

THE BAR REVIEW

PUBLICATION OF THE SHREVEPORT BAR ASSOCIATION

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INSIDE | JUNE

President's Message	1
Save the Date	2
Recent Developments by Judiciary	3
2022 SBA Liberty Bell Award	5
Law Day	6
Young Lawyers' Section	8
Ted Cox Retirement Ceremony	8
Lunch & Learn	9
The Captain Speaks	10
Red Mass	12
Federal Update	13
Shreveport Bar Foundation Article	14
Second Circuit Highlights	16
Bar Briefs	18
How Write You Are	21
Richard B. King Memorial Shootout	23
Pro Bono Project	26
Lunch & Learn Series Highlights	27
North Louisiana Appellate Conference	28
Member Day Highlights	29

EVENTS AT A GLANCE

6/22	SBA Membership Luncheon – 12:00 Noon - Petroleum Club
7/1	Legal Technology Lunch & Learn Series II – 12: Noon – SBC
8/5	Justinian XXIX Coronation Bal
9/21-22	Recent Developments by the Judiciary CLE
9/28	SBA Membership Luncheon – 12:00 Noon - Petroleum Club



From The President

by Don Armand, darmand@padwbc.com

☛ We are living in hard times. Global and national crises abound. Crimes of mass and individual violence are increasing beyond our experience and understanding, even here in Shreveport. The victims of those crimes are suffering mightily.

☛ Our work and the ideals we strive to achieve are remedies to that suffering. The work done by judges, lawyers, court personnel and everyone associated with the legal system is meant to, and does, address the core problems that cause that suffering. It is our duty and our privilege to continue to use our work to advance the legal system and make people's lives better.

☛ The United States remains the greatest system of human interaction and society in the world. Millions of immigrants have and always will seek life here because the fundamental goodness of our system of government and society is obvious and undeniable.

☛ Whatever our individual opinions on the underlying issue, the leak of the Supreme Court's draft opinion in *Dobbs v. Jackson Women's Health Organization* hurts us all. We strive to appoint and elect our smartest, wisest, best people as the ultimate decision makers of how our laws should be applied. In the courts of decision by multiple judges, the judges need the benefit of each other's wisdom, through the process of private deliberation, to make the best decisions. The wrongful exposure of those deliberations to public scrutiny and political pressure is no different from any other attempt to improperly persuade courts to decide cases based on anything other than the facts and the law.

☛ The blessings of our democracy exist because the institutions of our government, including the judicial/legal system, function properly and are trusted and respected by the people they serve. We can always do better, but I believe that, in our area, we're doing it right. I'm proud to be a lawyer and member of this bar association and to practice in our courts, where the judging, lawyering and court administration are conducted at the highest level.

☛ Law Week was an enormous success. All events were packed with participants, including community appearances at Centenary College (which Centenary loved) and a mock trial at Caddo Heights Elementary (which resulted in a unanimous jury verdict convicting the Big Bad Wolf). Both schools want a lot more from us. SBA Law Week fundraising raised over \$7,000 for the Bar Foundation. Chair Meredith Bro and her committee, superhero Dana Southern and her sidekick Kendall Riggs, knocked it out of the park. To them, THANK YOU.

☛ Keep it rolling. We'll see you at the June 22 SBA Luncheon at the Petroleum Club. Get up to speed on legal technology at the July 1 Legal Technology Lunch & Learn. More to follow on that.

☛ Tell us what you need. My phone number is (318) 221-1800 and my email address is darmand@padwbc.com. Dana's direct office number is (318) 703-8373 and her email address is dsouthern@shreveportbar.com. Please let us know what we can do to help you.

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The Shreveport Bar Review reserves the right, in its discretion, to decline to accept advertisements from any individual, corporation, partnership, entity, group or association, without the necessity of giving a reason for its declination.

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Save
the
Dates
2022

Shreveport Bar Association's
Continuing Legal Education

JULY

1

Legal Technology
Lunch & Learn
Series 2

SEPT

21-22

Recent Developments
by the Judiciary
Seminar

OCT

14

North Louisiana
Criminal Law
Seminar

DEC

14-15

December CLE
by the Hour



Recent Developments By the Judiciary
Sponsored by the Shreveport Bar Association
September 21 & 22, 2022

HILTON GARDEN INN / HOMEWOOD SUITES - BOSSIER CITY

13 Louisiana CLE Credit including Ethics & Professionalism
13 Texas Board of Legal Specialization CLE Credit Approved

Wednesday, September 21, 2022

- 7:30 A.M. Registration & Continental Breakfast**
- 8:30 A.M. FLSA and Other Employment Law Updates**
60 minutes *Jennifer Hilburn and Cary Hilburn - Hilburn & Hilburn*
- 9:30 A.M. Expert Witnesses: Updates and Observations**
60 minutes *Ronald E. Raney- Lunn Irion Law Firm and Lawrence W. Pettiette Jr. - Pettiette, Armand, Dunkelman, Woodley, Byrd & Cromwell*
- 10:30 A.M. Sponsor Break (Refreshments)**
- 10:45 A.M. Soldiers' and Sailors' Relief Act Updates**
60 minutes *Colonel (Ret) John S. Odom Jr.*
- 11:45 A.M. Lunch (included with full registration)**
- 1:00 P.M. Twenty-Sixth JDC Litigation Update**
60 minutes *Judge Parker Self and Judge Lane Pittard - Twenty-Sixth Judicial District Court*
- 2:00 P.M. U.S. Supreme Court and Fifth Circuit Court Updates**
90 minutes *Robin McCoy, Whitney Howell, and Chris Slatten - U.S. District Court, Western District of Louisiana*
- 3:30 P.M. Sponsor Break (Refreshments)**
- 3:45 P.M. Help! My Law Firm's Server was Hacked!**
60 minutes *Charles "Pete" Kammer III - Kammer & Huckabay and John Bullock - Infinity Solutions*

Thursday, September 22, 2022

- 7:30 A.M. Registration & Continental Breakfast**
- 8:30 A.M. Law Office Management: Legal Technology Update**
90 minutes *John Nickelson - Nickelson Law*
- 10:00 A.M. Sponsor Break (Refreshments)**
- 10:15 A.M. Structuring Personal Injury Settlements**
60 minutes *Alexander Mijalis - Lunn Irion Law Firm and J. Marshall Rice - Rice & Kendig*
- 11:15 A.M. Louisiana Supreme Court and Second Circuit Update**
60 minutes *Judge Shonda Stone - Second Circuit Court of Appeal*
- 12:15 P.M. Lunch (included with full registration)**
- 1:15 P.M. Federal Litigation Update**
60 minutes *Judge Terry A. Doughty and Judge James D. Cain Jr. - United States District Court, Western District of Louisiana*
- 2:15 P.M. Sponsor Break (Refreshments)**
- 2:30 P.M. The Ethics of Wellness**
60 minutes *Judge Michael Pitman - First Judicial District Court*
- 3:30 P.M. Professionalism**
60 minutes *Associate Justice Scott J. Crichton - Louisiana Supreme Court*

(Registration on back)

REGISTRATION FORM

Complete this form or register online at www.shreveportbar.com

Name _____

Firm _____

Billing Address (Credit Card) _____

City, State, Zip _____

Phone No. _____ Email _____

(Materials will be sent in a link to your email address)

Materials: The registration fee includes course materials provided electronically. PDF materials will be emailed to you for download before the conference. Because neither internet access nor electrical outlets are guaranteed, we suggest that you either print or save the PDF materials to your mobile device, and fully charge your batteries before the conference. Be prepared with a mobile device and data plan in case there is no Wi-Fi.

Walk-In Registration: Must pay the late registration price.

Cancellation Policy: Cancellation requests must be received in our office in writing (by email, or U.S. mail) no later than Friday August 12, 2022 to receive a refund less a \$50 cancellation fee. Requests may be emailed to dsouthern@shreveportbar.com or faxed (318) 222-9272 or U.S. mail to 625 Texas Street, Shreveport, LA 71101.

