

THE BAR REVIEW

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EVENTS AT A GLANCE

2/23	Centaur Parade
2/27	SBA Membership Luncheon – 12:00 p.m. - Petroleum Club
3/3	Highland Parade
3/27	SBA Membership Luncheon – 12:00 p.m. - Petroleum Club



From The President

by Curtis R. Joseph Jr., President, curtis@wjlawfirm.net

BALANCE

One of my favorite philosophers, Arthur Schopenhauer, once noted that our existence is much like a man running downhill, or a person balancing a pole on the tip of their finger. We can't keep our legs under us unless we continue to run. Similarly, to maintain the balance of the pole, one must keep the pole in motion. How, then, do we find the necessary balance to lead healthy, productive lives for ourselves, our families, and our society?

As a young man, I often found myself living well into the future, often to the detriment of the present. High school was a springboard to college. College was only a prerequisite to law school. During my first year of law school, I was elected our class's president. However, in short order, I became somewhat of a recluse. I intentionally narrowed the scope of my friendships and reduced my socializing until it was almost nonexistent. I found that I was frequently uncomfortable at social gatherings because everyone seemed so intently focused on the law, even when we were not engaged in classroom study. The prospect of being "on the clock" all the time was not appealing to me. Had I missed the mark as it regards my life's calling?

Somewhat like Jonah of the Old Testament, I subconsciously decided that I would not travel to my personal, metaphorical Nineveh. Instead, I would chart a different course. Apparently, the law was not for me, and lawyers were not the types of people with whom I would spend the rest of my life. Then, it happened. During my second year, I was accepted into the one of the most highly sought-after legal practice clinics at our law school, the Alderson Legal Assistance Program, which provided a wide range of legal services to the inmates of the Federal Prison Camp at Alderson, West Virginia. The clinic was spearheaded by Professor Roger D. Groot, who was the type of mentor that we all need in our lives, and as fate would dictate, he entered mine at a time of need. I was at a crossroads, and for the first time in my life, I was unsure of myself. Suffice it to say, when you have my personality type, uncertainty is not a welcome passenger. Prior to that time in my life, I'd never needed assurance of my merit. That said, I was certainly comforted by Professor Groot's acceptance, which served as validation that I had what it took to become a successful attorney.

It was also during my second year, that I began playing music with a few undergraduate students. I'd grown up playing the drums in my church's choir. But this was an altogether different experience. We were playing fraternity and sorority parties, and we were making decent money doing it. Thus entered the conflict, whose resolution continues as of this very writing. By virtue of my hands-on clinic experience, I began to derive more pleasure from the classroom experience. Likewise, I continued to enjoy expressing my musical talents. I graduated from law school the year before my bandmates graduated from college, and I returned to Shreveport to begin my legal career, or so I thought. By that time, my life was out of balance, and it was taking a toll on my psyche. Something was missing.

I reached out to my former band members and persuaded them to move to New Orleans when they graduated. I terminated my employment with Wellborn Jack Jr.

continued on page 3

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SAVE THE DATE

SHREVEPORT BAR ASSOCIATION 2019 GOLF TOURNAMENT

Monday, May 13, 2019

East Ridge Country Club,

Shreveport, Louisiana

Four-Person Scramble

Afternoon Shotgun Start (12:30 p.m.)

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on a Tuesday, and, on Friday, I moved to New Orleans to play music. Shortly thereafter, I began teaching Language Arts, Social Studies and Religion at Bishop Perry Middle School, a Catholic all-boys school, located in the heart of the Faubourg Marigny, just off the French Quarter. Although I thoroughly enjoyed teaching, in many respects, I'd teetered the scales too far in the opposite direction. As is often the case in New Orleans, I'd moved the needle such that I was living only in the present. I'd become unmindful of the future. Once again, I found myself out of balance.

