

LOUISIANA BAR JOURNAL

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Volume 65, Number 6



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- The Uniqueness of Louisiana's Legal Heritage: A Historical Perspective
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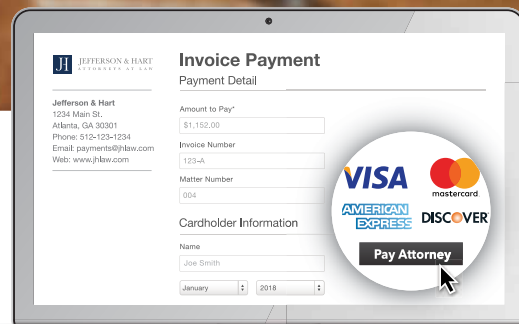
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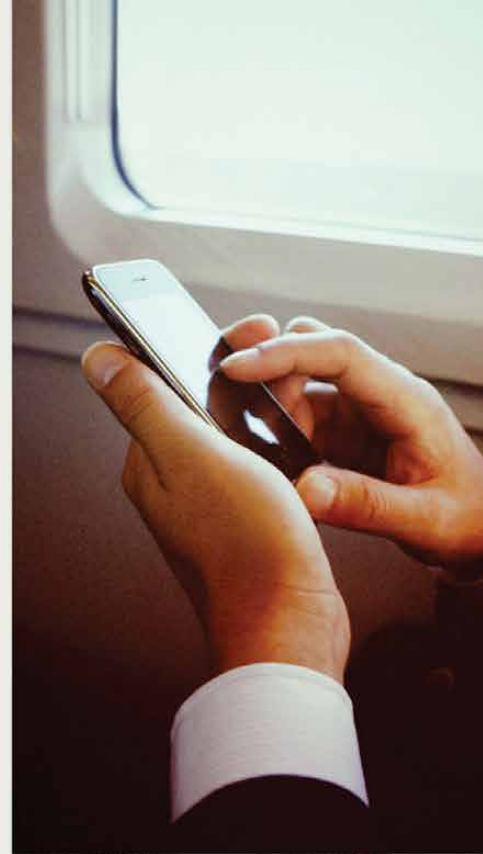
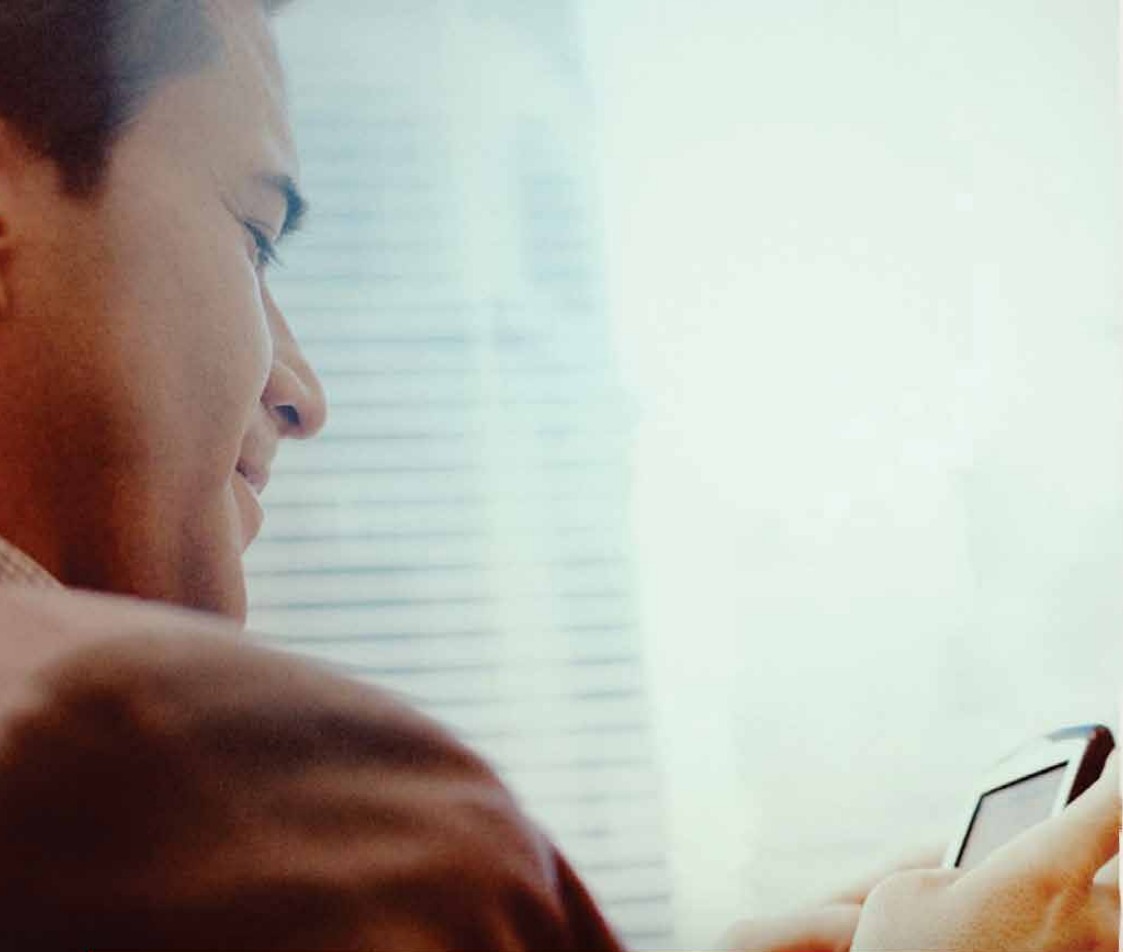
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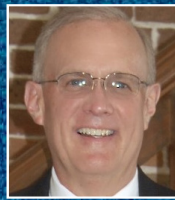
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By John E. McAuliffe, Jr.

New Orleans and Me

We believe that the first McAuliffe in our direct line of ancestors came to this country in 1853. Although that John McAuliffe originally landed in New York, he made his way to New Orleans. His reasons for coming to Louisiana are unknown to us. (I suppose one does not make rigorous notes after escaping famine.) There is a reported Louisiana case involving a “John McAuliffe” in 1845. Perhaps he was a relative since there is only one clan of us.

We have been here in New Orleans since then. Census entries tell us that my great-great-grandfather worked in a grocery while his son is listed as a “store clerk.” My grandfather was a clerk at the cotton exchange. My father was an outside salesman for an industrial supply company, working his way up from office boy.

My father insisted that all three of us concentrate on our education because his was cut so short in order to help support his siblings. He knew that education was the “way up.” So, my sisters and I attended a Catholic grammar school and Catholic high schools. Then, all three of us graduated from the University of New Orleans. I went one additional step and obtained a law degree.

I say all of this because New Orleans became our “American Dream.” We evidently discovered an ensconced Irish-Catholic community since the McAuliffe men continued to marry only Irish ladies



through my parents’ generation. Each generation seemed to advance just a bit more. Most of our first cousins on both sides all graduated from college. Many continue to live in or near New Orleans. Our two children went away to college (Lexington, Va., and Washington D.C.)— but they both returned to the city.

So our McAuliffe line has been in New Orleans for over half of its existence. We were not the first to plant ourselves here. We are far from the last. But, I do believe the one factor that endears all of us to this place is our wonderful and friendly people.

Before I started grammar school, I sat on the front porch with my grandmother almost every morning. She was in one big, green rocking chair, and I was in the other. I was very shy and she “forced” me to say hello to all who passed on the sidewalk. It did not matter who walked in front of us — neighbor, plumber, black, white, student, businessman and the like. I was required to say hello.

I still acknowledge those I pass on the sidewalk or in a hallway. It seems

that most of us in New Orleans were taught that same lesson. We nod as we pass each other. We say hello. We readily give tourists directions. We even STOP and help tourists without being asked. (And, I always ask them to spend lots of money.) As newcomers arrive, they universally confirm just how friendly and gracious we are.

That polite attitude invaded our collective practice of law years ago. We (mostly) grant extensions of time without question. If a personal problem arises for an opposing attorney, we do what we can to help and console. Even if we forget the name of a long-ago opponent, we nod or say hello as we pass each other in the court hallway.

The attitude of our lawyers in New Orleans (and Louisiana) is much more than “just” related to the aspirations of professionalism. It is a deep-seated concern for our fellow lawyers and fellow citizens. It is infectious. It is who we are.

So, as we celebrate the 300th anniversary of this Great City, let us not forget to celebrate our people, our lawyers and our judicial system as well as the attitudes and courtesies that have sustained us. Let us all hope and strive to keep our pleasantness intact and thriving.

God bless New Orleans! God bless our people! And God bless our lawyers, judges and judicial system!

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By Dona Kay Renegar

LSBA Member Services Are Wide-Ranging and Far-Reaching, with More to Come!

The Louisiana State Bar Association (LSBA) is currently comprised of more than 22,700 lawyers and we continue to strive to provide premium support, services, and tools for our members to better help us practice law, maintain our businesses, and keep up with technological advances. I want to remind our members of the services the LSBA provides free of charge or for a reduced rate in hopes you can take advantage of our programs.

The LSBA offers a number of diversionary programs to help our members avoid a formal investigation from the Office of Disciplinary Counsel (ODC). The Attorney-Client Assistance Program uses our LSBA Practice Assistance Counsel to attempt to resolve minor complaints from clients about their attorneys, such as lack of communication, fee disputes, diligence, or return of a file. Since the inception of the program, there have been more than 5,756 referrals with a 90 percent success rate. Successful resolution is considered an administrative closure and no formal file is ever opened by the ODC. The LSBA diversion program also includes the following schools and workshops depending upon the underlying rule violation: Ethics School, Trust Accounting School, Law Practice Management School, Stress Management Workshop, Advertising School, and more.

The Practice Assistance and

Improvement Committee, through its link at LSBA.org, provides assistance to members navigating the disciplinary system. The site includes a video and other publications to help our members. Soon, we will be adding a searchable list of disciplinary cases on important issues.

The LSBA provides the online research tool Fastcase free to all members. It contains all cases and statutory law for the 50 states. Fastcase is accessible from a desktop computer, smart phone, or any Internet-capable device. There are user guide tutorials and **FREE** one-hour CLE webinars offered throughout the year.

The LSBA financially supports the Judges and Lawyers Assistance Program, Inc. (JLAP) which offers absolutely confidential help to our members, their families, and law students for depression, substance abuse, gambling, etc. Lawyers suffer depression at a rate triple that of the general population and substance abuse disorders at double the rate of the general population.

The Louisiana Bar Center, located at 601 St. Charles Ave. in New Orleans, offers a number of free services for our members. Bar Center conference rooms may be reserved via LSBA.org for depositions or meetings. The building is equipped with wireless Internet, and a desktop computer is available for members' use. We also offer free BlueJeans Video Conferencing services which can be accessed through any smart phone, tablet or computer with a camera. The

LSBA has cooperative agreements with our local affiliates in Shreveport, Lafayette and Baton Rouge, where video conferencing equipment has been installed. Members can make arrangements through those local affiliates to use the equipment. Reservations for the video conferencing service can be made through our website as well.

The LSBA offers free advice to our members on opening or closing your office, technology choices, personnel alternatives and solutions, document retention questions, client communication issues, and disaster or business continuity issues. We offer a **FREE** online publication about disaster planning that covers hurricanes and other possible problems such as fire, burglary, disability of a key person, a disgruntled attorney, and hacking.

The LSBA is preparing a new online publication for young lawyers about "Hanging Your Own Shingle — Louisiana Style." The materials will include a law office business plan, how to create an actual office (naming, where to locate it, office processes, etc.), attracting clients, time and billing, client communications and relations, and practice resources.

In 2017, the LSBA updated our "Practice Aid Guide: The Essentials of Law Office Management." The guide contains forms, contracts, letters, and checklists in Word so they are adaptable. We have a Tech Center on our website

that offers free training videos for popular technology tools and links to important technology topics.

The LSBA offers low-cost, one-hour seminars about office management topics on Mondays and legal technology topics on Tuesdays at the Bar Center in New Orleans. In addition, we host four **FREE** seven-hour seminars in the four corners of the state — Monroe, Shreveport, Lake Charles, and Covington. The seminars are offered annually and include lunch.

We host the LSBA Solo, Small Firm & Tech Conference each year, offering a two-day, three-track program dedicated primarily to small office practitioners and any lawyer interested in technology. The Conference satisfies your entire CLE obligation for the year and includes top legal technology exhibitors to answer any questions the attendees may have. A member recently told me that this affordable Conference is “the LSBA’s best-kept secret” and he has attended the Conference four years in a row.

The LSBA hosts a Lending Library available for your use which includes materials relating to technology, best law office management practices, setting up and closing a law office, maintaining your quality of life, and more. Simply place your order through our online form and the LSBA will send the materials to you.

For our members who need to settle fee disputes with clients or colleagues, the LSBA offers at a small fee (\$50 to \$100) an Attorney Fee Dispute Arbitration Program. The program is quick, inexpensive, informal, confidential, and final. We provide services of an Ethics Counsel who provides confidential, non-binding opinions to Louisiana attorneys.

The LSBA will sponsor approximately 38 CLE seminars during the 2017-2018 fiscal year, including out-of-state seminars in New York and Charleston. Some programming is co-sponsored with the Louisiana Judicial College, offering networking opportunities with our judges.

The LSBA administers the Client Assistance Fund which reimburses the public for losses of up to \$25,000 from the dishonest conduct of a lawyer against a client. This committee plays a large

role in the obligations we have as the last self-regulated profession in the state of Louisiana. We must police our own members to maintain the highest of ethical and professional standards.

In the law schools, the LSBA has created programming to introduce professionalism to the students before they enter the profession. The LSBA hosts Professionalism Orientations during the first year in all four law schools. During the same year, the LSBA hosts Character and Fitness Programs in the law schools to educate the students on the requirements for entering the bar. During the second year of law school, the LSBA hosts bar admissions question-and-answer sessions in all four law schools to assist the students in completing their Law School Registration process with the Committee on Bar Admissions and the National Conference of Bar Examiners. Then, in the third year of law school, the LSBA sends a panel of volunteers to present video hypotheticals posing ethical and professional issues that attorneys face and discuss ways to resolve them. The LSBA is studying additional programming for law students dealing with law school debt.

There are a number of business discount services for LSBA members that are described on our website. Members

have access to the ABA Retirement Funds Program and some possible savings for insurance through GEICO. In addition, LSBA members get up to an 80 percent discount off office products (including copy and print pricing) at Office Depot. One of our members was recently quoted a price for a copying and binding job of \$287, the final cost of which was \$82 after the LSBA discount was applied. Members can save up to 26 percent on shipping with United Parcel Service. The discounts are found on the LSBA website under Member Resources, Tools and Services, Discount Services.

The LSBA has negotiated reduced rates for members at various hotels in Baton Rouge, Lafayette, New Orleans, and Shreveport. Our members also have discounted rates at the national hotel chains Holiday Inn and LaQuinta Inn & Suites.

Please visit our website or contact our staff about the many services to which you are entitled as members of the Louisiana State Bar Association. We are here to serve you and hope you find that our programming and services accomplish that goal.

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Laurie Brister
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THE UNIQUENESS OF LOUISIANA'S LEGAL HERITAGE: A Historical Perspective

By Ilijana Todorovic

On Behalf of the New Orleans Bar Association

How many times have you heard Louisianians say, “Our law is different. It’s the Napoleonic Code.” While it is true that the “civil” law in our state differs from the common law in other sister states, it would be inaccurate to refer to it as “the Napoleonic Code” or as the law derived (solely) therefrom.¹ Even numerous attorneys today erroneously believe that civil law is simply the law embodied in civil codes, originating in Europe on the eve of the 19th century. In fact, civil law had already been highly developed throughout most of Europe before the enactment of the renowned Napoleonic Code, or any civil code for that matter. Indeed, civil law can be traced all the way back to the middle of the 5th century B.C. and “The Twelve Tables,”² the first-ever written expression of law in Roman tradition. As such, civil law has been shaped over a period of almost 1,000 years, beginning with the rediscovery of the Justinian’s Digest in 1076. In order to fully understand the uniqueness of Louisiana’s legal heritage, it is pivotal to offer an insight into the evolution of Louisiana law from the rise of the codification movement to most recent years. What better moment to do it than for New Orleans’ Tricentennial!

The International Trend of Codification

The intellectual freedom put in motion by humanists³ coupled with the industrial and technological breakthroughs, such as printing, led to an exponential sophistication and self-consciousness. For the first time, people across the world had access to books, became educated, and began to apply their logical analysis and reasoning to everything that surrounded them. Of course, one of the first subjects of people's skepticism and mistrust was the legal system. People at the time viewed law as a complex and mystical phenomenon and did not understand it.⁴ They believed that legal scholars had no incentive to simplify such law because their expertise was desirable and in high demand. Even the judges, in people's eyes, exploited the intricate nature of law because they could use it to justify any decision they wanted to reach. Thus, people demanded a *plain and laymen-friendly* compilation of the laws that they could understand because they wanted to shield themselves from the abuse of judicial discretion. This is why, led by the French in 1804, the codification movement was born.⁵

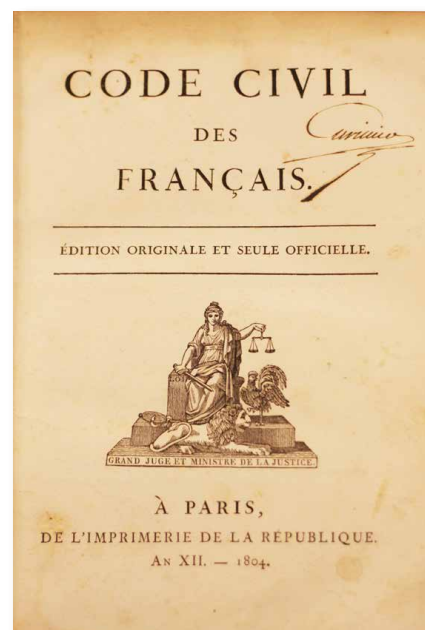
After illegally ceasing power through coup d'état in 1799, Napoleon proclaimed the French Republic and named himself an emperor. Immediately thereafter, Napoleon appointed a committee of four lawyers and tasked them with drafting a civil code.⁶ In only four months, these four lawyers finalized the first draft of the French Civil Code from scratch.⁷ However, contrary to what the French population expected and hoped for, the codification replaced one extreme with another and did not resolve the issue of unfettered judicial discretion. That is, the superabundance of legal sources that initially led to complex laws gave way to oversimplification and generalization which, once again, required wide judicial discretion. Therefore, following the codification, both judges and jurists happily resumed the roles they enjoyed during the pre-codification period.⁸

The Codification Movement in Louisiana

The French Civil Code was drafted in the spirit of the French Revolution, following bloody military and political turmoil. Despite the fact that the break from the past in the eyes of the law was more of a line in the sand than a radical shift, the Code was presented to the world as a "new beginning."⁹ However, while the French fought hard for, *inter alia*, a legal transformation, the recently colonial Louisiana was not looking for a change; rather, the goal was simply to maintain the status quo.¹⁰

The first point in understanding Louisiana's legal system is to recall how Louisiana, *alone* among the 50 states, came to even have a civil code modeled on a European civil code. A 2004 article published by Loyola University College of Law Professor David W. Gruning provides a perfect synopsis of this complicated and fascinating story:

French explorers arrived on the American coast of the Gulf of Mexico in 1682. In 1712, the Crown decreed that the Custom of Parish would govern the colony, and placed the colony effectively in the hands both of private interests and of a Superior Council. After failure of the private interests, the Crown assumed full control in 1731. In 1762, France transferred Louisiana to Spain. The latter, however, did not achieve effective control until 1769. Thereafter Spain administered Louisiana, perhaps more effectively than had France. Spain established its own system of government, replacing the Superior Council with a Cabildo or city council, and applying Spanish colonial law. Later, in 1800, Napoleon engineered the return of Louisiana to France, but his intentions in the Caribbean having been frustrated, he sold Louisiana to the United States in April 1803. The French flag went up over Louisiana for a few weeks in the fall of that year, being replaced definitively



Code Civil Français (also known as the "Napoleonic Code"), 1804. Provided by the Law Library of Louisiana.

by the American flag by the end of the year. Louisiana had become an American territory. Now a part of the United States, Louisiana (then the Territory of Orleans) faced the question of what law would be applicable.¹¹

As evidenced by the discussion below, this question perplexed the Louisiana legal community in the years to come.

Louisiana's first code, "A Digest of the Laws in Force in the Territory of Orleans," was enacted in 1808.¹² The 1808 Digest stylistically resembled the French Civil Code, but it incorporated certain Roman law provisions that could not be found in the French Code but were considered relevant for Louisiana, such as the rules of public rights on the river banks (Articles 452 and 456), the sale of a hope (Article 2451), and the action for things thrown onto the street (Article 177).¹³ The 1808 Digest remained in effect when Louisiana became a state in 1812.¹⁴

In 1817, the Louisiana Supreme Court restricted the Digest's applicability by holding that prior Spanish, Roman and French law which was not in conflict with the Digest was *still valid* and in force.¹⁵ This caused great confusion in Louisiana and had to be changed. But, there was no

one to effectuate the change because attorneys in 19th century Louisiana were dedicated to drafting legislation and could not devote their time to supervise the application of the law and keep it on track.¹⁶ Hence, due to the lack of sufficient legal expertise, the confusion of legal sources created by the 1808 Digest was only partially remedied by the Civil Code of 1825.

The 1825 Civil Code “expressly repealed the Spanish, Roman, and French laws in force at the time of the Louisiana Purchase.”¹⁷ However, the Code only repealed those laws that were specifically enumerated therein, meaning that a substantial part of the old law still survived.¹⁸ A novelty that came with the 1825 Code was that its articles included explanation and reasoning.¹⁹ Notwithstanding this change, the Code was written in a technical fashion and was not meant to be used by ordinary citizens.²⁰

Recodification of Louisiana’s Civil Code

As cleverly illustrated by Professor Gruning in his 2004 article, because the rules of a society change, a civil code that attempts to represent these rules must follow and adapt so as to remain connected to the changes and properly reflect them.²¹ Unlike France, Quebec or Haiti which re-codified their civil codes pragmatically and deliberately, with one piece of legislation, Louisiana decided to take a different approach.²² And it did so for a reason. Namely, after researching the law and its history, Louisiana’s legal experts realized that it may be in the state’s best interest to add or avoid adding certain legal provisions. Hence, instead of a single-handed recodification, Louisiana opted to revise its civil law “not as a whole, but in distinct blocks.”²³ This piecemeal recodification made Louisiana’s Civil Code one of the *most eclectic* in the world.

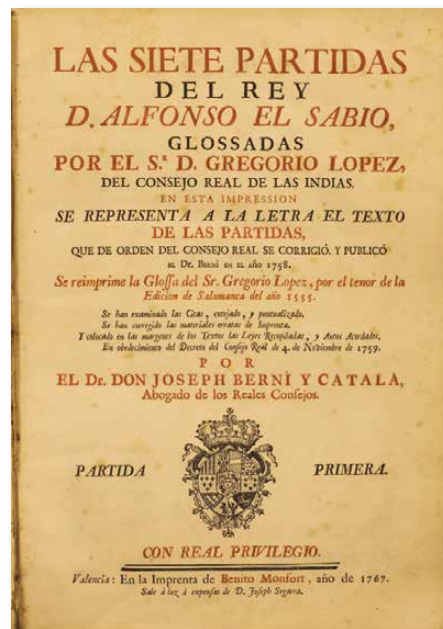
A product of this daring endeavor was the Civil Code of 1870 which replaced the 1825 Code. However, the aftermath of World War I brought significant economic and cultural changes which tested the new 1870 Code. The most eminent pressure placed on the 1870 Code was

lingual because the Code, unlike its predecessors, was published in English only — without any French text whatsoever.²⁴ As English became the primary language, French was slowly dying out and, with it, the French legal doctrines.²⁵ This change was also reflected in the educational system where lectures were now conducted solely in English.²⁶ Naturally, for the non-French-speaking lawyers and judges, English legal authorities were more appealing and, instead of looking to the Napoleonic Civil Code for guidance, they consulted their colleagues in sister states.²⁷ The problem, however, was that sister states used legal techniques that derived from the English common law. This is how the common law principles of equity and estoppel and the doctrine of *stare decisis* became introduced to Louisiana lawyers.²⁸

Louisiana: A Civil Law, Common Law or Mixed Jurisdiction?

The cumulative impact of the infiltration of the common law concepts into Louisiana’s jurisdiction led one professor in 1937 to assert that “Louisiana had become a common law state.”²⁹ This observation was not received well by Louisiana’s legal community which has, ever since, engaged in a concerted effort to defend and preserve Louisiana’s civil law roots. One way in which this was achieved was by, once again, revising the Civil Code to emphasize Louisiana’s civil law legacy.³⁰ Again, by using the piecemeal approach to codification, the 1870 Code was revised and replaced by the 2003 Code which endured several more revisions to date.³¹

However, contrary to popular belief, this did not turn Louisiana into a purely civil law jurisdiction. While most of Louisiana’s private law retained a civil law orientation that existed during the colonial rule of France and Spain, Louisiana’s public law, criminal law and civil procedures are modeled after Anglo-American common law norms that were brought to the United States from England, its political sovereign at the time.³² This kind



Las Siete Partidas (The Seven Parts of the Law), 1767. Provided by the Law Library of Louisiana.

of jurisdiction is regarded as a “mixed jurisdiction.”³³ Louisiana is not the only one. Some of the others are Quebec, Puerto Rico, the Philippines, South Africa, Scotland and Israel.³⁴ With the exception of the latter two, all these countries followed the same developmental pattern and have readily apparent historical similarities with Louisiana reflected in their struggle for autonomy — their civil law nature was established during the initial period of colonial rule by a continental European power, while the common law nature was established during the subsequent Anglo-American conquest or cession.

Conclusion

While it is true that Louisiana differs from its sister states in many respects, it would be wrong to only praise the French for its legal contribution. The Roman, Spanish and English influences also played a major role in forming Louisiana’s eclectic legal history, which still lives today. As the only state that can pride itself with having such unique legal heritage, we should continue to proudly and stubbornly safeguard it.

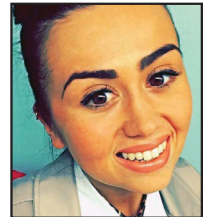
FOOTNOTES

1. See generally, J.T. Hood, Jr., "The History and Development of the Louisiana Civil Code," 19 La. L. Rev. (December 1958).
2. The law of "The Twelve Tables" was adopted in 450 B.C. and is regarded as one of the most important documents in the history of law. As the bedrock of European law and the western legal system, "The Twelve Tables" is not only the first memorialization of Roman law known to humankind, but also the first expression of the *preserved writing* in Roman civilization (besides, for instance, inscriptions on tombs).
3. The medieval era ended in the 1400s with the invention of the printing press and the emergence of a new intellectual current called humanism. The concept of humanism began as an esthetic movement among intellectuals in favor of purity of classic Latin. That is, humanists harshly criticized the work of prior legal scholars (glossators and commentators), claiming that their Latin was of poor quality and they did not understand and translate the legal scripts correctly.
4. See, e.g., *Bill of Right in Action* (1999). BRIA 15:2(a) — The Code Napoleon. Constitutional Rights Foundation. ("By Napoleon's time, a confusion of customary, feudal, royal, revolutionary, church, and Roman laws existed in France. Different legal systems controlled different parts of the country. The French writer Voltaire once complained that a man traveling across France would have to change laws as often as he changed horses.")
5. *Id.* ("Napoleon wanted this code to be clear, logical, and easily understood by all citizens.")
6. See, W.J. Wagner (1953), "Codification of

- Law in Europe and the Codification Movement in the Middle of the Nineteenth Century in the United States." Articles by Maurer Faculty. Paper 2324, at p. 342.
7. *Id.*
 8. P.G. Stein (1986), "Judge and Jurist in the Civil Law: A Historical Interpretation," 46 La. L. Rev. 241, 252.
 9. J.A. Lovett, et al. (2014). *Louisiana Property Law: The Civil Code, Cases and Commentary*. Carolina Academic Press, at p. 12.
 10. *Id.* See also, Cottin v. Cottin, 5 Mart. (o.s.) 93, 94 (La. 1817) (The Louisiana Supreme Court squashed any radicals who might have thought that their code should be treated as a new beginning by holding that the old law was still in force, unless it was actually inconsistent with the code.)
 11. D. Gruning (2004), "Mapping Society through Law: Louisiana, Civil Law Recodified," 19 Tul. Eur. & Civ. L. Forum 1. 1-12, 14-20, 31-34, at p. 4.
 12. Lovett, note 9 *supra*, at p. 12.
 13. *Id.*
 14. Gruning, note 11 *supra*, at p. 5.
 15. *Id.*
 16. Lovett, note 9 *supra*, at p. 12.
 17. *Id.*
 18. *Id.* This issue was finally rectified three years later with the enactment of the Great Repealing Act of 1828 which repealed "all the civil laws which were in force before the promulgation of the civil code lately promulgated."
 19. *Id.* at p. 13.
 20. *Id.*
 21. Gruning, note 11 *supra*, at p. 2.
 22. *Id.*
 23. *Id.*

24. *Id.* at p. 7.
25. *Id.*
26. *Id.*
27. *Id.*
28. *Id.* (internal citations omitted).
29. G. Ireland (1936-1937), "Louisiana's Legal System Reappraised," 11 Tul. L. Rev. 585.
30. F. Zengel (1979-1980), "Civil Code Revision in Louisiana," 54 Tul. L. Rev. 943, 944.
31. Gruning, note 11 *supra*, at p. 9.
32. Lovett, note 9 *supra*, at p. 24.
33. See, V. Palmer (2001), *Mixed Jurisdictions Worldwide: The Third Legal Family*.
34. Lovett, note 9 *supra*, at p. 24.

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Jackson's Bodyguard

Lawyers Who Fought in the Battle of New Orleans

By Mary Ann Wegmann

The City of New Orleans is celebrating its 300th anniversary in 2018. One of the most significant events in the history of the city is the Battle of New Orleans fought 203 years ago. On Jan. 8, 1815, American forces led by Major General Andrew Jackson decisively defeated Major General Sir Edward Pakenham's British troops at the Battle of New Orleans. The British sustained 2,600 casualties, including dead, wounded and prisoners, during this approximately two-hour battle. In contrast, Jackson reported to Secretary of War James Monroe on Jan. 13, 1815, that the Americans suffered "only seven killed and six wounded" during "the action on the line."¹

Louisiana lawyers played a prominent role in the defense of New Orleans, volunteering as Jackson's aides-de-camp, as his bodyguard and in other units. Jackson himself was a lawyer and judge, having served on the Tennessee Superior Court, Tennessee's highest court, from 1799 until he resigned in 1804.² Jackson was licensed to practice law in North Carolina in 1787 at the age of 20, after studying law for two years,³ and moved to Tennessee the following year.