Registration Fees:

Full Program

\$400.00 for Non-SBA Members (\$425 after August 12)

\$375.00 for SBA Members (\$400 after August 12)

Wednesday Only

\$300.00 for Non-SBA Members (\$325 after August 12)

\$275.00 for SBA Members (\$300 after August 12)

\$60.00 Ethics Only (\$75 after August 12)

\$60.00 Professionalism Only (\$75 after August 12)

Thursday Only

\$300.00 for Non-SBA Members (\$325 after August 12)

\$275.00 for SBA Members (\$300 after August 12)

Full refund until August 12, 2022, less a \$50 Administrative Fee

After August 12, Full Credit Less a \$50 Administrative Fee May Be Applied To Future SBA sponsored CLE Seminar For Up To One Year

For Questions and to find out the Special Rate (full program) for Government Employees, Please Contact the SBA Office at (318) 222-3643.

I will attend (please circle all that apply): Full Program Wednesday Only Thursday Only Ethics Professionalism

Please remit with payment to:

Shreveport Bar Association, 625 Texas Street, Shreveport, LA 71101

Credit Card Information Visa American Express Discover MasterCard

Card No. _____ Expiration Date _____

SIC: _____ Amount to be Charged to Card \$ _____

Signature _____



2022 SBA Liberty Bell Award Recipient

For those that work in the legal system, our hope is that our work will support and advance our society, the American ideals of freedom under law and individual rights and responsibilities. Since 1965 SBA has presented the Liberty Bell Award. In presenting the award, we recognize that great people who give so much of themselves, do as much or more to advance the same goals – individual freedom and happiness with responsibility, and peaceful, righteous society. On Wednesday, May 4, the Shreveport Bar Association presented Monsignor Earl Vincent Provenza with the 2022 Liberty Bell Award.

Monsignor Earl V. Provenza

Monsignor Provenza's parents immigrated to this country from Sicily. He was born in Shreveport on November 29, 1937 – the tenth of eleven children. He was raised in the Allendale neighborhood and attended school at St. Mary's Elementary in downtown Shreveport and attended church and served masses as an altar boy at Holy Trinity. In 1964 he received his BA degree in theology at St. Procopius College in Illinois and that same year he was ordained a Catholic Priest. Monsignor earned his master's degree in theology from the University of California at Berkley. He has served as a Catholic priest for 58 years. He ministered to churches in Alexandria, Mansura, Zwolle, Coushatta, Monroe, Bossier and Shreveport. As pastor of St. John Berchmans Cathedral, he oversaw renovation of that church and the Coushatta church. He served as Dean of the Western Deanery of the Diocese of Shreveport for 14 years and as Diocesan Administrator (acting bishop) for the Diocese of Shreveport from the retirement of Bishop William Friend in 2006 until the appointment of Bishop Michael Duca in 2012. He had personal audiences with three Popes and offered a private mass with Pope John Paul II in the Pope's private chapel. From 2006 until his retirement in 2018, he served as pastor of Holy Trinity Catholic Church in downtown Shreveport, the church where he was baptized and raised. He came out of retirement and is now assigned as priest to Christ the King in Bossier City. He has ministered and mentored many of our youth, supported the military, law enforcement and served our community for many years. He served as Director of Camp Maryhill, a church summer camp near Pineville, attended by over 40,000 kids from all backgrounds. He was a beloved priest at many schools, including St. John's Elementary, Jesuit and Loyola. He made more than 10 trips to the Ukraine with Samaritan International and Dr. Bill Norwood to visit children in orphanages and hospitals. He was chaplain for the Ware Youth Center Correctional facility in Coushatta. He serves as Military Chaplain in the United States Volunteer Joint Services Command and ministers to soldiers, military families and veterans. Due to his service and dedication, he reached the rank of full colonel. He served as chaplain for Louisiana State Police for 30 years and ministered to state troopers but also regularly rode with troopers on calls and responses to accidents and crime scenes. He is a Chaplain for the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives – the ATF. As ATF Chaplain, he attended calls to scenes with agents and responded to some calls alone, including a suicide call in which the man threatening suicide held a shotgun on him. Monsignor successfully persuaded the man to surrender peacefully. For many years he was chaplain for the Northwest Louisiana Mardi Gras Krewes. Before every parade, in full vestments he walked and gave blessings to every float and all riders, and attended the Mardi Gras Midnight/Ash Wednesday services on the Texas Street Bridge. He is one of the founders and longtime pastor/host of Shreveport Red Mass, attended yearly by judges, lawyers, legal support staff, law enforcement and public officials, including a visit by U.S. Supreme Court Justice Antonin Scalia and regular attendance by Louisiana Supreme Court Justices. Monsignor Provenza was instrumental in persuading ministers of multiple other faiths to become regular, key participants in the Red Mass. In his spare time, he ministers to the deaf, is an avid runner and has completed six marathons and is chaplain of a motorcycle club.

Please join us in congratulating Monsignor Provenza on his well-deserved Liberty Bell Award.



LAW DAY 2022

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.

On **Wednesday, April 27** Magistrate Judge Mark Hornsby, District Judge Brady O'Callaghan, Drew Burnham, Gemma Zuniga and Meredith Bro participated in a panel discussion on recent decisions made by the Supreme Court to the Legal Studies and Pre-Law students at Centenary College. Additionally, Centenary donated \$1,000.00 the Shreveport Bar Foundation Pro Bono Project.

On **Tuesday, May 3** was the annual Give for Good 24 hour online giving campaign. In an effort to help our local Pro Bono Project raise funds we coordinated with Lowder Baking Company and Bodacious Bar & Q who partnered with the Bar Foundation. Both eateries generously donated a portion of their proceeds from the entire day to the Shreveport Bar Foundation.

On **Wednesday, May 4**, in collaboration with the Booth-Poltz Inn of Court we held our Law Day Luncheon. We welcomed Brandon Brown,

U.S. Attorney for the Western District of Louisiana, who generously agreed to be our speaker for the Law Day Luncheon. We traditionally present the Liberty Bell Award to a local citizen or organization who has demonstrated a commitment to the community and has advanced the rule of law. Today we recognize Monsignor Earl Provenza as the recipient of this year's Liberty Bell Award for his many years of service to our community.

On **Thursday, May 5**, Dan Farris, Kendra Joseph, Anna Priestley Britany Arvie and Audrius Reed went to Caddo Heights Elementary School to spread the Law Day theme through a mock trial: We, the Jury: Mock Trial Script for the Trial of Alexander T. Wolf based on the story of "Three Little Pigs."

On **Friday, May 6**, the Red Mass Society of Shreveport held the Annual Votive Mass of the Holy Spirit at Holy Trinity Catholic Church in downtown Shreveport.



LAW WEEK HIGHLIGHTS



LAW DAY HIGHLIGHTS





Young Lawyers' Section

by Joy Reger, joykilgo@gmail.com

Congratulations to all our LSBA State Finalist winners! SBA YLS was selected as a FINALIST for the LSBA Young Lawyers Division Pro Bono Award. And Brittany B. Arvie was selected as a FINALIST for the LSBA Young Lawyers Division Outstanding Young Lawyer Award.

Audrius Reed coached the State Champion Caddo Magnet High School winners of the 2022 Richard N. Ware, IV, State High School Mock Trial Competition! We are so proud of these students and grateful for the time and energy the coaches give these teams.

Happy Hour at Stray Cats, sponsored by Chad Garland, CPA, was another great night of fun and fellowship. Thanks to Gemma Zuniga for planning the fabulous evening!



Ted Cox Retirement Ceremony



LUNCH & LEARN

LEGAL TECHNOLOGY SERIES

12:00 Noon - 1:00 p.m.
July 1, 2022

Approved for Louisiana CLE Credit



Shreveport Bar Center
625 Texas Street

Join us in learning more about Legal Technology and how it relates to you and your practice by attending Session 2 of our Lunch & Learn Series on July 1. Sponsored by the Shreveport Bar Association, lunch is included with registration.