Nevertheless, the band (idletime) was experiencing a measure of success. Our self-produced CD, "Time Stops," had been picked up by Louisiana Red Hot Records, and they'd put us on tours across the country. I was seeing the states and playing music on a regular basis. However, I found that I missed the practice of law. Consequently, when the record label urged us to become full-time musicians, I opted instead to course correct and finally head toward Nineveh. Ironically, while in New Orleans, I began dating Barbara Ginsburg, whom I'd met five years earlier. Barbara is from Shreveport, and she was willing to come home with me to start a family. I went back to work for Wellborn Jack Jr. Although three years had passed, I was in the same office, with the same computer and many of the same files. Had it all been a mirage?

I'd read Herman Hesse's *Steppenwolf*, and, through life's experience, I was becoming familiar with the duality of man and the ceaseless quest to reconcile the various, and often competing forces at work within us all. I'd learned that life is not an either/or proposition. To this point, in his seminal work, *Toward a Psychology of Being*, noted psychologist Abraham Maslow addresses this balancing act thorough his theories of self-actualization and the hierarchy of human needs. Personally, I have found that I'm happiest and the most fulfilled when I'm satisfying the most facets of my life, be they personal, professional or societal.

As an enterprising lawyer, it's easy to think that I can work a few more hours, and I can get a little bit more done. But, at what cost? While we engage in empire building, we often sacrifice our families, our health, our hobbies, and the very things that make us unique, special and whole. And, that should not be the case. The benefits derived from regular exercise and eating better are legion and they speak for themselves. Carve out time for family and friends, but most of all, as selfish as it may seem, everyone is better served when we save time for ourselves.

Interestingly enough, when my 13-year old son asked what I'd write about this month, I told him that I wanted to discuss balance. His immediate response was, "You mean like the scales that the lawyers have?" How 'bout that? Maybe the blind lady holding the scales isn't weighing evidence or credibility after all. Maybe, like the Egyptian goddess Ma'at, her focus is on the concepts of truth, order, justice and balance.

My kindest regards,

Curtis



Women's Section

by Sarah Giglio,
sarah@gilmergiglio.com

Greetings Shreveport Bar Association! Now that the year is in full swing, I am pleased to report that event planning for the SBA Women's Section is well underway. Our officers met at the beginning of January to map out an overview of the year to discuss and plan activities, continuing education and other networking.

We look forward to continuing our tradition of Wine Down Wednesdays approximately four times this year. We are also considering hosting a cooking class, a movie night, a pool party and a game night. If you have a suggestion for an event that you would like to see, please let me or any Women's Section officer know, and we will do our best to accommodate.

For our February event, Judge Elizabeth Foote of the Western District of Louisiana has graciously offered to host the Women's Section for lunch in her chambers on February 19. This is an excellent opportunity for our membership to get to meet and have conversations with Judge Foote.

Please be on the lookout for our e-newsletter the first Monday of each month to get updated information about our events. Also, let us know when you have accomplishments, special announcements, etc., that you would like to have announced in our newsletter. Make sure you have "liked" our Facebook page at www.facebook.com/sbawomenssection.

Welcome TO THE SBA

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Second Circuit Court of Appeal

Carolyn Murphy
First State Bank and Trust Company
Carthage, Texas

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Vishnefski Law Firm LLC

David Wilkes
Cook, Yancey, King & Galloway



Young Lawyers' Section

by: Valerie DeLatte, President
vdelatte@getgordon.com

For 2019, the Young Lawyers' Section is excited to announce a renewed dedication to volunteerism in our Shreveport-Bossier community. We believe that if we come together, we can accomplish great things and have a positive impact within and outside our legal circle. I hope all attorneys under the age of 40 or within their first 5 years of practice will join us in this cause.

Our first volunteer opportunity will be assisting with the Region 1 High School Mock Trial Competition which will take place on Saturday, March 2, 2019, at the Tom Stagg United States Court House, 330 Fannin Street. We are seeking volunteers to assist as scoring judges, presiding judges, and with sign-in and courtroom assignments. While the competition will last all day, you can help immensely by volunteering a couple of hours of your time. If you'd like to volunteer, please take the volunteer survey at <https://www.surveymonkey.com/r/567XXMK>. The coordinator for this year's mock trial is William "Billy" Murray, and you may contact him directly if you have any questions, at William@nhsmedmal.com. You do not have to be a young attorney to assist – all are welcome.

