

THE BAR REVIEW

PUBLICATION OF THE SHREVEPORT BAR ASSOCIATION

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INSIDE | APRIL

President's Message	1
Lunch & Learn	3
Give for Good.....	4
SBA Trial Academy.....	6
Annual Golf Tournament Registration ...	8
Pickleball Tournament Registration.....	9
How Write You Are.....	10
Federal Update	11
Second Circuit Highlights	12
Bar Briefs	14
Booth-Politz Inn of Court	15
Pro Bono Project.....	16
Shreveport Bar Foundation	18
Monroe Inn of Court	20

EVENTS AT A GLANCE

4/6	Trial Advocacy Lunch & Learn Series – 12: Noon – SBC
4/25	SBA Golf and Pickleball Tournament – Querbes Park Golf Course
5/2	Give for Good Campaign
5/3	SBA Membership Luncheon – 12:00 p.m. - Petroleum Club



From The President

by Nancy Cooper, ngcoop23@gmail.com

Makin' History

Ah, the great state of Louisiana! Sportsman's Paradise. The Pelican State. The Bayou State. Tourists flock here from all over the world to experience our unique culture of food, music, art and history. New Orleans is particularly popular, of course, with its Creole cuisine, live jazz and slow pace. The Big Easy. Though recently, for at least a subset of Louisiana citizens, sweeping changes in our state laws are making life here anything but easy.

When I woke up on March 1 and scanned the headlines, I quickly learned it was the first day of Women's History Month. *Women's History Month?* I must confess I had no idea there was such a thing. So I spent the next few days studying the origins of this observance and learned it stems from International Women's Day, a celebration that began over a hundred years ago after women from all across New York City fought side-by-side for suffrage and worker protections. Flash forward to 1987 (the year I became eligible to vote) when President Ronald Reagan formally designated the month of March as Women's History Month in the United States after a successful Congressional campaign by the National Women's History Project. See Pub. L. 100-9.

Needless to say, I'd never heard of the National Women's History Project or the women who founded it in 1980: Molly Murphy MacGregor, Mary Ruthsdotter, Maria Cuevas, Paula Hammett and Bette Morgan. Clearly I wasn't paying attention to any of these women or their achievements back in the 1980s, perhaps because I was too busy applying to colleges, graduating from high school and hightailing it to the beach for my senior class trip.

Over the next three decades, thanks to the many women who blazed the trails ahead of me, I attended college and law school and had unfettered access to whatever healthcare I needed. My grandmother and mother had different stories, of course, like losing their own mother in childbirth, getting fired because of a pregnancy, being denied a credit card because of their gender, and needing their husbands' permission to access certain healthcare. I would chuckle at these stories and breathe a sigh of relief that I wasn't living in "those times." I did have a few awkward experiences of my own, such as being mistaken for the court reporter at a few depositions or being excluded from lunch with male colleagues at The Gold Club in Baton Rouge. But I was so busy working and raising children and adjusting to military moves and my husband's deployments, I didn't have time to worry about all that. Besides, women were gaining more and more equality with each decade in America, weren't we?

Until now, yes. Thanks to the people who had the foresight to understand the complex layers of costs suffered by families and communities when women are oppressed. Thanks to the history makers. The people who risked their careers and reputations to chip away at longstanding traditions, cultures and beliefs that have prevented women from achieving success and independence throughout history.

The theme for this year's Women's History Month is "Celebrating Women Who Tell Our Stories." This is a particularly compelling theme in 2023 given recent legislation restricting women's access to healthcare in many states, including Louisiana. We've heard and will continue to hear stories from women across America as the repercussions of these new laws play out. It's important that we listen.

I was making coffee the morning of March 1 when one particular news story grabbed my attention: Five churches were recently expelled from the Southern Baptist Convention because they have female pastors. *Wait*, I thought. *Did this happen in the United States or*

Continued on pg 2

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Continued from pg 1 "From the President"

somewhere like Afghanistan? I turned up the radio and listened to an interview with Pastor Linda Barnes Popham. She's been the pastor at Fern Creek Baptist Church in Louisville, Kentucky, for over 30 years, so when she learned of her church's expulsion, her first thought was "why now?"

Hearing Pastor Popham's story, I was overcome with a renewed appreciation for Herbert H. Reynolds, former president of Baylor University. Flash back to 1990: My senior year at Baylor. I was completely self-absorbed, scheduling my final semester of classes, applying to law schools, planning my wedding. I barely noticed when Herb (that's what we affectionately called him back then) led a bold and covert mission to, in effect, cut university ties with the Southern Baptist Convention. A few years later, Baylor established the George W. Truett Theological Baptist Seminary, which today offers both men and women equal paths to pastoral ministry. (Check out Dean Todd D. Still's reflection on "Women in Ministry" on the seminary's website at <https://www.baylor.edu/truett/doc.php/144245.pdf>.)

