

# THE BAR REVIEW

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## INSIDE | OCTOBER

President's Message .....	1
September Luncheon Highlights.....	2
North Louisiana Criminal Defense Seminar.....	4
Worth Skimming ...5Judge Marcus Hunter Assumes	
Seat on Second Circuit .....	12
How Write You Are .....	13
Memorial & Recognition Ceremony .....	14
YLS Orientation.....	15
Bingo Night Was A Huge Success!.....	16
Recent Developments by Judiciary Highlights .....	17

## EVENTS AT A GLANCE

10/7	North Louisiana Criminal Defense Seminar
10/23	Justinian Run for the Beads 5K and Fun Run
10/23	Justinian Midway to Mardi Gras Party
10/27	SBA Membership Luncheon
10/28	Memorial & Recognition Ceremony – First United Methodist Church
11/10	SBA Membership Luncheon (Veterans Program)
12/15 & 16	December CLE by the Hour
12/19	SBA Christmas Party



## From The President

by Donna Frazier, [dfrazier@caddo.org](mailto:dfrazier@caddo.org)

September marks the start of fall and, for the first time in many years, it actually felt like fall. Many days, the lows were in the 50s and 60s, and the highs were only in the 80s. While our brethren to the north would scoff and accuse us of still having “summer” weather, for us Louisianans, these temperatures truly signify a change of season! By the time you read this, we will be starting the first month of 2021’s final quarter. Not too long ago, I was writing about reflecting at the midpoint of 2021 – now we’re starting the “wrap-up,” if you will.

Fall is the season of football, bonfires, homecomings and pumpkin spice. It’s also the time we attorneys start thinking about our CLE transcripts and what might be missing. If that describes you, don’t worry – the Shreveport Bar Association has you covered! Upcoming CLE opportunities include:

### North Louisiana Criminal Defense Seminar (State and Federal)

Shreveport Bar Center, 625 Texas Street – October 7, 2021

Approved for 6.5 Hours Louisiana CLE Credit Including 1 Hour of Ethics

### December CLE by the Hour Seminar

The Petroleum Club of Shreveport – December 15 & 16 2021

Approved for 13 Hours Louisiana and Texas CLE Credit Including 1 Hour of Ethics and 1 Hour Professionalism

It is truly a blessing to have the ability to host in-person CLE programs this year, and since you know what a big boost CLE revenue is to the Association’s bottom line, thank you to those of you who attended our first CLE event, Recent Developments by the Judiciary. It was a very successful program with both live and virtual components. In addition to the attendees, I would also like to thank our outstanding presenters and our sponsors. All of you were essential to the program’s success, and I am confident that our remaining programs will be just as successful.

As I was gathering my thoughts for this message, one thought that kept recurring was “I never thought I’d see this happen,” with regard to some of the legal decisions and situations that we’ve seen over the last year to 18 months. More so than at any other point in my career, actually in my lifetime, pivotal legal decisions are shaping this country. In the past months, courts have handed down legal decisions and government entities have written policies that will affect us all in one way or another.

The first case that came to mind was *Whole Woman’s Health v. Jackson*, 2021 WL 3910722 (9/1/21), which has had a chilling effect on abortions in Texas. Although the U.S. Supreme Court only denied an injunction in the case, it allows a Texas law that appears to be contrary to the ruling of *Roe v. Wade*, 410 U.S. 113 (1973), to stand. No matter one’s personal opinion of *Roe*, it has been the law for almost FIFTY years!! I would venture to guess that this case, for many of us, was the “law school poster child” case on privacy rights under the U.S. Constitution. For me, this is akin to the Berlin Wall coming down during my undergraduate career.

At our September meeting, attorney Ron Kramer presented to us on workplace safety during the pandemic and the many policies being written and which are constantly changing. As the issues surrounding mandatory vaccinations, mandatory testing and accommodations are litigated, those rules will set the stage for what happens during the

*Continued on Page 3*

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*September Luncheon  
Highlights*





next pandemic, and unfortunately, although it may not happen during our lifetimes, there will be other pandemics.

Finally, I thought about the cases surrounding last year's presidential election, which attorney Ben Griffith discussed at our first luncheon meeting this year. *Republican Party of Pennsylvania v. Degraffenried*, 141 S. Ct. 742 (2021) set the stage for how individual states' election laws should be interpreted. Because of the court's ruling, several states have passed new election laws that will no doubt be challenged during the 2022 midterm elections, if not before. There is no doubt that we are seeing the "reworking" of a plethora of longstanding laws and precedent. No matter our view of the cases and policies, there is no doubt that attorneys are in the thick of everything that makes a difference

Now that I have thoroughly dated myself by referencing the Berlin Wall, please add to your calendars our Memorial and Recognition Ceremony, which will be held on October 28 at First United Methodist Church. This is not only our opportunity to pay homage to the legal giants in our community who have passed on, but also our opportunity to meet and network with the next generation of attorneys, all of whom need our help and support.

My friends, we are living in tumultuous times – but what a time it is to practice our craft. Never take for granted your ability to influence our world through your work. Always remember that no one else can do what we do (no matter how much they think they can). Their Google research is not to be confused with our law degrees.

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Being involved in Pro Bono is a rewarding experience as you give back to the community, gain experience in the court room, and earn CLE credit. Contact the SBF office to get involved.