Session 2

General Overview of Legal Technology for Attorneys

Presented by Katherine Gilmer and Sarah Giglio, Gilmer & Giglio Law Firm

Name _____ Bar Roll # _____

Address _____

Phone No. _____ Email Address _____

SBA Members - \$50

Non-SBA Members - \$75

Please remit with payment to:

SHREVEPORT BAR ASSOCIATION

625 Texas Street, Shreveport, LA 71101

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





The Captain Speaks

by Nancy Cooper, ngcooper23@gmail.com

JUSTINIAN KILLED THE RADIO STAR

On behalf of the Justinian XXIX Senate, our glorious Carnival Court, and all current and former Royalty, I want to cordially invite you to join our marvelous Krewe of Justinian! As a committee of the Shreveport Bar Association, the Krewe of Justinian has two primary missions—one professional/social and one philanthropic.

Our professional mission seeks to bring our local community of lawyers together in a social, fun-loving atmosphere that will encourage camaraderie and civility as we all work together to support and protect our clients.

Our philanthropic mission seeks to raise funds in support of the Shreveport Bar Foundation’s Pro Bono Project (“PBP”), our Self Represented Litigants Program (“SRL”) and our Legal Representation for Victims of Domestic Violence Program (“LRVDV”). These programs provide legal assistance to low-income clients and to victims of domestic violence in Caddo and Bossier Parishes. To learn more about the SBF, please go to shreveportbarfoundation.org.

The money raised by the Krewe through memberships, sponsorships, our 5K Race for the Beads, auctions and donations serves both of our missions well. A membership in our Krewe opens the door to FOUR FABULOUS EVENTS for you and your spouse/guest: Coronation Bal, Midway to Mardi Gras Party, Grand Bal and the Royalty Brunch. This is an

incredibly cost-effective way for you to get to know your fellow lawyers and their families in a relaxed, jovial environment with over-the-top food, music, and revelry in keeping with our unique Louisiana culture.

In addition, please consider additional support of our missions through participation in the Race for the Beads (scheduled for Sunday October 30, see Sportspectrum’s website for more details), Race and Bal sponsorships, and purchasing some incredible auction items at our Grand Bal in January, when we will be rolling out our new and improved digital bidding format.

Thank you in advance for your generous support of our Krewe, our Shreveport Bar Foundation and our Northwest Louisiana community. The 2023 Mardi Gras Season is launching now, so please purchase your Krewe membership and come **ROCK THE 80’s WITH US!**

Don’t forget that an extra \$150 donation, held strictly in reserve for our SBF, will buy you a stunning Krewe of Justinian flag you can proudly display throughout the season.

Laissez Les Bon Temps Rouler!

Captain Nancy Cooper
Justinian XXIX





**KREWE OF JUSTINIAN
2022-2023
MEMBERSHIP APPLICATION**



- CORONATION BAL ----- AUGUST 5, 2022
- MIDWAY TO MARDI GRAS PARTY ----- OCTOBER 28, 2022
- GRAND BAL ----- JANUARY 20, 2023
- ROYALTY BRUNCH ----- JANUARY 22, 2023

Your membership dues entitle you and your spouse/guest to attend four (4) parties at no additional charge.

First Name _____ Last Name _____ Spouse/Guest _____

Home Address _____

Office Address _____

Cell Phone _____ Office Phone _____ Email _____

Krewe Dues:

Attorney/Judge and Spouse/Guest Membership (\$350.00) \$ _____

Associate/Nonlawyer and Spouse/Guest Membership (\$300.00) \$ _____
 (Associate members include paralegal/legal staff and all nonlawyer members)

Young Lawyer and Spouse/Guest Membership (\$250.00) \$ _____
 (Admitted to the Bar for less than five (5) years)

Donation designated for SBF (\$150.00) \$ _____

Make a \$150 donation and receive a KREWE OF JUSTINIAN FLAG

TOTAL: \$ _____

**Make Checks Payable to: Krewe of Justinian and Mail to: Krewe of Justinian, 625 Texas Street, Shreveport, LA 71101
 or pay online at kreweofjustinian.com.**



Red Mass

by Lawrence W. Pettiette Jr., lpettiette@padwbc.com

On May 6, 2022, the annual Red Mass sponsored by the Diocese of Shreveport and the Shreveport Red Mass Society, Lawrence W. Pettiette Jr., Chairman, took place at Holy Trinity Catholic Church. The honoree was the LSU Health Science Center COVID-19 Strike Teams under the direction of John A. Vanchiere, MD, PhD.

These individuals have worked tirelessly alongside community partners since March of 2020 to administer almost 650,000 COVID-19 tests across North Louisiana including 89 nursing homes in North Louisiana achieving one of the lowest infection rates in congregate settings in the United States.

The Strike Team continued its work in 2021 partnering with the Louisiana Department of Education to deliver COVID-19 testing in our public schools testing more than 10,000 students since January 2021.

Approximately 123,500 COVID-19 vaccines have been administered by this strike team at over 320 community sites including the first large scale vaccination site in the State of Louisiana held at the Louisiana State Fair Grounds.

Under the direction of Dr. John Vanchiere, pediatric infectious disease physician at LSU Health Science Center, these efforts have saved lives and made a tremendous difference in the general health and wellbeing of our community during these difficult times.



In years past such honorees as Supreme Court Justice Anton Scalia, Edward Cardinal Egan, Archbishop of New York, and Bishop Johnson of South Africa have attended the Red Mass here in Shreveport, Louisiana. In addition, local honorees including the Men and Women of Barksdale Air Force Base, the Sisters and Staff of Holy Angels, the generosity of the Community Foundation, and the good work among the disadvantaged of our community by the St. Vincent De Paul Society

have been highlighted.

According to Larry Pettiette, Red Mass Chairman: “This year’s honoree adds to the strong legacy of the Shreveport Red Mass. To honor a group such as the LSU Health Shreveport COVID-19 Strike Team, locally based with national and international significance, which has done so much to help so many during a very difficult time, is indeed one of the highlights of our 25-year history. To have Dr. Vanchiere and his group celebrating with us will make this year’s Red Mass particularly meaningful.”

Significantly, Holy Trinity is the Parish with stained glass windows memorializing the five Roman Catholic priests who died in the yellow fever epidemic 1873 in Shreveport, Louisiana. These priests have recently been placed on the first step to sainthood in the Catholic church. A fitting venue to honoree the modern local heroes who work the front lines of vaccination and testing during the COVID-19 pandemic.





Federal Update

by Chris Slatten, Chris_Slatten@lawd.uscourts.gov

Sham Affidavit and Summary Judgment

Plaintiff testified in a deposition that she slipped in a yellowish, greasy liquid that “smelled like chicken or like something baked or cooked.” She answered no when asked if she had “personal knowledge” or “evidence” of how long the grease was on the floor.

In response to a motion for summary judgment, the plaintiff testified via affidavit, “The substance appeared to be chicken grease or chicken residue. When I touched it, the residue was cold, and congealed, appearing like it had been there long enough to cool off and thicken up. The residue was not clear, but appeared yellowish brown.”

The defendant objected that the affidavit testimony, especially that about the grease being congealed and indicating it had been there a while, was inconsistent with plaintiff’s deposition testimony. The district court agreed and disregarded the affidavit, but the 5CA reversed.

The “sham-affidavit doctrine” does not allow a party to defeat a motion for summary judgment by using an affidavit that impeaches, without explanation, sworn testimony. But not every discrepancy in an affidavit justifies disregarding it. The plaintiff’s affidavit testimony did not inherently contradict her deposition testimony, and the district court abused its discretion in applying the sham-affidavit rule. *Seigler v. Wal-Mart*, 30 F.4th 472 (5th Cir. 2022). The 5CA also noted that a non-lawyer is not expected to understand the legal significance of the terms “personal knowledge” and “evidence.” The lesson: don’t use jargon when asking questions if you want to pin down a deponent.

Was Arbitration Had if Fee Not Paid?

