

THE BAR REVIEW

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EVENTS AT A GLANCE

- 5/4 Give for Good Campaign
- 5/5 SBA Law Day Luncheon
– 12:00 p.m. - Petroleum Club
- 6/23 SBA Membership Luncheon
– 12:00 p.m. - Petroleum Club
- 8/6 Justinian Coronation Bal
- 8/20 4th Annual North Louisiana
Appellate Conference
- 8/29 Member Sunday Fun Day



From The President

by Donna Frazier, dfrazier@caddo.org

As we march into the month of May, spring is in full bloom.

**Though April showers may come your way
They bring the flowers that bloom in May
So if it's raining have no regrets
Because it isn't raining rain you know,
it's raining violets.**

– “April Showers” (Al Jolson, 1921)

Am I the only one who had to learn this song for elementary school May Day programs (and who now has the chorus permanently stuck in my head)? Is anyone else ready for the rain, especially storms, to end; ready for flowers to bloom? Is anyone else “startled” by the fact that we are almost to the midpoint of 2021?

Flowers blooming signify new beginnings. However, the month of May brings other new beginnings, not just flowers. For example, many graduations will take place in the month of May. Universally, graduates at all levels, from preschool to graduate school, will breathe a sigh of relief at the end of a certain level of schooling and rejoice over their diplomas. All will look forward with hope and wonder what's next. Law school graduates in particular will rest for a couple of days and then start dealing with the anxiety of bar preparation. Although anxious about this “final exam,” these graduates will be hopeful of passing the bar and starting their careers. These new lawyers will also likely be wondering exactly what they will be doing when they become licensed attorneys. The aforementioned reflections on graduations and new beginnings had me thinking about how we, as attorneys, play into these new beginnings. It occurred to me that at the heart of our profession, there is a function that we talk little about but it is woven into the very fabric of what we do – that is, education. Although we may not see it as educating per se, when we are trying a case, we are educating the trier of fact as to why our client deserves a certain outcome. When we are rendering advice, we are educating our clients about the possible legal ramifications of certain actions. But what about educating the community at large?

The opportunity to educate the community is what makes Law Week, which will have recently concluded, such a fun and significant part of what we do as a bar association. But what about opportunities for attorneys to educate in other settings? Many of us will be asked to speak to graduates during this graduation season. We are expected to inspire them, but these are opportunities to educate these graduates about general life lessons as well as legal issues. Attorneys are asked to speak at various events and meetings and sometimes we're given our choice of topic. About what legal issues will you choose to educate your audience? What are some practical tips that we, as attorneys, can give audience members that will be of use as they go throughout their everyday lives? After all, there are very few, if any, topics that our work does not touch. Lastly, what about our opportunities to educate others while on various social media platforms? I recently

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Save
the
Dates

2021

Shreveport Bar Association's
Continuing Legal Education

AUG

20

4th Annual North Louisiana
Appellate Conference

SEPT

15-16

Recent Developments
by the Judiciary

OCT

7

North Louisiana
Criminal Defense
Seminar (State & Federal)

DEC

15-16

December CLE
by the Hour

continued from page 1

had an opportunity to explain to some Facebook friends that criminal charges require criminal intent, recklessness or negligence, in addition to causation – something that is often not considered by lay persons watching news coverage of various trials. Greater understanding of the criminal justice system could perhaps encourage more people to take jury duty and judicial elections more seriously. At least, that is my hope.

Lastly, let's not forget about attorneys educating each other. This is what we do when we present at and attend CLE functions. Therefore, I'm going to end with a shameless plug (and there will be many more) for our upcoming CLE events. Please plan to attend one or more of these events and please share with others and encourage them to attend:

August 20: North La. Appellate Conference

Sept. 15-16: Recent Developments by the Judiciary

Oct. 7: North La. Criminal Defense Seminar (State and Federal)

Dec. 15-16: CLE by the Hour

Meanwhile, I hope you all are enjoying any new beginnings you may be personally experiencing.



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SAVE THE DATE

Sunday, August 29

SBA Members, Spouses, Significant Others,
Children and Grandchildren
are invited to

**Shreveport Bar Association's
Sunday Fun Day
Back to School Event**

Location TBD



The SBA Welcomes Brittany Jennings



Brittany Jennings

Greetings, everyone. My name is Brittany Jennings, and I am the new administrative assistant for the Shreveport Bar Association.

I was born and raised in DeSoto Parish. I live in Grand Cane with my two children, Ryland (4) and Isabella (2). I love the area and the peacefulness that comes with living on the outskirts of the city. In my spare time, I spend as much time as I can making memories with my family and friends. Whether it be cooking dinner, sitting around the fire, or chasing the kids around the yard. In my “me” time I love to try new things and find new skills. I always push myself to do better, and I am excited to be doing something I love to do. As Meg Whitman said, “Do what you love and success will follow. Passion is the fuel behind a successful career.”

I am excited to work for such a prestigious association within the community and am looking forward to promoting active participation in SBA sponsored events. I can't wait to meet all of you. Thank you for welcoming me with grace.

Please don't hesitate to drop by my office at The Shreveport Bar Center and say hello. Until then, I hope to see you all at the next SBA event!

Welcome to SBA Brittany!!!

Law Day 2021 - Advancing the Rule of Law Now

The observance of Law Week began nationally during the Eisenhower administration in the early 1950s. This year's theme was entitled “Advancing the Rule of Law Now.” Our Law Week committee, chaired by Sherron Phae Williams, planned a great week of events in celebration of the rule of law.

The Shreveport Bar Association has celebrated Law Day since 1965 through numerous educational and service oriented projects that span the entire week.

The SBA Law Day Committee worked to develop educational and engaging events centered on this theme to share with local students, attorneys and the public at large. The events will begin on April 30 with a presentation by former Law Day Chairman Brian Flanagan, Cytheria Jernigan, Luke Whetstone and Dan Farris to the Constitutional Law class at LSU-Shreveport.

On Tuesday, May 4, will be the Shreveport Bar Foundation fundraising event at Rhino Coffee Downtown. We encourage you to stop by between 8 a.m. and 3 p.m. to make your donation.

On Wednesday, May 5, in collaboration with the Booth-Politz Inn of Court we will host our Law Day Luncheon. We welcome LSBA President Alainna Mire who will present What the LSBA Can Do for You. We will present our traditional Liberty Bell Award to a local citizen or organization who has demonstrated a commitment to the community and has advanced the rule of law.

On Thursday, May 6, we will have a live stream Facebook event for the public. The event, “Do You Trust in the Rule of Law?” will be held at the Tom Stagg United States Court House in Judge Hodge's courtroom at noon. This event will consist of a 6-person panel to discuss the “Rule of Law.” The members of the panel will be Capt. Darwin Jones with Caddo Parish Sheriff Dept., Deputy Chief Duane Huddleston with Bossier Parish Sherriff Dept., Judge Mark Hornsby, who will present on behalf of U.S. District Court of the Western District of Louisiana, a representative from Caddo D.A.'s Victims Assistance office, a representative from Shreveport Police Dept., and a representative from Caddo Parish Public Defender's office, with Sherron Phae Williams as moderator.