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# North Louisiana Criminal Defense Seminar October 7, 2021

Shreveport Bar Association  
625 Texas Street  
Shreveport, Louisiana

Approved for 6.5 Hours  
Louisiana CLE Credit  
Including 1 Hour of Ethics



**8:00 a.m. Registration**

**8:30 a.m. Moving the Needle: Making a Difference at Sentencing**  
60 Minutes  
*Judge S. Maurice Hicks Jr. - U.S. District Court Western District of Louisiana and Judge Brady O'Callaghan - First Judicial District Court*

**9:30 a.m. Defending Sex Crimes**  
60 Minutes  
*Sarah Giglio - Gilmer & Giglio LLC and Eric G. Johnson - Eric D. and Eric G. Johnson Law Firm*

**10:30 a.m. Break**

**10:35 a.m. White Collar Criminal Defense**  
90 Minutes  
*Anne E. Wilkes - Harper Law Firm and James E. Boren - The Law Office of James E. Boren*

**12:05 p.m. Lunch On Your Own**

**1:00 p.m. The Prosecutors' Perspective**  
60 Minutes  
*Alexander C. Van Hook, Acting U.S. Attorney - U.S. Attorney's Office and Nancy Berger-Schneider, ADA - Caddo Parish District Attorney's Office*

**2:00 p.m. Break**

**2:05 p.m. Navigating Mental Illness Issues in Criminal Cases**  
60 Minutes  
*Judge Donald E. Hathaway Jr. - First Judicial District Court; Betty L. Marak - Federal Public Defender's Office; and Dr. Mark Vigen - Psychology Associates of NW Louisiana LLC*

**3:05 p.m. Ethics in Criminal Cases**  
60 Minutes  
*Justice Scott Crichton - Louisiana Supreme Court*

**Registration Fees:** Complete this form and submit with payment or register online at [www.shreveportbar.com](http://www.shreveportbar.com)

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# Worth Skimming

by Chris Slatten, [Chris\\_Slatten@lawd.uscourts.gov](mailto:Chris_Slatten@lawd.uscourts.gov)

## Touch of Gun is not Possession

While at a friend's house, Smith touched a revolver. He pleaded guilty to being a felon in possession of that firearm in violation of 18 U.S.C. § 922(g)(1). He signed a factual basis that said the only interaction he had with the firearm was that he had “touched” it. The district court accepted that factual basis as sufficient to sustain the conviction. The 5CA vacated the conviction. It held (2-1) that merely touching a gun is not enough to equal possession. There was a vigorous dissent, and both sides invoked their favorite dictionaries and passages from a Scalia/Garner book. *U.S. v. Smith*, 997 F.3d 215 (5th Cir. 2021).

## Federal Nursing Home Reform Act

The Federal Nursing Home Reform Act establishes minimum standards of care to which nursing homes must adhere to receive Medicaid funds. Can a patient enforce the Act via a § 1983 claim? Yes, says the 7CA, joining the 3CA and 9CA. *Talevski v. Health & Hosp. Corp.*, 6 F.4th 713 (7th Cir. 2021). Most nursing home plaintiffs don't care for federal court, but *Talevski* is there for those who do.

## Jail's Contract Nurse Ineligible for QI

A social worker employed by a private company to provide care to jail detainees took a detainee off suicide watch. Two days later, the detainee hanged himself. His family sued. Is the private social worker a “state actor” who can be liable under § 1983? Yes. The county is obligated to provide medical care to detainees, and persons hired to carry out that constitutional duty do so clothed with the authority of state law. But it does not necessarily follow that she may assert qualified immunity. The social worker, “as an employee of a large firm systematically organized to perform the major administrative task of providing mental healthcare at state facilities—is categorically ineligible for qualified immunity.” *Sanchez v. Oliver*, 995 F.3d 461 (5th Cir. 2021).

## ADA Tester Lacked Standing

A woman who had never been to Texas and did not allege a plan to travel to Texas sued a Texas motel under the ADA for failing, on internet listings, to identify rooms accessible to disabled. She lacked standing because she

did not suffer an injury in fact. *Laufer v. Mann Hospitality, L.L.C.*, 996 F.3d 269 (5th Cir. 2021) (resolving an issue that divided district courts). The plaintiff is said to have filed more than 500 such suits in a single year.

## Juror Has ADA Standing

A man who uses a wheelchair was called for jury duty, but the courthouse entrance, courtrooms, and bathrooms were not wheelchair ready. He worked with the county on the issues, but no improvements were made by the time he was called again for jury duty three years later. He settled a damages claim and tried a claim for injunctive relief under Title II of the ADA. The trial judge held that the courthouse was not accessible to the disabled, but the man lacked standing because the possibility he would be called again for jury duty was too speculative. The 5CA reversed, noting that the man had been called twice before, and considering the size of the county, would likely be called again. A concurrence pointed out that the man was called for jury duty twice more after he filed suit, for a total of four times in seven years. *Crawford v. Hinds Cty.*, 1 F.4th 371 (5th Cir. 2021).

## WC Intervenor and Jurisdiction

A WC insurer is an intervenor of right and aligned with plaintiff for diversity purposes. The WC intervenor must allege diversity between itself and the defendants, and the amount in controversy with respect to the intervention must exceed \$75,000. If the WC insurer cannot be joined due to a lack of jurisdiction, then Rule 19 warrants dismissal of the entire case. If the case was removed, then remand is allowed. (Some judges say the court must dismiss rather than remand.) *Patterson v. Corvel Corp.*, 2021 WL 4047391 (W.D. La. 2021).