Section 3 of the Federal Arbitration Act requires that, where a suit is referable to arbitration, judicial proceedings be stayed until arbitration “has been had” in accordance with the terms of the arbitration agreement. The parties in *Noble Cap. Fund Mgmt. v. US Cap. Glob. Inv. Mgmt.*, 2022 WL 1099006 (5th Cir. 2022) signed arbitration agreements that called for arbitration pursuant to JAMS rules. The arbitration commenced and was set for a final hearing, but JAMS terminated the arbitration because one party could not pay its JAMS fee.

A lawsuit was filed, and a party moved to compel arbitration. The motion was denied because an arbitration was already had even though it was terminated for nonpayment. The 5CA affirmed, following the lead of three other circuits, by concluding that an arbitration “has been had” in these circumstances even though the arbitration did not reach the final merits. The parties

still exercised their contractual right to arbitrate prior to judicial resolution in accordance with the terms of their agreements.

Class Action Fairness Act; Diversity

State-court plaintiff proposed a class of “Louisiana residents,” but he smartly amended his complaint to change that to “Louisiana citizens.” What’s the big difference? Citizenship for diversity purposes is based on domicile, not mere residency. *Midcap Media Finance, LLC v. Pathway Data, Inc.*, 929 F.3d 310, 313 (5th Cir. 2019). A person could be a resident of Louisiana by having a vacation home here, yet he is a domiciliary/citizen of another state. By ditching the ambiguous “residents” in the definition, the plaintiffs ensured that everyone on the plaintiff side was a Louisiana citizen for diversity purposes.

The Louisiana defendant tried to remove based on CAFA, which requires only minimal diversity, meaning one class member is a citizen of a state different from the defendant. Case remanded. The amended complaint limited the class to citizens of Louisiana, so there was no chance of even minimal diversity. *Turner v. GoAuto Ins. Co.*, 2022 WL 1302482 (5th Cir. 2022). If the plaintiff had stayed with the residents language, he may have been stuck in federal court.

Two other points from *Turner*: The defendant argued that the state court violated state law in allowing the amended complaint be filed (two days before removal), but the 5CA rejected any argument that the federal court could second guess the state court’s application of state law. The 5CA also agreed with the 11th and 4th circuits that CAFA does not prevent a plaintiff from limiting the class definition to citizens of one state.

Racial Epithets and Discrimination

Back in 1998, the 5CA held that a supervisor calling a Black employee Buckwheat “only once” and porch monkey were just “stray remarks from which no reasonable fact-finder could infer race discrimination.” *Boyd v. State Farm Ins. Companies*, 158 F.3d 326 (5th Cir. 1998). They added, in affirming summary judgment for the employer, “The mere utterance of a racial epithet is not indicia of discrimination under Title VII.” *Id.* It’s been 24 years, but I well remember *Boyd* because it seemed so obviously wrong.

Imagine my surprise when the same judge who wrote *Boyd* authored a 2022 opinion that stated: “The incident Woods has pleaded—that his supervisor directly called him a ‘Lazy Monkey A__ N___’ in front of his fellow employees—states an actionable claim of hostile work environment.” *Woods v. Cantrell*, 29 F.4th 284 (5th Cir. 2022). It looks like even judges can evolve.



Shreveport Bar Foundation

by Lawrence W. Pettiette Jr., lpettiette@padwbc.com

One person can make a difference: this year's give for good campaign generated approximately \$8,000.00 dollars for the Shreveport Bar Foundation's projects. This is a record by many thousands of dollars over previous years. The reason is from all that participated but also Meredith Bro who spent time, effort and her own money in ensuring a successful law week of which this component received a large part of her attention. She did good. See below.

Our campaign to retire the building debt is proceeding nicely. Through the efforts of the members of the Shreveport Bar Association, Shreveport Bar Foundation and Krewe of Justinian, the debt on the building is now under \$10,000.00. Some members of the Bar have not contributed. Please consider a \$100.00 donation and receive your Bar Foundation T-shirt.

The Board of the Shreveport Bar Foundation is an active Board. Please call me at (318) 221-1800 if you are interested in learning more about serving on the Shreveport Bar Foundation Board. This year, under the able direction of Dana Southern and her staff, programs are receiving much needed funding from several grants which fund our Pro Bono Project, domestic violence program, Ask-A-Lawyer clinics, Wills for Veterans, and other services and clinics. You do not need to be a Board member to get involved in some of these worthwhile programs.

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



(L-R) Don Armand, Meredith Bro, Larry Pettiette



PAY OFF THE LOAN!
SHREVEPORT BAR CENTER

Payment can be made by check or credit card. The Shreveport Bar Foundation is a 501 (c) (3) corporation, and a donation qualifies as a charitable contribution. My payment is enclosed.

Donor's Name: _____

Contact Name: _____

Telephone: _____ Email: _____

Authorized Signer: Date:

Please charge to my: Visa MasterCard Amex

Card Number: _____ Expiration: _____

SIC: _____ (3-digit code-back of credit card) Telephone

Billing Address: _____

City, State, Zip: _____

Signature: _____

Return to: Shreveport Bar Center, 625 Texas Street, Shreveport, LA 71101.

Four higher donor levels of giving are still available (donor name will be listed on inside plaque).
Contact Dana (318) 703-8373 for more information.



Second Circuit Highlights

by Hal Odom Jr., rhodom@la2nd.org

Three opinions released in April focused on various aspects of medical malpractice.

You know more than you think. Ms. Thompson checked in to U-Health Shreveport on July 5, 2017, for the removal of a small mass in her posterior upper medullae; after the operation, she could speak and “was aware.” On July 14, however, a nurse told her children that she needed a tracheotomy (or “trach”). By July 16, her condition had deteriorated, and the trach had to be replaced; they said she saw the new tube in their mother’s room, but by the evening of July 17, nobody had inserted it. The next day, July 18, Ms. Thompson died.

Her children filed a med mal suit in First JDC on July 20, 2018, alleging the hospital and various doctors and nurses breached the standard of care in placing, assessing and monitoring Ms. Thompson’s trach. The defendants, of course, filed the preemptory exception of one-year prescription, La. R.S. 9:5628. (They also filed a dilatory exception of prematurity, as the plaintiffs had skipped the mandatory MRP process; the plaintiffs quickly filed an MRP request.)

At a hearing on the exception, the plaintiffs testified that two or three months after their mother’s death, a nurse advised them that surgeons had implanted the wrong size of trach, and this was the first inkling they had that anyone at the hospital had done anything wrong. They maintained that they relied on doctors’ and nurses’ earlier statements that they had done “everything they could” for Ms. Thompson. The district court found the matter prescribed, and rendered judgment dismissing the tort claim (along with the MRP request).

The plaintiffs appealed, asserting *contra non valentem*. The Second Circuit affirmed, ***Sylvan v. BRFHH Monroe LLC***, 54,202 (La. App. 2 Cir. 4/13/22), in an opinion by Judge Cox. The court stressed that when evidence is introduced on the issue of prescription, the manifest error standard applies, *Mitchell v. Baton Rouge Orthopedic Clinic*, 21-00061 (La. 10/10/21), 333 So. 3d 368. The record supported the initial finding that as

early as July 17, the plaintiffs knew that their mother’s trach was the wrong size. The court then traced the familiar doctrine of *contra non*, *Carter v. Haygood*, 04-0646 (La. 1/19/05), 892 So. 2d 1261. Even though the plaintiffs may have initially thought their mother died from the tumor, and a nurse may have told them her condition was too precarious for surgery to implant the new trach, these facts were not strong enough to meet the third or fourth category of *contra non*.

Although the Second Circuit routinely states that prescriptive statutes must be narrowly construed to promote actions, it also states that plaintiffs do not need a precise diagnosis to start the running of prescription. *Jimerson v. Majors*, 51,097 (La. App. 2 Cir. 1/11/17), 211 So. 3d 651. How much the plaintiff knows, and when, is crucial. On the other hand, the attorney has no control over how long a plaintiff waits until he or she calls a lawyer.

