LBF at (504)561-1046.



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

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#### DEADLINE

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

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

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Assistant district attorney, Civil Division in the 22nd Judicial District, Mandeville, LA. This position is responsible for providing legal counsel on all civil legal matters assigned, including advising St. Tammany Parish Government, Parish code enforcement cases, litigation and appeals. Minimum five years' experience as a licensed attorney. Prior government experience a plus. For further details, click link: https://recruiting.paylocity.com/recruiting/ jobs/List/5750/District-Attorney-Office. website: go to the https://collinsimsda.org.

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Brief writing/legal research. Columbia Law School graduate; former U.S. 5th Circuit staff attorney; former U.S. District Court, Western District of Louisiana, law clerk; more than 20 years of legal experience; available for brief writing and legal research; references and résumé available on request. Appellate Practice specialist, certified by the Louisiana Board

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#### **NOTICE**

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

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

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Participating in an LAJ practice section and its list server is like adding a team of experienced lawyers to your firm. And joining an LAJ regional committee gives you the opportunity to work with others in your area in pursuit of like-minded goals.

In addition to sharing pertinent information through practice section participation, members can broaden their knowledge by reading articles in the association's monthly magazine and attending the association's outstanding CLE programs at a discounted rate.

Events like LAJ's always popular Annual Convention, Fall Conference and membership luncheons around the state provide additional opportunities to build relationships with colleagues.

In today's world, everybody expects value, which is exactly what LAJ brings to your practice. LAJ's annual dues for lawyers start at just \$95 and monthly payment plans are available. To join, contact us at 225-383-5554 or visit www.lafj.org.







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\*Guaranteed issue requires that the LSBA member is actively at work and has not been previously declined coverage by the carrier.











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