On Friday, May 7, we will be at J.S. Clark Elementary/Middle School as our volunteer attorneys will present a mock trial based on the story of “the three little pigs.” We are collaborating with Scott Chafin's Legal Grounds Segment on this year's Law Day theme, “The Rule of Law Now” webinar.

Thank you to all those who contributed to this year's Law Day celebration, including the 2021 Law Day Committee Chairperson, Sherron Phae Williams, and her outstanding committee; Young Lawyers' Section, Women's Section of the SBA, and Booth-Politz Inn of Court members. It has been an honor to help promote this year's Law Day theme— Advancing the Rule of Law Now with you all.

LAW ★ DAY
2021



ADVANCING THE
RULE OF LAW NOW

How Write You Are

by Hal Odom Jr., rhodom@la2nd.org

Let's thin this out. A district court recently wrote, “[F]unds representing the entire amount of the merits judgment were dispersed to Liberty on May 20, 2020.” *Parkcrest Bldrs. LLC v. Housing Auth. of New Orleans*, 2021 WL 827138 (E.D. La. 2021). A Louisiana appellate court used the same expression earlier: “The Commissioner is a collector of state taxes that are transmitted directly to the Department of Revenue, which disperses a majority of the funds collected into a special fund[.]” *Security Plan Fire Ins. Co. v. Donelon*, 2016-0814 (La. App. 1 Cir. 5/10/17), 220 So. 3d 769. Does anyone detect a dissipation of financial resources?

Of course, the word for to pay money is *disburse*, which comes from a French word meaning “from the purse.” Think of how *burse* is spelled like *purse*. The entire amount of the money judgment, and the majority of the tax collections, are *disbursed*.

That other word, *disperse*, means *drive away*, *scatter*, *make disappear*, or *make less intense*. It is properly used to refer to crowds or unruly mobs, though legal writers sometimes think of this in monetary terms. “He testified that considering the degree of hostility, no officer applied excessive force while attempting to *disburse* the crowd.” *State v. Stafford*, 2017-714 (La. App. 3 Cir. 3/7/18), 241 So. 3d 1060. “[B]y the time the police arrived the people in the crowd had *disbursed*.” *Williams v. Parish of St. Bernard*, 2015-1105 (La. App. 4 Cir. 12/2/16), 206 So. 3d 259. These should be *disperse* and *dispersed*.

The confusion, admittedly, is rampant. Dictionary.com now lists, under *disburse*, a second definition: “to distribute or scatter: Our troops were disbursed over a wide area. She disbursed flowers to the children.” This may be based on number of appearances in print. Careful writers will continue to disburse funds and disperse confusion.

Grammatical advice, fit for King. On March 14, Stephen King – yes, *that* Stephen King, bestselling author of *The Shining*, *Carrie* and many others, many made into top-grossing movies – wrote in a Tweet, “What America needs are more tap-dancing movies. You can’t be sad when there’s tap-dancing going on.” About an hour later, he reconsidered. “Maybe that should be ‘What America needs is ...?’” He then added, “Help me, Grammar Police.” Needless to say, an avalanche of followers responded; the results were admittedly mixed.

The correct answer was the second one: What America needs is more tap-dancing movies. The grammatical concept is called a *pseudo-cleft*. That is a simple sentence that is presented in two parts, the first a set-up with a crucial element missing, and the second providing that missing piece. The verb agrees with the subject of the first part; the subject *what* takes the singular *is*.

The odd terminology is to distinguish this from a *cleft sentence*, in which a single clause is divided into two parts, each with its own verb. The simple sentence might be, “Marie wore her new dress to the dance last night.” To emphasize one part of that thought, it could be



reworded as “It was her new dress that Marie wore to the dance last night” (emphasis on *new dress*) or “It was last night that Marie wore her new dress to the dance” (emphasis on *last night*). The pseudo-cleft starts with a relative clause, usually the word *what*. “You need a good vacation” is reworded as “What you need is a good vacation.” “They want more preemptory challenges” becomes “What they want is more preemptory challenges.”

It’s a complicated name for a simple concept, really. Verbs agree in number (singular or plural) with their subject.

Archaic meanings. Many common words have changed in meaning over the years. They are still spelled the same but have evolved – sometimes subtly, sometimes

strikingly – from their meaning even 50 years ago. Fortunately, many of these do not bother legal writers.

Disinterested originally meant *impartial*, but now popularly means *uninterested*, or *not wanting to be bothered about* something. Legal writers instinctively use the old meaning in phrases like *disinterested witness* and *disinterested party*.

Verbal originally meant *expressed in words*, but now means *spoken instead of written*. Legal writers almost unanimously use *verbal agreement* to mean one that’s not in writing, even though *oral agreement* might be more strictly correct, but there is no chance for ambiguity.

Some require attention. *Decimate* originally meant, in the Ancient Roman army, to punish a unit by selecting one of every ten soldiers and executing him. One-tenth is a great number, but now *decimate* usually means to *destroy the majority of* something. A careful writer might use *devastate* or *obliterate*.

Beg the question originally meant to raise a *circular argument*, but now it means to *raise a question urgently*. Perhaps more accurate would be *beg for an answer*.

Problematic originally meant *uncertain* or *undecided*, but now means *causing problems* or, usually, something that the speaker doesn’t particularly like but can’t quite articulate why.

Transpire originally meant to *come to light* or *arise in discussion*, but now is used as a synonym for *happen* or *occur*. One of those words, or *take place*, is surely preferable.

Described, not just prohibited. The La. Criminal Code defines specific intent as a state of mind in which the circumstances indicate that the offender actively “desired the prescribed criminal consequences” to follow. La. R.S. 14:10 (1). *Prescribed* means *set forth in the statute*. However, criminal consequences are also *prohibited*, a synonym for *proscribed*. Avoid writing “the *proscribed* criminal consequences,” as often occurs. *State v. Costanza*, 19-263 (La. App. 5 Cir. 12/26/19), 288 So. 3d 259; *State v. Bias*, 2018-268 (La. App. 3 Cir. 2/6/19), 265 So. 3d 821.

Just do what is prescribed: follow the statute!



Second Circuit Highlights

by Hal Odom Jr., rhodom@la2nd.org

Don't blame the tree. Ms. Wells was the front-seat passenger in a car being driven on Charter Street, in Delhi, Richland Parish, when a violent spring storm suddenly blew up. Unfortunately, a large, heavy oak limb fell from the tree and landed on top of the car, striking Ms. Wells in the head; she wound up a quadriplegic because of the impact. She filed suit against the Morgans, who owned the lot on which the tree had stood; they settled and were dismissed from the suit. Ms. Wells also named the Town of Delhi, alleging a failure to notice and correct the weakness or defect of the tree, whose roots and branches grew under and over the sidewalk and street. The district court initially granted Delhi's MSJ, but the Second Circuit found genuine issues and remanded the case, *Wells v. Town of Delhi*, 51,222 (La. App. 2 Cir. 4/5/17), 216 So. 3d 1095. So the case went back to the Fifth JDC for a trial.

