

President's Interview



# One on One with Robert A. Kutcher, 79<sup>th</sup> LSBA President: *On Strategic Planning and the “Evolution of the Profession”*

Interviewed by Patrick A. Talley, Jr.

**R**obert A. Kutcher is the managing partner in the Metairie firm of Richard Kutcher Tygier & Luminais, L.L.P. He received his BS degree in 1972 from Cornell University and his JD degree, cum laude, in 1975 from Loyola University Law School. He was admitted to practice in Louisiana in 1976 and in New York in 1976.

Kutcher served as president-elect of the Louisiana State Bar Association (LSBA) in 2018-19 and as treasurer in 2014-16. He served in the House of Delegates and on the House Liaison Committee for several terms. He is a member of the Legislation Committee and the Committee on the Profession. He was a member of the Louisiana Bar Journal Editorial Board and is a co-chair of the Summer School Planning Committee. He also served on the Nominating Committee and the Rules of Professional Conduct Committee. He chaired the Audit Committee in 2013 and received the LSBA President's Award in 2013.

He served as a board member of the Louisiana Civil Justice Center (2015-18) and the Pro Bono Project (2014-17). He was a member of the Louisiana Attorney Disciplinary Board from 1993-99, chairing the board in 1999. He was a member of the Federal Bar Association New Orleans Chapter from 1984-92, serving



as president in 1991-92. He is a Fellow of the Louisiana Bar Foundation and the American Bar Foundation and is a master in the Thomas More Inn of Court.

Kutcher chaired the Louisiana State Advisory Committee to the U.S. Civil Rights Commission from 1990-94. He was an associate commissioner of the Anti-Defamation League National Commission

from 1991-2002, regional chair of the Anti-Defamation League from 1992-96 and regional board member since 1984.

In his community, he served as president of Shir Chadash Conservative Synagogue and the Jewish Community Center of New Orleans. He also served as a board member of the Jewish Community Centers of North America in 1992-98.

(Left) Robert A. Kutcher, the 79th president of the Louisiana State Bar Association. Photo by Liz Daino Photography.

(Above) The Robert A. Kutcher family: Front row from left, Tori Rosenbloom, Ben Rosenbloom, Andy Kutcher, Renee Kutcher, Robert Kutcher, Emma Rosenbloom and Molly Rosenbloom. Back row from left, Erin Rosenbloom, Jake Rosenbloom, JC Rosenbloom, Skylar Rosenbloom, Claire Rosenbloom, Brittany Rosenbloom and Jessie Kutcher. Photo by Liz Daino Photography.



Robert Kutcher at the 2018 Southern Conference of Bar Presidents in New Orleans, La.

*He has been listed in Best Lawyers (2012-2019), including 2013 New Orleans Litigation-Real Estate Lawyer of the Year and Lawyer of the Year 2018 in the practice areas of closely held companies and family businesses law; and Louisiana Super Lawyers in business litigation (2008-2019).*

*Kutcher and his wife, Renee B. Kutcher, have been married for 34 years. They have four children.*

**Talley:** Bob, you are now the 79th president of the Louisiana State Bar Association, congratulations! You are very well known in the LSBA. But for those members who may not know you as well, tell us about yourself.

**Kutcher:** I have been married for 34 years. My wife Renee and I have four children. We have lived in the same house for 34 years, much to my wife's chagrin. Of our four kids, three of them live in New Orleans. I count myself lucky on that score. And I've been practicing law since law school graduation.

**Talley:** I know there's an interesting story about how you met your wife.

**Kutcher:** I was having lunch with Judge Marty Feldman at Galatoire's. I worked with him — we were partners — before he became a judge. I was waiting for the judge and Renee walked in and the doorman tried to seat her with me, which I thought was a terrific idea. She didn't. She was meeting someone else. We had the same waiter. As Renee and her friend were

leaving, the waiter physically brought her to my table and sat her down. That is how we met. She ducked my phone calls for a couple of weeks. Then we went out and we were married within the year.

