

# THE BAR REVIEW

PUBLICATION OF THE SHREVEPORT BAR ASSOCIATION Volume XXIX, Number 8 • October 2022

## INSIDE | OCTOBER

President's Message .....	1
Save the Date .....	2
Memorial & Recognition Ceremony .....	3
Bar Briefs .....	6
Shreveport Bar Foundation Article.....	7
Federal Update .....	8
How Write You Are.....	9
Second Circuit Highlights .....	10
Induction of Judge Edwin H. Byrd III.....	12

## EVENTS AT A GLANCE

10/14	North Louisiana Criminal Law Seminar
10/26	SBA Membership Luncheon
10/28	Justinian Midway to Mardi Gras Party
10/30	Justinian Run for the Beads 5K and Fun Run
11/3	Memorial & Recognition Ceremony
11/9	SBA Membership Luncheon (Veterans Program)
12/14 & 15	December CLE by the Hour
12/18	SBA Christmas Party



## From The President

by Don Armand, [darmand@padwbc.com](mailto:darmand@padwbc.com)

You hear about how many fourth-quarter comebacks that a guy has and I think it means the guy screwed up for the first three quarters. – Peyton Manning

I'm starting my fourth quarter as SBA president and can thankfully say that I didn't screw up the first three, because of the massive, excellent support I have had from you, the SBA committee chairs and Executive Committee, and, most of all, because of the two superstars that run the SBA, Dana Southern and Kendall Riggs.

### But this fourth quarter is going to be HISTORIC:

**Bar Center Payoff Celebration** – Because of years of diligence and generosity of Bar Foundation presidents and board members, culminating with Larry Pettiette and his outstanding board, the building loan has been paid in full and the Shreveport Bar Association and SBF have a permanent home in our great building at 625 Texas Street, the Shreveport Bar Center. We'll celebrate this historic milestone with a cocktail party at the Bar Center on November 3, 2022, at 5 pm. This truly will be a historic event, so please help us celebrate!

**Memorial and Recognition Ceremony** – Remember and honor our history and our future on November 3, at 2 pm, at the First JDC. Judge Mike Pitman, Chairman of this year's committee, has revamped the ceremony, which promises to be memorable.

**Trial Academy** – For the first time in SBA history, and thanks to the generosity and work of our great Federal and State District Court judges, we are sponsoring the SBA Trial Academy – a two-day, in-court, real-time trial school for young lawyers and all lawyers seeking to hone their trial skills. This program will be outstanding. Enrollment has been outstanding and there's still plenty of time to register – see page 5 for the details. Help us make this Academy the first of many that SBA can offer to benefit lawyers, the courts and our clients.

**Justinian Midway 5k and Fun Run** – Flashback to '80s history on October 28, with the Krewe's Midway to Mardi Gras party "Thriller" at Artspace. Burn off the party calories on Sunday, October 30 with the Krewe's Run for the Beads, which will start and end at Cantina Laredo.

**October 26 Luncheon** – Get the history of recent law developments and CLE in our annual Alston Johnson SBA luncheon and CLE. The 2022 Professionalism Award will be presented.

**Fourth Quarter CLE** – Judge Hornsby will finish strong as always with two outstanding programs. The North Louisiana Criminal Law Seminar on October 14 will feature great criminal lawyers, judges and experts in the specialty. On December 14-15, our December CLE by the Hour will be there, as always, for folks who need a few more last-quarter points on the board.

**Tell us what you need** – As always, we want to know what we can do for you. My phone number is (318) 221-1800 and my email address is [darmand@padwbc.com](mailto:darmand@padwbc.com). Dana's number is 703-8373 and her email address is [dsouthern@shreveportbar.com](mailto:dsouthern@shreveportbar.com).

**Please let us know what we can do to help you!**

**2022 Shreveport Bar Association  
Officers & Executive Council**

Donald Armand Jr.  
*President*

Nancy G. Cooper  
*President-Elect*

Kenneth P. Haines  
*Vice-President*

Donna Y. Frazier  
*Immediate Past President*

Brian Flanagan  
*Secretary-Treasurer*

**Members at Large**

Valerie DeLatte  
Heidi Kemple Martin  
Judge Emily S. Merckle  
Christopher G. Forester

**Judicial Liaison**

Judge Donald E. Hathaway

**Young Lawyers' Section**

Joy K. Reger  
*President*

**Women's Section**

Audrius M. Reed  
*President*

**Krewe of Justinian**

Nancy G. Cooper  
*Captain*

**Editor**

Dana Southern

**Editorial Board**

Chris Slatten, Co-Chairman  
Hal Odom, Co-Chairman

**Photography**

Dana Southern

**Shreveport Bar Staff**

*Executive Director*

Dana Southern  
dsouthern@shreveportbar.com

*Pro Bono Coordinator*

Lucy Espree  
lespree@shreveportbar.com  
(318) 221-8104

(318) 222-3643 • Fax 222-9272

www.shreveportbar.com

*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.*

O  
C  
T  
2  
0  
2  
2

Save  
the  
Dates  
2022

Shreveport Bar Association's  
Continuing Legal Education



North Louisiana  
Criminal Law  
Seminar



SBA Trial  
Academy



December CLE  
by the Hour

# Memorial & Recognition Ceremony

Members of the Shreveport Bar Association are encouraged to participate in the annual Memorial & Recognition Ceremony to be held Thursday, November 3 at 2:00 p.m. at the Caddo Parish Courthouse in Courtroom G. It is an opportunity for SBA members to honor the deceased and celebrate their contributions to the profession and to the sanctity of law. Their families are also invited and truly appreciate this show of honor and respect. The memorial service is followed by the introduction of new lawyers, which is an important and meaningful kickoff tradition for those just starting to serve the legal profession.

In addition to honoring deceased members and recognizing 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.

## Attention All Attorneys!

New attorneys will be honored on November 3. Please pass this information along to anyone who passed the Louisiana Bar Exam after October 2021.

In connection with the SBA's Memorial and Recognition Ceremony being held on Thursday, November 3, 2022, the following free events have been planned for area new attorneys:

8:30 AM – 1:15 PM New Attorney Seminar – Petroleum Club (15th Floor) – Energy “A” Room (includes lunch). All new attorneys who have passed the Bar Exam in 2022 are invited to attend the seminar.

2:00 PM – Memorial & Recognition Ceremony – Courtroom G – Caddo Parish Courthouse

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

All attorneys who have passed the Louisiana Bar Exam in 2022 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 either by email: dsouthern@shreveportbar.com, telephone (222-3643 Ext. 3).



## In Memory of:

Roy Loret Beard

Russell Oliver Brabham

Joseph “Joey” Anthony Cannatella Jr.