At a three-day trial with competing experts, the court found that Ms. Wells (actually her children, since she had passed away) failed to prove any defect in the tree, or that the Town had any notice of any defect, and that the Town did not commit negligent spoliation of evidence by cutting down the tree. Ms. Wells appealed.

The Second Circuit affirmed, *Wells v. Town of Delhi*, 53,607 (La. App. 2 Cir. 3/3/21), in an opinion by Judge Thompson. The standard of review, of course, was manifest error. Ms. Wells's expert forester examined the tree stump and felt that the oak had decay and heart rot, which should have been easily observable from a thinning crown and falling branches; because the roots were growing under the pavement, the Town had a duty to inspect and notice the tree's compromised state. However, he admitted on cross (somewhat embarrassingly, no doubt) that he might have examined the *wrong tree stump*, as several trees had been felled after the storm. The Town's expert arborist looked at photos of the right tree, taken before the storm, and said it was "thriving" and "very alive," and the only reason the limb fell was the sudden high winds of the storm. The Town also called the arborist who actually removed the tree; though he was not tendered as an expert, he testified that the tree was solid, and without any heart rot; he

agreed that the cause of the accident was the unexpected storm. On this evidence, the court could not reverse the finding that there was no defect and, consequently, nothing the Town was bound to notice. Finally, the court quickly dispatched the spoliation claim, citing *Reynolds v. Bordelon*, 14-2362 (La. 6/30/15), 172 So. 3d 589, which rejected the theory of "negligent spoliation" in Louisiana.

A public entity's duty in a situation like this is pretty limited. *Lewis v. State*, 94-2370 (La. 4/21/95), 654 So. 2d 311, blew away many older cases (often framed in dictum) that had imposed a duty to "observe and remove" trees that "appear defective by general observation." Also, the plaintiff's case was hindered by the forester's confusion as to which oak stump to study. Mostly, though, it was an exercise in trying to overcome manifest error.

Reaching for de novo. William, an active-duty USAF airman, and Whitney got married in 2015, and had a son in April 2016. They physically separated in November 2017, and made an extrajudicial agreement (not a consent decree) that the boy would live with Whitney, with William paying monthly support. The parties got their final divorce in September 2019, and, in January 2020, William filed a petition for custody and visitation and an objection to Whitney's relocation. After a trial, the district court granted William's requests, naming him the domiciliary parent in a joint shared custody plan. Whitney appealed.

The Second Circuit affirmed, *Hodgkin v. Hodgkin*, 53,854 (La. App. 2 Cir. 3/3/21), in an opinion by Judge Stone. Usually, matters of custody and visitation are quintessential and indelible factfinding issues in which the trial court's discretion is unassailable. *Leard v. Schenker*, 06-1116 (La. 6/16/06), 931 So. 2d 355. However, Whitney argued she was entitled to a de novo review, citing the court's recent opinion in *Merrells v. Dotray*, 53,551 (La. App. 2 Cir. 7/8/20), 299 So. 3d 208, which applied that looser standard. In support, she argued that the district court improperly applied the facts to five of the 14 factors listed in La. C.C. art. 134, and this activated a review without deference to the lower court.

Not so fast, said the Second Circuit: *Merrells* presented a fairly extreme situation in which the trial court used a checklist based on a superseded version of Art. 134, one which omitted three new factors that were crucial to the case. In *Merrells*, the Second Circuit applied the new version to the existing record, subjected the other findings to manifest error review, and concluded the judgment giving primary custody to the father was an abuse of discretion. No such legal error had occurred in *Hodgkin*, so a basic manifest error review was in order. After outlining the facts, the court could find no such error.

The key is that de novo review occurs only when “legal errors have interdicted the factfinding process.” *Evans v. Lungrin*, 97-0541 (La. 2/6/98), 708 So. 2d 731; *Thibodeaux v. Donnell*, 16-0570 (La. 1/20/17), 219 So. 3d 274. When the factfinding is sound, and based on the version of the statute in effect at the time of the events, the appellate court will apply manifest error review.

Who says solidarity is dead? Payne, a 65-year-old retiree with penchant for supporting animal rights, heard about an operation in Bastrop, La., known as “BKP” (for Bastrop Kill Pen), a ranch whose primary business plan was to purchase and resell rescue horses to Mexico, where they could be slaughtered and processed for human consumption. (There was also a viral video of BKP employees torturing a dog and slitting its throat.) Thinking that USDA agents would be conducting an inspection that day, Payne set out for BKP in his white pickup. He turned off the main road onto a public dead-end road called Auction Barn Road, riding past a sale barn, auction pens and large parking areas to get to the end. There were no USDA agents onsite, so he circled around to leave, but his unfamiliar truck had caught the notice of brothers Mitchell and Gregory Stanley, the owners of BKP, and Michael Stanley, Mitchell’s son. Mitchell and Michael hollered at Payne to stop, and he naïvely complied; heated words were exchanged; Gregory pulled Payne out of the truck, but he was able to get back in; before Payne could leave, Michael hurled a board through his side glass and struck him in the face, breaking his nose and causing permanent olfactory deficit. Payne immediately drove to the Bastrop Police Dept., but Mitchell had already phoned, reporting a theft!

Because Payne had iPhone video of most, and audio of all, the encounter, police quickly arrested Michael for aggravated battery and Gregory for simple battery. They and Mitchell later used BKP’s Facebook page to ridicule and threaten Payne, and even accused him of various criminal acts.

Payne sued Gregory, Mitchell and Michael, as well as their corporation and LLC, for battery, intentional infliction of emotional distress and defamation. After a bench trial, the court found that Michael, alone, was liable for the aggravated battery, as the court could find no agreement between the defendants to injure the plaintiff. (The court recognized that Gregory had committed a simple battery, but found that this caused no harm.) The court then found that throwing the board at Payne’s truck was not part of Michael’s employment duties, so the corporation and LLC were not vicariously liable. Finally, the court fixed past medical expenses at \$21,419 and awarded general damages of \$115,000. Payne appealed.

The Second Circuit reversed in part, *Payne v. Stanley*, 53,773 (La. App. 2 Cir. 3/3/21), in an opinion by Judge Bleich (pro tem). A conspiracy creates solidary liability among the conspirators, La. C.C. art. 2324 A, and proof can be inferred from the knowledge of an alleged coconspirator of the impropriety of the actions taken by the other, *Stephens v. Bail Enforcement of La.*, 96-0809 (La. App. 1 Cir. 2/14/97), 690 So. 2d 124. The court found strong evidence that the three Stanleys “acted in concert, assisting one another during the attack.” The discussion is fact-specific, but the upshot is that an explicit, pre-devised scheme need not be proved; a conspiracy can form spontaneously, by collaborative action. In short, all three of the Stanleys are solidarily liable for Payne’s injuries. The court remanded, presumably so the Fourth JDC could apportion fault among the Stanleys, for purposes of contribution.