**Talley:** What are your interests outside of the practice of law?

**Kutcher:** I gave up golf after Hurricane Katrina as there were more pressing matters to deal with in New Orleans at that time. Since then, I go to the gym. I like live music. I have no musical talent but I am capable of clapping after a song. I also go to music festivals and live shows.

**Talley:** I know you are an avid fan of the New Orleans Jazz Fest.

**Kutcher:** Yes, but one of my sacrifices this past year was missing both weekends of Jazz Fest because of Bar-related activities. But I generally do go to Jazz Fest every year. Last year, a guy who used to live here but now lives in Los Angeles did a documentary on Jazz Fest and I was one of the featured people interviewed.

**Talley:** Bob, tell us a little about your law practice.

**Kutcher:** Since law school graduation, I always handled commercial litigation, securities, antitrust, "fraud du jour" and breach of contract cases. In the early 2000s, I began doing more real estate-related work. My practice caseload is now 50-50 commercial and commercial real estate work, such as leasing, sales, purchasing, financing and landlord-tenant disputes. One of the great advantages of doing both is a lot of transactional lawyers have no idea how to read a contract and see problems from the litigation perspective. I enjoy them both. It's two different mindsets. Litigation very often is a win-lose situation. Transactional work is a win-win situation, a place where both sides are happy.

**Talley:** We have had cases together. You are an outstanding litigator.

**Kutcher:** And we may have a few more together.

**Talley:** Tell us about your law firm. Who are your partners?

**Kutcher:** My firm is Richard Kutcher Tygier & Luminais in Metairie. My law partner, Nicole Tygier, and I have been together since she got out of law school in 1987. We have practiced law together for 30-plus years. My other partners are Brad Luminais and Tom Richard. Their practices focus primarily on insurance defense. We have been together since 1996. I am also fortunate to have had the same two assistants, Celeste Pfefferle and Julie Wisecarver, for over 20 years. They make my life much easier.

**Talley:** You are also involved in many civic activities outside of the practice of law. Tell us about some of those activities.

**Kutcher:** Over the years, I have served a number of different boards. I was the regional chair of the Anti-Defamation League. I was president of my synagogue. I was on the national board of the Jewish Community Centers of America. I was president of the local Jewish Community Center. I was chair of the Louisiana State Advisory Committee to the U.S. Civil Rights Commission. Every state has an advisory committee. I was appointed chair during President George H.W. Bush's tenure. I have been active in several civic and Bar activities. I really believe we have an obligation to give something back to our community and service is the best way to do it.

**Talley:** You have not always lived in Louisiana. How did you get to New Orleans?

**Kutcher:** I am originally from New York. I graduated from Cornell University in 1972 with no plan other than to hang out in college. That was not an uncommon circumstance back then. My father was infinitely more worried about my future than I was. I grew up in the hotel business. My family owned a resort hotel in the Catskill Mountains. After college graduation, I had an opportunity to go to Loyola Law School. In all candor, I always wanted to go to Mardi Gras. So I thought it was a good way to get to Mardi Gras. I enrolled in law school in 1972 and never left.

**Talley:** I bet your first Mardi Gras was a lot of fun because you are still here.

**Kutcher:** For many people, the concept of drinking 24 hours a day, and drinking on the street, takes a little bit of adjustment. I probably overdid it at times. But I still go to Mardi Gras and I'm still here.

**Talley:** Tell us about your law school days. Did you like law school?

**Kutcher:** I had no grand plan. I know people say this is what they always wanted to do with their lives. But I confess I'm not one of those people. I enjoyed law school. It was fun and intellectually stimulating. The first year of law school was more of a chore but it was something I enjoyed doing. I did well in law school and I graduated with honors. I was vice president of the Student Bar Association. After I graduated, I applied for some clerkships. I eventually clerked for Judge R. Blake West in the U.S. Eastern District of Louisiana. After the clerkship was completed in two years, I went into private practice.