## Denial of Intervention; Appeals

“An order denying intervention as of right is a final order that we have jurisdiction to review under 28 U.S.C. § 1291.” But for an order denying *permissive* intervention, the appellate court has only “provisional jurisdiction” to review. If the district court did not abuse its discretion, the appellate court must dismiss the appeal for lack of jurisdiction. It retains jurisdiction to reverse if the district court did abuse its discretion, which is “so unusual as to be almost unique.” *Rotstain v. Official Stanford Investors Committee*, 986 F.3d 931 (5th Cir. 2021).

# THE SBA WELCOMES MARY LAUREN SLACK TO THE SBA



Mary Lauren Slack is the new Administrative Assistant for the Shreveport Bar Association. A recent graduate of LSU, she obtained her Bachelor's in Mass Communication with a focus in Public Relations.

Mary Lauren is a Bossier City native with experience in both the legal and non-profit worlds. She has a passion for the Shreveport-Bossier community and hopes to continue to serve the area in years to come.

In her free time, she enjoys reading, music, and spending time with her dog, Lincoln. She is involved with the local nonprofit, Common Ground, which supports the needs of the underserved neighborhood of Cedar Grove in Shreveport.

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# December CLE By The Hour December 15 & 16, 2021

Petroleum Club, 15th Floor  
416 Travis Street, Shreveport

**13 Louisiana CLE Credits (including 1 Hour Ethics & 1 Hour Professionalism)**  
**13 Texas CLE Credits Approved (including 2 Hours Ethics)**  
**(Please Circle Classes Attending)**

### Wednesday, December 15, 2021

- 7:30 A.M. **Registration & Continental Breakfast**
- 8:30 A.M. **Estate Planning**  
60 Minutes *Lee B. Aronson – Gilsoul and Associates*
- 9:30 A.M. **Break**
- 9:35 A.M. **Taking Better Depositions**  
60 Minutes *Scott J. Chafin Jr. – Gregorio, Chafin & Johnson and Marcus Edwards - Mayer, Smith & Roberts*
- 10:35 A.M. **Break**
- 10:45 A.M. **Oil & Gas Update**  
90 Minutes *Kathrine Smith Baker- Bradley Murchison Kelly & Shea and Andrew D. Martin - Davidson Summers*
- 12:15 P.M. **Lunch (included with all-day registration, or \$25)**
- 1:00 P.M. **DWI Defense**  
60 Minutes *Katherine Gilmer - Gilmer & Giglio and Craig Smith– Smith & John*
- 2:00 P.M. **Break**
- 2:10 P.M. **Employment Law Update**  
60 Minutes *Meg Frazier - Wiener, Weiss & Madison and Brian Carnie - Kean Miller*
- 3:10 P.M. **Break**
- 3:20 P.M. **Audio and Video Evidence Update**  
60 Minutes *Marion K. Marks - MMCC Forensic*

### Thursday, December 16, 2021

- 7:30 A.M. **Registration & Continental Breakfast**
- 8:30 A.M. **Professionalism**  
60 Minutes *Judge Michael Pitman – First Judicial District Court*
- 9:30 A.M. **Break**
- 9:35 A.M. **Effective Mediation Strategies**  
90 Minutes *Donald J. Armand Jr. – Pettiette, Armand, Dunkelman, Woodley, Byrd & Cromwell and Brian Homza - Cook, Yancey, King & Galloway*
- 10:05 A.M. **Break**
- 11:15 A.M. **Ethics**  
60 Minutes *Magistrate Judge Joseph Perez-Montes– U.S. District Court, Western District of Louisiana*
- 12:15 P.M. **Lunch (included with all-day registration, or \$25)**
- 1:00 P.M. **10 Things All Attorneys Need to Know About Bankruptcy**  
60 Minutes *Judge John Hodge - U.S. Bankruptcy Court*
- 2:00 P.M. **Break**
- 2:10 P.M. **Worker’s Compensation Update**  
60 Minutes *Mary Lou Salley Bylsma - The Law Offices of Jack M Bailey Jr. and Robert Dunkelman - Pettiette, Armand, Dunkelman, Woodley, Byrd & Cromwell*
- 3:10 P.M. **Break**
- 3:20 P.M. **Taking the Fear Out of Federal Court**  
60 Minutes *Jerry Edwards - US Attorney's Office Western District of LA*

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All Day Wednesday Non-Members - \$400 (\$450 after Dec. 1)  
(6.50 hours) SBA Members - \$300 (\$350 after Dec. 1)

All Day Thursday Non-Members - \$400 (\$450 after Dec. 1)  
(6.50 hours) SBA Members - \$300 (\$350 after Dec. 1)

Both Days Non-Members - \$550 (\$600 after Dec. 1)  
(13 hours) SBA Members - \$450 (\$500 after Dec. 1)

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**Important Note:** The webinar option is available for all day Wednesday, Thursday and both day attendees only.

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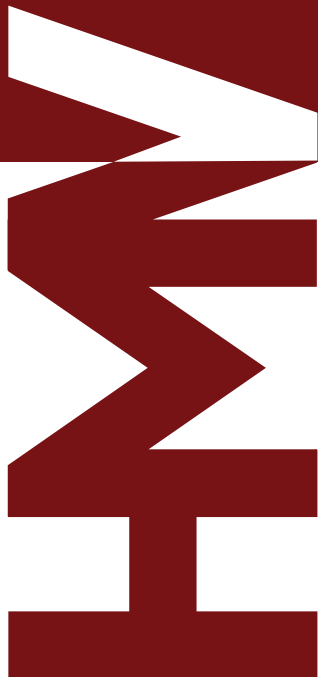


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December 15 & 16, 2021  
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## For What It's Worth – What's the Value of Your Business?