On February 1 we sent out the first issue of our own monthly newsletter. These newsletters will update the Young Lawyers' Section membership of opportunities in the area, our upcoming events, and introduce new members to our community. If you have not received the February newsletter and would like to, please email us, shreveportbarassocyls@gmail.com.

The February Bar exam takes place on February 25, 27 and 29. If you know anyone taking this exam, please send them some love and encouragement. I know I am not alone in saying, "Thank goodness I don't have to take the Louisiana Bar Exam again."

Additionally, our first networking happy hour is coming up in March. Location and date TBA. Please follow us on Instagram @sba_yls for announcements.



Professionalism and Student Debt

by David Szwak, Member of the LSBA
Professionalism Committee
BJKS1507@aol.com

Student loan debt in America was \$1.3 trillion dollars at the end of 2015 and had surpassed credit card debts owed by Americans. Student loan debt is now second only to housing debts owed by Americans. Law students and young lawyers have the difficult challenge of having to practice with sometimes excessive student debt impacting their practice and lives.

The student loan area has been plagued with fraudulent and deceptive schemes to lure consumers into debt. Law students should be very wary of incurring excessive debt and know their rights as a consumer.

If you are interested in learning more about student debt issues, please go to the LSBA website www.lsba.org to view my video presented by the Committee on Professionalism. There you will also see a link to my outline on student loan issues and question and answers. The direct link is

<https://www.lsba.org/Professionalism/StudentDebt.aspx>.

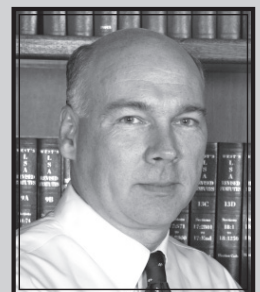
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Captain Speaks

by H. Lyn Lawrence Jr., Captain,
lyn@lynlawrence.com

Justinian XXV was nothing short of a raucous success. We began the year at 12th night on Jan 5, 2019 and have not stopped since.

The Grand Bal held Feb 1 at Horseshoe Riverdome with music by In10city topped a magical 25th Anniversary season. King Deryl Medlin, Queen Lisa Clark and their Royal Court presided over the Bal chaired by Amy cubed (Amy Bokenfohr, Amy Gardner Day and Amy O'Callaghan) who planned a magnificent event attended by hundreds.

Feb 3 saw our Dukes and Duchesses (Chris Stahl, Holland Miciotto, Rachel Wiggins Bays and Liza Beth Grozinger) host the annual brunch at East Ridge.

With 18 Krewes in the area, King Deryl Medlin, Queen Lisa Clark and I have been representing the Krewe at each Bal and hopefully displaying a generous and fun side to our legal profession. We have truly enjoyed the season. March 5 is Mardi Gras, and I invite everyone to attend the blessing of the Krewes by Monsignor Earl Provenza at midnight on the Texas Street Bridge.

To King Deryl Medlin, Queen Lisa Clark, Duke Chris Stahl, Duke Holland Miciotto, Duchess Rachel Wiggins Bays, Duchess Liza Beth Grozinger, Prince Christian Hall, Princess Peyton Lawrence and Tribune Rebecca Edwards (who has been FANTASTIC) - it has been my absolute pleasure to have been your Captain. Justinian XXV began with high expectations and exceeded every one of them because of each of you and your enthusiasm and unwavering support for the Krewe.

Lastly, what sometimes gets lost in all the revelry of Mardi Gras and Justinian is that the written mission of our Krewe is to support the SHREVEPORT BAR FOUNDATION and its Pro Bono Project. If you participated in a Derby Days Krewe activity this year, know that your participation contributed to the work of the SHREVEPORT BAR FOUNDATION. If you sat this one out, saddle up next year as the Foundation needs each one of us each year.

TALK DERBY TO ME!!!

Captain Lyn Lawrence

BILLY J. GUIN, JR.