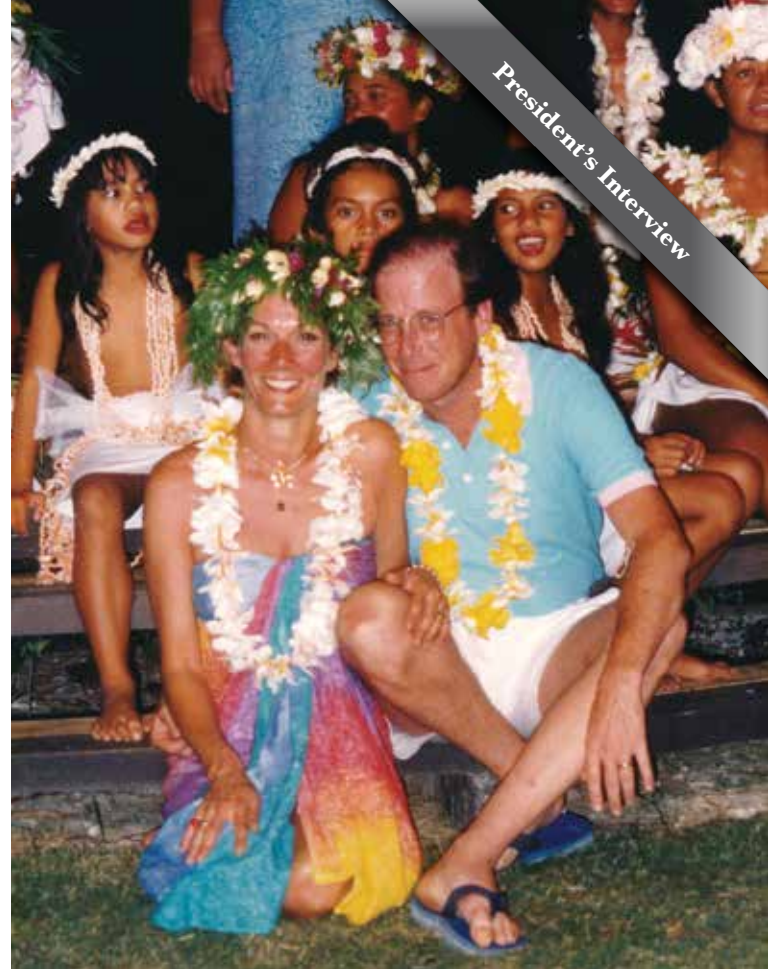
**Talley:** How was the clerkship with Judge West? What was the law practice like at that time, as seen from the eyes of a law clerk?

**Kutcher:** It was a terrific learning experience. If an opportunity arises to be a law clerk, I tell law graduates to seriously examine it because you learn how to practice law by watching other lawyers and reading other lawyers' briefs. You also learn what sells and what doesn't sell, what's important and what isn't. And you make connections. Back then, we still had oral arguments every other Wednesday. Everyone came to the courthouse (at that time, still on Royal Street in the French Quarter). You saw who was a good lawyer, who was an honest lawyer, who made good arguments and who didn't. There was a sense of collegiality. That, unfortunately, has diminished in the federal system. It was a smaller bar in 1975. There are more lawyers today than when I started practicing law. There was more of a communal sense. All lawyers were there together and you had multiple cases together. That tends to build relationships. When you are involved with suits with other lawyers, you can develop a relationship. It was a very different time. It was more sociable and more collegial. It was a

community of lawyers.

**Talley:** As Bar president, you will be focused on the needs and concerns of all members. What do you consider the major challenges to the practice of law today?