The question that I get asked the most as an accountant who performs business valuations is how to determine the value of a business. I am usually asked for the “back of the napkin calculation.” As a business owner, the reasons to obtain a business valuation are numerous. Sometimes they are required for tax purposes or estate planning, sometimes it is for the business owner to make informed decisions for the future, often to take steps to improve the value of the company, or as part of a buy/sell agreement, or perhaps it is even needed for litigation. I want to discuss some basic concepts behind a business valuation and why the use of a certified valuator is important to help mitigate the risk of performing a shotty calculation, which could have significant negative consequences.

Perhaps the most important concept behind a valuation of a business, or any asset for that matter, is that the value of any asset is the present value of the anticipated future benefits that the asset is expected to generate, discounted by a rate of return that is reflective of the risk of being able to attain the projected future benefits. When I use the term “future benefits,” I mean cash flows. There are three main approaches for performing a business valuation, but it all really comes back to anticipated future cash flows – how much will they be, when will they arrive, and how likely is this to happen?

The approaches to business valuation may sound familiar if you have any experience with real estate appraisals. The value can be determined under an asset approach, whereby the fair market value of the underlying assets of the company are determined – this is similar to a cost of replacement approach in real estate. The theory here is that the business owner should at least be able to obtain the fair market value of the assets of the entity, less liabilities, if the cash flows generated in the future do not support a higher value than those of the underlying assets. The value can be determined using an income approach, which attempts to measure the cash flows projected to be generated by the company (or rents for real estate), which are then discounted back to a present value based on estimated required rates of return (or a discount or capitalization rate). The determination of projected cash flows and a discount or capitalization rate is a complex and delicate process, involving numerous inputs. This approach is commonly used for a typical operating company, in other words a company that is actively engaged in the sale of a product or service and is ongoing. The last approach is the market approach, which involves looking at sales of similar companies (and I mean *very* similar companies) to derive an estimated value. This is similar to looking at sales comps for real estate.

The approach selected takes careful consideration of the factors at hand and depends on the purpose for obtaining the valuation. No approach is inherently better than another, but some are preferred based on the unique circumstances involving your company. The use of a certified professional can be very beneficial to make an informed decision. For one, a certified valuator is required to adhere to the standards of a credentialing organization, which helps provide comfort that valuation engagements are performed with objectivity and with a level of due diligence to protect the public. If you find yourself working with a valuator that always tells you what you want to hear and not what you need to hear, it could mean that you are not getting the best information to better your business. A certified valuator will also have the necessary experience, as well as access to useful resources, to properly analyze your company and provide you with the answers to your most pressing questions: How do I improve the value of my company? What if I am a minority owner? How do I stack up against my competitors or the industry in general? Do I need a valuation for my parent's estate? Is it time to sell or do I need a few years? How do I determine the asking price of my business? Is the offer I received reasonable?

Keep an eye out for my new valuation blog “For What It's Worth,” which will be starting in the near future to touch on some of the most frequent questions I see in the profession. If you find yourself asking any of the questions above, let's talk, and really discuss what it's worth.



**Written by Spencer H. Lamb, CPA, CVA**

Representative of Business Valuation Consultants, LLC, a strategic association of Heard, McElroy & Vestal, LLC

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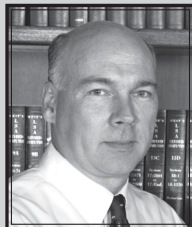
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**OCTOBER 23, 2021**

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# -Krewe of Justinian- Midway to Mardi Gras “Run for the Beads” 5k, #6 Saturday October 23, 2021



Fun Run – 7:30 a.m. 5k - 8:00 a.m.

- \*For experienced or first time runners; small, but great, run, run-walk, walk, kids, grandkids, FAMILIES;
  - \*NO TRAFFIC! Out and back course;
  - \*Every 5K finisher receives MADE IN N.O., specialty “event”, Mardi Gras beads;
  - \*DILLAS QUESADILLAS, for all race entrants and volunteers;
  - \* “W” Sound & Music & MC
  - \* “COLLECTOR QUALITY” long sleeve, cuffless, High-Tech fabric with the 7 color event logo on race shirts front, sponsors on back, for entries by 14 October.
- \*Easy parking, easy course, great time!

**Date and Starting times:** Saturday October 23, 2021. ½ Mile **FUN RUN** starts @ 7:30 a.m. (No registration required, no shirt or beads);  
5k **RUN** starts at 8:00 a.m. (Registration required for all; specialty beads at finish, shirt if registered by 14 October.)

**Location; Course description:** Starting and finishing on the bike path at the Stoner Skateboard Park. Take Stoner Boat Launch exit off Clyde Fant Parkway; park in Stoner Skateboard Parking Lot; very short walk to race site overlooking “doggie park” and Stoner Boat Launch. Woof! **Fun Run and 5k: no traffic, out and back, exclusively on wide bike path.**

**Entry Fee:** \$20 now thru October 20 \$25 October 21 and 22 ; \$30 Race Day. **Don’t diddle, get registered. The shirt is worth it! For registrants by midnight, October 14, 2021, race shirt is guaranteed. No shirt guarantee for later entrants due to limited supply chain availability. We are striving to make shirts available at a later date to all entrants,** but no guarantee is possible.