The definitive battle on Jan. 8, 1815, was not the only fighting that occurred in Louisiana between the Americans and the British forces. There were "a series of Battles for New Orleans" between Jackson's forces and the British troops during December 1814 and January 1815.⁴

Jackson had arrived in New Orleans on Dec. 1, 1814, to a city that was not prepared to defend itself. "[I]n the space of a few days, with discordant and heterogeneous elements, he created and organized the little army which succeeded so well in humbling the British pride."⁵ Two weeks later, the British Navy defeated the outnumbered American gunboats at the Battle



Genl. Andrew Jackson: the hero of New Orleans. *Library of Congress*

Andrew Jackson (1767-1845)

- ▶ Andrew Jackson was born in the Waxhaws, on the border between North and South Carolina, in 1767.
- ▶ At age 17, Andrew Jackson decided to become a lawyer, and by age 20, Jackson was admitted to the North Carolina bar. After moving to Tennessee in 1788, Jackson became a successful lawyer, often representing merchants against debtors.
- ▶ Jackson led the Americans, which included militia, regular army and volunteers, to a decisive victory at the Battle of New Orleans on January 8, 1815.
- ▶ In 1828, Andrew Jackson was elected the Seventh President of the United States, serving two terms from 1829-1837.

of Lake Borgne, the first of the engagements between the American defenders and the British invaders. After the loss of the American gunboats, Jackson declared martial law on Dec. 16, 1814, assuming military control of New Orleans and suspending civil authority.⁶ Encouraging civilians to volunteer in the defense of their city, Jackson famously declared: "Those who are not for us are against us, and will be dealt with accordingly."⁷

Heeding Jackson's call to arms, Captain Peter V. Ogden, a New Orleans merchant, began organizing a volunteer cavalry unit to fight under Jackson. Nine lawyers joined Captain Ogden's Company of Orleans Dragoons, also known as Captain Ogden's Horse Company, to fight the British and defend New Orleans. Captain Ogden's cavalry unit was entrusted to guard Jackson. This cavalry company was "composed of young men of education and high position in society, which consti-

tuted the guard of the commander-in-chief, obeying his orders alone."⁸ These men on horseback were stationed in the garden of Macarté's plantation, Jackson's headquarters at the battlefield in Chalmette, La., downriver from New Orleans. Ogden's Dragoons were to attack the enemy who broke through the American line. They were charged with protecting and obeying only Jackson.

Lawyers in Captain Ogden's Dragoons

The nine lawyers who volunteered to serve in Captain Ogden's Dragoons included John Dick,⁹ Alfred Hennen, Columbus Lawson, Henry Johnson, Nathan Morse, John Nicholson, Frederick Haldimand Sumner, Fielding Lewis Turner and George Augustus Waggaman.

Seven of these lawyers went on to successful careers, whether legal, judicial,

John Dick
(1788-1824)

- ▶ Born in County Tyrone, Ireland
- ▶ Admitted to practice law in Virginia, 1811
- ▶ Admitted to practice before Louisiana Supreme Court, July 1, 1813
- ▶ United States Attorney, District of Louisiana, 1815 – 1821
- ▶ United States District Judge, District of Louisiana, 1821 – 1823
- ▶ First United States District Judge for Eastern District of Louisiana, 1823 – 1824
- ▶ First United States District Judge for Western District of Louisiana, 1823 – 1824
- ▶ Died of consumption at age 36

Alfred Hennen
(1786-1870)

- ▶ Born in Maryland
- ▶ Graduate of Yale College, 1806
- ▶ Admitted to practice before Louisiana Supreme Court, March 4, 1813
- ▶ Law Professor at University of Louisiana (later became Tulane University)
- ▶ Elected to Tulane University Law School Hall of Fame, 1936
- ▶ After Hennen's death in 1870, his widow received a pension of \$8 per month based on Hennen's service at the Battle of New Orleans

Columbus Lawson
(1789-1815)

- ▶ Born in Kentucky
- ▶ Admitted to practice before the Louisiana Supreme Court on March 5, 1813
- ▶ Register of the Land Office for the Eastern District of Louisiana, 1813-1815
- ▶ Clerk, United States District Court for the Louisiana District, 1813-1815
- ▶ Mortally wounded by British during Artillery Duel, January 1, 1815
- ▶ Only Louisiana lawyer that died fighting the British during the Battle of New Orleans

political and/or educational. John Dick was later appointed the first United States District judge for the Eastern District of Louisiana. John Nicholson was appointed the first United States marshal for the Eastern District of Louisiana. Two of the lawyers later served as United States senators, George Augustus Waggaman and Henry Johnson. Johnson also served as Louisiana governor. Nathan Morse was elected the recorder for the City of New Orleans and Alfred Hennen taught law at the University of Louisiana. Fielding Lewis Turner was elected criminal court judge.

Two lawyers died prematurely. Frederick Haldimand Sumner died of disease, probably yellow fever, five years after the battle. The clerk of the United States District Court for the Louisiana District, Columbus Lawson, appears to be the only lawyer killed at the battle.

New Orleans had a learned bar in 1815. Alfred Hennen was a Yale graduate, and Frederick Haldimand Sumner was a Harvard graduate. Nathan Morse, a New Jersey native, studied law under Col. Aaron Ogden, a future governor of New Jersey, who was the uncle of Captain Peter V. Ogden. Two lawyers traveled from Kentucky to New Orleans — Fielding Lewis Turner, born in Virginia, first practiced law in Kentucky; Columbus Lawson left Kentucky with his sister and brother-in-law, Judge Joshua Lewis, to move to New Orleans. George Augustus Waggaman was first admitted to the Maryland Bar, and John Nicholson relocated from Pennsylvania. Two of Ogden's Dragoons were first admitted to the Bar in

Virginia — Henry Johnson and John Dick, born in Ireland and raised in Virginia.

Story of Columbus Lawson

Lawson sustained his fatal injuries during the battle fought on New Year's Day. This was an artillery attack by the British on the morning of Jan. 1, 1815. The British directed their cannon fire at Macarté's house, Jackson's headquarters. "In less than ten minutes, upwards of one hundred balls, rockets and shells struck the house, and rendered it impossible to remain there."¹⁰ Jackson and his staff were at headquarters when the cannonading began, but fortunately no one in the house was wounded.¹¹ The Americans, celebrating the New Year, were "startled" by the British cannon fire.¹² However, Jackson's forces successfully countered with their artillery, until the British abandoned their artillery assault in the early afternoon. Latour, Jackson's engineer, reported that the American loss of life "was very inconsiderable, in comparison with that of the enemy, and considering the long continuance of an intense fire; for it amounted to no more than thirty-four wounded or killed, . . ."¹³

However, Lawson, stationed with Ogden's Dragoons outside of Macarté's house, was one of the Americans fatally wounded during that "artillery duel."¹⁴ Lawson was just 25 years old and unmarried when a British cannonball struck him. Lawson died a few days later from his wounds. This artillery duel preceded the main battle one week later, when British troops unsuccessfully attacked Jackson's forces on Jan. 8, 1815, and were resound-

ingly defeated.

Lawson was born in Lexington, Ky., on Aug. 11, 1789, the son of Revolutionary War Brigadier General Robert Lawson. Lawson's sister was America Lawson Lewis, wife of Judge Joshua Lewis. In 1805, President Thomas Jefferson appointed Joshua Lewis of Kentucky as commissioner for the Territory of Orleans. Two years later, Jefferson appointed Lewis as judge of the Superior Court for the Territory of Orleans. Lawson accompanied his sister, her husband and family when they moved to New Orleans, sometime after Aug. 12, 1805.¹⁵

Lawson was admitted to practice before the Louisiana Supreme Court on March 5, 1813, just four days after the Court "commenced its sessions at the City of New Orleans."¹⁶ U.S. Secretary of the Treasury Albert Gallatin had recommended Lawson as register of the Land Office at New Orleans in January 1813, noting "Lawson was clerk of the board, is honest, understands thoroughly the business & is recommended by the Member Mr. Robertson."¹⁷ Lawson was later appointed clerk of the U.S. District Court for the Louisiana District located in New Orleans.

Both Sides of Jean Lafitte

As clerk of court for the Louisiana District, Lawson signed and issued writs for the federal court, including orders involving privateer Jean Lafitte. The United States had charged Lafitte with revenue violations on April 7, 1813, alleging that Lafitte received foreign goods at Barataria without paying duty on them.¹⁸ The peti-

Henry Johnson (1783-1864)

- ▶ Born in Virginia & member of the Virginia Bar
- ▶ Moved to the Territory of Orleans, 1809
- ▶ Practiced law in Donaldsonville, La.
- ▶ Delegate from Attakapas Parish to the first Louisiana Constitutional Convention, 1812
- ▶ United States Senator from Louisiana, 1818-1824; 1844-1849
- ▶ Fifth Governor of Louisiana, 1824-1828
- ▶ Signed Act creating Jefferson Parish, February 11, 1825
- ▶ United States Representative from Louisiana, 1834-1839
- ▶ Moved to New Roads, Louisiana in Pointe Coupée Parish to practice law, 1850
- ▶ Johnson died on his 12,000 acre plantation "Woodley" in Pointe Coupee Parish, near the town of Valverda, Louisiana, during the Civil War, 1864

Nathan Morse (1784-1833)

- ▶ Born in New Jersey
- ▶ Admitted to practice before the Louisiana Supreme Court, March 5, 1813
- ▶ Recorder for the City of New Orleans, 1828-1833
- ▶ Lieutenant Colonel, Militia
- ▶ Died in a steamboat accident on the Mississippi River, October 30, 1833

John Nicholson (1783-1848)

- ▶ Born in Pennsylvania
- ▶ Admitted to practice before the Louisiana Supreme Court on May 4, 1813
- ▶ United States Marshal of the District of Louisiana, January 27, 1819-January 11, 1827
- ▶ First United States Marshal of the Eastern District of Louisiana, January 12, 1827-February 22, 1835
- ▶ Active Member of the Society for Relief of Destitute Orphan Boys for 24 years
- ▶ Eulogized as "Friend of the Orphan in Louisiana"
- ▶ Resided in New Orleans for 40 years

tion is titled "United States v. Jean Lafite," Lafite spelled with just one "t."¹⁹ Clerk of Court Lawson signed an order by the President of the United States in April 1813, commanding Lafitte to appear in U.S. District Court on the third Monday in July 1813.²⁰ Lawson also issued a writ setting bail for Lafitte of \$12,514.52, treble the amount of the goods Lafitte allegedly received without paying duty.²¹ U.S. Marshal Peter L.B. Duplessis, the first U.S. marshal in Louisiana, failed to serve the writ, noting that Jean Lafitte was "not to be found."²² Since Lafitte did not appear in court in July 1813, Lawson issued another writ, ordering the marshal to "take the body of Jean Lafite" and have him appear in court on the third Monday in October 1813.²³ Lafitte did not appear in October and, in November, Lafitte was again charged with violating the law, having received goods valued at \$3,000 in Barataria without paying "Revenue Duties."²⁴

On Sept. 16, 1814, a schooner, a tender and six gunboats under the command of U.S. Navy Commodore Daniel Patterson attacked Lafitte's headquarters in Barataria. The Baratarians abandoned their vessels without resistance. The Americans seized ships, cannons and an estimated \$500,000 worth of goods and captured Baratarians.

Even though the U.S. Navy destroyed his Barataria headquarters, Jean, his brother Pierre Lafitte and their privateers assisted Jackson and the Americans at the Battle of New Orleans. Jean Lafitte had been approached by British officials to support the British against the Americans. Instead of joining with the British, Lafitte advised American authorities of the British plans to attack Louisiana. Lafitte was offered a pardon for past offenses if he fought with the Americans and committed his men to battle. Lafitte and his men accepted the offer of pardon and defended the City of New Orleans.

On Feb. 6, 1815, President James Madison issued an official proclamation, granting a full pardon to Jean Lafitte and his men for their role in the defense of New Orleans, stating in part: "Offenders, who have refused to become the associates of the enemy in the war, upon the most seducing terms of invitation; and who have aided to repel his hostile invasion of the territory of the United States; can no longer be considered as objects of punishment, but as objects of a generous forgiveness."²⁵

End of Story

U.S. Senator Eligius Fromentin from Louisiana, a lawyer and ex-Catholic priest born in France, was in Washington, D.C. in January 1815. Fromentin acknowledged Lawson's untimely death in a letter dated Jan. 29, 1815, observing that Columbus Lawson was the brother of Mrs. Joshua Lewis.²⁶ Fromentin was not aware of the Jan. 8 battle when he wrote the letter in late January. Due to the delays in communication, it was not until early February that Washington, D.C. received the news that Jackson and his forces defeated the British in New Orleans.

In 1849, the U.S. Supreme Court decided a case involving a military land warrant that Columbus Lawson's father, Brigadier General Robert Lawson, had obtained for 10,000 acres of land in Virginia, now Kentucky. The Supreme Court noted Lawson's tragic death at the Battle of New Orleans twice in its opinion:

That on the 8th of January, 1815, Columbus Lawson died unmarried and intestate, leaving said America Lewis and Mary P. Bowman his heirs at law . . . That Columbus Lawson was an infant at the time of the death of his brother, John P. Lawson, and that he was killed at the battle of New Orleans, on the 8th of January, 1815; and that neither of the trustees in the deed of trust, nor either of the persons under whom complainants claim title, was ever resident in the State of Ohio. *Wagner v. Baird*, 48 U.S. 234, 237 (1849).

The nine lawyers of Ogden's Dragoons, although none of them were born in Louisiana, volunteered to defend New Orleans, with Columbus Lawson making the ultimate sacrifice.

The Exhibit: Two Locations

"Jackson's Bodyguard: Lawyers Who Fought in the Battle of New Orleans," the exhibit curated by New Orleans attorney Mary Ann Wegmann, is on display in two locations.

The exhibit can be viewed at the

*Frederick Haldimand
Sumner (1782-1819)*

- ▶ Born in Claremont, New Hampshire
- ▶ Graduated from Harvard College with a Bachelor of Arts, 1803
- ▶ Admitted to practice before the Louisiana Supreme Court, December 2, 1813
- ▶ After the Battle of New Orleans, Sumner remained in New Orleans, practicing law until his death on September 3, 1819, at the age of 37, probably of yellow fever
- ▶ Sumner left no direct descendants, leaving his estate to two "beloved nephews"

*Fielding Lewis Turner
(1776-1843)*

- ▶ Born in Virginia
- ▶ Admitted to practice law in Kentucky, 1799
- ▶ Moved to Natchez, Mississippi and then to New Orleans
- ▶ Admitted to practice before Louisiana Supreme Court, April 5, 1813
- ▶ Judge of the Criminal Court of the City of New Orleans, 1821-1828
- ▶ Alderman of the Sixth Ward, New Orleans, 1826
- ▶ Died in Lexington, Kentucky, 1843

*George Augustus
Waggaman (1782-1843)*

- ▶ Born in Maryland
- ▶ Studied law and was admitted to the bar in Caroline County, Maryland, 1811
- ▶ Admitted to practice before the Louisiana Supreme Court, July 1, 1813
- ▶ Louisiana Secretary of State, 1830-1832
- ▶ United States Senator from Louisiana, 1831-1835
- ▶ Louisiana State Senator, Jefferson Parish, 1840-1843
- ▶ Fatally injured in a duel, March 1843

Louisiana Supreme Court Museum, 400 Royal St., New Orleans, on the first floor of the Court building. The museum has free admission and is open to the public during business hours. Funded in part by a Louisiana Endowment for the Humanities grant, through the Supreme Court of Louisiana Historical Society, this museum exhibit features historical documents and images in display cases that tell the stories of the attorney-soldiers who guarded

Jackson at the Battle of New Orleans.

A panel version of this exhibit is on view at the U.S. District Courthouse, 500 Poydras St., New Orleans, on the second floor. This exhibit is also free and open to the public during business hours. U.S. District Court Judge Mary Ann Vial Lemmon chairs a Committee of the U.S. District Court for the Eastern District of Louisiana devoted to preserving and pre-

serving the vibrant history of the court. The first phase of the federal court project focuses on the "Early Years of the Court" and features this exhibit via text and images on six large double-sided panels.

Both exhibits explore the lives of these American lawyers as well as Andrew Jackson himself, also an attorney and judge who later was elected the seventh president of the United States. Their biog-



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raphies provide a glimpse of life in New Orleans in the early 1800s.

More information and historical documents can be found on the website of the U.S. District Court, Eastern District of Louisiana, at: www.laed.uscourts.gov/court-history/general.

FOOTNOTES

1. "Victory at New Orleans," from N.Y. Courier & Enquirer, Providence Patriot, Columbian Phoenix (Providence, Rhode Island, Saturday, Jan. 14, 1832).

2. S.G. Heiskell, *Andrew Jackson and Early Tennessee History*. (Nashville, Tenn.: Ambrose Printing Company, 1918), 303-305.

3. *Ibid.* at 294.

4. Kimberley S. Hangar, *Medley of Cultures: Louisiana History at the Cabildo*, p. 169. www.crt.state.la.us/Assets/Museum/publications/A_Medley_Of_Cultures.pdf.

5. Major A. Lacarriere Latour. *Historical Memoir of the War in West Florida and Louisiana in 1814-15* (Gainsville, FL: University of Florida Press, 1964, facsimile reproduction of the 1816 edition), xvi.

6. www.nps.gov/articles/andrew-jackson-and-martial-law-in-new-orleans.htm.

7. www.nps.gov/articles/andrew-jackson-and-martial-law-in-new-orleans.htm.

8. Alexander Walker, *Jackson and New Orleans*. (New York: J.C. Derby, 1856), 246.

9. See, www.laed.uscourts.gov/court-history/judges/dick for more information about John Dick, who as U.S. Attorney, successfully prosecuted Major General Andrew Jackson for contempt of court, just two months after guarding Jackson at the Battle of New Orleans.

10. Latour, p. 132.

11. *Ibid.*

12. Alexander Walker, *Jackson and New Orleans*. (New York: J.C. Derby 1856), 255.

13. Latour, p. 135.

14. www.nps.gov/jela/learn/historyculture/upload/Gulf-Coast-campaign-Battle-of-NO-site-bulletin-timeline.pdf.

15. "To James Madison from Joshua Lewis, 12 August 1805 (Abstract)," *Founders Online*, National Archives, last modified Feb. 1, 2018, <http://founders.archives.gov/documents/Madison/02-10-02-0185>. Joshua Lewis acknowledged receipt of the Commission while still living in Lexington, Ky.

16. Supreme Court of Louisiana Minute Book 1, 1813-1815, University of New Orleans, Earl K. Long Library, Historical Archives of the Louisiana Supreme Court, pp. 54, 58-59.

17. "To James Madison from Albert Gallatin, [ca. 25 January] 1813," *Founders Online*, National Archives, last modified Feb. 1, 2018, <http://founders.archives.gov/documents/Madison/03-05-02-0526>.

18. See Affidavit of Andrew Hunter Holmes, United States Army, Nov. 19 1813, notarized by the brother-in-law of Columbus Lawson, Judge Joshua Lewis. www.laed.uscourts.gov/sites/default/files/200th/interesting/doc18.pdf. Suit No. 573 was filed on April 7, 1813. <https://catalog.archives.gov/id/251587>.

19. <https://catalog.archives.gov/id/251587>.

20. www.laed.uscourts.gov/sites/default/files/200th/interesting/doc14.pdf.

21. www.laed.uscourts.gov/sites/default/files/200th/interesting/doc16.pdf.

22. *Ibid.*

23. www.laed.uscourts.gov/sites/default/files/200th/interesting/doc5.pdf.

24. www.laed.uscourts.gov/sites/default/files/200th/interesting/doc18.pdf.

25. "Presidential Proclamation, [6 February 1815]," *Founders Online*, National Archives, last modified Feb. 1, 2018, <http://founders.archives.gov/documents/Madison/03-08-02-0493>.

26. *Delaware Gazette and State Journal*, published as Delaware Gazette and Peninsula Advertiser (Wilmington, DE, Feb. 7, 1815).

Attorney Mary Ann Wegmann is the specialization director for the Louisiana Board of Legal Specialization and is working on her graduate degree in history at the University of New Orleans. She curated the exhibit, currently on view at the Louisiana Supreme Court Museum and at the U.S. District Court for the Eastern District of Louisiana. (mary-ann.wegmann@lsba.org; 601 St. Charles Ave., New Orleans, LA 70130)



NOBA Celebrates 300 Years of New Orleans



Members of the New Orleans Bar Association's Tricentennial Committee are, from left, Christopher K. Ralston, Judge Terri F. Love, R. Patrick Vance, Judge Mary Ann Vial Lemmon, Judge Nannette V. Jolivet Brown, Dana M. Douglas, Angelina Christina, Miriam Childs and Justin I. Woods.

The New Orleans Bar Association (NOBA) hosted its inaugural Tricentennial CLE event, featuring Tulane University Law School Professor Vernon V. Palmer, on Jan. 24 at the U.S. District Court, Eastern District of Louisiana. NOBA's Tricentennial Committee, led by R. Patrick Vance and Kim M. Boyle, organized the event with help from current NOBA President Dana M. Douglas.

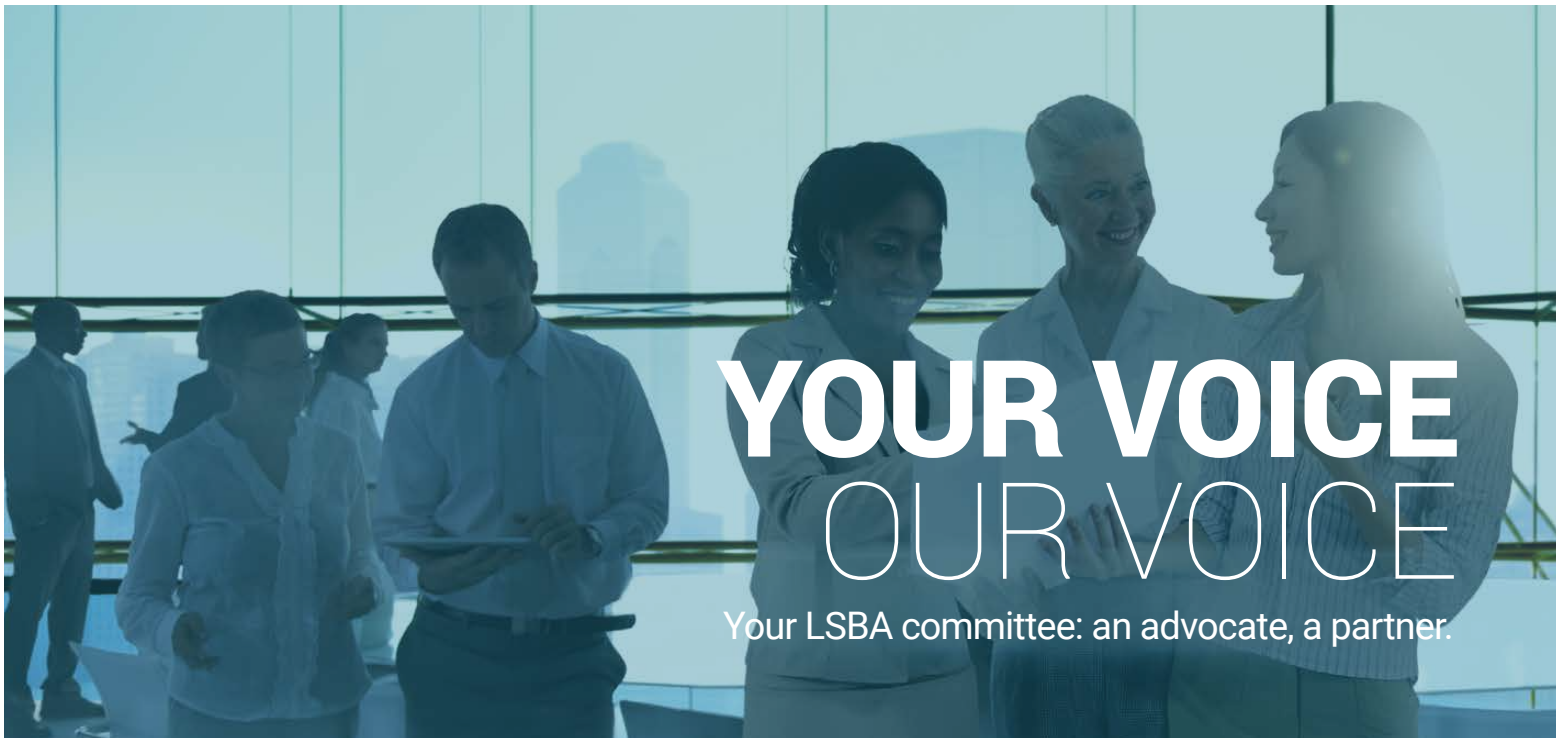
Professor Palmer presented "A

Tricentennial Retrospective: The Unique Legacy of Louisiana Legal History" CLE, which offered a historical view of the influence of the Napoleonic Code on the Louisiana Civil Code. Audience members also learned about the Spanish and French influences on Louisiana law.

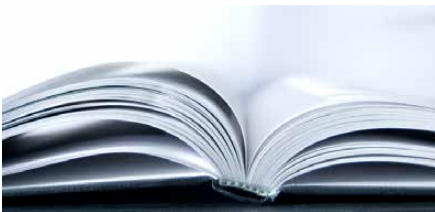
Following Professor Palmer's presentation, participants attended a reception featuring a Tricentennial exhibit titled "Jackson's Bodyguard: Lawyers Who

Fought in the Battle of New Orleans," curated by New Orleans attorney Mary Ann Wegmann.

Judge Mary Ann Vial Lemmon chairs a committee devoted to preserving and presenting the vibrant history of the U.S. District Court for the Eastern District of Louisiana. The first phase of the project focused on the early years of the court and featured the Jackson exhibit.



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RACE AT 300

New Orleans' Past and America's Future

By Kent B. Germany

At its 300th anniversary, New Orleans sits in a familiar spot. It has serious problems regarding race and inequality — and even bigger ones regarding water. Its history, though, suggests that it may have a bright future in a 21st Century dominated by globalism and multiculturalism. New Orleans has been battling over those things for 300 years. Its history is defined by the confusion of outsiders becoming insiders, and those insiders trying to keep everyone else in their place. Today, new waves of outsiders, especially young people and college graduates, are flocking to New Orleans (and other coastal metropolises). Some geographers call them part of an urban “creative class” launching a new information-driven American epoch. As they grow older, what will the United States become? What will it mean to be an American in their America in 2028 or 2058? A short answer is to look to New Orleans. It will tell us. It always has.

Be prepared, however. The city's answers have not always been happy. For 300 years, New Orleans has been a divided city, whether by race, gender, religion, ethnicity, country of origin, class, sexuality or a range of other factors. The color line, however, has been the most fundamental divide (with the meaning of “Creole” creating enormous variability). For the most part from the early 1700s to the mid-1960s,

New Orleans was organized around the concept that people with African ancestry were not equal to other residents and were deserving of enslavement or treatment as second-class citizens. Race and the power of its categories form a historical arc from slavery to Emancipation-Reconstruction to Jim Crow to the post-1945 Civil Rights era to the period of so-called “white flight” to Hurricane Katrina and beyond.

After two and a half centuries, the dominance of white supremacy apparently came to an end in the 1960s. Southern economic modernization, unprecedented national economic growth and national fiscal and social policies reduced startling pre-1950 levels of inequality and empowered African-Americans in unprecedented ways. Activists, lawyers and local people seized the opportunity to change the rules regarding race at the federal, state and local level. They forced the political system to act, and the result became modern multicultural America. It was more inclusive, more tolerant, more creative, more global.

Those trends sent approximately 200,000 white New Orleanians to new lives in neighboring parishes. In 1950, white residents made up 67 percent of the city. By 2000, the number was 28 percent. The shift from 1960 to 1980 was the biggest, from 62 percent white to 40 percent. By the mid-1980s, the oil bust devastated the area, as did a general antiurban political

environment. The mid-1980s and 1990s were a brutal period. For much of the city, things picked up at the end of the 20th Century, then Hurricane Katrina showed how much they had not improved. The population declined long-term by about 100,000, mostly African-American.

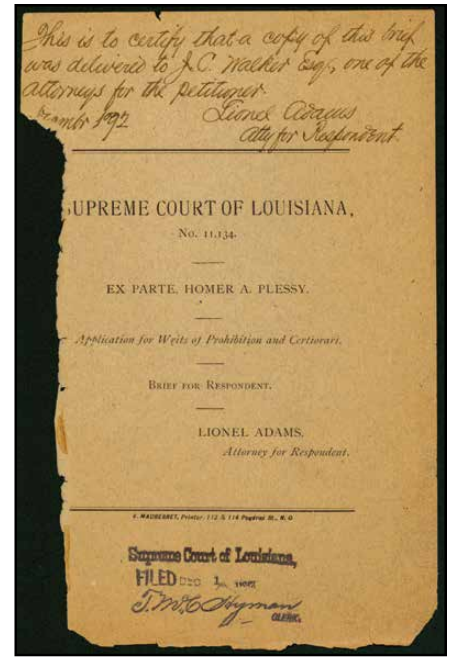
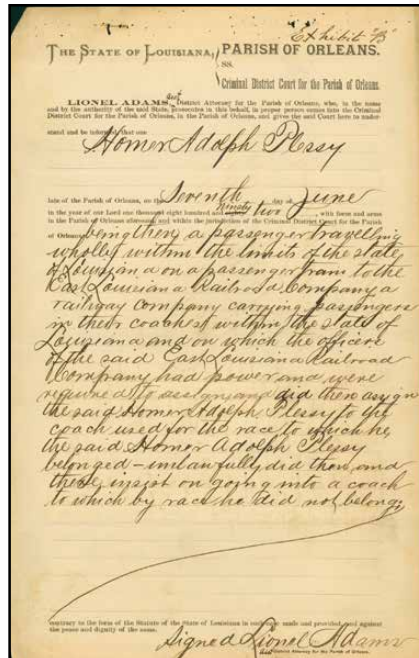
This essay offers a brief glimpse at a few parts of three centuries in New Orleans. In its simplest form, it is a story of blood and ink, violence and law. Lawyers, judges and lawmakers gave it form and set its legacies. Slavery defies easy analysis. But every modern person has to cope with the unforgettable reality that people took out ads to sell humans, while other humans took out loans to buy them. Systems like that may end, but their echo of anguish never does.

Several acts of violence in the 19th Century serve as testament to the willingness of white Louisianians to preserve white supremacy. In 1811, several hundred slaves revolted in St. Charles and St. John the Baptist Parishes and headed toward New Orleans with visions of freedom. Suppression was brutal and quick. Some of the revolters supposedly had their heads cut off and put atop poles as a warning. In 1866, a year after the Civil War, a white mob in New Orleans clashed with black men trying to secure the right to vote. Known as The Absolute Massacre, it left 38 people dead, most of them African-

American. In North Louisiana in 1873, the Colfax Massacre involved the murder of upwards of 150 pro-Republican black men by a mob of white men upset about a Reconstruction election. The legal response to it in the *Cruikshank* case undermined the 14th Amendment and actually diminished the power of black residents. In 1874 in New Orleans, the Battle of Liberty Place resulted in approximately 35 deaths. In a military street battle, the Crescent City White League crushed the pro-Republican police force. Two decades later, civic leaders put up a monument honoring leading citizens for defeating the “usurpers.” Into stone they celebrated the recognition of “white supremacy in the South.” That monument came down in 2017.

Lynchings were prominent, too. Louisiana had almost 400 from the 1880s to the 1960s. Approximately 85 percent were African-Americans. One notable episode in New Orleans involved anti-Italian sentiment. The 1892 “Who Killa Da Chief” incident left 11 Sicilians either shot or hanged by a mob after acquittals in a trial over the murder of the New Orleans police chief. In 1900, in another explosion of violence, Robert Charles, an African-American recently arrived from Mississippi, shot and killed several New Orleans police officers and residents. He was finally located in Central City and killed. The related riots by white mobs led to multiple other deaths and the burning down of a school for African-American boys.