Samuel William Caverlee

Lawrence “Larry” M. Johnson

Sydney Banks Nelson

Dean R. Veatch

Michael Hugh Wainwright



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 third of November at  
Two o'clock in the afternoon  
Courtroom G  
Caddo Parish Courthouse  
501 Texas Street  
Shreveport, Louisiana  
Reception to follow  
At the Shreveport Bar Center  
625 Texas Street Shreveport, Louisiana

# 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 a.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](http://www.shreveportbar.com)

Name \_\_\_\_\_  
Attendee Name

Billing Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone No. \_\_\_\_\_ Email \_\_\_\_\_  
(Please include email for materials to be sent)

**Non-SBA Members and Legal Staff**  
\$350 (after September 14th deadline \$375)

**SBA Members and Legal Staff of SBA Members**  
\$300 (after September 14th deadline \$325)

**Probation Officers-Please Contact SBA Office for Discounted Rate**

Please charge to my \_\_\_\_\_ V \_\_\_\_\_ MC \_\_\_\_\_ AMX

Card No. \_\_\_\_\_

Expiration Date \_\_\_\_\_ SIC#: \_\_\_\_\_

Signature \_\_\_\_\_

**Materials:**  
Electronic - **FREE**

**Registration:**  
Refund until September 14, 2022, less a \$25.00 admin. fee. After September 14, 2022, credit less a \$25.00 admin. fee may be applied to future SBA sponsored CLE for up to one year. Cancellations on the day of the seminar and "no shows" will not receive credit.

**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.



(318)222-3643



(318) 222-9272

**Please remit with payment to:**

Shreveport Bar Association  
625 Texas Street, Shreveport, LA 71101



# SBA TRIAL ACADEMY

December 8-9, 2022

U.S. District Court Western District of Louisiana

First Judicial District Court

Sponsored by



12.5 Hours CLE Credit  
Including 1 Hour Ethics  
and 1 Hour Professionalism

U.S. District Court Western District of Louisiana  
300 Fannin Street, Shreveport LA

First Judicial District Court  
501 Texas Street, Shreveport, LA

The SBA proudly presents its Trial Academy. Judges and attorneys will be giving their time to teach two days of in-court, real-time trial training for young lawyers and experienced lawyers looking to refresh and hone their trial skills.

- Instructional sessions in courtrooms at the U.S. Western District, Shreveport Division and First JDC. Courtroom assignments will be provided.
- Federal and State District Judges presiding over exercises.
- Veteran plaintiff and defense trial lawyers as instructors.
- Mock-trial case materials provided to all participants.
- Participants will conduct opening and closing statements, direct and cross exams of fact witnesses, direct and cross-exams of expert witnesses, with real-time instruction by faculty lawyers and judges.
- Sessions will be video recorded and a copy provided to participants.
- Wrap-up cocktail party.

### SCHEDULE:

#### Thursday, December 8

8:30 a.m.	Check in
9:00 a.m.-Noon	Trial Practice
Noon	Lunch (on your own)
1:00 p.m.-4:15 p.m.	Trial Practice

#### Friday, December 9

8:30 a.m.	Check in
9:00 a.m.-Noon	Trial Practice
Noon	Lunch (on your own)
1:00 p.m.-4:15 p.m.	Trial Practice
5:00 p.m.-6:30 p.m.	Cocktail Reception (optional)

### DRESS:

Courtroom attire, please.

### CANCELLATION POLICY:

Registration fees will be refunded ONLY if a written cancellation notice is received by November 28, 2022. A \$100.00 administrative fee will be deducted from any refund. Any cancellation made after November 28, 2022 will not be refunded.

### ACADEMY TUITION:

NON SBA Members - \$650	SBA Members - \$550
	Government Lawyers - \$450

REGISTER ONLINE TODAY! [www.shreveportbar.com](http://www.shreveportbar.com)

### REGISTRATION

Name \_\_\_\_\_  
 Billing Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_  
 Phone No. \_\_\_\_\_  
 Email \_\_\_\_\_

Please charge to my \_\_\_\_\_ V \_\_\_\_\_ MC \_\_\_\_\_ AMX  
 Card No. \_\_\_\_\_  
 Expiration Date \_\_\_\_\_ SIC#: \_\_\_\_\_  
 Signature \_\_\_\_\_

[Please remit with payment to:](#)

Shreveport Bar Association, 625 Texas Street, Shreveport, LA 71101  
Questions? Call (318) 222-3643 or Email [dsouthern@shreveportbar.com](mailto:dsouthern@shreveportbar.com)

**Multiple Attendee Discount for Firms/Agencies** – Firms or agencies sending 3 or more participants receive a \$25 discount for each participant. Discount applies when enrolled under one registration. Government employee discount not eligible for multiple attendee discount. **Registration closes on November 11, 2022. Course materials to be provided to participants by November 19, 2022.**

### ACCOMMODATIONS:

#### The Hilton Shreveport Convention Center Hotel

**104 Market Street, Shreveport** - The SBA has secured a discounted rate block of rooms for Wednesday, Thursday and Friday evenings. Call 1-800-445-8667 to make your reservation. All reservations must be made by **November 23, 2022**, in order to receive the discounted group rate. The discount code is "SBA Trial Academy" or you can book online at <https://book.passkey.com/go/SBATrialAcademy2022>

## SBA Continuing Legal Education

Magistrate Judge Mark Hornsby, Continuing Legal Education Chairman, Melissa Allen, Legal Technology Chair, Kenny Haines, SBA Vice President, and Don Armand, SBA President, have done an excellent job putting together outstanding CLE programs for the Shreveport Bar Association this year. If you have not signed up for any upcoming continuing legal education, we have several available, including the North Louisiana Criminal Law seminar on October 14. New this year is the SBA Trial Academy on December 8-9 and our annual December CLE by the Hour on December 14-15.

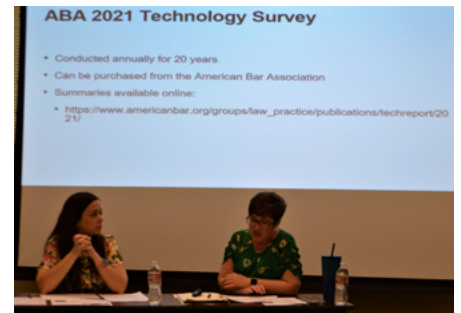
We thank our presenters who presented on legal technology at our Lunch & Learn Series. On April 22, Amy Gardner Day and John Bokenfohr, Carmouche, Bokenfohr, Buckle & Day, presented *A General Overview of Legal Technology for Attorneys* at the Shreveport Bar Center. On August 26, Katherine Gilmer and Sarah Giglio, Gilmer & Giglio Law Firm, presented *Technology and Security Best Practices and Recommendations* at the Shreveport Bar Center.