**Kutcher:** There are a number of issues. The practice of law is not what it once was. There are so many changes. One, the sheer number of lawyers. Then there is the 24/7 demand cycle. When I started practicing law, when you went out of town, someone calling you would be told that he'll be back on Thursday. The person needing to talk to you would just call back on Thursday. Now that's gone. Everyone has cell phones, emails, texting, laptops. There is constant demand on lawyers' time and you are pulled in many more directions. As a result, it is a more stressful profession today. On top of that, for younger lawyers, they also have the student debt issue, which is stifling. On the young lawyer side, there is more mobility among lawyers. When I began practice, if you changed firms once or twice, that was a lot. Now lawyers move much more. Another factor, back then, everybody had a job. It may not be the job you wanted, but you could get a job. If you chose to hang a shingle, it was because it was your choice, not dictated by necessity. There is a need for more support now that more lawyers are going solo. We have an active solo and small firm practice section. The section presents a two-day tech-related program, which is fascinating. I spoke there a couple of years ago and it was remarkably impressive. We can do so much more for our clients with technology. Another issue is some lawyers don't have brick-and-mortar offices now. Libraries in many law firms are all electronic now. That's the



Bob and Renee Kutcher in Tahiti. Photo provided by Kutcher Family.

reality. It's a very different environment. What the Bar needs to do is respond to the needs of lawyers today. We try to do that. I encourage every member to go to the LSBA website and take five minutes to review the services the Bar offers. We all get stuck in our own ruts. You don't realize the resources and services you have from the Bar unless you make the effort to find out what we do. We have a number of programs all of which are of benefit to all segments of lawyers.

**Talley:** Bob, now let's talk about the theme of your presidency, "Evolution of the Profession." Why did you choose that theme and what does it mean?

**Kutcher:** I chose it for two reasons. One, it is a very different practice today than when I graduated law school. We are facing different issues and different problems. We have to deal with life in the 21st century. The profession, like the rest of society, has evolved. The other reason, in all candor, is going back to my affection for music. The year 2019 is the



Bob Kutcher was awarded the Loyola University College of Law Memorial Glass Award at the 2018 LSBA Annual Meeting in Destin, Fla. Photo provided by Kutcher Family.

50th anniversary of Woodstock, which I attended. I thought I would kill two birds with one stone by combining the reality of the changing law practice with some tribute that I am still here 50 years later.

**Talley:** I first met you when you were president of the Federal Bar Association a number of years ago. You have always been involved in Bar activities, whether it was the FBA or the LSBA. How and why did you begin your Bar involvement and why is it important?

**Kutcher:** We all have an obligation to make this profession better. The way we can make this profession better is giving our time, knowledge and experience we have to make our organizations better. The practice of law should be more than just a living. This is an honored profession. We all have some obligation to give back. I was active in the FBA through several leadership positions, then I became president. I was active on the Louisiana Attorney

you get involved, the more you help the profession and the more you get out of it. As I got involved, I liked it. I became House liaison in 2006 and served on the Board of Governors when Marta-Ann Schnabel was LSBA president. I have served on the Board off and on ever since. The one common thread of all LSBA presidents I have served with is all we want to do is make the Bar better. There is no hidden agenda, no private alternative. The goal is to make this Bar better for its members. We have the right and the privilege to self-regulate our practice. That's an important responsibility. We should do our best to honor that responsibility.

**Talley:** Do you feel your experiences in Bar work will be beneficial to your ability to lead the LSBA as president?

**Kutcher:** Yes, I've been active in the Bar since 1996. I have served on the Board of Governors and in the House of Delegates. I've been treasurer. I served on



LSBA President Mike A. Patterson, Robert Kutcher and LSBA President John H. Musser IV at the 2011 Annual Meeting in Las Vegas, Nev. Photo by Wynne Photography.

almost all committees in some capacity. I understand how this Bar works. Of all the not-for-profits I have been involved with, this LSBA staff, from (Executive Director) Loretta Larsen on down, is head-and-shoulders the best group of staff people I have dealt with. They are responsive, informative and helpful. The Bar presidency is a temporary job. In 2020, Alaina Mire will become president. My job during my tenure is to do the best job I can to lead this Bar in the direction of what we can do best for our members.

**Talley:** Speaking of prior presidents, you are the 79th and you follow an impressive list of men and women who've led the LSBA quite effectively. What stands out about the group as a whole? What about the group will you emulate and what will you do differently?