Public violence could be an effective way to assert majority control, but it was unpleasant and usually bad for business. Abandoning the rule of law was dangerous and disorderly. It made bankers nervous. The law, therefore, usually bent to the will of the majority. The major legal turning points came with Emancipation-Reconstruction (1862-ish to 1877), the rise of Jim Crow (1880s-ish to early 1900s) and the end of Jim Crow (1950s-1960s). Emancipation and Reconstruction offered a brief victory for egalitarians. U.S. constitutional amendments established birth-right citizenship, equal protection and universal adult male voting. A new state Constitution, the development of desegregated schools and the election of black leaders were startling departures for New Orleans. Congress backed it up with the military. In 1872, a New Orleans man,



Depicted are documents from the record in *Ex Parte Plessy*. Courtesy of Historical Archives of the Supreme Court of Louisiana, Earl K. Long Library, University of New Orleans.

P.B.S. Pinchback, became the first black governor of any state in U.S. history, if only for a few weeks.

Overwhelming and often vicious white opposition demolished most of it, though, and restored white supremacy. The Jim Crow system of racial segregation solidified in the 1890s. The 1898 Louisiana state Constitution was a model for racial segregation and for taking the vote from African-Americans, while saving it from many poor whites through the novel Grandfather Clause. Three Louisiana cases — *Slaughter-House Cases*, 1873; *Cruikshank*, 1875; and *Plessy*, 1896 — were crucial for crafting the legal foundations of that Jim Crow era. In combination with other decisions from elsewhere, they drastically restricted the 14th Amendment’s protections, leaving African-Americans increasingly vulnerable to an increasingly fearful white majority at the state level.

Plessy, in particular, signaled the new era was to begin. In a cultural sense, the case asked who deserved to be a full American. Did an anxious white majority have the right to restrict the citizenship of people of color? Homer Plessy and his attorney Albion Tourgée said no. The U.S. Supreme Court essentially said yes. The result was an unrelenting, systematic decimation of the power available to people of

color to defend themselves, their economic position and their rights as citizens. The two decades after *Plessy* produced a fanatical, culture-wide devotion to what scholars refer to as “whiteness,” reflected by the popularity of the 1915 film *The Birth of a Nation*. The epic movie canonized the Lost Cause mythology of the confederacy, belittled black Americans as incompetent fools and euphorically celebrated the rise of the Ku Klux Klan. At its end, a Jesus-like figure blesses the restoration of white supremacy.

Jim Crow and the “southern way of life” was set. Generations believed that segregation was natural, that the law affirmed something first ordained by God. Resistance to Jim Crow grew dramatically after World War II, and so did white opposition to any changes to the racial regime. Activists, attorneys and political leaders used the U.S. Constitution (particularly the 14th and 15th Amendments and the Commerce Clause) and grassroots political power to crack it apart. Considering its long history, the end of white supremacy was relatively swift. It did not come easily. More than 250 people in the South were killed in that period by individuals and groups opposed to the civil rights movement. In 2006, the FBI began its Cold Case Initiative to take a new look into more than 100 of them. Among them was the 1965

drive-by murder of Deputy O'Neal Moore near Bogalusa. Another was Frank Morris, burned alive in his shoe shop in Ferriday in 1964. The LSU Cold Case Project has identified five others in Louisiana.

The civil rights movement in New Orleans is probably 300 years old. Its peak was in the 1960s, as local people contributed to a larger national moment. The face of that era in New Orleans likely belongs to Ruby Bridges. Framed by ponytail and lit by her smile, the 6-year-old African-American girl joined three other first-graders in 1960 to test federal desegregation rulings in *Bush v. Orleans*. The soul of the era is probably Ernest N. (Dutch) Morial, a visionary pioneer descended from a century-plus of Creole radicalism and the spirit of the *gens de couleur*.¹ The mind of the era rests in a big way with Alexander Pierre Tureaud, Sr., an attorney and NAACP leader who litigated a generation of civil rights cases and built the foundation for others to come.² A labor movement drawing from the longshoremen and a substantial Jewish community added a complex foundation of civil rights activism. The judges are many, but J. Skelly Wright and John Minor Wisdom stand with John Marshall Harlan (the only dissent in *Plessy*) in a stream of American justice that said all men (and at times, women) are created equal.

A description of other important lawyers and judges could go on for hundreds of pages (my apologies for leaving out so many). New Orleans was one of the few southern cities with a relatively powerful community of black lawyers, including such figures as Israel M. Augustine, Jr. (who became the first black judge in Criminal District Court in 1970) and Revius O. Ortique, Jr. (a future member of the Louisiana Supreme Court). Lolis E. Elie, Nils R. Douglas and Robert Collins became well known for their civil rights work and their political vision.

New Orleans's civil rights attorneys made an enormous difference. Imagine if none had been willing to represent the scores of revenue-draining, unpopular clients who spoke up, sat in, marched, protested and threatened the fundamental structures of power that had dominated society for almost a century. The attorneys who took on the challenge kept individuals from being crushed by the Jim Crow regime. Another group of lawyers must receive at

least a brief mention. By 1968, the War on Poverty had led to the creation of a small but powerful local legal force, the New Orleans Legal Assistance Corp. (NOLAC). Supported by Dutch Morial, John Nelson, Jr. and others, it blossomed into a formidable institution to fight against poverty and for social justice. As I detail in part of my book *New Orleans After the Promises*, its lawyers profoundly impacted welfare rights, social policy, housing rights and black political power. NOLAC is probably best known for the controversy surrounding its attorneys who successfully defended the Black Panthers in 1970 and 1971.

The energy of the era came from local people — particularly young people — who wanted an America that had never been America for them, to paraphrase Langston Hughes. Oretta Castle Haley, Richard Haley, Rudy Lombard and others with the Congress of Racial Equality (and others with other groups) raised questions that raised consciousness. Sit-ins, boycotts and protests made it all hard to ignore. One sign at a downtown protest captured the moral and religious dilemma of Jim Crow: “Will There Be Segregation in Heaven?” In September 1963, thousands marched downtown from Shakespeare Park (later A.L. Davis Park) in Central City. On Halloween 1963, a sit-in at City Hall showed the absurdity of segregation. To evict Doris Jean Castle from the city government complex, four officers carried her out in the chair she was sitting in. Rev. Avery Alexander got dragged down the corridor and stairs by his feet, all 6-feet-plus of him bouncing and sliding until they put him in his place outside.

The political and bureaucratic blueprint is perhaps best represented by Maurice (Moon) Landrieu, a Loyola Law School graduate and two-time mayor who finished his career as a Louisiana appellate court judge. Trained by Jesuits and inspired by his wife, Verna, and his friend from Loyola University, Norman C. Francis, Mayor Landrieu brokered the modern multiracial transformation that anchored the next 50 years.

Two moments of torment capture the agony of the era. One was the mass-shooting rampage of a black Navy veteran, Mark Essex, that ended on the Howard Johnson's rooftop. Ten died. The other is less violent. It is the image of the white “Cheerladies” who lined up in 1960 to protest school

desegregation in 1960. “Vomitings of demoniatic people” is how John Steinbeck described what they did and said. They stunned the artist Norman Rockwell, too. Four years later, he immortalized Ruby Bridges in a now-famous painting. Surrounded by U.S. Marshals, she walks toward school with tomatoes and the n-word smeared on the wall around her. The shift of her arm and slight bend of her knee propel her (and us) toward what Rockwell labeled “the problem we all live with.”

In 2018, that symbolic walk into the future continues, as New Orleans continues to evolve. According to the New Orleans Data Center, the city's population is 59 percent African-American, 31 percent white, 6 percent Hispanic and 3 percent Asian. For the first time ever, the mayor is a woman. The City Council is multiracial, multicultural and global. New members include a Vietnamese-American female and a Hispanic-American woman born in Mexico. College graduates account for more than 35 percent of the population. The largest age group is no longer children, but young adults from age 25 to 35, a historic shift since 2000.

What, then, will it mean to be an American in 10 years or 50 years? Unless something changes, the answer will emerge from figuring out what it means in New Orleans. Then, go from there. Or ignore it all and just stay in New Orleans.

FOOTNOTES

1. Ernest (Dutch) Morial is a person of so many firsts his list cannot fit here — first black graduate of Louisiana State University Law School, first black modern Louisiana legislator, first black mayor of New Orleans, first mayor whose son became mayor.

2. Tureaud's son, A.P. Tureaud, Jr., was the first black Louisiana State University undergraduate.

Kent B. Germany, a Ruston native and graduate of Louisiana Tech University, holds a Ph.D. in history from Tulane University. He teaches history and African-American Studies at the University of South Carolina, is the editor of six books on the JFK and LBJ presidencies, and is the author of New Orleans After the Promises: Poverty, Citizenship, and the Search for the Great Society, which was a finalist for the Liberty Legacy Prize for best book on civil rights history. (germany@sc.edu; 245 Gambrell Hall, University of South Carolina, Columbia, SC 20208)



New Series Begins with New Orleans in Commemoration of Tricentennial



By John E. McAuliffe, Jr.

Louisiana's legal legacy is deep-rooted in every corner of the state. Over the course of 300-plus years of history, the legal profession in the state has been peopled by patriots and scholars, by activists and visionaries. Inspired by the New Orleans' Tricentennial, the *Louisiana Bar Journal* is kicking off a new series to commemorate and recognize the state's legal legends, including "legends in their own time."

In commemoration of the Tricentennial, the *Journal* begins the series with short profiles (150 words or less) of a dozen New Orleanians (or those with connections to New Orleans) who have contributed to the legal history of the city and the state.

William Charles Cole Claiborne

► Claiborne was the first territorial and state governor of Louisiana, presiding over the transitional years of Americanization from the Louisiana Purchase of 1803 to statehood in 1812.

► He passed his bar examination in Virginia and established a successful law practice in Tennessee before being appointed to the Tennessee Supreme Court and later elected to rep-

resent Tennessee in the U.S. House of Representatives.

► In 1804, he was appointed governor of Orleans, with his chief concern to incorporate the former French and Spanish colony into the United



**William Charles
Cole Claiborne**

States, bring its institutions in line with those of the republic and mitigate conflict between the Creoles and the influx of American settlers.

► After Louisiana's admission to the Union on April 30, 1812, he was elected as the state's first governor in a two-tier system that involved balloting by the state's male property owners, followed by a vote in the Legislature.

Edward Livingston

▶ Livingston left his mark on Louisiana when he successfully advocated for preserving the colonial legal system based on Roman civil law even though the legal codes of the rest of the United States were derived from the English system of common law.

▶ To prevent the first territorial legislative council from adopting the common law, he gathered signatures for a petition asking Congress for immediate statehood. Instead, Congress determined the Louisiana Territory's appointed legislative council would be counterbalanced by an elected House of Representatives. In 1806, Louisiana's first Legislature passed an act declaring that Louisiana would retain the Roman civil law and the Spanish laws in effect at the time of the Purchase.

▶ In 1820, he won election to the state Legislature and was selected in 1821 to prepare a criminal code of law. He also completed a code of commercial law. The Legislature ratified both legal codes in 1824.

John Bartow Prevost

▶ Prevost was one of the first three judges of the Superior Court of the Territory of Orleans from 1804-1808, appointed by President Thomas Jefferson.

▶ He opened the Superior Court with a charge to the grand jury on Nov. 5, 1804. He served alone on that bench for about two years due to the death and refusal to take office of his fellow judges. In 1808, he resigned from the bench and practiced law in New Orleans for many years.

▶ In 1818, he was appointed by President James Monroe as an American commissioner to examine the state of Spanish colonies in South America. He was also tasked by Secretary of State John Quincy Adams with securing U.S. possession of the Oregon Territory as reparations from the British government for the War of 1812 as spelled out in the Treaty of Ghent.



Edward Livingston

François-Xavier Martin

▶ Martin served as the third presiding judge — the equivalent of chief justice — of the Louisiana Supreme Court from 1836-1846. He participated in some of the most significant legal questions raised in Louisiana and is often referred to as the “Father of Louisiana Jurisprudence.”

▶ He compiled a digest of the state laws and wrote the first published history of Louisiana in 1827.

▶ Gov. William C. C. Claiborne appointed him as the first Louisiana attorney general in 1813.

▶ He reported and published the first 20 volumes of decisions for both the Supreme Court of the Territory of Orleans and the Supreme Court of Louisiana.

▶ His olographic will, written in 1844 after he became completely blind, was contested by the state, but the Louisiana Supreme Court allowed his bequest of his entire estate to his brother, upholding the right of the blind to make olographic testaments.



François-Xavier Martin

Chief Justice Edward Douglass White, Jr.

▶ White was a U.S. senator and the ninth Chief Justice of the United States. He served on the U.S. Supreme Court from 1894-1921 and is best known for formulating the “Rule of Reason” standard of antitrust law.

▶ Born in Lafourche Parish, he enrolled at the University of Louisiana in New Orleans (now known as Tulane University Law School) to complete his study of the law. He was admitted to the bar and began practice in New Orleans in 1868.

▶ He was appointed as an associate justice of the Louisiana Supreme Court, serving from 1879-1880, then elected, serving from 1888-1892.

▶ He sided with the U.S. Supreme Court majority in *Plessy v. Ferguson*. In one of several challenges to Southern



Chief Justice Edward Douglass White, Jr.

states' grandfather clauses, used to disfranchise African-American voters at the turn of the century, he wrote for a unanimous court in *Ginn v. United States*, which struck down many Southern states' grandfather clauses.

Alexander Pierre Tureaud

▶ Tureaud was a key legal activist in an era of vigorous challenges to Jim Crow in 20th century Louisiana. From the beginning of his legal career in New Orleans in the 1920s, he directed the most substantive assaults on racial segregation in Louisiana's history, shaping the modern civil rights movement nationwide.

▶ In 1922, he joined the National Association for the Advancement of Colored People. He graduated from Howard Law School in 1925, but due to the whites-only admissions policies in Louisiana's law schools, he was one of fewer than 20 practicing African-American attorneys in Louisiana until the 1950s.

▶ In the 1930s, he joined the NAACP Legal Defense Fund, Inc., and filed lawsuits to force Louisiana to enforce the separate-but-equal doctrine established in *Plessy v. Ferguson* (1896).

▶ He launched lawsuits in the 1940s and 1950s that resulted in the desegregation of Louisiana State University and the Orleans Parish School District.

Charles Edward Dunbar, Jr.

▶ Dunbar developed the modern civil service system in Louisiana and was the first chair of the Louisiana State Civil Service Commission, serving from 1940-1947.

▶ Born in McComb, Miss., he received his BA degree in 1910 from Tulane University, did graduate work at Harvard University and graduated in 1914 from Harvard Law School. In 1915, he began affiliation with a New Orleans law firm and was made partner in 1919.



Alexander Pierre Tureaud



Charles Edward Dunbar, Jr.

► His pursuit of civil service was a response to end the past practices of political patronage in the awarding of state and municipal government jobs. The first civil service law was drafted in 1940.

Anna Judge Veterans Levy

► Levy was elected in 1941 to Orleans Parish Juvenile Court, becoming the first woman jurist in the state.

► In 1948, she was defeated by Leo B. Blessing in her reelection bid. She refused to give up the seat, claiming Blessing lacked the necessary qualifications and that a constitutional amendment passed the previous year extended her term another eight years. In 1949, Blessing sought an injunction against her in Civil District Court. Judge Luther Hall found in favor of Blessing and the Louisiana Supreme Court upheld his decision.

► In 1951, she appointed to First City Court to complete the term of deceased Judge William Conkerton. She served until her death in 1964. Gov. John McKeithen appointed her husband to serve out the remainder of her term.



Anna Judge Veterans Levy

Justice Revisus O. Ortique, Jr.

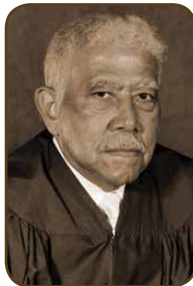
► Ortique, a civil rights activist, was the first African-American justice of the Louisiana Supreme Court, elected in 1992.

► Born in New Orleans in 1924, he earned his JD degree from Southern University Law School in 1956.

► As president of the Community Relations Council, he served as “chief negotiator” for the peaceful desegregation of lunch counters, hotels and other public facilities in New Orleans.

► In 1970, in the wake of killings by national guardsmen at Kent State University and Jackson State University, President Richard Nixon asked him to serve on the President’s Commission on Campus Unrest.

► In 1974, President Nixon appointed



Justice Revisus O. Ortique, Jr.

him to serve on the newly created Legal Services Corporation, a private, non-profit corporation established by the U.S. Congress to ensure equal access to the criminal justice system by providing civil legal assistance to those who were unable to afford it.

Ernest N. (Dutch) Morial

► Morial, a civil rights advocate, was the first African-American mayor of New Orleans, serving from 1978-1986.

► He graduated from Xavier University of Louisiana in 1951. In 1954, he became the first African-American to receive a law degree from Louisiana State University.

► He came to prominence as a lawyer fighting to dismantle segregation, preferring to fight for civil and political rights in courtroom battles rather than through sit-ins and demonstrations.

► He became the first African-American member of the Louisiana Legislature since Reconstruction in 1967, the first African-American Juvenile Court judge in Louisiana in 1970, and the first African-American judge on Louisiana’s 4th Circuit Court of Appeal in 1974.

► As mayor, expanding on the efforts of his predecessor Moon Landrieu, Morial redoubled the city’s commitment to affirmative action in hiring city workers and introduced minority hiring quotas for city contractors.



Ernest N. (Dutch) Morial

Chief Justice Bernette Joshua Johnson

► Johnson is the Louisiana Supreme Court’s 25th Chief Justice, its second female Chief Justice and its first African-American Chief Justice. She was sworn in on Feb. 1, 2013.

► She was one of the first African-American women to attend Louisiana State University Paul M. Hebert Law Center, receiving her JD degree in 1969.

► Her judicial career began in 1984 when she was the first woman elected to



Chief Justice Bernette Joshua Johnson

serve on the Orleans Parish Civil District Court.

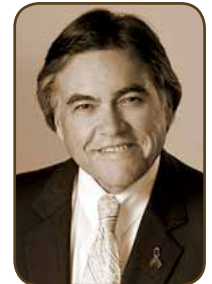
► Always an advocate for social justice and civil rights, she worked as a community organizer with the National Association for the Advancement of Colored People (NAACP) Legal Defense & Educational Fund, and at the U.S. Department of Justice’s Civil Rights Division. Following law school, she became the managing attorney of the New Orleans Legal Assistance Corporation (NOLAC), where she provided legal services to clients in socio-economically deprived neighborhoods.

Walter J. Leger, Jr.

► Leger, senior partner in the law firm Leger & Shaw in New Orleans, served as a volunteer member of the Louisiana Recovery Authority, one of the groups credited with helping New Orleans recover following the devastation from Hurricane Katrina in 2005. He co-chaired the Louisiana Recovery Authority’s Housing and Redevelopment Task Force.

► He provided legal advice in developing the state’s rebuilding program, which delivered more than 130,000 grants to south Louisiana homeowners. He chairs the Louisiana Land Trust, which has returned more than 10,000 Katrina-destroyed properties to the market.

► He is president of the New Orleans Bar Foundation and plans to bolster the Foundation’s Veterans Justice Fellowship which provides life-changing civil legal help to veterans in the areas of housing law, consumer issues, discharge upgrades, child support, and the removal of legal barriers to employment.



Walter J. Leger, Jr.

John E. McAuliffe, Jr., an attorney in the Metairie office of Frederick A. Miller & Associates, is secretary of the Louisiana State Bar Association and editor-in-chief of the Louisiana Bar Journal. (eddie.mcauliffe.hpqo@statefarm.com; Ste. 1700, 3850 N. Causeway Blvd., Metairie, LA 70002)





Save the date

JUNE 3-8, 2018

Sandestin Golf and Beach Resort
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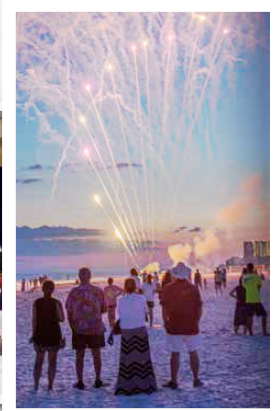
Welcome to the Louisiana State Bar Association's
77th Annual Meeting and the LJC/LSBA Joint Summer School:

"Changes in Latitudes, Changes in Attitudes."

This year's Jimmy Buffett-themed conference will be returning to the Sandestin Golf and Beach Resort in sunny Destin, Florida - allowing participants to enjoy six days of substantive programming, exciting social events and fascinating speakers in a relaxed setting.

New This Year: With a great new theme, comes a great new poolside party! Come enjoy a night in paradise at the "Back to the Bay" Wednesday night reception. The child-friendly event will feature a delicious buffet dinner and a live Jimmy Buffett cover band, held at the beautiful Bayside Pool Deck.

Also new this year, sign up for the "Parrotheads in Paradise Step Challenge." Use your smartwatch or activity tracker to compete against your fellow attendees for prizes and bragging rights!



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Joint Summer School Speakers

Multiple tracks of substantive law programming have been designed to suit many different areas of law for the busy practitioner. And don't miss this year's LJC/LSBA Joint Summer School sessions and speakers, featuring keynote speakers such as Ruby Bridges, a Connecticut Supreme Court Justice, Hon. Louis J. Freeh (Ret.) and Allison Gerkman and many more - plus many tried and true speakers. Many speakers bring their own expertise and experience in a casual setting that makes the sharing of professional interests a main focus of the event.

LJC/LSBA JOINT SUMMER SCHOOL & LSBA ANNUAL MEETING

Strengthen your professional skills. No matter your experience level, you will learn innovative new practice information at the LJC/LSBA Joint Summer School. Nationally recognized speakers make for an engaging, substantive Summer School. Multi-track CLE programming will focus on the latest updates in criminal law, civil law, family law and other specialties.

Work and play with colleagues. Destin is a beautiful setting with more than seven miles of sugar-white sand beaches and bay-front property, surrounded by championship golf courses, a pedestrian village and fine and casual dining, nightclubs and bars. Earn CLE hours during the mornings then sit back and enjoy the view at night! Join in the Annual Daley/Cheney Run for exercise, fun and networking. If you're looking for a little friendly competition for an enjoyable change of pace, sign up for the popular golf tournament. Or test your skills on another type of court - the tennis court- at this year's tennis tournament.

Stay current. The legal profession is changing faster than ever and new developments seem to emerge every day. Attending the LJC/LSBA Joint Summer School will help you and your legal practice stay ahead of the curve. The large Exhibit Hall gives attendees the chance to engage and interact with knowledgeable exhibitors presenting exciting new opportunities for your practice, no matter the size.

Expand your professional connections. The LSBA Annual Meeting and Joint Summer School is a great place to check in with others in the profession to discover best practices, new legal innovations and so much more! In this week-long, casual setting, renowned professionals of the bench and bar are not just speaking on stage but also available for informal chats throughout the conference. Through alumni association parties, bar committee meetings and lively social events, the conference presents many opportunities to meet new people with shared professional interests.

Let your voice be heard. Meet the individuals in leadership positions on LSBA committees and sections and find out what is happening with your bar association. Watch the installations of the new bar officers of the Board of Governors and YLD Council. Network with the LSBA Award honorees before the General Assembly and weigh in on the debates at the House of Delegates Meeting.



Highlights

In addition to CLE every morning, these events provide networking opportunities every day:

Sunday Opening Reception

Monday Senior Lawyers Division Meeting

Tuesday Golf Tournament & Tennis Tournament;
Law School Alumni Parties

Wednesday Back to the Bay Pool Side Party

Thursday General Assembly & HOD Meeting

LSC Reception; Installation Luncheon
LCLCE Reception; Beach Bash

Friday Great Debates, Step Challenge Results!

Check the website for complete schedule of events!

2018 Registration Form

Judge Bar Roll Number _____ First Name for Badge _____

Ms. Mr. Name _____

Firm Name _____

Address _____

City/State/Zip _____

Office Phone _____ Fax _____

- I am a local bar association president. I am a local bar association officer. I am a first-time attendee.
 Please register my spouse/guest for social events at no additional charge. *(Spouse/guest must be registered to receive tickets.)*

Spouse/Guest Name _____

First Name for Badge _____

In response to popular demand, a 4-day registration category is again offered this year! This economical option allows you to attend only four days of the conference (your choice of days!) for a steep discount to the on-site fee.

Registration Options	April 27	May 25	On-Site	Subtotal
Lawyers	\$825	\$875	\$925	_____
Lawyers 4-Day	\$750	\$795	\$850	_____
Judges	\$695	\$750	\$795	_____
Judges 4-Day	\$650	\$675	\$695	_____
Legal Services/Gov't/ Academia/YLD member**	\$695	\$750	\$795	_____
Legal Services/Gov't/ Academia/YLD member** 4-Day	\$650	\$675	\$695	_____

**Special Pricing applies to judges, lawyers employed full-time by local, state, or federal government, and lawyers employed full-time by legal aid agencies or indigent defense agencies or those lawyers who are members of the LSBA Young Lawyers Division. Members of the YLD are considered: Every member of the Louisiana State Bar Association who has not reached the age of thirty-nine (39) years or who has been admitted to the practice of law for less than five (5) years, whichever is later, is by virtue thereof a member of the Young Lawyers Division. (Article I, Section 1, Bylaws of the Louisiana State Bar Association, Young Lawyers Division).

*Important Note: A link to the seminar materials will be emailed to you prior to the event; we suggest you print the materials in advance and bring them with you. The link will be sent to the email address of record you provided to the LSBA. If you choose to review the materials from your laptop, we strongly suggest you charge your laptop battery, as electrical outlets may be limited. Internet access will not be available in the meeting room. **PLEASE NOTE: Printed materials will not be available.**

<p>Any questions? Contact Annette Buras, CLE Coordinator Louisiana State Bar Association aburas@lsba.org or call (504)619-0102 or call tollfree (800)421-LSBA, ext. 102</p>	<p>To purchase additional tickets for events, contact Bridget Berins, CLE Secretary Louisiana State Bar Association bridget.berins@lsba.org or call (504)619-0137 tollfree (800)421-LSBA, ext. 137</p>
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- Pay by Check: Make checks payable to the Louisiana State Bar Association. Amount Enclosed \$ _____
- Pay by Credit Card: The LSBA accepts MC, Visa & Discover. Please visit www.lsba.org/AnnualMeeting to pay by credit card.
- Check here or contact the LSBA if you have a disability which may require special accommodations at this conference. The LSBA is committed to ensuring full accessibility for all registrants.

**Please return this form with your remittance to:
 Seminar Registration – Louisiana State Bar Association
 601 St. Charles Ave. • New Orleans, LA 70130-3404
 (504)619-0137 • (800)421-5722 • fax (504)598-6753**



In response to popular demand, a 4-day registration category is again offered this year! This economical option allows you to attend only four days of the conference (your choice of days!) for a steep discount to the on-site fee.

REGISTRATION OPTIONS

Registration Options	April 27	May 25	On-Site
Lawyers	\$825.....	\$875.....	\$925
Lawyers 4-Day	\$750.....	\$795.....	\$850
Judges	\$695.....	\$750.....	\$795
Judges 4-Day	\$650.....	\$675.....	\$695
Legal Services/Gov't Academia/YLD member**	\$695.....	\$750.....	\$795
Legal Services/Gov't Academia/YLD member** 4-Day	\$650.....	\$675.....	\$695

Registration is for LSBA member and spouse/guest when indicated on Registration Form.

- ▶ includes seminar registration, programs, business meetings and admission to Lawyers' Expo;
- ▶ electronic version of the seminar materials for attendees to download;
- ▶ daily continental breakfast/coffee/refreshment breaks;
- ▶ up to two adult tickets to the receptions, dinners, installations and other events planned as part of the Annual Meeting & Joint Summer School. Check back on the website at www.lsba.org/AnnualMeeting for an up-to-date agenda.

* Spouse/guest name must be indicated on the Registration Form to receive tickets included in registration. Additional tickets for children and guests are available for purchase for the social functions.

*To purchase additional tickets for events, please contact: Bridget Berins, CLE Secretary, Louisiana State Bar Association, bridget.berins@lsba.org or call (504)619-0137 or call tollfree (800)421-LSBA, ext. 137.

**Special Pricing applies to judges, lawyers employed full-time by local, state, or federal government, and lawyers employed full-time by legal aid agencies or indigent defense agencies or those lawyers who are members of the LSBA Young Lawyers Division. Members of the YLD are considered: Every member of the Louisiana State Bar Association who has not reached the age of thirty-nine (39) years or who has been admitted to the practice of law for less than five (5) years, whichever is later, is by virtue thereof a member of the Young Lawyers Division. (Article I, Section 1, Bylaws of the Louisiana State Bar Association, Young Lawyers Division).

CANCELLATIONS, REFUNDS & COURSE MATERIALS

Cancellation of registration must be received in writing by the LSBA no later than Friday, May 18, 2018. Cancellations will receive a full refund, less a \$30 administrative charge. Absolutely no refunds will be made after Friday, May 18, 2018. Requests should be mailed to the Louisiana State Bar Association, 601 St. Charles Ave., New Orleans, LA 70130-3404; faxed to (504) 598-6753; or e-mailed to aburas@lsba.org. Any questions, please contact Annette Buras, CLE Coordinator, (504)619-0102.

ATTENTION! To access and view the written CLE materials for each CLE presentation for Summer School, check back here shortly before the event to save the materials to your electronic device. Please note that Internet access WILL NOT be available in the Conference Center. It is suggested that you download/print OR download/save prior to arriving in Sandestin.

MEMBER BENEFITS: Hotels Statewide Offer Discounts to LSBA Members

By Sean P. Brady

The *Louisiana Bar Journal* Editorial Board, in collaboration with the Louisiana State Bar Association's (LSBA) Outreach Committee, continues its series of articles highlighting benefits available to LSBA members. This article features Colt J. Fore in a Q&A about hotel discounts.

Q. Colt, tell us about yourself and where you practice.

A. I live in Denham Springs and I practice with the law firm of Fayard & Honeycutt. I've been at the firm for a little over five years. We do class action, personal injury and trial litigation work.

Q. When did you first start using the hotel discount benefits available to LSBA members?

A. I probably started using the hotel discounts in my first year of practice because I needed to go to New Orleans to complete my CLE requirements. I think I stayed at the Marriott on Canal Street the first time I used the benefit.

Q. How do you find out whether a particular hotel offers a discount?

A. Many of them are listed on the "Travel Discounts" page on the LSBA's website, <https://www.lsba.org/Members/TravelServices.aspx>. The site has several national chains, along with local hotels in

New Orleans, Baton Rouge, Shreveport, Alexandria and Lafayette. There are links on the website that you can follow to book a room.

Q. Have you gotten the discount at hotels that are not listed on the website?

A. Yes. If I call a hotel to make a reservation, I almost always ask them whether they offer a discount to LSBA members. They usually say, "Let me check." And most of the time, they do offer the discount. I think there has been only one hotel that didn't. Sometimes you can also get it by typing in "LSBA" in the corporate code or ID space on the hotel's website.

Q. So, it's worth it to ask the hotel if they offer a discount even if it is not listed on the LSBA's website?

A. Yes. More often than not, they do.

Q. Where have you used the discount?

A. I've used the discount everywhere from the Windsor Court to the Hampton Inn. I remember one time when my wife and I were able to get a room at the Pere Marquette in downtown New Orleans on New Year's Eve. It was last minute, so I wasn't sure whether they would give a discount. But they did! We ended up saving about \$100 off the price of the room.

Q. Is that typical of the discounts you've received?

A. They usually run between about \$75 and \$120 a night. We might travel to New Orleans 10 times a year, so we were saving around \$1,000.