**All entrants by 12 a.m./Midnight, October 14, 2021, will be guaranteed a race shirt, even if not available until a later date.**  
-Email notification or cell # is requested for you to pick up shirt when available at no extra charge  
-You may register and pay with a credit card **ONLINE** at [www.sportspectrumusa.com](http://www.sportspectrumusa.com) or pay with cash, check, or credit card in Sportspectrum, 6970 Fern Avenue, Shreveport, LA 71105. Race day payment by cash or credit card only.

**T-Shirts and Packet Pick-Up:** You must register prior to midnight **October 14, 2021, to guarantee a race shirt.**  
-Packet pick-up will be at Sportspectrum 6970 Fern Avenue on Thursday, October 21 12:00-6:00 p.m. and Friday October 22<sup>nd</sup> from 10:00 AM – 5:30 p.m. **Race packets not picked up will be available at the race site @ 7:00 a.m. the day of the race.**

**Awards:** 1<sup>st</sup> & 2<sup>nd</sup> Overall male and female winners will receive special trophies. Additionally, 1<sup>st</sup> & 2<sup>nd</sup> male and female in the following age groups will receive an over the neck medal: 10 & under, 11-15, 16-19, 20-29, 30-39, 40-49, 50-59, 60-69, 70+

**Waiver and Release:** In consideration of my being allowed to enter Krewe of Justinian Midway to Mardi Gras 5k, I, for myself, my heirs, and assigns, executors, and administrators, **do hereby forever release and discharge Sportspectrum, Sportspectrum Race Management, Krewe of Justinian, their employees and agents, and volunteers,** of and from all or demands for damages, injuries, or liability, in any manner arising out of participation in this event. I agree to indemnify and hold harmless the parties released above from any claims or demands for damages, for injuries or liability, in any way arising out of my participation in this event. I certify that I have prepared myself for this race and that I am in adequate physical condition to complete the event I have entered. I agree to follow all rules of this race and to permit myself be removed from the competition if in the opinion of Race Management that continuing would endanger my health.

**Krewe of Justinian Midway to Mardi Gras 5k Entry Form**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_  
City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Birth Date: day \_\_\_ / # of month \_\_\_ /Year \_\_\_\_\_ AGE ON RACE DAY: \_\_\_\_\_

**Circle:** Male or Female                      Event (Please Circle): ½ Mile Fun Run      5K  
Shirt Size (**Circle**) Youth: M L XL              Adult: S M L XL XXL- (add \$2.00 upcharge)

I Understand and agree to all conditions of waiver. Signature: \_\_\_\_\_  
**Parent/Guardian Signature for participant under 18 years old:** \_\_\_\_\_



# Judge Marcus Hunter Assumes Seat on Second Circuit

by Hal Odom Jr., [rhodom@la2nd.org](mailto:rhodom@la2nd.org)

Judge Marcus L. Hunter took the oath of office as the newest member of the Louisiana Second Circuit Court of Appeal in a ceremony held at the Monroe Civic Center on May 5, 2021. Retired Chief Judge Felicia Toney Williams, whose seat Judge Hunter now holds, administered the oath of office, and Rev. Willie Hunter Sr., Judge Hunter's grandfather, led the ceremonial prayer.

Judge Hunter is a native of Monroe, Louisiana, born in 1979, a graduate of Wossman High (1997), Southern University in Baton Rouge (BS, Sociology, 2002), and Southern University Law Center (JD, 2005). He was an associate attorney/law clerk with Willie Hunter, Jr. & Associates, in Monroe, from 2005 through 2018, a member of the Louisiana House of Representatives, District 17 (Monroe-West Monroe) from 2012-2018, and was elected to the Fourth JDC, in November 2018. He was elected to the Second Circuit, on April 24, 2021, to fill the vacancy created when Chief Judge Williams retired.

In remarks to the audience at the ceremony, Judge Hunter thanked his wife, Dr. Tonya Hawkins Hunter, for all her support through the years. He also thanked his mother, Gloria, for raising eight children and teaching him to "listen long and speak short"; his father, Willie, a retired lieutenant colonel, who was the "textbook definition of tough love"; and his grandmother, Georgia Bell, who aced the voter literacy test but was denied registration because she failed to answer, "Yes, sir." He also quoted one of his guiding scriptural passages, 1 Peter 2:13.

Judge Hunter expressed his gratitude to all attendees for coming to celebrate the swearing-in "of a young black man to the highest current possible

state judicial office for a minority in north Louisiana, a man who still shares a room with relatives who picked cotton." He elaborated: "African-Americans in this country are not fully free, just loose. It's my hope that my children, Faith, Angel and Hugh, understand



the significance of today." Touching on judicial philosophy, he said, "An unjust law is no law at all. It should be challenged whenever and wherever possible." He added, however, "The only real source of power that we as judges can tap is the respect of the people. We will command that respect only as long as we strive for neutrality." He concluded, "I'm ready to fill my duties as judge of the Second Circuit Court of Appeal. I love you all, and there's nothing you can do about it!"

Judge Hunter is married to Dr. Tonya Hawkins Hunter, M.D., an OB-GYN in Monroe, and they have three children, Faith, who is about to start college, Angel, currently in junior high, and Hugh, attending Pre-K 2. He is a member of the ABA, LSBA, Fourth District and Shreveport Bar Associations, Federal and National Bar Associations, Second Circuit Judges Association, and other professional organizations. He is also a member of St. James No. 2 Baptist Church, in Richwood, La., St. Mary CME, in Bastrop, Omega Psi Phi Fraternity and OMCAP (Ouachita Multipurpose Community Action Program).

