

THE BAR REVIEW

PUBLICATION OF THE SHREVEPORT BAR ASSOCIATION

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EVENTS AT A GLANCE

6/18 SBA and YLS Lunch & Learn
6/24 SBA Membership Luncheon –
12:00 p.m. - Petroleum Club
7/16 SBA and YLS Lunch & Learn



From The President

by Tom Arceneaux, President, tarceneaux@bwor.com

THINGS I HAVE LEARNED

Difficult times teach us lessons. During this period of semi-quarantine due to COVID-19, I have learned a few lessons, some of which I wanted to learn and some of which I would have been happy to have remained in ignorant bliss about. As I write this column, we are still under Stay at Home orders. Perhaps when you read it, some of the restrictions will have eased.

I thought I'd share some of my lessons with you. Maybe you'll learn from mine without some of the discomfort with which I learned. Or maybe not.

1. Some people are team players. When all is well with an organization, the members don't necessarily know who really is on the team and who is not. When the organization hits a rough spot, you find out in a hurry who looks to the overall good of the organization and who protects themselves first. To a person, your Shreveport Bar Association executive director, staff, committee chairs and executive council members are team players. Without doubt, each person has individual challenges that come with a sudden shutdown and change of circumstances. When we have been working on SBA business, no person has mentioned his or her personal struggle or whether a particular course of action would be better for him or her personally. All the focus has been on continuing to deliver value to you as members of SBA.

2. We really are a close-knit association. For my entire career in Shreveport, spanning over 40 years, the SBA has enjoyed a reputation as a close group with a great deal of collegiality. This experience has taught me that the reputation is well deserved. I have witnessed and have heard about lawyer after lawyer reaching out to colleagues to see whether the colleagues need assistance of any kind, whether personal or professional. I am convinced that while we do this for a living, nearly all of us consider it a calling, not a job. I cannot think of a better community in which to practice law than Shreveport-Bossier.

3. I miss you. Even though our social events are relatively rare, my practice has put me in touch with lots of lawyers on at least a weekly basis. Most of us are witty and fun, even when we are on opposite sides of an issue. I miss the humor, the good-natured kidding, the advocacy and the friendship of my fellow lawyers. I like and admire you, and those easy touches are a big part of my life. I look forward to the time, soon I hope, we will enjoy lunch together. I have some ideas for some extra events to put us back in touch with each other just to have fun, too. We'll all need it. I hope we'll be able to have our June luncheon as planned, and I hope you'll make a special effort to come and enjoy the company of your brothers and sisters of the law.

4. Working from home is harder than I thought. I've always done some work at home. Since remote connection to the office server, much of my weekend work has been from home rather than the office. I thought a transition to a semi-permanent situation would be easy. Wrong. I have a particular setup in my office, and there are

continued on page 3

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Executive Director
Dana Southern
dsouthern@shreveportbar.com

Administrative Assistant
Chelsea Withers
cwithers@shreveportbar.com

Pro Bono Coordinator
Lucy Espree
lespree@shreveportbar.com
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DONATE MAY 5

When you donate to Shreveport Bar Foundation Pro Bono Project via www.giveforgoodnla.com on May 5 your donation will support the Pro Bono Project, assist the indigent with obtaining legal help for civil matters, and aid the LRVDV program that helps victims of domestic violence obtain protective orders.

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tools and spaces available that make me much more efficient in the office than at home other than for working on a brief or other document. In addition, at Blanchard Walker we have a tradition of gathering for coffee each morning. At coffee, we can discuss any topic, including getting perspective on tough legal issues. I miss “coffee.”

We had to cancel all our Law Week events. The Law Week Committee and the Liberty Bell Award Committee decided to postpone the Law Day luncheon and activities until the fall. We do not know what the schedule will be yet or whether all of the activities will occur, just at different times. Stay tuned for those announcements. Currently, the Law Day luncheon will be on Wednesday, September 23. We will present the Liberty Bell Award then.

Because the time for nominations for the Liberty Bell Award came right as the COVID-19 upheaval occurred, it is possible that you may have lost track of that task. Thus, the Liberty Bell Award Committee has reopened nominations. June’s *Bar Review* will announce the new deadline, but feel free to nominate persons who you believe are worthy of the recognition.

Finally, we are a blessed association to have Dana Southern as our executive director, and to have Chelsea Withers and Lucy Espree to round out the staff. These women have been the glue that has held us together while we are all dispersed. My late friend Al Kessler was known for showing his gratitude by saying, “Thank you, thank you, thank you.” Dana, Chelsea and Lucy, “Thank you, thank you, thank you.”

