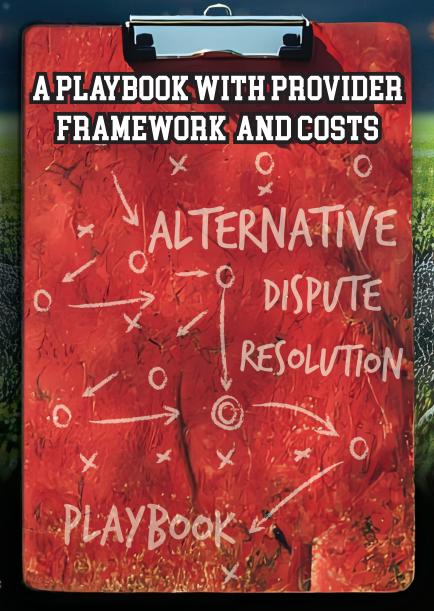
# JOUISIANA BAR JOURNAL

October / November 2025

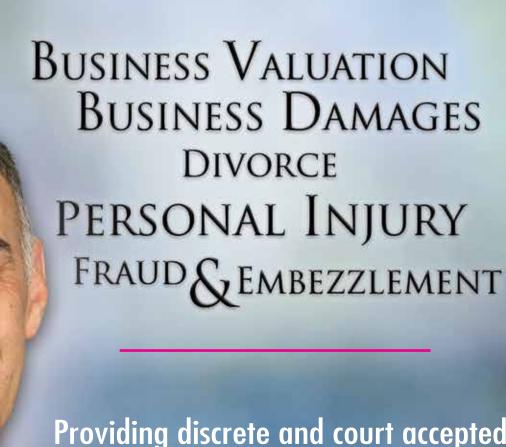
Volume 73, Number 3

# CONSUMER MEDIATION FOR LOUISIANIA PRACTITIONERS:



Also Inside:

- · Where There's a Will, There's a Better Way: Louisiana Adopts New Legislation on Will Making
- Book Review: A Bayou Bar: The Louisiana State Bar Association, 1804-1941
- 2025 LSBA ADR Directory supplement... and much more!



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#### Deadline: November 14, 2025

Nominations are open for the Louisiana State Bar Association's Young Lawyers Division (YLD) awards. To be eligible for consideration, individual nominees must be current members of the YLD (attorneys who had not yet reached the age of 40 or who had been admitted to the practice of

law for fewer than five years as of July 1, 2025) and who are in good standing. Prior winners of an individual award (Top 40 – now Top Young Lawyers, Outstanding Young Lawyer – now Young Lawyer of the Year, Pro Bono, Professionalism) are not eligible to be considered for that award

again. Prior finalists of individual awards are eligible to be nominated again.

The YLD Council selects award winners from recommendations made by a committee of young lawyers appointed from throughout the state.

#### 

- ▶ Top Young Lawyers Awards & Young Lawyer of the Year. The Top Young Lawyers Awards, previously the Top 40 Award, is given to the state's top young lawyers. One lawyer will be recognized as the Young Lawyer of the Year, previously the Outstanding Young Lawyer Award. The Young Lawyer of the Year will be chosen from the applications for the Top Young Lawyers Awards and Young Lawyer of the Year. (Top Young Lawyers Awards applicants will automatically be considered for Young Lawyer of the Year and do not need to separately apply.) In making award determinations, the YLD will consider the nominee's professional accomplishments; the nominee's exceptional contributions to the community, bar associations and the legal profession; the nominee's leadership; and the nominee's display of character, professionalism and ethics. Previous recipients of the Top 40 and Outstanding Young Lawyer Award are not eligible to receive the Top Young Lawyers and Young Lawyer of the Year, respectively.
- ▶ Hon. Michaelle Pitard Wynne Professionalism Award. This award is given to a young lawyer for commitment and dedication to upholding the quality and integrity of the legal profession and consideration towards peers and the general public. The YLD will consider the nominee's commitment to promoting respect for the legal system and profession by exhibiting the highest standards of competence, integrity, civility and ethics as well as a dedication to enhancing professionalism among lawyers.
- ▶ YLD Pro Bono Award. This award is given to a young lawyer for commitment and dedication to providing pro bono services in the community or the state beyond the nominee's primary job requirements. The YLD will consider the nominee's total number of pro bono hours per year; the impact of the nominee's pro bono work; and the nominee's ongoing contributions that have resulted in the increased access to legal services for Louisiana citizens.
- ▶ Outstanding Local Affiliate. This award is given to a local affiliate organization that has impacted the lives of young lawyers in an outstanding way. The YLD considers the organization's service to the public; the organization's service to the legal profession; the success of the organization's initiatives that serve the public and the profession; any challenges that the organization overcame; the organization's creative use of resources; the organization's efforts to involve young lawyers in programming and services; and the organization's commitment to inclusiveness and equity.
- ▶ Program of the Year. This award is given to an organization (bar association, firm or other entity) that has implemented an outstanding program or service that serves the public or the profession, enhances the lives of young lawyers, or was primarily planned by young lawyers. The YLD considers how the organization involves young lawyers; the organization's impact on the public and/or profession; and the organization's innovation, inclusiveness and success.

#### IIIIIIIIIIIIII TO NOMINATE A YOUNG LAWYER IIIIIIIIIIIIII

- 1. Fill out the LSBA Young Lawyers Division 2025 Awards Nomination Form by November 14, 2025. The form asks why the nominee should be considered for the award and specifically addresses the award criteria. Additional attachments for all nominations are encouraged, including résumés, newspaper clippings, letters of support, and other materials pertinent to the nomination. Nominations should be detailed and thorough, as award selections are based solely on the information provided in the nomination packets.
  - 2. Any nomination packet that is incomplete or not received by November 14, 2025, will not be considered.
  - 3. All finalists and winners will be recognized at the LSBA Young Lawyers Conference in Spring 2026.

For questions or more information, contact the Awards Committee Chair Josef P. Ventulan at ventulanj@lsli.org or (225) 578-0202.





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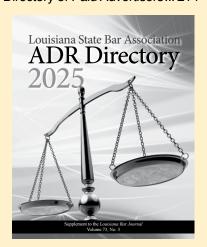
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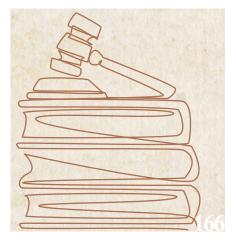
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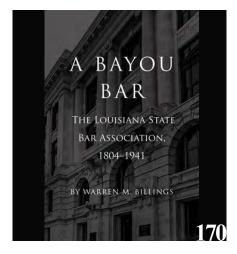


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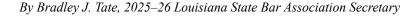


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LA-24-18185 Jed Cain

# The Power of Networking in the Legal Profession





As leaders of the Louisiana State Bar Association (LSBA), we often talk about the importance of bar involvement and the many ways we can meet our members where they are. But what does that really mean? For me, it comes down to the relationships we build. When I reflect on my own experience, I realize how invaluable the network I've developed through bar service has been and how essential networking is to a successful and fulfilling legal career.

Knowledge and skill are, of course, indispensable in our profession. Yet, time and again, we see that success often depends on something less tangible but equally powerful: relationships. Networking is not simply about shaking hands or exchanging business cards. It is the intentional, ongoing process of building authentic connections that support professional growth, open new opportunities, and strengthen our practices. For lawyers at every stage of their careers, networking is not optional, it is a vital component of professional development.

Networking also provides an unparalleled opportunity to learn. Conversations with colleagues often spark insights into recent cases, legislative developments, and best practices. Participation in bar association events, conferences, and continuing legal education programs not only sharpens knowledge but also exposes us to fresh perspectives and diverse approaches to the law.

One shining example within the LSBA is the Transition Into Practice (TIP) Mentoring Program. This initiative pairs new attorneys with experienced practitioners, creating a two-way exchange of ideas. Younger lawyers benefit from mentorship, guidance, and encouragement, while seasoned attorneys gain energy and new perspectives from the next generation of practitioners. The program exemplifies how structured networking builds stronger lawyers and a stronger profession.

A robust professional network also enhances an attorney's reputation. When peers respect a lawyer's integrity, skill, and professionalism, word spreads. That respect can lead to invitations to speak at conferences, contribute to legal publications, or take on leadership roles within organizations such as the

LSBA. In a profession where reputation is paramount, networking is not just about building business, it is about building credibility, trust, and influence.

Equally important, networking can serve as a lifeline in what can often be a demanding and isolating profession. In this issue, Dr. Angela White-Bazile's column from the Judges and Lawyers Assistance Program explores the challenges of loneliness in law. It is a timely reminder that our networks do more than generate referrals or professional recognition; they create communities of support. Whether discussing complex legal questions, navigating a career transition, or balancing the pressures of practice with personal life, having a trusted circle of colleagues is invaluable.

So, I encourage you: attend LSBA and local bar functions. Introduce yourself to someone new at the next CLE. Exchange contact information and follow up. These small steps can yield tremendous benefits not only for your practice, but for your well-being and long-term satisfaction in the profession.



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

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

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

# Member Discounts

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#### President's Message

# Can You Run a Forklift?

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

So it's 1969. I just took my last final exam at LSU. I walk back to the Married Students Apartments and my wife, Norma, hands me this envelope, saying, "I didn't want to give you this while you were taking your last set of finals, but . . ."

It was my draft notice.

I thought my world just ended.

The Vietnam War was raging.

What do I do?

Choices were either "go to Canada," get drafted into the Army, or join the Air Force. I enlisted in the Air Force for four years.

I thought my world had just ended, but, instead, it was just about to start.

Why am I telling you this in my President's Page? Shouldn't I tell you something inspirational or beneficial to your practice? Hold on.

It's coming.

#### Part 1

So I'm in the Air Force and my boss, Sergeant Asa P. Alexander, gave me the best advice I have ever received, and which I have used in my law practice to this day.

He said, "Walters, if someone comes up to you and says, 'Do you know how to run a forklift?' The only answer you should give them is YES. Obviously they need someone to run a forklift more than they need someone to do whatever the hell it is that you are doing right now. Then go figure out how to run a forklift before you show up."

Great career advice.

(He also said for me to do this: Grab a clipboard, scowl and walk fast wherever you go. People will think you are on an important mission and they will leave you alone. He was right. That might still work for you today.)

When I was in law school, my future employer, Charles "Chick" Moore was considering whether to hire me as a law clerk. After my interview, and when I was driving home, he called my house and asked my wife, Norma, "Can Ed type?"



Norma, of course, said YES. I got the job and the rest is history. (He didn't ask her how FAST I can type.)

I'm not suggesting that you lie about your credentials or take on legal matters you are not qualified to handle, but what I AM SUGGESTING is that you keep an open mind about your capabilities. You are a smart person. After all, you got INTO law school, you got OUT OF law school and you even passed the bar exam.

DUH!

Widen your net.

What is everyone talking about right now? AI. How will the use of Artificial Intelligence change our profession? You know it will.

I have practiced long enough to have seen many lawyers resist the use of computerized legal research, saying, "I enjoy researching in the stacks." How did that go?

I have seen many lawyers resist the use of email communications. How did that go?

I have seen many lawyers resist the use of electronic case filing. How did that go?

We are now in the AI world. If we resist it or decide that it is not something we want to get involved in, we are advocating "researching in the stacks."

Get with it.

It is the future of our profession. It will be great, if handled properly.

You cannot ignore it or walk away from it, no more than you were able to resist electronic filing.

It's 2025.

Get with it.

I tell my students at the LSU Law School that probably the most important person in the firm after 5:00 p. m. is the associate who knows how to electronically file pleadings in court.

Whv?

The real experts (the staff) usually go home around 5:00 p.m. As you know, you may have until 11:59:59 to electronically file that pleading. If you are the person that can perform that task, your stock in the firm will rise, no matter the size of the firm or the type of practice. You will be the go-to person after 5:00 p.m.

A great many battles I have won a

A great many battles I have won are those that I have walked away from.

They have strengthened my character, helping me learn that, in life, it is not always necessary to prove you are right.

Know that there are people you can never please and questions you simply don't need to answer.

—Dodinsky, In the Garden of Thoughts

#### Part 2

When I was in the Air Force, aside from running a computer as big as your house (but which would now probably fit in your watch), I learned another one of my greatest lessons in life and I'm going to share it with you.

I grew up in New Orleans, went to all the right schools (don't ask those Jesuit grads), did well.

But now I am an ENLISTED man, not an officer. You see, I didn't complete the ROTC course at LSU because my eyesight was so bad I knew the military would not take me. Boy, was I wrong. It's 1969.

We all make big mistakes in our lives. This was a big one for me. Had I finished ROTC, I would have been able to go to Officer Training School and have a different life for my family.

Anyway, in this environment I am the lowest man on the totem pole. I was given the worst jobs and I was treated like a second-class citizen, and, in that environment, I was.

I learned what it is like to be a victim of discrimination. Something new for me. I was moved out of my nice air-conditioned office with my friends, to a hot warehouse because it didn't look good that I was an enlisted man "fraternizing" with the officers in the nice air-conditioned office where I was working. We were all about the same age and all had college degrees. Mine, of course, was better than theirs. Anyway . . .

Being discriminated against. Didn't care for it.

It gave me a new perspective on life.

I am not suggesting that the discrimination I experienced was anywhere near or even close to the discrimination many of our members, their clients and family have experienced.

I only put this here to say that even this sort of discrimination changes a person. I was moved from a nice, air-conditioned office working with my friends, to a hot warehouse moving giant truck tires from one truck to another, only because I was a second-class citizen.

I never experienced anything like this.

Didn't care for it.

It gave me a new perspective on life.

I only suggest that whether you are dealing with your staff, the courthouse staff, your clients, your associates, the people who clean your office, or whomever, you put yourself in their shoes for just a little while and think about how you are treating them. Ask them how they are doing. They have worth. Ask them about their family. Find out who they are. What is their passion? What are they really good at? What

do they do on weekends? Ask their opinion. You may be surprised at how they treat you when you do that. And you may treat yourself better, as well.

Aside from my wife, Norma, and my "third-son" Darrel Papillion, the MOST important person in my legal career was our secretary of over 25 YEARS, Denise Simon.

She had the ability to look at things from a different perspective, and the ability — with just a look, an askance look, of course — to tell me, WITH NO WORDS, "Ed, this not a good idea. Don't take this case" or "Ed, you're not really going to do this, are you?" I often disagreed with her. After all, I AM the LAWYER! I usually regretted that decision. I shoulda listened. My bad.

. . . but I always asked and I ALWAYS valued her opinion.

You DID get into law school, and you DID get out of law school, and you DID pass the bar exam, but you may not be the smartest person in the room. It may be Denise Simon . . . but she only makes you a better lawyer if you find that out.

End of sermon.

Picture of me and Denise and Darrel (now Judge Darrel):



Edward J. Walters, Jr., Darrel J. Papillion (now Hon. Darrel J. Papillion) and Denise Simon.



PROVIDER FRAMEWORK AND COSTS

> **By Tracey Frisch** and Anthony DiLeo<sup>1</sup>

n an era where consumers and businesses increasingly seek swift, informal, and cost-effective ways to resolve disputes, mediation has emerged as a preferred alternative to litigation. To meet this demand, alternative dispute resolution services, such as the American Arbitration Association's (AAA) Consumer Mediation Procedures, can provide a streamlined, affordable, and accessible process for resolving consumer-business disputes. This article outlines best practices for engaging in consumer mediation, with alternative dispute resolution season always underway.

## BEST PRACTICES FOR CONSUMER MEDIATION

Whether you are serving as counsel or are a party directly involved, preparation is essential in ensuring that the consumer mediation achieves its goal of providing an efficient and cost-effective resolution. Counsel can add real value by helping clients create a game plan for what matters most: clarifying the issues in dispute, setting realistic expectations, and preparing a concise summary of facts and key documents that will aid the mediator in understanding the case quickly. Businesses should enter the process ready to discuss not only legal defenses but also practical business considerations — such as customer relationships, reputational impacts, or future dealings — that may shape a creative settlement. In turn, consumers should consider what outcomes will meet their needs in advance, distinguishing between "must-haves" and areas where compromise is possible.

Because these mediations are intentionally designed to be prompt and streamlined, over-preparation or introducing unnecessary complexity

can undermine efficiency. A best practice is to keep submissions short and focused, avoid excessive procedural posturing, and come prepared to engage in candid dialogue rather than adversarial argument. Both sides should also recognize the advantages of virtual mediation formats where available: ensure technology is tested ahead of time, set aside uninterrupted time for the session, and use the logistical flexibility to involve decision-makers directly. Above all, parties and their counsel should embrace the spirit of mediation — listening actively, remaining flexible, and remembering that the goal is not to "win," but to resolve the matter fairly, promptly, and at a fraction of the cost of litigation.

# A FOCUS ON AFFORDABILITY: Low Fees, High Impact

At the core of consumer mediation offerings is the principle of affordability. The cost structures associated with such programs are typically designed to remove financial barriers that might deter consumers and businesses from pursuing dispute resolution.

The comparatively lower fees for a consumer-focused mediation contrast to the often substantial litigation or commercial arbitration costs, in an effort to avoid having the price of admission outweigh the excitement of the main event.

# THE UPSIDES OF VIRTUAL MEDIATION: Accessibility and Flexibility

A key strategy more frequently employed these days in the realm of

alternative dispute resolution is the use of virtual mediation. This choice reflects both technological evolution and the realities of modern life. By eliminating the need for physical attendance, virtual mediation removes geographic, logistical, and financial obstacles that often plague traditional dispute resolution processes.

Virtual mediation offers several advantages:

**Convenience:** Parties can participate from their homes or offices, minimizing disruption to daily life.

**Speed:** Scheduling is more flexible, which expedites the resolution timeline.

**Cost Savings:** Eliminates travel and venue costs for all parties.

Accessibility: Consumers with mobility limitations or those residing in remote areas can still participate fully.

Though inherently more flexible, virtual mediation still requires that the logistical Xs and Os be mapped out. To that end, mediators and parties alike must confirm technology access and ability to navigate it, and specific attendees should be identified in advance so that all players are on the same page. Of course, while a valuable option to have, virtual mediation is not the only way to realize the benefits of consumer mediation. Parties generally may agree to an in-person session if all prefer it, preserving the option for traditional face-to-face resolution when appropriate.

## SIMPLICITY AND INFORMALITY:

#### Streamlined Process for Consumer Disputes

Consumer-focused mediation aims to make dispute resolution more accessible and user-friendly for consumers, especially those who are self-represented and may be unfamiliar with mediation. For example, key features of a program like the AAA's Consumer Mediation Procedures include:

- ➤ Simplified Initiation: Consumers can initiate mediation online using a straightforward submission form.
- ► Mediator Appointment: The AAA appoints a mediator from its consumer mediation panel, reducing delay.
- ► *Timelines:* Mediations may be scheduled within weeks from filing, offering prompt resolution.
- ► Process Control: While the mediator facilitates the process, the parties retain control over the outcome, ensuring mutual satisfaction.

This informality is intentional, and it contrasts with the more involved procedures commonly associated with commercial mediation, which can involve higher fees and more complex issues. It makes the process approachable for consumers unfamiliar with legal proceedings while offering businesses a fair and structured forum.

### PRACTICE TIPS FOR THE PLAYBOOK

As with any playbook, there are some red flags to keep an eye out for, as well as go-to strategies that parties and counsel alike can use to foster success.

Red flags in consumer mediation often signal when the process may be less



effective or even inappropriate. Power imbalances are a common concern, such as when the consumer feels intimidated and participates far less in the discussion. Bad faith participation can also derail progress. with parties attending merely to delay litigation, regulatory action, or to gather information without any intent to settle. Another challenge arises from unrealistic demands: consumers may insist on remedies beyond their legal entitlement, such as punitive damages. At the same time, a business may categorically refuse to acknowledge responsibility or extend even a minimal goodwill gesture. Emotional escalation can also derail the mediation process. When consumers are too angry or distrustful to engage constructively, or when company representatives minimize or dismiss the consumer's experience, the dialogue can quickly break down. However, many of these red flags can be overcome in mediation by a skilled mediator taking the time to understand the underlying interests behind these problematic behaviors and refocusing the parties on how to best meet their own interests rather than "beat" the other party.

Supporting the process to achieve the best possible outcome is critical, and it begins with preparing clients thoughtfully by setting expectations helping them understand that mediation is not about "winning" but about finding workable solutions. That preparation includes reality-testing the strengths and weaknesses of their case so they aren't caught off guard, and ensuring emotional readiness by framing mediation as problem-solving rather than a battle. Counsel should also be candid about underlying interests, moving beyond legal positions to articulate what truly matters, whether timing, confidentiality, or preserving relationships. In the room, it's important to be zealous yet civil, demonstrating respect for the mediator, the process, and the opposing party while balancing speaking time to make clients feel heard. Sharing relevant concerns, obstacles, or interpersonal dynamics

can give the mediator essential context, and constructive feedback helps adjust strategies if an approach isn't working. As settlement proposals emerge, counsel should reality-test them with their clients, clarifying risks and benefits while keeping BATNA (Best Alternative to a Negotiated WATNA Agreement) and (Worst Alternative to a Negotiated Agreement) in focus, and also highlight the value of non-monetary terms — such as apologies, creative business arrangements, or future safeguards — that can make agreements more durable and meaningful.