John Bokenfohr and Amy Gardner Day



Series I



Series II



Series II



Judge Mark Hornsby Introducing Sarah and Katherine



Sarah Giglio and Katherine Gilmer



# Shreveport Bar Foundation

by Lawrence W. Pettiette Jr., [lpettiette@padwbc.com](mailto:lpettiette@padwbc.com)

## *The Magnificent 7*

It was over 100 degrees for the August Ask-A-Lawyer event at the Shreveport Bar Center (the third Monday of every month). I walked in the back door but noticed the line in front of our building when I turned off Texas Avenue. There were already over 20 people inside the building waiting to speak to a lawyer. Attorney Kendra Joseph arrived early and had gotten started with newcomers Christopher Broussard and Coburn Burroughs. Taunton Melville showed up as he always does, as did Audrius Reed, our Legal Representation for Victims of Domestic Violence program attorney. More people were lining up outside. Thank goodness Holland Miciotto arrived. He never misses one. Seven lawyers to deal with almost 25 people with a question. A few left as the wait outside was too hot and too long.

My first interview was with a woman who had a bad experience with a local major retailer which also had an auto repair component. She was on her way to Dallas with her grandchild when her right tire lost air. She was told there was no problem as she had included an oil change in the stop; checking the tire pressure was part of the service. She then explained to me that all the men in her family were mechanics. She knew she had a problem. She took it to a tire dealership, who replaced the valve stem. She went back to the major retailer because she was afraid that they would do it to another woman, one with a child or grandchild in the car, thinking a lady would not know the difference. When she returned to complain, she was told that she did not know what she was talking about. I explained I did not see a civil remedy worth pursuing, but customer service complaints might be the way to go.

Then somebody fell out from the heat. EMS was called. Our paralegal Callie thankfully lowered the elderly gentleman's (he was 6'3") head to the floor. EMS evaluated him, but he would not go because he "wanted to see his lawyer." He had trouble ambulating because of the injuries he suffered in Vietnam. He was receiving treatment at the Veterans Hospital. Our brand-new youngest attorney dealt with him and his two daughters.

I then noticed that, other than myself, every attorney was under 40, most were closer to 30. We took a picture that was in the last issue of *The Bar Review*: "The Magnificent 7." We left at 8:00 that night. Had there been one other attorney we would have left at 7:30; two more attorneys, probably by 7:00. Word appears to be getting out about the Shreveport Bar Foundation's service of Ask-A-Lawyer. Please consider helping. I would ask the more experienced members of our Bar to come help and not leave your youngest lawyers with this very rewarding Bar Foundation service. Hopefully, the title of the next article could be "Cheaper by the Dozen."



**Pictured L-R are Larry Pettiette, Holland Miciotto, Audrius Reed, Taunton Melville, Coburn Burroughs, Chris Broussard and Kendra Joseph**



# Federal Update

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

## Mental Health Commitment and Gun Purchase

It is illegal for a person “who has been adjudicated as a mental defective or who has been committed to a mental institution” to “to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.” 18 U.S.C. § 922(g)(4). It is also a crime to knowingly make a false statement to a firearms dealer on purchase paperwork. 18 U.S.C. § 922(a)(6).

ER doctors, on two occasions, found Mr. Tucker in need of psychiatric care and issued emergency certificates for involuntary hospitalization for a couple of weeks. Tucker later bought a gun, despite the ATF warning him that he was not eligible, and he certified on the ATF background form that he had neither “been adjudicated as a mental defective” nor “committed to a mental institution.”

A jury convicted Tucker of violating §§ 922(a)(6) and (g) (4). The 5CA reversed for insufficient evidence. The physician emergency certificates did not equal adjudications under the plain language of the statute; to adjudicate commonly means to rule on judicially. The Court said it “reserved comment” on whether the “mental defective” element was satisfied by general mental illness as opposed to intellectual disability, but it then dropped a string cite of cases standing for the proposition that having ordinary mental illness does not equate to being a mental defective. *U.S. v. Tucker*, 2022 WL 3642105 (5th Cir. 2022).

## Cell Phone Search Warrant; Good Faith

A trooper obtained state court warrants to search cell phones for evidence of drug crime. The search revealed child porn, so the trooper got a second set of warrants that allowed a search that revealed 19,270 images of sexually exploited children. The defendant entered a conditional guilty plea and appealed the denial of his motion to suppress.

The 4th Amendment requires that a warrant “particularly describ[e] the place to be searched.” A 5CA panel held that this and the S.Ct.’s *Riley* decision mean the different components of the phone (contacts, photos, call logs, texts) must be analyzed as separate places. “Absent unusual circumstances, probable cause is required to search each category of content.” *U.S. v. Morton*, 984 F.4th 421 (5th Cir. 2021). The warrant application did not provide a specific factual basis to provide probable cause to search for photos, and it wasn’t close enough for the *Leon* good faith exception.

The panel decision was scrapped in *U.S. v. Morton*, 46 F.4th \_\_\_, 2022 WL 3591841 (5th Cir. 2022) (en banc). The en banc majority applied the *Leon* good faith rule and held the officers could rely on the search warrant issued by the judge. Defendant

argued for the “bare-bones affidavit” exception to *Leon*. The court gave examples of affidavits that the S.Ct. and 5CA have held bare-bones, and they were very bare. The affidavit in this case had some meat on the bones, so it was okay.

“It is a close call whether the evidence recounted in the affidavits established probable cause for drug trafficking as opposed to drug possession. And if the evidence indicated only possession, then it is another close call whether there was probable cause to believe that evidence of drug possession would be found on the phones. But as we have emphasized, on close calls second guessing the issuing judge is not a basis for excluding evidence.”

The defendant embraced the panel view that probable cause and good faith had to be analyzed separately for each area of the phone (photos, emails, etc.), but the en banc court said he forfeited it by not arguing it in district court or on original appeal. The issue remains undecided, but the en banc opinions give some guidance for arguments on the topic. With the issue unsettled, warrant applicants may want to avoid motions to suppress by ensuring that an application provides PC to search the particular areas of the phone that interest them.

## Takedown/Arrest and Excessive Force

A “cop watching” man making videos was tackled and arrested for a misdemeanor after he refused police orders to stay at arm’s length. He filed a § 1983 claim for excessive force. The claim was dismissed based on qualified immunity. The 5CA, affirming, made this observation about takedowns during an arrest: “In case after case, courts upheld officers’ use of takedowns to gain control of suspects who had disregarded lawful police orders or mildly resisted arrest, even when arrestees were suspected of minor offenses and the force employed appeared greater than necessary in retrospect—at least when officers’ tactics caused arrestees only minimal injuries.” *Buehler v. Dear*, 27 F.4th 969, 989 (5th Cir. 2022).

## Deaf Defendant and the ADA

Mr. Luke, a deaf man, was arrested, booked, and released on bond. He pleaded guilty and received probation. Throughout the proceedings, he was denied a sign language interpreter. The state court promised an interpreter, but it did not deliver and insisted that Luke’s mother, with only basic knowledge of sign language, interpret during a hearing.

Luke filed suit under Title II of the ADA against the county/court and the probation agencies. Title II prohibits a public entity from denying meaningful access to public services based on disability. The 5CA held that Luke’s complaint stated a viable claim. *Luke v. Texas*, 46 F.4th 301 (5th Cir. 2022).