The court declined to disturb the judgment insofar as it absolved the corporation and LLC for its employees’ acts, denied future medical expenses, or awarded only \$115,000 in general damages. Still, this is one of the very few situations where solidary liability still exists in Louisiana law. This poor activist can collect the whole amount from any of his assailants.



Young Lawyers' Section Happy Hour



The SBA Young Lawyers' Section hosted a Happy Hour on April 20, at Flying Heart Brewery and Pub. Thanks again to Thomas, Soileau, Jackson & Cole, L.L.P. for sponsoring this event.

Pictured (L-R) are Victoria Washington, Senae Hall, Gemma Zuniga, Eric Whitehead, Michael Davis, Brad Evans, Joy Reger, Thomas Mayfield and Audrius Reed.

SBA Women's Section Wine Down Wednesday

The SBA Women's Section hosted Wine Down Wednesday on April 21, at Cantina Laredo.

Pictured (L-R) are Heidi Martin, Ramsey Ross, Victoria Washington, Senae Hall, Lauren Tarver, Audrius Reed, Joy Reger, Kendra Joseph, and Shanerika Flemings.



Captain Speaks

by Jimmy Franklin, jimmy@jimmyfranklin.net



Planning for Justinian XXVIII is well under way, and oh how sweet it will be! We have several dates that you can mark on your calendar at this time.

- Coronation Bal at Sam's Town on August 6, 2021
- Run for the Beads on October 23, 2021
- Grand Bal at Horseshoe Riverdome on January 21, 2022
- Royalty Brunch on January 23, 2022 (location tbd)
- Justinian How Sweet It Is! In the Centaur Parade on February 19, 2022
- Justinian How Sweet It Is! In the Highland Parade

on February 27, 2022

I know this is going to be an exciting time that we can all get together and Laissez les bon temps rouler! Our team is working on an exciting new design for our float, and we will be participating in the Centaur Parade and Highland Parade and hopefully a couple more.

Please make sure you send your membership application in as soon as possible. As always, if you have any questions or would like to help, please contact me at jimmy@jimmyfranklin.net or Heidi Martin at heidi.martin@nickelsonlaw.com.

Captain Jimmy Franklin

Justinian XXVIII, "How Sweet It Is!!!"



**KREWE OF JUSTINIAN
MEMBERSHIP APPLICATION
2021-2022**

CORONATION BAL ----- AUGUST 6, 2021
MIDWAY TO MARDI GRAS PARTY ----- TBD
JUSTINIAN GRAND BAL ----- JANUARY 21, 2022
ROYALTY BRUNCH ----- JANUARY 23, 2022

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* Admitted to Bar for less than five (5) years



Worth Skimming

by Chris Slatten, Chris_Slatten@lawd.uscourts.gov

Vaccine and Religious Objection

A fire department mandated TDAP vaccines, and a firefighter objected on religious grounds. He was allowed to skip the vaccine if he (1) wore a respirator at all times and underwent health monitoring or (2) took a code enforcement job with the same pay and benefits. He rejected both options and suggested he wear a respirator, but only when encountering patients who were coughing or had a communicable illness. He was fired, and he sued under Title VII (discrimination based on religion) and § 1983 (violation of the Free Exercise Clause). He lost on summary judgment. Title VII requires only reasonable accommodation. It does not restrict an employer to those means of accommodation that are preferred by the employee. And the employee was able to exercise his religious beliefs while working for the city—either by remaining a firefighter and wearing a respirator or working as a code enforcement officer. *Horvath v. City of Leander*, 946 F.3d 787 (5th Cir. 2020).

Subsequent Remedial Measures; Sidewalk Repairs

Plaintiff tripped and fell on a warped or broken wooden expansion joint in the sidewalk outside Hobby Lobby. She asked to introduce evidence that, a few months after her fall, Hobby Lobby made repairs to 200 feet of expansion joints. Judge Doughty excluded the evidence under FRE 407, which generally prohibits the use of subsequent remedial measures to prove fault. The rule is designed to not discourage a merchant or other person from taking steps to further safety, and to ensure that negligence is determined based on what the defendant knew or should have known *before the accident*, not what the defendant learned as a result of the accident. *Miciotto v. Hobby Lobby Stores, Inc.*, 2021 WL 220116 (W.D. La. 2021).

Class Action; Ascertainability

Rule 23 says that an order that certifies a class action must define the class. Some courts read the rule to imply that the class must be ascertainable in an administratively feasible way, meaning the members of the class can be located with limited investigation. A hot issue is whether proof of administrative feasibility is mandatory for certification. The circuits are split, with no word from the 5CA. The 11CA recently looked at the text of Rule 23 and held that it does not mandate administrative feasibility, although the factor is relevant for Rule 23(b)(3) classes, in light of the manageability criterion of Rule 23. The Chamber of Commerce, which filed an amicus brief, will be disappointed, but principled textualists will like the decision because it sticks to the elements in the rule rather than add an extra element made up by judges. *Cherry v. Dometic Corp.*, 986 F.3d 1296 (11th Cir. 2021) (Pryor, C.J.).

Liability for Acts of Independent Contractor

Casino hired an independent contractor (IC) to remove birds from palm trees. The IC was moving a manlift between trees when it hit and injured the plaintiff. A jury found fault by the IC (50%), Casino (49%) and plaintiff (1%). Casino appealed.

Under Louisiana law, a principal is generally not liable for the acts of its IC. But there are exceptions, and plaintiff presented evidence on three: (1) negligent hiring, (2) retaining operational control over the IC's acts, and (3) expressly or impliedly authorizing unsafe work practices. The 5CA reviewed Louisiana law and found enough evidence to affirm the jury finding of Casino fault based on each of the three theories. The Court also affirmed the trial judge's admission of evidence of fault that included IC's F rating from the BBB, IC's expired insurance policy that it gave the Casino, Casino's internal policies that it violated, and photos of other job sites that used safety barricades. But the 5CA found a \$1,000,000 award for future pain and suffering was excessive under federal or state rules of review (the court is unsure which applies in diversity cases), so that award was remanded for a new trial or a remittitur determination. *Echeverry v. Jazz Casino Co., L.L.C.*, 988 F.3d 221 (5th Cir. 2021).

Bail v. Immigration Detainer

Common scenario. Person is detained by ICE for potential deportation. A US Attorney then charges the person with a crime, such as misusing a social security number. The court presiding over the criminal case orders the defendant released on bail, but ICE wants to lock him up in its detention center. The 5CA agreed with six other circuits that a court's pretrial release under the Bail Reform Act does not preclude ICE's pre-removal detention under the Immigration and Naturalization Act. *U.S. v. Baltazar-Sebastian*, 2021 WL 912733 (5th Cir. 2021).