Also important is thinking ahead of time about things like confidentiality clauses and any Louisiana-specific issues (or those of other states, where applicable) which can benefit all in the long run. For instance, it is helpful to be transparent up front about the need for confidentiality — no one likes a late-in-the-game curveball on that front. State-specific quirks are also something to watch out for and any possible tax implications of which a consumer might not be aware.

In short, preparation is key, and mediations work best with a well-prepared set of parties, whether consumer-focused or otherwise.

### CONTINUED EVOLUTION AND OPPORTUNITY

As technology continues to reshape the dispute resolution landscape, consumer mediation possibilities are poised to evolve alongside it. Innovations in online dispute resolution (ODR) and AI-assisted

settlement platforms could enhance the experience.

At the same time, legal practitioners and business leaders have a role to play in promoting awareness and understanding of these procedures. Mediation is not merely an alternative to litigation — it is an essential part of a modern, efficient justice system.

#### CONCLUSION

Consumer-focused mediation programs make dispute resolution more accessible, affordable, and efficient for consumers and businesses. With lower fees vis-à-vis traditional litigation, the availability of virtual mediation, and user-friendly processes, these procedures break down traditional barriers and foster a culture of resolution over confrontation.

For Louisiana attorneys, familiarity with these procedures is vital for advising consumers or corporate clients. Embracing mediation not only serves clients more effectively but also advances the broader goal of delivering justice that is timely, equitable, and accessible to all.

#### **FOOTNOTES**

1. References: American Arbitration Association. "Consumer Mediation Procedures and Costs, effective April 1, 2025." https://www.adr.org/media/cbndvmee/2025-consumer-mediation-procedures-feeschedule.pdf

Note: One co-author is employed by the American Arbitration Association. This article is intended as provider-neutral practical guidance; any provider specifics are descriptive, not endorsements.

Anthony M. (Tony) DiLeo, with Anthony M. DiLeo, with Anthony M. DiLeo, APC, has arbitrated and mediated hundreds of disputes arising from some 37 states. Chambers USA in the category of "Mediation Nationwide" has named him as one of only 50 mediators in the nation. (tony@tonydileo.com; New Orleans La.)



Tracey Frisch is Division Vice President of Mediation at the American Arbitration Association's mediation business. Prior to this role, Tracey was the Associate General Counsel for the American Arbitration Association involved in a variety of legal matters that



impacted the Association. Tracey is the Executive Director of the AAA-ICDR Foundation. Tracey also served as an Adjunct Professor at Pace University Law School teaching Commercial Arbitration Law and Benjamin N. Cardozo School of Law supervising law student mediators. Tracey is a member of the U.S. District Court for the Southern District of New York pro bono mediation panel specializing in employment discrimination cases, a member of the New York County Lawyers Association Part 137 Attorney/Client Fee Dispute pro bono mediation panel and is a New York State certified community mediator. Tracey has mediated cases at many of Metropolitan New York's community mediation centers, Small Claims and Civil Courts. Tracey has authored and spoken on numerous ADR focused topics. Tracev earned her law degree, cum laude, from Benjamin N. Cardozo School of Law and B.A. from Tulane University, magna cum laude.

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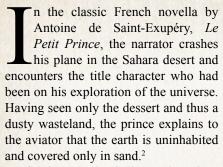
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# Where There's a Will, There's a Better Way:

# Louisiana Adopts New Legislation on Will Making

by Ronald J. Scalise, Jr.1



If Saint-Exupéry had sent the prince to Louisiana, the prince might justifiably have thought that the Pelican State was characterized with little other than defective wills and disappointed intestate decedents. As a result of Act 30 of the 2025 Regular Legislative Session, however, the fictional prince will now find in Louisiana a multitude of valid testaments and happy testators.3 In addition to clarifying the standards for making wills in Louisiana, Act 30 simplifies the previously overwrought process for willmaking and provides relief for testators who may have unintentionally muddled the prior process.

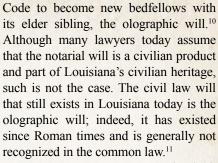
### A Very, Very Brief History of Will Making in Louisiana

The history of will-making in Louisiana proceeds in four acts: Act I, 1808–1952; Act II, 1952–1999; Act III, 1999–2025, and now Act IV, 2025–.<sup>4</sup> Like all good plays, the acts are connected and lead logically from one to another. Act I was a time in which Louisiana had

pure civil law wills and nothing else. The land was filled with olographic wills, mystic wills, and nuncupative wills by both public and private acts.<sup>5</sup> This was a simpler time before sophisticated trust law and complex estate planning.

Act II continued the civilian tradition but recognized that mystic and nuncupative wills had become problematic. Thus, the statutory will, so-called because it was located not in the Louisiana Civil Code but the Revised Statutes, was added to Louisiana law.6 The statutory will, unlike its other testamentary brethren in Louisiana, was a common-law product.<sup>7</sup> Its adoption was a deliberate attempt to use the experience of other states to simplify will making in Louisiana. The common law, which had long allowed for attested wills that were valid only if in writing, signed, and "attested to" by two witnesses, was the foundation for the statutory will.8 Louisiana, however, innovated, and added additional requirements to the common-law form, such as notarization, a lengthy attestation clause, a declaration by the testator, and the signature of the testator on every page.

Act III built upon Act II, which in later years heavily relied upon the two main forms of will: olographic and statutory. As a result, in 1999, the then-obsolete forms of mystic and nuncupative wills were abolished, and the olographic and the statutory wills were preserved. The statutory will, however, was renamed the notarial will, and moved to the Civil



Our current act, Act IV, retains both the names and locations of the notarial and olographic wills, but returns the olographic will to its civilian roots and simplifies the notarial will based upon several decades of experience.<sup>12</sup> In a sense, then, Act IV, continues (or, perhaps, completes) the changes made to the Louisiana law of wills both in 1999 and in 1952.

#### The Need for the New Law

Although the olographic will has a venerable lineage and a practical use, anecdotal evidence strongly suggests that the dominant form of will in Louisiana is the notarial testament. Despite its popularity, the notarial testament under the prior law contained many requirements and plenty of opportunities for mistakes. Under prior article 1577 of the Louisiana Civil Code, a notarial will needed to be "prepared in writing and dated" and "executed" in "the presence of a notary and two competent witnesses" after the testator "declare[d] or signif[ied] to them

that the instrument is his testament" and after having "signed it at the end and on each other separate page." Finally, "in the presence of testator and each other," the witnesses and the notary had to sign an appropriate — if almost talismanic — clause attesting that the testator had done everything appropriately.

Considered in a vacuum and out of context, nothing is wrong with the above requirements. In an abstract sense, prior Civil Code article 1577 satisfied all the purposes of form requirements: evidentiary, cautionary, ritualistic, and protective.15 The multitude of technical requirements in the prior law made the testator think long and hard about drafting a will and arguably guarded against hasty decisions by testators as well as ill-tempered and malignly motivated malcontents determined to defraud an unsuspecting testator. Of course, so too would requiring the will be executed in Latin and before six bishops. As has aptly been observed by others, the relevant consideration is not whether form requirements serve the above purposes but whether they do so at an acceptable cost.16

Indeed, experience has shown that the cost involved with the prior form requirements for notarial wills was simply too high. Voluminous court cases in the past decade invalidated wills for seemingly minor and arguably silly mistakes in technical compliance.<sup>17</sup> In one instance, the attestation clause of a will recited only that the testator signed the end of the will but not every page of the will, even though the testator had, in fact, signed every page of the will. 18 In another instance, the testator initialed the first two pages of the will and signed the last page, rather than signing all three pages with his full name.19 In both instances, Louisiana courts declared the wills invalid.

What's worse is that in few, if any, of the cases were there any allegations — much less credible allegations — of fraud, duress, undue influence, or that the testator was in any way being protected or served by the invalidation of the will. Rather, the will was invalid due to very minor noncompliance with the form requirements and nothing more. Of course, mistakes have consequences, but the effects of errors in will-making are not gen-

erally mistakes of testators themselves. Rather, the notarial will, being a professionally produced product, is the work of lawyers and notaries, whose mistakes are primarily borne by their clients rather than themselves.

So, if the felt cost of will formalities is too high and the noncompliance rate is too common, should something be done? For starters, no other transaction in Louisiana law requires as many formalities as the notarial will. Sales, mortgages, loans, donations, and myriad other legal transactions occur daily with far fewer formalities. Undeniably, however, wills are different insofar as the signatory to the document is dead at the time when the document matters most. But the very same could be said for life insurance, trusts, and beneficiary designations on annuities and retirement plans, none of which requires anywhere near the level of formal complexity as the execution of a will. Moreover, the experience from other states and other civil law jurisdictions also suggests that prior Louisiana law was out of step with how wills are regularly made.

### An Explanation of the New Law

Act 30 attempts to address the above problem by preserving many of the core formal requirements for wills but eliminating some of the minor peripheral and problematic requirements as conditions of validity of a will.

#### The Notarial Will

Under Act 30, a valid notarial testament will requires only that the will be in writing, dated, and executed in the presence of a notary and two witnesses.<sup>20</sup> These requirements are, not coincidentally, very similar to the form requirements necessary to execute a self-proving authentic act — traditionally, the highest level of formality for non-testamentary documents.<sup>21</sup> Moreover, as other states require only that the will be attested to by two witnesses, Louisiana law after Act 30 still imposes more form requirements for the execution of a will than any other state in the country.

Notably, Act 30 imposes no rigid requirement as to what constitutes a date or a signature, or where they must be located within the will. Rather, a functional approach is employed, such that a court in probating the document may ask whether the testator's signature sufficiently "identifies the testator" and manifests "an intent by the testator to adopt the document at the testator's testament."22 Similarly, the date "may appear anywhere" and "is sufficient if it resolves those controversies for which the date is relevant."23 Thus, a will in which the drafter forgets to fill in the blank of the day and which may read "August", 2025" could still be valid if the particular day in August on which the will is executed is unimportant, as may be the case when the testator executed only one will in August and no evidence of incapacity or undue influence at the time exists.24

If the testator is unable to sign the will on his own, as under prior law, another person may do so at the direction and in the presence of the testator.<sup>25</sup> Otherwise, the special forms of notarial testaments under prior law for those unable to read or for those unable to see or hear have been abolished.<sup>26</sup> All individuals may now use the standard form for a notarial will without the need and complexity of special variants of notarial wills.<sup>27</sup>

#### The Olographic Will

In addition to reforming the law on notarial wills, Act 30 also streamlines the law on olographic wills and returns the law to its civilian roots. Even prior to the Digest of 1808, French law provided (as it still does today) simply that an olographic will is valid if it is entirely written, dated, and signed in the hand of the testator. Over time (and often to correct erroneous court interpretations), Louisiana law on olographic wills adopted additional appendages that delineated the exact location of the signature, the effect of additional writings, the placement of the date, and the need for the date to express a day, month, and year.28

The new law discards the above appendages and returns Louisiana law to a simpler statement: "An olographic testament is one entirely written, dated, and signed in the handwriting of the

testator. The olographic testament is subject to no other requirement as to form."<sup>29</sup> Thus, cases in which olographic testaments were invalidated because the date contained only a month and a year or the signature did not appear at the end are no longer good law.<sup>30</sup>

#### **The Probate Process**

Despite the above changes, there is no need for conscientious attorneys or notaries to change their method of practice or to alter their standard form documents. With respect to notarial wills, evidence suggests that part of the problem with the prior law was that old forms still proliferated, despite not meeting the detailed requirements of the then-current law. Thus, care has been taken in the revision not to create a dramatically new regime that would catch practitioners unaware and correspondingly result in more invalid wills despite a simplified process.

To that end, many of the changes made by Act 30 move the peripheral requirements for will-making from matters of validity to matters of probate. In other words, a notarial will that meets all the requirements of the prior law will still be valid and still be self-proving. Under Act 30, although a notarial will need only be in writing, signed, dated, and notarized, to be self-proving, it still must contain or by accompanied by an attestation clause and be signed on every page. If it does not, the will is not invalid, but will require additional steps for probate, namely, the testimony by the notary and at least one witness. If only one witness or only the notary is available, that sole testimony shall be sufficient. If none are available, "the testament may be proved by the testimony of two credible witnesses who recognize the signature of the testator on the testament."31

No change in probate practice is contemplated by the new law for olographic wills. Olographic wills must still be proven by the testimony of two witnesses who are familiar with the handwriting of the testator.

#### Conclusion

The content of the above law was arrived at only after a lengthy and compre-

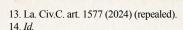
hensive study of the laws and practices of other U.S. states and other civil law jurisdictions. To aid in interpretation and application of the new law, Act 30 contains extensive comments explaining the purposes and effect of the change.

Much like the old law that has now disappeared from the world, when the prince in Saint-Exupery's work vanishes at the end of the story, the aviator requests to be contacted by anyone who encounters a boy like the prince. So too this author makes a similar request of the reader for any problems encountered with the new law and with suggestions for improvement. The law, after all, must suit the needs of practice and the people it serves. As the title to this article suggests, it is hoped that the new approach to wills is a move forward to a better way.

#### **Footnotes**

- 1. John Minor Wisdom Professor of Civil Law, Tulane University Law School. The author serves as the Reporter for the Successions and Donations Committee of the Louisiana State Law Institute and was the primary drafter of La. Act 30 (2025). The views expressed herein are solely the views of the author and do not necessarily reflect the views of Tulane, the Louisiana State Law Institute, or any of their committees or members. The author thanks Kendra Wilson Bonin for editorial assistance with an earlier draft.
- 2. Antoine de Saint-Exupéry, Le Petit Prince (1943).
- 3. Act 30 became effective on August 1, 2025, and "shall apply both prospectively and retroactively and shall be applied to all claims existing and pending on the effective date of this Act and all claims arising or actions filed on and after the effective date of this Act. The provisions of this Act shall not be applied to revive claims prescribed as of the effective date of this Act or to affect claims adjudicated on the merits by a final and definitive judgment prior to the effective date of this Act." Section 4 of La. Act. 30 (2025).
- 4. For a discussion of the history of Louisiana will formalities, see generally Ronald J. Scalise Jr., Will Formalities in Louisiana: Yesterday, Today, and Tomorrow, 80 La. L. Rev. 1331 (2020).
  - 5. La. Civ.C. arts. 90-103 (1808).
- 6. La. Acts No. 66 (1952) (enacting La. R.S. 9:2442-2444).
  - 7. Scalise, *supra* note 3, at 1340.
  - 8. Id. at 1340-41.
  - 9. Id. at 1342.
  - 10. Id.
- 11. Reginald Parker, *History of the Holograph Testament in the Civil Law*, 3 The Jurist 1 (1943); Thomas Rüfner, *Testamentary Formalities in Roman Law*, *in* Testamentary Formalities 19 (Kenneth G.C. Reid, Marius J de Waal, & Reinhard Zimmermann eds., 2011).

12. La. Act 30 (2025).



- 15. For discussion of the purposes of will formalities, see generally Scalise, *supra* note 3, at 1335-37.
- 16. James Lindgren, *The Fall of Formalism*, 55 Alb. L. Rev. 1009, 1033 (1992).
- 17. See, e.g., Succession of Hanna, 2019-01449 (La. 11/25/19), abrogated by, Succession of Liner, 2019-02011 (La. 6/30/21), 320 So. 3d 1133; In re Succession of Carter, 2019-545 (La. App. 5 Cir. 5/28/20), 298 So. 3d 370; Succession of Thomas, 2023-43 (La. App. 3 Cir. 10/4/23), 371 So.3d 1195; Succession of Dale, 2018-0405 (La. App. 1 Cir. 9/24/18), 259 So. 3d 1032 (La. App. 1 Cir. 2018).
- 18. Succession of Liner, 2021 WL 266394 (La. 2021), vacated and superseded on rehearing by, 2019-02011 (La. 6/30/21), 320 So. 3d 1133.
- 19. Succession of Frabbiele, 2024-00091, (La. 12/13/24), 397 So. 3d 391.
- 20. La. Act 30 (2025) (enacting La. Civ.C. art. 1576).
  - 21. La. Civ.C. art. 1835.
- 22. La. Act 30 (2025) (enacting La. Civ.C. art. 1576 (B)).
  - 23. Id. (enacting La. Civ.C. art. 1576 (C)).
- 24. By contrast, under prior law, establishing an exact day, month, and year was crucial to the validity of the will. *See, e.g.*, Heffner v. Heffner, 20 So. 281 (La. 1896) (invalidating an olographic will in which the day of the month was missing); Succession of Aycock, 02-0701 (La. 5/24/02), 819 So. 2d 290 (invalidating an olographic will in which the notary filled in the date). *See also* Scalise, *supra* note 3, at 1374-1375.
- 25. *Compare* La. Civ.C. art. 1578 (repealed), *with* La. Act 30 (2025) (enacting La. Civ.C. art. 1576(A)).
- 26. See Section 3 of Act 30 (2025) (providing "Civil Code Arts. 1577 through 1580.1 are hereby repealed in their entirety").
- 27. La. Act 30 (2025) (enacting La. Civ.C. art. 1576 cmt (h)).
  - 28. See Scalise, supra note 3, at 1367-79.
- 29. La. Act 30 (2025) (enacting La. Civ. Code art. 1575(A))
- 30. Fr. Civ. Code art. 970. See, e.g., Succession of Ally, 22-16, (La. App. 5 Cir. 12/31/22), 354 So. 3d 1248
  - 31. La. C.C.P. art. 2887.

Ronald J. Scalise Jr. is the John Minor Wisdom Professor of Civil Law at Tulane University Law School. He serves as the Reporter for the Successions and **Donations** Committee of the Louisiana State Law Institute and was the primary drafter



of La. Act 30 (2025). He is the member of the Board of Regents and the Louisiana State Chair of the American College of Trust Estate Counsel (ACTEC) and an academician of the International Academy of Estate and Trust Law (IAETL).



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# Book Review

#### A Bayou Bar:

#### The Louisiana State Bar Association, 1804-1941

by Warren M. Billings

University of New Orleans Press (2025)

Reviewed by E. Phelps Gay

ho is better qualified to write the early history of the Louisiana State Bar Association than Prof. Warren M. Billings, Distinguished Professor of History, Emeritus, at the University of New Orleans? The answer is: No one.

A native Virginian, Prof. Billings graduated from the College of William and Mary and obtained his Masters' degree from the University of Pittsburgh and his Ph.D. from Northern Illinois University. His books include *The Historic Rules of the Supreme Court of Louisiana*, 1813–1879 (1985); In Search of Fundamental Law: Louisiana's Constitutions, 1812–1974 (1993); A Law Unto Itself? Essays in the New Louisiana Legal History (2001); and The Supreme Court of Louisiana: A Bicentennial Sketch (2013, 2024).

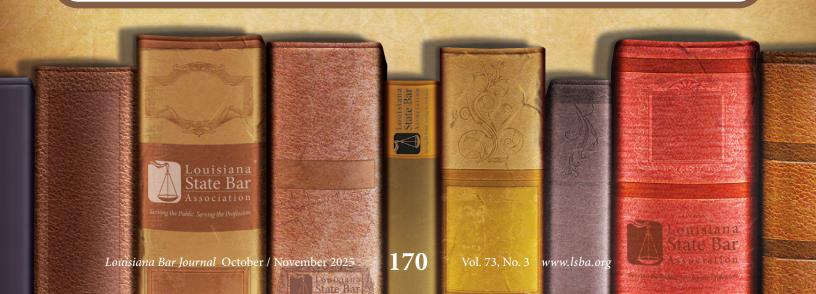
He has also published numerous professional articles, including A Bar for Louisiana: Origins of the Louisiana State Bar Association and Politics Most Foul? Winston Overton's Ghost and the Louisiana Judicial Election of 1934.

Professor Billings "was enticed to Louisiana law as I got to know the late Albert Tate, Jr.," discovering they shared "a common interest in the history of law and the value of judicial records for historical enquiry." Their friendship led to "our drawing up an arrangement whereby the University of New Orleans became the repository of the Louisiana Supreme Court's archives for the years between 1813 and 1921."

Upon finishing his prior book, Statute Law in Colonial Virginia: Governors, Assemblymen, and the Revisals that Forged the Old Dominion (2021), Prof. Billings decided the time had come to write a book on the Louisiana Bar. Recently published in paperback by UNO Press, *A Bayou Bar* is a concise and lively volume which students of Louisiana law and history will undoubtedly enjoy.

Judges on both the Superior Court of the Territory of Orleans (1804–1812) and the early Louisiana Supreme Court "relied on certain well-placed New Orleans lawyers" to assist them in drafting rules of practice and standards for admission to, and supervision of, the bar. Who were these folks? Throughout his narrative Billings offers thumbnail sketches of his *dramatis personae*—e.g., judges like Dominick Hall, George Mathews, and Pierre Derbigny; and lawyers like Francois Xavier Martin (a future Chief Justice), Edward Livingston, Etienne Mazureau, and Abner Duncan.