# How Write You Are

by Hal Odom Jr., rhodom@la2nd.org

**A cite for sore eyes?** On May 17, 2022, the La. Supreme Court officially amended its General Administrative Rule Part G, § 8A(1)(a) and (b), “Citation of Louisiana Appellate Decisions.” In case you missed it, here is the text of the amended rule:

A. The following rules of citation of Louisiana appellate court decisions shall apply:

(1) Opinions and actions issued by the Supreme Court of Louisiana and the Louisiana Courts of Appeal following December 31, 1993 shall be cited according to a uniform public domain citation form with a parallel citation to West’s Southern Reporter:

(a) The uniform public domain citation form shall consist of the case name, docket number excluding letters, court abbreviation, and month, day and year of issue, and be followed by a parallel citation to West’s Southern Reporter, e.g.:

*Smith v. Jones*, 93-2345 (La. 7/15/94), 650 So.2d 500, or

*Smith v. Jones*, 93-2345 (La. App. 1 Cir. 7/15/94), 660 So.2d 400

(b) If a pinpoint public domain citation is needed, the page number designated by the court shall follow the docket number and be set off with a comma and the abbreviation “p.”, and may be followed by a parallel pinpoint citation to West’s Southern Reporter, e.g.:

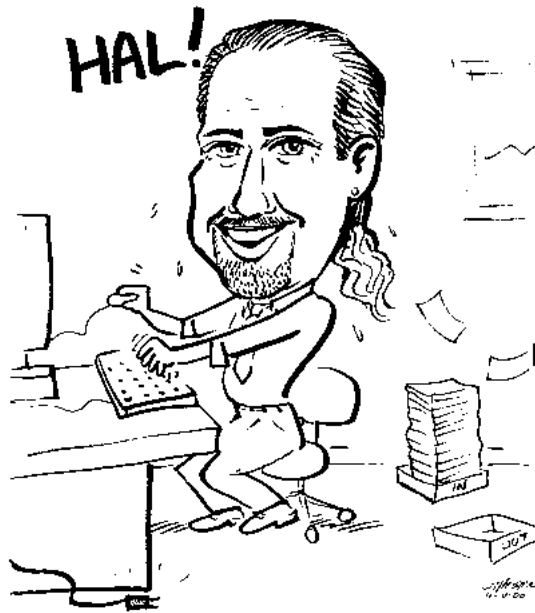
*Smith v. Jones*, 94-2345, p. 7 (La. 7/15/94), 650 So.2d 500, 504

Okay, what is new, since the original order, dated December 17, 1993? The biggest thing is that, at long last, the Supremes have officially removed the semicolon between the date and the Southern Reporter cite, replacing it with a comma. Everybody knows that semicolons are used to separate cites, and putting one in the middle of a cite just causes confusion. As I wrote here in September 2006, only two of the seven justices were actually using the internal semicolon; five were not. We were long overdue to bury the corpse of that ill-conceived original rule.

The other notable change is that the circuit courts are referred to by a simple numeral: “2 Cir.” or “4 Cir.”, etc. The original rule used cute suffixes, “2d Cir.”, “4th Cir.”, etc. There’s nothing inherently wrong with the suffixes except that they’re totally unnecessary and, in word processing (Word, WordPerfect) the program turns some of them into superscript characters (4<sup>th</sup> Cir.) but not others (2d Cir.). The superscripts can mess up your line spacing and detract from the neat appearance of your page. Dropping them is worthwhile.

What has not changed is the suggested use of *italics* for case names; some writers still use underlining, which is a horrible vestige of the typewriter era. (One state court of appeal uses a weird and inconsistent mélange of underlining, **boldface**, **boldface underlining** and **boldface italics**, which leaves me totally baffled.) Most of all, make sure your cite is correct!

**Fun with gerunds.** A recent “Grammar Tip” from Scribes – The American Society of Legal Writers, noted potential problems



with the use of gerunds. A gerund is a noun formed by adding *-ing* to a verb. “Her number one priority is working.” “Brushing your teeth prevents cavities.” By contrast, a participle is an adjective formed by adding *-ing* to a verb. “Please get rid of those wilting flowers.”

The grammar tip addresses whether you need to use a possessive case in front of the gerund. The author, Ann Taylor Schwing, gives two examples for comparison:

The judge did not like the attorney standing in front of him in the elevator.

The judge did not like the attorney’s standing in front of him in the elevator.

Ms. Schwing explains: “Standing in the first sentence is an adjective modifying attorney. The sentence conveys that the

judge did not like the specific attorney standing in front of him. In the second sentence, standing is a gerund modified by the word attorney. The sentence reveals nothing about whether the judge liked, disliked, or even knew the attorney. What the judge disliked was that the attorney blocked the way.”

The potential confusion can be avoided by slight rephrasing. Consider: “The judge did not like the attorney who was standing in front of him in the elevator.” I wonder what that attorney did to the judge. Or: “The judge did not like any attorney to stand in front of him in the elevator.” His honor wants to be first off the elevator!

If you are at all uncertain, try to rephrase – especially in the second example. One of the common questions I get is, do you say “I appreciate you writing” or “I appreciate your writing”? The first means I appreciate the writer, the second, I appreciate what she put on paper. Consider telling her, “I appreciate your letter” or, simply, “Thank you for writing.” I would love to appreciate every attorney’s writing!

**This eluded me.** On August 4, I caught a disturbing headline about T.J. Finley, a former LSU quarterback. The Spun, a blog of *Sports Illustrated*, ran a story with the opening line: “According to a report from WRBL, police arrested the quarterback after he allegedly tried to allude police officers.” You might *allude* to the police, or to an athlete’s extracurricular conduct, but obviously the writer meant *elude* police – get away from them.

With legal writers, this is an unusual error. In the older case of *State v. Chaney*, 444 So. 2d 266 (La. App. 1 Cir. 1983), the opinion quoted the trial court’s reasons for judgment: “You were arrested for auto-theft, simple assault of a police officer, resisting an officer, fleeing to *allude*.” In the slightly more recent case of *State v. Zeno*, 99-69 (La. App. 5 Cir. 8/31/99), 742 So. 2d 699, the court corrected the trial transcript: “Not the man who alluded [sic] the police on February 18th, jumped the car, ran through the canal.”

Fortunately, The Spun and (as far as I can tell) every website that picked up the T.J. Finley story had corrected it within 24 hours. Proper spelling did not elude them for long.



## Second Circuit Highlights

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

**No genuine issue of intentional tort.** Alphonso went to a Super Bowl party at a Holiday Inn. Around 7:30 pm, Christopher walked up to him in the lounge, they exchanged words, and Christopher punched him in the face, decking him. A surveillance camera captured the video of the event but, unfortunately, not the audio. Christopher had a homeowner's policy with ANPAC. Alphonso sued Christopher and ANPAC. ANPAC moved for summary judgment, asserting the policy's intentional act exclusion. The district court granted, dismissing all claims against ANPAC. Alphonso appealed.