Other speakers at the well-attended ceremony included Chief Judge Robert C. Johnson, of the Fourth JDC, and Chief Judge D. Milton Moore III, of the Second Circuit. Judge Hunter sat on his first argument panel for the court on Tuesday morning, May 25, 2021.



# How Write You Are

by Hal Odom Jr., rhodom@la2nd.org

**Don't go off track.** Think back to high-school geometry, if you dare, and you'll recall that a *tangent* is a straight line that just touches a curve in one place, and then goes off on its own merry way. Following this concept, the word *tangential* means straying needlessly from the subject matter. The expression *go off on a tangent* means to digress and waste the reader's time.

The potential for misuse came up recently. A book review lamented that "faith in the government itself is being eroded in *tangent* with the erosion of facts." Peter Huston, "Government Without Facts," *Skeptical Inquirer*, July/Aug. 2021, p. 61. "These crimes \* \* \* are in *tangent* with the international crimes over which the ICC has jurisdiction." Sascha-Dominik Bachmann & Naa A. Sowatey-Adjei, *The African Union-ICC Controversy*, 29 Wash. Int'l L. J. 247 (April 2020), 274. These three writers are referring to *cooperation*, not *digression*.

The word intended was *tandem*, which means one behind the other; *in tandem* means cooperatively or working together. "Under the 'same evidence' test used by Louisiana courts *in tandem* with the *Blockburger* additional fact test, a court considers the actual physical and testimonial evidence necessary to secure a conviction." *State v. Magee*, 12-1084 (La. 8/25/14), 146 So. 3d 193. "They drove in *tandem* on I-20, where Bennett could look back and see Allums behind him[.]" *Allums v. Parish of Lincoln*, 44,304 (La. App. 2 Cir. 6/10/09), 15 So. 3d 1117.

Don't confuse these words. They're not even tangentially related.

**How long does it take to change?** A point of some cultural pride is that our political subdivisions are called *parishes*, not *counties*, but it wasn't always so. The 1812 Constitution referred to "the Parish of St. Bernard and Plaquemine" but to "the county of Orleans" and the "counties of \* \* \* Rapides, Natchitoches and Ouachitta [*sic*]." A little over three decades later, the Constitution of 1845 excised every reference to *counties* and used *parishes* exclusively: "No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted."

Apparently, there was no concurrent change in the name of the place where the parish government is situated. It is a little surprising to read *county seat* a century later. "The attorney went to Crowley, the *county seat* of the adjoining parish, and found from the records that the plaintiff had been legally adopted by the deceased." *Succession of Molaison*, 213 La. 378, 34 So. 2d 897 (1948). "In substantiation of said motion, defendant-appellant has filed an affidavit by the deputy clerk of court, Vermilion Parish, of which Abbeville is the *County seat*["] *Wiltz v. Home Bldg. & Loan Ass'n*, 24 So. 2d 204 (La. App. 1 Cir. 1945). "[T]he property was offered and sold by the administrator at Oakdale, a town or village, about fourteen miles from Oberlin, the *county seat* of Allen Parish." *Gibson v. Arnold*, 171 La. 1007, 132 So. 661 (1931).

Note that each of these carefully referred to the political



subdivision as a *parish*, but the courthouse town as the *county seat*. If anyone can find a constitutional provision or legislative act later than 1845 that used *county seat*, please advise me!

**Intentional misspelling.** The appearance of "*sic*" in a recent opinion serves as a reminder of how long it takes to change archaic spelling. In *Guidry v. Worknet 2000 Inc.*, 21-89 (La. App. 3 Cir. 8/11/21), \_\_\_ So. 3d \_\_\_, the Third Circuit quoted the La. Supreme Court, *O'Regan v. Preferred Enters. Inc.*, 98-1602 (La. 3/17/00), 758 So. 2d 154; *O'Regan*, in turn, paraphrased an out-of-state case, *Decius v. Marriott Corp.*, 402 A. 2d 841 (D.C. App. 1979):

"The court also reasoned that while the employee's injuries were compensable under the act, the employee's compensation claim was denied because they arose from his own wilful [*sic*] misconduct, i.e., he provoked the altercation."

All authorities agree that *wilful* is primarily British, and archaic in U.S. usage. However, the affectation of British style was once powerful, and many older statutes contain this relic of the early 20th century. Notably, La. C.C.P. art. 224 defines constructive contempt of court as "wilful neglect" of official duty or "wilful disobedience" of any lawful judgment. Art. 224 dates from 1960; other appearances, like "wilful and negligent setting fire to forests," in La. R.S. 3:4281, or "No person shall wilfully obstruct any natural or artificial drainage canal," in R.S. 38:215, both date from 1922!

My suggestion is that if you are quoting one of these rare statutes that still use *wilful*, quote it accurately; everywhere else, use the modern and preferred version. Don't make eccentric spelling the centre of attention.

By the bye, in the passage quoted above, the D.C. court, in *Decius*, actually used *willful*; it was our own Supreme Court, in *O'Regan*, that transformed it to *wilful*. The Third Circuit diplomatically inserted *sic*, without blaming anyone!