Medical Review Panel

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Shreveport Bar Foundation Legal Representation for Victims of Domestic Violence Program Full-Time Staff Attorney Position

The Shreveport Bar Foundation is seeking a staff attorney to provide direct representation to victims of domestic violence. The duties will include the following:

- Meet with clients who desire an order of protection from domestic violence.
- Prepare, review and file pertinent legal documents, including gathering admissible evidence such as medical and ER records, photographs and police reports to support a request for a protective order on behalf of domestic violence clients.
- Issue subpoenas to obtain the appearance of important witnesses at court hearings, such as ER and treating doctors and nurses, police officers and neighbors who witnessed the abuse in order to support the testimony of the clients.
- Protect clients from harassment and badgering in court.
- Represent clients in Caddo District Court and Caddo Juvenile Court to obtain protective orders and necessary ancillary orders such as child custody and support.
- Coordinate efforts with Caddo and Bossier Parish law enforcement agencies including Project Celebration, Legal Aid of North Louisiana, Family Justice Center, District Attorney's Office, Mayor's Office and Clerk of Court.
- Attend events to give presentations about the program to the local community.
- Attend Training Seminar on Protective Orders.

REQUIRED SKILLS

- Licensed to practice law in Louisiana and in good standing.
- Must be self-sufficient, motivated and able to work on projects with limited supervision.
- Legal research and writing.
- Submit and answer discovery requests.
- Proficient in using Microsoft Word, Excel and case management software.

The attorney will work under the direction of the Shreveport Bar Foundation Board of Directors and Executive Director and is responsible for using best practices within the adopted budget, guidelines and policies of the SBF.

This position is funded by an 18-month grant from the Community Foundation.

Please email your resume to dsouthern@shreveportbar.com.

Submission deadline is Monday, February 11, 2019.



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Things They Don't Teach You in Law School

by Dan Farris, daniel@danielfarrislaw.com

Part 1: How to act at a fat-cat event

This article is primarily written for young attorneys, but some of you seasoned attorneys may find it useful as well. I'm going to cover how to act at a fat-cat event. These fat-cat events are really important because they're great networking opportunities and a chance to enjoy yourself, but there are some things you need to know. Before I go any further, we need to define some terms. You're a lawyer now, so get used to defining terms.

Here, a "fat-cat event" is simply defined as a "fancy gathering." Now that you passed the bar, you'll be getting invited to a lot of these fat-cat events; it's part of the gig. "But Dan, they didn't teach me how to act at a fat-cat event in law school!" Calm down, that's why I wrote this article.

I'm going to teach you three steps that will ensure you're a success at a fat-cat event: (1) the entrance, (2) working the room, (3) the exit. These steps are applicable even if you go to a fat-cat event with a partner. Let's begin with the first step: the entrance.

The Entrance

The first step is perhaps the most important, because it's going to set the tone for the entire affair. When you arrive, don't put your head down and rush immediately to that empty corner you just spotted. Instead, pause briefly as soon as you enter the room. Allow people to take in your coolness and get a feel for all the faces and the energy in the place. If you don't consider yourself as being "cool," then think of the coolest person you know and emulate them. This person may be your mom, dad, wife, husband, best friend, etc. For me, it's the cool guy from "Grease 2," not the movie with John Travolta, but the second one. My second option was the green Power Ranger, and if you haven't seen "Grease 2," then shame on you. You've nailed the first step, now on step two.

Working the Room

This one gets tricky and is filled with landmines, so be careful. Remember, don't go hide in a corner with your head down. Also, you may be tempted to find a lone "show-stopper" and just listen to them the whole time. I forgot to define "show-stopper" earlier, so let's do it now.

A "show-stopper" is the person in the room with a big smile on their face, and they're likely in the middle of telling a funny story with a handful of people around them. Trust me, they're easy to spot. These show-stoppers feed off attention. They're like the person that answers all the questions in law school, before 1L grades come up and realize they're not as brilliant as they

thought. Random aside – how humbling is receiving 1L grades? You go from thinking you're going to be a Supreme Court justice one day to, "is this law thing really for me?" Anyhow, back to the show-stoppers.