Is it healthcare? While undergoing dialysis, Jackson got disoriented; he was taken to Willis-Knighton North, where an MRI and CT scan revealed he had suffered a series of TIAs and needed to be admitted. He was being rolled on a gurney when attendants tried to get him into an elevator. The wheels struck the little bump between the floor and the elevator, and Jackson fell to the floor. On January 30, 2020, he filed a pro se “petition for medical malpractice” in the First JDC alleging that he was “dumped” or allowed to fall off the gurney, resulting in serious injuries.

Willis-Knighton naturally raised the dilatory exception of prematurity, in that the pro se plaintiff skipped the MRP process. Before the hearing on the exception, Jackson died; his widow, Ms. Jackson, amended the petition to substitute herself as plaintiff, but also tried to recast the action as one “for damages,” not malpractice. Even with her creative effort to reframe the allegations, the district court sustained the exception, dismissing her claim without prejudice. Ms. Jackson appealed.

The Second Circuit affirmed, ***Jackson v. Willis-Knighton Health Sys.***, 54,405 (La. App. 2 Cir. 4/13/22), in an opinion by Chief Judge Moore. Perhaps because the plaintiff was still pro se, the court took a

slow and meticulous walk through the MRP process, La. R.S. 40:1231.1 et seq., and the standard test to determine whether a negligent act is covered by LMMA, *Coleman v. Deno*, 01-1517 (La. 1/25/02), 813 So. 2d 303. Although earlier (pre-1988) cases reached differing results, § 1231.1 A(13) now explicitly defines malpractice to include “the handling of a patient including loading and unloading of a patient.” The court also stressed that the dismissal was without prejudice, but prescription will probably rear its head, as it did in *Sylvan v. BRFHH*.

Discovery is key. Thomas, a custodian at Carroll High in Monroe, slipped and fell while mopping the floor at the school; eventually, his orthopedist diagnosed spondylosis, hypertrophy, herniated disks and a host of other problems, and referred Thomas to Dr. Bayonne, an anesthesiologist at Advanced Surgical Center, for a cervical epidural steroid injection (“CESI”). The instant Thomas woke up from the CESI, however, he had sharp pain in his fingers, and attendants noticed bleeding and swelling around the injection site. The pain got worse and worse, and Thomas went to Dr. Domangue, a neurologist and pain management specialist, who quickly diagnosed “iatrogenic damage” to the spinal cord from the CESI at C6-7. The damage was so bad, Dr. Domangue felt, that Thomas’s only option was pain control. Thomas filed for an MRP, but the panel concluded that neither Dr. Bayonne nor Advanced Surgical Center breached the standard of care.

Thomas then filed this suit, with requests for admissions. In response, Dr. Bayonne admitted that he took fluoroscopic images of the patient before the procedure, but denied that he possessed them; in a later response, he said the plaintiff would have to ask Advanced Surgical Center. Dr. Bayonne then moved for summary judgment. In opposition, Thomas filed Dr. Domangue’s affidavit, stating his “opinion that the treatment rendered to Thomas” by Dr. Bayonne and the clinic “deviated from the standard of care for the treatment rendered[.]” Sensing that the affidavit might be conclusory, he later offered Dr. Domangue’s “opinion letter,” which the district court excluded as unverified, La. C.C.P. art. 966 A(4). The court then granted summary judgment, and Thomas appealed.

The Second Circuit reversed and remanded, *Thomas v. Bayonne*, 54,205 (La. App. 2 Cir. 4/13/22), in an opinion by Judge Hunter. The first part of the opinion rejected Thomas’s claim that the court should

have admitted Dr. Domangue’s “opinion letter”; it was clearly inadmissible, under Art. 966 A(4). However, the Second Circuit seized on a concession by defense counsel that there was “no outstanding discovery.” In fact, the record showed that even after the MSJ was filed, both parties were still trying to conduct discovery (the exact nature of which is not discussed). On this record, the Second Circuit found that remand was necessary to allow the completion of discovery.

Doublecheck that ID. Williams was driving his Chevy Equinox in Monroe when, unexpectedly, Jones backed up his Chevy Silverado 1500 into Williams’s path and struck him. When police arrived, Jones produced an insurance ID card from Financial Indemnity Insurance showing that Jones’s wife, Ms. Jones, had coverage on the Silverado. It turned out, however, that Ms. Jones’s policy listed her husband as an excluded driver, a fact somehow omitted from the ID card. Financial Indemnity refused coverage; Williams filed suit in Monroe City Court. Financial Indemnity moved for summary judgment, which the court granted; Williams appealed.

The Second Circuit affirmed, *Williams v. Financial Indem. Ins. Co.*, 54,324 (La. App. 2 Cir. 4/13/22), in an opinion by Judge Robinson. The court turned away Williams’s claims that the insurer should be estopped from denying coverage as a result of issuing a “misleading” ID card; that the Joneses could circumvent the mandatory Safety Responsibility Law, La. R.S. 32:862 et seq., by providing a “fake ID”; that the deficient ID card violated La. R.S. 32:863.1 and La. Adm. C. Title 55, Pt. 111, § 1760; and that Financial Indemnity should be liable because it is a “scofflaw.” Instead, the insurance contract is what prevails, not the evidence of coverage, and two other courts had already found that the ID card cannot alter the policy itself, *Jacobs v. La. Indem. Ins. Co.*, 96-1203 (La. App. 3 Cir. 3/12/97), 692 So. 2d 1182, and *Adamson v. State Farm*, 95-2450 (La. App. 1 Cir. 6/28/96), 676 So. 2d 227. Even though § 863.1 requires the ID card to list “any person who is excluded from coverage,” the burden remains on the insured to obtain and prove coverage.

Considering how easy it would be to alter a downloadable ID card, or to scan and alter a physical one, the result in this case seems inevitable. In the meantime, if you have to exclude a driver, check those insurance ID cards.

Caddo Magnet High Mock Trial Team Placed 19th at the National Competition

1st place State Mock Trial team from Caddo Magnet High School competed on May 5 in the national championship hosted by the Michigan State Bar in Kalamazoo, Michigan, and placed 19. Team members are pictured below: Back Row- Autumn Sommers, Luke Crittell, Abigail Nickelson, William Li. Front Row- Jessica Chu, Justina Vo and Lily Williams. Local attorneys Sarah Smith and Steve Soileau coached the team.



Federal Court Hearings Calendar Online

A Western District of Louisiana hearings calendar is now available online. All scheduled courtroom activity in civil and criminal cases is listed. Some matters are listed as a video conference. To observe a video proceeding by Zoom, consult the docket entry that set the hearing; it will often provide an email address to send your request for access information. If not, contact the courtroom deputy for the presiding judge.



A separate calendar is available for each division in the district. Go to lawd.uscourts.gov and click on Hearings Calendar, then select the division (Shreveport, Monroe, etc.).

2022 Law Day Essay Contest

This year the SBA Law Day committee sponsored an essay contest and invited local high school 11th and 12th graders to submit an essay. Students were instructed to write an essay arguing for and against the inclusion of a specific article or section found in the United States Constitution or the amendments to the Constitution.



Winners from left; 1st place- Ryan Wilkinson, 2nd place- Andrew Minagar, 3rd place- Autumn Sommers. Both Wilkinson and Sommers will attend Tulane University in the fall.



(L-R) Meredith Bro, Ryan Wilkinson, Don Armand



(L-R) Chris Forester, Andrew Minager, Meredith Bro



(L-R) Meredith Bro, Autumn Sommers, Don Armand

Caddo Magnet High Mock Trial Team Placed 19th at the National Competition



Former SBA President Allison Jones delivered the commencement address for the LSU Law Class of 2022 on May 20 in the Pete Maravich Assembly Center. Her address to the graduates praised them for overcoming the challenges caused by attending law school during the COVID-19 era. Jones

shared lessons from her career, such as you don't know everything, and you will make mistakes (but that's okay). She also offered the graduates advice on facing unanticipated obstacles and handling legal matters that will challenge their conscience.