**Cutting the jargon.** Some of my favorite – and easiest – edits are to cut pompous jargon and replace it with simple, intuitive words:

- subsequent to, prior to: *after, before*
- implement, effectuate: *begin, carry out*
- transpire: *happen*
- apprise: *inform, advise*
- envisage: *think, see, regard*
- hereinbefore: *earlier*

**Should have proofread.** Buried in a footnote, examples of when expert testimony is not needed to prove medical malpractice: "failing of an on-call physician to respond to an emergency when he knows, or *should of not have* known, his presence was necessary[.]" "Should of" sounds like voice-recognition software; and why the "not have"? How many people read footnotes, anyway? *Jordan v. Community Care Hosp.*, 19-0039 (La. App. 4 Cir. 7/24/19), 276 So. 3d 564, fn. 15.

# Memorial & Recognition Ceremony

Members of the Shreveport Bar Association are encouraged to participate in the annual Memorial and Recognition Ceremony to be held Thursday, October 28 at 2:00 p.m. at the First United Methodist Church in the Main Sanctuary, Head of Texas Street. It is an opportunity for SBA members to honor the deceased and celebrate their contributions to the profession and to the sanctity of law. The memorial service is followed by the introduction of new lawyers, which is an important and meaningful kick-off tradition for those just starting to serve the legal profession. Their families are also invited and truly appreciate this show of honor and respect.

In addition to honoring deceased members and the recognizing of new members, this gathering presents an occasion to reflect on your own legal career and to encourage those who are just entering the profession.

A reception following the Memorial & Recognition Ceremony will be held at the Shreveport Bar Center, 625 Texas Street (one block from the church).

## Attention All Attorneys!

**New Attorneys will be honored on October 28. Please pass this information along to anyone who passed the Louisiana Bar Exam in 2020.**

In connection with the SBA's Memorial and Recognition Ceremony being held on Thursday, October 28, 2021, the following events have been planned for area new attorneys:

**8:00 AM – 1:30 PM New Attorney Seminar**  
– Caddo Parish Courthouse in Rm G20 (Includes Lunch). All new attorneys who were admitted to the Louisiana Bar in 2021 are invited to attend the seminar.

**2:00 PM – Memorial & Recognition Ceremony** – Main Sanctuary – First United Methodist Church

**Reception immediately following at the Shreveport Bar Center, 625 Texas Street**

*All attorneys who were admitted to the Louisiana Bar in 2021 will be recognized during the ceremony.* Attorneys and judicial offices are asked to turn in any names of attorneys who have passed the bar to Dana at the SBA Office by email: [dsouthern@shreveportbar.com](mailto:dsouthern@shreveportbar.com).



## In Memory of:

William "Bill" T. Allison  
Joseph Shelby Cage  
Arthur Roderick Carmody Jr.  
Herschel M. Downs  
Roy Morris Fish  
James E. Franklin Jr.  
Judge Andrew Brutton Gallagher  
Stuart Douglas Lunn  
Harry David Simmons  
James Albert Van Hook Jr.  
Thomas Newton Williams  
Donald Lee Wilson



The Shreveport Bar Association and Judges of the First Judicial District Court cordially invite you to attend the annual

## Memorial & Recognition Ceremony

honoring deceased and new members of the Bar Thursday, the twenty-eighth of October at Two o'clock in the afternoon  
Main Sanctuary  
First United Methodist Church  
500 Common Street  
Shreveport, Louisiana  
Reception to follow  
At the Shreveport Bar Center  
625 Texas Street Shreveport, Louisiana

# CALLING ALL LAWYERS WHO HAVE RECENTLY BEEN ADMITTED TO THE PRACTICE OF LAW!

Congratulations to all the newly admitted attorneys! The Young Lawyers' Section will host a New Lawyer's Orientation with lunch provided at the Caddo Parish Courthouse in Rm G20 on October 28, 2021. The event is free and will include presentations which will count toward your Continuing Legal Education. The schedule is as follows:

- 8:30 A.M.**      **Registration (Entrance into the Courthouse opens at 8:30 a.m.)**
- 8:50 A.M.**      **Welcome and Program Overview**  
Luke Whetstone, SBA Young Lawyers' President
- 9:00 A.M.**      **Taking the Fear Out of Federal Court**  
Magistrate Judge Mark Hornsby - U.S. District Court, Western District of Louisiana
- 10:00 A.M.**      **Professionalism**  
Judge Parker Self – Twenty-Sixth Judicial District Court
- 11:00 A.M.**      **Juvenile Court: You've Been Appointed, Now What?**  
Judge Ree Casey-Jones – Juvenile Court for Caddo Parish
- 12:00 Noon**      **Break (lunch provided)**
- 12:15 P.M.**      **Bossier City Court: Best Practices**  
Judge Santi Parks – Bossier City Court

Following the CLE, we will adjourn to the First United Methodist Church for the Memorial and Recognition Ceremony. Following the ceremony, the Shreveport Bar Association will host a reception for the newly admitted lawyers at the Shreveport Bar Center. For more information on the events of October 28, 2021, or to reserve your place, please contact Dana Southern at 318-222-3643 Ext. 3 or dsouthern@shreveportbar.com.



Major General  
Jason Armogast

## VETERANS DAY PROGRAM

The Shreveport Bar Association 2021 Veterans Day program will be held on Wednesday, November 10 beginning at 12:00 Noon at the Petroleum Club (15th floor).

Our Veterans Day Program special guest speaker will be Major General Jason R. Armogast, Director, Air Force Global Strike Command, Barksdale Air Force Base.

Whether you have served or not, please join us on Wednesday, November 10 as we honor our SBA Veterans.