Meanwhile, in the early 2000s, back in my hometown of Shreveport, another group of trailblazers were busy opening more doors for women – literally. We've all heard stories about female lawyers who had to "sneak" into popular men-only spaces in town through a backdoor or elevator to join gatherings with their male colleagues. This culture endured for years until March 26, 2000, when five women – including attorneys Merrilee Albright and Julie Lafargue – were denied admission to the "Men's Grill" at Southern Trace Country Club. Attorney Allison Jones filed suit on their behalf and took the case all the way to the Louisiana Supreme Court, where Justice John Weimer penned a comprehensive and powerful opinion in favor of the plaintiffs. If you haven't read *Albright v. Southern Trace Country Club*, 03-3413 (La. 7/6/04), 879 So. 2d 121 lately, it is quite stunning (and entertaining, especially the part about the 800 steps to the Washington Monument) and most certainly contributed to policy changes at other area clubs.

Julie Lafargue and Allison Jones are indeed trailblazers for women in Shreveport and are both past-presidents of the SBA. Allison was a major investor in the purchase of our Bar Center building on Texas Street, and Julie served as SBF president and was instrumental in establishing our Legal Representation for Victims of Domestic Violence program. In talking to Julie about her experience as a plaintiff in the *Albright* case, she said simply, "All we wanted was to mix, mingle and network."

Regardless of whether you agree or disagree with recent state laws restricting the autonomy of women in Louisiana, the fact that we have lost long-held rights is, well, a fact. And it will most certainly influence cultural trends that will embolden other organizations to implement their own rules restricting opportunities for women. We all need to understand what's at stake here, not just for ourselves personally, but for other women and their families when decisions are made *for us* rather than *by us*. (Did you know that women in Louisiana today hold only 28 of 144 seats in the state legislature – the 45th lowest percentage in the country?)

So when lawmakers pass reckless, blanket legislation that is inapplicable to men but precarious for women, what can we do? When local clubs or organizations operate under guidelines that exclude or limit opportunities for women, how can we influence change?

We can start by acknowledging Women's History Month and appreciating the significance of the history makers who opened doors for us, like Julie Lafargue and Allison Jones. We can push back against oppressive leadership like Herb Reynolds did for Baylor University and challenge long-held social and religious convictions like Dr. Still is doing as dean of Baylor's theological seminary. We can run for state or local office, sit on community boards and committees, and as lawyers, we can advocate for others whose challenges may be different from ours but who depend on us to foresee and correct the unintended consequences of sloppy legislation that prioritizes political agendas ahead of women's and girls' health, safety and welfare.

Thus, I call on each of you – especially the younger women lawyers out there – to channel your inner trailblazer. Do not take your freedoms for granted in Louisiana. The good times may stop rolling for some women in Louisiana, especially when they have reproductive health complications. The Sportsman's Paradise may not be so for women. Instead of makin' groceries in Louisiana, we need to start makin' history. As members of the Louisiana State Bar, this is your time to step up. To speak up. We are counting on you.



**Shreveport Bar Center
625 Texas Street**



Join Us for one or more of our Lunch & Learn sessions in 2023!

**Approved for 3 Louisiana
CLE Credit Hours**

12 pm - 1 pm

April 6

June 15

Aug 24

April 6

Winning at Oral Argument—Tips from the Bench:

Presented by Chief Judge Frances Pitman and Judge Craig Marcotte — Second Circuit Court of Appeal

June 15

Perfecting the Art of Cross—Examination:

Presented by Judge Beth Foote –U.S. District Court, Western District of Louisiana and James McMichael—McMichael & Carter LLC

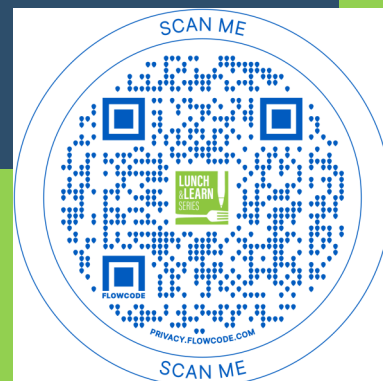
August 24

Refresher on Trying a Civil Jury Trial—Tips From the Pros:

Presented by Patrick Jackson—Attorney at Law and Larry Pettiette—Pettiette, Armand, Dunkelman, Woodley & Cromwell

To Register visit:

<https://shreveportbar.com/lunch-learn-2023/>





Tuesday, May 2, please join us in giving for good. We will be set up at the following locations and times: Lowder Baking Company from 7:30 - 11:00 a.m., Bodacious Bar & Q from 11:00 a.m. - 1:00 p.m., and Torchy's Tacos from 1:00 p.m. - 7:00 p.m. Please stop by these locations for breakfast, lunch, and dinner.

Bodacious Bar & Q will donate 15% of the proceeds for dine-in only between 11 a.m. – 1 p.m. Lowder Baking Company, and Torchy's Tacos will donate 15% of the total day's sales.

<https://www.giveforgoodnla.org/organization/sbfprobono>



**JOIN US FOR THE SHREVEPORT
BAR FOUNDATION'S
BAKERY, BBQ AND TACO
TUESDAY FUNDRAISER**



7:00 a.m. - 6:00 p.m.

**The Shoppes at Madison
Park 4019 Fern Ave**

11:00 a.m. - 1:00 p.m.