Lease Cancellation and Judicial Control

Retail tenant paid rent on time for 19 years, but when COVID hit it paid an alternate rent that it thought applied under the lease. Landlord sent notice of default, but Tenant's offices were closed for pandemic. Once an authorized Tenant employee received the notice, Tenant paid the rent in full within days. Landlord still sued to evict and terminate the lease, and Tenant removed to federal court. The judge exercised discretion under the Louisiana doctrine of judicial control to deny Landlord's request to cancel the lease, considering Tenant's good faith interpretation, ambiguity in the lease, and only slightly delayed payment in full. Affirmed. *Richards Clearview, L.L.C. v. Bed Bath & Beyond, Inc.*, 2021 WL 865310 (5th Cir. 2021).



Legal Hist

by Arthur R. Carmody Jr., ACarmody@wcglawfirm.com

Note. — Art Carmody, SBA past president (2003) and *The Bar Review* editorial board member emeritus, passed away Sunday, April 4, 2021, at the age of 93. As recently as March 19, he advised us that he was working on his next Legal Hist column, to be included in the May issue. Sadly, age and mortality intervened. However, to honor his memory and his many contributions to the profession, we are rerunning one of his “gems,” a historical vignette about a local pioneer, Dr. Willis P. Butler. This piece appeared in the April and May 2017 issues of *The Bar Review*, and we feel it beautifully illustrates Art’s love of history and research. —Eds.

Dr. Willis P. Butler, a Caddo Parish legend, whose forensic work, and some say even his ghost, are still present at the Caddo Parish Courthouse, was a handsome, intelligent, popular physician and politician, who was elected 14 times to the position of coroner, usually by majorities in the 90% range. He retired in 1961, came out of retirement ten years later when a vacancy occurred, served an additional three years, stabilized the office, and then returned to Nashville, Tennessee, where his beloved alma mater, Vanderbilt University, was located. He died in 1991, at the age of 103. This is his story.

Born in 1888 in difficult circumstances in rural Claiborne Parish, he moved with his family to Shreveport in 1895. They arrived on a wood-fired train of the V.S. & P. Railroad which deposited them at the depot on the west side of the Red River. Dr. Butler’s earliest memory of that trip is seeing an electric light for the first time – a solitary bulb hanging down in the depot waiting room. The Shreveport of the late 19th century has often been described as a “rough and rugged city,” and that is no exaggeration. The water system was weak and depended on Cross Bayou and family cisterns located adjacent to residences and presented problems of stagnant water, insects and the like to the users.

Butler remembered his grade school years at the Central Elementary School as being happy times. Normally, after school, there were ball games and the favorite pastime of walking over to the riverfront and watching the steamboats, of which there were usually some half a dozen each day, being loaded and unloaded, as well as their comings and goings, always to and from New Orleans and points in between.

After completing the 7th grade (there was no 8th grade in Louisiana until 1941), he entered Shreveport Central High School (which was in the same building as the elementary school), where one of his teachers was the renowned C.E. Byrd, who later was the first principal of the Line Avenue school which bears his name. Butler was one of the largest boys in his class, and football was becoming a popular sport in the area. There was no coach, field or equipment, and Butler remembered that practice, without helmet or pads, consisted of two sides being chosen, a football being given to one side or the other, and then making do as best they could.

By this time, Butler had decided that he wanted to become a physician and secured a job as a clerk for a local drug company, believing that exposure to the various medications would assist him afterwards. He supplemented this pay with a part-time job on a laundry wagon where his main responsibility was to see that the horses remained in place while the driver picked up and delivered the laundry. Once with two raw mustangs pulling a new laundry wagon, the horses broke loose, charging down Milam Street, turning over the wagon before Butler could get them under control. This resulted in a small newspaper article giving him credit and praise, only one of many dozens of glowing articles he would receive over the years.

In 1906, Butler’s junior year in high school, there was an outbreak of the dreaded yellow fever in New Orleans, and this bleak and discouraging news threw local residents into a panic, for there were many alive who still remembered the 1870s epidemic, which killed one-third of the population of the city.

By the turn of the century, it was generally known that the disease was transmitted by mosquitos, but many, including physicians, still believed that burning sulfur would help keep away the disease. Bagging up and selling bags of sulfur at the drugstore became Butler’s main duty at the time. As fear of the disease spread, the city council, in cooperation with public health officials, cordoned off the highway into the city to prevent outsiders from infected areas coming into town. To make the cordon even stronger Mayor Andrew Querbes called for “300 shotgun-carrying armed guards” to surround the city at night and keep those from infected areas from sneaking into the city.

These efforts proved successful, for only three offenders were apprehended (all of whom were infected) and placed in isolation in a frame building near the site of the present V.A. Hospital. Known as the Pest House, it was a city-owned building where people were treated until they recovered or passed on. This one-room, unsanitary and poorly staffed facility was also used to house indigent persons suffering from communicable diseases and those suffering from mental disabilities. It was an embarrassment to the city, although not generally known, and thankfully burned in the 1920s when the state began to assume more responsibility for these issues.

In the fall of 1907, after graduating from Central High School, Butler enrolled in the medical program at Vanderbilt University. At Vanderbilt, money was a problem and he soon obtained lodging at a boarding house for \$14 a week, plus employment at the campus bookstore and at a downtown men’s department store.

In 1911, Butler graduated from the medical program at Vanderbilt and planned to return to Shreveport for a one-year internship at Schumpert Sanitarium. Circumstances intervened. His roommate at Vanderbilt, also a medical student, turned down an offer to remain at Vanderbilt for a year’s postgraduate work in clinical pathology. Butler and the roommate thought Butler should

accept the offer, and so he did. As part of this work, he was assigned as the first assistant to the head of Tennessee State laboratories, which then operated in conjunction with Vanderbilt's laboratories. Most of Butler's laboratory work was in the field of criminalistics involving the detection of crime through scientific methods. This assignment was to change and shape the course of his future career. When the year was up, Butler returned to Shreveport and joined Schumpert as the hospital pathologist and was also appointed to be the Health Officer and bacteriologist for the City of Shreveport, a position created by city ordinance. His position was not called "coroner," although many of the duties were the same.

Butler's duties with the City were mainly public health issues such as monitoring the City's water supply to assure that it was potable. In addition, he was charged with the responsibility of taking steps to eliminate the spread of infectious diseases. He later described this work as "controlling venereal disease and yellow fever."

While he was working for the City, there were reports that rats from the riverboats coming out of New Orleans and making port here were spreading the disease. Butler immediately received the assignment of checking out this possibility. Butler later said, "I autopsied 12,500 rats." And people were paid 10 cents for each rat delivered to his office so that it was somewhat of a local venture to get the rodents under control. Through this lab work Butler concluded that none of the rats were infected and thus this fear was put to rest.

Later during that first year, Butler was faced with a new and unrivaled epidemic, which required all his strength, patience, knowledge and good will to handle. It was the disease of spinal meningitis, now known to be a severe illness involving inflammation of the spinal cord and often leading to paralysis and death. The standard of care was avoidance of the place or places at which the disease was prevalent; many who could afford it soon took to cooler climates, higher altitude and isolation, such as in Colorado or elsewhere.