Q. Have you told friends and colleagues about the discounts you've received?

A. Yes. I initially learned about it from some friends, and I like to tell people about it. It's a nice benefit.

Sean P. Brady is a graduate of Tulane University Law School. He is a partner at Flanagan Partners, L.L.P., in New Orleans and concentrates his litigation practice on commercial, construction and insurance coverage disputes.



Colt J. Fore is a graduate of Southern University Law Center. He currently practices at Fayard & Honeycutt, A.P.C., in Denham Springs, with a focus on personal-injury disputes, class actions and trial litigation.



Have you used a member benefit through the LSBA? Tell us about it! Contact the Outreach Committee at outreach@lsba.org with questions, comments and ideas for future "Member Benefits" articles. Remember . . . you can always learn more about discounts on the LSBA's website at www.lsba.org/Members/DiscountBusinessServices.aspx.

LSBA 50-, 60-, 70-Year Members Recognized at 2018 Midyear Meeting

More than 250 Louisiana State Bar Association (LSBA) members who have reached half a century and beyond in their professional ca-

reers were honored during the LSBA's Midyear Meeting in January in Baton Rouge. During the reception, the honorees received medals presented by LSBA President Dona Kay Renegar.

The honorees also posed for photos with Renegar and Louisiana Supreme Court Justice Jefferson D. Hughes III.

The following Bar members were recognized.



Among the 50-year honorees attending the ceremony were, seated from left, John G. Williams, Hon. Frank A. Marullo, Jr., Alicia P. Gravolet, Lynn E. Williams, Jules A. Carville III, Bernard J. Bagert, Jr., Don M. Richard, Sidney A. Cotlar, William H. Slaughter III, John D. Fitzmorris, Jr., Donald S. Wingerter and George M. Papale. Standing from left, Ernest L. Edwards, Emmett C. Sole, John W. Jewell, Truly W. McDaniel, Eddie N. Pullaro, R. Joseph Wilson, D. Michael Hayes, John T. Cox, Jr., Edmund M. Thomas, James G. Derbes, James M. Pelton, Ernest E. Hartenstine, Donald L. Mayeux, Harold S. Bartholomew, Hon. Charles C. Wilson, Wayne D. Mancuso, Sr., Jacob Kansas, William R. Forrester, Jr., Cordell H. Haymon and Gary L. Keyser. Photo by Matthew Hinton Photography.

50-Year Honorees Admitted in 1968

Robert D. Adams	Chapel Hill, NC	Thomas R. Blum.....	New Orleans	L. Sidney Charbonnet III.....	New Orleans
Hon. Hugh Dumas Aldige	Metairie	Karl E. Boellert.....	Thibodaux	Edward E. Chase	Franklin
L. Walker Allen II.....	Madisonville	James E. Bolin, Jr.	Shreveport	Charles L. Chassignac	New Orleans
John G. Amato	New Orleans	Oscar W. Boswell II.....	Lafayette	Sam J. Chauppette	Crown Point
Thomas A. Antoon.....	Alexandria	Larry P. Boudreaux, Sr.	Thibodaux	Walter W. Christy	New Orleans
James C. Babin	Albuquerque, NM	G. Michael Bourgeois.....	Sharon, CT	Samuel R. Cicero.....	Baton Rouge
Bernard J. Bagert, Jr.	New Orleans	William M. Brewer III.....	New Orleans	Fletcher W. Cochran.....	Slidell
Joseph J. Baiamonte	Baton Rouge	Owen S. Brown, Jr.....	Chattanooga, TN	Robert W. Collings	Lake Charles
Fred B. Baldwin.....	New Orleans	Richard C. Buckman	New Orleans	William F. Colomb, Sr.....	Covington
Michael F. Barry	New Orleans	James M. Bullers	Bossier City	James P. Conner.....	Covington
Harold S. Bartholomew.....	Metairie	Darryl J. Carimi	Covington	James R. Conway III	Metairie
Leo J. Berggreen.....	Baton Rouge	Jack E. Carlisle, Jr.	Shreveport	Wm. Hamilton Cook, Jr.	New Orleans
Kenneth J. Berke	Metairie	Jules A. Carville III.....	LaPlace	John J. Cooper	Glenville, NC
Charles B. Bice.....	Winnfield	Joseph T. Casey	Metairie	Irvy E. Cosse, Jr.....	New Orleans
Henri C. Billon	Rayne	Bertrand M. Cass, Jr.	New Orleans	Sidney A. Cotlar	Metairie
		Michael A. Cavanaugh.....	Baton Rouge	John T. Cox, Jr.	Shreveport
		Dando B. Cellini.....	Chevy Chase, MD	Sumpter B. Davis III	Baton Rouge
		Marion E. Chandler.....	Dallas, TX	George B. Dean, Jr.....	Monroe

Continued next page



Among the 60-year honorees attending the ceremony were, from left, Hon. John A. Shea, W. Monroe Stephenson II, William H. McClendon III, John N. Gallaspy, Hon. Burrell J. Carter and Hon. Arthur J. Planchard. *Photo by Matthew Hinton Photography.*



Roy M. Fish of Shreveport, a 70-year member of the Louisiana State Bar Association (LSBA), was recognized at the Midyear Meeting. Presenting his medal is LSBA President Dona Kay Renegar. *Photo by Matthew Hinton Photography.*

Honorees continued from page 399

Cary G. deBessonnet Baton Rouge
 Fred R. DeFrancesch LaPlace
 Felix A. DeJean III Opelousas
 John E. DeMoruelle Oberlin
 James G. Derbes New Orleans
 Frank G. DeSalvo New Orleans
 Frank L. DeSalvo Covington
 Bruce W. Dinwiddie Metairie
 James Joseph Donelon Metairie
 Joe Morris Doss Mandeville
 Robert L. Dow Lake Charles
 Glenn R. Ducote Baton Rouge
 James H. Dupont Plaquemine
 Ernest L. Edwards New Orleans
 Donnie L. Ellerman Winnsboro
 Robert B. Eubank Birmingham, AL
 William N. Faller Ponchatoula
 Paul E. Farmer Covington
 Charles W. Fasterling Colorado Springs, CO
 John D. Fitzmorris, Jr. New Orleans
 Edward J. Fonti Lake Charles
 William R. Forrester, Jr. New Orleans
 Maurice R. Franks Baker
 Charles Curtis Garretson Pensacola, FL
 Lawrence J. Genin New Orleans
 Louis A. Gerdes, Jr. New Orleans
 J. Wayne Gillette New Orleans
 Jane M. Gisevius Metairie
 Frank Hayes Gladney Iota
 Joel E. Gooch Lafayette
 Jack A. Grant Gretna
 Alicia J. Gravolet Belle Chasse
 Thomas E. Guilbeau Lafayette
 Salvador E. Gutierrez, Jr. Chalmette
 William H. Hallack, Jr. West Monroe
 J. Douglas Handley Lilburn, GA
 Carl Hanemann New Orleans
 Ansel W. Harris, Jr. Shreveport
 Ernest E. Hartenstine Denham Springs
 D. Michael Hayes Natchitoches

Cordell H. Haymon Baton Rouge
 Maury A. Herman New Orleans
 Mitchell W. Herzog Round Top, TX
 Robert T. Hughes New Orleans
 Edwin Kidd Hunter Lake Charles
 Cornelius J. Hyde III Baton Rouge
 Mark M. Jaffe New York, NY
 John A. Jeansonne Lafayette
 John W. Jewell New Roads
 John Winston Johnson Eunice
 David J. Kain New Orleans
 Jacob Kansas Gretna
 Robert L. Kennedy Colfax
 Gary L. Keyser Baton Rouge
 Henry L. Klein New Orleans
 Karen L. Knight Mandeville
 I. Harold Koretzky New Orleans
 Charles D. Lancaster, Jr. Metairie
 G. Grant Liser III Fort Worth, TX
 Robert L. Livingston, Jr. Washington, DC
 Wayne D. Mancuso, Sr. Harahan
 Berkman J. Manuel Mamou
 Hon. Frank A. Marullo, Jr. New Orleans
 Donald L. Mayeux Eunice
 Robert J. McCoy, Jr. Metairie
 Truly W. McDaniel Shreveport
 John J. McGuckin Franklinton
 Vernon C. McManus Eunice
 Merwyn T. Melvin Thibodaux
 Helen Onebane Mendell Lafayette
 Joel A. Mendler New Orleans
 Paul M. Menszer Washington, DC
 Ronald L. Menville Denham Springs
 James J. Meyers, Jr. San Francisco, CA
 Joseph E. Mixon Houston, TX
 Richard E. Moore New Orleans
 William J. More New Orleans
 Madison C. Moseley New Orleans
 Carole M. Mosely Baton Rouge
 James A. Mounger New Orleans

Stephen B. Murray New Orleans
 James R. Murrell III Lafayette
 Theodore W. Nass Gretna
 Charles W. Nelson, Jr. New Orleans
 James W. Newman, Jr. Taylor, TX
 Joseph M. Nielsen Metairie
 Trudy H. Oppenheim Norwood
 George M. Papale Hammond
 William C. Peatross Shreveport
 James M. Pelton Baton Rouge
 James M. Petersen Metairie
 Robert F. Pitard Mandeville
 Hon. Robert A. Pitre, Jr. Marrero
 Miles Pittelkow, Jr. Houston, TX
 J. Ernest Prieto Mandeville
 John F. Pugh, Jr. Baton Rouge
 Eddie N. Pullaro Houma
 Michael O. Read New Orleans
 Gothard J. Redck New Orleans
 Robert A. Redwine New Orleans
 Don M. Richard New Orleans
 M. Stephen Roberts Baton Rouge
 Michael I. Rodriguez New Orleans
 Hon. Lee J. Romero, Jr. Covington
 Henry Leon Sarpy New Orleans
 John V. Seago Covington
 J.W. Seibert III Vidalia
 Walter J. Senette, Jr. Franklin
 Alfred B. Shapiro Baton Rouge
 Joseph A. Sims, Jr. Hammond
 William H. Slaughter III Metairie
 Emmett C. Sole Lake Charles
 Lawrence J. Springer New Orleans
 Curtis K. Stafford, Jr. Baton Rouge
 Charles M. (Tex) Stevenson Covington
 Harry C. Stumpf Harvey
 Jacob Taranto III Houston, TX
 Robert S. Taylerson Oak Harbor, WA
 Terry E. Theriot Lafayette
 Edmund M. Thomas Shreveport

Continued next page

Judge Sims Receives Judge Benjamin Jones Judges in the Classroom Award

Shreveport City Court Judge Sheva M. Sims is the recipient of the Louisiana Center for Law and Civic Education's (LCLCE) Judge Benjamin Jones Judges in the Classroom Award. The award was presented by LCLCE President Lawrence J. Centola III during the Louisiana State Bar Association's (LSBA) Midyear Meeting in January.

Judge Sims was elected to the Shreveport City Court (Division D) in 2011 and re-elected in 2014. Her judicial role encompasses jail clearance, evictions, peace bonds, criminal, civil and DWI trials, small claims, traffic, criminal and DWI arraignments and other matters. Before becoming a judge, she was a practicing attorney for more than 17 years, handling civil and criminal litigation, small claims and domestic cases.

She received a BS degree in mathematics in 1989 from Dillard University and her JD degree in 1994 from Southern University Law Center.

Because of her focus to improve the community's understanding of the judicial system, she received the Dr. Martin Luther King, Jr. Civil Rights Award, the LSBA's Crystal Gavel Award, the SPAR Seminar of Excellence Award and the Dr. Jesse N. Stone Pioneer Award. In October 2017, she was elected as the District 6 director for the National Association of Women Judges.

Judge Sims has hosted community informational seminars, "Know Your Legal Rights." Her portrait was recently added to the Southern University Law Center's Wall of Fame for her achievements in the legal profession.



Shreveport City Court Judge Sheva M. Sims, left, is the recipient of the Louisiana Center for Law and Civic Education's (LCLCE) Judge Benjamin Jones Judges in the Classroom Award. Presenting the award was LCLCE President Lawrence J. Centola III. Photo by Matthew Hinton Photography.

Honorees continued from page 400

Hon. Horace A. Thompson III... New Orleans
 Paul T. Thompson.....Jackson
 Hugh C. Uhalt..... New Orleans
 John E. Unsworth, Jr.....Metairie
 James A. Van Hook, Jr.....Shreveport
 Claude D. Vasser Metairie
 Barry F. VioscaRiver Ridge
 Frank M. Wagar..... Covington
 Henry C. Walker.....Shreveport
 Gerald P. WebreMetairie
 Richard A. Whann New Orleans
 Ronald P. Whittington Hammond
 Darrel Van Willet, Jr Pineville
 James E. WilliamsCrested Butte, CO
 John G. Williams Natchitoches
 Lynn E. Williams Baton Rouge
 Thomas M. Willmott Metairie
 Hon. Charles Connell Wilson.....Hahnville
 John M. Wilson..... New Orleans
 R. Joseph Wilson Jena
 W.L. Wilson Baton Rouge
 Donald S. Wingerter Baton Rouge

60-Year Honorees Admitted in 1958

Allain C. Andry III New Orleans
 Louis G. Baine, Jr. Madison, MS
 Hon. Russell Bankston Zachary

Robert E. Blackwell Baton Rouge
 Col. Terry W. Brown Columbia, SC
 Hon. Burrell J. CarterGreensburg
 Noble M. Chambers, Jr.....Crowley
 Carl A. DengelRodchester, MN
 Peter E. Duffy New Orleans
 George A. Frilot III..... New Orleans
 John N. Gallaspy Bogalusa
 H. Charles GaudinMetairie
 Fred R. GodwinLake Charles
 Ronald J. Gossen Lafayette
 Donald M. HallOrlando, FL
 Charles L. Hamaker.....Monroe
 Paul E. Hurley New Orleans
 John B. HusseyShreveport
 Rader Edward Jackson III New Orleans
 Walter E. KollinRiver Ridge
 Jeron J. LaFargue..... Lafayette
 Walter J. LandryArlington, VA
 Will E. Leonard, Jr..... Washington, DC
 Joseph H. LoydCali, Colombia
 Hon. Frank L. Maraist Baton Rouge
 Bernard Marcus New Orleans
 Margot L. MazeauArlington, VA
 W.J. McAnelly, Jr. Houston, TX
 William H. McClendon III St. Francisville
 Donald A. MeyerSante Fe, NM
 Samuel A. Miceli, Jr. Covington
 Rene S. Paysse.....Metairie

Hon. Arthur J. Planchard Baton Rouge
 Thomas Arnoult Rayer Pass Christian, MS
 Charles H. Ryan.....Monroe
 Hon. John A. Shea New Orleans
 Melvin A. Shortess Baton Rouge
 Thomas W. Staed.....Daytona Beach, FL
 W. Monroe Stephenson II..... Slidell
 William O. Templet Plaquemine
 Joseph Anthony Towers.....Metairie
 Leon C. Vial III.....Hahnville
 Michael M. Wahlder..... Dry Prong
 Hon. Charles R. Ward..... New Orleans
 Robert I. White Bryan, TX

70-Year Honorees Admitted in 1948

James T. AdamsShreveport
 Nicholas D. Bernard Lafayette
 Henry W. Bethard III Coushatta
 Ted R. BroylesLeesville
 Roy M. FishShreveport
 Edmond L. Guidry, Jr. St. Martinville
 Richard A. Hinckley New Orleans
 William Mc M. King Covington
 Robert E. Leake, Jr. Covington
 Iddo Pittman, Jr.....Highlands Ranch, CO
 Gerard F. Thomas, Jr. Natchitoches

Supreme Court Tasks LSBA with MCLE Administration

The Louisiana Supreme Court, in conjunction with the Louisiana State Bar Association, announced that, as of Jan. 1, 2018, the Court's Mandatory Continuing Legal Education (MCLE) program will be administered by the Louisiana State Bar Association (LSBA).

Attorneys licensed to practice law in Louisiana are required to keep current on changes and developments in the law through continuing legal education, in accordance with Rule XXX of the Supreme Court rules.

"Our MCLE program protects the public by ensuring that Louisiana attorneys are familiar with the latest developments in the law. We appreciate the LSBA's willingness to accept the responsibility of administering this important program," said Chief Justice Bernette Joshua Johnson, who also noted that the Court will retain jurisdiction

to determine the MCLE requirement and certify non-compliant attorneys ineligible to practice law for failure to comply with the Rules.

MCLE Director Kitty Hymel and MCLE staff, now LSBA employees, will maintain their current office location in Metairie, La., for the immediate future. Efforts are underway to physically relocate MCLE operations to the Louisiana Bar Center and fully integrate MCLE administration into the LSBA information technology systems, with a target completion date of mid to late 2018.

"We are very pleased and honored to be entrusted once again with the administration of Mandatory Continuing Legal Education, an important component in ensuring that our lawyers remain abreast of changes and developments in the law," said LSBA President Dona Kay Renegar.

The Court is currently preparing

amendments to Supreme Court Rule XXX (Rules for Continuing Legal Education) to clarify the LSBA's administrative and regulatory role. The Rules dictate that lawyers must attend 12.5 hours of approved continuing legal education each calendar year, including one hour of ethics and one hour of professionalism, with a special law office management requirement for newly admitted lawyers. The Rules also address other methods of earning credit, including but not limited to teaching, writing scholarly articles and doing pro bono work.

"As the last self-regulated profession, we need to ensure that all of our members are meeting the highest ethical and professionalism standards. Partnering once again with the Court on MCLE will be helpful in reaching those targeted goals," Renegar added.

Additional information on the MCLE program is available at: www.lsba.org/mcle.

2018 Midyear Meeting



From left, Louisiana Supreme Court Justice Jefferson D. Hughes III, Louisiana Center for Law and Civic Education President Lawrence J. Centola III, Benton Middle School teacher Jennifer Traweek, and LSBA President Dona Kay Renegar. Traweek was presented with the President's Award of Excellence for Outstanding Law-Related Education Teacher during the Louisiana State Bar Association's Midyear Meeting in January. Photo by Matthew Hinton Photography.



LSBA President Dona Kay Renegar presented all the 50-, 60- and 70-year honorees in attendance with a medal recognizing their career achievement. John N. Gallaspy of Bogalusa was one of the 60-year honorees. Photo by Matthew Hinton Photography.



Introduce a new partner to your law firm

Joining Louisiana Association for Justice is like introducing a new partner to your law firm — one who works around the clock and doesn't take holidays.

LAJ exists for one purpose only: to assist experienced and new lawyers so that they may better serve their clients. From battling for our clients' rights in the legislature to providing second-to-none networking opportunities, LAJ works 24/7 to help members succeed.

Members can expand their knowledge base by reading articles in the association's monthly magazine, joining a wide range of practice sections and participating on those list servers, and attending LAJ's outstanding CLE programs at a discounted rate. Events like LAJ's always popular Annual Convention and Fall Conference provide additional chances to build relationships with colleagues.

Participating in a practice section and list server is like adding a team of experienced lawyers to your firm.

In today's world, everybody expects value, which is exactly what LAJ brings to your practice.

LAJ's annual dues for lawyers start at just \$95 and monthly payment plans are available. To join, contact us at 225-383-5554 or visit www.lafj.org.



442 Europe Street, Baton Rouge, Louisiana 70802-6406

Electronic Payment of 2018-19 LSBA Dues and LADB Assessment Accessible in Mid-May

Louisiana State Bar Association (LSBA) members have the option to pay their LSBA dues and Louisiana Attorney Disciplinary Board (LADB) assessment by ACH electronic check, credit card, or download and mail their Attorney Registration Statement and checks for the payment of fees. Members are encouraged to pay and file electronically, as this access will be available 24/7, including times when the Bar Center is closed or if mail service is disrupted due to inclement weather. Further, electronic payment gives members more control over their information in the database and allows for more timely updates to their member records.

Filing electronically should be a quick and simple process, utilizing the online member accounts that participants have relied on for years to register for CLE seminars and to access Fastcase. If an attorney has not yet set up a member account, one can easily be created at: <https://www.lsba.org/Members/memberacts.aspx>. This webpage also allows members to edit their existing accounts and to reset a lost or forgotten account password.

After member data is confirmed but before the payment/filing process begins, members will be advised that they also need to go to <https://www.LADB.org>

to complete the Louisiana Supreme Court Trust Account Disclosure and Overdraft Notification Authorization Form and will be asked to confirm that they understand this requirement.

The collection schedule will be the same as in prior years. In lieu of mailing a statement to each member, in mid-May, the LSBA will mail to each member a postcard, which will provide instructions to go online to www.LSBA.org to complete the registration process, and also go online to www.LADB.org to complete the Trust Account Form. ***This is the only mailing members will receive prior to the July 1, 2018, due date; attorney registration statements will NOT be mailed.***

Once members have electronically filed their Attorney Registration Statements (including any necessary changes and/or updates) and made the required payments, they will receive email confirmations. The filing and payment deadline will remain July 1. The LSBA will continue to mail delinquency and ineligibility notices to those who fail to meet the deadlines.

Members who elect to pay by electronic check will continue to pay the following fees:

- ▶ LSBA dues (practicing more than three years): \$200;
- ▶ LSBA dues (practicing three years

or less): \$80;

- ▶ LADB assessment (practicing more than three years): \$235; and
- ▶ LADB assessment (practicing three years or less): \$170.

Those who are planning to pay by electronic check should contact their financial institutions to confirm that their accounts allow payment by this method.

As was the case last year, processing fees of 3%, plus a .20 transaction fee, will be passed along to those choosing to pay by credit card. Total amounts, including credit card processing fees, are as follows:

- ▶ LSBA dues (practicing more than three years): \$206.20;
- ▶ LSBA dues (practicing three years or less): \$82.60;
- ▶ LADB assessment (practicing more than three years): \$242.25; and
- ▶ LADB assessment (practicing three years or less): \$175.30.

Bar staff members will be available to answer questions and provide assistance to members. All questions and concerns should be directed to:

- ▶ Email — processing@LSBA.org
- ▶ Telephone — (504)566-1600 or (800)421-LSBA; ask for Payment Processing.

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.



In the past several years, the legal profession has experienced many changes. The LSBA has kept up with those changes by maturing in structure and stature and becoming more diverse and competitive.

For more information,
visit www.lsba.org

Attorneys Qualify as Board-Certified Specialists

In accordance with the requirements of the Louisiana Board of Legal Specialization (LBLS) and the Plan of Legal Specialization, the following individuals have satisfactorily met the established criteria and are qualified as LBLS board-certified specialists in the following areas for a five-year period which began Jan. 1, 2018, and will end on Dec. 31, 2022.

Newly Certified Specialists

Appellate Practice

John W. Waters, Jr.New Orleans

Business Bankruptcy Law

Alicia M. BendanaNew Orleans

Estate Planning and Administration

Leslie Erin Humphries HalleAlexandria

Tax Law

Molly Leigh Stanga.....New Orleans

Andrew T. SullivanNew Orleans

Recertified Specialists

Estate Planning and Administration

Theresa Ann Barnatt Lake Charles

Valerie Van Matherne..... Monroe

Steven Lynn McKneely.....Hammond
W. Deryl Medlin Shreveport
Sheila Leigh MoragasNew Orleans
Ronald Joseph SavoieBaton Rouge
Russell Joseph Stutes, Jr. Lake Charles
John Gerhardt ToernerCovington
Matthew Allen TreutingNew Orleans
Theodore David Vicknair.....Alexandria
H. Gregory Walker, Jr.Alexandria

Tax Law

Antonio Charles FerachiPlaquemine
David Michael Hansen.....Baton Rouge
Benjamin Anthony Huxen II....Baton Rouge
Wayne Jollio James.....New Orleans
Jean Kathryn NiederbergerNew Orleans
Russell Joseph Stutes, Jr. Lake Charles
James Graves Theus, Jr.Alexandria
John Gerhardt ToernerCovington
Nicholas Charles TomlinsonNew Orleans
Matthew Allen TreutingNew Orleans
Cherish Dawn Van Mullem.....Baton Rouge
Theodore David Vicknair.....Alexandria
Michael Alan Walters.....Alexandria

Family Law

Gay Lynn BabinLafayette
Teresa Culpepper Carroll Jonesboro
Monique Babin Clement..... Ruston
Nicole Roberts DillonHammond
Lindsey M. LadouceurAbita Springs
Laurie Nelson MarienBaton Rouge
James Ogden Middleton II.....Alexandria
Nedi Alvarez Morgan.....Plaquemine

Marc D. WinsbergNew Orleans

Business Bankruptcy Law

David J. MessinaNew Orleans

Consumer Bankruptcy Law

Kevin R. Molloy Shreveport

Robert W. Raley Shreveport

The LBLS was established in 1993 by the Louisiana Supreme Court to assist consumers in finding a lawyer who has demonstrated ability and experience in specialized fields of law. To become a certified specialist, an attorney must be an active member in good standing with the Louisiana State Bar Association, have a minimum of five years of full-time practice, demonstrate substantial experience in the specialty area and pass a written examination. Presently, the areas of law for which the LBLS is offering certification are appellate practice, business bankruptcy law, consumer bankruptcy law, estate planning and administration, family law and tax law. The LBLS will begin offering certification in health law in 2019.

For more information about specialization, go to the LBLS website at:

www.lascmcle.org/specialization/.

LBLS Accepting Bankruptcy Law Certification Applications Through Sept. 30

The Louisiana Board of Legal Specialization (LBLS) is accepting applications for business bankruptcy law and consumer bankruptcy law certification through Sept. 30, 2018.

In accordance with the Plan of Legal Specialization, a Louisiana State Bar Association (LSBA) member in good standing who has been engaged in the practice of law on a full-time basis for a minimum of five years may apply for certification. Further requirements are that each year a minimum percentage of the attorney's practice must be devoted to the area of certification sought and a

written examination must be passed to demonstrate sufficient knowledge, skills and proficiency in the area for which certification is sought.

Applicants must meet a minimum CLE requirement for the year in which application is made and the examination is administered. CLE is regulated by the American Board of Certification, which is also the testing agency.

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

neys should apply for approval of the LBLS certification 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).

To receive an application, email Specialization Director Mary Ann Wegmann, Louisiana Board of Legal Specialization, at maryann.wegmann@lsba.org.

For more information about specialization, go to the LBLS website at: www.lascmcle.org/specialization/.

By Elizabeth LeBlanc Voss

VITAL FIRM INFORMATION LETTERS

In the past, we have encouraged attorneys to have a plan in place to avoid the inevitable chaos that can occur upon untimely death or disability. As part of the fiduciary duty to clients, most attorneys are acutely attuned to the need to make certain that client matters are not neglected in their unexpected absence. But planning needs to include more than just the handling of client matters; it is important to provide guidance for the continuity of day-to-day firm business.

Estate planning experts recommend tools like the “Family Love Letter.” It is a prepared written document that acts as a practical guide in the event of incapacity or death. As a continuity planning tool, law firms would be prudent to model this estate planning concept and create a “vital firm information letter” that assists firm employees and colleagues to wrap up any loose ends that may occur in the event you are unable to accomplish that task.

View the letter as providing directions to those who may become responsible for your work, explaining where to find and how to access any pertinent information that will need firm attention. The letter is a document you should maintain and update on a regular basis, and we recommend that you add maintenance of the letter to your monthly calendar.

Some things you might wish to include in your firm letter:

- ▶ contacts, including a comprehensive list of client contacts, expert contacts, your personal (legal, tax, investment) advisors, your next of kin, your physician;
- ▶ bank account information for attorneys responsible for IOLTA accounts, the bank name and account number, as well as your point of contact at the bank;
- ▶ itemized list of the contents in your firm’s safe deposit box, along with information about location and access details for the box;
- ▶ necessary passwords for any elec-



tronically protected documents, or accounts including social media accounts;

- ▶ insurance information, both personal and firm details, including carrier name, policy number and limits;
- ▶ tax information details, highlighting most recent filings and where to find the filings;
- ▶ firm lease/rental information, including name of landlord, facilities management service, where to find a copy of the most recent lease;
- ▶ detailed list of monthly firm bills; and
- ▶ Vendor Contract Repository information.

From a risk management standpoint, we are primarily concerned with clients, prescriptive periods and hearing dates that can expire without a remedy, but clients are not the only losers when a lawyer dies or becomes incapacitated without a plan. For the sake of your law practice and the people you work with, we urge you to plan not only for the protection of your clients but for your practice.

Discuss this important task openly with

your staff, and notify them in advance of the letter’s existence. As always, store the letter securely. If it is stored electronically, encrypt it. If it is stored on a flash drive, keep the flash drive in the firm’s safe or another locked location, and leave written instructions as a reminder of where to find and how to access it.

Elizabeth LeBlanc Voss serves as professional liability loss prevention supervisor and counsel for the Louisiana State Bar Association (LSBA) under the employment of Gilsbar, Inc. Prior to joining Gilsbar, she was in-house counsel and regulatory compliance officer for a Louisiana community bank, worked as a civil litigator in New Orleans, served with the Harris County District Attorney’s Office in Houston, Texas, and appointed as a tax examiner for the U.S. Department of Treasury. She received her BA degree in political science from Louisiana State University and her JD degree from South Texas College of Law in Houston. She is a member of the LSBA and the State Bar of Texas. She presents ethics and professionalism CLE programs on behalf of the LSBA. Email her at bvoss@gilsbar.com.



SAVE THE DATE

NOVEMBER 9, 2018 – NEW ORLEANS

LOUISIANA STATE BAR ASSOCIATION COMPLEX LITIGATION SYMPOSIUM



Richard J. Arsenault, Seminar Chair

For nearly 20 years, our speakers have included the nation's leading complex litigation academicians, jurists, and members of the bar from both sides of the "V." These are the folks that are presiding over, writing about, and litigating the most significant cases in the country. They are the who's who of the complex litigation bench and bar.

Last year's speakers included:



Hon. Ken Starr • Hon. Eldon Fallon • Hon. Rebecca Doherty • Hon. Patrick Hanna
Prof. Arthur Miller • Prof. Tom Galligan • Prof. Jaime Dodge • Prof. Lynn Baker
Prof. Francis McGovern • Mark Geragos • Mark Lanier • Daniel Garrie • Teny Geragos
Hezekiah Sistrunk • Aimee Wagstaff • Thomas Anapol • Lori Cohen • Kenneth DeJean
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Robert Shelquist • John Sherk • Ginger Susman • Shannon Pennock • Robert Drakulich
Joseph Thorpe • Jennifer Hoekstra • Dustin Carter

The unforeseen is routine at the Louisiana Judges and Lawyers Assistance Program, Inc. (JLAP). When it comes to assisting people in mental health distress, you never know what the day will bring. Not long ago, we received a call late in the afternoon. “My friend has been drinking for three days solid. We are in my car and can be at your office in about 10 minutes. Can you help?”

Minutes later, an intoxicated person (and courageous friend) came into JLAP’s offices. As odd as this may sound, the news was *very good*. The person was not in any legal trouble yet but was, nonetheless, willing to finally “let go” and accept real help.

Within minutes, I had a bed reserved at an excellent treatment center, including an after-hours intake. With a plan in place, there was a sense of relief; however, there was a hitch. The four-hour drive to the facility would have to wait until morning because no one was immediately available to make an eight-hour, round-trip drive.

But this person needed to be transported immediately. Waiting minutes (much less overnight) invites a total change of heart and rejection of treatment and, worse, continued alcohol abuse and the potential to generate any number of irreversible, severe consequences. Checking my itinerary, the coast was clear to make the journey myself. In short order, we were in my car and on the road to treatment.