The Second Circuit affirmed, *Williams v. Hart*, 54,604 (La. App. 2 Cir. 7/6/22), in an opinion by Judge Hunter. Ordinarily, the question of intent is not suitable for MSJ, but apparently the video was so explicit that both Alphonso and Christopher conceded that the latter's conduct was intentional. Rather, Christopher argued that it left open the genuine issue whether he acted in self-defense. The court applied the criminal rule, La. R.S. 14:19 A(1)(a), under which the use of force must be objectively reasonable, and La. R.S. 14:21, under which the aggressor cannot claim self-defense. The video was strong enough to resolve both these issues, and exclude any suggestion of self-defense.

Christopher will be paying this one out of his own pocket, if Alphonso decides to pursue it any further. And, c'mon guys, it's just a game.

**That's why they want a guaranty.** Premier Car Care, an auto repair shop in Monroe, took out a credit application with Motor Parts Service, a NAPA dealer; Motor Parts required three of Premier's principals, including Grant, to sign a guaranty. Premier bought parts from Motor Parts for about four months and failed to pay; Motor Parts sued Premier and they fashioned a consent judgment of \$17,783, plus attorney fees of 20%, legal interest and costs. Predictably, Premier did not pay the consent judgment; Motor Parts filed a new suit, against the three guarantors. One of them, Grant, raised the exception of res judicata, which the district court sustained. Motor Parts appealed.

The Second Circuit reversed, *Motor Parts Serv. Co. v. Colbert*, 54,450 (La. App. 2 Cir. 6/15/22), in the first published civil opinion by Judge Marcotte. The court laid out the elements of res judicata, La. R.S. 13:4231, and of issue preclusion, La. C.C.P. art. 425, finding proof of the first two elements – a valid and final judgment. However, it found no identity of parties – the only defendant in the first suit was Premier, and the three defendants in the second were the

guarantors. The court then considered the accessory nature of suretyship, La. C.C. art. 3035, to conclude that suing the principal alone did not preclude suing a surety later. The court acknowledged that suing all in the same action was a “common, and possibly preferential practice,” but that allowing the second suit against the guarantor would better serve the notions of suretyship and solidary liability, and do no serious harm to issue preclusion. Judge Pitman dissented, commenting only that she felt the trial court was correct.

This case appears to be res nova on the issue. The cases cited as authority for multiple actions, *Bank One v. SWC Corp.*, 36,043 (La. App. 2 Cir. 8/14/02), 823 So. 2d 1060, and *Frank's Door & Bldg. Supply Inc. v. Double H Const. Co.*, 459 So. 2d 1273 (La. App. 1 Cir. 1984), did not actually raise claims of res judicata, and creditors would be prudent still to use the common and preferred method: suing everybody at once.

**You get extra time to pay, not a free house.** If you're in the military, you get certain legal advantages. The Servicemembers Civil Relief Act (“SCRA”), 50 U.S.C. § 3936(a), states that the term of a servicemember's military service “may not be included in computing any period limited by law \* \* \* for the bringing of any action or proceeding in a court \* \* \* against the servicemember or the servicemember's heirs[.]” As long as you're on active duty, you can't be sued. However, it works both ways: while you're on active duty, prescription will not work to extinguish a creditor's cause of action.

George was an active-duty airman. In 2008, he and his wife bought a house in Broadmoor, signing an adjustable-rate mortgage for \$126,688 with Wells Fargo. About nine months later, they filed for bankruptcy, and the house was abandoned; Wells Fargo did not foreclose, because of George's military status. After they were discharged in bankruptcy, they apparently left the Shreveport-Bossier area, but Wells Fargo still did not foreclose; in fact, it sent George annual reminders that he was getting SCRA protection, which he could waive if he wanted. George never elected to waive.

In 2019, George filed a declaratory action seeking a judgment that Wells Fargo's action (or possible action; none had been asserted) was extinguished by prescription of five years; in January 2021, he moved for summary judgment on the ownership of the house. In March, Wells Fargo filed its own MSJ seeking dismissal of all claims. The district court granted Wells Fargo's motion, denied George's, and dismissed all claims with prejudice. George appealed.

The Second Circuit affirmed, *Culberson v. Wells Fargo USA Holdings*, 54,545 (La. App. 2 Cir. 6/29/22),

in an opinion by Judge Thompson. Ordinarily, an action on a negotiable instrument is subject to liberative prescription of five years, La. C.C. art. 3498, starting on “the day payment is exigible.” Had George not been an airman, Wells Fargo would have had until 2013 to enforce its mortgage. However, SCRA’s tolling command is “unambiguous, unequivocal, and unlimited.” *Conroy v. Aniskoff*, 507 U.S. 511, 113 S. Ct. 1562 (1993). Any period of limitations is automatically tolled for the duration of service, *In re Puckett*, 49,046 (La. App. 2 Cir. 4/17/14), 137 So. 3d 1264. As long as he’s still in uniform, George gets the benefit of SCRA, but so does Wells Fargo. Nobody gets a free house.

**No free house, Part 2.** Carl and his daughter, Cynthia (neither of them a servicemember), bought a house in Norris Crossing, signing a mortgage for \$170,150 with Argent Mortgage. About 15 months later they missed their mortgage payment, and never made another one; Argent initiated an in rem foreclosure, which was reduced to judgment in January 2008, but then the suit was dismissed by the (new) lender. A second foreclosure was filed, but dismissed in March 2009; a third foreclosure was filed, in 2011, and reduced to default judgment, but the (subsequent new) lender agreed not to execute because they had worked out a loan modification; unfortunately, Carl soon quit making these modified payments, too. In 2015, the (next subsequent new) lender sued to enforce security interest by ordinary process, and this also went to default; two days before the sheriff’s sale, Carl filed for bankruptcy. The bankruptcy was dismissed, and the property finally went to sheriff’s sale in April 2019. Wilmington Savings Fund Society bought the house, and later sold it to a third party.

Three days before the one-year anniversary of the sheriff’s sale, in April 2020, Carl and Cynthia filed suit to nullify the sale, for a declaration of rights and for damages. They felt that the original note and mortgage were extinguished by the January 2008 judgment; this judgment had prescribed and was unenforceable; all subsequent judgments were also null and void; and they (Carl and Cynthia) should be declared owners of the property. The defendants (the various lenders who had held the note and mortgage) filed exceptions of prescription, which the trial court sustained, dismissing the suit. Carl and Cynthia appealed.

The Second Circuit affirmed, ***Bryant v. Dean Morris LLC***, 54,657 (La. App. 2 Cir. 8/10/22), in an opinion by Chief Judge Moore. Although the plaintiffs raised many creative arguments, the only one that counted was that an action to nullify a judgment obtained by fraud or ill practices must be brought within one year of when the plaintiff discovered the fraud or ill practice, La. C.C.P. art. 2004 B. If they thought the 2016 judgment of foreclosure was fraudulent, the plaintiffs should have sued by 2017. Finally, the court rejected a claim of *contra non valentem*, as the plaintiffs’ alleged ignorance was simply not credible.