Allison and her family have strong connections to LSU Law. She and husband Phillip Downer met on the first day of law school and married one week after their 1985 graduation. They practice together in Downer,

Jones, Marino & Wilhite, along with sister Pam Jones ('89). Brother Matt Jones ('89) is a partner with Liskow & Lewis. Sister Marsha Jones Semon (deceased) was not an LSU Law grad, but she was a lawyer and practiced in Alabama. The next generation has continued the bond. Son Joshua Downer ('12) practices with Holland & Knight in Houston. Son Stephen Downer ('19) is a Jefferson Parish ADA, and he is soon to marry Marianna Knister ('19) who practices with Gordon, Arata.



Allison Jones, with husband and law partner Phillip Downer

Jones said that she was honored to be invited to address the graduates and their families and to be a part of their celebration.

Doug Stinson Swearing-In Ceremony



Judge Doug Stinson, addressing family, friends and supporters

A Swearing-In Ceremony was held on Friday, April 22, for Doug Stinson as District Judge for the 26th Judicial District Court, Division D, Bossier and Webster Parishes. Judge Stinson brings to the bench the experience he has obtained the last several years serving as assistant district attorney for the 26th Judicial District Court for 10 years, attorney for the Town of Benton,

attorney for the DeSoto Parish Sheriff's Office, in addition to his private practice. Judge (ret.) Ford Stinson, Jr., father of Judge Doug Stinson, had the honor of administering the oath of office at the ceremony.

Judge Stinson comes from a long line of public servants. In addition to his father having served as district judge for 18 years, his grandfather, Ford Stinson, an attorney, served a total of 24 years in the

Louisiana House of Representatives, and he was one of two elected delegates from Bossier Parish to serve in the Louisiana Constitutional Convention of 1973. Judge Stinson's great-grandfather, Robert T. Stinson, served as Bossier Parish Treasurer from 1913 to 1919. His great-great-grandfather, John Ford Edwards served as sheriff of Bossier Parish from 1904 to 1920; and his great-great-great-grandfather, R.E. Wyche, served as sheriff of Bossier Parish from 1878 to 1889.



Judge Doug Stinson, accompanied by wife Lauren, was sworn into office by his father, Judge Ford Stinson (ret)

How Write You Are

by Hal Odom Jr., rhodom@la2nd.org

Spelling is the “lease” of their concerns. A national periodical for lawyers recently ran a piece on wellness among lawyers. Discussing how wellness might help one avoid professional misconduct, it noted that “a lawyer is responsible for abiding by all tenants of criminal law[.]” Wendy L. Patrick, “The Ethics of Wellness,” *The Bench*, March/April 2022, 17. So, has criminal law become a landlord?

The author, from California, is not alone. Consider: “It is a long-standing tenant of Louisiana law that the trial court’s factual findings are subject to the manifest error / clearly wrong standard of review.” *Guidry v. Bernard*, 14-234 (La. App. 3 Cir. 12/10/14), 155 So. 3d 162 (Amy, J, dissenting on rehearing). “Cara Bella accuses RCN and its counsel of acting in a ‘cavalier and vindictive manner,’ * * * ‘failing even basic law-student-level tenants of agency and corporate law[.]” *R.C.N. Assocs. Inc. v. Serena Club M/V*, 2020 WL 6822536 (E.D. La. 2020).

These writers intended to use *tenet*, which is a principle or doctrine, especially one held by the members of a specific profession. “To suggest that that lawyer’s severance from the district attorney’s office somehow cures the issue, excuses the office, or even mitigates the legal dilemma demonstrates a profound misunderstanding of this *tenet* of criminal law.” *State v. Kelly*, 15-0484 (La. 6/29/16), 195 So. 3d 449 (Crichton, J, concurring). Leave that other word to rent disputes!

Let me count the ways. One of the most sophisticated, best-edited magazines in the country recently ran a long piece about a student whose scholarship to an Ivy League school had been withdrawn because of perceived misrepresentations in her CV. The author quoted the student’s mother: “We read, you know, *enumerable* books on the difficult child, the spirited child, the willful child.” Rachel Aviv, “The Price of Admission,” *The New Yorker*, April 4, 2022, 40. We all know *enumerate* means *count out*, or *list one-by-one*; *enumerable* means *able to be counted*. In the context, however, the meaning is surely *too many to count*. What’s the word for that?

Legal writers are not immune to this misuse; here a few, perhaps *enumerable* examples: “This Court asked on the Record on *enumerable* occasions whether or not [defendant’s] exposure was 2 to 6 years.” *State v. Cretian*, 17-0777 (La. App. 4 Cir. 1/24/18), 238 So. 3d 473 (quoting trial transcript). “The authority of *res adjudicata* takes place only with respect to what was the object of the judgment. *Succession of Durnford* [plus five other citations]; and *enumerable* other cases.” *Lamana v. LeBlanc*, 526 So. 2d 1107 (La. 1988) (quoting *Hope v. Madison*, 194 La. 337, 193 So. 666 (1940)).

One court expertly sniffed out the error: “To elicit identification evidence, it’s particularly riddled with *enumerable* [sic] dangers[.]” *State v. Williams*, 560 So. 2d 519 (La. App. 1 Cir. 1990). In fairness, most



writers use the correct word: “It will cause *innumerable* significant difficulties within her romantic relationships, friendships, and even working relationships.” *Cook v. Sullivan*, 53,741 (La. App. 2 Cir. 11/18/20), 307 So. 3d 1121.

This is a mistake that should appear very seldom – perhaps only numerable times.

We all need thick skin. When the skin on your hand or foot gets thick and hard from continued friction or pressure, that area is a *callus*. A person whose dealings with others are insensitive or hardhearted is *callous*. Both words come from the same Latin root, *callum* (= hard skin), but the first is a noun, the second, an adjective. Be careful:

“The trial court also stated the offenses involved not only the use of a firearm, but also what the court deemed ‘*callus* and unusual viciousness.’” *State v. Dantin*, 19-0407 (La. App. 1 Cir. 12/17/19), 291 So. 3d 1096 (should have used *callous*, but note the quote marks).

“As a result of constant driving, Plaintiff, who was a type II diabetic, developed a *callous* on the bottom of her right foot.” *Williams v. State*, 11-319 (La. App. 3 Cir. 10/5/11), 74 So. 3d 295 (should have used *callus*).

“Moreover, she said that she had to plead for the life of her four-year-old son and that the ‘*callus*’ defendant would have driven off in the car with her son inside if she had not done so.” *State v. Smith*, 09-1043 (La. App. 5 Cir. 6/29/10), 43 So. 3d 261 (should have used *callous*, but note the quote marks).

The defendant’s sexual offenses “deserve and demand consecutive sentences as they do establish deliberate cruelty, exhibit a *callus* [sic] and perverse disregard for a child who he molested from age five to fifteen[.]” *State v. Humphries*, 48,235 (La. App. 2 Cir. 9/25/13), 124 So. 3d 1177 (the *sic* shows full awareness of the error in the transcript!).

Never become indifferent to homophones.

Where did these come from? From the grab bag:

“Moreover, the City’s exercise of its legislative *pejorative* is made in the Ordinance without consideration of any UDC factors[.]” (From a brief filed in the Second Circuit.) This is another (perhaps *disparaging*) near-homophone for *prerogative*, but one that Spell Check won’t catch.

“Moreover, the mere presence of a gun in the car is not an *indicia* of criminal intent.” (From a brief filed in the Second Circuit.) A *distinguishing sign* of something is an *indicium*; more than one are *indicia*.

If you want to be a good legal writer, you just have to learn a few Latin plurals! It is one sure *indicium* of confident writing.

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Special Thanks

Down Home Meats

(donated sausage for crawfish boil)

Premier Plumbing Heating & Cooling Contractors

(donated the use of an industrial grade margarita machine)

Richard B. King MEMORIAL SHOOTOUT

The Ninth Annual Richard B. King Memorial Shootout was again a great success. Five teams participated in the shootout that began prior to the start of the SBA golf tournament on April 26. The participating teams were Jim Colvin and Cole Smith; Alexander Mijalis and Jimmy Mijalis; Holland Miciotto and Kyle McCotter; Zach Shadinger and Cody Boyd; and Walter Gerhardt and Todd Benson, who were the winning team.