I have completed many such journeys in my life. I know what to expect. There will be two distinct personalities riding with me — 1) the person who is suffering terribly and needs relief; and 2) the active disease of addiction also within that person’s brain, a disease that will fight viciously for its life and seek to somehow derail arriving at a treatment facility.

Judges and Lawyers Assistance Program, Inc. (JLAP)

Your call is absolutely confidential as a matter of law.

Toll-free (866)354-9334

Email: jlap@louisianajlap.com

As expected, we had many conversations along the way . . . the *three* of us . . . all running in predictably repetitive cycles. “I want help. I don’t want help. Let’s keep going. Let’s turn back. I need treatment. Treatment is overkill.” Yet, with calm and unwavering support, this person kept luckily arriving at the right conclusion. “I need treatment and I am going *now* . . . but I just can’t believe this is actually happening!”

There was an expected crescendo of anxiety as we pulled into the facility, but we managed to stay the course. I remained in the facility with the person until safely admitted. Back on the road home, I was on the phone with the person’s friends and family, reporting a safe trip. My head hit the pillow just after midnight, and I prayed for a good clinical outcome for this person.

These types of efforts are also undertaken selflessly by many of my brothers and sisters in the profession when called upon. There is also a strong, statewide community of peer support in recovery through JLAP and the LSBA’s Committee on Alcohol and Drug Abuse. Many members are ready to leap into action on a moment’s notice to help another member of the profession in need. While these peer-support activities take place wholly out of sight, know that the fabric of our statewide peer-support community for legal professionals is very strong.

JLAP-facilitated treatment, JLAP support and peer support from fellow professionals all combine to provide a reliable path toward the goal of helping

the person establish lifelong recovery.

Addiction truly is a vicious and determined adversary that is cunning, baffling and powerful. Even with the best help, there is never a guarantee of success. The person in this case stayed in treatment only a week. The person sobered up but left the facility against medical advice. Addiction was back in charge.

A few months passed with no responses to JLAP’s effort to reach out again to the person. Then, we received a message — the person re-entered treatment and completed it. Soon after, the person invited me to lunch and we reflected on our experiences. I described our late-night journey to treatment (much of which the person could not remember due to intoxication), and the person shared about leaving and then returning to treatment.

We continually shook our heads in recognition of the spectacular power of addiction diseases, expressed gratitude for receiving top-notch treatment, and acknowledged how extremely fortunate we are to be in recovery from alcoholism with our lives and careers intact.

If you (or a peer) are struggling with alcoholism or addiction, don’t wait for things to get worse. Trust JLAP and make a confidential call for help. Callers are not under any obligation, the call is confidential as a matter of law, and you do not have to give your name. Call (985)778-0571, email jlap@louisianajlap.com, or visit the website at: www.louisianajlap.com.

J.E. (Buddy) Stockwell is the executive director of the Louisiana Judges and Lawyers Assistance Program, Inc. (JLAP) and can be reached at (866)354-9334 or email jlap@louisianajlap.com.



LSBA Presents Citizen Lawyer Awards for Community Service

Five attorneys and a district court judge received Citizen Lawyer Awards on Jan. 20, presented by Louisiana State Bar Association (LSBA) President Dona Kay Renegar at a ceremony during the LSBA's Midyear Meeting in Baton Rouge.

Recipients are New Orleans attorneys Meredith S. Grabill, Benjamin W. Kadden and Walter J. Leger, Jr.; Ruston attorney Pamela A. Stewart; Mansfield attorney Adrienne D. White; and 24th Judicial District Court Judge Scott U. Schlegel.

The Citizen Lawyer Awards, originally named the Crystal Gavel Awards, were created in 2001 to recognize outstanding lawyers and judges who have been unsung heroes and heroines in their communities. Recipients are selected based upon service in their local communities and in local organizations.

Meredith S. Grabill, of counsel in the New Orleans office of Lugenbuhl, Wheaton, Peck, Rankin & Hubbard, has always made pro bono representation a priority, focusing primarily on children and families. Recently, she has worked with the Unaccompanied Children's Project at Catholic Charities Archdiocese of New Orleans, representing children seeking Special Immigrant Juvenile Status in the United States. In 2015, she received the New Orleans Pro Bono Project's Distinguished Service Award. In 2016, she received the LSBA's Pro Bono Publico and Pro Bono Century awards. A co-founder of the *Tulane Law Review* Alumni Association, Grabill serves on the *Law Review's* Board of Advisory Editors and



Louisiana State Bar Association 2017-18 President Dona Kay Renegar, center, during the House of Delegates Meeting on Jan. 20, 2018. Photo by Matthew Hinton Photography.

has mentored students at Tulane University Law School's Intersession Boot Camp. She is an adjunct law professor at Tulane, teaching "Business Reorganizations and Bankruptcy Procedure." In her community, she volunteers at the Lycee Francais de la Nouvelle-Orléans.

Benjamin W. Kadden, a shareholder in the New Orleans office of Lugenbuhl, Wheaton, Peck, Rankin & Hubbard, serves as board secretary for Bastion Community of Resilience, a nonprofit organization providing support and services for New Orleans military veterans and families with lifelong rehabilitative needs. Since 2013, he has been a member of the Turnaround Management Association, which works to help distressed businesses while preventing issues in healthy companies. He is an active member of Propeller's Pro

Bono Professional Network, a nonprofit organization that incubates and launches socially minded ventures. He recently has been matched with Clear Health Analytics for pro bono legal assistance. He received the 2015 LSBA's Pro Bono Publico Award. He has been a member of the faculty for Tulane University Law School's Intersession Boot Camp since 2012.

Walter J. Leger, Jr. is senior partner in the law firm Leger & Shaw in New Orleans. He is vice president and former president of the New Orleans Baby Cakes. A two-time cancer survivor, Leger serves on the board of the Louisiana Cancer Research Center and has worked with the Cancer Crusaders and Key to Cure events. After Hurricane Katrina, he was a volunteer member of the Louisiana Recovery Authority, chairing its Housing



Louisiana State Bar Association 2017-18 President Dona Kay Renegar, left, presented the Citizen Lawyer Award to Judge Scott U. Schlegel. Photo by Matthew Hinton Photography.



Louisiana State Bar Association 2017-18 President Dona Kay Renegar, left, presented the Citizen Lawyer Award to Meredith S. Grabill. Photo by Matthew Hinton Photography.



Louisiana State Bar Association 2017-18 President Dona Kay Renegar, left, presented the Citizen Lawyer Award to Walter J. Leger, Jr. Photo by Matthew Hinton Photography.

and Redevelopment Task Force. He co-chaired the St. Bernard Citizens Recovery Committee. He also provided legal advice in developing the state's rebuilding program, which delivered more than 130,000 grants to south Louisiana homeowners. He chairs the Louisiana Land Trust, which has returned more than 10,000 Katrina-destroyed properties to the market. He is president of the New Orleans Bar Foundation and a member of the Southeast Louisiana Business Council Coalition and the New Orleans/Baton Rouge Super Region Committee.

Pamela A. Stewart is senior attorney at Genesis Energy, L.L.C., in Ruston. Previously, she worked as an assistant district attorney for the 3rd Judicial District and as in-house counsel at Davison Petroleum Products. She joined the Rotary Club of Ruston in 2002, serving as president in

2006. After her year as president, she was involved in a club extension project and served as a charter member and charter president of the Rotary Club of Lincoln. Stewart has supported the SMART Girls Program presented by the Boys and Girls Club of North Central Louisiana, serves on the Northern Louisiana Medical Center Board of Trustees and is a co-founder of Goodwill Lunching, Inc. She served as president of the Lincoln Parish Bar Association for three terms, is a member of a Louisiana Attorney Disciplinary Board Hearing Committee and is a Louisiana Bar Foundation Fellow.

Adrienne D. White is a partner in the Law Offices of White & White in Mansfield. As the president of the DeSoto Parish Bar Association, she has served as the primary planner for the annual DeSoto Parish Law Day Program. She

also is co-planner for the DeSoto Parish Lawyers in Libraries Program, in conjunction with the LSBA and the DeSoto Parish Library System. White has served as a pro bono attorney for Legal Services of North Louisiana. As a Louisiana Bar Foundation Fellow, she has given annual support to the Foundation and served as a member of the Northwest Community Partnership Panel. As a member of Zeta Phi Beta Sorority, Inc., Zeta Iota Zeta Chapter, White is chair of the Emergency Plan Committee and captain of the chapter's team participating in the American Cancer Society's Relay for Life.

Judge Scott U. Schlegel was elected to the bench of the 24th Judicial District Court, Division D, Jefferson Parish, in May 2013. Prior to his election, he was one of the top felony prosecutors in the Jefferson Parish District Attorney's Office. He serves as a judge volunteer for the Swift and Certain Probation Program and for Reentry Court. He graduated from the Presidential Leadership Scholars program, designed for leaders from diverse backgrounds who share a commitment to solving society's challenges. He was also able to shine a light on the work being done in Louisiana to provide opportunities to ex-offenders through the Reentry Court. For his work to improve the criminal justice system, Judge Schlegel has received the Kevin Kane Justice Award from the Louisiana Family Forum and the Public Service Award from the Gillis Long Poverty Center, Loyola University College of Law.



Louisiana State Bar Association 2017-18 President Dona Kay Renegar, left, presented the Citizen Lawyer Award to Pamela S. Stewart. Photo by Matthew Hinton Photography.



Louisiana State Bar Association 2017-18 President Dona Kay Renegar, left, presented the Citizen Lawyer Award to Adrienne D. White. Photo by Matthew Hinton Photography.

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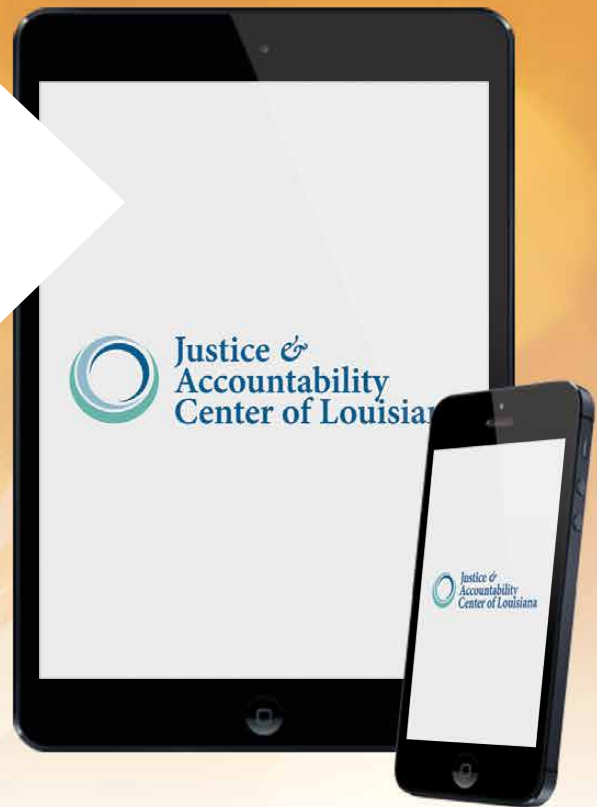
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March 9, 2018**

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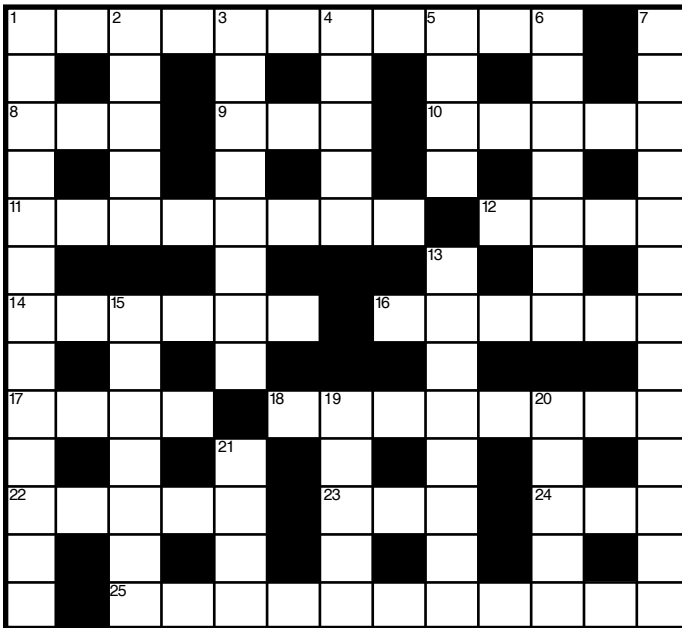
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Crossword PUZZLE

By Hal Odom, Jr.

WRIT LARGE



ACROSS

- 1 Kind of writ that challenges an interlocutory ruling (11)
- 8 Writ of ___ warranto (3)
- 9 It comes in a pod (3)
- 10 Spanish pooch (5)
- 11 Cryptic; hard to understand (8)
- 12 Type of conveyance threatened by Uber and Lyft (4)
- 14 1978 film musical based on a classic L. Frank Baum novel (3, 3)
- 16 Writ of ___ corpus (6)
- 17 Without warranty (2, 2)
- 18 Having one's feelings hurt (8)
- 22 Homeric epic poem about the Trojan War (5)
- 23 Collegiate URL suffix (3)
- 24 Blood-typing system (1, 1, 1)
- 25 Kind of writ to withhold part of a worker's wages (11)

DOWN

- 1 Kind of writ similar to attachment (13)
- 2 Snapshot (5)
- 3 Commonlaw version of writ of attachment (8)
- 4 One from Baghdad or Kirkuk (5)
- 5 "My mistake!" (4)
- 6 Statistic for a running back (7)
- 7 Have it down pat (4, 6, 3)
- 13 "The Sultan of Swat" (4, 4)
- 15 Using the egress (7)
- 19 Writ of ___ facias (5)
- 20 ___ Sawyer, former anchor of *ABC World News* (5)
- 21 Unpleasant smell (4)

Answers on page 426.

Alcohol and Drug Abuse Hotline

Director J.E. (Buddy) Stockwell III, 1(866)354-9334

1405 W. Causeway Approach, Mandeville, LA 70471-3045 • email jlapp@louisianajlap.com

Alexandria	Steven Cook.....(318)448-0082	Monroe	Robert A. Lee....(318)387-3872, (318)388-4472
Baton Rouge	Steven Adams.....(225)921-6690 (225)926-4333	New Orleans	Deborah Faust.....(504)304-1500 Donald Massey.....(504)585-0290 Dian Tooley.....(504)861-5682 (504)831-1838
Lafayette	David E. Cooley.....(225)753-3407	Lafayette	Alfred "Smitty" Landry.....(337)364-5408 (337)364-7626
	Thomas E. Guilbeau.....(337)232-7240	Shreveport	Michelle AndrePont.....(318)347-8532 Nancy Carol Snow.....(318)272-7547 William Kendig, Jr.(318)222-2772 (318)572-8260 (cell)
Lake Charles	James Lambert.....(337)233-8695 (337)235-1825		Steve Thomas.....(318)872-6250
	Thomas M. Bergstedt.....(337)558-5032		

The Judges and Lawyers Assistance Program, Inc. provides confidential assistance with problems such as alcoholism, substance abuse, mental health issues, gambling and all other addictions.

FOCUS ON Professionalism

By Marsha M. Wade

WELLNESS AND PROFESSIONALISM

“To be a good lawyer, one has to be a healthy lawyer.” This is the conclusion of the National Task Force on Lawyer Well-Being, a group formed by the American Bar Association (ABA) Commission on Lawyer Assistance Programs, the National Organization of Bar Counsel and the Association of Professional Responsibility Lawyers to explore solutions to the health crisis in the legal profession.

Over the years, there has been a growing concern that the legal profession has a problem with misuse of alcohol and drugs and that this is a factor in ethical violations and the decline of professionalism. Disciplinary complaints seemed to support this, but, without reliable data, it was difficult to know the extent of the problem or how to address it.

In 2014, the ABA Commission on Lawyer Assistance Programs, in collaboration with the Hazelden Betty Ford Foundation, conducted a national study to collect data on mental health and substance use rates among legal professionals. The study sample consisted of more than 12,000 practicing lawyers in 19 states. A report of the findings, “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys,” was published in 2016 in the *Journal of Addiction Medicine*. Read online at: https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx.

The results of the ABA/Hazelden study validated much of what had been suspected about the problems facing lawyers. Twenty-one percent of licensed, currently employed lawyers qualify as problem drinkers, 28 percent struggle with some level of depression, and 19 percent demonstrate symptoms of anxiety. Suicide, early death from the effects of alcohol and drug abuse, malpractice claims, mishandling of client funds and

disciplinary action are among the potential consequences when these health problems are not addressed.

While most lawyers do not have problems with substance abuse or mental health issues, all of us regularly experience conflict, incivility, unprofessional behavior, competitive pressures and a negative public perception of the profession. These sources of chronic stress have an adverse impact on our health and well-being and present a challenge to maintaining standards of professionalism we expect of ourselves and our colleagues.

The task force looked at results of the ABA/Hazelden study and at a similar study of law students conducted at the same time and determined that the levels of chronic stress and high rates of depression and substance use among lawyers and law students present a challenge to competency and professionalism and do not inspire public confidence in the profession.

“The Path to Lawyer Well-Being: Practical Recommendations for Positive Change” is the comprehensive plan for change developed by the task force. Read online at: <http://lawyerwellbeing.net>. It sets out action steps for each stakeholder group affiliated with the legal profession — judges, regulators, law firms, law schools, bar associations, professional liability carriers and lawyers assistance programs.

The plan is built around the following themes:

- ▶ identifying stakeholders and the role that each can play in reducing the level of toxicity in the profession;
- ▶ eliminating the stigma associated with help-seeking behaviors;
- ▶ emphasizing that well-being is an indispensable part of a lawyer’s duty of competence;
- ▶ educating lawyers, judges and law students on well-being issues; and

▶ taking steps toward incremental changes in how law is practiced and how lawyers are regulated to instill greater well-being in the profession.

ABA President Hilarie Bass appointed a working group to develop model law firm policies on lawyer well-being and suggested other possible steps, including mandatory law school courses on the importance of personal well-being. But we should not wait for stakeholder groups to act.

We have a professional responsibility to begin now to look out for our own health and well-being and that of our colleagues. Committing to habits of civility will help to reduce the toxic nature of the profession. Effective approaches to managing stress include physical exercise, yoga, meditation and spending time in nature. For those struggling with substance abuse or mental health issues, the Judges and Lawyers Assistance Program, Inc. provides confidential services.

There is at least one step each of us can take, starting today, to reduce unnecessary conflict and adopt a healthier pattern of living and working. Commit to your own wellness. Everyone benefits when we are healthy lawyers.

Marsha M. Wade is a member of the Louisiana State Bar Association’s Committee on the Profession and a volunteer for the LSBA’s Law School Professionalism Orientations for 1L students. She earned her JD degree from Louisiana State University Paul M.

Hebert Law Center. After a career in legislative and public policy work, including with the Louisiana Senate and the Louisiana Association for Justice, she devotes her efforts to promoting mindfulness and other wellness practices among the legal community, attempting, as much as possible, to lead by example. (mwade50@gmail.com; 1511 Richland Ave., Baton Rouge, LA 70808)



REPORT BY DISCIPLINARY COUNSEL

Public matters are reported to protect the public, inform the profession and deter misconduct. Reporting date Feb. 2, 2018.

Decisions

Adam Anthony Abdalla, Lafayette, (2017-B-0453) **Disbarment retroactive to interim suspension date of Oct. 22, 2014**, by order of the Louisiana Supreme Court on Oct. 18, 2017; rehearing denied. JUDGMENT FINAL and EFFECTIVE on Dec. 6, 2017. *Gist*: Commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer; conduct involving

dishonesty, fraud, deceit or misrepresentation; and violating or attempting to violate the Rules of Professional Conduct.

Andres H. Aguilar, Shreveport, (2017-B-1116) **Suspended for a period of one year and one day, with all but nine months deferred, retroactive to his interim suspension dated Aug. 2, 2017, to be followed by a two-year period of unsupervised probation**, by order of the Louisiana Supreme Court on Dec. 6, 2017. JUDGMENT FINAL and EFFEC-

TIVE on Dec. 20, 2017. *Gist*: Failure to exercise reasonable diligence; failure to communicate; improper withdrawal; solicitation; failure to cooperate with the Office of Disciplinary Counsel in its investigation; committing a criminal act; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and violating the Rules of Professional Conduct.

Erich Webb Bailey, Franklin, TN, (2017-B-1693) **Interim suspension**

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Legal & Judicial Ethics



William M. Ross
wmr@stanleyreuter.com

William "Billy" M. Ross has over 15 years of experience defending lawyers and judges in disciplinary matters, advising lawyers on their ethical duties, and providing representation in legal fee disputes and breakups of law firms. He is committed to advancing the legal profession through his work for clients, involvement with the LSBA, and participation in presentations on ethics and professional responsibility.

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Discipline continued from page 415

imposed by the Supreme Court of Tennessee made reciprocal in the State of Louisiana by order of the Louisiana Supreme Court on Dec. 15, 2017. JUDGMENT FINAL and EFFECTIVE on Dec. 15, 2017. He may not practice law in Louisiana until further notice.

Michael D. Cox, Bossier City, (2018-B-0059) **Interimly suspended** by order of the Louisiana Supreme Court on Jan. 24, 2018. JUDGMENT FINAL and EFFECTIVE on Jan. 24, 2018. He may not practice law until further orders from the Court.

Dounnisei Kuo Gbalazeh, Philadelphia, PA, (2016-B-1381) **Suspended for one year and one day** by order of the Louisiana Supreme Court on Dec. 5, 2017. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2017. *Gist:* Engaged in the unauthorized practice of law; failed to cooperate with the ODC in its investigation; and violated the Rules of

Professional Conduct.

Roger Wayne Kitchens, New Orleans, (2017-B-1870) **Consented to a suspension of three years** by order of the Louisiana Supreme Court on Dec. 15, 2017. JUDGMENT FINAL and EFFECTIVE on Dec. 15, 2017. *Gist:* Respondent engaged in professional misconduct, including neglecting his clients' legal matters; failing to communicate with his clients; failing to refund unearned fees; failing to return clients' files upon request; practicing law while ineligible to do so; and engaging in criminal conduct by driving under the influence of alcohol. Respondent also failed to cooperate with the ODC in its investigation.

Elise Marybeth LaMartina, Mandeville, (2017-B-0430) **Suspended for three years** by order of the Louisiana Supreme Court on Dec. 6, 2017. JUDGMENT FINAL and EFFECTIVE on Dec. 20, 2017. *Gist:* Respondent pleaded guilty to two shoplifting charges and failed to cooperate with the Office of the Disciplin-

ary Counsel in its investigation.

Joshua P. Melder, Baton Rouge, (2017-B-1922) **By consent, suspended from the practice of law for a period of one year and one day, with all but six months deferred, subject to probation**, by order of the Louisiana Supreme Court on Jan. 9, 2018. JUDGMENT FINAL and EFFECTIVE on Jan. 9, 2018. *Gist:* Commission of a criminal act, particularly one that reflects on the lawyer's fitness in other respects; and violating or attempting to violate the Rules of Professional Conduct.

Phil C. Nugent, New Orleans, (2017-B-1856) **By consent, suspended for a period of 18 months** by order of the Louisiana Supreme Court on Dec. 5, 2017. JUDGMENT FINAL and EFFECTIVE on Dec. 5, 2017. *Gist:* Bringing a meritless claim; conduct involving dishonesty, deceit and misrepresentation; conduct prejudicial to the administration of justice; and violating or attempting to violate the Rules of Professional Conduct.

Continued next page



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

The following is a verbatim report of the matters acted upon by the United States District Court for the Eastern District of Louisiana, pursuant to its Disciplinary Rules. This information is published at the request of that court, which is solely responsible for the accuracy of its content. This report is as of Feb. 1, 2018.

Respondent	Disposition	Date Filed	Docket No.
Joseph M. Bruno	(Reciprocal) Suspension.	12/19/17	17-11650
Peter B. Derouen	(Reciprocal) Disbarment.	1/3/18	17-12525
John Thomas Fuller IV	(Reciprocal) Public reprimand.	1/3/18	17-12523
Wayne E. Garrett	(Reciprocal) Suspension.	1/30/18	17-17188
Anthony T. Marshall	(Reciprocal) Interim suspension.	12/19/17	17-11782
Michael Louis Martin	(Reciprocal) Suspension.	1/3/18	17-12524
Alexandra E. Mora	(Reciprocal) Suspension.	1/18/18	17-9937
Phil C. Nugent	(Reciprocal) Suspension.	1/30/18	17-17187
Robert B. Purser	(Reciprocal) Disbarment.	12/19/17	17-11651
Richard C. Teissier	(Reciprocal) Disbarment.	1/3/18	17-12522
Kenneth M. Waguespack, Jr.	(Reciprocal) Disbarment.	1/30/18	17-17189
Kirk Anthony Williams	(Reciprocal) Public reprimand.	1/3/18	17-12521

Discipline continued from page 416

Darryl L. Robertson, Baton Rouge, (2017-B-1169) **Suspended for one year and one day** by order of the Louisiana Supreme Court on Nov. 28, 2017. JUDGMENT FINAL and EFFECTIVE on Dec. 12, 2017. *Gist*: Provided incompetent representation to a client; neglected a legal

matter causing a portion of his client's case to be dismissed; and failed to communicate with a client.

William A. Roe, New Orleans, (2017-OB-1862) **Readmitted to the practice of law** by order of the Louisiana Supreme Court on Dec. 15, 2017. JUDGMENT FINAL and EFFECTIVE on Dec. 15, 2017. Mr. Roe has demonstrated by clear and convincing evidence that he satisfies the criteria for readmission to the practice of law in the State of Louisiana.

Ali Zito Shields, Plaquemine, (2017-OB-1916) **Reinstated to the practice of law** by order of the Louisiana Supreme

Court on Jan. 9, 2018. JUDGMENT FINAL and EFFECTIVE on Jan. 9, 2018.

Timon V. Webre, New Orleans, (2017-B-1861) **Suspended for one year and one day, fully deferred, with one-year supervised probation**, by order of the Louisiana Supreme Court on Jan. 12, 2018. JUDGMENT FINAL and EFFECTIVE on Jan. 26, 2018. *Gist*: Respondent neglected his client's legal matter; failed to communicate with his client; failed to promptly refund an unearned fee; and mishandled his trust account.

No Admonitions for this issue.

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ATTORNEYS AT LAW

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Corrective Action, Presumption of Good Faith and Speculation at the GAO

Booz Allen Hamilton, Inc., B-414822.5, Oct. 13, 2017, 2017 CPD ¶ 315.

On June 19, 2017, Booz Allen Hamilton, Inc. protested the issuance of a task order to Raytheon Intelligence, Information & Services under Solicitation No. ID04160057 for services in support of the Army Research, Development and Engineering Command (Agency) at the Government Accountability Office (GAO). Ostensibly, Hamilton raised three primary protest grounds — (1) Raytheon had an un-mitigatable impaired-objectivity organizational conflict of interest (OCI) that should have disqualified it from award; (2) the Agency unreasonably evaluated the offerors' technical proposals; and (3) the Agency unreasonably evaluated the realism of Hamilton's proposed costs.

A protest is a written objection by an interested party to a solicitation or other federal agency request for bids or offers, cancellations of a solicitation or other request, award or proposed award of a contract, or termination of a contract if terminated due to alleged improprieties in the award. *See*, FAR subpart 33.101. Three fora are available to hear these challenges, and reasons for protesting in each are litigation-strategy dependent. The fora are the federal agency solicit-

ing the requirement; the Court of Federal Claims; and the GAO. The GAO adjudicates protests under the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. §§ 3551-56. The GAO hears the majority of reported protests, likely due to two unique characteristics of a GAO protest — the 100-day decision and the CICA automatic statutory stay of contract award. *See*, 31 U.S.C. §§ 3553(c)-(d); FAR subparts 33.104(b)-(c), (f).

On Aug. 30, 2017, the assigned GAO attorney conducted an outcome-prediction conference in response to a request by the Agency. An outcome-prediction

conference is when the GAO attorney assigned informs the parties of his or her views regarding whether the protest is likely to be sustained or denied in an effort to facilitate resolution without a formal decision by the GAO. *See*, 4. C.F.R. § 21.10(e); *First Coast Serv. Options, Inc.*, B-409295.4, *et al.*, Jan. 8, 2015, 2015 CPD ¶ 33 at 3. In this case, the GAO attorney advised he would likely draft a decision sustaining the protest concerning protest grounds 1 and 2.

Corrective Action

On Sept. 1, 2017, the Agency ad-

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vised the GAO that it decided to take corrective action in the procurement. Specifically, the Agency stated it would:

[r]eview the scope of its analysis of Organizational Conflicts of Interest (OCI) and correct and/or supplement that analysis and/or take other action as it deems necessary to ensure the OCI analysis sufficiently addresses the impaired objectivity OCI concerns or otherwise satisfies the Federal Acquisition Regulation subpart 9.5. [Agency] also intended to review the evaluation record with respect to OCIs and Raytheon's proposal and Oral Question and Answers (Oral Q&A), with respect to both Raytheon and Hamilton proposals regarding Oral Q&A 18, to ensure they were evaluated in accordance with the stated evaluation criteria and perform evaluation(s) as it deems

appropriate. Based on the corrective action results, [Agency] will make any required adjustments to the Quality Infused Pricing values and/or the determination of the offeror representing the best value.

Booz Allen Hamilton, Inc., B-414822.5, Oct. 13, 2017, 2017 CPD ¶ 315 at 3.

On Sept. 8, 2017, the GAO dismissed the initial protests as academic based on the Agency's proposed corrective action. On Sept. 11, 2017, Hamilton filed its protest challenging the terms of the corrective action, alleging that the Agency's corrective action could "be interpreted in a manner that allow[ed] the Agency to not undertake [corrective action] that addresses the protester's concerns regarding OCIs and the technical evaluation." Nonetheless, on Oct. 13, 2017, the GAO dismissed Hamilton's protest for essentially failing to state a legal and factual basis.

Corrective Action, Good Faith and Speculation

In rendering its decision, the GAO reiterated two protest maxims — the corrective-action standard and the presumption of good faith. First, agencies have broad discretion to take corrective action. *See, MSC Indus. Direct Co., Inc.*, B-411533.2, *et al.*, Oct. 9, 2015, 2015 CPD ¶ 316 at 5. Corrective action need not address every protest ground, but must render the protest academic by granting the requested relief. *See, SOS Int'l, Ltd.*, B-407778.2, Jan. 9, 2013, 2013 CPD ¶ 28 at 2-3. A protest is rendered academic where a protester will be eligible for award in the agency's corrective action. *See, Best Foam Fabricators, Inc.*, B-274803, Oct. 28, 1996, 97-1 CPD ¶ 152 at 1. In Hamilton's case, the GAO found that Hamilton's arguments did not provide a valid legal or factual basis to conclude that "the agency's proposed corrective action failed to render the protest academic," as Hamilton

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would be eligible for award based on the agency's corrective action, and concluded that Hamilton failed to state a valid basis for protesting.