Initially, standards for Bar admission



were minimal—good character, citizenship, residency, and passage of a perfunctory oral examination. No educational degree was necessary.

Judges "worked at a leisurely pace," only three days a week, while oral arguments "dragged on for hours." As Louisiana prospered economically, the Court struggled with "accelerating workloads," having "none of the secretaries, law clerks, librarians, and other administrative personnel that support the modern court."

Over time the bond between the Court and these "elite" New Orleans attorneys grew closer, eventually leading to the 1847 founding of the New Orleans Law Association (NOLA).

Upon becoming Chief Justice in 1846, George Eustis asked a committee of New Orleans lawyers to draft new Supreme Court rules. They produced "a three-page compilation of twelve tersely worded, logically arranged rules," which the Court trimmed to eleven. Oral arguments were shortened, and the Court's ability to grant re-hearings limited. An 1840 requirement that candidates "demonstrate mastery of the syllabus of legal studies" was retained. Significantly, under these new rules the Justices would appoint and rely upon a "screening committee" whose mission was to recommend applicants to the justices.

As a careful historian, Prof. Billings acknowledges areas where the evidence is thin. As a result, precisely how Chief Justice Eustis "encouraged the society" that became the New Orleans Law Association is "difficult to pin down," but he believes Eustis and the attorneys who drafted the Rules of 1846 "probably talked about the usefulness of such a society" and decided to found one. We know that in the Spring of 1847, several New Orleans attorneys responded to Eustis's invitation to consider forming an association, and a city judge named Edward Rawle presented a constitution for a Society whose purpose was to promote "the interest, dignity and character" of the city's attorneys and "create a library for the exclusive use of members." NOLA was formed.

Officers and founders of this private

association included John Randolph Grymes, Alfred Hennen, Thomas Allen Clarke, Christian Roselius, Pierre Soulé, and Richard Henry Wilde, each of whom is adroitly profiled. Under NOLA's constitution, members were to be selected by invitation. A membership committee would recommend lawyers for admission "by means of black and white balls" to be put in a box. Anyone who received three black balls was rejected. The committee was also empowered to receive and review complaints of professional misconduct by any member of the bar. NOLA's law library, considered a major member benefit, grew to become "one of the larger private libraries in the city."

By 1855, at least 51 lawyers belonged to NOLA, and in December of that year the association reorganized itself from a "society of individuals" into a state-chartered company under "An Act for the Organization of Corporations for Literary, Scientific, Religious, and Charitable purposes." Membership was open to lawyers who lived or kept offices in Orleans Parish.

According to Billings, the New Orleans Law Association "stayed close to the Supreme Court" throughout the 1850s. Its members advised justices on rule changes and acted as screeners of bar applicants. Its library became "a resource for students in the law department of the University of Louisiana," the precursor of Tulane Law School.

One of the compelling (if also disheartening) aspects of this book is that the story unfolds within the ambient history of the times: the rise of the antislavery movement, Southern secession, the Civil War, Reconstruction, and the ensuing descent into the era of Jim Crow. Billings notes that members of the New Orleans Law Association "were increasingly caught up in the debates over enslavement," and many "flocked to the Confederate standard."

Union occupation of New Orleans "shut down the association for nearly a decade." Over time it recovered, although many of its members "were steeped in the pernicious mythology of the Lost Cause that reinforced their unyielding belief in white supremacy."

The nature and purpose of the New

Orleans Law Association began to change in 1877 when leaders Felix Pierre Poché, Carleton Hunt, and Thomas Jenkins Semmes attended a conference of the American Social Science Association in Saratoga Springs, New York. A "casual conversation" between Poché and a Connecticut jurist named Simeon Baldwin led to this suggestion: "It would be a good thing for the legal profession if there were a special organization to deal with the subject of jurisprudence in a broader way, in the shape of a national bar association."

A year later, at the same location, 75 lawyers from 20 states and the District of Columbia founded the American Bar Association. Its lofty purposes were to "advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout the Union, uphold the honor of the profession of law, and encourage cordial intercourse among the members of the American bar." Local councils were established to transform state bar associations from "social clubs or subscription libraries" into organizations patterned after the ABA. The New Orleans Law Association became the local council for Louisiana.

From 1898 until his death in 1934, the indefatigable Henry Plauché Dart became the "dominating presence" of the Louisiana bar. Born in Fort St. Philip, the son of a Creole mother and a father who supervised construction at the fort, Dart received his law license at the age of 21 and became a prolific litigator, arguing over 300 cases in the Louisiana Supreme Court. His deep interest in the history of Louisiana law resulted in a "cascade" of scholarly articles, lectures, translations, and book reviews. Billings believes Dart is "best remembered" for these "deeply researched, pioneering works."

Elected president of NOLA in 1898, Dart succeeded in transforming it from a "library and dining society" into a modern professional bar association. In a presidential address he emphasized the need for improved legal education, calling it a "self-evident truth that candidates for admission should have a good English education . . . as well as a

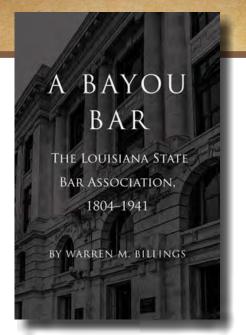
knowledge of the law and its sources." In his view the Bar should also adopt a new canon of ethics and "watch legislation and endeavor to shape and control it for the public good." Since the new state Constitution made city judges elective, Dart believed the Bar should recruit and support "men of integrity and learning."

Once again, Billings spices up this story with profiles of Bar leaders of that era, men like Henry Denis, Thomas Jones Kernan, William Stirling Parkerson, William Wirt Howe, Charles Erasmus Fenner, and William Sommer Benedict.

Dart's efforts resulted in replacing NOLA's 1855 charter with a new one in the Spring of 1899, which changed the organization's name to the "Louisiana Bar Association." Article III set forth four objectives: (1) to improve legal education; (2) to devise rules for disciplining attorneys, whether members of the association or not; (3) to prevail upon state and local authorities to build "a proper courthouse in the city of New Orleans" and maintain the law library; and (4) to advance the welfare of the profession across Louisiana.

Membership was no longer restricted to residents of Orleans Parish. Any attorney in good standing could apply, if recommended by two members. There were three classes of membership: ex officio (state and federal judges, who paid no dues); full (members with access to the library who could also hold office and serve on committees); and library (attorneys desiring only library access).

After LBA leaders like Bernard McCloskey, Ernest Kruttschnitt, and William P. Ball made their case for a new courthouse to the General Assembly and served on a commission to oversee the project, a "proper courthouse" in New Orleans finally got built on a tract bounded by Conti, Chartres, St. Louis, and Royal Streets. Designed in the Beaux Arts style, its massive size was, as Billings notes and everyone can see today, "out of scale with its surroundings," but impressive nonetheless.



Among those moving into this edifice on October 1, 1910, were the Supreme Court, a Court of Appeal, the Civil District Court, the Attorney General, the Civil Sheriff's office, the Recorder of Mortgages, and the Louisiana Bar Association, "just as Dart had always intended."

Billings traces the LBA's efforts to expand and diversify. Of its 151 duespaying members in 1902, only seven percent lived outside of New Orleans. By 1910, 159 of its 364 members (43%) were "country lawyers." Annual Meetings began to rotate around the state, with several lawyers from outside New Orleans serving as LBA presidents, including Edmund Hughes Randolph (Shreveport), Charles A. McCov (Lake Charles), Fred G. Hudson Jr. (Monroe), and Cecil Charles Bird Jr. (Baton Rouge). Nevertheless, the Bar's membership remained an "elite band" of lawyers which "never equaled more than a third of Louisiana's active attorneys." According to Billings, its influence with the General Assembly "was employed in guarding the interests of corporate clients," rather than helping the "lower classes" suffering in a postwar economy.

Enter Huey Pierce Long, attorney-atlaw from Winnfield, Louisiana. Billings reports that when Long "first appeared on the political scene, the respectable members of the LBA dismissed him as a boorish clod"—that is, until he was elected governor. The LBA then invited him to speak at its 1928 Annual Meeting, apparently thinking "he would speak about the ways he would cooperate with the association." They thought wrong.

Instead, Billings reports, Long attacked the courts, judges, and LBA members as "corrupt tools of big corporations," out of step with the needs of the people. He believed the LBA should "accept all qualified attorneys, irrespective of their background." Recognizing Long as an "imminent threat," the Bar amended its charter in 1929, reducing its membership categories to two (members and ex officio members) and changing its name to the Louisiana *State* Bar Association.

The last part of *A Bayou Bar* covers the political drama swirling around the disputed 1934 election for a seat on the Louisiana Supreme Court between incumbent Winston Overton (a Long supporter) and 14th Judicial District Judge Thomas F. Porter Jr., no fan of the Kingfish. The feeling was mutual, Long once saying of Porter: "If I owned a whorehouse, I wouldn't let him pimp for me."

For those not familiar with this fantastic story, I will not play the role of spoiler (at least not entirely), urging you to read this fine book, except to say that leaders of the LSBA lined up four-square behind Judge Porter—and paid a price. Prof. Billings paints colorful sketches of Chief Justice Charles A. O'Niell, Attorney General Gaston L. Porterie, Judges Benjamin H. Pavy of Ville Platte and W. Carruth Jones of Baton Rouge, and Lieutenant Governor John B. Fournet.

All this drama led to Huey Long's revenge. At his behest, in 1934 the legislature passed the State Bar Act which created a new public corporation called the State Bar of Louisiana (SBL). Any lawyer licensed before the statute went into effect "was automatically enrolled" in the SBL. Candidates were not required to possess a law degree or a bachelor's

diploma. Governor O.K. Allen was empowered to nominate eight attorneys to serve on the new Bar's board of governors. They would serve until "the people [not fellow lawyers, but the public] elected a new SBL board in the 1936 congressional primaries. Candidates for the SBL board were required to file an affidavit disclosing any fees received from private corporations during the past five years.

As Billings writes, the State Bar Act "not only shot down the LSBA," it "violated the Supreme Court." The SBL board, not the Supreme Court, was now charged with establishing standards of professional behavior, adjudicating complaints of attorney misconduct, fixing educational standards, and requiring applicants to pass an examination designed and administered by the SBL.

In fairly short order, however, the State Bar of Louisiana "flamed out," and a re-energized LSBA returned to good health as an "integrated" Bar. Interestingly, Billings attributes these events largely to Huey Long's "lieutenants" who "rivaled to succeed him" after his assassination in September 1935. They proved to be "spectacularly corrupt" and "made a mockery" of the SBL.

During its five-year existence, the State Bar of Louisiana held only one annual meeting. Required reports to the state treasurer were never filed. Complaints poured in about its failure to prepare adequate bar examinations and investigate charges of attorney misconduct.

Meanwhile, the LSBA "pressed on" with leaders like John D. Miller, Monte M. Lemann, Eugene Stanley, Charles Vernon Porter, and W. Pike Hall Jr. taking "pains not to appear too confrontational." Both the ABA and the American Judicature Society continued to recognize the LSBA as the state's official bar organization.

What ultimately turned the tide, Billings writes, were the Louisiana Scandals of 1939 and 1940 during the administration of Governor Richard W. Leche. Brought to light in a nationally syndicated column by reporters Drew Pearson and Robert S. Allen, the evidence showed materials belonging to the Works Progress Administration (WPA) were being used "to build one of Leche's houses in Covington." Then came the revelation that LSU president James Monroe Smith "had squandered millions of university dollars speculating on the stock market, and dozens of leading members in Leche's administration had robbed the university too." Leche and Smith were tried and convicted on charges of conspiracy to defraud, income tax evasion, mail fraud, kickbacks, and theft of WPA labor and materials. Both went to prison.

In 1940, voters wanting to "cleanse the mess in Baton Rouge" elected Lake Charles lawyer, Sam H. Jones, a member of the LSBA, as Louisiana's "reform" governor. In response, LSBA president Pike Hall, who had "worked tirelessly" for Jones's election, drafted a resolution and bill calling for repeal of the State Bar Act and return of Bar supervision to the Louisiana Supreme Court. On inauguration day, Gov. Jones said to Hall: "Pike, there is one thing I want to see happen in Louisiana while I am governor. The bar of this State wants a self-governing, integrated bar. You fellows go to it, and I am behind you 100 percent all the way."

Accordingly, Act No. 54 of 1940 "memorialized" the Louisiana Supreme Court to create an association known as the Louisiana State Bar Association, requiring all attorneys to become members. The Court was to use its "inherent powers" to organize the new LSBA by "regulating admissions, members' conduct, membership dues, and providing rules for punishing miscreant members." The Justices appointed an advisory committee to draft new LSBA Articles of Incorporation. Chaired by Hall, the committee, after considerable study, submitted its proposed Articles to the Court in February 1941. On March 12<sup>th</sup> the Court issued an Order formally creating the Louisiana State Bar Association.

The new charter established three LSBA officers (president, vice president, and secretary-treasurer) and a board drawn from congressional districts, law schools, the Louisiana State Law Institute, the "junior bar," and one person "at large." Article 12 set standards for admission. Article 13 created a committee to investigate complaints of misconduct, while Article 14 contained a canon of ethics, drawn from the ABA canon.

In Lake Charles, on April 18 and 19, 1941, the old voluntary LSBA held its last meeting and the new integrated LSBA its first, both chaired by Pike Hall. Governor Jones was on hand to say: "Today marks the beginning of a new and hope-filled future for the members of the bar of our State." He concluded: "Through the tumult and the chaos has come a finer Louisiana State Bar Association."

Billings concludes by noting that all these Bar issues — admissions, rules of professional conduct, discipline, and membership, among others — would remain subjects of debate going forward, as they have. The history of the Louisiana State Bar Association since April 1941, he writes, "is a tale yet to be told."

True, but its history from 1804 to 1941 has now been written — and written well by Prof. Warren M. Billings.

E. Phelps Gay is an arbitrator and mediator with the Patterson Resolution Group. He served as 2000-01 president of the Louisiana State Association and currently serves board chair the Supreme of Court of Louisiana Historical Society. (ephelpsgay@gmail. com)



# Association ACTIONS

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

#### LSBA Elections: First Election Ballots Available Nov. 3

everal leadership positions are open in the 2025–26 Louisiana State Bar Association (LSBA) election cycle. Balloting will be conducted electronically only, as approved by the LSBA Board of Governors and provided for in the Association's Articles of Incorporation. No paper ballots will be provided.

On Monday, Sept. 15, notice of the action of the Nominating Committee and self-qualification forms for positions on the Board of Governors, LSBA House of Delegates, Nominating Committee, Young Lawyers Division and American Bar Association House of Delegates will be provided to the membership.

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

According to the president-elect rotation, the nominee must have his/her preferred mailing address in Nominating Committee District 1 (parishes of Orleans, Plaquemines, St. Bernard and St. Tammany). According to the treasurer rotation, the nominee must have his/her preferred mailing address in Nominating Committee District 2 (parishes of Ascension, Assumption, East

Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Pointe Coupee, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana).

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

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

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

Nominating Committee (15 members, one-year terms beginning at the adjournment of the 2026 LSBA Annual Meeting and ending at the adjournment of the 2027 LSBA Annual Meeting) — District 1A, Orleans Parish, four members; District 1B, parishes of Plaquemines, St. Bernard and St. Tammany, one member; District 2A, East Baton Rouge Parish, two

members; District 2B, Jefferson Parish, two members; District 2C, parishes of Ascension, Assumption, East Feliciana, Iberville, Lafourche, Livingston, Pointe Coupee, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana, one member; District 3A, Lafayette Parish, one member; District 3B, parishes of Acadia, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Martin, St. Mary and Vermilion, one member; District 3C, parishes of Allen, Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry and Vernon, one member; District 3D, parishes of Bossier and Caddo, one member; and District 3E, parishes of Bienville, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Red River, Richland, Tensas, Union, Webster, West Carroll and Winn, one member.

Young Lawyers Division Secretary (2026–27 term), nominee may be a resident of or actively practicing law in any parish of Louisiana based on preferred mailing address. Petitions for nomination must be signed by 15 members of the Young Lawyers Division. Also to be elected, one representative each from the First, Second, Third, Fifth and Seventh districts (two-year terms).

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

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

# House Resolution Deadline is Dec. 15 for 2026 Midyear Meeting

The Louisiana State Bar Association's (LSBA) Midyear Meeting is scheduled for Thursday through Saturday, Jan. 22–24, 2026, at the Renaissance Hotel in Baton Rouge. The deadline for submitting resolutions for the House of Delegates meeting is Monday, Dec. 15. (The House will meet on Jan. 24, 2026.)

Resolutions by House members and committee and section chairs should be

mailed to LSBA Secretary Bradley J. Tate, c/o Louisiana Bar Center, 601 St. Charles Ave., New Orleans, LA 70130-3404. All resolutions proposed to be considered at the meeting must be received on or before Dec. 15. Resolutions must be signed by the author. Also, copies of all resolutions should be emailed (in MS Word format) to LSBA Governance Coordinator Jen France at jen.france@lsba.org.

# (Re)introducing the Inclusive Practice Section

At the Louisiana State Bar Association's Annual Meeting in Sandestin, the House of Delegates voted to approve a resolution renaming the former Minority Involvement Section as the Inclusive Practice Section. The resolution, which had already been endorsed by the section's membership, was unanimously ratified by the Board of Governors.

#### Honoring a Distinguished Legacy

Since its creation, the section has been one of the most diverse within the LSBA. Its original mission was to provide a home for attorneys whose experiences were not fully reflected in the larger Bar. In particular, the section served as a crucial point of connection and visibility for Black and African American attorneys at a time when representation was limited.

That history is one of achievement as much as belonging. Attorneys who once found support within the section have gone on to become judges, Supreme Court justices, professors, law firm partners, entrepreneurs, bar leaders, and civil rights advocates. The section's legacy of cultivating leadership and professional growth has had a lasting influence on Louisiana's legal community. The LSBA has since gone on to create several committees geared towards the goals of this section.

### A Broadened Purpose and Modernizing for the Future

While preserving its legacy, the newly named Inclusive Practice Section also expands its mission. The resolution reaffirms the section's commitment to supporting attorneys of diverse backgrounds and experiences, while expressly extending its reach to those facing particular challenges. This includes attorneys who encounter barriers

related to socioeconomic status, geographic isolation, limited practice resources, or underrepresented areas of law. By broadening its scope, the section affirms that inclusion in the legal profession requires at-

tention not only to identity, but also to the practical realities that shape how and where law is practiced in Louisiana.

Alongside the name change, the resolution also updated the section's bylaws. Provisions for electronic voting, virtual meetings, and clarified officer responsibilities were adopted to ensure accessibility and efficiency for members statewide. These modernizations position the section to better meet the needs of attorneys across Louisiana.

#### Collaboration and Professionalism

The section's renewed mission emphasizes collaboration within the LSBA. By working with other sections and committees, the Inclusive Practice Section seeks to advance professionalism, mentorship, and excellence across the profession. This collaborative spirit echoes a core principle of the legal community: that lawyers can hold differing perspectives yet remain united in their service to clients and to justice.

The renaming to the Inclusive Practice Section represents both continuity and growth. It honors the past by preserving a legacy of diversity and belonging, while also preparing for the future by expanding the definition of inclusion. This section strives to be a home within the LSBA for those whose voices and perspectives strengthen the legal profession. With its new name and mission, it now stands ready to welcome an even broader community of Louisiana lawyers into that tradition of excellence and inclusion.

For more information, visit www. lsba.org/goto/InclusivePracticeSection.

# National Celebrate Pro Bono Week Will Be Recognized from Oct. 21–26

Every October, the American Bar Association (ABA) sponsors National Celebrate Pro Bono Week to highlight the vital role lawyers play in providing free legal services to those in need. The Louisiana State Bar Association (LSBA) participates by coordinating Lawyers in Libraries events throughout the state.

Events this year will take place Oct. 21–26. During this week, LSBA members and libraries across Louisiana will come together to provide free, limited services to the public, in-person and virtually.

For more information about Louisiana events, go online: www. LouisianaLawyersinLibraries.org.
For more information about the ABA's Celebrate Pro Bono, go online: www.americanbar.org/groups/center-pro-bono/celebrate-pro-bono/.

# LBLS Recertification Applications have been mailed

of The Louisiana Board Legal Specialization has mailed Recertification Applications to those Specialists whose certification is due to expire on December 31, 2025. The completed application together with a check payable to the Louisiana Board of Legal Specialization in the amount of \$100 should be forwarded to the LBLS office c/o Mary Ann Wegmann, Specialization Director, 601 St. Charles Ave., New Orleans, LA 70130, no later than Tuesday, November 4, 2025, to avoid penalties.

If you have any questions, please contact Mary Ann Wegmann, Specialization Director of the LBLS at (504) 619-0128 or email maryann.wegmann@lsba.org.