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Mark Your Calendar



JUNE 18

SBA and YLS Lunch & Learn
Trial Advocacy Summer Series, Session 1
11:00 a.m. -1:00 p.m. at the
Shreveport Bar Center

JUNE 24

SBA Member Luncheon
12:00 Noon at the Petroleum Club (15th Floor)
Speaker: Randy Grigsby
Author of A Train to Palestine

JULY 16

SBA and YLS Lunch & Learn
Trial Advocacy Summer Series, Session 2
11:00 a.m. -1:00 p.m. at the Shreveport Bar Center

AUGUST 20

SBA and YLS Lunch & Learn
Trial Advocacy Summer Series, Session 3
11:00 a.m. -1:00 p.m. at the Shreveport Bar Center

SEPTEMBER 16 & 17

Recent Developments by the Judiciary CLE
Hilton Garden Inn, Bossier City

SEPTEMBER 21

Annual SBA Golf Tournament
12:30 p.m. at Southern Trace Country Club

IMPORTANT NOTICE

Due to Covid-19,
all scheduled SBA
activities are
subject to change,
rescheduling or
cancellation.

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How Write You Are

by Hal Odom Jr., rhodom@la2nd.org

A shiny temptation. A story in *The Times* about the Krewe of Gemini parade (obviously before the Coronavirus came to town) contained this lede: “Vacation-themed floats adorned with beads and other *bobbles*, lined up along Clyde Fant Parkway Saturday[.]” As we know from sports, to *bobble* means to *mishandle* or *fumble* the ball; as a noun, it means an error or an uncoordinated act. It can also mean a bobblehead, a small doll with a head that bobs up and down. We can be certain that most carnival floats were not adorned with bobbles.

The intended word was the near-homophone *bauble*, which means a *showy*, *cheap ornament* or a *trinket*. This word plays a part in legal writing, appearing in Chief Justice John Marshall’s seminal opinion defining Congress’s authority over the states, *M’Culloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 4 L. Ed. 579 (1819): “If no other motive for its insertion can be suggested, a sufficient one is found in the desire to remove all doubts respecting the right to legislate on that vast mass of incidental powers which must be involved in the constitution, if that instrument be not a splendid *bauble*.” This quote, with its glittery image, recurred in Supreme Court jurisprudence fairly recently, in Justice Thomas’s concurrence in *Sabri v. United States*, 541 U.S. 600, 124 S. Ct. 1941 (2004).

Courts usually do not bobble the use of *bobble*. “The football which S.J. was carrying ‘began to bobble’ and became lodged underneath his right leg.” *Laiche v. Kohen*, 621 So. 2d 1162 (La. App. 1 Cir. 1993). “In the course of a well-tryed case, replete with cogent evidence of guilt, this minor bobble affected no substantial right of the defendant.” *United States v. Naylor*, 566 F. 2d 942 (5 Cir. 1978). “Trooper Parker informed her that she ‘had bobbed the white line and the dashed line[.]’” *State v. Stowe*, 44,815 (La. App. 2 Cir. 10/28/09), 25 So. 3d 945.

Don’t fumble this one. A cheap trinket is a bauble.

It just can’t be done. A reader asks, which is correct, *unfeasible* or *infeasible*? He has seen them both.

This is a fine distinction indeed. Merriam-Webster defines *unfeasible* as “not capable of being done or carried out; not feasible,” and *infeasible* as “not feasible; impracticable.” The Random House Unabridged Dict. (dictionary.com) also defines *infeasible* as “not feasible; impracticable,” but has no listing for *unfeasible*. By contrast, Oxford English Dict. (2 ed., 1989) lists *infeasible* as “rare” in British English; presumably, this means it is preferred in American English.

Amid this confusion, Louisiana courts favor *unfeasible*, particularly in the context of a plan for shared child custody or a proposed relocation. “The mother wants to modify custody to an arrangement that she knows is *unfeasible* for the father given his work schedule.” *O’Neal v. Addis*, 52,377 (La. App. 2 Cir. 9/26/18), 256 So. 3d 493. “The relocation of Mr. Carranza is *unfeasible* since Fort Polk is his current duty station.” *Carranza v. Carranza*, 2018-971 (La. App. 3 Cir. 6/5/19), 276 So. 3d 1028. It also appears in