Second, in response to Hamilton's argument that the Agency was "not committing to any reevaluation of Raytheon's impaired objectivity," and that the Agency's promise to reevaluate the offerors' technical proposals was just an "illusory promise," the GAO reminded Hamilton that government officials are presumed to act in good faith. In that regard, the GAO noted that an allegation that procurement officials are motivated by bias or bad faith must be supported by convincing proof and the GAO will not consider unsupported speculative allegations. *See, BAE Sys. Tech. Solutions & Servs., Inc.*, B-409914, *et al.*, Sept. 16, 2014, 2014 CPD ¶ 322 at 11. Here, the GAO found that "to the extent [Hamilton] is concerned that the agency's 'review' of the evaluation record

might affirm the award to Raytheon, such is the case with all proposed [corrective action]." Furthermore, the GAO did not take the Agency's corrective action to mean the Agency could elect to utterly ignore the evaluation issues identified in the corrective action. Therefore, the GAO found Hamilton's arguments "merely anticipate adverse actions by the agency, and are thus premature," and dismissed the protest.

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

—**Bruce L. Mayeaux**
Major, Judge Advocate
U.S. Army
Member, LSBA Administrative
Law Section



Appellate Jurisdiction

Joseph v. Wasserman, 17-0603 (La. App. 4 Cir. 1/10/18), ___ So.3d ___, 2018 WL 360539; *Forstall v. City of New Orleans*, 17-0414 (La. App. 4 Cir. 1/17/18), ___ So.3d ___, 2018 WL 459870.

The Louisiana 4th Circuit Court of Appeal recently issued two opinions that provide a helpful reminder that courts of appeal have a duty to determine if they have subject matter jurisdiction, regardless of whether the parties raise the issue. One of the opinions also provides a good example of the traps that can await parties if they do not make sure, before proceeding, that a court of appeal has appellate jurisdiction over a judgment.

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The first case, *Joseph v. Wasserman*, involved a legal malpractice action. While the case was pending, the plaintiffs became involved in bankruptcy proceedings. The defendant filed an exception of no right of action, alleging that the plaintiffs' bankruptcy trustee was the real party in interest. The trial court sustained the exception "conditionally," pending the intervention of the bankruptcy trustee.

On appeal, the 4th Circuit found that it lacked subject matter jurisdiction and dismissed the appeal. At issue was whether the judgment was "precise, definite and certain," an essential element of finality. According to the court, "a conditional judgment, order or decree, the finality of which depends on certain contingencies which may or may not occur, is not final for the purposes of appeal." Based on that principle, the court found that the judgment lacked finality because it conditionally sustained the defendant's exception.

The defendant urged the court to consider the appeal because the condition in the judgment, the intervention of the bankruptcy trustee, had occurred. However, the court rejected this argument because the occurrence of the condition did not change the conditional nature of the ruling. The court also declined to convert the appeal to a writ application, finding that the defendant had an adequate remedy from an appeal of the final judgment.

The second case, *Forstall v. City of New Orleans*, involved an action by plaintiff to quiet a tax sale on immovable property. Plaintiffs brought the action against the City of New Orleans and another putative owner, alleging that they were the owners of the property in question because a prior tax sale by the City was null for lack of notice. Two judgments were at issue. The first judgment granted the other putative owner's motion for summary judgment and dismissed the putative owner. The second judgment was rendered after a bifurcated bench trial and involved solely the issue of whether the tax sale was null.

The court began its discussion of the judgments by noting that both judgments were partial judgments because they decided less than all issues in the case. Therefore, the question of whether the

judgments were final depended on La. C.C.P. art. 1915.

The court had no trouble determining that the first judgment was a final judgment because the judgment dismissed a party. The judgment was therefore final and appealable pursuant to art. 1915(A) (1) without being designated as a final judgment. However, the second judgment was more problematic.

The second judgment decided one of three issues in the bifurcated trial, the other two being whether the plaintiffs had title to the property in question, and whether any taxes or tax refunds were due plaintiffs. Unlike the first judgment, the second judgment did not dismiss a party. As a result, it was not appealable unless expressly designated as appealable under art. 1915(B) after a determination that there was no just reason for delay. The trial court made no such certification in the judgment. Therefore, the judgment was not final and appealable.

The court then noted that it could review the judgment under its supervisory jurisdiction if the appeal was filed within the deadline for filing applications for supervisory writs. However, plaintiffs failed to file their motion for appeal within the deadline. Plaintiffs' motion was timely for appeal purposes because they had filed a motion for new trial, which was denied, and they filed their motion within 60 days of the judgment denying the motion for new trial. However, the pendency of the motion for new trial had no effect on the deadline for applying for supervisory writs, which expired 30 days after the judgment was rendered. Because plaintiffs failed to file their motion for appeal within that deadline, the court could not consider their appeal under its supervisory jurisdiction.

The *Forstall* case illustrates that if a party is not careful to determine whether a judgment is final before attempting an appeal, it may find itself with no remedy in the court of appeal, whether by appellate or supervisory review.

—**Scott H. Mason**

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Statement of Financial Condition

Haler v. Boyington Capital Group, L.L.C. (Matter of Haler), 708 F. App'x 836 (5 Cir. 2017).

Randall Haler was an executive of an aircraft repair business. Boyington Capital Group, a potential customer, paid approximately \$400,000 for repairs, but later terminated the contract. Haler agreed to refund Boyington for the work that had not been completed, but never tendered payment. Boyington brought a state court suit for fraud, wherein a Boyington representative testified that Haler had expressed that the company was in “very fine legally (sic) financial shape” with “plenty of cash to operate [the] business during the term that [it]

was working on” the aircraft. The suit resulted in a judgment in favor of Boyington, and Haler subsequently filed a Chapter 7 bankruptcy proceeding.

Boyington initiated an adversary proceeding, requesting the court enter a judgment finding the state court judgment non-dischargeable as a debt incurred by a false representation. The court granted the motion, which was affirmed by the district court.

On appeal, the 5th Circuit noted that Section 523(a)(2)(A) of the Bankruptcy Code exempts from discharge debts incurred as the result of the debtor’s fraud or false representations, but does not exempt from discharge debts incurred by false oral statements regarding the debtor’s or insider’s financial condition. Therefore, if Haler’s oral statements constituted “statements of financial condition,” the debt would be dischargeable.

The 5th Circuit, in line with the 10th Circuit, defines statements respecting financial conditions as those that “purport to present a picture of the debtor’s overall financial health.” It further held that “financial condition” means the overall financial condition of the entity, which is “the overall value of property and income as compared to debt and liabilities.” Interestingly, the 5th Circuit continued that, conversely, an oral statement regarding a single asset (rather than the overall entity) would not constitute a statement regarding a debtor’s financial condition, and therefore, such debt would be exempt from discharge under section 523(a)(2)(A).

Because the court found that Haler’s statements were not in writing and represented the condition of the overall health of the company (not a specific asset), it was a statement of financial condition and, therefore, the debt was dischargeable.

The 5th and 10th Circuits, on the one hand, have held that orally misrepresenting the financial condition of a single asset can result in a finding of non-dischargeability. The 11th and 4th Circuits, on the other hand, have held that a false oral statement regarding a single asset must be in writing in order to constitute a statement of “financial condition” to result in a finding of non-dischargeability. On Jan. 12, 2018, the U.S. Supreme Court granted certiorari in an 11th Circuit case in which

the Court will resolve the circuit split.

Frivolous Appeal

Kenneth Michael Wright, L.L.C. v. Kite Bros., L.L.C. (Matter of Kite), 710 Fed. App'x 628 (5 Cir. 2018).

In *Kite*, the bankruptcy court denied the objection of a creditor who challenged the allowance of another creditor’s state-court-judgment-related claim against the debtor. The objecting creditor filed a notice of appeal one day after the 14-day appeal deadline, and appellees filed a motion to dismiss the appeal as untimely and frivolous because the appeal raised issues that had already been determined by the district and state courts. The district court granted the motion and awarded sanctions for filing an untimely and frivolous appeal.

On appeal to the 5th Circuit, appellant argued that the rule providing the 14-day limit to file a notice of appeal is not jurisdictional, and that the appeal was not frivolous. The appellees filed another motion for sanctions, arguing that the issues raised in the appeal to the 5th Circuit were similarly frivolous.

The 5th Circuit first noted that it, and every other circuit, has held that failing to timely file a notice of appeal within the 14-day time limit strips the court of jurisdiction to hear the appeal. The court cited to other circuits, stating that no other court had held otherwise, and thus the appeal was untimely.

In determining the frivolity of the appeal, the court considered whether “the result is obvious, or the arguments of error are wholly without merit and the appeal is taken in the face of clear, unambiguous, dispositive holdings of this and other appellate courts.” Because here, the result of the appeal was obvious, *i.e.*, the court did not have jurisdiction to hear the appeal and the issues raised had already been litigated, the appeal was frivolous. The court, therefore, affirmed the district court’s order imposing sanctions.

On the issue of sanctions with respect to the 5th Circuit appeal, the court used the same standard to determine the frivolity of the filing. The court noted that the result of this appeal was similarly obvious because appellant filed its notice of appeal outside

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the 14-day period depriving the court of jurisdiction. Also, the district court provided fair notice of the “ample legal authority” holding against the appellant’s position on the timeliness issue. Nevertheless, the appellant still appealed the sanctions order with no indication that it had advanced its legal position with a good faith belief that the appeal was justified. Although the court found that the second appeal was also frivolous, the court imposed only one dollar in nominal damages, plus double costs, against the appellant, but not its counsel.

—**Cherie Dessauer Nobles**
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Interim Spousal Support

Larson v. Larson, 16-0695 (La. App. 5 Cir. 10/25/17), 229 So.3d 1043.

Although Mr. Larson argued that Ms. Larson had income and assets such that she was not entitled to interim spousal support, the court found that he failed to prove that she did, and, because she was in need and he had the ability to pay, ordered him to pay interim spousal support to her. Due to changes in the parties’ employment, the award was broken into two segments, based on when Mr. Larson lost his job, and then was re-employed. Because no request for final spousal support was pending at the time of the divorce, her interim spousal support award terminated on the divorce, and the court’s order that it extend past the date of the divorce was reversed. The trial court was correct in not assessing her share

of his retirement benefits to her as income as she was not yet receiving those benefits. The trial court did not err in granting both his rule to reduce child support and her motion to increase child support, since the motions addressed different points in time but were heard on the same date.

Spousal Support

Taylor v. Taylor, 16-1682 (La. App. 1 Cir. 9/15/17), 227 So.3d 844.

Although the trial court awarded Ms. Taylor spousal-support arrearages based on an agreement between the parties, because that agreement was not entered into evidence at the hearing, the court of appeal vacated the judgment and remanded for additional proceedings. Although the agreement had been attached to her rule, it was not actually introduced into evidence.

Child Support

Martinez v. Martinez, 17-0074 (La. App. 3 Cir. 10/4/17), 228 So.3d 764.

The trial court did not err in denying Mr. Martinez’s motion to reduce his child support obligation, finding that he was voluntarily underemployed. Although he lost his

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job as a tenured professor, he was partly at fault for failing to fill out paperwork; he had also declined to accept another professorial position that had been offered to him. There was no error in the trial court's questioning him, as trial courts are allowed to question witnesses.

Guardianship

In re L.M.M., 17-0345 (La. App. 5 Cir. 10/25/17), 230 So.3d 301, writ granted, 17-1988 (La. 2/9/18), 2018 WL 987699.

The trial court granted the biological mother's petition to terminate the guardianship of the paternal aunt, which petition had alleged numerous changes in the mother's situation, particularly, that she had been drug-free for over a year, had steady employment and was living in a stable environment. The court of appeal reversed, finding that the modification standard for a guardianship was controlled by Louisiana Children's Code article 74(D), which requires a showing of a substantial and material change in the circumstances of the guardian or child; the mother had only alleged changes in her own circum-

stances and had failed to show material changes in those of the guardian or the child. The child was doing well under the guardian's protection. The court of appeal noted that both custody evaluators failed to evaluate the situation under the appropriate standard.

Although the mother also alleged that the judgment of guardianship should be annulled for fraud and ill practice, the court of appeal noted that she had made the judgment, originally issued in Mississippi, a valid judgment in Louisiana and had failed to appeal or challenge it then; she was thus precluded from challenging it in this matter. The court of appeal reversed the trial court's order, reinstated the paternal aunt's guardianship and remanded for the court to set a visitation schedule for the mother.

—David M. Prados

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Salty Flavor of Maritime Contracts

Larry Doiron, Inc. v. Specialty Rental Tools & Supply, L.L.P., 879 F.3d 568 (5 Cir. 2018).

Apache Corporation and Specialty Rental entered into a master services contract (MSC). The MSC does not describe individual tasks but operates as a broadform blanket agreement that contemplates future tasks to be performed under subsequent work orders to be agreed upon as necessary. The MSC contains an indemnification provision that requires Specialty to defend and indemnify Apache and its "Company Group" against all claims for property damage or bodily injury.



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Joe Giarrusso joined BKC as of counsel in 2018. After a year-long appellate clerkship, he went into private practice extensively litigating cases in state and federal court for the next fifteen years. Joe will continue his general litigation practice at the firm, focusing his practice on litigation in all Louisiana state courts.

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Sometime thereafter, Apache hired Specialty to perform flow-back services on its offshore well located on a fixed production platform in the Atchafalaya Basin. The services were arranged by an oral work order, without written agreement. Peter Savoie, a Specialty employee, was sent to supervise the work. After the first unsuccessful day, Savoie informed Apache's representative that additional equipment was needed to continue the operation, requiring a crane to lift it to the wellhead. Apache arranged for Larry Doiron, Inc. to provide and operate the crane barge POGO. While "rigging down" after the second unsuccessful day, Savoie was struck by the crane and knocked to platform deck eight feet below, suffering injury.

Anticipating a claim, Doiron filed a limitation of liability proceeding. Savoie filed a claim, and Doiron, as Apache's contractor, filed a third-party complaint against Specialty, seeking indemnity under the terms of the MSC. Doiron moved for summary judgment, declaring that it was entitled to indemnity from Specialty under the MSC. Specialty filed a cross-motion for summary judgment seeking a determination that it owed no indemnity. The issue presented was whether the MSC was a maritime contract. If so, general maritime law would permit enforcement of the indemnity provision. If not, Louisiana law controlled, and the Louisiana Oilfield Indemnity Act, La. R.S. 9:2780(A), precluded indemnity. The district court concluded that maritime law applied and awarded indemnity. On appeal, a panel of the 5th Circuit

affirmed; a majority of the active judges voted to hear the case *en banc*.

In reaching its conclusion, the district court relied on the six-factor test enunciated in *Davis & Sons v. Gulf Oil Corp.*, 919 F.2d 313, 316 (5 Cir. 1990):

- 1) What does the specific work order in effect at the time of injury provide?
- 2) What work did the crew assigned under the work order actually do?
- 3) Was the crew assigned to work aboard a vessel in navigable waters?
- 4) To what extent did the work being done relate to the mission of that vessel?
- 5) What was the principal work of the injured worker?
- 6) What work was the injured worker actually doing at the time of injury?

Writing for the majority, Judge Davis noted that several judges and legal scholars have criticized this approach as confusing and concluded that "most of the prongs of the *Davis & Sons* test are unnecessary and unduly complicate the determination of whether a contract is maritime." *Doiron*, 879 F.3d at 572. Instead, the court relied on *Norfolk Southern Railway Co. v. Kirby*, 125 S.Ct. 385 (2004), which the court said "lights a path to a simpler, more straightforward method for determining whether a contract is maritime and avoids most of the unnecessary analysis required by *Davis & Sons*." *Doiron*, 869 F.3d at 574.

In *Kirby*, goods were transported by ship from Australia to Savannah, Ga., thence by rail to Huntsville, Ala., under two coextensive bills of lading. The question was whether a suit to recover for goods damaged during the land leg of journey fell within the Court's admiralty jurisdiction. The Court found that both bills of lading were maritime contracts because their primary objective was "to accomplish the transportation of goods by sea from Australia to the eastern coast of the United States." *Kirby*, 125 S.Ct. at 388. The Court stated that it could not look to "whether a ship or other vessel was involved in the dispute," as it would in a putative maritime tort case, or "simply look to the place of the

contract's formation or performance." Instead, it held that the answer "depends upon . . . the nature and character of the contract." According to the Court, "the true criterion is whether it has reference to maritime service or maritime transactions." *Id.* at 393.

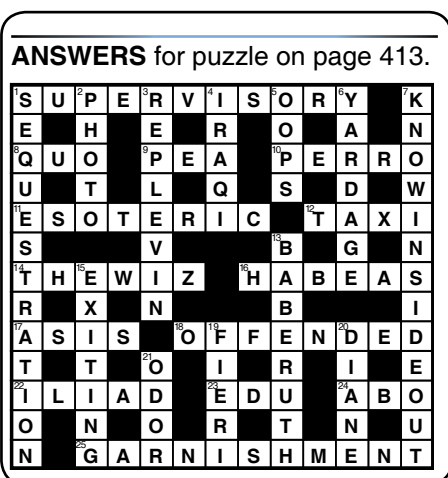
In *Doiron*, the 5th Circuit used the principles of *Kirby* — that contract, rather than tort, principles should be used to determine whether a contract being sued on is maritime. Based on those principles, the 5th Circuit adopted a two-pronged test to determine whether a contract in this context is maritime:

First, is the contract one to provide services to facilitate the drilling or production of oil and gas on navigable waters? Second, if the answer to the above question is "yes," does the contract provide or do the parties expect that a vessel will play a substantial role in the completion of the contract? If so, the contract is maritime in nature. *Doiron*, 879 F.3d at 575-76.

Applying this test, the court found that the "use of the vessel to lift the equipment was an insubstantial part of the job and not work the parties expected to be performed." Thus, the court held the contract was non-maritime and controlled by Louisiana law, and the Oilfield Indemnity Act barred indemnity. *Id.* at 577.

Among all the criteria considered in these opinions, surely the most succinct (and charming) is Justice Harlan's observation that "the situation presented here has a more genuinely salty flavor." *Kossick v. United Fruit Co.*, 81 S.Ct. 886, 894 (1961), quoted by Justice O'Connor in *Kirby*.

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**Labor and
Employment
Law**

Update on Transgender Protections under Title VII

Tudor v. Se. Okla. State Univ., No. CIV-15-324-C, 2017 WL 4849118 (W.D. Okla. Oct. 26, 2017).

Courts continue to address whether Title VII protects transgender individuals against sex discrimination — with major consequences for employers. Recently, a federal district court in Oklahoma answered “yes,” and a \$1.165 million jury award against Southeastern Oklahoma State University soon followed.

The university hired Dr. Rachel Tudor as a tenure-track assistant professor in the English Department in 2004. Although Tudor presented as a man at

that time, several years later, she began transitioning to female and notified the university of her transition. Tudor alleged in the complaint that the university prohibited her from using the women’s restroom, restricted her wardrobe and makeup, and informed her that a certain administrator considered transgender individuals a “grave offense to his [religious] sensibilities.” When Tudor applied for tenure in 2009, the faculty tenure committee recommended that she receive tenure, but the administration rejected the recommendation. Although Tudor requested a reason for the rejection, the university refused. Later, Tudor filed a grievance with the university and sent a letter to the U.S. Department of Education complaining about alleged discrimination. Subsequently, the university denied Tudor the opportunity to re-apply for tenure and discharged her for failure to attain tenure before her seventh year of employment, as required by university rules. Tudor sued, alleging sex discrimination, hostile work environment and retaliation under Title VII.

On a motion for summary judgment, the university revived its earlier argument that Tudor could not establish a Title VII claim because 10th Circuit precedent holds that Title VII does not bar discrimination based solely on transgender status. The court gave short shrift to this argument and referred to its earlier decision allowing Tudor to proceed on a sex-stereotyping theory, which prohibits sex discrimination against individuals whose behavior does not conform to gender stereotypes. The court then found sufficient evidence of pretext in support of Tudor’s sex discrimination claim, noting her allegations of “substantial procedural irregularities in the decision to deny her tenure” and the refusal of several university decision-makers to provide her with reasons for the denial.

The court also allowed Tudor’s hostile work environment claim to proceed to trial based on her allegations that the university refused to let her use the women’s restroom and restricted her clothing and makeup, and that university administrators improperly referred to her

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with male pronouns. Further, the court rejected the argument that Tudor failed to take advantage of preventive and corrective opportunities by failing to report the alleged harassment and concluded that the university could not invoke the *Faragher/Ellerth* defense because its harassment and discrimination policies did not address transgender individuals.

Similarly, the court found that Tudor presented sufficient evidence of retaliation based on her allegation that the university refused to let her re-apply for tenure after she filed an internal grievance and sent a letter to the U.S. Department of Education complaining about discrimination.

Although the jury ultimately rejected Tudor's hostile-work-environment claim, its \$1.1 million award based on her claims of sex discrimination and retaliation highlights the potential exposure for employers in discrimination lawsuits by transgender employees. Further, *Tudor* shows that employers should develop and implement specific policies addressing discrimination against transgender employees to increase their chances of a successful *Faragher/Ellerth* defense.

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Oil Pollution Act

United States v. American Commercial Lines, L.L.C., 875 F.3d 170 (5 Cir. 2017).

Oil was spilled into the Mississippi River from a barge owned by American Commercial Lines, but operated by DRD Towing. Later, the parties disputed the extent of American's liability under the Oil Pollution Act (OPA). The OPA states that "each responsible party for a vessel or a facility from which oil is discharged . . . is liable for the removal costs and damages . . . that result from such incident." 33 U.S.C. § 2702(a). For spills from vessels, the "responsible party" is "any person owning, operating, or demise chartering the vessel." 33 U.S.C. § 2701(32)(A). American was a person "owning . . . the vessel," but American argued that a "third party" defense available under OPA protected it from liability because Towing caused the spill. The United States 5th Circuit disagreed, concluding that this defense does not shield a "responsible party" if a third party's conduct that causes a spill

is "in connection with any contractual relationship with the responsible party." The court concluded that conduct is "in connection" with a contract if the conduct "would not have occurred but for that contractual relationship." Here, the third-party defense did not apply.

American also argued that the quantum of its liability was capped by a limitation on liability that is contained in the OPA. Again, the court disagreed. The liability cap does not protect a party that causes a discharge by gross negligence, willful misconduct or a violation of federal regulations. Here, multiple regulatory violations by Towing appear to have contributed to the accident. The court essentially attributed that conduct to American for purposes of determining whether the cap applied. The court held that a responsible party's liability is not capped under the OPA if a spill is caused by the gross negligence, willful misconduct or regulatory violation of a person who commits such an act "in the course of carrying out the terms of the contractual relationship with the responsible party."

Prescription of Nonuse

Black River Crawfish Farms, L.L.C. v. King, No. 17-0672 (La. App. 3 Cir. 2/7/18), 2018 WL 739408.

The plaintiffs acquired ownership of land in Concordia Parish in 2003. The defendants previously had been owners of a mineral servitude that covered this land, but the servitude had terminated by prescription of nonuse in 2000. The plaintiffs brought suit, alleging that the land was contaminated and seeking restoration of the property pursuant to Louisiana Mineral Code article 22. The defendants sought dismissal based on various grounds. The district court rejected the subsequent-purchaser defense, reasoning that the obligations of a servitude owner are real obligations that follow the property, but the court dismissed based on "prescription of nonuse." On appeal, the Louisiana 3rd Circuit stated that the objection on which the defendants obtained dismissal should have been characterized as an exception of no right of action, rather than prescription,

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but the appellate court affirmed the dismissal. The court explained that a real obligation, such as a servitude owner's obligation to restore the property, cannot exist without a real right. Thus, when the defendants' servitude terminated by prescription of nonuse, their duty to restore terminated. Because this occurred before the plaintiffs acquired the property, they never acquired a right of action against the defendants.

Attorney's Fees

J&L Family, L.L.C. v. BHP Billiton Petroleum Properties (N.A.), L.P., No. 16-1193 (W.D. La. 2/6/18), 2018 WL 734684.

Plaintiff owns land within two compulsory drilling units operated by BHP Billiton. Plaintiff brought various claims, including claims for alleged underpayments on production and relief for alleged breaches of a statute requiring that certain information appear on check stubs of certain oil and gas payments. The defendants sought a partial summary judgment that the plaintiffs were not entitled to attorney's fees under any of plaintiff's four theories. The court noted that, under Louisiana law, an award of attorney's fees is not proper unless it is authorized by statute or contract. The court then considered the plaintiff's theories. First, following U.S. 5th Circuit jurisprudence, the district court held that the owner of unleased land in a production unit is not the owner of a production payment or a royalty. Thus, the plaintiffs were not entitled to attorney's fees

under Mineral Code arts. 212.21-23. Second, because there was no contract between the parties, the court held that the plaintiffs were not entitled to attorney's fees under La. Civ.C. art. 1958, which authorizes such fees for a party that is entitled to rescission of a contract on grounds of fraud. Further, the court rejected the plaintiffs' argument that, by analogy, the Civil Code article would support an award of attorney's fees if a party is obligated in quasi-contract. Third, because La. Civ.C. art. 2315 does not authorize attorney's fees for tort claims, the court held that the plaintiffs were not entitled to attorney's fees for "tort fraud." Finally, the court held that, because Mineral Code art. 212.31 (which requires that certain information be contained on check stubs) does not authorize attorney's fees, the plaintiffs could not recover attorney's fees under that statute.

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Prescription

In re Medical Review Panel Proceedings of Glover, 17-0201 (La. App. 5 Cir. 10/25/17), 229 So.3d 655.

Ms. Glover died at Ochsner Clinic on April 12, 2015. A June 17 autopsy report revealed the primary cause of her death to be chemical peritonitis caused by a dislodged PEG tube.

A *pro se* panel request was filed on April 11, 2016, against Ochsner and "Dr. Obie" or "Dr. Arden." The PCF responded that Ochsner was "qualified" but that complete names of doctors and the filing fees "must be" provided within 45 days of the April 15 postmark of its letter, *i.e.*, May 31.

On May 27, plaintiffs' counsel amended the complaint by fully identifying Dr. Obie and adding three respondents. The amendment and a copy of the fee check were fax filed, and the check and amendment were sent via certified mail. The mailed originals were received June 2, and on that same date the PCF sent the plaintiff a letter advising that her original filing was "invalid and without effect" because the fees and "complete name" of either doctor were not timely provided. Then, on June 8, the PCF acknowledged that it received the May 27 request and filing fees, and it confirmed that all five defendants were qualified.

The defendants then filed an exception of prescription to dismiss the original and amended complaint as untimely. The defendants argued that the initial request filed on April 11 was invalid and that prescription was not suspended. The trial court sustained the exception of prescription.

On appeal, the plaintiffs argued that the original request of April 11 was not untimely because the fee was sent by certified mail on May 27, within 45 days of the postmark of the PCF's April 15 letter. Thus, prescription was suspended

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against all joint and solidary obligors. The defendants responded that, despite fees having been “mailed” within 45 days, they were not “received” until after 45 days, as required by La. R.S. 40:1231.8(A)(1)(c).

In 2015, when these events occurred, La. R.S. 40:1231.8(A)(1)(c) stated that a claimant “shall have 45 days from the mailing date of receipt of the request for review” to pay the fees. (N.B. The statute was amended in 2016 to provide that a claimant must pay the fee 45 days from the date of receipt of the PCF letter.) The court referenced La. R.S. 40:1231.8(e), which provided that failure to timely pay fees rendered invalid the complaint and did not suspend prescription, whereas La. R.S. 40:1231.8(A)(1)(c) did not specify whether a payment sent by certified mail within 45 days was compliant with the requirement “to pay,” or whether the payment had to be received within the 45-day period. “Interpretation of the term ‘to pay’ is crucial to a determination of whether the filing fee was timely paid.” *Id.* at 660.

The defendants relied on *In re Benjamin*, 14-0192 (La. App. 5 Cir. 11/25/94), 165 So.3d 161, wherein a plaintiff thrice sent by certified mail his filing fees — the first returned for insufficient postage, the second for insufficient funds, and the third received long after the 45-day period. The 5th Circuit

found that the fees were not timely paid, ruling that “the filing fees must be received, within 45 days from the mailing date of the confirmation.” *Id.* at 164.

The plaintiffs countered with *Davis v. State Health Sciences Center-Shreveport*, 41,273 (La. App. 2 Cir. 8/25/06), 939 So.2d 539. Davis mailed her filing fee via United States Express Mail prior to the 45-day expiration, but it was received after the 45-day period. The 2nd Circuit, reversing the trial court’s grant of prescription, found that the “mailbox rule” should apply, reasoning that, while the statute was not specific, “the filing of the complaint and the payment of the fee are inexorably joined . . . and that statute provides a mailbox rule for filing the complaint.” *Id.* at 543. Thus, “it is logical that the same mailbox rule would apply to the 45-day period for paying the [filing] fee.” *Id.*

In *Glover*, the court found the facts more akin to *Davis* than *Benjamin*. It acknowledged its dicta in *Benjamin* that payment occurs when the fees are received by the PCF, but that statement was not germane to the case at bar, as the payment in *Benjamin* was not properly mailed prior to the deadline. Thus, the mailbox rule applied to the instant case.

The court then discussed prescription in the wrongful death and survival actions. Wrongful death actions begin to

run on the date of injury and thus cannot arise until the victim dies. Ms. Glover died on April 12, 2015, and the panel request was filed within one year of death. Therefore, the trial court erred by granting an exception of prescription for the death claim.

Survival actions arise simultaneously with the tort and are not transmitted to the beneficiaries until the victim’s death. *Taylor v. Giddens*, 92-3054 (La. 5/24/93), 618 So.2d 834, 840. La. R.S. 9:5628 is the one year/three year “prescriptive” statute. A discussion of the “tripartite prescriptive provision” was provided by the court. Space limitations prevent full discussion here, but the *Glover* court found that, during the time the patient was hospitalized, the treating physicians continued to advise the family that they were providing good care. The earliest date the survival action could have started to run was the date of death. Therefore, the trial court erred by granting the exception of prescription for the survival action.

—Robert J. David

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Purchases Found to Not Qualify for Sale for Resale Exclusion

Impala Terminals Burnside, L.L.C. v. West, BTA Docket No. L00189 (2/8/18).

The Ascension Parish Sales & Use Tax Authority and the Louisiana Department of Revenue (collectively the Respondents) conducted a sales/use tax audit of Impala Terminals Burnside, L.L.C. Respondents asserted Impala failed to pay sales taxes on assets purchased in Ascension Parish and proposed to assess sales tax on the transactions. Impala paid the taxes under protest and filed suit to recover at the Louisiana Board of Tax Appeals. Impala contended that the assets were purchased for resale to the Ascension Parish Industrial Development Board (AIDB) and thus were not subject to sales/use tax.

The dispute arose from a sale-leaseback agreement between Impala and AIDB. In 2011, Impala decided to construct and operate a bulk multi-modal terminal in Ascension Parish to facilitate the transfer of commodities. Based on a need for capital and certain tax benefits, Impala sought the assistance of AIDB in financing the development of the project. Through a series of agreements, Impala transferred the project to AIDB, and AIDB leased the project back to Impala. Impala claimed that it was obligated to transfer ownership of all property it acquired and installed at the facility to AIDB pursuant to a lease agreement.

Respondents moved for partial summary judgment asserting that: 1) the assets were not purchased for resale, and 2) Impala failed to obtain a Resale Dealer Exemption Certificate as required under Louisiana law. Impala filed a cross motion for summary judgment.

The Board found that the failure to obtain a resale certificate does not constitute a failure to strictly comply with the rules and regulations to qualify a transaction for

the sale-for-resale exclusion. Respondents' motion was denied to the extent it sought a declaration that Impala was required to obtain an advance resale certificate to avail itself of the sale-for-resale exclusion.