# LA Board of Legal Specialization Will Accept Applications for Board Certification Beginning Nov. 1

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

In accordance with the Plan of Legal Specialization, a Louisiana State Bar Association member in good standing who has been engaged in the practice of law on a full-time basis for a minimum of five (5) years may apply for certification. Further requirements are that each year a minimum percentage of the attorney's practice must be devoted to the area of certification sought, passing a written examination to demonstrate sufficient knowledge, skills and proficiency in the area for which certification is sought and five (5) favorable references. Peer review shall be used to determine that an applicant has achieved recognition as having a level of competence indicating proficient

performance handling the usual matters in the specialty field. Please refer to the LBLS standards for the applicable specialty for a more detailed description of the requirements for application. www.lsba.org/documents/Specialization/LSBAPlanofLegalspecialization2017. ndf.

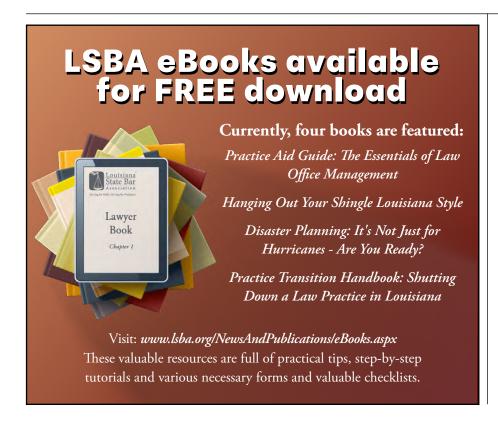
In addition to the above, applicants must meet a minimum CLE requirement for the year in which application is made and the examination is administered:

- ► Appellate Practice 15 hours of appellate practice
- ► Employment Law 15 hours of employment law
- ► Estate Planning and Administration
   18 hours of estate planning and administration
- ► Family Law 15 hours of family law
- ► Health Law 15 hours of health law
- ► Labor Law 15 hours of labor law
- ► Tax Law 18 hours of tax law
- ▶ Bankruptcy Law CLE is regulated by the American Board of Certification, the testing agency.

Approved specialization CLE courses may be viewed on the LBLS Approved Course Calendar at www.lsba. org/MCLE/MCLECalendar.aspx?L=S.

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

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



#### The Louisiana Board of Legal Specialization Increased its Annual Dues Effective Jan. 1, 2026

The Louisiana Board of Legal Specialization ("LBLS") voted to amend Rule 6.5(a) of its Rules and Regulations to increase annual dues for all board certified specialists from \$175.00 to \$200.00, effective January 1, 2026. This is the first time that LBLS annual dues have been increased since 1993. LBLS also amended Rule 6.6(d) to add a penalty of \$50.00 for failure to pay the recertification fee by the due date. A copy of the amended LBLS Rules and Regulations may be downloaded from the website at www.lsba.org/documents/Specialization/RulesRegulationsofLegalSpecialization.pdf.

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



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# ESSENTIALS FOR STARTING & MANAGING YOUR OWN PRACTICE

#### **Develop a Business Plan**

Before ordering business cards or signing a lease, pause. Your first task isn't picking out fonts or scouting office space. It's creating a business plan that you'll use. This isn't a document that gathers dust in a drawer. It's a dynamic road map and writing it forces you to make deliberate decisions about what your practice will be, how it will operate, and where it's headed.

A lean, focused plan will be far more useful than a bloated one. Hit the essentials:

- ► Executive Summary One page that answers the big questions: Why does your firm exist? What do you offer?
- ► Market Analysis Understand the landscape. For example, if a business litigator is in Baton Rouge, know where the small businesses are, which courts you'll be in most often, and who your competitors are.
- ▶ Practice Areas Be ruthless in defining your focus. Resist the urge to list "everything from adoption to zoning." Your reputation will grow faster when known for specific work.
- ► Marketing Strategy Will you rely on referrals, publish content, network at every Chamber of Commerce mixer, or all of the above? Pick a direction you can sustain and avoid tasks that are time vampires.
- ► Operations & Logistics How will a case move from intake to closing letter? Who answers the phone? Where are client files stored?



▶ Financials — Lay out startup costs, monthly revenue targets, and your personal break-even date. Keep it lean so you'll revisit it often. A business plan should be a living docu-

#### Setting Up Your Law Office: Make It Work for You

ment, adjusted as your practice evolves.

There's no single "right" way to set up a law office anymore, but there is a right way for you.

Your small office practice might be fine at home, or with a single room in a building full of other businesses. Other lawyers swear by coworking spaces, with access to a receptionist, conference rooms, and possibly other attorneys to swap war stories with. Virtual offices are another viable choice, especially if spending more time in court than at a desk.

At a minimum, invest in:

► A reliable laptop that can handle daily travel that you are not using for any purpose outside your law office.

- ► A scanner that integrates with your software.
  - ► Secure, cloud-based storage. If still using thumb drives as your only backup, stop.
  - ► Calendar and task tools.

Staff isn't mandatory at first.

Many solos thrive with a virtual assistant for scheduling, a freelance paralegal for filings, and an accountant to handle the books. The trick is an efficient workflow before the first client walks in because once chaos starts, it's harder to fix.

# Attracting the Right Clients (and Turning Away the Wrong Ones)

Opening your doors is easy. Keeping them open depends on who you let through.

The wrong client will cost you more than having no client at all. Learn to spot red flags early. Those aren't "interesting challenges." They're warnings.

The right clients won't just appear. You need to be visible in spaces they already occupy. That could mean a professional, mobile-friendly website with plain-English explanations of your services. Or it could be writing a monthly column for the local paper, participating in podcasts, or attending community events.

### Client Communication: The Stress Reducer

If you want fewer headaches, stronger referrals, and a calmer practice, master client communication.

Set expectations at the very first

meeting as to when return calls will be made or frequency of contact. A quick "no updates yet" email can prevent a frustrated voicemail at 10 p.m. When a matter concludes, send a closing letter outlining what was accomplished and what the client should do next. It's professional, courteous, and protects you down the line.

# Billing and Time Management: Protect Your Cash Flow

Choose your billing method early, whether hourly, flat fee, or contingency. Be consistent for each type of case. Track time in real time. If you wait until the end of the week to reconstruct your hours, you're losing money. Technology will help (check out the free Smokeball tool free to all LSBA members).

Bill regularly. Use detailed entries: "Drafted motion to compel discovery responses" gets paid faster than "worked on case." When a client is late, follow up promptly. Delay makes collection harder.

#### Leveraging Resources You Already Pay For

You're not starting from scratch. Your bar dues buy you more than a license; they buy you tools.

The Louisiana State Bar Association offers these free online publications: Practice Aid Guide: The Essentials of Law Office Management and Hanging Out Your Shingle, Louisiana Style. Additionally, the LSBA offers yearly low or no cost CLE programming focused on the small office practitioner (e.g., Seven Points Seminars in March and May 2026 throughout the state and the LSBA's 19th Solo, Small Firm & TECH Conference (April 10, 2026)). Tap into LSBA's Solo and Small Firm Section and national resources like the ABA and its publications like Law Practice Today and its Solo, Small Firm & General Practice Division. They're gold mines for templates, tech reviews, and marketing ideas you don't have to invent from scratch.

### Final Thoughts: Build, Adjust, Repeat

Starting your own law firm should be an educated leap. Begin with a focused plan, create a workspace that supports productivity, be intentional about the clients you take, communicate clearly, and keep your billing airtight.

And remember, your plan is not carved in stone. Let it breathe as you discover what works for you. Change isn't failure; it's evolution. The ability to adapt is what turns a new firm into a lasting one.

Shawn L. Holahan is a member of the Louisiana State Bar Association's Professional Programs
Department as practice management and loss prevention counsel. She is responsible for the administration of the Law Office Management



Assistance Program and the administration of the Fee Dispute Resolution Program. (shawn.holahan@lsba.org; New Orleans, LA)





### IT'S A DIFFERENT WORLD

find myself using that phrase more and more often. As the proverb goes, we certainly live in "interesting times," and many of us have experienced a number of "once in a lifetime" events more than once.

Lawsuits have become the go to method of dispute resolution. We have governmental bodies suing each other. Attacks and threats on the judiciary have increased significantly. Threats of violence are commonplace. Law firms are targeted for exercising constitutional rights and for the clients they represent.

Incivility has become the norm in many areas of our everyday lives. Red lights have become optional and speed limits are suggestions.

This incivility has seeped into our profession as well. What can we, as lawyers, do to make our profession and that little portion of the world we occupy better?

Here are some suggestions:

▶ Treat all members of the judiciary with respect both in and outside the court-room. The judiciary is the bedrock of our system. If credibility and belief in the impartial administration of justice by the courts fail, the system fails.

Disparaging judges with such adjectives as clowns and bullies does not reflect well on anyone. We can disagree without being disagreeable. Zealous representation is not an excuse to be mean-spirited or abusive.

- ▶ It's not the Judge's fault. The only lawyer who hasn't lost a case is the lawyer who hasn't tried enough of them. We've all had adverse rulings; it goes with the territory. It doesn't mean the factfinder is dumb or, worse, dishonest. It just means the other side had a better case.
- ► Bad mouthing the judge in any forum, including social media, does nothing for your case and is not a winning strategy.
- ▶ Be respectful in the courtroom. Stand up to argue or respond to the court. Be prepared. If the judge asks a question, answer it when asked. Hopefully, you are well enough prepared to not have to say, "I don't know." The entire object of the exer-

cise is to convince the court your position is correct. Do all you can to succeed.

- ▶ Dress appropriately. There is no question that business attire today is far more relaxed than in the past. Not so in courtrooms. First impressions count. Keep a professional outfit in your office just in case. Tuck your shirt in. Making a good presentation counts. Remember, a zoom hearing is still a hearing.
- ► Stay off your phone while in court. The courtroom does not need to hear your conversation. Better yet, turn your phone off.
- ▶ Avoid reading your argument. The judge has read your brief. Oral argument is the time to highlight why the court should rule in your favor. Don't waste that time reading what the court has already read.
- ► Avoid reading from your phone, and, if you do, don't hold it in front of your face. It is much more persuasive if you maintain eye contact.
- ▶ Be courteous to court personnel. Never forget that the judge's deputy, court reporter, sheriff and law clerk all have the judge's ear more than you do. Don't make them your enemy.
- ▶ Be courteous to opposing counsel. Judges don't like "he said, she said" fights. Avoid bickering with opposing counsel (even if you don't get along). Don't interrupt another lawyer's argument and certainly don't interrupt the judge. You'll get your turn.
- ▶ Don't contest a judge's ruling. Once the court rules, unless the ruling is unclear, accept it. That is why we have appeal courts. Telling a judge you disagree with her ruling is not a good strategy. Of course you disagree; you lost.
- ▶ Make sure you have what you need in the record to have an effective appeal. The appellate court can't help you if it's not in the record.
- ► Remember that compliance with Rules of Professional Conduct is the floor, not the ceiling.
- ► Learn the rules and follow them. Not just the procedural rules but the local rules and the judge's practice. If you don't

know, ask.

- ▶ Mentoring is important. You can't take your skills with you when you die, so share your knowledge and experience. Someone gave you insight into how to practice law, pass it on. Likewise, remember that younger lawyers have experiences and skills they can share. It's a two-way street.
- ► Get active in your local or the state bar. Develop personal relationships. Remember, courtesies are much more easily given and received if you have a good relationship.
- ► Give back to your community. Find an organization that interests you and get active. Many not-for-profits need and appreciate legal advice.
- ▶ Take care of yourself. Work-life balance is important. If you're over stressed (we all get stressed), you aren't doing yourself, your loved ones or your clients any good. It's hard to meet client demands in today's legal environment and still keep your life in balance, but it's critical to your wellbeing and in your clients' interests.
- ► If you make a mistake, admit it. I was told many years ago by the lawyer who mentored me that we all make mistakes. Just don't make the same ones over and over again.
- ► Lastly, follow the golden rule that we all learned as children "do unto others as you would have them do unto you."

Robert A. Kutcher is an attorney in Metairie, Louisiana. He is active in both the legal community and the community-at-large, having served as President of the LSBA, President of the New Orleans Chapter of the Federal Bar Association, and Chair of the Louisiana Attorney Disciplinary



Board. He is currently the President of JLAP. In the community-at-large, Mr. Kutcher has served as Chairman of the Louisiana State Advisory Committee to the U.S. Civil Rights Commission, Chairman of the South Central Region of the Anti-Defamation League, and President of both his local synagogue and Jewish Community Center.

# WE'RE SEEKING PUBLIC DEFENDERS COMMITTED TO DEFENDING THE DIGNITY OF PEOPLE CAUGHT IN A DISEMPOWERING LEGAL SYSTEM.

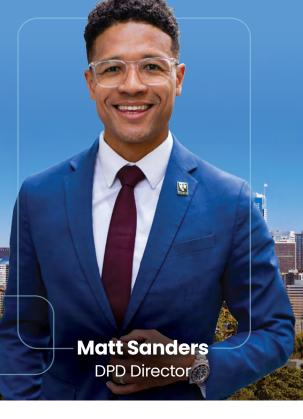
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### **LONELINESS IN LAW**

o you ever feel like you have no one to ask questions or vent your frustrations to? Or that no one truly understands you? Will anyone even notice if you mentally check out? You may continue to answer calls and respond to messages, handling your responsibilities without any visible signs of struggle, moving on autopilot and simply doing what needs to be done, while your mind is elsewhere. There is often pressure for lawyers to remain "on" to appear bright, polished, and show no signs of weakness. However, beneath the surface, this can significantly impact our mental, emotional, and even physical well-being.

We have all heard the saying "one is the loneliest number," yet many struggle to find someone to confide in during tough times. We may feel we have no one to turn to, and even if we do, opening up to friends or family can be difficult. We fear they will not understand what we are experiencing, or we may hesitate to unburden ourselves in front of them.

Loneliness is not just about being physically apart from others; it is about feeling connected to and supported by them. It involves a deep sense of being "without," characterized by the belief that no one understands your experiences, thoughts, or emotions and that they do not care. This feeling is subjective and reflects a deficiency in social relationships, whether in terms of type, quality, or quantity concerning one's perceived needs.

Lawyers consistently rank among the loneliest professionals. Some studies indicate that 61% of lawyers score above average on loneliness measures compared to other professions. Factors contributing to loneliness in the legal field include the adversarial nature of the work, long hours, high-pressure environments and the expectation to maintain a composed and stoic demeanor. These factors can hinder genuine con-

nections with colleagues and others. The legal profession is often viewed as highly competitive, where lawyers focus on individual success and advancement, which can create a profound sense of isolation and deter collaboration.

While occasional feelings of loneliness are part of human experience, prolonged loneliness is linked to increased rates of addiction, depression, stress, anxiety and substance abuse. Research has also shown a correlation between loneliness and suicidal thoughts among lawyers. In May 2023, former U.S. Surgeon General Vivek Murthy released a report declaring an epidemic of loneliness in the United States and its harmful effects on well-being. The report emphasized that loneliness can be as detrimental as smoking up to 15 cigarettes a day.

You may be a solo practitioner feeling overwhelmed, a new lawyer constantly questioning your qualifications, or an associate at a large firm striving to keep up with high-achieving peers. Additionally, those who work with atrisk and traumatized populations often find it challenging to manage the emotions they encounter and may internalize these feelings. This vicarious trauma can lead some individuals, concerned about burdening others, to keep their struggles to themselves. Then, as we age, we may face losses, such as colleagues and loved ones, and the transition to retirement can exacerbate feelings of loneliness.

Recognizing and addressing feelings of loneliness is not a sign of weakness; rather, it is a courageous step toward a healthier and more fulfilling life. It takes strength to acknowledge our vulnerabilities and reach out for support. It is crucial for us to recognize when we need help and to admit when we are overworked. We cannot be everything to everyone at all times. However, many lawyers fear admitting their limitations, often worrying about being perceived as foolish, unknowledgeable, or ill-equipped. This fear

of appearing like an impostor can lead to self-imposed isolation.

The antidote to loneliness is connection and relationships. We are biologically wired to need other people, and a sense of belonging is fundamental to our happiness, satisfaction and well-being. Connections flourish when individuals feel seen, heard, and valued; when they can give and receive without judgment; and when they draw strength from the relationship. Engaging in activities that promote well-being, such as volunteering, exercising, practicing mindfulness and spending time with loved ones, can help alleviate the adverse effects of loneliness. Seeking professional support through counseling or therapy can also be beneficial.

As lawyers, we often dedicate ourselves to caring for others while neglecting our own needs. Every lawyer needs support. Fortunately, the conversation surrounding mental health in the legal field is evolving. If you are feeling lonely, remember that you are not alone. Let us continue to break the stigma surrounding discussions of challenges and vulnerabilities, paving the way for a culture where seeking support is viewed as a sign of wisdom rather than weakness.

If you or someone you know is struggling, help and resources are available. Contact JLAP at 985-778-0571 or email JLAP@LouisianaJLAP.com. You can also visit our website at: *LouisianaJLAP.com*. JLAP provides confidential assistance to lawyers, judges, and law students.

We are a safe haven of healing.

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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#### **DIVERSITY**

# SUIT UP FOR THE FUTURE HIGH SCHOOL SUMMER LEGAL INSTITUTE AND INTERNSHIP PROGRAM

he Louisiana State Bar Association's (LSBA) Suit Up for the Future High School Summer Legal Institute and Internship Program had another successful year, with 22 students completing the program. The three-week program was held June 9–27, 2025, and included abridged law school sessions, job shadowing opportunities at law firms, courts, and agencies, and tours of courts and agencies.

During the program, students prepared written memorandums to support their oral arguments. Oral arguments were presented on the last day of the program to a panel of judges at the U.S. District Court for the Eastern District of Louisiana.

Congratulations to the Suit Up 2025 winners for Best Oral Argument and Memorandum: Otto K. Massie (Best Defense Memorandum, Best Defense Oral Argument, Morning Session), Ja'Wayne A. White (Best Prosecution Memorandum), Emma L. Ladisky (Best Prosecution Oral Argument, Morning Session), Bailey I. Williams (Best Defense Oral Argument, Afternoon Session), and Ja'Ryan D. Berryhill (Best Prosecution Oral Argument, Afternoon Session).

The LSBA Suit Up for the Future program is an award-winning Diversity Pipeline program and a 2013 American Bar Association Partnership recipient.

The success of the Suit Up program would not be possible without dedicated volunteers:



Ja'Ryan D. Berryhill; Denia S. Aiyegbusi, CNA Insurance, New Orleans; Emma L. Ladisky; Edward J. Walters, Jr., LSBA President 2025-2026, Baton Rouge; Bailey I. Williams; and Tiffany L. Delery, Chehardy, Sherman, Williams, Recile & Hayes, L.L.P., New Orleans.



Suit Up participants, Top Row (L-R): Adrienne A. Boutte, 2L, Southern University Law Center, Baton Rouge; Ja'Ryan D. Berryhill; Ja'Wayne A. White; Christopher H. Juge II; Otto K. Massie; Macy J. Hall. Middle Row: Mary C. Bowlin; Shelby D. Gordon; Abigail A. Schoen; Victoria G. Baez; Emma L. Ladisky; Bailey I. Williams; Makenzie R. Jackson; Sylvia C. Capiton; William T. David. Front Row: Benjamin B. So; Nhachi C. Vu; Selin G. Greer; Angelica H. Rodriguez; Ximena G. Vasquez; Estefania J. Antunez; Tyler D. Bickham; Danie M. Hamilton; Julianna A. Cunnikin. Middle Front: Denia S. Aiyegbusi, Diversity Committee's Pipeline to Diversity and Outreach Subcommittee Past Co-Chair, CNA Insurance, New Orleans; Hon. Karen Wells Roby, Just the Beginning (JTB) Coordinator, Magistrate Judge, U. S. District Court, Eastern District of Louisiana, New Orleans; Tiffany L. Delery, Diversity Committee's Pipeline to Diversity and Outreach Subcommittee Co-Chair, Chehardy, Sherman, Williams, Recile & Hayes, L.L.P., New Orleans.

Diversity Committee, Pipeline to Diversity and Outreach Subcommittee members: Denia S. Aiyegbusi, Past Co-Chair, CNA Insurance, New Orleans; Tiffany L. Delery, Co-Chair, Chehardy, Sherman, Williams, Recile & Hayes, L.L.P., New Orleans.

Instructors: Professor Emily A. Bishop, Director of the Lawyering Program and Professor of Practice, Loyola University New Orleans College of Law, New Orleans; Professor Kenya J. H. Smith, Associate Law Professor, Byron R. Kantrow Endowed Professor of Law, Wedon T. Smith Endowed Professor in Civil Law #2, LSU Paul M. Hebert Law Center, Baton Rouge; Professor Angela



Suit Up Morning Judges (L-R): Hon. Ellen M. Hazeur, Orleans Parish Civil District Court, Division A, New Orleans; Hon. Karen Wells Roby, Just the Beginning (JTB) Coordinator, Magistrate Judge, United States District Court, Eastern District of Louisiana, New Orleans; Hon. Elroy A. James, First City Court of Orleans Parish, Section B, New Orleans



Denia S. Aiyegbusi, CNA Insurance, New Orleans; Hon. Karen Wells Roby, U.S. District Court, Eastern District of Louisiana, New Orleans and Tiffany L. Delery, Chehardy, Sherman, Williams, Recile & Hayes, L.L.P., New Orleans.