Dr. Butler, as did most physicians, believed the disease was contracted through the respiratory system, but few people understood. He knew it was highly infectious and that most physicians were reluctant to be involved. The standard treatment was isolation, cleanliness, rest, nutrition and prayers.

Dr. Butler managed to get one wing of the old Charity Hospital, located on Murphy Street where the police facilities stand today, for the housing of meningitis patients and three local doctors from the Shreveport Medical Society volunteered to assist in that endeavor. All the while, other diseases such as scarlet fever, smallpox and malaria were running their average course. Smallpox was the greatest killer on a numerical basis and, where it existed, was being treated at private homes. Yellow quarantine flags were required to be displayed on these residences throughout the years 1911 and 1912. In 1912, the law requiring schoolchildren be vaccinated for smallpox came into existence and it was normal for Dr. Butler to give between 500 and 1,000 injections in a single day. Indeed, his plate was full.

In 1913, Dr. Butler's personal life blossomed, for he married Annie Dodd, the sister of the widely known and successful Dr. M.E. Dodd, pastor of First Baptist Church in Shreveport, one of the most influential Protestant leaders in the South. Dr. Dodd was later elected president of the Southern Baptist Convention, and was a popular voice on a national radio program broadcast from KWKH

weekly for several years. The power and positive influence of Dr. Dodd cannot be underestimated, and it would support and bolster Dr. Butler throughout his career.

In 1916, Dr. A.A. Herold Sr., who had been the Caddo Parish coroner since 1912, told Dr. Butler that he was not going to seek reelection and that he would support Butler's candidacy for that position. Dr. Herold's influence and reputation were considerable, as he was from a prominent family and one of the founders of the North Louisiana Sanitarium, later known as Doctors Hospital and now owned by Willis-Knighton. Dr. Butler said he was unfamiliar with the job of a coroner, but accepted the challenge, and was successful in securing and enhancing the position for 14 elections to come with the passing of 55 years between 1916 and 1971.

When he was first elected, coroner was a parishwide position and his compensation was left to the largesse of the Police Jury. At that time, the doctor was also being compensation on a case-by-case basis for work as the City Physician. Over the years, the compensation agreement settled into a relationship where the Police Jury paid 2/3 of the expenses of the office and the City of Shreveport, 1/3. It was not until Dr. Butler's first retirement, in 1961, that this issue would become a flashpoint for the office, resulting in the resignation of the then-coroner and reemployment of Dr. Butler when no one else stepped forward to assume that position.

Dr. Butler attained national recognition for his work as a forensic physician during his first year in office. Five members of a Webster Parish family were found dead at their rural home on Christmas morning 1916, all victims of a brutal ax murder. Because of his experience and increasing reputation, Dr. Butler was called on to lead the investigation. He was one of the handful of physicians in the country with experience in criminalistics. Dr. Butler built a forensic case against the four men who were brought to trial, with two sentenced to capital punishment and the other two to life imprisonment.

The national press recognized Dr. Butler as one of the nation's top medical legal experts and he was soon elected president of the American Coroner's Association. At the beginning of World War I, Butler was serving as president of the local draft board and attempted to resign and join the Army. The Shreveport Medical Society passed a resolution asking that he remain a civilian. Butler protested and wrote his friend, Gov. Ruffin G. Pleasant, to overrule the medical society. The governor, friendship notwithstanding, wired back, "Resume your duties on the draft board," and that was that. On the day the war ended, Dr. Butler had the pleasure of announcing this news to the group of 100 Shreveport draftees that he had approved for induction into the military. There were cheers when he told them they could return to their homes.

One of Dr. Butler's many notable contributions was his pioneering work in treatment of drug addiction. Opiates, which had never been regulated by the federal government, were banned in the Harrison Narcotic Drug Act, approved on December 17, 1914, which would be enforced by the Internal Revenue Service.

The Louisiana State Board of Health brought in an outside drug expert, from New Jersey, who estimated in 1918 that there were 18,000 addicts in Louisiana. This number alarmed state legislators, who enacted a new law in July 1918 that required official narcotics prescription blanks, commitment, and gave new powers to the Board of Health to make sure these laws were enforced.

What was there about the years 1919-1920 that created such

a large number of opiate addiction clinics in cities throughout the United States, including New York, Los Angeles, Washington D.C., and smaller communities such as Mobile, Jackson and Shreveport? Some suggest that the large number of veterans returning from World War I who became addicted during the treatment of their wounds were to blame, or the euphoria of the approaching Roaring 20s, but probably the main reason was that on March 3, 1919, the exact same day, two important Supreme Court decisions were handed down that had a large impact on addicts and how they were being treated by doctors. In *United States v. Doremus*, 249 U.S. 86, 39 S. Ct. 214 (1919), the Supreme Court ruled that the Harrison Narcotics Act was constitutional, and in *Webb v. United States*, 249 U.S. 96, 39 S. Ct. 217 (1919), the Court held that prescription of narcotics for maintenance treatment of an addict was against the law, unless it was part of a “cure.” The facts in *Webb* were overwhelmingly in favor of the prosecution: Dr. Webb was a Tennessee physician who had been prescribing literally hundreds of prescriptions of morphine daily to individuals whom he did not know or treat and was caught red-handed by investigators. This was a major win for the Treasury.

The effects of these two decisions were immediate. Federal agents of the Narcotics Bureau of the IRS started immediate indictments against doctors and arrests of addicts in various cities throughout the United States. Exactly 36 days after the decision was rendered, federal agents in New York City arrested six physicians, four druggists and 200 addicts for violations of the Harrison Act (*New York Times*, April 9, 1919). This caused panic among large numbers of doctors, whose common practice for decades had been to have a small number of patients to whom they regularly prescribed opiates. More often than not, these were patients who suffered some chronic or terminal illness and were being treated in good faith. Now, this practice fell into question, and doctors were afraid to dispense any opiates. One of the solutions to the havoc caused by the *Webb* decision was “temporary” clinics or dispensaries to treat and “cure” the addicts.

Dr. Butler knew that drug addiction at that time in Shreveport was “beyond description.” It was suggested to Butler by local physicians and authorities that he visit the New Orleans addiction treatment center and set one up in Shreveport based on his findings. When Dr. Butler got back to Shreveport, he came up with a triage system that some authorities still consider the best single model of community opiate control and treatment in American history. The Shreveport Clinic was opened in a wing at Schumpert Hospital in May 1919. The local medical society unanimously adopted a resolution that its members would refer all addicts to this clinic for treatment.

During the four years the Shreveport Clinic was open, Butler and his staff admitted some 1,200 patients, whom they sorted into three groups: (1) addicts who needed immediate medical care; (2) those who were physically healthy; and (3) the incurable. It was this third group that ultimately got Butler in trouble with Washington.

Detoxification was a requirement of Butler’s program, as well as a requirement that they be employed, if possible. Once a patient’s dose had stabilized, everyone who could work was expected to; if he didn’t have a job, Butler would find him one, plus a decent place to live. He was aware that with some patients, detoxification was not possible; those cases were treated with minimum maintenance dosages, with strict recordkeeping of the procedures followed in each case. “At its height, the clinic treated as many as 250 patients at one time, and more than 1,600 addicts during its brief existence.”