It’s possible that, after 17 years, the plaintiffs will have to pay back their mortgage, but surely the March 2020 sheriff’s

sale will offset much of the accumulated balance.

**No UM for the guest passenger.** Tiffany was a guest passenger in Markeia’s Kia Forte when they were struck by a Dodge Charger on a street in Farmerville. Tiffany sued the driver of the Charger and her insurer; later, she amended her petition to add Markeia’s UM provider, Shelter Mutual Insurance. Shelter filed a motion for summary judgment urging that because Tiffany was not a named insured, an “additional listed insured,” a relative of the named insured, or was not “using” the Kia as defined in the policy, the policy gave her no UM coverage. Tiffany countered that as a guest passenger, she was “using the described vehicle with permission,” and, at any rate, the policy’s definition of “use” impermissibly contravened the mandates of the UM statute, La. R.S. 22:1295 (1)(a)(i) and (ii). The district court, however, granted MSJ, and Tiffany appealed.

The Second Circuit affirmed, ***Wines v. Hollingsquest***, 54,605 (La. App. 2 Cir. 7/6/22), in an opinion by Judge Stephens. The court first laid out the basic rule that an insurance policy is the law between the parties, La. C.C. art. 1983, and that the insurer has contractual freedom to limit liability as long as it does not conflict with legal requirements, *Landry v. Progressive Sec. Ins. Co.*, 21-00621 (La. 1/28/22), 2022 WL 263003. The court quoted the policy’s diffuse provisions, which extend UM coverage to “individuals using the covered vehicle with permission,” or to “any individual permissively using” it, but then restrict “use” to “physically controlling, or attempting to physically control, the movements of a vehicle.” As if more emphasis were needed, the policy also defined as a mere “passenger” anyone “occupying one of the seats of a vehicle with permission.” In short, the Shelter policy excluded someone in Tiffany’s position, exactly as another court had found earlier, *Nielson v. Shelter Mut. Ins. Co.*, 14-0614 (La. App. 1 Cir. 11/7/14), 167 So. 3d 697 (applying precisely the same policy language). The court followed *Nielson*’s conclusion that excluding a guest passenger did not violate the strong policy favoring UM coverage.

It is not precisely on point, but worth noting that in a related area (the “regular use” clause of a Farm Bureau policy), the Supreme Court recently reversed a solid line of UM jurisprudence. Cases had previously blessed an exclusion of coverage for a named insured when she was driving a vehicle other than the one “described on the declarations,” but one available for her “regular use.” In *Higgins v. La. Farm Bureau Cas. Ins. Co.*, 20-01094 (La. 3/24/21), 315 So. 3d 838, the Supreme Court suddenly decided this result “impermissibly deviated” from the statutory requirements of R.S. 22:1295. Does this turnabout suggest a possible change in the headwinds, the Supremes are taking a closer look at UM exclusions, and perhaps *Nielson* could be ripe for reconsideration? It’s just conjecture, of course, but it’s proof that the law can change.

In the meantime, read those policy exclusions closely.

# Induction of Judge Edwin H. Byrd III

Judge Edwin Byrd was officially sworn in at an eclectic ceremony opened by Chief Judge Ramona Emanuel on August 25, 2022. Judge Jeff Cox of the Second Circuit Court of Appeal delivered the opening prayer. Remarks from Judge Byrd's long-time client and friend Sheriff Steve Prator entertained with many amusing stories, reminisces and laughs. In a sincere compliment, Sheriff Prator shared with the audience that Edwin Byrd was a humble man who has saved the taxpayers of this parish millions of dollars in his frugal and diligent representation of the Sheriff's Department.



First Judicial District Court and the many people who had helped him on his journey to his judgeship.

Judge John Mosley delivered the closing prayer, but not before soliciting the many doctors in the audience to conduct an instanter medical examination of the unflappable Sheriff Prator in light of his earlier remarks to the bench.

Edwin Byrd graduated with honors from LSU Law School where he was senior editor of the Law Review. He clerked for Chief Judge Tom Stagg of the Western District of Louisiana and was a founding member of Pettiette, Armand

Dunkelman, Woodley, Byrd & Cromwell where he practiced for 25 years litigating extensively in all state and federal trial courts as well as appellate courts. His vast experience and keen intellect will be a great benefit to the Caddo bench and bar.

He is married to Alison Cummings Byrd with two sons: Edwin Henry Byrd, IV and Pearce Byrd, and three grandchildren.

Larry Pettiette, Judge Byrd's former law partner, served as master of ceremonies adroitly guiding the excellent presenters within the window of time requested by the event's organizer Mary Bicknell.

Justice Scott Crichton, also a good-spirited target of several of Sheriff Prator's barbs, administered the oath. Justice Crichton preceded the swearing with high praise and comments on Judge Edwin Byrd's legal acumen and work ethic, alluding to his mentor Judge Tom Stagg as a role model for all the judiciary. Justice Crichton paid homage to Edwin's many laudable traits which prepared him well for his new position on the First Judicial District Court.

Judge Byrd was robed by his father Dr. Edwin "Sonny" Byrd and his son Pearce Byrd, with his wife Alison Byrd holding the Bible.

Judge Byrd acknowledged his new brethren on the





# *Congratulations Judge Byrd*



# December CLE By The Hour December 14 & 15, 2022

**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 14, 2022**

**Thursday, December 15, 2022**

**7:30 A.M. Registration & Continental Breakfast**

**8:30 A.M. Oil and Gas Update**  
90 Minutes *Drew Burnham – Cook, Yancey, King & Galloway*

**10:00 A.M. Break**

**10:05 A.M. Drafting Commercial Leases:**  
60 Minutes *William Bradford and Melissa Scott Flores – Blanchard, Walker, O'Quin & Roberts*

**11:05 A.M. Break**

**11:10 A.M. Deposition Tips and Best Practices**  
60 Minutes *James C. McMichael Jr. – McMichael & Carter*

**12:10 P.M. Lunch (included with all-day registration, or \$30)**

**1:00 P.M. Louisiana Legislative Recap**  
60 Minutes *Thomas Pressly - Louisiana State Representative*

**2:00 P.M. Break**

**2:05 P.M. Federal Practice & Procedure Update**  
60 Minutes *Magistrate Judge Kayla D. McClusky and Magistrate Judge Carol Whitehurst - United States District Court, Western District of Louisiana*

**3:05 P.M. Break**

**3:15 P.M. Fourth Amendment Update**  
60 Minutes *Judge Donald Hathaway and Judge Brady O'Callaghan - First Judicial District Court*

**7:30 A.M. Registration & Continental Breakfast**

**8:30 A.M. The Ethics of Wellness**  
60 Minutes *Judge Michael Pitman – First Judicial District Court*

**9:30 A.M. Break**

**9:35 A.M. Domestic Violence & Protective Orders**  
90 Minutes *Mary Winchell and Audrius Reed – Shreveport Bar Foundation and Chris Bowman - Caddo Parish District Attorneys Office*