**Kutcher:** What stands out as a whole is, we have no secret agenda. All of us are in it to make the Bar work for its members and to offer value for the dues the members pay. I have been privileged to serve with every LSBA president since Marta-Ann Schnabel all the way to Barry Grodsky. I think that the common thread, even though they have different practices, different views of life and different politics, is we have the same objective. My job, and every president's job, is to do the best we can for the association.



Skylar Rosenbloom, Jessica Kutcher and Robert Kutcher at the 2014 LSBA Annual Meeting in Destin, Fla. Photo by Matthew Hinton Photography.



Robert Kutcher at the 2018 Annual Meeting Beach Bash event in Destin, Fla. Photo by Matthew Hinton Photography.

**Talley:** Bob, what does it mean to be the president of a bar association that includes every attorney in the state as a member?

**Kutcher:** It is a tremendous responsibility. I do not pretend to know all the needs of all lawyers practicing law in the state. My job, the Bar's job, the Board's job is to do the best we can to provide all available services to our membership, whether that consists of CLE programming, ethics school, dealing with substance/alcohol abuse, all of that is what we need to address with our membership. The legal profession has a problem with substance/alcohol abuse issues and the opioid issues are blowing up. Our JLAP program has done an effective job with dealing with lawyers, employees and spouses with those issues. The responsibility is to just do the best we can for our membership.

**Talley:** How does the concept of responsibility translate into your goals as Bar president?

**Kutcher:** LSBA President Barry Grodsky has done a terrific job. This goes for everyone who has served in the president's position. This is a time-consuming job. It takes away from your practice, no dispute about that. One of the things Barry did is he convened a Strategic Planning meeting in the fall of 2018. From that meeting, we have developed six goals,

which we are in the process of implementing. My goal for this year is to get those goals implemented and operational. Some are short-term, some longer.

We should cultivate professionalism, collegiality and quality of life. When I started, there was no such thing as formal professionalism. In all candor, when the professionalism requirement was implemented, I honestly questioned its need. But, yes, we do need it.

One of the issues troubling to me is some younger people don't see the need, or don't have the ability, to pick up a phone and make a phone call. I'm not going to develop a relationship with a lawyer on the other side of an email or text. Email is great, but, if I can't solve something in three emails back and forth, I will pick up the phone. Often when you get in an elevator, there are six people all looking at their phones. We need to have a better sense of community.

We should foster inclusion and participation by focusing on the diversity of our membership. We want all Louisiana-licensed lawyers active in the bar association. The Bar is not a big firm or big city Bar. It's not a below I-10 Bar. It's everyone's. We want to partner with local and specialty Bars. Our Young Lawyers Division is very active.

We want to expand access to justice. Civil access to justice in this state and

country is so woefully underfunded and it's not fair. I recently read an article that a self-represented litigant in domestic court in Orleans Parish was arguing for a bond against her husband. She had text messages and abusive photos all on her phone. There was no one to tell her to print the messages out as evidence. There needs to be better opportunities for individuals to have legal representation.

As a profession, we have always come under fire, being out there for ourselves, taking people's money. We want to improve the trust in the legal system. The more people believe in lawyers and the legal system, the better off we all are.

We also recognize that we are the last profession to have the ability to self-regulate. We want to preserve that both for our benefit and for the public's benefit as well.

I hope that over the next year we can take steps to implement these goals. That's what we are trying to achieve in the upcoming year.

I encourage every lawyer to look at our website and see what we do. Open the newsletters and emails from the Bar. There is something for everyone there.

**Talley:** You mentioned regulatory functions that the Bar performs. How is our relationship with the Louisiana Supreme Court?



Robert A. Kutcher. Photo by Liz Daino Photography.