The next question before the Board was whether Impala purchased the assets for the purpose of resale as tangible personal property. The lease gave Impala the right to possess and operate the project; however, the Board noted that there was no suggestion Impala purchased the assets and then surveyed the market for a secondary purchaser. The Board found that Impala did not establish a dealer-purchaser relationship with AIDB. Instead, the Board found that Impala established a relationship with AIDB "because of the need for capital and because of the potential tax benefits." The accounting and tax-reporting treatment of the assets was also found not to support Impala's contention that it intended to resell the assets to AIDB as Impala (1) listed the assets on its books as if it were the owner; (2) did not report the sales on its tax returns either as deductions or as gross sales; and (3) failed to obtain resale certificates to show an intent to resell the assets. The Board found that the sole reason for the transfer title of the project to AIDB was to provide tax advantages to Impala so Impala would not have to pay property taxes on the project property as well as income tax on the income received from the bonds. The Board granted Respondents' motion for partial summary judgment, holding that the assets were not purchased for resale, and denied Impala's cross motion.

—**Antonio Charles Ferachi**
Member, LSBA Taxation Section
Director, Litigation Division
Louisiana Department of Revenue
617 North Third St.
Baton Rouge, LA 70821

Supreme Court May Overturn *Quill*

State v. Wayfair, Inc., 901 N.W.2d 754, cert. granted sub nom. *S. Dakota v. Wayfair, Inc.*, 138 S.Ct. 735 (2018).

The Supreme Court recently granted South Dakota's petition for certiorari in

South Dakota v. Wayfair, Inc., setting the stage for a long-awaited challenge to the rule of *Quill v. North Dakota*, 504 U.S. 298 (1992). Since 1992, *Quill* has prohibited states from requiring out-of-state vendors that do not have a physical presence in the taxing jurisdiction to collect and remit use tax on Internet sales. In the aftermath of *Quill*, cash-strapped states have increasingly sought to create legislative or regulatory workarounds that would allow them to force out-of-state vendors to collect and remit the tax. More recently, states have begun to bring legal challenges to *Quill* by enacting unconstitutional tax laws that violate the case's holding.

Supreme Court Justice Kennedy likely encouraged these recent actions in his concurring opinion in *Direct Mktg. Ass'n v. Brohl*, 135 S.Ct. 1124, 1135 (2015) (Kennedy, J., concurring). In that case, the Court permitted an out-of-state vendor to bring suit in federal court to challenge a Colorado law requiring vendors to report sales made to in-state residents, similar to Louisiana's new information and reporting statute, La. R.S. 47:309.1, effective July 1, 2017 (see also, La. Revenue Information Bulletin No. 18-006, Jan. 2018). In his concurrence in *Direct Marketing*, Justice Kennedy indicated a willingness to re-examine *Quill* in light of the development of Internet commerce, suggesting that it may be time to discard the physical-presence standard. *Wayfair* is the first of these challenges in which the Court granted certiorari.

Should the Court overturn *Quill*, it could well mark a sea change in the online retail market. Individual states could enact their own regulatory schemes that could present dramatically increased compliance costs for online vendors. While larger, more well-resourced online retailers might be able to absorb these costs, small- and medium-sized ventures could find compliance prohibitively expensive. Enacting a uniform interstate regulatory system would likely require congressional action. Thus, the decision in *Wayfair* may have significant consequences for a large number of online retailers.

—**Michael Bardwell**
Clerk, La. Board of Tax Appeals
627 N. Fourth St.
Baton Rouge, LA 70802

CHAIR'S MESSAGE

Continue to “Disrupt” the World Around You to Constantly Make an Impact

By Bradley J. Tate

Three hundred years of New Orleans is a remarkable milestone for our city and state. When I travel, and for a little too long, I am always ready to be back in New Orleans. Friday lunches at Galatoire's, parades on St. Charles and dive bars in the Bywater all create one of the most unique and magnetic places I have ever experienced. New Orleans is also changing. One drive around downtown reveals the construction, new hotels and restaurants coming into the city. It's exciting to be here and watch the change unfold.

Change was also on my mind when I started this year as chair of the Louisiana State Bar Association's (LSBA) Young Lawyers Division (YLD). Actually, the word that I held on to was “disruption.” We live in a world where industries that had long been unaffected by change have been completely turned upside down. Take for example Uber's impact on the cab industry and Air B&B's impact on



Bradley J. Tate


hotels. While we never intended that much “disruption” as the YLD Council, it was that mindset that we needed to impact our board service. Bar associations are changing like every other organization, and it was time for us as the YLD to anticipate changes that could be coming our way. We questioned everything we did as a board and began to focus our energy on the best projects we could put forth.

As I finish my term, I believe we've done just that. As an organization, we have served the young lawyers and the Louisiana public more effectively by focusing on impactful projects. This year we've held more Wills for Heroes events than ever. This project reaches out to those who protect our communities and provides estate planning documents

that are necessary and needed to protect themselves and their families. We hosted a fantastic high school mock trial program that involved high school students and attorneys from across the state. This year we saw more young lawyers writing content for the *Louisiana Bar Journal*. The Louisiana64 Symposium brought together leaders from Young Lawyers Sections and Divisions across the state to collaborate and continue to work together. Additionally, we continued to improve our Barristers for Boards program and offered quality CLE for our members.

It has been an honor to serve as chair of the LSBA YLD. I met young lawyers from across the state and country, and all of them have given me insight on their successes and their struggles. I brought these back to the fantastic Council to see where we could make a difference. I appreciate all of the hard work of Cristin Bordelon, RJ Marse, Jimmy Courtenay, Shayna Morvant, Jeff Hufft, Lauren Gardner, Adam Johnson, Kristi Richard, Carrie Jones, Nick Rockforte, Ethan Hunt, Joshua Williams, Travis Broussard, Kristen Burge and Graham Ryan. I am forever indebted to Scotty Chabert, Dylan Thriffley and Scott Sternberg for being my best allies and my sounding board throughout this year. Of course, none of us could do our work without Kelly Ponder's dedication and hard work for the YLD.

I now get to turn the reins of the YLD over to Dylan Thriffley — a fitting transition for anyone who has known us since the day we started law school. I wish her, the YLD Council and the young lawyers of Louisiana the best and hope that each of you will continue to “disrupt” the world around you to constantly make an impact.



**YOUNG LAWYERS
DIVISION NEWS**

Get the latest Young Lawyers Division news online
Go to:
www.lsba.org/YLD

The Young Lawyers Division Web site is a public service of the LSBA-YLD Council, providing YLD information to the public and communicating with YLD members.

YOUNG LAWYERS SPOTLIGHT

Phillip M. Smith Lafayette

The Louisiana State Bar Association's (LSBA) Young Lawyers Division Council is spotlighting Lafayette attorney Phillip M. Smith.



Phillip M. Smith

An associate at NeunerPate in Lafayette, Smith focuses his practice primarily on litigation, with an emphasis on maritime law and commercial litigation.

A native of New Iberia, he graduated from Catholic High School. He then attended the University of Louisiana at Lafayette (UL). He was actively involved in student political organizations and spent a semester working in Washington, D.C., for Congressman Charles W. Boustany. In 2012, he grad-

uated, *summa cum laude*, from UL with a BA degree in political science.

Smith attended Louisiana State University Paul M. Hebert Law Center and was the executive senior editor of the *Louisiana Law Review*. He also worked as a judicial extern for Chief Judge Brian A. Jackson, U.S. District Court for the Middle District of Louisiana. He was a member of the Moot Court Board and actively participated in external competitions. In his second and third years of law school, he was a two-time national champion at the John R. Brown Admiralty Moot Court Competition, also receiving individual awards for his oral advocacy and brief writing. In 2016, he graduated, *magna cum laude*, from LSU Law (Order of the Coif).

He began his legal career at NeunerPate and embodies the community-first culture of his firm. His significant pro bono work is fully supported by the firm and the firm's philosophy gives it the same weight, priority and level of attention as any other client. For this reason, he is actively involved in the Lafayette Volunteer Lawyers Program

and regularly represents victims of domestic abuse in obtaining protective orders. In 2017, after only his first year of practice, he received the Lafayette Bar Foundation's Top Protective Order Award and the Lafayette Volunteer Lawyers Outstanding Attorney Award.

Smith is a member of the Admiralty Law Section of the Federal Bar Association, the Louisiana Association of Defense Counsel and the Young Lawyers Section of the Lafayette Bar Association. He also is a member of the American Inn of Court of Acadiana. In an effort to give back to a law school that has given him so many opportunities, he now serves as a volunteer coach for the LSU Law Admiralty Moot Court External Team.

Outside of work, he enjoys spending time with family and friends, running, golf and supporting Louisiana Ragin' Cajuns athletics. He has been happily married to Morgan James Smith since 2014. She has always been supportive of his journey and work as a young lawyer in the Lafayette community.

UPCOMING EVENTS

Check the Young Lawyers Division website at www.lsba.org/YLD for the most up-to-date listing of upcoming events.

Do you have an event to add to the list?

Email YLD Secretary, Scott Sternberg, at scott@snw.law.

Jefferson Bar Association Young Lawyers Division Events

▶ **YLD CLE by the Sea Social**

10 p.m., April 12, Beau Rivage's Coast, Biloxi, MS.

▶ **Wine Down Wednesday**

5-8 p.m., April 18, Winston's Pub & Patio, 531 Metairie Rd., Metairie.

▶ **Crawfish Boil Cook Off to Benefit CASA Jefferson**

1 p.m., April 22, Harbor Bar & Grill, 3024 17th St., Metairie.

For more information or to register a team, email Danielle Mariche at dml0419@gmail.com.

▶ **Wine Down Wednesday**

5-8 p.m., May 16, Winston's Pub & Patio, 531 Metairie Rd., Metairie.

By David Rigamer, Louisiana Supreme Court

NEW JUDGES... APPOINTMENTS

New Judges

Suzanne M. de Mahy

was elected judge, Division B, 16th Judicial District Court. She earned her bachelor's degree in 2003 from Louisiana State University and her JD degree in 2008 from Loyola University College



Suzanne M. de Mahy

of Law. Prior to her election to the bench, she was in private practice and worked in the 15th and 16th JDC Public Defender's Offices. She fills the vacancy created by the retirement of her father, Paul J. de Mahy. Judge de Mahy is married to Corey Kimball.

William H. Burris

was elected judge, Division E, 22nd Judicial District Court. He earned his bachelor's degree in 2003 from Louisiana State University and his JD degree in 2007 from Southern University Law



William H. Burris

Center. Prior to his election to the bench, he was in private practice for 10 years. He fills the vacancy created by the retirement of his father, William J. Burris. Judge Burris is married to Lacy Caine Burris and they are the parents of two children.

Tony A. Bennett

was elected judge, Division A, 30th Judicial District Court. He earned his bachelor's degree in 1982 from McNeese State University and his JD degree in 1993 from Southern



Tony A. Bennett

University Law Center. In addition to private practice, he served as Vernon Parish assistant district attorney from 1995-99 and from 2013-17. He is a former member of the 30th JDC and 36th JDC Indigent Defender Boards. Judge Bennett is married to Stephanie Bennett and they are the parents of four children.

D. Nicole Sheppard

was elected judge, Division J, Orleans Parish Civil District Court. She earned her bachelor's degree in 2000 from Southern University New Orleans and her JD degree in 2005 from Southern



D. Nicole Sheppard

University Law Center. In addition to the practice of law, she taught criminal justice courses at Delgado Community College, Southern University New Orleans, Dillard University and Upper Iowa University. She hosts and produces *Real Life*, a talk show on New Orleans Access Television. Judge Sheppard serves on the board of the Algiers Charter School Association and is a member of several legal organizations, including the A.P. Tureaud American Inn of Court.

Judy Moore

Vendetto was elected judge, Division E, Baton Rouge City Court. She earned her bachelor's degree in 1991 from Louisiana State University and her JD degree, *cum laude*, in 1996 from Southern University



Judy Moore
Vendetto

Law Center. Prior to attending law school, she worked for the law firm Marabella & Moore and at the 19th Judicial District Court. After law school, she returned to the 19th JDC, where she served for more than 20 years as law clerk to Judge Michael R.

Erwin. Judge Vendetto is married to Robert Vendetto, Jr. and they are the parents of one child.

Appointments

► Larry Feldman, Jr. was appointed, by order of the Louisiana Supreme Court, to the Committee on Bar Admissions for a five-year term which began Jan. 1 and will end on Dec. 21, 2022.

► Wendy E.W. Giovingo was appointed, by order of the Louisiana Supreme Court, to the Louisiana Attorney Disciplinary Board for a term which began on Jan. 1 and will end on Dec. 31, 2018.

Retirements

► 5th Circuit Court of Appeal Judge Robert M. Murphy retired effective Jan. 2. He earned his bachelor's degree in 1971 from the University of Southwestern Louisiana and his JD degree in 1974 from Loyola University College of Law. Following graduation, he co-founded the law firm Gauthier & Murphy and practiced with that firm until his election to the 24th Judicial District Court bench in 1997. He was elected to the 5th Circuit in 2013. He co-authored the *Louisiana Appellate Practice Handbook* and is a former president of the 5th Circuit Judges Association.

► 3rd Judicial District Court Judge Cynthia T. Woodard retired effective Jan. 15. She earned her bachelor's degree, *magna cum laude*, from the University of New Orleans and her JD degree from Louisiana State University Paul M. Hebert Law Center. She served on the 3rd JDC bench for 21 years.

► 16th Judicial District Court Judge Paul J. de Mahy retired effective Dec. 31, 2017. He earned his bachelor's degree from the University of Southwestern Louisiana and his JD degree in 1973 from Louisiana State University Paul M. Hebert Law

Center. Prior to his election to the bench, he was in private practice and served as assistant public defender and chief public defender for the 16th JDC. He served as St. Martinville city attorney from 1974-86. During his 31-year tenure on the 16th JDC, he served four terms as chief judge and established an Adult Drug Treatment Court for St. Martin Parish, which he presided over from 2002-10.

► 22nd Judicial District Court Judge William J. Burris retired effective Dec. 31, 2017. He earned his undergraduate and JD degrees from Louisiana State University (*Law Review* and Order of the Coif). Prior to his 1997 election to the bench, he served as assistant district attorney in St. Tammany and Washington parishes. He also maintained a civil law practice for 23 years. Judge Burris was recognized as the Louisiana CASA Judge of the Year in 2014.

► 30th Judicial District Court Judge

Vernon B. Clark retired effective Dec. 31, 2017. He earned his bachelor's degree in 1973 from Northwestern State University and his JD degree in 1976 from Loyola University College of Law. Prior to his 1996 election to the bench, he was a practicing attorney in Leesville for 20 years. From 1985-90, he served as assistant district attorney. He also served as attorney for the town of New Llano. He is a former president of the 30th JDC Bar Association and has served in the Louisiana State Bar Association's House of Delegates.

Deaths

► Retired 19th Judicial District Court Judge Lewis S. Doherty III, 91, died Dec. 31, 2017. He earned his BA and LLB degrees from Louisiana State University. Following admission to the bar in 1951, he was in the private practice of law in Baton Rouge. He served on the Baton Rouge

City Council from 1953-56. He was elected to the Baton Rouge City Court in 1961. He was elected to the 19th JDC in 1966 and served there until his retirement in 1983. In retirement, Judge Doherty served appointments, *ad hoc* and *pro tempore*, in 24 parishes for many courts, including the 1st Circuit Court of Appeal and the Louisiana Supreme Court.

► Retired 19th Judicial District Court Judge Robert H. (Bob) Hester, 72, died Dec. 3, 2017. He earned his bachelor's and JD degrees from Louisiana State University in 1967 and 1971, respectively. Prior to his election to the bench, he served as legal investigator, special prosecutor, assistant district attorney and chief deputy district attorney in the East Baton Rouge District Attorney's Office. During that time, he also maintained a civil law practice. He was elected to the 19th JDC in 1985 and served there until his retirement in 1996.

IT'S TIME TO BOOK A LISTING IN 'WHO'S WHO IN ADR 2018'

The print version of the directory for arbitrators and mediators will be mailed with the October/November 2018 Louisiana Bar Journal. For the one low price of \$125, your listing is first published in the print directory, then the directory is uploaded to the LSBA website in interactive PDF format (email addresses and website URLs are activated and instantly accessible). The Web version of the directory remains active for one full year!

The special Arbitrators and Mediators Directory will feature brief articles and photographs of arbitrators and mediators (**INDIVIDUALS ONLY**). The articles should be **150 words MAXIMUM**. Provide your address, phone, fax, email address and website information at the end of the listing (not part of the word count).

Submit either original photos or digital photos. Digital photos should be submitted separately from the article, in either .tif, .jpg or .eps format (the order of preference). DO NOT submit digital photographs embedded in word processing programs; send the photograph as a separate file. High-resolution digital photos work best (at least 300 DPI/dots per inch).

DEADLINE IS JULY 27 FOR ALL LISTINGS AND PHOTOS! DIRECTORY/WEB COMBO PRICE IS \$125.

Articles and photographs must be for individuals only. No group articles or group photographs will be used. But, as an **ADDED BONUS**, firms which have three or more arbitrators/mediators purchasing individual listings will receive a free **firm** listing in the section. (Firms are responsible for submitting the additional information, 150 words maximum.)

If you would like to repeat a prior listing and photo, you may send us a photocopy of that listing along with your check; please provide the year the listing appeared. (Digital photos appearing in ADR directories are archived back to 2000.)

IT'S EASY TO RESERVE SPACE IN THE DIRECTORY!

► Email your listing and photo to Publications Coordinator Darlene M. LaBranche (email: dlabranche@lsba.org). Then mail your check for \$125 (payable to *Louisiana State Bar Association*) to: Publications Coordinator Darlene M. LaBranche, 601 St. Charles Ave., New Orleans, La. 70130-3404.

► Or, mail your listing, photo, disk and check to the above address.

For more information, contact **Darlene M. LaBranche**, email dlabranche@lsba.org or call (504)619-0112 or (800)421-5722, ext. 112.

One price gets you in the print directory and on the Web!

View the 2017 directory at

www.lsba.org/goto/adrdirectory

PEOPLE

LAWYERS ON THE MOVE . . . NEWSMAKERS

LAWYERS ON THE MOVE

Adams and Reese, L.L.P., announces that Marshall A. Hevron has been named partner in the New Orleans office. Michelle Chatelain Fullmer has joined the firm's New Orleans office as an associate and Justin A. Jack has joined the firm's Baton Rouge office as an associate. Also, B. Jeffrey Brooks, a partner in the Washington, D.C., office, was elected chair of the firm's Executive Committee, and Leslie M. Henry, a partner in the Houston, Texas, office, was elected as a member of the Executive Committee.

Baker Botts, L.L.P., based in Houston, Texas, announces that Louis E. (Louie) Layrisson III has been elected to partnership in the trial department. He is licensed in Louisiana and Texas.

Baldwin Haspel Burke & Mayer, L.L.C., announces that **Valerie E. Fontenot** has joined the firm as a litigation attorney in the New Orleans office.

Barrasso Usdin Kupperman Freeman & Sarver, L.L.C., in New Orleans announces that **Catherine F. Giarrusso** and **Kyle W. Siegel** have become partners.

Biennu, Bonneze, Foco, Viator & Holinga, A.P.L.L.C., in Baton Rouge announces that **Anthony J. Lascaro** and **Erin P. Tadie** have been elected as partners and **Melissa J. (Jade) Shaffer** has joined the firm as an associate.

Breazeale, Sachse & Wilson, L.L.P., announces that **Joseph J. Cefalu III** has been named partner in the Baton Rouge office and **Rachael A. Jeanfreau** has been named partner in the New Orleans office. Also, **Justin B. Schmidt** has joined the firm as a partner in the New Orleans office.

Carver, Darden, Koretzky, Tessier, Finn, Blossman & Areaux, L.L.C., announces that **Russell L. Foster** has been elected as a member in the New Orleans office.

Chaffe McCall, L.L.P., announces that Leah Nunn Engelhardt has joined the firm's New Orleans office as a partner.

Chehardy, Sherman, Williams, Murray, Recile, Stakelum & Hayes, L.L.P., announces that **Sarah J.L. Christakis** has joined the firm's Metairie office as an associate.

Dunlap Fiore, L.L.C., announces that the office has relocated to 6700 Jefferson Highway, Building #2, Baton Rouge, LA 70806; phone (225)282-0660; website www.dunlapfiore.com.

Duval, Funderburk, Sundbery, Richard & Watkins, A.P.L.C., in Houma announces that **Rachel South Boquet** has joined the firm as an associate.



Richard J. Arsenault



Judy Y. Barrasso



Rachel South
Boquet



Andre M.
Boudreaux



Andrew P. Burnside



Joseph J. Cefalu III



Nicholas J. Chauvin



Sarah J.L.
Christakis



Linda K. Ewbank



Evan P. Fontenot



Valerie E. Fontenot



Russell L. Foster

NEWSMAKERS

Erlingson Banks, P.L.L.C., in Baton Rouge announces that **Lee J. Ledet** has been promoted to partner.

Fisher & Phillips, L.L.P., announces that Walter W. Christy and Clyde H. Jacob III have joined the New Orleans office as senior counsel members.

Gieger, Laborde & Laperouse, L.L.C., with offices in New Orleans and Houston, Texas, announces that **Shannon A. Kelly**, **William P. Worsley** and **Andre M. Boudreaux** have joined the firm as associates in the New Orleans office.

Gordon, Arata, Montgomery, Barnett, McCollam, Duplantis & Eagan, L.L.C., announces that **J. Douglas Rhorer** has become a member in the firm's New Orleans office.

Hammonds, Sills, Adkins & Guice, L.L.P., announces that **Linda K. Ewbank** has been named a partner in the firm's Monroe office and **Dr. Wayne T. Stewart** has been named a partner in the Baton Rouge office.

King, Krebs & Jurgens, P.L.L.C., announces it is changing its name to King & Jurgens, L.L.C. Also, R. Daniel Serio, Jr. has been elected as a member in the firm's New Orleans office.

McGlinchey Stafford, P.L.L.C., announces that Magdalen Blessey Bickford and Robert W. Savoie have been named members in the firm's New Orleans office.

Ogletree, Deakins, Nash, Smoak & Stewart, P.C., announces that **Andrew P. Burnside** has been elected to the equity shareholder position in the firm's New Orleans office.

Pendley, Baudin & Coffin, L.L.P., in Plaquemine and New Orleans announces that **Evan P. Fontenot** has joined the firm as an associate in the Plaquemine office.

Perrier & Lacoste, L.L.C., announces that **Nicholas J. Chauvin** and **Kristie L. Mouney** have become members in the firm's New Orleans office. Also, **Patrick R. Schmidt** has joined the firm's New Orleans office as an associate.

Phelps Dunbar, L.L.P., announces that **Amanda W. Messa**, **Ryan Q. Moon** and **Gregory T. Stevens** have been promoted to partner in the Baton Rouge office and **Jeremy T. Grabill** has been promoted to partner in the New Orleans office.

Stone Pigman Walther Wittmann, L.L.C., announces that James T. Dunne, Jr., Peter M. Thomson and Daniel J. Walter have become members in the firm's New Orleans office.

Richard J. Arsenault, a partner in the Alexandria firm of Neblett, Beard & Arsenault, will co-chair the HarrisMartin Conference in Chicago, Ill., in May. He recently spoke at a mass tort conference in Cancun and will co-chair that conference next year.

Judy Y. Barrasso, a member in the New Orleans firm of Barrasso Usdin Kupperman Freeman & Sarver, L.L.C., has been selected for inclusion in Tulane University Law School's Hall of Fame. She will be inducted in May.

Alanah Odoms Hebert, director of the Louisiana Supreme Court Division of Children and Families, is one of 59 scholars chosen for the fourth annual class of the Presidential Leadership Scholars Program, a leadership development initiative that draws on the resources of the presidential centers of George W. Bush, William J. Clinton, George H.W. Bush and Lyndon B. Johnson.

John M. Parker, Jr., a partner in the Baton Rouge firm of Taylor, Porter, Brooks & Phillips, L.L.P., was elected president of the Baton Rouge Chapter of the Federal Bar Association.

Continued next page



Catherine F. Giarrusso



Jeremy T. Grabill



Rachael A. Jeanfreau



Shannon A. Kelly



Anthony J. Lascaro



Lee J. Ledet



Amanda W. Messa



Ryan Q. Moon



Kristie L. Mouney



Jeremy J. Pichon



J. Douglas Rhorer



Justin B. Schmidt

Layna Cook Rush, a shareholder in the Baton Rouge office of Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., earned a Certified Information Privacy Professional (CIPP/US) credential from the International Association of Privacy Professionals.

Shreveport City Court **Judge Sheva M. Sims** was elected National Association of Women Judges (NAWJ) District 6 director, serving the states of Louisiana, Mississippi, Alabama and Tennessee, during the NAWJ conference in October 2017. Her term will continue through October 2019.

Brooke E. Sizer, an associate in the Houston, Texas, office of Gray Reed & McGraw, has passed the Texas Board of Legal Specialization exam for oil, gas and mineral law.

Susan G. Talley, a member in the New Orleans office of Stone Pigman Walther Wittmann, L.L.C., was elected president of the Louisiana State Law Institute for a one-year term.

PUBLICATIONS

Best Lawyers in America 2018

Taylor, Porter, Brooks & Phillips, L.L.P. (Baton Rouge): Mary C. Hester,

Baton Rouge Trusts and Estates Lawyer of the Year.

Louisiana Super Lawyers 2018

Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C. (Baton Rouge, Mandeville, New Orleans): Edward H. Arnold III, Brian M. Ballay, Alton E. Bayard III, Craig L. Caesar, Phyllis G. Cancienne, Roy C. Cheatwood, Matthew S. Chester, Katherine L. Cicardo, Robert C. Clotworthy, Christopher O. Davis, Nancy Scott Degan, Daniel J. Dysart, Katie L. Dysart, Matthew R. Emmons, Paula Estrada de Martin, Donna D. Fraiche, Mark W. Frilot, Monica A. Frois, Steven F. Griffith, Jr., Christopher M. Hannan, Jan M. Hayden, Kristen L. Hayes, William H. Howard III, Benjamin West Janke, Colleen C. Jarrott, Matthew C. Juneau, Camalla M. Kimbrough, Errol J. King, Jr., Kenneth M. Klemm, Amelia Williams Koch, Noah B. Kressler, Kent A. Lambert, Jon F. Leyens, Jr., Alexander M. McIntyre, Jr., Patricia B. McMurray, Mark W. Mercante, Christopher G. Morris, Erin E. Pelleteri, James H. Roussel, Michael F. West, Paul S. West, Matthew A. Woolf and Adam B. Zuckerman.

Breazeale, Sachse & Wilson, L.L.P. (Baton Rouge, New Orleans): Robert L. Atkinson, Thomas M. Benjamin, Robert T. Bowsher, Jude C. Bursavich, David

R. Cassidy, Joseph J. Cefalu III, Carroll Devillier, Jr., Murphy J. Foster III, Alan H. Goodman, Emily B. Grey, Paul M. Hebert, Jr., Scott N. Hensgens, Rachael A. Jeanfreau, David R. Kelly, Eric B. Landry, Eve B. Masinter, Christopher A. Mason, Van R. Mayhall, Jr., Richard G. Passler and Thomas R. Temple, Jr.

Coats Rose, P.C. (New Orleans): Walter W. Christy, Clyde H. Jacob III and Elizabeth Haecker Ryan.

Deutsch Kerrigan, L.L.P. (New Orleans): Bryce M. Addison, Denia S. Aiyegbusi, Francis J. Barry, Jr., Keith J. Bergeron, Terrence L. Brennan, Judy L. Burnthorn, Bertrand M. Cass, Jr., Jimmy A. Castex, Jr., John Jerry Glas, Paul D. Hale, Joshua G. Keller, Robert E. Kerrigan, Jr., Joseph B. Landry, Jr., Frederic Theodore Le Clercq, Charles E. Leche, Melissa M. Lessell, Raymond C. Lewis, Nancy J. Marshall, Joseph L. McReynolds, Richard B. Montgomery III, Ellis B. Murov, Howard L. Murphy, Cassie E. Preston, Charles F. Seemann, Jr., A. Wendel Stout III, Kelly E. Theard and William E. Wright, Jr.

Didriksen, Saucier, Woods & Pichon, A.P.L.C. (New Orleans): **Jeremy J. Pichon** and **Carl Allen (Trey) Woods III**, Rising Stars.

Fisher & Phillips, L.L.P. (New Orleans): Tabatha L. George, Edward F. Harold, W. Brian London, Michael S. Mitchell, Keith M. Pyburn, Jr. and Timothy H. Scott.

Johnson Yacoubian & Paysse, A.P.L.C. (New Orleans): **Alan J. Yacoubian**.

Lugenbuhl, Wheaton, Peck, Rankin & Hubbard (New Orleans): Ashley L. Belleau, Joseph P. Brigggett, Christopher T. Caplinger, Daniel B. Centner, Stanley J. Cohn, Emmitt L. DuBose III, Celeste D. Elliott, Joseph



Patrick R. Schmidt



Melissa J. Shaffer



Kyle W. Siegel



Judge Sheva M. Sims



Gregory T. Stevens



Dr. Wayne T. Stewart



Erin P. Tadie



Carl Allen Woods III



William P. Worsley



Alan J. Yacoubian

P. Guichet, Benjamin W. Kadden, Rose McCabe LeBreton, Stewart F. Peck, Seth A. Schmeekle, Shaundra M. Schudmak, Heather N. Sharp, David B. Sharpe, Miles C. Thomas, S. Rodger Wheaton and Kristopher T. Wilson.

McGlinchey Stafford, P.L.L.C. (Baton Rouge, New Orleans): Ricardo A. Aguilar, Rodolfo J. Aguilar, Jr., Stephen P. Beiser, Magdalen Blessey Bickford, Camille R. Bryant, Rudy J. Cerone, Katherine Conklin, Mark R. Deethardt, Bonnie E. Dye, Larry Feldman, Jr., Michael D. Ferachi, Zelma M. Frederick, Melissa M. Grand, R. Marshall Grodner, Christine Lipsey, Kathleen A. Manning, Christopher S. Nichols, Colvin G. Norwood, Jr., Erin Fury Parkinson, Kristi W. Richard, Anthony J. Rollo, Jr., Michael H. Rubin, Robert W. Savoie, Eric J. Simonson, Stephen P. Strohschein and Kenneth A. Weiss.

Stone Pigman Walther Wittmann, L.L.C. (Baton Rouge, New Orleans): Hirschel T. Abbott, Jr., Barry W. Ashe, Carmelite M. Bertaut, Maggie A. Broussard, Stephen G. Bullock, Joseph L. Caverly, John W. Colbert, Noel J. Darce, Mary L. Dumestre, James T. Dunne, Jr., Abigail C. Farris, Michael R. Fontham, Samantha P. Griffin, James C. Gulotta, Jr., Lesli D. Harris, Erin E. Kriksciun, John M. Landis, Wayne J. Lee, Justin P. Lemaire, Paul J. Masinter, W. Brett Mason, Michael W. McKay, C. Lawrence Orlansky, Laura Walker Plunkett, David C. Rieveschl, Michael R. Schneider, Susan G. Talley, Peter M. Thomson, Brooke C. Tigchelaar, William D. Treeby, Daniel J. Walter, Nicholas J. Wehlen, Scott T. Whittaker, Rachel W. Wisdom and Phillip A. Wittmann.

Taylor, Porter, Brooks & Phillips, L.L.P. (Baton Rouge): Cynthia M. Amedee, Robert W. Barton, Vicki M. Crochet, Kelley R. Dick, Jr., Tom S. Easterly, Ryan K. French, Brett P. Furr, Mary C. Hester, Jon Nathan Loupe, Scott M. Mansfield, W. Shelby McKenzie, Harry J. Philips, Jr., L. Adam Thames, Robin P. Touns, Fredrick R. Tulley, Vincent V. (Trey) Tumminello III and Michael S. Walsh.