**11:05 A.M. Break**

**11:10 A.M. Bossier City Court**  
60 Minutes *Judge Santi Parks– Bossier City Court*

**12:10 P.M. Lunch (included with all-day registration, or \$30)**

**1:00 P.M. Professionalism**  
60 Minutes *Justice Scott Crichton - Louisiana Supreme Court*

**2:00 P.M. Break**

**2:05 P.M. Workers' Comp & Third-Party Subrogation Issues**  
60 Minutes *Kris Jackson - Thomas, Soileau, Jackson & Cole*

**3:05 P.M. Break**

**3:15 P.M. What's New In Personal Injury Litigation**  
60 Minutes *Ebonee Norris - The Norris Law Group*

**Registration Fees:** [Complete this form or register online at shreveportbar.com](#)

**Individual Session Rates**

Non-Member - \$65 per session (\$75 after Dec. 1)  
SBA Member - \$55 per session (\$65 after Dec. 1)

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

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

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

**Materials:** The registration fee includes course materials provided electronically. A link to the seminar materials will be sent to you via email prior to the seminar. Because neither internet access nor electrical outlets are guaranteed, we suggest 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.

Full registration refund until November 15, 2022, less a \$25 admin. fee. After November 15, full credit less a \$25 admin. fee may be applied to future SBA sponsored CLE for up to one year.

Name \_\_\_\_\_  
Billing Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_  
Email \_\_\_\_\_  
*(Please include email for materials to be sent)*

Please charge to my \_\_\_\_\_ V \_\_\_\_\_ MC \_\_\_\_\_ AMX  
Card No. \_\_\_\_\_  
Expiration Date \_\_\_\_\_ SIC#: \_\_\_\_\_  
Signature \_\_\_\_\_

**Please remit with payment to:**

Shreveport Bar Association, 625 Texas Street, Shreveport, LA 71101  
Questions? Call (318) 222-3643 or Email [dsouthern@shreveportbar.com](mailto:dsouthern@shreveportbar.com)

# Celebrate with Us!



Shreveport Bar Center

Debt Retirement Party

Thursday, November 3, 2022

5:00 P.M.

Shreveport Bar Center

625 Texas Street, Shreveport, LA

Cocktails and hors d'oeuvres

RSVP to [kriggs@shreveportbar.com](mailto:kriggs@shreveportbar.com)

## DISPLAY YOUR FLAG THIS MARDI GRAS SEASON



Purchase a Justinian flag today. 100% of the proceeds will be donated to the Shreveport Bar Foundation, which provides charitable legal assistance and education to the public through two primary programs: The Pro Bono Project and the Legal Representation for Victims of Domestic Violence Program ("LRVDV").

3' X 5' Double Sided  
Krewe of Justinian Flag

Price: \$150

Payable to the Krewe of Justinian or Shreveport Bar Foundation. Mail or hand deliver and pick up your flag at 625 Texas Street, Shreveport, LA 71101



# Krewe of Justinian- Midway to Mardi Gras "Run for the Beads" 5K, #7 Sunday, October 30, 2022 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**;
- \*Every 5K participant receives a special bead medal!
- \*Cantina Laredo goodies and access for all race entrants and volunteers:
- \*"W" Sound & Music & MC
- \* "COLLECTORQUALITY" long sleeve, cuffless, high-tech fabric with the 7-color event logo on the front of the race shirt.

Date and Starting times: Sunday, October 30, 2022. 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 the finish. \*\* shirt if registered by 17 October.)**

Location: Course description: Starting and finishing at the parking lot of Cantina Laredo, Shoppes at Bellemead, 6535 Youree Dr. Shreveport, LA 71105.

Entry Fee: **\$25** now thru October 23; **\$30** October 24 - 29 at 4:00 pm; **\$40** Race Day. Don't diddle; get registered. The shirt is worth it! A race shirt is guaranteed for registrants by midnight, October 17, 2022. **No shirt guarantee** for later entrants due to limited supply chain availability. **We strive to make shirts available later to all entrants, but no guarantee is possible.**

**-You may register ONLINE until 4:00 pm Saturday, Oct. 29** 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 before midnight on October 17, 2022, to guarantee a race shirt, though we'll order extras.

Packet pick-up will be at Sportspectrum 6970 Fern Avenue on Thursday, Oct. 27, 12:00-6:00 pm.; Friday, Oct. 28, 10:00 am -5:30 pm; and Saturday, Oct. 29, 10:00 am to 5:00 pm. **If not picked up. Packets will be available at the race site @ 7:00 am on Race Day!**

Awards: 1<sup>st</sup> Place Overall Male and Female winners will receive \$100 each. Additionally, 1<sup>st</sup> place male and female in the following age groups will receive a specialty prize: 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, agents, and volunteers** of and from any and 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 from 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 to 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 (OR REGISTER ONLINE)**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Age on Race Day: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Birth Date: Day\_\_\_\_ / # of Month\_\_\_\_ / Year\_\_\_\_\_

**Circle:** Male or Female                      Event (Please Circle): ½ Mile Fun Run      5K

Shirt Sizes (Circle)      **Adult:** S M L XL      XXL- (add \$2.00 upcharge)

I Understand and **agree to all conditions of the waiver.** Signature: \_\_\_\_\_

**Parent/Guardian Signature for participants under 18 years old:** \_\_\_\_\_



Captain Nancy Cooper & the Krewe of Justinian XXIX  
invite you to  
**THRILLER NIGHT**  
Midway to Mardi Gras

*Costumes Encouraged*

October 28, 2022 • 7:30PM-10:30PM  
Artspace  
Downtown Shreveport

Tickets \$60  
Complimentary Admission for  
Krewe of Justinian Members  
[www.kreweofjustinian.com](http://www.kreweofjustinian.com)

Cash Bar  
Gumbo & Poboys from Beaujax  
Entertainment By: Carbon Love

**ME TV**  
MARDI GRAS TELEVISION

# VETERANS DAY PROGRAM

The Shreveport Bar Association 2022 Veterans Day program will be held on Wednesday, November 9 beginning at 12:00 Noon at the Petroleum Club (15th floor).

Our Veterans Day Program special guest speaker will be Major General Andrew Gebera, Commander of Eighth Air Force, and Commander of Joint-Global Strike Operations Center, at Barksdale Air Force Base.

Whether you have served or not, please join us on Wednesday, November 9 as we honor our SBA Veterans.

Major General Andrew Gebara

# Thank you

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

John Bullock

John S. Odom Jr.

Honorable Terry A. Doughty

Lawrence W. Pettiette Jr.