(*New Orleans Times-Picayune*, August 30, 1979.)

Dr. Butler and the local law enforcement authorities agreed that the Shreveport Clinic resulted in a significant decrease in drug-related crimes in the City such as theft, burglary and assaults. Nevertheless, the fact remained that Butler’s clinic was using opiates in the treatment of patients, which was a violation of the IRS’s enforcement procedures.

Physicians in other locations began to complain that Butler was receiving favored treatment and, in due course, the IRS arranged for a Shreveport inspection. The success of Dr. Butler’s clinic was even apparent to narcotics investigators who came to town to shut him down. Three Treasury agents met with Butler, who was accompanied by Federal Judge George Whitfield Jack, U.S. Attorney Philip Mecom and Caddo Sheriff Tom Hughes, all of whom supported and defended the Shreveport Clinic, stating that it decreased crime and was achieving successful results, and asked that the clinic be allowed to continue. The agents spoke with the City’s leading physicians and heard nothing but praise for Butler and his clinic. They checked local drugstores and found no evidence of criminal activity. Investigators were noncommittal when nothing of consequence resulted.

Perhaps out of desperation, the Narcotics Division sent a “hatchet man” named H.H. Wouters to Shreveport, who, along with a group of federal agents, proceeded to build a case against Dr. Butler and his clinic.

During their first visit, Wouters claimed a group of citizens informed him that an illegal peddler was paying off one of the clinic’s inspectors to stay in business. Wouters approached U.S. Atty. Mecom with this information, and Mecom told him to go to the sheriff, and to Dr. Butler and his investigators with this information. Rather than do this, Wouters became suspicious of the authorities and instead reported it only to his supervisor.

On the second visit, they interviewed 50 of the clinic’s 129 patients, trying to show that the patients were simply drug addicts not worthy of being maintained, who did not work and were possibly criminal. Wouters continued trying to build a personal case against Dr. Butler, accusing him of such things as making money out of the clinic, keeping a large staff from the proceeds, and treating prostitutes!

By 1923, Dr. Butler had grown tired of all the battles to keep the clinic open, concluded it was useless to continue to fight the federal government, and allowed the clinic to close. The remaining patients were released to other physicians who were willing to accept them. Following this first federal foray into Shreveport, two local physicians who were prescribing opiates in great quantities to almost any and all addicts resigned from the medical society and left town. The Society voted unanimously to give their patients to Dr. Butler.

Six months following the clinic’s closing, the *Shreveport Journal* followed up with a story on what had happened since the federal intervention. It found that while street traffic of opiates such as heroin and morphine had been practically unknown before the clinic was shuttered, both drugs were now being sold freely everywhere (Mike Gray, *Drug Crazy: How We Got Into This Mess and How We Can Get Out*. New York: Random House, ©1998, p. 63).

During the following four summers, Dr. Butler took a position sponsored by Cornell University Medical School and the City of New York as a first assistant pathologist at Bellevue Hospital (the

charity hospital in that city), where he performed an average of 15 autopsies a day, working under the premier forensic pathologists at that time.

The mid-1920s was the period in which the new Caddo Parish Courthouse, the one that we have today, was being designed. Dr. Butler's influence is illustrated by the fact that the Marshall Street entrance immediately opened up on two doors on the right-hand side. The first contained an elevator which stopped on only two floors: the second floor, where a small holding cell was located behind the large criminal courtroom, and the eighth floor, the jail. Nearby on the eighth floor were the gallows, including the trapdoor used in the hanging process – which the coroner or his deputy was required to witness.

The second door led to Dr. Butler's office and that of his staff, on the east side of the courthouse. In the middle was a large, fully-equipped forensic laboratory, similar to the one at Bellevue, in New York, where Dr. Butler had substantial experience. To the west was a new, large, refrigerated morgue.

Butler's conduct of his office and popularity increased during the 1920s and '30s, as he continued to win elections by landslide margins or with no opposition at all. His financial relationship with the Police Jury always appeared satisfactory.

By 1961, Dr. Butler had served 45 years in office, was 73 years old, and ready to retire. However, he continued to operate his forensic laboratory in Shreveport which served many law enforcement agencies and courts throughout northwest Louisiana. He recommended that Dr. Stuart DeLee, the first deputy assistant coroner, replace him, and Dr. DeLee was elected uneventfully.

Dr. DeLee served as coroner for 10 years, until monetary concerns created a rift between him and the Policy Jury. The coroner's office was self-funding, and its fee schedule had been established in 1926. DeLee was being paid \$50 per autopsy while the going rate elsewhere was \$150. He requested a raise to this latter amount, and the Police Jury responded with a \$15 increase, at which point Dr. DeLee resigned.

Also during that time, there was some movement or pressure to place the coroner's office within the scope of the LSU Medical School which had opened in Shreveport; however, Dr. Ike Muslow, dean of the school at that time and also a strong admirer of Dr. Butler's, apparently not wishing to be involved with the political pressures that were sure to follow, called the proposal "table talk" and, thereafter, nothing along those lines ever developed.

Dr. Butler, who had returned to private practice as a forensic consultant, was asked by the Police Jury to return to his former position. He agreed to do so, and was reappointed by Gov. Edwin Edwards. On January 7, 1974, the Police Jury approved a fee increase for Dr. Butler, to \$100. He stood for reelection the following year and won by a substantial majority.

In August 1976, Dr. Butler notified parish officials that he planned to step down, but he continued until the Police Jury appointed an emergency interim coroner. With the work being long and hard, the pay sparse, and having to "come begging" to the Police Jury when the allotted money did not pay the bills, there was no physician actively seeking the position. As a result, and perhaps to put pressure on the medical society, the Police Jury appointed popular parish administrator Francis Bickham as the interim coroner.

Since Dr. Butler's time as coroner, the position has been filled

by several qualified and popular physicians, principally George McCormick, leading us to the present coroner, Dr. Todd Thoma, elected in 2007, who is well-liked and has served ably.

Following Dr. Butler's second retirement, at age 88 in 1976, he and his second wife, Ruth Matthews Adams, whom he had met at a Vanderbilt 50th anniversary class reunion three years after the death of his first wife, moved to their beloved Tennessee and made their home in the shadow of Andrew Jackson's Hermitage, outside Nashville. He died in 1991 at the age of 103 and is buried there.

The late Eric Brock, Shreveport's premier historian, wrote that at the time of Dr. Butler's death, he was "the oldest former medical examiner in the world." He also quoted the late Dr. George McCormick from a 1988 interview saying that Dr. Butler "was 75 years ahead of his time. At the time he was in his glory, Shreveport was the mecca of forensic pathology."

Dr. Butler had been known to be a prodigious worker, putting in sometimes as many as 12 to 15 hours a day, and some people say he is still coming to work. Many years after his passing, people have reported "seeing" Dr. Butler dutifully working in the courthouse and other public spaces like Municipal Auditorium, which, according to local legends, may have briefly served as the morgue under Dr. Butler's watch.