Baton Rouge Business Report 2017

Taylor, Porter, Brooks & Phillips,

L.L.P. (Baton Rouge): Tom S. Easterly, “40 Under 40” Class.

New Orleans Magazine “Top Lawyers” 2017

Stone Pigman Walther Wittmann, L.L.C. (New Orleans): Hirschel T. Abbott, Jr., Barry W. Ashe, Carmelite M. Bertaut, Stephen G. Bullock, Joseph L. Caverly, John W. Colbert, J. Dalton Courson, Noel J. Darce, Daria B. Diaz, Mary L. Dumestre, James T. Dunne, Jr., John P. Farnsworth, Abigail C. Farris, Michael R. Fontham, Samantha P. Griffin, James C. Gulotta, Jr., Lesli D. Harris, Kathryn M. Knight, Erin E. Kriksciun, John M. Landis, Michael D. Landry, Wayne J. Lee, Justin P. Lemaire, Paul J. Masinter, C. Lawrence Orlansky, Laura Walker Plunkett, Edward B. Poitevent II, David C. Rieveschl, Michael R. Schneider, Dana M. Shelton, Susan G. Talley, Peter M. Thomson, Brooke C. Tigchelaar, William D. Treeby, Michael Q. Walshe, Jr., Daniel J. Walter, Nicholas J. Wehlen, Scott T. Whittaker, Rachel W. Wisdom, Phillip A. Wittmann, Bryant S. York and Paul L. Zimmering.

IN MEMORIAM

Robert A. Pascal, professor emeritus of Louisiana State University Paul M. Hebert Law Center, died Jan. 19. He was 102. He graduated from LSU Law Center in 1940 as the school’s first student to receive the Master of Civil Law degree. He earned his LL.M. from the University of Michigan in 1942. After completing his military service with the U.S. Coast Guard, he joined the LSU Law faculty as a full-time assistant professor in 1945. He retired in 1980 and was named an LSU Law professor emeritus. He taught interstate and international legislative jurisdiction, philosophy of law, introduction to civil and common law, and private (or family) trusts. As a researcher, he assisted with the publication of the com-



Robert A. Pascal

plied civil codes of Louisiana prepared by the Louisiana State Law Institute. He was a corresponding member of the International Institute for the Unification of Private Law and a consultant on trust law reform for the Louisiana State Law Institute. In 1995, he received the degree of Doctor of Laws, *honoris causa*, from Loyola University College of Law. In 2011, he was recognized as the Distinguished Professor by the Louisiana Bar Foundation. He is survived by one son, one daughter, a sister and three grandchildren.

James H. Rousel, senior counsel in the New Orleans office of Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., died Feb. 1. He was 78. A native and lifelong resident of New Orleans, he graduated from



James H. Rousel

Tulane University Law School in 1964, beginning a more than 50-year legal career. Respected as the “Dean of the Admiralty Bar,” Mr. Rousel’s practice spanned every facet of maritime law and the marine industry. He handled international matters ranging from a case involving a vessel that struck a mine in the Suez Canal to litigation involving a groundbreaking international maritime law issue in the Marshall Islands. He was recognized by *The International Who’s Who of Shipping and Maritime Lawyers*, *Chambers USA* and *Best Lawyers in America*. Since 2007, he was listed in *Louisiana Super Lawyers* and named among the top 50 attorneys in Louisiana (2007-15), among the top 50 attorneys in New Orleans (2014-15) and among the top 10 attorneys in Louisiana (2013). Active in the New Orleans community, he was an advisory board member of the New Orleans World Trade Center and former president of the Louisiana Diabetes Association. He is survived by his wife of 53 years, Louise Rousel, three sons, a sister and seven grandchildren.

AWARDS

Judge Gray Receives 2018 American Bar Foundation Award

Orleans Parish Juvenile Court Judge Ernestine S. Gray received the 2018 Outstanding Service Award from the American Bar Foundation Fellows at the 62nd Annual Awards Reception on Feb. 3. The award is presented annually to a Fellow of the American Bar Foundation who has, in his or her professional career, adhered for more than 30 years to the highest principles and traditions of the legal profession and to the service of the public.

Judge Gray has served on the Orleans Parish Juvenile Court for 33 years. She attended Spelman College in Atlanta, Ga., and Louisiana State University Paul M. Hebert Law Center, receiving her JD degree in 1976. Prior to her election to the bench, she was in private practice. She worked with the Louisiana Attorney General's Office on anti-trust matters

and as a trial attorney with the Equal Employment Opportunity Commission.

Since the beginning of her career, Judge Gray has been involved in the juvenile justice arena, handling hundreds of family law cases with the Baton Rouge Legal Aid Society, serving as president of the National Council of Juvenile and Family Court Judges and currently serving as president of the Pelican Center for Children and Families, a nonprofit organization improving the quality of legal representation for children and providing interdisciplinary training and education to child welfare practitioners.



Judge Ernestine S. Gray

LOCAL/SPECIALTY BARS

ABOTA Louisiana Chapter Elects Officers

Gregory Schafer, managing partner of Schafer & Schafer Law Firm in New Orleans, was elected president of the Louisiana Chapter of the American Board of Trial Advocates. Other officers are Helen H. Babin, president-elect, special counsel with Gertler Law Firm in New Orleans; J. Rock Palermo III, secretary, partner with Veron, Bice, Palermo & Wilson, L.L.C., in Lake Charles; and Valerie Briggs Bargas, treasurer, partner with Kinchen, Walker, Bienvenu, Bargas, Reed & Helm, L.L.C., in Baton Rouge.

AWA New Orleans Chapter Presents Professionalism Award

The New Orleans Chapter of the Association for Women Attorneys hosted its annual dinner meeting on Jan. 18. New Orleans Mayor-Elect Latoya Cantrell was the keynote speaker and New Orleans attorney Lynn Luker, of counsel with Stanley, Reuter, Ross, Thornton & Alford, L.L.C., received the Wynne Professionalism Award. The award honors a member of the Greater New Orleans community who epitomizes the legacy of professionalism left behind by Magistrate Judge Michaelle Pitard Wynne.



Tulane University Law School hosted the panel discussion "Gender and Racial Diversity of Louisiana's Judges, 1992-2017" on Jan. 25. The panel discussed the importance of inclusion, and Research Assistant Professor Heather L. Johnson presented data compiled from the Louisiana Secretary of State on representation over the past 25 years in the state. From left, Assistant Professor Johnson, Newcomb College Institute; Chief Justice Bernette Joshua Johnson, Louisiana Supreme Court; Caroline Frederickson, president, American Constitution Society; Chief Judge Carl E. Stewart, U.S. 5th Circuit Court of Appeals; Sally J. Kenney, executive director, Newcomb College Institute; and Dean David D. Meyer, Tulane University Law School.

Clark Installed as BRBA's 89th President; Awards Presented

Linda Law Clark was sworn in as the 89th president of the Baton Rouge Bar Association (BRBA) by Chief Judge Brian A. Jackson during the BRBA's annual Installation Ceremony and Reception on Jan. 11 at the U.S. District Court, Middle District of Louisiana.

Other 2018 BRBA officers installed were Amy C. Lambert, president-elect; Shelton D. Blunt, treasurer; Christopher K. Jones, secretary; and Karli Glascock Johnson, immediate past president. Serving as directors-at-large are Kelly E. Balfour, Melissa M. Cresson, Melanie Newkome Jones, Jennifer M. Moisant, David Abboud Thomas and Luke Williamson.

Also installed were officers and council members of the BRBA's Young Lawyers Section — Francisca M.M. Comeaux, chair; Jordan L. Faircloth, chair-elect; Erin S. Kenny, secretary-treasurer; Loren Fleshman, immediate past chair; and council members Ashley N. Butler, Chelsea Gomez Caswell, Joseph J. Cefalu III, Kellye R. Grinton and Lauren M. Temento.

Officers from the Bankruptcy, Business/Corporate Law, Construction Law, Public Law Practice and Workers' Compensation sections also were installed.

Karli Glascock Johnson presented



The 2018 Baton Rouge Bar Association officers and directors-at-large were installed on Jan. 11. Among them are, from left, Melanie Newkome Jones, director-at-large; Amy C. Lambert, president-elect; Kelly E. Balfour, director-at-large; Linda Law Clark, president; Jennifer M. Moisant, director-at-large; David Abboud Thomas, director-at-large; and Shelton D. Blunt, treasurer.



The 2018 Baton Rouge Bar Association Young Lawyers Section officers and council members were installed on Jan. 11. Among them are, from left, Jordan L. Faircloth, chair-elect; Lauren M. Temento, council member; Francisca M.M. Comeaux, chair; Kellye R. Grinton, council member; and Joseph J. Cefalu III, council member.

President's Awards to Hayden A. Moore, Jordan L. Bollinger, Michael P. Schillage, Harry J. (Skip) Philips, Jr., Renee M. Chatelain and Richard Williams for their

service to the BRBA in 2017. Additionally, Anne Kaufman Smith was honored with the Judge Joseph Keogh Award.

BRBA Conducts Opening of Court, Memorial and New Member Ceremony

The Baton Rouge Bar Association (BRBA), with the assistance of the Baton Rouge Association of Women Attorneys, the Baton Rouge Louis A. Martinet Legal Society, Inc., the Louisiana State Bar Association (LSBA) and the 19th Judicial District Court, hosted its annual Opening of Court, Memorial and New Member Ceremony on Jan. 24.

During the ceremony, Bar members who died in 2017 were recognized. Each family representative shared touching messages on the meaningful life each deceased member lived, their passion for the legal profession and the impact they are leaving behind.

Also during the ceremony, BRBA President Linda Law Clark and President-Elect Amy C. Lambert recognized 50-, 55-, 60- and 65-year members of the Bar. LSBA President Dona Kay Renegar introduced new members.



Attending the Baton Rouge Bar Association's (BRBA) Opening of Court, Memorial and New Member Ceremony were, from left, Louisiana State Bar Association President Dona Kay Renegar; Ashley J. Greenhouse, president of the Baton Rouge Louis A. Martinet Legal Society, Inc.; BRBA President Linda Law Clark; and Talya J. Bergeron, Southeast Louisiana Legal Services.



New installed Jefferson Bar Association officers include, from left, Letita Parker-Davis, secretary; Jason A. Cavnignac, vice president; and Shayna Beevers Morvant, representative at large.



Newly installed Jefferson Bar Association officers include, from left, David L. Colvin, past president; Judith V. Windhorst, president; Joel A. Levy, president-elect; and Letita Parker-Davis, secretary.

Jefferson Bar Association Hosts Installation Ceremony

The Jefferson Bar Association (JBA) hosted its annual Installation Ceremony on Jan. 12. Judge Stephen J. Windhorst presided over the installation of incoming JBA officers — Judith

V. Windhorst, president; Joel A. Levy, president-elect; Jason A. Cavnignac, vice president; Letita Parker-Davis, secretary; Frederick L. Bunol, treasurer; Blair C. Constant, representative at large; and Shayna Beevers Morvant, representa-

tive at large.

Also during the ceremony, Chief Judge Glenn B. Ansardi of the 24th Judicial District Court was installed by Judge June Berry Darensburg.

LACDL Installs 2018 Officers, Board of Directors

The Louisiana Association of Criminal Defense Lawyers (LACDL) installed the 2018 officers and board of directors at its annual membership meeting in December 2017. Serving a one-year term are President Franz N. Borghardt, Baton Rouge; Vice President, Harry L. Daniels III, Baton Rouge; Secretary David M. Williams, Alexandria; and Treasurer Lindsay Jarrell Blouin, Baton Rouge. Immediate past president is Kyla Blanchard-Romanach of Baton Rouge.

Serving three-year terms on the board of directors are Aubrey M. Harris, 2nd District director, New Orleans; Andre R. Belanger, member-at-large, Baton Rouge; Eric G. Johnson, member-at-large, Minden; David J. Rozas, member-at-large, Baton Rouge; and M. Richard Schroeder, member-at-large, New Orleans.



The Young Lawyers Division of the New Orleans Chapter of the Federal Bar Association hosted its annual holiday party on Dec. 6, 2017. Attending, from left, Matthew R. Payne, U.S. Attorney's Office; U.S. District Judge Nannette J. Brown, Eastern District of Louisiana; Senior U.S. District Judge Ivan L.R. Lemelle, Eastern District of Louisiana; and Thomas M. Flanagan, Flanagan Partners, LLP. Photo by Jose Garcia.



The Lafayette Bar Association (LBA) hosted its annual Red Mass and Court Opening Ceremony on Jan. 5 at the Cathedral of St. John the Evangelist and the Lafayette Parish Courthouse, respectively. Louisiana State Bar Association President Dona Kay Renegar, second from right, joined the LBA in remembering deceased members of the Bar and welcoming new admittees. Attending the event, from left, Associate Justice James T. Genovese, Louisiana Supreme Court; Judge Charles G. Fitzgerald, 15th JDC; Judge David A. Blanchet, 15th JDC; Judge Douglas J. Saloom, Lafayette City Court; Judge Laurie A. Hulin, 15th JDC; Judge Jules D. Edwards III, 15th JDC; Commissioner Thomas J. Frederick, 15th JDC; Judge Michelle M. Breaux, 15th JDC; Judge Frances M. Bouillion, Lafayette City Court; Judge Edward B. Broussard, 15th JDC; Judge Patrick L. Michot, 15th JDC; Judge Phyllis M. Keaty, Louisiana 3rd Circuit Court of Appeal; Judge John D. Trahan, 15th JDC; Judge Marie B. Trahan, 15th JDC; Judge (Ret.) J. Donald Aaron, Jr., 15th JDC; LSBA President Renegar; and Judge Candyce Gagnard Perret, Louisiana 3rd Circuit Court of Appeal.



Among the new Bar admittees attending the Shreveport Bar Association's Memorial and Recognition Ceremony were, from left, John D. Shepherd, Alex T. Williams, Elizabeth E. Wong, T. Coulter McMahan, Patrick D. Murphree, Helen M. Marrs, Brady M. Hadden, Russell R. Dickson, James A. Davis and Andrew T. Adams.

Shreveport Bar Association Conducts Memorial and Recognition Ceremony

The Shreveport Bar Association hosted its annual Memorial and Recognition Ceremony on Nov. 2, 2017, at the Caddo Parish Courthouse. The program featured an opening eulogy from 1st Judicial District Court Judge Robert P. Waddell and Shreveport Bar Association (SBA) President Rebecca A. Edwards. Thomas A. Pressly IV, president of the SBA Young Lawyers Section, introduced new members. Louisiana State Bar Association President Dona Kay Renegar gave remarks. A reception at the Shreveport Bar Center followed the ceremony.



Participating in the Shreveport Bar Association's (SBA) Memorial and Recognition Ceremony were, from left, Thomas A. Pressly IV, president of the SBA Young Lawyers Section; Louisiana State Bar Association President Dona Kay Renegar; SBA President Rebecca A. Edwards; and Julianna P. Parks.



The Greater New Orleans (GNO) Chapter of the Louis A. Martinet Legal Society, Inc. held its annual holiday party and toy drive on Dec. 13, 2017. The party was co-sponsored by the National Black MBA Association and the New Orleans Medical Association. Donated toys were distributed to New Orleans children via the Trombone Shorty Foundation's "Toys from Troy" event. GNO Martinet officers, from left, Ashley J. Heilprin, president; Erin B. Rigsby, community service co-chair; attorney Avione Brown Pichon; and Dana M. Douglas, past president.



The Greater Lafayette Chapter of the Louis A. Martinet Legal Society, Inc. installed its 2018-19 officers and committee members during its holiday social on Dec. 19, 2017. Judge Sylvia R. Cooks, left, 3rd Circuit Court of Appeal, administered the oath to the officers. From left, Judge Cooks; Robert F. Moore, financial secretary; Dene Thibeaux, secretary; Franchesca L. Hamilton-Acker, president; Karnina Dargin King, treasurer; Dwazendra J. Smith, historian; and Glenn M. Lazard, president-elect.

LSBA Subcommittee Participates in BRBA CLE

The Louisiana State Bar Association's Integration Subcommittee participated in the Baton Rouge Bar Association's CLE by the Hour on Dec. 29, 2017. Attorneys increased their un-

derstanding of generational differences between Traditionalists, Baby Boomers, Gen X and Millennials. The CLE also navigated the changes in the legal profession in Louisiana. Assisting in the program presentation were Louisiana

Commissioner of Insurance Arlene D. Knighten, attorney Micah J. Fincher with Jones Walker LLP, and attorney Sharonda R. Williams with Fishman Haygood Phelps Walmsley Willis & Swanson, L.L.P.

President's Message

Q&A with 2018-19 LBF President W. Michael Street

Interviewed by 2018-19 Secretary Harry J. (Skip) Philips, Jr.

Philips: Tell us about yourself and your family.

Street: My wife, Jennifer, and I have been married for 25 years. For the last decade or so, we have celebrated our April anniversary during the Bar Foundation



W. Michael Street

Gala weekend. Jennifer is so supportive of everything I do. She has more confidence in me than I have in myself sometimes. We have three children, Harper, Catherine and Emma. Harper is finishing his third year as an undergraduate at Louisiana State University and aspires to be an attorney. Catherine will be graduating in May from Neville High School in Monroe. At this moment, she is wrestling with her college decision. Top contenders are the University of Arkansas (a potential house divided) or Rhode College in Memphis, with LSU and Tulane as dark-horse contenders. Emma is a freshman at Neville High School and, as I write this, she is trying out for JV cheer. While a talented cheerleader, Emma is at heart a dancer. Her current claim to fame is playing Annie in last year's Christmas ballet. When Emma comes home for a break between dance classes . . . she dances.

Philips: How did you get involved with the Louisiana Bar Foundation?

Street: Like so many others, my introduction to the Louisiana Bar Foundation (LBF) was an invitation to serve on a Community Partnership Panel. At the time, I had been involved in the 4th Judicial District Bar Association, our local Inn of Court and the Louisiana State Bar Association's (LSBA) Young Lawyer Section. After a time, I had the opportunity to serve as the chair of the Northeast Community Partnership Panel. During that time, I also served on the LBF's Grants Committee. It was exciting to experience

the expansion from the microcosm of the Community Partnership Panel's work to the macrocosm of the work of LBF. I realize more than ever the importance of the focus of the community partnership panels and the value of the insight they offer.

Philips: What role does the LBF play in promoting access to the justice system?

Street: As the administrator of the Interest on Lawyers' Trust Accounts (IOLTA) funds, the LBF plays a significant role in promoting access to justice. The LBF works with direct providers of services to at-risk populations throughout Louisiana to maximize the impact of limited resources. In addition to funding opportunities, the LBF has valuable experience in areas of grant management and oversight. The LBF routinely shares the benefit of its experience by providing training for boards of partner organizations to help them better serve their target populations.

Philips: Tell us about the Access to Justice Commission and its role in the LBF's mission.

Street: The ATJ Commission offers significant opportunities for direct service providers to coordinate services, avoid redundancies and maximize benefits in a time when available resources are at significant risk for reduction. The LBF looks forward to a long partnership with the talented and dedicated leadership of the ATJ Commission. Together, we will endeavor to create a stable platform for direct service providers.

Philips: Why is it so important to have consistent funding for civil legal aid?

Street: Consistent funding for civil legal aid is essential for predictability. It is necessary so that direct service providers are able to plan for the future with staffing projections and service area maintenance and expansion. It is necessary so that those who rely on services provided by civil legal aid

agencies can know that, when assistance is needed, it will be available. For those who need civil legal aid, the added pressure of whether services will or will not be available in the next six months — when homes, children or personal safety are at risk — is unacceptable.

Philips: How can Louisiana lawyers help the LBF?

Street: Join the LBF. Lawyers are required to be members of the LSBA and to have an IOLTA account. They are not required to be members of the LBF. But, making the decision to join the LBF demonstrates a commitment to providing access to justice for all. It is easy to be drawn into the day-to-day drudgery of the practice of law. But for most of us, the decision to practice law was inspired by an appreciation for the importance of the rule of law, of high ideals, of justice. Membership in the LBF is a way to continue those aspirations and promote the ideal that all of us, no matter our place in society, are worthy of dignity. The impact of your joining, not only the financial contribution, but the statement your commitment to justice sends to our elected officials, to those at risk and to society at large, is huge.

Philips: What are your goals and your vision as LBF president?

Street: Throughout my career, I have been fortunate to work with incredibly talented attorneys around the state through the LSBA and the LBF. There are needs across the state demanding our attention. I hope to strengthen our partnership with the access to justice community and direct service providers. I hope that as an attorney from northeast Louisiana working to support the mission of LBF and its valuable partners that I might encourage other attorneys throughout the state to appreciate the roles they play, to continue to be strong voices in the direction of our associations, and to participate in the good work of making our state a better place for everyone.

LBF Honors Award Recipients at Gala

The Louisiana Bar Foundation (LBF) celebrated its 32nd Annual Fellows Gala on April 20 and honored the 2017 Distinguished Jurist James J. Brady (posthumously), Distinguished Jurist W. Eugene Davis, Distinguished Attorney Kim M. Boyle, Distinguished Professor Oliver A. Houck and Calogero Justice Award recipient Robert S. Noel II. Award recipient profiles follow. For more on the honorees, go to: www.raisingthebar.org/gala.

Distinguished Jurist

James J. Brady (posthumously)

Judge James J. (Jim) Brady served as a U.S. District Court judge, Middle District of Louisiana, from 2000-17, assuming senior status in 2013. He received an undergraduate degree in history in 1966 from Southeastern Louisiana University and his JD degree in 1969 from Louisiana State University Law School. In 1995, he was named Alumnus of the Year by Southeastern and received an honorary Doctorate of Humanities degree. He served on the Federal Judges Association's board of directors, is a former president of the 5th Circuit District Judges Association and was appointed as a member of the Judicial Conference Committee on Codes of Conduct. In 2014, he was named a Distinguished Achievement honoree by LSU Paul M. Hebert Law Center.

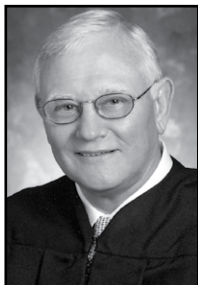


Judge James J. Brady

Distinguished Jurist

W. Eugene Davis

Judge W. Eugene Davis served as a U.S. District Court judge, Western District of Louisiana, from 1976-83. He was appointed as a U.S. 5th Circuit Court judge in 1983. He received an undergraduate degree from Samford University and his LLB de-



Judge W. Eugene Davis

gree in 1960 from Tulane University Law School. He chaired the Advisory Committee on Criminal Rules from 1997-2001. He is a member of the American Bar Association and the Maritime Law Association of the United States. He received the 2014 American Inns of Court Professionalism Award for the 5th Circuit. He was inducted into the Tulane Law School Hall of Fame in 2015 and the Lafayette Bar Association Hall of Fame in 2017.

Distinguished Attorney

Kim M. Boyle

Kim M. Boyle, a partner in the New Orleans office of Phelps Dunbar, L.L.P., served as the first female African-American president of the Louisiana State Bar Association (2009-10) and the first African-American president of the New Orleans Bar Association (2002-03). She received an AB degree in 1984 from Princeton University and her JD degree in 1987 from the University of Virginia School of Law. She currently chairs the board of directors of the Amistad Research Center, serves on the Executive Committee of Tulane University and the New Orleans Business Alliance, and is a board member of Dillard University and Touro Infirmary. She previously served on the Bring New Orleans Back Commission, which focused on rebuilding New Orleans post-Katrina. She served as judge pro tempore for Orleans Parish Civil District Court and is a former assistant law professor at Loyola University College of Law.



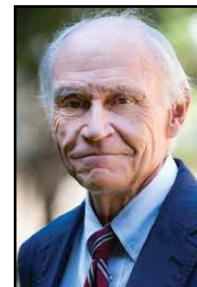
Kim M. Boyle

Distinguished Professor

Oliver A. Houck

Oliver A. Houck, the David Boies Chair in Public Interest Law at Tulane University, is a graduate of Harvard College (1960) and Georgetown Law Center (1967), with three intervening years of military service. He served as an assistant U.S. attorney in Washington, D.C., and as general counsel to the National Wildlife Federation before joining the Tulane faculty in 1981, teaching environmental, criminal and constitutional

law. He is the author of two books featuring New Orleans — *Down on the Batture* and *Downstream Toward Home*—and a history of seminal environmental cases around the world, *Taking Back Eden*, re-published by the University of Peking Press in Beijing. He co-founded the Tulane Environmental Law Clinic, the Lake Pontchartrain Basin Foundation and the Coalition to Restore Coastal Louisiana.



Oliver A. Houck

Calogero Justice Award

Robert S. Noel II

Robert S. Noel II has practiced law in north Louisiana for 32 years. A graduate of Loyola University (BA degree in 1979 and JD degree in 1985), he has served as a public defender and assistant district attorney in the 4th Judicial District. He is currently the felony supervisor for the 4th JDC Public Defender. He is a former president of the Louisiana Association of Criminal Defense Lawyers and currently the vice president and legislative chair of the Public Defense Association of Louisiana. He has served on the board of Teen Court of Northeast Louisiana for more than 30 years. He served on the board of the National High School Mock Trial Program and has been active in the Louisiana program since 1991. He is an adjunct professor of political science at the University of Louisiana at Monroe (ULM) and founded and coached the ULM mock trial team.



Robert S. Noel II

LBF Welcomes New Fellows

The Louisiana Bar Foundation announces new Fellows:
 Matthew R. Richards..... Baton Rouge
 Stephen P. Strohschein Baton Rouge

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POSITIONS OFFERED

Established Lafayette law firm seeks energetic associate for litigation position to practice primarily in areas of energy and business litigation. Credentials: Two-four years' legal experience including motion and discovery practice preferred, strong academic background, willing and able to independently analyze and apply the law to complex problems. Full-time position with competitive salary, bonus and benefits. Email résumés to administrator@lusfiber.net.

Stewart Robbins & Brown, a Baton Rouge commercial bankruptcy boutique, seeks a litigation staff attorney (bankruptcy knowledge not required). Salary DOE, but competitive. Interested parties should email their résumés to: dstewart@stewartrobbs.com.

Stewart Robbins & Brown, a Baton Rouge commercial bankruptcy boutique, seeks a litigation paralegal. Salary DOE, but will be competitive. Interested parties should email their résumés to: dstewart@stewartrobbs.com.

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NOTICE

Notice is hereby given that David H. Bernstein has filed a petition and application for readmission to the bar of the state of Louisiana. Individuals may file notices of concurrence or objection with the Louisiana Attorney Disciplinary Board, Suite 310, 2800 Veterans Memorial Blvd., Metairie, LA 70002, within 30 days.

Notice is hereby given that Julie Fusilier has filed a petition and application for readmission to the bar of the state of Louisiana. Individuals may file notices of concurrence or objection with the Louisiana Attorney Disciplinary Board, Suite 310, 2800 Veterans Memorial Blvd., Metairie, LA 70002, within 30 days.

Notice is hereby given that Michael S. Sepcich has filed a petition and application for readmission to the bar of the State of Louisiana. Individuals may file notices of concurrence or objection with the Louisiana Attorney Disciplinary Board, Suite 310, 2800 Veterans Memorial Blvd., Metairie, LA 70002, within 30 days.

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COMPUTERS AND CELL PHONES

The Last WORD

By John E. McAuliffe, Jr. and Edward J. Walters, Jr.

QUESTIONS FOR NON-NEW ORLEANIANS

In keeping with the celebration of the 300th anniversary of the Founding of New Orleans, we thought it proper to pose certain QUESTIONS to those who are not acquainted with our City. We do not direct these pointed questions to our Louisiana citizens or our close friends in other states. But, to the rest of you . . .

How could you have had a happy childhood without Barq's?

Why go to a parade if nothing is thrown?

Why bother with north, east, west and south when up, down, in and out are more descriptive? Or, when all you really need is River, Lake, Uptown, Downtown and Backatown?

Why live somewhere without French bread?

How could you enjoy a movie where New Orleans natives have a southern drawl?

If you do not have a "trolley" in your city, why would you use that vile word here?

How do your streets stay dry without Baldwin pumps?

How could you have had a happy childhood without Hubig's Pies?

When you hear the two syllables "lev-ee," why do you automatically think of taxes?

Why are four seasons actually necessary?

Are parts of your westbank actually eastward of parts of your eastbank?

How could you have had a happy childhood without a Monkey Hill?

Why would you think Jazz originated in another city?

Why would you think that Cleveland is a fitting home for the Rock and Roll Hall of Fame?

Saints — Do you believe?

Why do you not acknowledge strangers as you pass each other on the sidewalk?

After hearing us pronounce it, why do you continue to say "New Orleans"?

Why are the names Fats, Irma and K-Doe not familiar to you?



Map of New Orleans. Library of Congress.

Why do you think "Mr. Go" is a fast food restaurant?

Why do you say "Poor-Boy"?

Why would you order any seafood dish in your city?

When you here the name "Dutch," why do you automatically think of certain people in Europe?

How did you have a happy childhood if your father did not drive you down Bourbon Street on Saturday night?

Why would you not drop off your 18- or 19-year-old child at a bar?

And, why would you not pick up your child later that night (or the next morning)?

Who Shot the La La?

Why would you think that krewe is spelled with a "C"?

Why do you think a grid pattern for streets is necessary or more desirable?

How could your teenage years have been complete without having heard the cheer: A-L***A-L***A-L-O-Y***A-L-O-Y***A-L-O-Y-S-I-U-S***A-L-O-Y-S-I-U-S?

Why do you think Catholic League is a congregation of Cardinals in Rome?

Why don't you have street names that outsiders can't pronounce, like Terpsichore, Tchoupitoulas, Euterpe and Polymnia? Or

street names, like Chartres and Calliope, that we pronounce in our own unique way?

Why don't you have sandwiches like Muffuletta's (or Muffulettas, or Muffalettas) that people spell any way they want?

Why don't you know what it means to have your sammich "dressed"?

Why do you call a "neutral ground" a median?

If someone says, "Where Y'at?," they are not asking for your physical location, but they want to know your mental location — happy, sad, happy, troubled, happy and who really cares.

People in New Orleans love to celebrate. They will celebrate the opening of an envelope.

When a New Orleanian asks you where you went to school, they are ONLY asking where you went to high school.

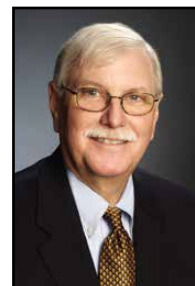
As Tennessee Williams said, "America has only three cities: New York, San Francisco and New Orleans. Everywhere else is Cleveland."

Why don't you live in New Orleans???

John E. McAuliffe, Jr., an attorney in the Metairie office of Frederick A. Miller & Associates, is secretary of the Louisiana State Bar Association and editor-in-chief of the Louisiana Bar Journal. (eddie.mcauliffe.hpqo@statefarm.com; Ste. 1700, 3850 N. Causeway Blvd., Metairie, LA 70002)



Edward J. Walters, Jr., a partner in the Baton Rouge firm of Walters, Papillion, Thomas, Cullens, L.L.C., is a former Louisiana State Bar Association secretary and editor-in-chief of the Louisiana Bar Journal. He is a current member of the Journal's Editorial Board. (walters@lawbr.net; 12345 Perkins Rd., Bldg. 1, Baton Rouge, LA 70810)



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