Trophies were presented to the victorious team by Renee King. Congratulations Walter and Todd on a job well done!

Golf Tournament Winners:

Overall Low Gross of 55 was Jim Colvin's team which included Cole Smith, James Manning and Jeff Zeagler

1st Place, 1st Flight Net of 54 was Nate Mixon's team which included Cy Scheffy, Lloyd Comegys and Adam Hubble

2nd Place, 1st Flight Net of 55 was Issac Howell's team which included Jon Rose, Whitney Miller and Parker Maxwell

1st Place, 2nd Flight Net of 59 was Jarred Franklin's team which included Todd Livingston, Trace Colle and Trey Culverhouse

2nd Place, 2nd Flight Net of 59 was Holland Miciotto's team which included Kyle McCotter, Cody Boyd and Zach Shadinger

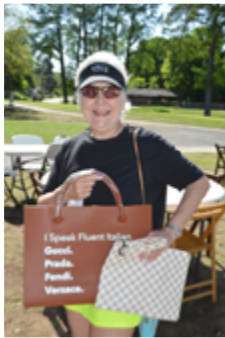
Todd Livingston won Closest to the Hole on hole #13

Tennis Tournament Winners:

Mindi Wolf won 1st place, Tricia Laurent won 2nd place and Melanie Parker won 3rd place









Pro Bono Project

Do Good Work ~ Hon. Henry A. Politz



Laura Peterson Butler Receives 2022 Louisiana State Bar Association Pro Bono Publico Award



Laura Peterson Butler

The Pro Bono Publico Award recognizes attorneys and firms who have provided more than 50 hours of pro bono services per person per year, and who have demonstrated exceptional support of the ideal of access to justice.

This year Laura Peterson Butler was nominated and awarded this prestigious award for her many hours of pro bono work and services she provided to the Shreveport Bar Foundation Pro Bono Project. The awards ceremony was held on May 24 at the Louisiana Supreme Court building.

Laura Peterson Butler was born and raised in Shreveport. She received her law degree from University of Texas at Austin, where she practiced for six years. Her career has since taken her to the California desert, where she worked for her husband’s parachute design and manufacturing business; to Roanoke, Virginia, where she practiced at two Roanoke law firms; and back to Shreveport, where she worked at Roos & Frazier and then Wiener, Weiss & Madison before starting a solo practice in 2014. Butler has served as treasurer of the Shreveport Bar Association and as a Board Member-at-Large for the Shreveport Bar Foundation.

She volunteered at the Ask-A-Lawyer clinics and annual MLK Day of Service Wills and Power of Attorney events and took on several complicated succession cases through the Pro Bono Project. Butler moved to Denver, Colorado in late 2021 and continues her estate planning and pro bono legal work there. Congratulations Laura!

Pro Bono Volunteer Recognition



Stacey Williams

Stacey Williams, of Blanchard Walker O’Quin & Roberts Law Firm, received a “thank you” basket with a hand-colored picture card and snacks from her Pro Bono client and brother to express their gratitude for her legal services. Stacey handled an interdiction for a Pro Bono client’s brother with Down Syndrome. The Pro Bono Project is thankful to Stacey Williams and others like her who go above and beyond to help when called upon. Thank you, Stacey, for volunteering.

If you would like more information about volunteering or have any questions about our current open cases, please contact Lucy Espree at (318) 703-8381 or email lespree@shreveportbar.com.

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



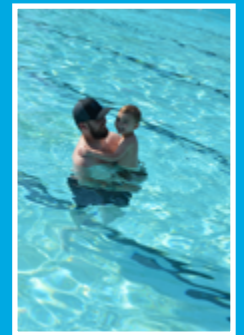
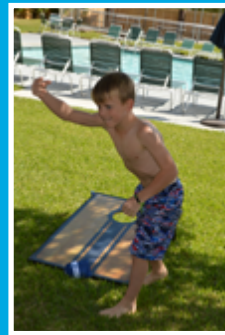
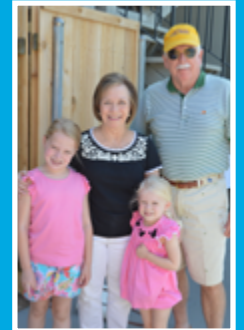
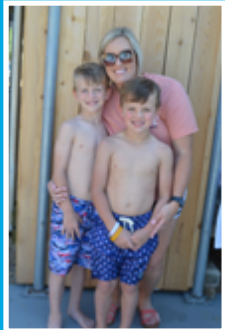
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NORTH LOUISIANA APPELLATE CONFERENCE *Highlights*



Member Day HIGHLIGHTS





2022 Professionalism Award Nominations Nominate Someone Who Deserves to Be Honored

The Shreveport Bar Association Professionalism Award will be presented at the October luncheon meeting, and the recipient’s name will be added to the permanent plaque which hangs in the Shreveport Bar Center. Prior recipients of this prestigious award are Frank M. Walker Jr., Kenneth Rigby, Justice Pike Hall Jr., Judge Henry Politz, Harry Nelson, Roland Achee, Edwin Blewer Jr., Judge Tom Stagg, Jackson B. Davis, Glenn Walker, John Frazier, Michael S. Hubley, Vicki C. Warner, Reginald W. Abrams, A. M. “Marty” Stroud III, Samuel W. Caverlee, Charles C. Grubb, Zeldia W. Tucker, James Stewart, Don Weir Jr., William J. Flanagan, James C. McMichael Jr., and Judge Mark Hornsby, and Lawrence W. Pettiette Jr.

The SBA Professionalism award may be presented to any member of the Shreveport Bar Association who has remained in good standing during their practice of law, and he or she must have practiced law for a period not less than 15 years. The award may be given posthumously, but should not be limited to attorneys who have died. This award should be reserved for individuals who, during their practice of law, exemplify the high ideals and standards set forth by the Louisiana Bar Association’s Rules of Professional Conduct, as well as the aspired goals for attorney conduct adopted by the Shreveport Bar Association.

Any attorney who meets the above criteria may be nominated by any other member of the Shreveport Bar Association. All nominations should be submitted in writing by **Tuesday, August 31, 2022**, and mailed to:

**Chairman, Professionalism Committee
625 Texas Street
Shreveport, LA 71101**

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

SBA Professionalism Award Nomination Form DEADLINE: Wednesday, August 31, 2022

The award is reserved for individuals who exemplify the highest standards of professionalism while practicing law. Nominations may be hand-delivered to SBA staff or mailed to Chairman, Professionalism Committee, 625 Texas Street, Shreveport, LA 71101. Electronic submissions are acceptable and use of this form is optional.

Name of nominee and reason the attorney should receive the award (you may attach additional information)

Signature

Name (printed)	
Signature	
Date	

North Louisiana Criminal Law Seminar

For Both
Prosecutors and Defense Attorneys

October 14, 2022

Shreveport Bar Association
625 Texas Street
Shreveport, Louisiana

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

8:00 a.m. Registration

8:30 a.m. Professionalism in Criminal Cases
60 Minutes
*Sarah Giglio - Gilmer & Giglio LLC and
Allison Duncan - U.S. Attorney's Office*

9:30 a.m. Break

9:35 a.m. Interaction of State and Federal Sentences
60 Minutes
Mignonne Griffing - U.S. Attorney's Office and Peter Black - Federal Public Defender's Office

10:35 a.m. Break

10:45 a.m. DNA Evidence
60 Minutes
Katie Traweek - North Louisiana Criminalistics Laboratory

11:45 p.m. Lunch Compliments of North Louisiana Chapter of the Federal Bar Association

12:30 p.m. Ethics in Criminal Cases
60 Minutes
U.S. District Judge David Joseph - U.S. District Court, Western District of Louisiana

1:30 p.m. Break

1:40 p.m. Writs and Appeals in Criminal Cases
60 Minutes
Judge Jeff Thompson and Jennifer Segner - Second Circuit Court of Appeal; and D. Lee Harville - The Harville Law Firm LLC

2:40 p.m. Federal Sentencing Guidelines
90 Minutes
Jonathan L. Guthrie (former U.S. Probation Officer) - Eric D. and Eric G. Johnson Law Firm

Registration Fees: Complete this form and submit with payment or register online at www.shreveportbar.com

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Important Note:
A link to the seminar materials will be sent to you via email prior to the seminar. Internet access nor electrical outlets are provided, we ask that you either print or save the PDF materials to your laptop, and fully charge your batteries if you wish to review the materials at the seminar.