In a 2014 KTBS Channel 3 documentary, Sharon Porter, a longtime secretary who worked on the fourth floor where Dr. Butler was housed at one time, reported seeing a man who walked out of the elevator in front of her surveillance camera, but when she looked closely, he had seemingly disappeared. She and several other secretaries in her office have felt someone "brushing" or pushing past them.

In life and in death, Dr. Butler was a remarkable man.

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Office space in an established 30 - year law firm suitable for lawyer accountant, or other professionals; includes secretarial space, receptionist, telephones; shared conference rooms, kitchen, office equipment and parking. Located in Bossier City, for details call 318-742-1000.

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PUT THIS
ON YOUR
CALENDAR!

UPCOMING EVENTS

*2021 SBA MEMBERSHIP LUNCHEONS

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

MAY 4

Give for Good Campaign
Rhino Coffee Downtown

MAY 5

*Law Day Luncheon
Alainna Mire, LSBA President

JUNE 23

*SBA Member Luncheon

AUGUST 6

Justinian Coronation Bal
Sam's Town Casino

AUGUST 20

4th Annual
North Louisiana Appellate Conference
Second Circuit Court of Appeal

AUGUST 29

Member Sunday Fun Day Back to School Party
Location TBD

SEPTEMBER 15 & 16

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

SEPTEMBER 22

*SBA Member Luncheon

You can now use the Amazon Shopping app on your mobile phone to sign up for AmazonSmile and select "Shreveport Bar Foundation Pro Bono Project" as your favorite charity.

This is a great opportunity for you to support us through AmazonSmile donations.

Do you want to help make a difference while you shop in the Amazon app, at no extra cost to you?

Simply follow the instructions to select "Shreveport Bar Foundation Pro Bono Project" as your charity and activate AmazonSmile in the app. They'll donate a portion of your eligible mobile app purchases to us.

How it works:

1. Open the Amazon app on your phone.
2. Select the main menu (=) & tap on "AmazonSmile" within Programs & Features.
3. Select "Shreveport Bar Foundation Pro Bono Project" as your charity.
4. Follow the on-screen instructions to activate AmazonSmile in the mobile app.

New in the Amazon app

Sign up to generate donations while
you shop, at no extra cost

amazonsmile

Shreveport Bar Foundation
Pro Bono Project



Problem Gambling? Get Free, Confidential Help.



Problem Gambling Resource Services
www.FreeGamblingHelpLA.org
1-877-770-STOP

What is Problem Gambling Resource Services (“PGRS”)?

PGRS is a new program led by the Louisiana Department of Justice, Gaming Division in partnership with the Louisiana Department of Health, Office of Behavioral Health to bring awareness about problem gambling and the FREE gambling addiction services available to all Louisiana residents. Not only are attorneys in a unique position to determine that their clients may have a gambling problem, but attorneys are at a greater risk themselves.

A client’s gambling addiction may be the underlying cause of what led them to seek your help:

Attorneys are in a unique position to identify problem gambling behavior in their clients because they have access to client information, financial records, and other documentation that is generally not available to others. Clients, protected by attorney-client privilege, may feel safe disclosing a gambling problem to their attorney.

Lawyers and their staff are at a high risk for Problem Gambling. Here’s why:

- Lawyers are among the professionals most likely to suffer from stress and depression, which can play a role in the development of problem gambling behavior.
- Lawyers are risk takers. The legal profession is often a high risk, high reward environment, which may lead to risk taking behavior, such as gambling.
- Lawyers often have access to large sums of money, such as client trust accounts, retainers, settlement proceeds, etc.
- Lawyers are at a heightened risk for alcohol and drug misuse and dependency, which can increase the possibility for developing co-occurring alcohol/drug and gambling addictions.

What happens when someone calls 1-877-770-STOP?

- The Helpline, like all gambling addiction services offered by Louisiana, is confidential and FREE.
- The Helpline is answered by trained, certified and caring Helpline Specialists. The Specialists do not provide counseling, but they will refer you to a qualified counselor and all the FREE resources in your area.

If you have concerns about your own gambling or if you suspect that a client or colleague may have a problem, call or text 1-877-770-STOP for FREE help.

SBA LAW DAY AND BOOTH-POLITZ INN OF COURT LUNCHEON MEETING – MAY 5

\$35.00 for SBA Members; cost includes lunch and 1 hour CLE credit with advance reservation (before 5 pm Monday prior to luncheon).

\$40.00 for Non-SBA Members and late reservation (after 5 pm Monday prior to luncheon).



ZOOM Option Attendees - To attend virtually through Zoom, please RSVP no later than Monday, May 3. \$25.00 includes 1 hour CLE credit.



What the LSBA Can Do for You

When: Wednesday, May 5 from 12:00 Noon to 1:00 p.m.

Where: Petroleum Club (15th floor)

**Featuring: Alainna R. Mire, President,
Louisiana State Bar Association**

*Ms. Mire's presentation is eligible for 1 hour CLE credit
The 2021 Liberty Bell recipient will be announced at the luncheon*

Alainna R. Mire is the chief resilience officer and an assistant city attorney for the City of Alexandria and a former human resources director. She received a BA degree in political science in 2000 from Louisiana State University and her JD/BCL degree in 2004 from LSU Paul M. Hebert Law Center. She was admitted to practice in Louisiana in 2004.

Alainna served as Louisiana State Bar Association (LSBA) president-elect in 2019-20 and was a member of the Executive Committee, the Budget Committee and the Bar Governance Committee. She is a member of the Access to Justice Commission. She served as secretary and *Louisiana Bar Journal* editor in 2015-17. She served as LSBA Young Lawyers Division chair, chair-elect, secretary and District 6 representative. She served on the LSBA's Board of Governors as House of Delegates Liaison Committee chair and was a member of the LSBA's Legislation Committee, the Community Action Committee and the Public Information Committee.

She served on the Louisiana Bar Foundation's (LBF) Board and its Budget Committee and co-chaired the LBF's Membership Committee.

A former officer of the Central Louisiana Pro Bono Project and chair of the Alexandria Bar Association's Young Lawyers Council, she is a member of the Alexandria Bar Association and the American Bar Association. She is a former chair of the United Way of Central Louisiana. Please join us on May 5, as we celebrate Law Day and hear Ms. Mire's presentation to the SBA.

LAW DAY
2021



ADVANCING THE
RULE OF LAW NOW

#SHREVEPORTBARASSOCIATION

Inn of Court members will confirm reservation(s) to Jerry Edwards jerry.edwards.jr@gmail.com.

Non-Inn of Court members will confirm reservation(s) to the SBA office dsouthern@shreveportbar.com, 222-3643 Ext 3.

I plan to attend the Law Day Luncheon.

Attorney: _____

Please remember to call and cancel if you are unable to attend.

The SBA pays for each reservation made.

No-shows will be invoiced.

Thank You!