# Thanks For Your Valuable Contribution!

The planners and speakers of the SBA Recent Developments by the Judiciary CLE seminar are volunteers. Their gift of time and talent make this event successful. We acknowledge and greatly appreciate their work.

Clinton M. Bowers

Honorable Jeff Cox

Honorable Scott Crichton

L. David Cromwell

Honorable Katherine Clark Dorroh

Honorable Terry A. Doughty

Sarah R. Giglio

Honorable John Hodge

Honorable Mark Hornsby

Allison A. Jones

Michael D. Lowe

Honorable Amy B. McCartney

Honorable Kayla Dye McClusky

W. Deryl Medlin

Alexander Mijalis

Ebonee Rhodes Norris

Patrick S. Ottinger

Honorable Michael Pitman

J. Marshall Rice

Honorable Carl E. Stewart

## Bingo Night Was A Huge Success!

The Women's Section and Young Lawyers' Section came together to raise funds by hosting a Bingo Night at Great Raft Brewing on August 19. They raised over \$1,100 thanks to the generous donations of the attendees! Thank you so much to everyone who came out to play bingo!



A big thank you also goes to the sponsors who donated approximately \$1,500 in gift cards and prizes.

Great Raft Brewing; Fat's Oyster House; Ki Mexico; Marilynn's Place; Lowder Baking Company; Tejas Kitchen; Torchy's Tacos; First Watch; Grub Burger Bar; OrangeTheory; Sportspectrum; Frank's Pizza; Cuban Liquor; Tony's Liquor; Cantina Laredo; Kendra Scott; Ivy & Stone; El Compadre; The Frozen Pirogue; BeauJax; Taziki's; RunWild; Casa Jimador; Twisted Root Burger Company; Orlandeaux's; Ivy Nails; Simply Chic Boutique; Joy Kilgo Reger Law; Audrius M. Reed, Attorney at Law; and The Extreme Fitness Studio!

# Recent Developments by the Judiciary Seminar Highlights







# Recent Developments By the Judiciary


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29

PUT THIS  
ON YOUR  
CALENDAR!

# UPCOMING EVENTS

## \*2021 SBA MEMBERSHIP LUNCHEONS

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

### OCTOBER 7

North Louisiana Criminal Defense Seminar  
Shreveport Bar Center

### OCTOBER 23

6th Annual Midway to Mardi Gras  
"Run for the Beads" 5K and Fun Run  
Bike Path at the Stoner Skateboard Park

### \*OCTOBER 27

Speaker: Alston Johnson  
Professionalism Award Presentation

### OCTOBER 23

Midway to Mardi Gras Party  
The Stage at Silver Star

### OCTOBER 28

SBA Memorial & Recognition Ceremony  
2:00 p.m. at First United Methodist Church

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.



Shreveport Bar Foundation  
Pro Bono Project



## Start with a smile at [smile.amazon.com](https://smile.amazon.com) this Halloween

Support Us and find great costumes, treats and more.  
You Shop. Amazon Gives.



## **SBA Luncheon Meeting – October 27**

*Petroleum Club (15th Floor) – Buffet opens at 11:30 a.m. Program and Speaker from 12:00 Noon to 1:15 p.m.*

*Cost for lunch & CLE is \$40.00 for SBA members with advance reservation and \$45.00 for non-SBA members and late reservation (after 5:00 pm the Monday prior to the luncheon)*



**Thomas Pressly**

### **2021 Legislative Updates**

**When: 12:00 Noon on Wednesday, October 27**

**Where: Petroleum Club (15th floor)**

**Featuring: Thomas Pressly, Louisiana State Representative for House District 6**

*Mr. Pressly's presentation is eligible for 1 hour CLE credit*

Thomas Pressly is in his first term serving as the state representative for House District 6, which includes portions of Shreveport and Bossier City. He serves on the House's civil law, health and welfare and judiciary committees, and is co-chairman of the Louisiana Future Caucus. He is also a member of the Joint Medicaid Oversight Committee, Medicaid Estimating Conference, and Medical Marijuana study commission.

In 2020, Pressly received acclaim for the legislation he authored providing liability protection for COVID-19 transmissions to entities which followed local, state or federal guidelines. He has also authored legislation to help combat human trafficking through massage parlors, address the judicially created single business enterprise theory, reform the river boat pilotage monopolies, and extend eligibility requirements for certain industries to participate in the Quality Jobs Program, among others.

For his legislative achievements, Pressly was named a Future 40 in politics by the national Maverick PAC, awarded the 2020 TCU Outstanding Young Professional, presented the Guardian of Small Business by the National Federation of Independent Businesses, designated a most valuable policymaker by the Louisiana Association of Business and Industry, presented an honorary membership by the Louisiana Young Republican Federation, and received the Louisiana Academy of Family Physicians Legislative award.

Representative Pressly is a cum laude graduate of TCU, where he served as student body president. He is also a graduate of Loyola University New Orleans College of Law, where he served as member of Moot Court. Following law school, Pressly returned home to Shreveport and served as a law clerk to United States District Court Judge S. Maurice Hicks, Jr.

He currently practices civil litigation with the law firm Pettiette, Armand, Dunkelman, Woodley, Byrd & Cromwell, LLP. Pressly and his wife, Maggie, have two young children.

## **#SHREVEPORTBARASSOCIATION**

**You may confirm your reservation(s) by email [mlslack@shreveportbar.com](mailto:mlslack@shreveportbar.com), Phone 222-3643 Ext 2.**

**I plan to attend the September 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!**