a financial context. “Respondent testified that the case was economically *unfeasible* since, if he pursued the litigation, he would have been required to expend his own funds for the costs[.]” *In re Keele*, 00-3105 (La. 4/3/01), 783 So. 2d 1261. “The costs associated with crossing the estate which is the shortest distance from the public road are so exceptional that from a practical standpoint it is economically *unfeasible* to build.” *Phillips Energy Partners LLC v. Milton Crow Ltd. P’ship*, 49,791 (La. App. 2 Cir. 5/20/15), 166 So. 3d 428. The other word, *infeasible*, makes only cameo appearances, as in a quote in *State v. Reimonenq*, 19-0637 (La. 10/22/19), 286 So. 3d 412 (quoting an out-of-state law review article), and a headnote in *Earl v. Gusman*, 2017-0363 (La. App. 4 Cir. 9/27/17), 228 So. 3d 268 (the opinion actually says “not feasible”).

Despite the advice of Random House and OED, cautious writers might want to go with the more familiar *unfeasible*. Or perhaps use Judge Dysart’s phrasing in *Earl v. Gusman*, not feasible.

So much hot air. Another reader recently told me that when he taught freshman English at LSU, he used to assign an essay called “How to Say Nothing in 500 Words,” by Paul McHenry Roberts. Though written in 1958, it is a charming, back-to-basics exercise in how to inflate your word count, irritate your reader, and generally debase your writing. Here is a portion of Prof. Roberts’s easy and practical advice:

“GET RID OF OBVIOUS PADDING.

“The student toiling away at his weekly English theme is too often tormented by a figure: five hundred words. How, he asks himself, is he to achieve this staggering total? Obviously by never using one word when he can somehow work in ten.

“He is therefore seldom content with a plain statement like ‘fast driving is dangerous.’ This has only four words in it. He takes thought, and the sentence becomes: ‘In my opinion, fast driving is dangerous.’

“Better, but he can do better still: ‘Fast driving would seem to be rather dangerous.’

“If he is really adept, it might come out: ‘In my humble opinion, though I do not claim to be an expert on this complicated subject, fast driving, in most circumstances, would seem to be rather dangerous in many respects, or at least so it would seem to me.’

“Thus four words have been turned into forty, and not an iota of content has been added.”

In legal writing, padding includes phrases like “A review of the facts in the instant case,” “at that particular point in time,” “in the vast majority of instances,” “until such time as,” and many more. Prof. Roberts’s essay is a worthwhile reminder from the past: get rid of the hot air, and use facts instead!

SAVE THE DATE LUNCH & LEARN

TRIAL ADVOCACY SUMMER SERIES



SHREVEPORT BAR ASSOCIATION
— YOUNG LAWYERS' SECTION —

Litigators - are you looking to sharpen your trial skills and learn how to be more effective in court? The SBA's Annual Trial Advocacy Summer Series Program is a three-part series in June, July and August 2020 designed to provide practical and entertaining instruction for trial lawyers in all aspects of trial practice. Topics in past sessions have included how to develop a case theme; how to be better prepared at trial; how to take better depositions; how to offer and object to evidence; how to make yourself a better cross-examiner; how to handle experts; Federal Court practice; Appellate Court practice; Professionalism; Ethics and more. The program is coordinated by James C. McMichael Jr. and co-sponsored by the SBA Young Lawyers Section but offers valuable learning opportunities for young and more seasoned lawyers alike.

Please join us and let us help you win more cases.

Session 1– Thursday, June 18
11:00 a.m.—1:00 p.m. (lunch included)
2.0 Hours Louisiana CLE Credit

Session 2– Thursday, July 16
11:00 a.m.—1:00 p.m. (lunch included)
2.0 Hours Louisiana CLE Credit

Session 3– Thursday, August 20
11:00 a.m.—1:00 p.m. (lunch included)
2.0 Hours Louisiana CLE Credit

Registration:

SBA Members - \$100 Per Session or \$275 for All Three Sessions (if paid in full by June 18)

Non-SBA Members - \$120 Per Session or \$335 for All Three Sessions (if paid in full by June 18)

Breakdown of Class Information and Online Registration will be Announced Soon!

Questions? Please contact Dana Southern at
318-222-3643, Ext.3 or email: dsouthern@shreveportbar.com

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18

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16-17

Recent Developments
by the Judiciary

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2020 Liberty Bell Award Nominations

Nominate Someone Who Deserves to Be Honored

The Shreveport Bar Association “SBA” Liberty Bell Award will be presented at the September 23 luncheon meeting. A few prior recipients of this prestigious award are Rev. E. Edward Jones, John T. Porter, Rev. G.S. “Mack” McCarter, Ron Anderson, Myrtle Pickering, Mayor George Dement, Donald L. Horton, Rachel Scott, Judge Carl E. Stewart, Dr. Phillip A. Rozeman, Dr. Donald G. Mack, Charles E. “Chuck” Meehan, Sheriff Steve Prator, Chief Henry L. Whitehorn, Rose Van Thyn, Simone Hennessee, Common Ground Community, Gingerbread House, The Cara Center, Pastor Brady Blade, Liz Swain, Gary Loftin, Col. Steve DePyssler and Arthur Thompson.