A. Allen-Bell, B.K. Agnihotri Endowed Professor, Southern University Law Center, Baton Rouge; Professor Jeffrey C. Brooks, Assistant Professor of Professional Practice, LSU Paul M. Hebert Law Center,



Suit Up Oral Argument and Memo Winners (L-R): Otto K. Massie, Best Defense Memorandum, Best Defense Oral Argument (Morning Session); Emma L. Ladisky, Best Prosecution Oral Argument (Morning Session); Bailey I. Williams, Best Defense Oral Argument (Afternoon Session); Ja'Ryan D. Berryhill, Best Prosecution Oral Argument (Afternoon Session); Ja'Wayne A. White, Best Prosecution Memorandum

Baton Rouge.

Job Shadowing Employers: 24<sup>th</sup> Judicial District Court (Hon. Lee V. Faulkner, Jr., Division P; Hon. Shayna B. Morvant, Division B); Adams and Reese, L.L.P.; Courington, Kiefer, Sommers, Marullo, Matherne & Bell, L.L.C.; Deutsch Kerrigan LLP; Entergy Services, LLC; Hair Shunnarah Trial Attorneys, LLC; Irwin, Fritchie, Urquhart, Moore & Daniels, L.L.C.; Kelly Hart Pitre; Matthews Law Office, LLC; Orleans Parish District Attorney's Office; Orleans Parish Civil District Court (Hon. Bernadette D'Souza, Division K); Phelps; Simon, Peragine, Smith & Redfearn, L.L.P.; Stone Pigman Walther Wittmann L.L.C.

Judges' Panel: Hon. Karen Wells Roby, Just the Beginning (JTB) Coordinator, Magistrate Judge, United States District Court, Eastern District of Louisiana, New Orleans; Orleans Parish Civil District Court (Hon. Ellen M. Hazeur, Division A; Hon. Elroy A. James, Division B; Hon. Omar K. Mason, Division E; Hon. Lori W. Jupiter, Division I).

Tour Presenters: Loyola University New Orleans College of Law, New Orleans (Kimberly Jones, JD, Associate Dean of Admissions; Allyson LaBruzza, Law Admissions Counselor); Tulane University Law School, New Orleans (Tracie N. Ransom, JD, Assistant Dean for Equity, Diversity & Inclusion; Julia M. Spencer, JD, Assistant Director of Admission; Emily Woina-Hodnett, JD, Assistant Dean of Students).

Hon. Tracey E. Flemings-Davillier, Section B, Orleans Parish Criminal District Court, New Orleans; Daniel L. Engelberg, Chief District Defender, Orleans Public Defender's Office, New Orleans; Orleans Parish District Attorney's Office, New Orleans (Jason R. Williams, District Attorney; Micah Ince, Chief of Staff); Louisiana Supreme Court, New Orleans (Justice Piper D. Griffin, Louisiana Supreme Court, 7th District, New Orleans; Sara V. Pixon, Head of Public Services, Louisiana Supreme Court Library, New Orleans; Trina S. Vincent, Deputy Judicial Administrator for Community Relations, Louisiana Supreme Court, New Orleans); Hon. Karen Wells Roby, Just the Beginning (JTB) Coordinator, Magistrate Judge, United States District Court, Eastern District of Louisiana, New Orleans.

College and Law School Admission Presenters: Blair R. Boles, Assistant Director of Admissions at the LSU Paul M. Hebert Law Center; Breleigh Bentivegna, Admissions Counselor, Southeastern Louisiana University, Hammond; Dylan G. Rhoton, 2022 Suit Up Alumnus, Harvard University, Cambridge, MA.

Special thanks to our lunch sponsors: Tulane University Law School and Shake Shack Canal (Yunior Batista, General Manager; Anthony Paniagua, Assistant General Manager).

Interns: William T. David, 2023 Suit Up Alumnus, Morehouse College, Atlanta, GA; Benjamin B. So, 2023 Suit Up Alumnus, Tulane University, New Orleans; Adrienne A. Boutte, 2L, Southern University Law Center, Baton Rouge.



Participating in the Legal Research & Writing Session (L-R) Tyler D. Bickham; Sylvia C. Capiton; Professor Emily A. Bishop, Director of the Lawyering Program and Professor of Practice, Loyola University New Orleans College of Law, New Orleans; Bailey I. Williams and Danie M. Hamilton.



Participating in the Contracts Session (L-R) Macy J. Hall; Emma L. Ladisky; Professor Kenya J. H. Smith, Associate Law Professor, Byron R. Kantrow Endowed Professor of Law, LSU Paul M. Hebert Law Center, Baton Rouge; Estefania J. Antunez; Abigail A. Schoen.



Participating in the Transitional Justice and Constitutional Law Session (L-R): Ximena G. Vasquez; Abigail A. Schoen; Professor Angela A. Allen-Bell, B. K. Agnihotri Endowed Professor, Southern University Law Center, Baton Rouge; Angelica H. Rodriguez; Mary C. Bowlin.



Participating in the Oral Argument Workshop: How to Deliver an Oral Argument Session (L-R): Mary C. Bowlin; Estefania J. Antunez; Professor Jeffrey C. Brooks, Assistant Professor, LSU Paul M. Hebert Law Center, Baton Rouge; Cheyenne M. Lewis, Macy J. Hall.



Participating in a tour of the Louisiana Supreme Court (L-R): Benjamin B. So, Intern, 2023 Suit Up Alumnus, Tulane University, New Orleans; Emma L. Ladisky; Mary C. Bowlin; Estefania J. Antunez; Angelica H. Rodriguez; Selin G. Greer; Macy J. Hall; Sylvia C. Capiton; Tyler D. Bickham; Victoria G. Baez; Justice Piper D. Griffin, Louisiana Supreme Court, 7<sup>th</sup> District, New Orleans; Nhachi C. Vu; Makenzie R. Jackson; Bailey I. Williams; Cheyenne M. Lewis; Abigail A. Schoen; Shelby D. Gordon; Christopher H. Juge II; Ja'Ryan D. Berryhill; Julianna A. Cunnikin; Otto K. Massie; Danie M. Hamilton; Ja'Wayne A. White; William T. David, Intern, 2023 Suit Up Alumnus, Morehouse College, Atlanta, GA.



#### **REPORTING DATE 8/4/25**

#### REPORT BY DISCIPLINARY COUNSEL

Public matters are reported to protect the public, inform the profession and deter misconduct. Reporting date August 4, 2025.

#### **Decisions**

Steven E. Adams, Walker (2025-B-0805) by consent has been placed on interim suspension from the practice of law by order of the Louisiana Supreme Court on June 27, 2025. JUDGMENT FINAL and EFFECTIVE June 27, 2025. Adams may not practice law in Louisiana until further orders of the Court.

Jonathan Gardere Carter, Metairie, (2025-B-0076) suspended from the practice of law for one year and one day with all but six months deferred, retroactive to the date of his interim suspension in In re: Carter, 25-0076 (La 1/29/2025) 400 So. 3d 93 and a period of probation that coincides with his June 25, 2025 JLAP contract, by order of the Louisiana Supreme Court on June 25, 2025. JUDGMENT FINAL and EFFECTIVE June 25, 2025. Gist: The respondent neglected legal matters, failed to communicate with clients, failed to expedite litigations, failed to promptly return unearned fees, and failed to cooperate with the ODC in its investigation.

Jan Peter Christiansen, Monroe

(2025-B-00602) has been suspended from the practice of law for a period of ninety days, fully deferred, subject to the conditions set forth in the petition for consent discipline, by order of the Louisiana Supreme Court on June 17, 2025. JUDGMENT FINAL and EFFECTIVE June 17, 2025. Gist: The respondent engaged in inappropriate interactions of a sexual nature with a client.

Zachary R. Christiansen, New Orleans, (2025-B-0597) disbarred by order of the Louisiana Supreme Court on June 17, 2025. JUDGMENT FINAL and EFFECTIVE June 17, 2025. Gist: The respondent committed theft of law firm funds, failed to diligently represent several clients, and made material misrepresentations to the clients regarding the status of their legal matters.

Richard Tracy Conrad III, Jackson, MS (2025-OB-0901) permanently resigned by order of the Louisiana Supreme Court on July 19, 2025. JUDGMENT FINAL and EFFECTIVE July 19, 2025. Gist: The respondent allegedly engaged in serious attorney misconduct including concealing a final judgement from a client and forging a judgement of dismissal.

**Donald R. Dobbins, Baton Rouge** (2025-OB-00627) has been reinstated to the practice of law, subject to compliance with his April 29, 2025 JLAP contact, by order of the Louisiana Supreme Court on June 25, 2025. JUDGMENT FINAL and EFFECTIVE June 25, 2025.

Kervin W. Doyle, New Orleans (2025-B-0789) has consented to suspension from the practice of law for a period of one year and one day, fully deferred, subject to a two-year period of probation governed by conditions, by order of the Louisiana Supreme Court on June 26, 2025. JUDGMENT FINAL and EFFECTIVE June 26, 2025. Gist: The respondent mishandled his client trust account.

Wesley James Galjour, Lafayette (2025-B-0798) has consented to a public reprimand subject to the condition that he successfully complete the Louisiana State Bar Association's Ethics School Program, by order of the Louisiana Supreme Court on June 30, 2025. JUDGMENT FINAL and EFFECTIVE June 30, 2025. Gist: The respondent engaged in conduct prejudicial to the administration of justice in connection with the filing of an incorrect affidavit in a child custody case.

Trent J. Gauthier, Lafayette (25-CD-016) has consented to probation of two years from the formal execution of a probation plan, with conditions, by order of the Louisiana Attorney Disciplinary Board on June 10, 2025, JUDGMENT FINAL and EFFECTIVE on June 10, 2025. Gist: Commingling and conversion of client funds; cash withdrawals from trust account; failure to: promptly tender payments to clients and third-parties; maintain bank recon-

Continued on page 188



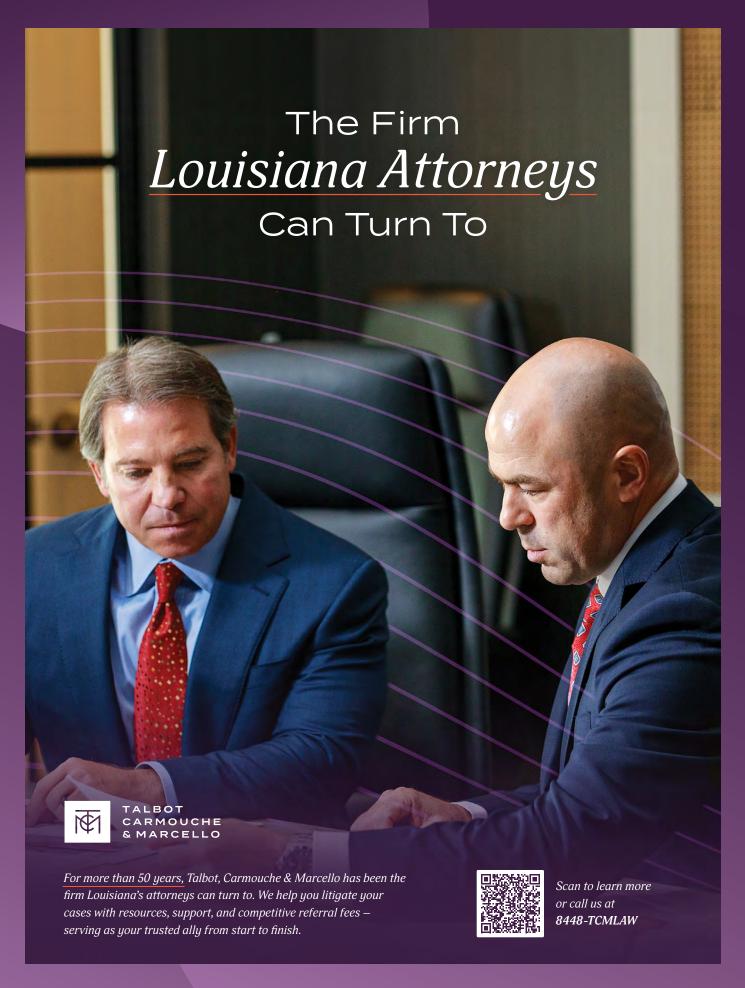
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DEFENSE OF ETHICS COMPLAINTS AND **CHARGES** 

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LSBA FILING No: LA-24-17847



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

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

Respondent	Disposition	<b>Date Filed</b>	Docket No.
Jonas Mark Robinson	Suspended (Reciprocal)	6/9/2025	25-mc-00052
Zachary Ryan Christiansen	Suspended (Reciprocal)	7/2/2025	25-mc-00067
Steven E. Adams	Suspended (Reciprocal)	7/9/2025	25-mc-00070
Kevin Michael Steel	Disbarred (Reciprocal)	7/9/2025	25-mc-00077
Daryl Andre Gray	Suspended (Reciprocal)	7/21/2025	25-mc-00075
Niles Bennett Haymer	Suspended (Reciprocal)	7/23/2025	25-mc-00079
Michal J. Harris	Suspended (Reciprocal)	7/23/2025	25-mc-00078

#### **Discipline** continued from page 186

ciliations; and maintain client-related records.

Daryl Andre Gray, New Orleans (2025-B-0408) has been suspended from the practice of law for six months, with two months active and the remainder to be served on probation, governed by the conditions set forth by the Supreme Court of Tennessee in its order imposing discipline in Gray v. Board of Professional Responsibility, 2025 WL 749621 (Tenn. 3/10/25) **S.W.3d**, by order of the Louisiana Supreme Court on June 17, 2025. JUDGMENT FINAL and EFFECTIVE July 1, 2025. Gist: The respondent neglected a legal matter; failed to communicate with a client; safekeeping property of clients or third parties; declining or terminating representation; truthfulness in statements to others; and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Maurice D. Hall, Plaquemine (2025-B-0632) has consented to suspension from the practice of law for a period of six months, deferred in its entirety, subject to a one-year period of supervised probation governed by conditions, by order of the Louisiana Supreme Court on June 25, 2025. JUDGMENT FINAL and EFFECTIVE June 25, 2025. *Gist:* The respondent neglected a legal matter and failed to communicate with his clients.

Michal J. Harris, New Orleans

(2025-B-0843) has been **suspended** from the practice of law on an interim basis, by order of the Louisiana Supreme Court dated July 3, 2025. JUDGMENT FINAL and EFFECTIVE July 3, 2025.

Niles Bennett Haymer, Baton Rouge (2025-B-0818) has consented to suspension from the practice of law for a period of three years, with condition, by order of the Louisiana Supreme Court on July 3, 2025. JUDGMENT FINAL and EFFECTIVE July 3, 2025. Gist: The respondent neglected multiple legal matters resulting in abandonment of one matter; failed to communicate with clients; failed to safeguard client and thirdparty property; failed to timely remit funds to clients and third parties; failed to cooperate with the ODC; engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; and, engaged in conduct prejudicial to the administration of justice.

Shane Austin Jordan, Mandeville (2025-B-0488) has by consent been suspended from the practice of law for one year and one day, fully deferred, subject to a period of probation to coincide with the term of respondent's recovery agreement with the Judges and Lawyers Assistance Program, by order of the Louisiana Supreme Court. JUDGMENT FINAL and EFFECTIVE May 29, 2025. Gist: Commission of a criminal act (DWI).

Lindsey J. Leavoy, Baton Rouge (2024-B-1444) suspended from the practice of law for a period of twelve

months, with all but six months deferred, retroactive to August 7, 2024, the date of the respondent's interim suspension. Following the active portion of the suspension, respondent shall be placed on probation for one year by order of the Louisiana Supreme Court on June 3, 2025. JUDGMENT FINAL and EFFECTIVE on June 17, 2025. Gist: The respondent failed to act with reasonable diligence in representing a client, resulting in abandonment of the matter, failed to communicate with his client, and failed to obtain his client's consent to the representation and fee-splitting arrangement.

Richard D. Leibowitz, Baton Rouge (2025-OB-0811) has permanently resigned in lieu of discipline, by order of the Louisiana Supreme Court on June 27, 2025. JUDGMENT FINAL and EFFECTIVE June 27, 2025.

Anton Martynenko, Mandeville (2025-OB-00710) has been transferred to disability inactive status, by order of the Louisiana Supreme Court on June 19, 2025. JUDGMENT FINAL and EFFECTIVE June 19, 2025. *Gist:* Martynenko cannot practice law pending further orders from the Court.

Jonas Mark Robinson, Baton Rouge (2025-B-00175) has by consent been suspended from the practice of law for a period of one year and one day, with all but thirty days deferred, followed by a two-year period of probation with conditions, by order of the Louisiana Supreme Court on May 29, 2025.

## 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 August 2025.

Respondent	Disposition	Date Filed	Docket No.
DeSalvo, Frank G.	[Reciprocal] Suspension, fully deferred	07/30/25	25-967
Englert, Kelly Rae	[Reciprocal] Suspension	06/09/25	25-709
Johnson, Willie G. Jr.	[Reciprocal] Suspension, fully deferred	06/09/25	25-740
Louviere, Drew M.	[Reciprocal] Suspension	07/08/25	25-885
Mathison, Timothy	[Reciprocal] Suspension, fully deferred	06/09/25	25-710
Meche, Timothy A.	[Reciprocal] Suspension, fully deferred	07/08/25	25-886
Stegeman, Russell S.	[Reciprocal] Suspension, fully deferred	07/08/25	25-884

#### **Discipline** continued from page 188

JUDGMENT FINAL and EFFECTIVE May 29, 2025. *Gist:* The respondent mishandled his client trust account and practiced law while ineligible to do so.

Jeffery D. Sampson, Gibsland (2025-B-0655) has been suspended from the practice of law for one year and one day. The suspension shall be fully deferred subject to the conditions stipulated to by the parties, including a two-year period of probation to run concurrently with a two-year monitoring contract between respondent and the Judges and Lawyer's Assistance Program, by order of the Louisiana Supreme Court on June 25, 2025. JUDGMENT FINAL and EFFECTIVE June 25, 2025. Gist: Sampson was arrested and charged with drug-related offenses.

Kevin Michael Steel, Gretna (2024-B-01471) has been permanently disbarred from the practice of law by order of the Louisiana Supreme Court on June 3, 2025, JUDGMENT FINAL and EFFECTIVE June 17, 2025. Gist: The respondent neglected legal matters, failed to communicate with clients, failed to return unearned fees, failed to obtain consent to settle, converted client funds, entered into a prohibited business transaction with a client, knowingly made a false statement of material fact in connection with a disciplinary investigation, failed to cooperate with the ODC, and engaged in conduct prejudicial to the administration of justice.

Samuel Charles Ward, Jr., Baton Rouge (2025-B-0721) has consented to suspension from the practice of law for a period of eighteen months, deferred in its entirety, subject to a period of probation to coincide with the terms of his JLAP monitoring agreement, governed by conditions, by order of the Louisiana Supreme Court on June 25, 2025. JUDGMENT FINAL and EFFECTIVE June 25, 2025. Gist: The respondent practiced law while ineligible to do so and illegally purchased controlled substances.

Byron C. Williams, New Orleans (2025-OB-00291) has been immediately reinstated to the practice of law, by order of the Louisiana Supreme Court on May 20, 2025. JUDGMENT FINAL and EFFECTIVE May 20, 2025.

#### **Admonitions**

- 1 violation of Rule 1.3 Diligence A lawyer shall act with reasonable diligence and promptness in representing a client.
- 1 violation of Rule 1.4 Communication.
- 1 violation of Rule 1.8(a) Conflict of Interest.
- 1 violation of Rule 1.15(a) Commingling client funds.
- 1 violation of Rule 1.15(d) Failed to promptly notify and pay clients and third-parties.
- 1 violation of Rule 1.15(f) Failed to conduct and maintain quarterly reconciliations.

## Help Keep LSBA Records Current

## Notifying LSBA of a Deceased Colleague

As a means to keep the membership database accurate and up-to-date, the Louisiana State Bar Association is encouraging members to notify staff about deceased members (either from colleagues or the families of the deceased members). Members who become aware of a deceased colleague who may still be listed in the membership rolls as eligible are encouraged to email their colleague's obit to the LSBA Membership Department at *processing@lsba.org*.

## RECENT Developments



## **Custody — Modification**

*Gregoire v. Wriborg*, 24-1290 (La. App. 1 Cir. 7/11/25), \_\_\_ So.3d \_\_\_, 2025 WL 1911945.

Stephanie Wriborg filed a rule to modify custody and for contempt following the breakdown of co-parenting with John Gregoire. The parties shared physical custody under an April 2023 Consent Judgment, but Wriborg alleged that Gregoire refused to communicate, failed to honor the right of first refusal, disparaged her online and neglected the children's medical and educational needs. She requested modification of physical custody from a 7-day/7-day rotation to visitation by Gregoire every other weekend, designation as the domiciliary parent and an order appointing a parenting coordinator and the use of Our Family Wizard.