Their charisma will draw you in but remember to watch out for this landmine, you came to work the room. This means talking to as many people as possible. Another landmine to avoid is a "closed circle." A closed circle is a circle of people who clearly know each other and are perfectly content with just enjoying the event among themselves. You are an unwanted intruder, and the awkward look they give you when you try to enter the circle will alert you that you've stepped in it. These closed circles exist, but they're rare, most people at these fat cat events are open to meeting a new face. "But Dan, what do I talk about?" Well, you know, small talk. Where are they from? What do they do for a living? Who is their favorite superhero? You can learn a lot from someone based on their favorite superhero. My favorite is Superman, and I dare you to challenge me. So, you've nailed the entrance and worked the room, now on to the last step.

The Exit

Unless you've offered to help clean up afterwards, don't be the last person to leave. It's just not cool, and we are cool like the cool guy from "Grease 2." (If you still haven't stopped to see "Grease 2" at this point, double-shame on you.) If you are the last person to leave the room, it looks like you don't have anything better to do and are just thrilled to be out of the house! No, no, no – leave the same way you entered. Take it all in one final time, pause a little so people can realize you're about to leave, and exit the stage.

Congrats, you now know how to handle yourself at a fat-cat event. You've nailed the entrance, worked the room, and nailed the exit. I look forward to seeing you at the next fat-cat event, and if you're nervous about going to one, just find me. I'm not a show-stopper, but I've been known to tell the occasional joke that always lightens the mood. Also, feel free to give me feedback on this article. I don't mean minor grammatical errors that you noticed; save that for the new associate you just hired that you want to humble a bit.

Stay tuned for the next article. I'm considering covering how to handle the first time your client cusses you out. "But Dan, that will never happen to me!" Like Obi-Wan Kenobi told Luke Skywalker, you have much to learn.



Pro Bono Project

by Kelli Sanders, Coordinator, ksanders@shreveportbar.com

In 2019 our focus is committed to excellence in community service. As always this requires a passion for the type of work that we do to give back, a sense of accomplishment, and a desire to be a part of the community that we live and work in. Those things are what drive volunteers. Do you have the same qualities, passion and drive? If so, please contact me to sign up as a volunteer.

On December 23, 2018, the Pro Bono Project was featured on Cumulus Cares on the following radio stations: KRMD-AM 1340, KMJJ-FM 99.7, KQHN-FM 97.3, KVMA-FM 102.9 and KRMD-FM 101.1 to talk about our programs and mission. The response has been considerable. We have received letters from as far away as New Boston, Texas, from people who heard the interview.

Give for Good is set for May 7, 2019. I kindly ask for each of you to share, like, tweet, #hashtag and email the link. This will help us spread the word. If you aren't able to volunteer to take cases, please consider spending 30 seconds a day from March 1 thru May 7 upping our social media game and upping our chance to succeed in maximizing monetary donations during the Give for Good Campaign. You can also help by creating a story on the Give for Good website to bring focus and awareness to OUR campaign. Our campaign was successful last year due in large part to the number of attorneys we had coming to Rhino Coffee to volunteer by spending an hour or so helping take donations during the event. I hope to see more attorney volunteers this year.

Our Day of Service on January 21, 2019, was held at the MLK Civic Club on Russell Road. We collaborated with Cedric B. Glover, Abounding Faith Temple and Bishop Andrew Randall who extended the invitation to assist. We are very excited about the new connections we are making in the community.

Last year we introduced a new way you can sign up to volunteer, "Sign-Up Genius." When you use the Sign-Up Genius, it will show you if there are available spots to volunteer and if the event is full. Although the event may be full, "life happens" and sometimes volunteers need to cancel the day of the event. As we all know, deadlines and last-minute briefs are often thrown upon us right before we leave for the day. If you do sign up through Sign-Up Genius and can't make the event, please cancel. If you see a particular event is full online, please do not dismiss it and think your help is not needed or appreciated. If you are moved to volunteer that day, I promise you will not be turned away. I always welcome more volunteers. Please feel free to drop by. You will be welcomed with open arms.