Meg Frazier

Honorable Michael Pitman

Honorable Mark Hornsby

Honorable Lane Pittard

Whitney Howell

Ronald E. Raney

Honorable Marcus L. Hunter

J. Marshall Rice

Reid Jones

Honorable Jeff Robinson

Charles "Pete" Kammer III

Honorable Parker Self

Robin McCoy

Chris Slatten

Alexander Mijalis

Honorable Shonda Stone

John C. Nickelson

*For your  
Valuable Contribution!*



# Recent Developments By the Judiciary

Sponsored by:

The Shreveport Bar Association

## Thank You 2022 Sponsors!



**Audrius M. Reed**  
▪ ATTORNEY AT LAW ▪



LAW OFFICE OF  
REGINALD W. ABRAMS, SR.



**RICE & KENDIG**  
INJURY LAWYERS



**CHAD M.  
GARLAND**  
CPA, LLC



**KOSMITIS  
BOND**  
A Professional Law Corporation

## William M. Comegys III PLC

**N&H** NELSON &  
HAMMONS  
ATTORNEYS AT LAW

**datcs**  
DRUG & ALCOHOL TESTING COMPLIANCE SERVICES

# Recent Developments by the Judiciary Seminar Highlights





**S P Davis Sr.**  
*Davis Law Firm*

**Wynnifred Sanders**  
*Legal Aid of North Louisiana*

## **Cole, Evans & Peterson** **Certified Public Accountants**

**For Support in Your Practice and in  
Obtaining Financial Security**

Accounting and Review Services  
Litigation Support  
Income Tax Planning, Compliance and Advocacy  
Personal Financial Planning  
Family Investment Entities  
Estate Planning  
Gift and Estate Tax Planning, Compliance and Advocacy  
Retirement Plan Design, Implementation and Administration  
Investment Planning and Analysis  
Life and Disability Insurance Analysis  
Computer Hardware and Software Acquisitions and Operations  
Computer Network Consulting  
Data Processing

Fifth Floor, Travis Place  
Post Office Drawer 1768  
Shreveport, Louisiana 71166-1768  
Telephone (318) 222-8367 Telecopier (318) 425-4101  
[www.cepcpa.com](http://www.cepcpa.com)

### **FAST TRACK MEDIATION SERVICES** a division of WEEMS, SCHIMPF, HAINES, SHEMWELL & MOORE (APLC)

**Confidentiality      Control**  
**A Fair Compromise    Cost-Effective**

All civil law matters, including personal injury, wrongful death, medical malpractice, professional liability, successions, contracts, mass torts, property disputes, oil and gas, and employment law.

All family law matters, including property partitions, spousal support, child support, and custody.

Call or email us today to schedule your mediation.

**(318)222-2100**  
[mediate@weems-law.com](mailto:mediate@weems-law.com)

**Carey T. Schimpf**



**Family / Civil Mediator**

### **WEEMS, SCHIMPF, HAINES, SHEMWELL & MOORE (APLC)**

**Accepting Appeal  
And  
Family Law Referrals**

**Certified By Louisiana Board of Legal  
Specialization**

**(318)222-2100**  
[kenny@weems-law.com](mailto:kenny@weems-law.com)

**Kenneth P. Haines**



**Board Certified in  
Appellate Practice and Family Law**

Searching for a

printer



signs/banners ↗

direct mail ↗

promotional products ↗



RED RIVER PRINT  
print • mail • signs

318.868.3555

4716 VIKING DRIVE | BOSSIER CITY, LA 71111  
reddriverprint.com



**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:

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

PHONE 318.220.4416

CGARLAND@CHADGARLANDCPA.COM

900 PIERREMONT RD, STE 120 · SHREVEPORT, LA 71106

WWW.CHADGARLANDCPA.COM

**FISCHER  
LAW**

**Timothy R. Fischer, APLC**

**Chris A. Procell\***

\*Licensed in Louisiana and Texas

Accepting referrals for  
Workers' Compensation cases

3421 Youree Drive  
Shreveport, Louisiana 71105

Telephone: 318-869-0304

Fax: 318-869-4911

Email: [timfisch@aol.com](mailto:timfisch@aol.com)

[Chris@timfischerlaw.com](mailto:Chris@timfischerlaw.com)



15  
PUT THIS  
ON YOUR  
CALENDAR!

# UPCOMING EVENTS

## \*2022 SBA MEMBERSHIP LUNCHEONS

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

### **OCTOBER 14**

North Louisiana Criminal Law  
Seminar  
Shreveport Bar Center

### \***OCTOBER 26**

SBA Member Luncheon  
Speaker: Alston Johnson  
Professionalism Award Presentation

### **OCTOBER 28**

Midway to Mardi Gras Party  
Artspace

### **OCTOBER 30**

7th Annual Midway to Mardi Gras  
"Run for the Beads" 5K and Fun Run  
Cantina Laredo, Shoppes at Bellemead

### **NOVEMBER 3**

SBA Memorial & Recognition Ceremony  
2:00 p.m. at Caddo Parish Courthouse

### \***NOVEMBER 9**

SBA Member Luncheon  
(Veterans Program)  
Speaker: Major General Andrew Gebera  
Commander of Eighth Air Force and  
Commander of Joint-Global Strike Operations Center

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.

# TRICK OR TREAT!

Looking for **SPOOKY GOOD** deals on the web?  
Shop Amazon safely, support the SBA and find  
**EVERYTHING!** From costumes to **candy corn!!**

You Shop. Amazon Gives.



amazon smile

Shreveport Bar Foundation  
Pro Bono Project



## **SBA LUNCHEON MEETING – OCTOBER 26**

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

*\$40.00 for SBA members includes lunch with advance reservation and \$50.00 for Late Reservations (after 5:00 pm the Monday prior to the luncheon) and Non-SBA Members.*



**When: Wednesday, October 26  
12:00 Noon**

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

**Featuring: H. Alston Johnson, III**

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

H. Alston Johnson is a favorite presenter at the SBA luncheons. His annual Louisiana legislative update CLE is highly anticipated and well-attended. Johnson was for many years senior counsel in the Baton Rouge office of Phelps Dunbar LLP, with a particular emphasis on complex litigation and appellate matters. He received his J.D. from the Paul M. Hebert Law Center and is now an adjunct member of the LSU Law faculty.

He is the author or co-author of three books on Louisiana law, published by West Publishing Company in the Louisiana Civil Law Treatise series: Louisiana Workers Compensation Law and Practice (Fifth Edition); Louisiana Insurance Law and Practice (Fourth Edition, with Shelby McKenzie); and Louisiana Civil Jury Instructions (Third Edition). He was associate editor of the Louisiana Law Review and a member of the Order of the Coif. In 2005, he was chosen for the Curtis R. Boisfontaine Trial Advocacy Award by the Louisiana State Bar Association. In May 2006, he was honored by the Louisiana Bar Foundation with its Distinguished Attorney Award for 2005.

**THE 2022 SBA PROFESSIONALISM AWARD WILL BE  
ANNOUNCED AT THE OCTOBER MEMBERSHIP LUNCHEON**

# **#SHREVEPORTBARASSOCIATION**

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

I plan to attend the October 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!**