Days before trial, Gregoire moved to disqualify Wriborg's counsel, arguing a conflict based on former counsel's employment at opposing counsel's firm. He also moved to continue the hearing. The trial court denied both motions and proceeded with the trial. It granted Wriborg's request for modification, reduced Gregoire's physical custody to every other weekend, maintained Wriborg's status as domiciliary parent and found Gregoire in contempt. The court also awarded her \$1,500 in attorney fees and ordered the use of a parenting coordinator and Our Family Wizard.

The 1st Circuit affirmed the trial court's judgment modifying custody, finding no abuse of discretion in the finding of a material change in circumstances due to the parties' failure to coparent and communicate. It also found no manifest error in the trial court's finding that the physical custody arrangement should be modified. However, it reversed the trial court's judgment holding Gregoire in contempt of court and ordering him to pay \$1,500 to Wriborg, finding that the trial court failed to articulate the required factual basis.

The 1st Circuit also affirmed the trial court's judgment denying the motion to continue. However, it reversed the judgment denying the motion to disqualify counsel and remanded for further proceedings, holding that the issue required a contradictory hearing.

## **Community Property**

*Orgeron v. Orgeron*, 24-0676 (La. 6/27/25), 413 So.3d 390.

The Louisiana Supreme Court reversed the lower courts' judgments denying Kelly Orgeron a share of the \$16,949,000 in liquidated damages paid to Ed Orgeron upon the termination of his employment as LSU's head football coach. The court held that the "Binding Term Sheet" executed during the community was a binding and enforceable contract, and that the long-form employment agreement ratified its terms, including the "termination without cause" provision. Because both agreements had an effective date during the community regime, the resulting liquidated damages were community property. The court awarded Kelly one-half of the net damages, or \$8,134,500.

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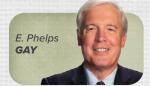










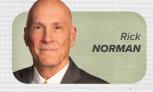






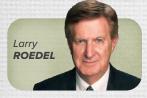




















## Meet DAN CARUSO

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Justice McCallum dissented, joined by Justice Cole, reasoning that the damages constituted separate property because they were received post-termination of the community and compensated Ed for future lost wages. Justice Bleich, sitting ad hoc, concurred, emphasizing Ed's fiduciary duties and criticizing an attempt by his agent to change the contract's effective date to classify the asset as separate property.

The court's composition included three appointed justices sitting ad hoc in place of three justices who recused themselves: Retired Judge John Conery, sitting for Chief Justice Weimer; Retired Judge E. Joseph Bleich, sitting for Justice Crain; and Retired Judge Martin E. Coady, sitting for Justice Guidry.

## Contempt

Short v. Short, 24-0656 (La. App. 1 Cir. 7/11/25), \_\_\_ So.3d \_\_\_, 2025 WL 1910776.

In this high-conflict divorce, the trial court found James Short in contempt for multiple violations of two stipulated judgments and a permanent injunction related to community property management. The court ordered him to pay Gina Short over \$344,000 in community reimbursements, rental income, attorney fees and fines. James appealed, challenging the contempt findings, the award of unpaid rental income and the attorney-fee calculation.

The 1st Circuit reversed in part, vacated in part and affirmed in part as amended. It reversed several contempt findings, including those for failing to report life insurance and misleading discovery responses, on grounds of insufficient evidence or lack of intent, and vacated associated penalties. It also reversed the award of \$18,284.86 in unpaid rental income, finding it duplicative of a prior property award. However, the court affirmed other findings of contempt for unauthorized dissipation of community assets, refusal to cooperate with financial disclosures and obstruction of access to joint accounts. The amended judgment reduced James's total liability to \$320,533.66, including \$144,770.12 in attorney fees and \$15,000 in fines. The court denied both parties' requests for additional relief on appeal.

## Domestic Abuse Assistance Act

*Whatley v. Garrison*, 56,311 (La. App. 2 Cir. 7/16/25), 2025 WL 1945304.

Farran Garrison appealed a protective order issued under the Domestic Abuse Assistance Act that prohibited her from having any contact with her five minor children or her mother, Ammer Gayle Whatley, until May 23, 2036, when the voungest children become adults. The protective order was based on allegations of physical and emotional abuse, including testimony that Garrison had struck or thrown objects at her children, disciplined them harshly, neglected their education and basic needs and assaulted Whatley on multiple occasions. The trial court found Whatley's and other witnesses' testimony credible and granted the protective order, awarding Whatley temporary custody and ordering Garrison to complete anger-management and parenting classes.

The 2nd Circuit affirmed the issuance of the protective order, finding that Whatley met her burden of proving an immediate and present danger of abuse. However, it reversed the portion of the judgment setting the duration of the protective order to extend until May 23, 2036, holding that La. R.S. 46:2136(F) limits protective orders to a maximum of 18 months unless extended following a contradictory hearing. The matter was remanded for the trial court to amend the order's duration and to conduct such hearings as may be necessary to evaluate Garrison's compliance and the children's safety.

## **Spousal Support**

*Gambel v. Gambel*, 24-1026 (La. App. 1 Cir. 6/16/25), \_\_\_So.3d \_\_\_, 2025 WL 1689496.

Harriet Gambel appealed a judgment awarding her interim spousal support and denying her motion for a new trial. She argued that the trial court erred in awarding her only \$8,000 per month in interim spousal support, despite her income-and-expense statement establishing her need at \$11,331, the uncontroverted testimony of two CPA experts and Gary Gambel's ability to pay. Further, she argued that in setting the award, the trial court improperly considered her potential future receipt of community property, and that it failed to remedy discovery violations by Gary Gambel.

The 1st Circuit affirmed. It found no error in the trial court's treatment of the expert testimony, noting that courts may accept or reject expert opinions in whole or in part. The record showed that both experts made assumptions or relied on incomplete documentation. The appellate court also found no indication that the trial court considered Harriet's prospective share of community assets in setting the award. Instead, it emphasized the couple's historically unsustainable lifestyle, maintained through credit lines,



and found that the \$8,000 award reasonably reflected Harriet's needs and Gary's ability to pay as a named partner of his law firm.

Finally, the appellate court rejected Harriet's argument that the trial court erred in denying a new trial due to outstanding discovery issues, observing that she had other avenues available to protect her position and failed to show that the judgment was contrary to the law or evidence. A dissent would have remanded for resolution of the outstanding motion to compel prior to ruling on the motion for new trial.

Rasbury v. Rasbury, 56,391 (La. App. 2 Cir. 7/16/25), \_\_\_So.3d \_\_\_, 2025 WL 1947741.

Amber Rasbury appealed the denial of final spousal support and the designation of Gregory Rasbury as domiciliary parent in a shared-custody arrangement. The parties divorced following a contentious marriage marked by allegations of infidelity, emotional instability and dysfunctional parenting. At trial, both sides introduced evidence of misconduct: Gregory testified to Amber's marijuana use, frequent conflict and extramarital affair, while Amber accused Gregory of infidelity and emotional neglect. The trial court found both parties at fault in the breakup of the marriage and denied

Amber's request for spousal support, concluding that she failed to prove she was free from fault under Louisiana Civil Code article 111.

On the issue of custody, a courtappointed evaluator found that the children were "out of control" and that neither parent was an ideal solo caregiver. However, the evaluator recommended Gregory be named the domiciliary parent, citing his greater insight into his parenting weaknesses compared to Amber's permissive style and lack of awareness. The trial court adopted that recommendation, ordering week-on, week-off custody and naming Gregory as domiciliary parent after considering all factors under Louisiana Civil Code article 134 and interviewing both children in chambers.

The 2nd Circuit affirmed, finding no abuse of discretion in either the denial of final support or the custody determination.

## Interlocutory **Judgments**

In re Marriage of Treadway, 24-1102 (La. App. 1 Cir. 7/9/25), \_\_\_So.3d \_\_\_, 2025 WL 1892436.

Carol Treadway filed a partition and support action, asserting a valid marriage with Harold Treadway. Harold's daughter, Karen Champagne, in her capacity as curatrix, filed exceptions of no right of action, no cause of action, *lis pendens* and lack of subject matter jurisdiction. She asserted that the parties did not intend to be legally married and that there was a pending action for damages, revocation of donation and injunctive relief arising from Carol's misuse of her durable power of attorney over Harold's affairs. She also filed a motion to quash a subpoena duces tecum for Harold's financial records, asserting that Carol had no right to his financial records because they were not legally married.

The Family Court overruled the exceptions and denied the motion, certifying the judgment as final for the purpose of an immediate appeal. Champagne appealed.

The 1st Circuit dismissed the appeal, holding that the judgment denying the exceptions was interlocutory and not subject to certification under Louisiana Code of Civil Procedure article 1915(B). The appellate court declined to convert the appeal into a writ application.

- Elizabeth K. Fox

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





# "Guesswork All The Way Down:" Article III Standing Thresholds

For a tenuous connection to a complex theory, apologies to the late anthropologist, Clifford Geertz, who advocated deep contextual analysis of culture using the shorthand "turtles all the way down" (whose origination has been attributed to many different people) to argue that, below each cultural practice or feature, there is yet another practice or feature supporting the prior one and the explanations for seemingly superficial actions continue below the surface *ad infinitum*. Recently, the

U.S. Fifth Circuit likely unknowingly repackaged that notion in an environmental case characterizing the standing of the plaintiffs as "...guesswork all the way down..." in a similar ad infinitum manner. Deep South Center for Environmental Justice v. United States Environmental Protection Agency, 138 F. 4th 310, 322 (2025) ("Deep South"). Perhaps Geertz's conception of the notion of explanations (or in this case, hypothetical situations) was more elegant, but with this observation from the court, the analysis in the recent Deep South matter illustrates important deep procedural requirements for juridical standing that merit a review.

The merits of *Deep South* reverberate in modern environmental law circles as well as in industry and in many community activist worlds: carbon sequestration. This case, brought directly to the Fifth Circuit by several environmental organizations (pursuant to an original jurisdiction grant to appellate courts under federal law),

challenged the U.S. Environmental Protection Agency's ("EPA") certifying of the Louisiana Department of Energy and Natural Resources' (now the Department of Conservation and Energy) assumption of Class VI injection well primacy. This certification authorizes the State of Louisiana to permit carbon injection wells within its borders — a function generally reserved to the EPA. Under the federal Safe Water Drinking Act, the EPA holds primacy for permitting and regulating injection wells for the sequestration of carbon dioxide (CO<sub>2</sub>). In many cases, this CO<sub>2</sub> is a byproduct of various energy generation activities and, contrary to its fairly innocuous sounding name, as the court observed, sequestered CO, is anything but innocuous because, "it typically contains chemicals that would pollute any subsurface drinking water" were it to escape from its permitted geological strata. Deep South, 138 F. 4th at 315.

The plaintiffs challenged the EPA's delegation of permitting and regulatory

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authority to the State, arguing that this EPA action causes injury to the organizations and the organizations' members by requiring them to divert funds and resources to challenging permits under the State regulatory scheme and, in the event of a CO2 leak, direct harm to the public via drinking water contamination. Although discussed throughout the case, these claims on the merits were never meaningfully analyzed. Rather, the court used the claims to examine the procedural mechanisms of organizational and associational standing. With many environmental (and other) lawsuits brought by organizations, the standing analysis in Deep South provides important guidance for either side of a dispute in future such actions.

Because this suit was brought by organizations rather than individuals, a threshold question of whether those organizations had standing under U.S. Const. Art. III had to be answered before the merits could be reached. In this regard, the court observed that, "[i]n cases brought by organizational plaintiffs, it is of particular importance that 'standing is not measured by the intensity of the litigant's interest or the fervor of his advocacy." Deep South, 138 F. 4th at 317. Plaintiff, Deep South, primarily brought its claims under organizational standing, "which permits it 'to sue on [its] own behalf for injuries [it has] sustained." Deep South, 138 F. 4th at 317. Plaintiffs, Healthy Gulf and Alliance for Affordable Energy based their claims on associational standing, "which permits organizations to assert injuries on behalf of their members." Id. Citing more than a half-century of jurisprudence defining these types of standing, the court ultimately held that all of the plaintiffs "fail[ed] to meet the injury-in-fact requirement" to sustain their cases. Id.

With regard to Deep South as a plaintiff in its own right, that organization alleged that it would have to divert time and funding to reviewing and challenging permits issued under Louisiana's delegated Class VI well permitting system. This, found the court, was insufficient when it characterized such injuries as "self-inflicted." *Deep South*, 138 F. 4th at 318. Citing prior Supreme Court

jurisprudence to support its conclusion, the Fifth Circuit stated that "an organizational plaintiff 'cannot spend its way into standing simply by expending money to gather information and advocate against the defendant's action." *Id.* The court also found unavailing — for lack of supporting evidence — Deep South's additional standing claims of future organizational injuries and disrupting its advocacy, education, and training programs.

Healthy Gulf and AAE were found to have complex problems with their associational standing assertions. Because these entities' standing was based on specific members' alleged injuries, the court had to find injuries that were "concrete, particularized, and actual or imminent." Deep South, 138 F. 4th at 320. With regard to any of the members' claims being "imminent," the court found that "[t]he simplest and least attenuated injury" claimed by these associations' members — that their energy bills would increase due to Louisiana permitting Class VI wells — did not meet the standard for being an impending injury. Deep South, 138 F. 4th at 321. Indeed, the plaintiffs' theory of injury rested on the following possibilities: "utility companies will propose [sequestration] wells, receive permits, and construct the wells, but will never ultimately operate them [due to the risks associated with carbon sequestrations, thus]...pass[ing] along costs to consumers." Id. This series of five speculative steps to a tangible injury and an additional seven-step series of possible and chance events that could

lead to environmental damage or ten steps of events leading to abandonment of the wells and environmental damage, led the court to invoke the ad infinitum characterization of all of the plaintiffs' standing in this case to be "guesswork all the way down." Deep South, 138 F. 4th at 322. The court observed that "[t] he Constitution does not countenance such contingency" and that, especially the ten-step theory, "stretches attenuation and speculation far beyond their breaking points," further noting that "[t] he Supreme Court and [the Fifth Circuit] have rejected far less" speculation as a basis for standing. Deep South, 138 F. 4th at 323, 324.

Almost as a footnote, the court observed that presumably the same risks from carbon sequestration would occur whether it was EPA or Louisiana issuing the permit. *Deep South*, 138 F. 4th at 325. This acknowledgement came in the penultimate paragraph of the decision, though it could have resolved the entire standing issue summarily. Because of the lateness of this observation and though there were several bases claimed for standing that were minimally discussed, it is clear that the court sought to elucidate the imminent injury component of the standing threshold.

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





# Louisiana Home Health-Care Workers Stand to Lose FLSA Protections Under New DOL Proposal

The Fair Labor Standards Act (FLSA) of 1938, which set a minimum wage and provided overtime protections for workers, excluded many engaged in domestic service, tipped work and agriculture. The testimony in 2021 Congressional hearings revealed that this labor force was predominantly composed of Black workers and women of all races; they were excluded in an effort to secure the backing of white Southern lawmakers who wanted to maintain the economic and social status quo of racial hierarchy. Testimony of Rebecca Dixon, Excluded to Essential: Tracing the Racist Exclusion of Farmworkers, Domestic Workers and Tipped Workers from the Fair Labor Standards Act: Hearing Before the Subcommittee on

Workforce Protections, 117 Cong. 4-6 (2021).

FLSA expanded coverage to domestic-service workers in 1974. However, regulations by the U.S. Department of Labor (DOL) in 1975 narrowed the coverage by exempting domestic-service workers providing "companionship services' to the elderly or individuals with illnesses, injuries or disabilities." Live-in domestic-service workers were also exempted from overtime provisions. 29 C.F.R.§ 552 (1975). Courts would later interpret the broadly defined "companionship services" exemption to exclude the scope of work that would increasingly be performed by a professional workforce made up of homehealth aides who performed duties such as dressing, bathing and arranging for medical care.

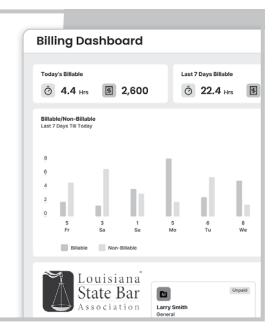
Recognizing the industry's growth and the evolution of home-health-care work, in 2013, the DOL issued a final rule expanding minimum-wage and overtime coverage to many workers excluded in 1975, a workforce primarily composed of Blacks and women. 29 C.F.R.§ 552 (2013). Narrowing the definition of companionship services opened coverage for those whose duties went beyond providing "fellowship" and "protection" for the elderly and persons with disabilities. Importantly, the rule also prevented third-party employ-

ers, such as home-health-care agencies, from claiming companionship services or live-in domestic-service exemptions.

Placing special emphasis on the importance and value of the work provided by direct-care workers, the DOL noted that the 2013 revision would bring "important minimum wage and overtime protection to the many workers who, by their service, enable individuals with disabilities and the elderly to continue to live independently in their homes and participate in their communities." The revision was expected to bring fair compensation to help stabilize a workforce in a high-turnover industry and benefit consumers with access to a higher quality of care. See DOL Fact Sheet: Application of the Fair Labor Standards Act to Domestic Service, Final Rule (September 2013), https://www.dol. gov/sites/dolgov/files/WHD/legacy/files/ whdfsFinalRule.pdf.

New agency guidance and rulemaking aim to eliminate the 2013 protections. On July 2, stating concerns that regulations have weighed down the home-health-care industry with expensive labor and compliance costs, the DOL proposed to free third-party employers of the burden of the 2013 pay protections for "domestic service" workers. Application of the Fair Labor Standards Act to Domestic Service, 90 Fed. Reg. 28976 (July 2, 2025). The





new rule returns the broader "companionship services" and "live-in domestic" exemptions under 1975 FLSA regulations, restoring the ability of third-party employers to avoid paying minimum wage or overtime to workers who are not covered by state laws. Louisiana has no state minimum wage or overtime protections for any workers; thus, home-care workers in the state will have no such protections.

While the proposal's comment period is open through September 2, the agency has quickly suspended the enforcement of minimum-wage and overtime guarantees. The FAB 2025-4, Home Enforcement Guidance, published on July 25, directs field staff to immediately discontinue actions that enforce the 2013 final rule, including open cases. DOL Field Assistance Bulletin No 2025-4. (July 25, 2025). In effect, the new rule would leave a significant portion of the workforce with the same pay protections that existed when the FLSA was first enacted in 1938 — none.

The DOL justifies the move on the grounds that the 2013 regulations "might not reflect the best interpretation of FLSA and might discourage essential companionship services by making these services more expensive." Application of the Fair Labor Standards Act to Domestic Service," 90 Fed. Reg. 28976 (July 2, 2025). The agency aims now to reduce employer costs, setting off a ripple effect that will increase consumer savings and increase access to services.

The 1975 regulations, however, were intended to apply to casual babysitting arrangements, not to full-time working professionals performing skilled and medically related tasks. This makes a return to the 1975 rule irreconcilable with the realities of the work required to support vulnerable populations and the need for living wages.

Without state wage protections, workers in Louisiana will be among those greatest impacted by the new rule: workers who are predominantly women, people of color and over the age of 55. In spite of the home-health-care industry's incredible growth, workers' earnings are among the lowest. Nationally, the average hourly rate is \$16.12. In Louisiana, the rate is even lower, about \$12.00 an hour. Bureau of Labor Statistics, U.S. Department of Labor, Home Health and Personal Care Aides in Occupational Employment and Wages, May 2023, https://www.bls.gov/oes/2023/may/ oes311120.htm. Nevertheless, the DOL points to such statistics to support its position that the loss of a federal minimum-wage guarantee would not have much impact on workers. Still, current wages are well below the living wage necessary for one adult with no children in Louisiana - \$20.51 an hour. Living Wage Calculator, MIT https://living-wage.mit.edu/states/22.

At the time of its enactment, the 2013 final rule was considered a significant step toward increasing worker earnings. Wages, however, remain low and outpaced by inflation. Turnover rates remain high, helping to contribute to a persisting care crisis that is expected to continue to grow. Reinstating 1975 regulations could further exacerbate staff shortages and pay inequity, by keeping wages low and reducing compensation for long work weeks. Taking wage protections off the table does little socially or economically to incentivize a workforce that is already at a deficit and whose work was highlighted as essential during the Covid-19 pandemic. The explicit exclusion of home-healthcare workers from FLSA devalues this work and continues a legacy that denies fundamental legal protections for indispensable workers.

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 New Orleans, La 70118



Ronald E.



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## **Contra Non Valentem**

In *Re: Medical Review Panel Proceedings of Poree*, 23-1590 (La. 04/23/2025); 406So. 3d 1159.

On Feb. 10, 2022, Denielle Poree's dentist informed her that he had pulled the wrong tooth. He thereafter undertook a procedure that allegedly damaged her other teeth. In September 2022, Poree filed a lawsuit in state court. Over the course of the next four months, defense counsel requested multiple extensions to respond, each of which was agreed to by Poree. On Feb. 13, 2023, three days after the one-year prescription deadline passed, the defendants filed an excep-

tion of prematurity, asserting that they were qualified health-care providers and that the claims must first be presented to a medical-review panel. The district court sustained the exception, dismissing Poree's claims without prejudice.