At the beginning of this article I started with the collaborative effort between staff and volunteer attorneys, so I will end on the same note. You make this possible. Your altruism and generosity speak to hundreds of people when you spend two hours a month volunteering at an Ask-A-Lawyer event or sign up to take a pro bono case. If you have volunteered before, were on a list in previous years and haven't received any cases, are interested in earning free CLE hours, or want to volunteer to take a case but it is not in your usual field of practice, don't worry. I can help you with that. The more volunteers we have means the bigger the pool to call on. We take care of our volunteers. You never know what you will see as a token of appreciation for volunteering at our Ask-A-Lawyer events. We want you to commit to excellence in community service.

The Pro Bono Project is able to do all that we do because of the support we receive from our grantors, Louisiana Bar Foundation, Acadiana Legal Services Corporation, United Way of Northwest Louisiana, Carolyn W. and Charles T. Beaird Family Foundation, First United Methodist Church and the SBA Krewe of Justinian.



Mark Your Calendar



FEBRUARY 15

March Bar Review Deadline
For Ad Submission

FEBRUARY 23

Centaur Parade
Krewe of Justinian Participates

FEBRUARY 27

SBA Member Luncheon
12:00 Noon at the Petroleum Club (15th Floor)
Speaker: Judge Paul Young

MARCH 3

Highland Parade
Krewe of Justinian Participates

MARCH 27

SBA Member Luncheon
12:00 Noon at the Petroleum Club (15th Floor)
Speaker: TBD

MAY 1

Law Day Luncheon
12:00 Noon at the Petroleum Club (15th Floor)

MAY 3

Red Mass
9:00 a.m. at Holy Trinity Catholic Church

MAY 5

SBA Member/Family Day
4-7 p.m. at East Ridge Country Club

MAY 7

Give For Good Campaign
Rhino Coffee Downtown

MAY 13

Annual SBA Golf Tournament
12:30 p.m. at East Ridge Country Club

MAY 17

North Louisiana Appellate Conference CLE
at Second Circuit Court of Appeal

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JUDGE CHARLES TUTT

WIENER, WEISS AND MADISON

How Write You Are

by Hal Odom Jr., rhodom@la2nd.org

Criminal assessments. Last month we mentioned misusing *access* (means of entry) for *assess* (impose a fee), in phrases like “contract will be *accessed* a fee of \$100 per day or until paid” or “costs of these proceedings are *accessed* to” the plaintiff. Because both of these are “real words,” Spell Check will probably not flag the error.

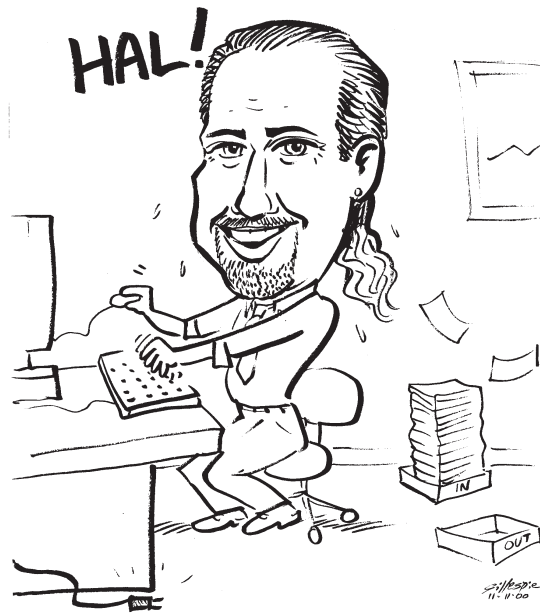
A related error pertains to the second kind of party to a crime: accessories after the fact, La. R.S. 14:23 (2), or the kind of contract intended to provide security for the performance of an obligation, La. C.C. 1913. Consider these odd substitutes:

- “The defendant argues that the trial court erred in refusing to instruct the jury concerning the offense of *assessory* after the fact.” *State v. Clark*, 2014-627 (La. App. 3 Cir. 11/5/14) (unpublished opinion)
- “Mr. Devereaux was charged as an *assessory* after the fact based on the statements that he gave to the police officers.” *State v. Kissinger*, 599 So.2d 865 (La. App. 4 Cir. 1992) (quoting the trial transcript)
- “Appeal From and Crime: Sabine Parish S/Burglary; *Assessory* after the fact.” *State v. Sharpley*, 420 So. 2d 686 (La. 1982) (table)
- “Mutual agreed to provide Saia with ‘trucks, tractors, automobiles, and related maintenance *assessories*’ for a period of twelve months[.]” *Saia Electric Inc. v. McNamara*, 540 So. 2d 387 (La. App. 1 Cir. 1989)
- “We also agree with appellants’ statement of the law that suretyship is an *assessory* promise by which a person binds himself along with another already bound.” *Quickick Inc. v. Quickick Int’l*, 341 So. 2d 1313 (La. 1976)

Each of these should be *accessory*. Notably, most of them predate the advent of universal Spell Check, which tags *assessory* as a nonword. Still, careful legal writers will remember their vocabulary, even without *access* to Spell Check.

No double-dealing. In the standard vocabulary, *duplicity* is defined as “deceitfulness in speech or conduct, as by speaking or acting in two different ways to different people concerning the same matter.” The adjectival form *duplicitous* means “deceitful, double-dealing.” (Dictionary.com LLC, ©2019.) “Although the appellants may have been *duplicitous* with one another, the object of their contracts – to share re-sale profits – was valid.” *International Carriers Inc. v. Pearl River Navigation Inc.*, 2014-1189 (La. App. 4 Cir. 4/15/15), 166 So. 3d 1114.

In the legal vocabulary, *duplicity* does not have the shady moral overtones. A motion to quash may be based on the grounds that the “indictment is *duplicitous* or contains a misjoinder of defendants or offenses.” La. C. Cr. P. art. 532 (3). *Duplicity* is no longer defined in the Code of Criminal Procedure, but former Art. 491 defined it as “the inclusion of two offenses in the same count.” *State v. Petitto*, 2012-1670 (La. App. 3 Cir. 4/26/13), 116 So. 3d 761. Charging two



or more distinct or separate offenses in a single count is generally “unacceptable because it prevents the jury from deciding guilt or innocence on each offense separately and may make it difficult to determine whether the conviction rested on only one of the offenses or both.” *United States v. Valas*, 822 F.3d 228 (5 Cir. 2016), fn. 2, quoting Wayne R. LaFave et al., 5 Crim. Proc. § 19.3 (d) (4 ed. 2015).

There is not much chance of overlap, but consider: “On May 25, 2017, the District Court amended its judgment to hold that both La. R.S. 32:667 H(3) and I(1)(a) were unconstitutional * * * as these provisions ‘mandate punitive *duplicitous* measures based entirely on a previous arrest, rather than on previous illegal conduct proven by any recognized burden.’” *Carver v. State*, 2017-1340 (La.

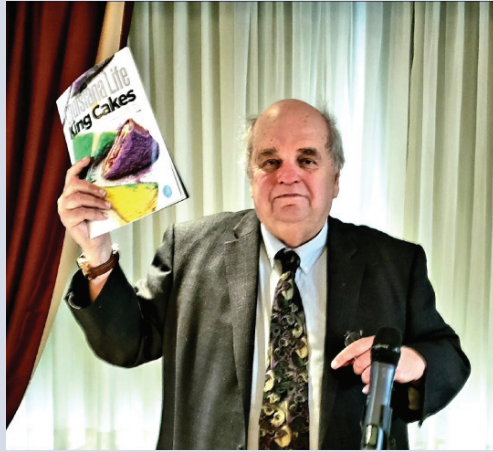
1/30/18), 239 So. 3d 226 (quoting the district court). Surely the court was not saying that punitive measures were *shady* or *two-faced*, or *improperly cumulated* in an indictment. Rather, the court meant the statutes authorized *double punishment* for someone who refused to take a Breathalyzer test. There is a better word for this:

- “Requiring the defendants to file an opposition to the plaintiffs’ motion, in addition to their own motion * * *, would be a needless and *duplicative* endeavor.” *Smart v. Calhoun*, 49,943 (La. App. 2 Cir. 8/29/15), 174 So. 3d 168.
- “Citgo’s second assignment of error is that the trial court erred in awarding damages for mental anguish and loss of enjoyment of life [in circumstances that] make the awards *duplicative* of the award based on fear of future injury.” *Fontenot v. Citgo Petroleum Corp.*, 2017-924 (La. App. 3 Cir. 5/23/18), 247 So. 3d 837.
- “In this matter, respondent has engaged in numerous instances of misconduct, including * * * submitting *duplicative* or untimely pleadings to the courts[.]” *In re Toaston*, 2017-0702 (La. 9/6/17), 225 So. 3d 1066.