To aid in the selection of this year’s recipient, we are opening the nomination process to all SBA members. Please see the criteria for the award for you to keep in mind when making your nomination:

The SBA Liberty Bell award may be presented to a nonlawyer who has demonstrated a commitment to selfless community service which strengthens the effectiveness of the American system of freedom under law. Promotes a better understanding of our form of government, particularly the Bill of Rights. Promotes a greater respect for law and the courts. Promotes a deeper sense of individual responsibility in recognition of the duties as well as rights of citizens. Promotes effective functioning of our institutions of government and promotes a better understanding and appreciation of the Rule of Law.

An individual or organization who meets the above criteria may be nominated. All nominations should be submitted in writing by **Tuesday, August 25, 2020**, and hand-delivered or mailed to:

Ms. Dana Southern
Shreveport Bar Association
625 Texas Street
Shreveport, LA 71101

When submitting your nominations, please include why you think the person or organization you are nominating should receive this award, and any additional information that would help the committee in its selection process.

SBA Liberty Bell Award Nomination Form
DEADLINE: Tuesday, August 25, 2020

I would like to nominate the following person or organization to receive the 2020 Liberty Bell Award (please complete as much as possible)

Name	
Street Address	
City, State, Zip Code	
Home Phone	
Work Phone	
Email	

Reason they should receive the award (you may attach additional information)

Name (printed)	
Signature	
Date	



May 5 is a special giving day for two Very Big Reasons! For starters it's Give for Good! Second, the national organization, Giving Tuesday, has announced a day of global action and unity in response to the COVID-19 pandemic. Now more than ever, local organizations like the Shreveport Bar Foundation need your help! Helping domestic violence victims through our Legal Representation for Victims of Domestic Violence program and supporting the Pro Bono Project are great reasons to Give for Good! Mark your calendar for Northwest Louisiana's BIGGEST giving day of the year, Tuesday, May 5, 2020! Give for Good is an online fundraising event powered by the Community Foundation.

The Shreveport Bar Foundation operates several programs, The Pro Bono Project, Legal Representation for Victims of Domestic Violence Program, Monthly Legal Clinics and Self Represented Litigant. Your donation will help continue to fund these programs that provides legal resources to our community. We ask that you choose the Shreveport Bar Foundation when you Give for Good this year! Get Ready To Give!

Advance giving is open now. Visit <https://www.giveforgoodnla.org/sbfprobono> to donate anytime through May 5 at 11:59 PM.

CADDO COURTHOUSE PRINTS
AND NOTE CARDS AVAILABLE FOR PURCHASE

The Shreveport Bar Association has a limited number of 12x18 prints of a sketch done approximately 40 years ago of the Caddo Parish Courthouse. The print is \$15.00. We also have a note cards with envelopes. A set of 25 note cards with envelopes sell for \$20.00. If you are interested in purchasing a print or note cards call the SBA office 222-3643 to place an order or stop by the Shreveport Bar Center.

12x18 Prints - \$15.00

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Golf TOURNAMENT

SHOTGUN START

12:30 p.m.

ENTRY FEES

\$600 per team
4-Man Scramble

LUNCH

11:00 a.m.
included with registration fee

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REGISTRATION

SHREVEPORT BAR ASSOCIATION 2020 GOLF TOURNAMENT

Monday, September 21, 2020 at Southern Trace Country Club, Shreveport
Lunch and Fish Fry Dinner is Included - Awards Given Post Play

Captain Name: _____ HDCP/Best Score: _____ Tel: _____

Address: _____ Email: _____

Player2 Name: _____ HDCP/Best Score: _____ Tel: _____

Address: _____ Email: _____

Player3 Name: _____ HDCP/Best Score: _____ Tel: _____

Address: _____ Email: _____

Player4 Name: _____ HDCP/Best Score: _____ Tel: _____

Address: _____ Email: _____

Make check payable to SHREVEPORT BAR ASSOCIATION and mail:
2020 SBA Golf Tournament Registration, 625 Texas Street, Shreveport, LA 71101

SHREVEPORT BAR ASSOCIATION GOLF TOURNAMENT

SPONSORSHIP OPPORTUNITIES

The emphasis is on fundraising and golf fun at the 2020 Shreveport Bar Association Golf Tournament being held on Monday, September 21, 2020, at Southern Trace Country Club. The money raised from this tournament helps fund many worthwhile programs and community services. We would not be able to put on this major event without the support of our sponsors, and we hope you will consider getting involved in this year's tournament. Listed below are the different levels of sponsorship.