On Feb. 14, 2023, one day after defendants filed their exception, Poree filed a request for a medical-review panel with the Louisiana Division of Administration. The defendants then filed an exception of prescription in the district court, positing that Poree's request for a medical-review panel was prescribed on its face because it was filed more than one year from the date of the alleged malpractice. Poree argued that she had given the defendants multiple extensions of time to answer, not having learned that the defendants were enrolled with the PCF until the defendants filed, strategically, their exception of prematurity three days after the prescription date. The district court granted the defendants' exception of prescription, and the appellate court affirmed.

The Supreme Court on review noted that "the principles of equity and justice

which formed the mainstay of the doctrine of contra non valentem demand that prescription be suspended under certain circumstances, including instances wherein the defendant prevents the plaintiff from bringing suit." The doctrine applies when "a defendant has committed acts, including concealment, fraud, misrepresentation, or other ill practices, which tend to hinder, impede, or prevent the plaintiff from asserting his cause of action." In its per curiam opinion, the court found that the defendants' repeated requests for extensions within which to respond to Poree's lawsuit were "calculated actions to lull the applicant into inaction in order to escape liability and deprive her of her day in court." It added that the defendants had "negotiated in bad faith, abused professional courtesies extended to them in good faith, and requested extensions they did not need and never intended to honor," all of which supported the application of contra non valentem. The exception of prescription was overruled, and the case was remanded to the district court for further proceedings.



# Vicarious Liability vs. Independent Negligence (Burden Of Proof)

Raborn v. Albea, 24-1128 (La. App. 1 Cir. 7/11/25), \_\_\_So.3d\_\_\_, 2025 WL 1912382.

This action arose from a lumbar fusion surgery that the plaintiff, Frank Raborn, underwent at NeuroMedical Center (NMC) in June 2006. Dr. Jeffrey Albea, a neurosurgeon, performed the procedure, and subsequent care was rendered by other physicians at NMC, including Dr. Shawn Dunn. After experiencing post-operative complications, Raborn eventually underwent a second surgery by an out-of-state neurosurgeon.

Raborn timely filed a medical-review panel request in 2009, and later brought suit against multiple health-care providers, claiming that he had not been properly informed about a broken screw in his spine, as well as other surgical decisions made in his case. A number of the named defendants were dismissed before the case proceeded to trial against only Dr. Albea and NMC.

At the close of Raborn's case-inchief, NMC moved for a directed verdict. It contended that the claims against NMC were not predicted on NMC's vicarious liability, but rather were claims of its independent negligence, specifically for its failure to (1) timely tender medical records, (2) provide "adequate care coordination," (3) recognize and treat Raborn's post-surgery complication caused by Dr. Albea's alleged malpractice, and (4) properly diagnose and treat Raborn's post-op instability, cauda equina syndrome and arachnoiditis. NMC argued that Raborn had failed to establish these claims through expert testimony as to both the applicable standard of care and any breach thereof. The court denied the motion, and the trial proceeded to verdict, in which the jury unanimously found that Dr. Albea was not negligent, but that NMC was independently negligent, awarding damages of \$472,916.69 solely against NMC. NMC again moved for a directed verdict, as well as a JNOV, or, alternatively,

a new trial. The trial court denied all of the motions and entered judgment based on the verdict.

On appeal, NMC and the Louisiana Patient's Compensation Fund argued that the verdict was legally insupportable due to the absence of expert testimony establishing either a breach of the standard of care by NMC, or a causal relationship to Raborn's damages. The 1st Circuit agreed. Citing established jurisprudence requiring expert evidence in medical malpractice cases unless the negligence is obvious to a layperson, the court found that Raborn had failed to present expert testimony specific to NMC's independent conduct. None of Raborn's experts addressed the standard of care applicable to NMC, and the only experts who testified about NMC's actions were the expert neurosurgeons retained by the defense. These included a member of the medical review panel, who opined that NMC's care was appropriate.

While recognizing the rigorous standard for overturning jury verdicts, the court concluded that no reasonable jury could have found NMC liable based on the evidence presented at trial. Accordingly, it reversed both the lower court's denial of JNOV and the jury's damages award, entering judgment in favor of NMC and dismissing all claims against it.

#### -Robert J. David

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

#### Michael J. Ecuyer

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# Payment of Sales Tax on Consumer Use Tax Return Upheld

Blue Bird of Happiness, LLC v. Caddo-Shreveport Sales & Use Tax Comm..., BTA Docket No. L01048 (5/8/25).

Blue Bird of Happiness, LLC is a Louisiana limited-liability company and disregarded entity for federal and state income-tax purposes. Blue Bird's only member is Brenda Evans Kennon. Kennon formed Blue Bird for the sole purpose of taking title to an aircraft that was purchased for \$4,420,000. The aircraft was transported to Shreveport and hangared at the Shreveport Regional Airport. Blue Bird purchased the aircraft for Kennon's private use, and Blue Bird was not engaged in any business activity. On September 27, 2018, Kennon filed a Consumer Use Tax Return with the Louisiana Department of Revenue. With the return, Kennon paid \$373,490 in use tax on the aircraft.

The Caddo-Shreveport Sales and Use Tax Commission (Collector) issued a formal Notice of Assessment, assessing additional local use tax on the aircraft. The Collector asserted that only individuals may elect to file the state Consumer Use Tax Return. The Collector asserted that Blue Bird cannot use the return because it is a dealer by virtue of its importation of tangible personal property (the aircraft) into Louisiana.

The Louisiana Board of Tax Appeals had to determine whether Kennon was permitted to pay use tax under La. R.S. 47:302(K) on the aircraft imported into the State of Louisiana for her personal non-business use by Blue Bird.

The Board noted that the exclusion in the sentence of La. R.S. 47:302(K)(5) does not encompass all dealers, but only dealers who are vendors. Blue Bird and Kennon were not vendors as neither engaged in the regular or systematic solicitation of a consumer market in Louisiana. The Board held that as neither were vendors, they were not precluded from remitting use tax to the LDR on the use of tangible personal property that the consumer purchased in another state tax free and subsequently imported into Louisiana. The Board noted the Consumer Use Tax Return is to provide a mechanism for taxpayers to remit use tax. The Board found reading the first sentence of La. R.S. 47:302(K)(5) to limit the Consumer Use Tax Return to vendors would defeat this purpose.

The Board held Blue Bird, nor Kennon, violated La. R.S. 47:302(K)(5) by paying tax on the aircraft on the Consumer Use Tax Return. The Collector was not entitled to any additional local sales tax, and the assessment appealed from was vacated by the Board.

#### -Antonio Charles Ferachi

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

# Dismissal of Levy Action Extinguishes Tax Court Jurisdiction

In Commissioner v. Zuch, 145 S.Ct. 1707 (2025), the United States Supreme Court held that the Tax Court lacks jurisdiction under Internal Revenue Code § 6330 once the IRS is no longer pursuing a levy action.

At issue was a levy initiated by the Internal Revenue Service against Jennifer Zuch for a 2010 tax liability. Zuch requested a Collections Due Process hearing, arguing that her estimated-tax payments were misapplied



to her then-spouse. The IRS Appeals Officer sustained the levy, prompting Zuch to appeal to the Tax Court. However, while litigation was pending, the IRS offset Zuch's subsequent-year overpayments against the 2010 liability, reducing her balance to zero. The IRS then moved to dismiss the case as moot, and the Tax Court agreed, finding it lacked jurisdiction in the absence of a pending levy.

The Third Circuit reversed, reasoning that the Tax Court retained jurisdiction despite the levy being extinguished. However, the Supreme Court reversed the 3rd Circuit and reinstated the Tax Court's dismissal, resolving a split the 3rd Circuit's decision created with the 4th and the D.C. Circuits in the process. Writing for the majority, Justice Barrett concluded that a "determination" under IRC § 6330(d)(1) refers strictly to "the binary decision whether a levy may proceed." Once the IRS has fully satisfied the liability, the court explained, there is no longer a live levy for the Tax Court to review. The majority opinion suggests that taxpayers should instead pay the liabilities at issue and then file a timely administrative claim with the IRS, followed by a timely suit for refund in federal district court.

Importantly, the Court emphasized that the Tax Court is "a court of limited jurisdiction" and is restricted to reviewing the IRS's decision to sustain or reject a levy; its jurisdiction does not extend to issuing refunds or resolving liability disputes once a levy is withdrawn. As a result, as Justice Gorsuch noted in his dissent, the IRS can effectively strip taxpayers of their Tax Court remedy by ending the levy during litigation, which "hands the IRS a powerful new tool to avoid accountability for its mistakes." Id. at 1715 (Gorusch, J., dissenting).

Fifth Circuit Requires Written Supervisory Approval of Penalties

In another recent development, in Swift v. Commissioner, 144 F.4th 756 (5 Cir. 2025), the 5th Circuit held that written supervisory approval of penalties under IRC § 6751(b) must be obtained before the date of assessment of the penalties or before the supervisor loses discretion over approval of the penal-

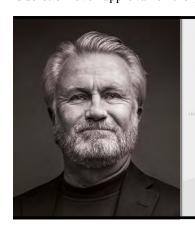
ties, if before assessment. The court noted its interpretation aligned with the 9th and 10th Circuit but differed from the 2nd and 11th Circuits. In the facts of the case, the 5th Circuit concluded that the IRC § 6751(b) requirement was met since approval was obtained before a Notice of Deficiency was issued, even if that occurred after a letter proposing penalties was issued to the taxpayer.

-Divya A. Jeswant

Member, LSBA Taxation Section Kean Miller, LLP Ste. 3600, 909 Poydras St. New Orleans, LA 70112 and

Thomas J. Celles, CPA

JD Candidate, Tulane Law School Law Clerk, Kean Miller, LLP



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## For submitting People Announcements

 Publication
 Deadline

 Feb. / March 2026
 Dec. 4, 2026

 April / May 2026
 Feb. 4, 2026

 June / July 2026
 April 4, 2026

 Aug. / Sept. 2026
 June 4, 2026

 Oct. / Nov. 2026
 Aug. 4, 2026

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Krystal Bellanger Rodriguez, Louisiana Bar Journal, 601 St. Charles Ave., New Orleans, LA 70130-3404 or email publications@lsba.org.

## Chair's Message

# A Personal Reflection on Purpose:

Finding Your "Why" in the Legal Profession

By Collin R. Melancon, 2025-26 Chair

In this profession, we spend a lot of time focusing on the "what." What kind of law we practice. What our caseload looks like. What firm we're with, and how do I make partner. But in the quiet moments — in the early mornings, the late nights, the long drives home — a more meaningful question often bubbles up: Why do we do this?

That question is not a burden, it's a gift. A compass. And whether you're a young lawyer just beginning your journey or a seasoned practitioner decades into your career, I believe that consistently returning to your "why" is essential.

#### Before the Law

My own "why" has evolved over time. Before law school, I served as a sheriff's deputy with the East Baton Rouge Parish Sheriff's Office. For nearly four years, my purpose was clear: serve and protect the community I called home. I believed deeply in that mission, and I remain forever proud of those who choose that calling.

But something inside me shifted. I didn't want to walk away from service — I wanted to serve differently. I felt called to be on the other side of the law. Not enforcing it, but understanding it. Not arresting people, but helping them navigate moments of crisis and complexity.

That pull brought me to Loyola University New Orleans College of Law. I didn't have a plan, just a conviction that there was something on the legal side that could reignite that sense of purpose.

### From Business to People

After graduation, I joined a fantastic firm doing high-quality legal work for companies and corporations. It was fulfilling in many ways — a strong team, challenging work, and clients who trusted us. But after a while, I felt that same nudge again.

I thought back to my time in law enforcement — the direct connection to people, to families, to stories. I realized I needed to get back to that. To be closer to the people I was helping. To hear their problems and walk beside them.

So, in 2018, three young lawyers and I took a leap of faith. We opened our own personal injury firm. No safety net. No long-term plan. Just a shared belief in building something rooted in service and human connection.



## The Leap That Changed Everything

It was scary. It was uncertain. But it was mine.

For the first time, everything in my professional life — every decision, every success, every failure — was powered by my own "why." And in that, I found clarity and confidence I didn't know I needed.

One quote that has stayed with me — and perfectly captures the spirit of that leap — is from Ellen Johnson Sirleaf: "The size of your dreams must always exceed your current capacity to achieve them. If your dreams do not scare you, they're not big enough."

That leap in 2018 scared me. But it also stretched me. And it gave me the chance to build the kind of legal career that aligns with my values, my experiences, and my purpose.

## The Evolution of 'Why': A Personal Reflection

Over the past ten years of practicing law, I've learned that your "why" is not fixed — it evolves with you. In the early years, my "why" was simple and exciting: the pure joy of landing a job with a great firm and finally becoming a lawyer. That sense of validation and achievement drove me every day.

As time passed, that "why" matured. It became about professional fulfillment — doing good work, growing in the craft, and carving out a place for myself in the legal community. But now, as a husband and a father of two, my "why" has taken on even deeper meaning.

Today, I'm driven by the desire to do something meaningful not only for my clients and my colleagues, but also for my family. I want to come home each day knowing I did something worth doing — something my wife and kids can be proud of. My work is no longer just about me; it's about what I bring home emotionally, spiritually, and purposefully to the people I love most.

This past year, that lesson was deepened in ways I could have never anticipated. I lost my mother after her heroic battle with cancer. Watching her fight, and reflecting on the life she lived, shifted my perspective in a profound way. A long life is never guaranteed — but a full, meaningful life is always within reach.

My mother spent over 30 years as an educator, pouring herself into the lives of her students. Her joy, her purpose, and her legacy

Continued on page 203

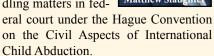
## CHAIR'S MESSAGE, SPOTLIGHT, SAVE THE DATE

## YOUNG LAWYERS SPOTLIGHT

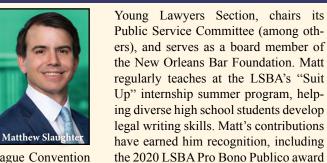
## Matthew Slaughter New Orleans, LA

Matt Slaughter serves as senior counsel at Flanagan Partners LLP, where he handles complex commercial litigation for national and regional companies. His practice spans corporate disputes, real estate, intellectual property, construction litigation, and catastrophic personal injury cases, among other matters. As outside general counsel for several closely held companies, Matt counsels on regulatory compliance, risk management, contract negotiations, and dispute resolution. Matt previously served as a law clerk for the Hon. Robert G. James

and Karen L. Hayes of the U.S. District Court for the Western District of Louisiana. He also maintains a robust pro bono practice that includes handling matters in fed-



Since 2020, Matt has served on the Pro Bono Project's Board of Directors and currently serves as the organization's Secretary. He also serves as secretary for the New Orleans Bar Association



A native of Orange Beach, Alabama, and proud University of Alabama graduate, Matt lives in New Orleans with his wife, Melissa Redmon Slaughter, and their dog, Dolly.

and 2023 LSBA YLD Top 40 award.

## YLD Chair's Message, Continued from page 202

didn't come from accolades — they came from impact. Her career was her calling, and it brought her deep fulfillment. Losing her taught me more than I ever expected about what it means to live with purpose.

That experience has only strengthened my belief in the importance of finding your "why." Not just in your career, but in your life. Your "why" will guide you, stretch you, and shape how you show up in the world. It's worth finding, and it's worth re-discovering as you grow.

## A Call to Action: Find Your "Why" with the YLD

The LSBA Young Lawyers Division offers high-level programming and meaningful opportunities that can help you search for your "why," develop your purpose, and reignite your

passion for this profession.

Whether you're looking for professional development, leadership opportunities, community engagement, or simply a chance to connect with others walking a similar path — I encourage every lawyer under 40 (or in their first five years of practice) to participate in at least one YLD event during their legal career.

Because I believe once you attend just one, you'll discover something more. You'll find purpose, passion, and a deeper sense of belonging in this profession we all share.

Let's keep working to build a bar — and a future — driven by purpose and a relentless pursuit to finding your "why".







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

## **New Judge**

Jenny
Richardson Fore
was elected 21st
Judicial District
Court, Division
I judge, effective
May 29, 2025. She
earned her bachelor's degree from



Louisiana State University in 2010 and her JD from Southern University Law Center in 2013. Judge Fore began her legal career as a law clerk working at both McGlinchey Stafford and Deutsch, Kerrigan & Stiles in 2012. From 2011 to 2013, she served as a legal writing teaching assistant at the Southern University Law Center. She continued to build her experience by working as a law clerk at the 21st Judicial District Juvenile Court from 2013 to 2015. From 2015 to 2025, Judge Fore worked as a 21st Judicial District assistant public defender in the Juvenile Division. She is married to Colt J. Fore, and they have two children.

## **Retired Judges**

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

17th Judicial District Court Division E Judge **F. Hugh "Buddy" Larose**, retired effective Thursday, July 31, 2025. He earned his bachelor's degree from Louisiana State University in 1982 and his JD from Louisiana State University Paul M. Hebert Law Center in 1986. Judge Larose was first elected to the 17th JDC, Division E, in 2002 and served until his retirement.

## **Appointments**

**Todd S. Clemons** was reappointed, by Order of the Louisiana Supreme Court, to the Committee on Bar Admissions for a term of office which commenced on July 1, 2025 and will conclude on June 30, 2030.

**Stephanie A. Finley** was reappointed, by Order of the Louisiana Supreme Court, to the Committee on Bar Admissions for a term of office which

commenced on July 1, 2025 and will conclude on June 30, 2030.

#### Deaths

Retired Fourth Circuit Court of Appeal Chief Judge Charles R. Jones, 80, died Friday, July 4, 2025. Chief Judge Jones earned his bachelor's degree from Xavier University of New Orleans in 1971 and his JD from Loyola University School of Law in 1975. Before attending college, Judge Jones served in the U.S. Army as a teletype operator with top secret clearance during the Vietnam War. From 1974–1975, he worked as a counselor at Orleans Parish Prison, followed by his role as an assistant district attorney from 1975–1978. His career in public service continued when he became a Louisiana State Representative from 1984–1991, during which he served on three House Committees: Appropriations; Municipal, Parochial, and Cultural Affairs; and the Legislative Joint Committee on the Budget. He additionally was a member of both the National Black Caucus of State Legislators and the Louisiana Legislative Black Caucus. Elected in 1992, he served as a 4th Circuit Court of Appeal judge until his retirement in 2012.

## LSBA Member Services

The mission of the Louisiana State Bar Association (LSBA) is to assist and serve its members in the practice of law. The LSBA offers many worthwhile programs and services designed to complement your career, the legal profession and the community.



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## Workers' Compensation Panel



Charlotte Bushnell



David Butler, Jr.



Frank Neuner, Jr.



Tom Solari

## **PEOPLE**

## LAWYERS ON THE MOVE, NEWSMAKERS, PUBLICATIONS

## LAWYERS ON THE MOVE

**Richard J. Arsenault** moderated a panel at a Complex Litigation Conference in Las Vegas on Navigating Mass Torts from the Perspective of the Judiciary. He was also invited to speak at the Global Class Actions and Mass Torts Conference in London.

Hammond, Sills, Adkins, Guice, Noah & Perkins, LLP of Baton Rouge, is pleased to announce that **Jason A. Bonaventure** has joined the firm as Special Counsel focusing on construction law, contract law and governmental affairs.

**Scott R. Wolf** has joined the law firm of Cook, Yancey, King & Galloway in Shreveport, as a Shareholder in their litigation and banking law practice.

Taylor Porter announces that Partner **Justin T. Mannino** has been elected a Fellow of the American College of Trust and Estate Counsel (ACTEC), a prestigious organization of trust and estate lawyers and law professors elected by peers for outstanding contributions to the field. He is

one of only 30 ACTEC Fellows currently practicing in Louisiana. Mannino represents individuals and businesses in tax, estate planning, successions, trusts, and corporate governance matters. He earned his JD/DCL, *cum laude*, from the LSU Paul M. Hebert Law Center in 2013 and his LL.M. in Taxation from the University of Florida Levin College of Law in 2014. He received his BS from LSU's E.J. Ourso College of Business in 2010.

Fishman Haygood, LLP in New Orleans is pleased to welcome Alicia M. Bendana as special counsel to the firm's Litigation Section and Bankruptcy and Restructuring team.

The Chopin Law Firm is proud to announce that attorney **Philip D. Lorio IV** has been named a 2025 Leader in Law by *New Orleans CityBusiness*. This recognition honors legal professionals in the Greater New Orleans area for their career and community accomplishments.

**Sarah B. Belter-Pylant** has joined Schonekas, Evans, McGoey & McEachin, LLC in New Orleans as Senior Counsel.

The Chopin Law Firm is pleased to announce that Lindsay F. Louapre has

joined the firm as an attorney.

Gordon Arata congratulates Lafayette attorneys **Armistead (Army) Long** and **John Philip (J.P.) Graf** on their selection to the 2025 *Lawdragon* guides — 500 Leading Global Bankruptcy & Restructuring Lawyers and 500 X – The Next Generation, respectively.