Try to avoid personal conduct that may be *duplicitous*, legal procedures that may be *duplicative*, and indictments of all kinds – including the *duplicitous* ones.

A “good faith” error. These are oldies, but goodies. “Mr. Chabert was examined, marked, re-examined[.] certainly he had objective evidence of pain; was not malingering; and definitely had *bonified* objective evidence of injury of the spine.” *Chabert v. City of Westwego Police Pension & Relief Bd.*, 423 So. 2d 1190 (La. App. 5 Cir. 1982) (quoting a doctor’s report). “The court analyzed Batiste’s evidence of pretext and concluded that DuPont’s ‘no beard’ policy was a ‘*bonified* [sic] safety regulation.’” *Batiste v. E.I. Du Pont De Nemours & Co.*, 58 F.3d 636 (5 Cir. 1995). Legal writers who can’t spell *bona fide* are almost disqualified from claiming they made the error in *good faith*!

January Luncheon Highlights





SHREVEPORT BAR ASSOCIATION

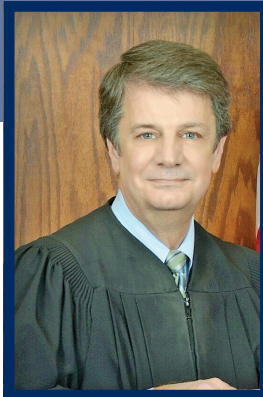
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DEADLINE FOR MARCH ISSUE: FEBRUARY 15, 2019

SBA LUNCHEON MEETING - FEBRUARY 27

*Petroleum Club (15th floor) – Buffet opens at 11:30 a.m. Program and Speaker from 12:00 Noon to 1:15 p.m.
\$25.00 for SBA members includes lunch with advance reservation and \$30.00 for late reservation
(after 5:00 pm the Monday prior to the luncheon) and Non SBA Members*



THE JUVENILE DETENTION CENTER CRISIS

When: Wednesday, February 27 from 12:00 Noon to 1:15 p.m.

Where: Petroleum Club (15th floor)

Featuring: Honorable Paul Young, Caddo Juvenile Court

Join us on Wednesday, February 27 to get an update on the Juvenile Detention Center crisis. Judge Paul Young will be our guest speaker and will talk about this very important issue. Judge Young was born and reared in Hope, Arkansas. He attended Centenary College on a baseball scholarship and later graduated from Vanderbilt Law School.

He returned to Shreveport and began his legal career as a staff attorney at Northwest Louisiana Legal Services (NWLLS) and as a law clerk for Judges James Clark and Paul Lynch. He then was hired as the first attorney for the Mental Health Advocacy Service where he served for ten years. During this time, he served as the Chairman of the Law and Mental Health Committee of the American Bar Association and served on the ABA President's Commission on Youth Alcohol and Drug Problems.

In 1999, Judge Young was elected to the Caddo Juvenile Court, during which time he has been named 2003 Public Official of the Year by the Northwest Louisiana Chapter of the National Association of Social Workers; elected President of the Louisiana Council on Juvenile and Family Court Judges (2007-2009); and been named CASA Judge of the Year (2017).

He is married to Vickie Moore Young and they have three grown children and two grandchildren. He is an active member of Noel United Methodist Church and a serious San Francisco Giants fan.

**YES, I'M
ATTENDING**

You may confirm your reservation(s) by email, telephone, or fax.
Email: mfarrar@shreveportbar.com Phone: 222-3643 Ext 2 Fax: 222-9272

I plan to attend the February luncheon. Attorney: _____

Please remember to call and cancel if you're unable to attend. The SBA pays for each reservation made. Thank You!