**Kutcher:** The Bar's relationship with the Louisiana Supreme Court is excellent and it always has been. This Supreme Court and Chief Justice Bernette Joshua Johnson have been extremely supportive of the LSBA. They are excellent partners. The justices are active in any number of Bar activities. A majority of the Supreme Court justices attend our Annual Meeting and Summer School in Destin. It is difficult to find another state with this sort of relationship between the regulatory Supreme Court and the regulated Bar Association.

**Talley:** You have been involved as co-chair of the Summer School Planning Committee for several years. Tell us about the planning.

**Kutcher:** For the past several years, Judge Ricky Wicker, Minor Pipes and I have been co-chairs. We start on Summer School planning in August of the preceding year. We meet with the incoming president for ideas. We get speakers, then flesh out the program. This year, we have a terrific program. We try to do a combination of nuts-and-bolts practical topics and some broader-based topics. That is the goal every year. We do it in conjunction with the Louisiana Judicial College. We encourage

everybody to attend. It's a networking opportunity for judges and lawyers to meet and talk and develop a relationship. You have a much better relationship with somebody you shook hands with at a party than emailing them or calling on them cold. We develop a program that's attractive to the broadest-based number of Louisiana lawyers. It's a terrific opportunity.

**Talley:** Plus, if you go to Summer School, you can be there in person when you are sworn in as president. That's la-gniappe!

**Kutcher:** Yes. If you come to the Summer School and Annual Meeting, I encourage everyone to attend the Thursday installation lunch. I promise my speech will be short.

**Talley:** I've often heard the saying, "you are what you wear." You have a reputation for being quite the dresser, no matter the occasion. What does that say about you?

**Kutcher:** That I know what the occasion is when I decide how to dress. The reality is I grew up in a hotel and you couldn't go to dinner in pajamas and a bathrobe. You went to the dining room. You had a dress code. When I was young kid, on Saturday night, the women wore evening gowns and the men wore tuxedos. You wore a coat and tie to dinner. You dressed for the occasion. If I'm going to court, I wear a coat and tie. If I'm coming downtown, I usually wear a sport coat. If I go to Jazz Fest, I will wear Jazz Fest festival attire. For the beach, beach attire. You can always tell the out-of-town, first-time speakers at the Annual Meeting because they show up in coat and tie.

**Talley:** You are also frequently seen with a cigar. I've never seen you smoke the cigar, but you always have it.

**Kutcher:** I used to smoke cigars. My grandfather, my father, my uncle all smoked cigars. I picked up the habit, too. Eventually, though, I was squeezed out of smoking in more and more places. I used to smoke a cigar on the golf course, but I gave up golf. So, I ran out of places to smoke.

**Talley:** What is Bob Kutcher passionate about?

**Kutcher:** I have no answer for that. I'm perfectly happy wherever I am. I don't have

a bucket list, which aggravates my wife. But I am a live-for-the-moment person. I love practicing law. My father told me years ago: If you look in the mirror and don't like what you see, do something else. If this isn't for you, then don't do it. Life is too short. I found something I like and I'm relatively good at it. There's precious few things I'm good at so I want to take advantage of what I can do. That's what I'm passionate about.

**Talley:** Thank you for all you have done for the Bar for many years and thank you for what you are about to do. You are an outstanding man, professionally and personally. You will be a great president. What is the state of the profession and are you optimistic about the future?

**Kutcher:** You have to be optimistic. I learned a long time ago either you will be happy or miserable. Life will go on no matter what so do your best to be happy about it. Our profession is changing. It's not like it was 25 years ago and it won't be the same 25 years from now. The evolution of artificial intelligence will impact lawyers more. I don't have a crystal ball, so I don't know where we will be in 25 years. But there will always be lawyers, and I hope the profession that exists in the future will build upon what we have done now for our members and will continue to make our Bar Association and the profession better for its members.

**Talley:** When I arrived to do this interview, someone in the Bar Center jokingly asked if the "victim" was here yet. I hope you haven't felt like a victim in this interview.

**Kutcher:** Of course not. This has been delightful.

**Talley:** Thanks, Bob, and good luck to you this year. I know you will be a very successful LSBA President.

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