Breazeale, Sachse & Wilson, L.L.P. (BSW) is pleased to announce **Lawson Nguyen** has joined the Baton Rouge office of Breazeale Sachse, where he focuses on Commercial Litigation. Lawson earned his JD from the University of Houston and holds a B.A. from Louisiana State University.

Jackson Lewis P.C. announced that five attorneys from its New Orleans office have been recognized in *The Legal 500* United States 2025 for their work in ERISA Litigation. Honorees include Charles F. Seemann III, Stacey C.S. Cerrone, Lindsey H. Chopin, Howard Shapiro, and Robert W. Rachal.

Jones Walker LLP is pleased to announce that the firm partnership has reelected **William H. Hines** as managing partner for a fifth consecutive five-year term. His next term will begin on Jan. 1, 2026, and



Richard J. Arsenault



Sarah B. Belter-Pylant



Wilton E. Bland III



Jason A. Bonaventure



Alan G. Brackett



Dona J. Dew



Alex J. Domingue



Gerard J. Dragna



Lillian E. Eyrich



Thomas M. Flanagan



Camille E. Gauthier



Ney J. Gehman

continue through December 31, 2030.

Chamber and Partners, in its 2025 edition, recognized Flanagan Partners as a leading Louisiana firm. Chambers highlighted two of the firm's core practice areas: commercial litigation and appellate practice. **Thomas M. Flanagan** was ranked individually as a Band 1 lawyer in both commercial litigation and appellate practice. Partner **Camille E. Gauthier** was singled out as an "up and coming" lawyer in the appellate field.

Imtiaz A. Siddiqui is excited to announce the launch of Imtiaz Dispute Resolution, an ADR firm offering arbitration, mediation, and negotiation services for disputes relating to business, construction, contracts, education, employment, insurance claims, personal injury, property damage, real estate, and securities. For more information, visit www.idradr.com.

Stone Pigman Walther Wittmann L.L.C. announces that firm member Peter M. Thomson has been confirmed by the U.S. Senate as Inspector General of the Central Intelligence Agency, where he will oversee the Offices of Audits, Inspections and Investigations. A New Orleans native and Tulane Law graduate, Thomson leaves Stone Pigman after more than a decade leading its white-collar criminal defense and information security practices; he previously served as an Assistant U.S. Attorney for 23 years

and on special assignment at the National Security Agency.

Mouledoux, Bland, Legrand & Brackett in New Orleans, is pleased to announce that 6 attorneys have joined the firm. George J. Nalley, Jr. has joined as a member in the casualty litigation practice. Andrew J. Miner has joined as a Member in the transportation litigation practice. Dona J. Dew has joined as Of Counsel in the employment law practice. Ney J. Gehman has joined as Of Counsel in the transportation litigation and insurance defense practices. Brannon D. Lenard and Jacob P.L. Williams have joined as associates in the Longshore and Harbor Workers' Compensation Act, Defense Base Act, and War Hazards Compensation Act practice.

### **NEWSMAKERS**

Maureen Brennan Gershanik, a partner with Fishman Haygood, LLP in New Orleans, was appointed to a two-year term on the board of the National Council of Jewish Women (NCJW) – Greater New Orleans Section.

H.S. "Tad" Bartlett III, a partner with Fishman Haygood, LLP in New Orleans, was appointed a 2025–2026 member of the Louisiana Board of Legal Specialization (LBLS) Appellate Practice Advisory Commission.

Sharonda R. Williams, special coun-

sel with Fishman Haygood, LLP in New Orleans, was appointed by the Louisiana Supreme Court as an Assistant Examiner to assist the Committee on Bar Admissions.

Rebekka C. Veith, a partner with Fishman Haygood, LLP in New Orleans, was elected 2025-2026 Treasurer of the Federal Bar Association – New Orleans Chapter's Younger Lawyers Division (YLD) Board of Directors.

**Henry Opotowsky**, an associate with Steeg Law Firm in New Orleans, joined the Board of the Preservation Resource Center.

Kent Lambert, a shareholder with Baker Donelson in New Orleans, was named chair of the firm's Logistics, Energy & Manufacturing Litigation Group.

Noah Kressler, a shareholder with Baker Donelson in New Orleans, was named managing shareholder of the firm's New Orleans office.

Hieu (Scott) Le and Alex J. Domingue of Mouledoux, Bland, Legrand & Brackett in New Orleans, were selected as recipients of a LSBA Young Lawyers Division's 2024 Top Young Lawyer award. Alex Domingue has also joined the 2025–2026 Younger Lawyers Division Board of Directors of the FBA, New Orleans Chapter.

#### Continued next page



John Philip (J.P.) Graf



William H. Hines



Daniel J. Hoerner



Hieu (Scott) Le



Georges M. Legrand



Brannon D. Lenard



Armistead M. (Army) Long



Philip D. Lorio IV



Lindsay F. Louapre



Justin T. Mannino



David A. Martinez



Andrew J. Miner

#### **PUBLICATIONS**

Mouledoux, Bland, Legrand and Brackett (Louisiana): Wilton E. Bland III, Daniel J. Hoerner, Georges M. Legrand and André J. Mouledoux for Admiralty and Maritime Law; Gerard J. Dragna and **C. Michael Parks** for Transportation Law; and Alan G. Brackett for Admiralty and Maritime Law and Workers' Compensation Law – Employers.

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Best Lawyers in America 2026 — Lawyer of the Year: Phyllis Cancienne (Litigation - Labor and Employment, Baton Rouge); Jon F. "Chip" Levens Jr. (Commercial Transactions/UCC Law, New Orleans); Mark Mercante (Construction Law, New Orleans); Laura Walker Plunkett (Closely Held Companies and Family Businesses Law, New Orleans); and Layna Cook Rush (Health Care Law, Baton Rouge).



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C. Michael Parks



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Best Lawyers: Ones to Watch® in America: Lauren Brink Adams, Max Hadley, Kristen Hayes, Emily Kesler, Sam Noblin, Alex Rychlak, and Chris Vitenas.

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Steeg Law (New Orleans): Lillian E. Eyrich (Real Estate Law); David A. Martinez (Real Estate Law); Randy Opotowsky (Banking and Finance Law, Commercial Transactions/UCC Law, Real Estate Law, Litigation - Real Estate); Robert M. Steeg (Banking and Finance Law, Commercial Finance Law, Commercial Transactions/UCC Corporate Law, Real Estate Law); and Charles L. Stern Jr. (Bet-the-Company Litigation, Commercial Litigation, Litigation – Bankruptcy, Litigation – Real Estate, Real Estate Law).

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#### Lawdragon 500 X - The Next Generation 2025

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#### In Memoriam

Kenneth (Ken) Preston Wright (1948– 2024) died July 28, 2024, in Shreveport at age 76. A Jena native, he graduated magna cum laude from Louisiana Tech in 1970 and earned his JD from LSU Law in 1974, where he served as Student Bar Association president. Wright began his career with Hargrove, Guyton, Ramey & Barlow and, in 1982, co-founded Weems, Abney & Wright. His practice focused on real estate; he founded Louisiana Title Company in 1984, later merging it into United Title of Louisiana, which was acquired by an IberiaBank subsidiary in 2007. After retiring in 2009, he helped establish a commercial title department for Bayou Title before retiring again in 2019. He was remembered by colleagues at Weems, Schimpf, Haines & Moore for his foundational role in the firm and was honored at the Shreveport Bar Association's Memorial & Recognition Ceremony on Nov. 14, 2024. His civic involvement included service as a Rotary Club of Shreveport Paul Harris



Randy Opotowsky



Jacob P.L. Williams



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## **NEWS**

# Wrap-Up of the Supreme Court of Louisiana's Historical Society's Commemoration of the Bicentennial of the 1825 Louisiana Civil Code: Closing Gala at National World War II Museum on June 20, 2025



Wrapping up its nine-month commemoration of the Bicentennial of the 1825 Louisiana Civil Code, the Supreme Court of Louisiana Historical Society hosted a Closing Gala on June 20th at the National World War II Museum, U.S. Freedom Pavilion.

Co-chaired by attorneys Alan G. Brackett and Harry J. "Skip" Philips, Jr., with Lt. Governor Billy Nungesser and State Senator Franklin J. Foil serving as Honorary Co-Chairs, and attended by over 200 people, the Gala featured Bicentennial remarks and reflections by Louisiana Supreme Court Chief Justice John L. Weimer, Louisiana Attorney General Liz Murrill, Consul General of France Rodolphe Sambou, and Historical Society Board Chair E. Phelps Gay. The Invocation was provided by Associate Justice Jay B. McCallum,

with a Benediction offered by Associate Justice John Michael Guidry.

Chief Justice Weimer and Attorney General Murrill each reflected on their study of the Louisiana Civil Code during law school days at the LSU Paul M. Hebert Law Center, particularly under the tutelage of the late Professor Saul Litvinoff. They also paid tribute to the three "jurisconsults" who wrote the 1825 Code — Louis Moreau-Lislet, Edward Livingston, and Pierre Derbigny. Steeped in the history of civil law, these lawyer-scholars crafted a set of 3,522 articles which, from original promulgation through revisions, have had an "enduring impact" over the past two hundred years.

Consul General Sambou welcomed the opportunity to celebrate the "deep and enduring" connection between France and Louisiana. "Ours is a relationship," he said, "rooted not only in shared language and culture, but in the very legal foundation of this state." Inspired by the French Napoleonic Code, the 1825 Louisiana Civil Code "remains a cornerstone of that relationship." For two centuries, "it has shaped the legal landscape of Louisiana while evolving with the times, a testament to the strength and adaptability of civil law." At the heart of this tradition "lie the principles we continue to defend together: democracy, the rule of law, and human rights." The Bicentennial also "reminds us of the importance of language in the law." The original Civil Code was bilingual, "reflecting the cultural richness and diversity of Louisiana which remains so central to its identity today." He hoped "this evening fosters



At the Gala commemorating the Bicentennial of the 1825 Louisiana Civil Code were John Tarlton Olivier, vice chair, Supreme Court of Louisiana Historical Society; Senator Franklin Foil and Justice Jefferson Hughes. *Photo by Jeff Strout photography.* 



At the Gala commemorating the Bicentennial of the 1825 Louisiana Civil Code were E. Phelps Gay, chair, Supreme Court of Louisiana Historical Society; Justice Piper D. Griffin; Veronica O. Koclanes and Alan Brackett. Photo by Jeff Strout photography.



At the Gala commemorating the Bicentennial of the 1825 Louisiana Civil Code were Supreme Court of Louisiana Historical Society members Mary H. Becnel and Benjamin W. Janke, treasurer. *Photo by Jeff Strout photography.* 



At the Gala commemorating the Bicentennial of the 1825 Louisiana Civil Code were Harry J. (Skip) Philips, Jr.; Liz Murrill and Justice Jay B. McCallum. Photo by Jeff Strout photography.

renewed dialogue, shared reflections, and lasting connections" between France and Louisiana.

In his remarks, Phelps Gay traced the history of the Bicentennial commemoration — from initial idea to the appointment of a Steering Committee to the nine-month reality of exceptional educational programs. He offered profuse thanks to all presenters: Professor Olivier Moretéau of LSU Law School; Attorney-Author Michael H. Rubin; Judge Brady D. O'Callaghan and attorney Clinton M. Bowers; Associate Justice Jay B. McCallum; Professor Agustín Parise (who gave the John H. Tucker Lecture at LSU); Professor Aniceto Masferrer (who gave the Brendan F. Brown Lecture at Loyola); UNO Professor of History Warren M. Billings; Loyola Law School Professor Markus G. Puder; Tulane Law School Professor Ronald J. Scalise Jr.; and Professor Shawn D. Vance of the Southern University Law Center.



Portraits of the some of the subjects of a monthslong CLE commemoration of the bicentennial of the 1825 Louisiana Civil Code were displayed overhead during the Gala.

Co-chairs Brackett and Philips added that all Bicentennial speeches are slated to be published in an upcoming edition of the *Loyola Law Review*.

Special thanks were given to members of the Bicentennial Gala Committee: The Honorable Mary Hotard Becnel (Ret.), Georgia D. Chadwick, Benjamin W. Janke, Veronica O. Koclanes, Catherine J. Newsome, and John Tarlton Olivier. Miriam Childs, Director of the Law Library of Louisiana, and her talented staff, were also recognized for producing informative "stand-up" exhibits on the 1825 Code, which were enthusiastically received at events held around the state

Gala Sponsors included Presenting Sponsor, the Louisiana Bar Foundation, and Patron Sponsors: AGESS Wealth Advisors of Raymond James; Baker, Donelson, Bearman, Caldwell & Berkowitz, PC; The Honorable Christopher J. Bruno (Ret); Robertson Donor Advised Fund; Loyola University New Orleans College of Law; Mouledoux, Bland, Legrand & Brackett, LLC; Pipes Miles Beckman, LLC; Southern University Law Center; Taylor, Porter, Brooks & Phillips, LLP; The Townsley Law Firm; Thomson Reuters; Tulane University Law School; and A Friend of the Supreme Court of Louisiana Historical Society, who wished to remain anonymous.

The Supreme Court of Louisiana Historical Society is a nonprofit corporation, organized exclusively for historical and educational purposes. It is dedicated to preserving the history of the Supreme Court and to promoting public awareness of the Court's contribution to Louisiana's rich legal heritage, including its influence on the development of civil law. Further information on the Historical Society's activities and events, as well as an application for membership, can be found at www. sclahs.org.

## The LBF is Popping Up in Your Area!

2025-26 LBF President Edmund J. Giering IV is traveling throughout the state with the Pop Up Tour to educate about the LBF and Civil Legal Aid. The LBF Pop Up Tour encompasses nine regions throughout Louisiana. This year the Pop Up Tour will focus on the Social Return on Investment of Civil Legal Aid. Each event includes a meal and 1 hour of CLE Professionalism.

The Justice Bus will Pop Up at the events in Alexandria, Shreveport, Monroe, Madisonville, New Orleans, and Houma. Come early and take a tour of the bus that delivers civil legal aid to the civil legal resource deserts in Louisiana. Visit www. Raisingthebar.org to register.

#### Register for one in your area!

- ► Oct. 22, Northshore Pop Up in Madisonville
- ► Oct. 22, Greater Orleans Pop Up in New Orleans
  - ► Oct. 23, Bayou Pop Up in Houma
- ► Nov. 11, Southwest Pop Up in Lake Charles
  - ► Nov. 12, Acadiana Pop Up in Lafayette
  - ► Nov. 12, Capital Area in Baton Rouge

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

# The Power of Fellowship

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



t the Louisiana Bar Foundation (LBF), our members — known as Fellows — are more than supporters. They are champions of justice, advocates for fairness, and catalysts for change. Fellows are at the heart of our mission to ensure all Louisianans in need have access to civil legal services.

Through their financial support, community involvement, and volunteer service, our Fellows make a huge impact on the lives of individuals and families who would otherwise face the legal system alone. Fellows are united by a shared conviction, justice should be available to everyone, including those who cannot afford an attorney.

### Why Become a Fellow?

Membership in the Louisiana Bar Foundation is more than an affiliation, it is an opportunity to put your skills, influence, and resources to work for the greater good while enriching your own professional journey.

#### As a Fellow, you will:

- ▶ Join a distinguished network of judges, attorneys, legal scholars, and others committed to advancing justice.
- ► Strengthen your career through professional development, recognition, and peer connections.
- ► Gain exclusive access to special events and annual meetings.
- ► Participate in selecting Louisiana's Distinguished Jurist, Attorney, Professor and Calogero Justice awardees.
- ▶ Shape the future of civil legal aid and access to justice in Louisiana through hands-on involvement in initiatives and committees.

#### If you believe that:

- ► Every Louisianan deserves access to a fair and equal justice system,
- ▶ No one should be abandoned or alone in their time of need, and
- ► The power of the law should be wielded to ensure that the vulnerable are protected,

then now is the time to become a Fellow. Stand with us and use your influence for impact. Help shape a Louisiana where justice truly knows no price tag.

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#### **Your Commitment Matters**

When you become a Fellow, your membership is more than a title — it is a public statement that you believe justice should belong to everyone, not just those who can afford it.

If you are already a Fellow, we thank you. If not, we hope you take advantage of this opportunity to become part of a network of individuals who share a passion for equal access to justice. As the largest funder of civil legal aid in Louisiana, LBF plays a crucial role in access to civil legal services for those in need. To become a Fellow or make a donation, please visit <a href="www.raisingthebar.org">www.raisingthebar.org</a>, email us at membership@raisingthebar.org or call (504) 561-1046 for more details.

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# Lame Excuses for Being Late

By E. Phelps Gay



Quoting Woody Allen may be risky these days, but he was onto something when he said: "Ninety per cent of success is just showing up." If that is true, we must ask: why are some lawyers late? How hard is it to show up on time?

"I'm sorry, Your Honor. Traffic was backed up on I-10."

"My secretary put this on my calendar for ten o'clock this morning, not nine."

"Apologies, Your Honor, but I hit a nutria with my car on the way to work." "I forgot to bring my dress shoes to work and had to go home to get them." "It was foggy on the Causeway."

"A gurney fell out of an ambulance in front of me and stopped all traffic."

"The remote for my garage door opener broke, and I couldn't get out of my garage."

"I got pulled over for speeding on my way to court. I told the officer I was running late for a hearing, but she didn't care."

"I forgot all about daylight savings time." "I got caught in a parade."

Here's a new one: "I was going to ride to court on my solar-powered scooter, but it rained."

And a classic: "My left turn signal was out, so I had to make all right turns to get to court."

Then comes the inevitable question:

"So, counsel, why didn't you call the court?"

Answer: "My phone died. Last night the dog chewed up my charger."

This calls to mind the Seinfeld episode where Jerry denies watching a show called Melrose Place. A police sergeant, whom he is dating, suspects he is lying and puts him on "the poly." With each answer the needle bounces up and down, and he is busted.

OK, I exaggerate for effect. (What's a humor column for?) But some lawyers are chronically late, which, according to the LSBA Code of Professionalism, is unprofessional. ("I will be punctual in my communication with clients, other counsel, and the court. I will honor scheduled appearances and will cooperate with other counsel in all respects.") Not unreasonably, judges get impatient with lawyers who show up late — and even more put out when they conjure up lame excuses.

To balance things out, one might observe that, although they deserve our respect and deference, judges should not themselves be exempt from censure when they take the bench 45 minutes late while lawyers sit idly in the courtroom, some billing their clients for completely unproductive time. Still, fussing with a judge who might momentarily be determining your client's fate may not be the brightest idea, just as dressing down your physician for making

you twiddle your thumbs for a half-hour in the waiting room may not be conducive to good health.<sup>2</sup>

Punctuality is a virtue. It shows you are organized and dependable. It evinces a level of courtesy and respect for the judicial system and other people's time that should be encouraged. Ideally, lawyers should plan for unexpected delays and strive to be fifteen or twenty minutes early for their appointments.<sup>3</sup> By contrast, chronic tardiness demonstrates disrespect for the court and your colleagues, and it may trigger serious consequences, such as sanctions, contempt, or even default judgment.

Ultimately, though, like most things in life, there is danger (or overreaction) in taking this too seriously. In law school I had a very good professor who was a master of the Socratic method, but he could not abide anyone showing up a minute late for class. After the first week, he locked the door at 9:01 a.m., so the stragglers could not get in. A different form of time-obsession haunted a "movie friend" of mine. He loved and knew everything about cinema, but to such an extent that he refused to go in if the movie (even the opening credits) started 15 seconds before he entered the theater.

Some people have legitimate excuses for being late — a family illness, for example — while others might simply be care less in budgeting their time and express sincere remorse for the inconvenience they have caused. Still others may suffer from a mental health condition, like attention-deficit/hyperactivity disorder (ADHD), which can lead to "time blindness."

In the end, especially when dealing with a "first offense" or tardiness of only small amount of time, the best advice may come from our late Secretary of State, Colin Powell. In his Thirteen Rules of Leadership, Rule No. 2 provides: "Get mad, then get over it."

#### **FOOTNOTES**

- 1. The provenance of this quote is a bit murky, some contending he said eighty per cent. Others claim he said: "If 90% of success in life is showing up, the other 10% depends on what you're showing up for."
- 2. In U.S. v. Armenteros-Chevroni, No. 10-1611 (1st Cir. 2011), a federal district court imposed a \$1,500 sanction on a lawyer for missing a sentencing hearing. Two days before, the court gave electronic notice that the hearing was re-set from 4:40 p.m. to 9:30 a.m. The attorney moved for reconsideration, claiming he and his secretary had been out of the office and did not check their emails for electronic notifications. Lame enough, but this smart lawyer further contended "the Court is not respecting the attorneys to the extent that it unilaterally changes dates or times without consulting attorneys' calendars." On appeal, the First Circuit noted attorneys are obligated to "monitor the docket for electronic filings," and district courts have "inherent power" to impose monetary penalties for tardiness. However, the sanction was reduced from \$1500 to \$500.
- 3. As usual, Shakespeare weighs in on this subject. "Better to be three hours too soon than a minute too late." The Merry Wives of Windsor, Act 2, Scene 2.



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