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SBA OFFICER ELECTION PROCEDURES

The Officer Nominating Committee, consisting of the five most recent past presidents of the Shreveport Bar Association, will meet this summer to nominate the 2022 SBA Vice-President and Secretary-Treasurer Elect. The Officer Nominating Committee will report its nominations to the Elections Committee on or before August 15, 2022, and those nominations will be announced in the September issue of *The Bar Review*. **Nominations for the offices of Vice-President and Secretary-Treasurer Elect may be made by any member in good standing of the Shreveport Bar Association who is not on senior status.**

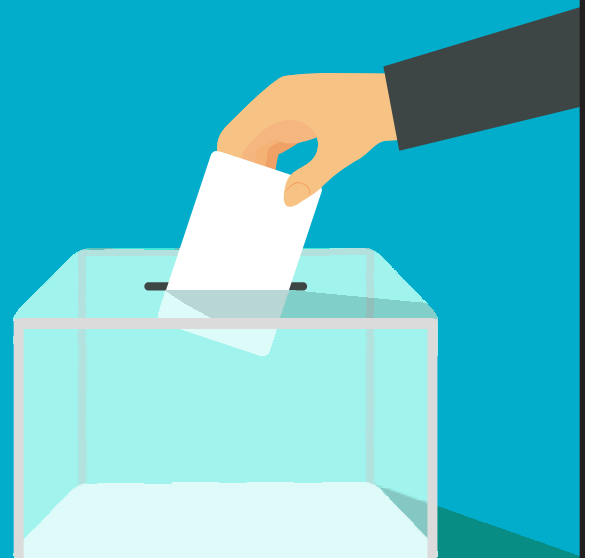
Would you like to take part in your SBA Leadership Team? Nominations are sought from the membership for the two Member-At-Large positions on the Executive Council. These positions are for a two-year term.

All nominations, including any nominations from the general membership for the offices of Vice-President and Secretary-Treasurer Elect, **must be in writing and received by the Elections Committee, Shreveport Bar Association, 625 Texas Street, Shreveport, LA 71101, not later than 5:00 p.m. on Friday, August 15, 2022.** The nominations should include a brief biographical sketch, and, if not a self-nomination, must be accompanied by a signed statement of the nominee that the nominee will stand for election and serve if elected.

The Elections Committee will certify the nominations timely received to the Executive Council for all of the offices open. Names of candidates and biographical information will be published in the September issue of *The Bar Review*. **Ballots will be sent to the entire SBA membership only if more than one nomination is received for any or all of the four offices**


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CHRIS A. PROCELL

Is Joining the Firm

Representing clients in workers' compensation and
personal injury claims. Chris is also licensed in Texas.

We could not be more pleased to add Chris as an associate.
Our firm and our clients are fortunate to have him and look
forward to him being an integral part of the Firm's future.

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**CHAD M.
GARLAND**
CPA, LLC



Chad M. Garland,
CPA/ABV/CFF/CGMA, ASA,
CVA, MAFF, CFE, CTP, MBA
*Litigation, Expert Witness &
Valuation Services*

With 39 years' experience as a licensed CPA in Louisiana and Texas, Chad M. Garland has the knowledge, skills, experience and certifications necessary to handle your forensic accounting, expert witness and business valuation requirements.

In his forensic accountant capacity, Chad M. Garland can help resolve disputes before they reach the courtroom. In cases where disputes do go to court, Mr. Garland can be called upon by the attorney and their client to provide "expert witness" testimony in any given case. He has served as an expert witness on a variety of cases in district and federal court. Mr. Garland is trained to investigate, identify, and prevent financial crime and fraud.

Chad M. Garland operates within a policy of integrity, trust and competence. Know that your forensic accounting, expert witness and business valuation requirements will be handled with the utmost care, concern and attention to detail.

CREDENTIALS:

Certified Public Accountant (CPA)
Accredited in Business Valuation (ABV)
Certified in Financial Forensics (CFF)
Certified Global Management Accountant (CGMA)
Accredited Senior Appraiser (ASA)
Certified Valuation Analyst (CVA)
Master Analyst in Financial Forensics (MAFF)
Certified Fraud Examiner (CFE)
Certified Treasury Professional (CTP)
Master in Business Administration (MBA)

CASE TYPES:

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Embezzlement · Insurance Claims
Shareholders/Partnership Disputes
Mediation · Personal Injury Claims
Business Economic Losses
Divorce Settlements/Marital Disputes

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UPCOMING EVENTS

*2022 SBA MEMBERSHIP LUNCHEONS

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

*JUNE 22

Law Day Luncheon

Speaker: TBD

JULY 1

Legal Technology

Lunch & Learn Series II

12:00 Noon at Shreveport Bar Center

Speakers: Katherine Gilmer
and Sarah Giglio

AUGUST 5

Krewe of Justinian XXIX Coronation
Bal

Magnolia Ball Room at Sam's Town

SEPTEMBER 21 & 22

Recent Developments by the
Judiciary CLE

Hilton Garden Inn, Bossier City

*SEPTEMBER 28

SBA Member Luncheon

Speaker: TBD

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.

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SBA LUNCHEON MEETING — JUNE 22

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

*\$40.00 for SBA members with advance reservation; \$50.00 for non-SBA members
and late reservation (after 5:00 pm the Monday prior to the luncheon).*



Honorable Katherine Clark Dorroh

When: 12:00 Noon on Wednesday, June 22

Where: Petroleum Club (15th floor)

**Featuring: Honorable Katherine Clark Dorroh and
Honorable Brady O’Callaghan, First Judicial District Court**

Practice Tips and Updates on the Law

Approved for 1 Hour CLE Credit

Please join us on Wednesday, June 22 to hear from special guest speakers, Judge Katherine Clark Dorroh and Judge Brady O’Callaghan, who will give us practice tips and updates on the law.

Honorable Katherine Clark Dorroh serves as a Caddo Parish District Court Judge. On January 1, 2021, Judge Dorroh was assigned to Section E of the domestic bench. Katherine received her undergraduate degree from Salve Regina College, magna cum laude, and her law degree from South Texas College of Law, where she was a member of the Order of the Lytae.

Honorable Brady Dennis O’Callaghan received his B.A. with honors in philosophy from Yale University in 1995. He received his J.D. from the Paul M. Hebert School of Law at LSU in 1999. After two years of general civil practice in Baton Rouge, he became a prosecutor in the Orleans Parish District Attorney’s Office, and then returned to Shreveport to serve as an assistant district attorney for Caddo Parish. Judge O’Callaghan was elected in 2013 as a District Judge for the First Judicial District Court. He was re-elected without opposition in August of 2015. Judge O’Callaghan presides over criminal cases in Section 3. He is Immediate Past President of the Louisiana District Judges Association, Vice Chair of the Louisiana Judiciary Commission, and a Board Member for the Louisiana Supreme Court Historical Society. He is also a Master of the Bench Member of the American Inns of Court. Judge O’Callaghan has lectured on topics including prosecutorial and judicial ethics, criminal constitutional law, jury selection, and capital litigation. Judge O’Callaghan is married to Amy Vogel O’Callaghan, and they have twin sons, Logan and Marshall.



Honorable Brady O’Callaghan

#SHREVEPORTBARASSOCIATION

You may confirm your reservation(s) by email kriggs@shreveportbar.com, or phone 703-8372

I plan to attend the June 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!