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Recognition in *The Bar Review*

PGA
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Hole Sponsorship on course
Recognition in *The Bar Review*

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Day of event recognition

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NAME: _____

(As it will appear in all publicity information and event signs)

CONTACT NAME: _____ PHONE: _____ EMAIL: _____

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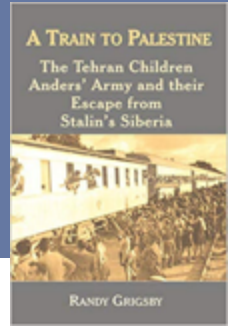
SBA Golf Tournament, 625 Texas Street, Shreveport, LA 71101

SBA LAW DAY LUNCHEON - JUNE 24

Petroleum Club (15th Floor) – Buffet opens at 11:30 a.m. Program and Speaker 12:00 Noon

\$25.00 for SBA members includes lunch with advance reservation

\$30.00 for Late Reservations (after 5:00 pm the Monday prior to the luncheon) and Non-SBA Members



When: Wednesday, June 24 at 12:00 Noon

Where: Petroleum Club (15th floor)

Featuring: Randy Grigsby, Author of **A Train to Palestine:**
The Tehran Children, Anders Army, and their
Escape from Stalin's Siberia, 1939-1943

About the Book:

In October 1938, eight-year-old Josef Rosenbaum, his mother and younger sister set out from Germany on a cruel odyssey fleeing into eastern Europe along with thousands of other refugees. Sent to Siberian slave labor camps in the wildernesses, they suffered brutal cold, famine and disease and hundreds perished, including Joe's mother and sister. When Germany invaded Russia, many refugees were forced out of Siberia to primitive tent camps in Uzbekistan, accompanied by the Polish army-in-exile previously imprisoned by the Soviets. Within weeks, the commander of the army, General Wladyslaw Anders, received orders to relocate his army to Iran to train to fight alongside the British in North Africa. Instructed to leave without the civilians, Anders instead ordered all evacuees, including Jews, to head southward with his troops. Joe and the refugees were again loaded on trains, accompanied by the Polish soldiers, and sent to the port of Pahlavi on the Caspian Sea. Then, transported by trucks over treacherous mountain roads, they finally arrived in Tehran where they struggled to survive in horrifying conditions.

In October 1942, the Jewish Agency in Jerusalem accepted responsibility for the 900 orphaned Jewish children in the camp and by January 1943, the agency secured travel certificates for the Tehran Children to evacuate to Palestine. Joe and the other children, after five terrible years, finally reached safety at the Athlit Detention Camp, north of Haifa, on 18 February 1943.

Readers will find the story is one of the swift brutalities of war, and the suffering of civilians swept up in the maelstrom of fierce conflict. It is also a testament to courage and the human spirit to survive. Drawing from eyewitness accounts, *A Train to Palestine* recreates a remarkable and little-known story of escape and survival during the Second World War.

Randy will have copies of his book available for sale and will sign copies. Randy was born in Minden and graduated from Minden High School in 1969. After working in several jobs, including the oilfield, he enrolled in Louisiana Tech, graduating in 1978 with degrees in Journalism and History. Randy moved to Shreveport in 1978 and worked on the wire desk of the Shreveport *Times*. In November 1978, Randy began a sales career which spanned 35 years – including copiers and computer sales, and the last 25 years in the medical equipment industry. After retiring from General Electric Healthcare in 2011, he pursued his desire to write. However, in 2014, he found his true purpose in writing while in Israel with his wife. One night before the tour group was to visit the Yad Vashem (the Holocaust museum), he had a dream about the Tehran Children, which is the theme of his book, *A Train to Palestine*, which he worked on for over three years, and is his first nonfiction book. The book is published by Vallentine Mitchell, a London publishing company who was the first to publish Anne Frank's *Diary* in English in the late 1950s. Randy is presently working on his second book, which is also about the Holocaust.

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You may confirm your reservation(s) by email, telephone, or fax.

Email: cwithers@shreveportbar.com Phone: 222-3643 Ext 2 Fax: 222-9272

I plan to attend the June luncheon. Attorney: _____

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