8410 Line Ave

10:00 a.m. - 10:00 p.m.

1384 E 70th St



SBA TRIAL ACADEMY

July 27-28, 2023

U.S. District Court Western District of Louisiana
and
First Judicial District Court

Sponsored by



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

Back by popular DEMAND! The SBA is excited to sponsor the 2023 SBA Trial Academy. We have a great lineup of seasoned judges and attorneys who 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.

It's hard to improve on this program – First rate program, do it again next year – Excellent subject matter, instructors and location – I hope this is the beginning of a new opportunity to obtain CLE credit in Shreveport – Very professional, (refreshing change). Hats off to visionary planners and SBA President.

These are just a few of the comments received from last year's participants.

- 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

U.S. District Court Western District of Louisiana
300 Fannin Street, Shreveport LA
First Judicial District Court
501 Texas Street, Shreveport, LA

SCHEDULE:

Thursday, July 27

8:30 a.m.	Check in
9:00 a.m.-Noon	Trial Practice
Noon	Lunch (provided in Jury Rm)
1:00 p.m.-4:15 p.m.	Trial Practice

Friday, July 28

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

DRESS:

Courtroom attire, please.

CANCELLATION POLICY:

Registration fees will be refunded ONLY if a written cancellation notice is received by July 14, 2023. A \$100.00 administrative fee will be deducted from any refund. Any cancellation made after July 14, 2023 will not be refunded.

ACADEMY TUITION:

NON SBA Members - \$700	SBA Members - \$600
Government Lawyers - \$500	

REGISTER ONLINE TODAY! 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

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 July 10, 2023. Course materials to be provided to participants by July 14, 2023. Registration is limited to 40 people.**

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 July 12, 2023, to receive the discounted group rate. The discount code is "SBA Trial Academy" or you can book online at <https://book.passkey.com/go/SBATrialAcademy23>

YOUR LEGAL LEGACY

BE IT BIG OR SMALL, YOUR ACTIONS MATTER!

Your gift to the Shreveport Bar Association or the Shreveport Bar Foundation can ensure the long-term sustainability of these organizations and allow them to serve the local bar and community for years to come. The SBA is heavily dependent on CLE revenue, and competition from free classes puts that at risk. Your generous donation or bequest will help the SBA and SBF maintain an executive director, publish The Bar Review, and provide pro bono legal services to domestic violence victims and other deserving clients.

Please remember the SBA and SBF in your planned giving to show your support for our organizations and the services they provide. Your generosity is appreciated.

Contact any of us if you would like to discuss ways to best help our organizations.

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THE SHREVEPORT BAR ASSOCIATION

ANNUAL GOLF

TOURNAMENT



RICHARD B. KING JR. MEMORIAL SHOOTOUT!

Enter to have your team represented in this 2-man team golf alternate shot contest. \$150 per team. Play begins at 12:15 p.m. Only one team will be named KING! Limited to the first 8 attorney teams registered. Call Dana at 222-3643 to register.

SHOTGUN START

1:00 p.m.

ENTRY FEE

\$600 per team
4-Man Scramble

LUNCH

11:00 a.m.
Included with registration fee

REGISTER

www.shreveportbar.com
Or call Dana at 222-3643 Ext 3

PRIZES

Overall Low Gross and Low Net in each Flight
Closest to the Hole Contest
Long Drive Contest

April 25, 2023

Querbes Park

Golf Course

Shreveport, LA

**Crawfish
Boil for Non
players is
\$35**

REGISTRATION

SHREVEPORT BAR ASSOCIATION - 2023 GOLF TOURNAMENT

Tuesday, April 25, 2023 at Querbes Park Golf Course, Shreveport
Player gift, lunch and crawfish boil is included – Awards given post play

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

Address: _____ Email: _____

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

Address: _____ Email: _____

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

Address: _____ Email: _____

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

Address: _____ Email: _____

PICKLEBALL TOURNAMENT

Sponsored by Shreveport Bar Association



Querbes Center
3500 Beverly Place

**ENJOY A DAY OF FUN
AND COMPETITION
Tuesday, April 25
12:30 pm**

Registration Deadline: Monday, April 24, 2023

The number of participants will be limited so register early to guarantee a spot!

Open to anyone 21 or older.

SBA members and non-members are welcome.

Men's and Women's Doubles will be offered. Brackets may be combined based on the number of entries. You will be placed on a team, and teams will be chosen on Tuesday morning, April 25

SHREVEPORT BAR ASSOCIATION PICKLEBALL TOURNAMENT

**Crawfish
Boil for Non
players is
\$35**

Registration fee includes the following:

Entry fee into the tournament

Player gift (\$50 gift certificate to Superior Steakhouse)

Lunch (begins serving at 11:00 a.m.)

Crawfish Boil (begins serving at 5:00 p.m.)

Prizes will be awarded immediately after the tournament

**New to pickleball
and would like a
tutorial session?
Please contact
the SBA office
before April 4**

REGISTRATION FORM

Name: _____ Skill Level: (please circle): 2.5 3.0 3.5 4.0+

Email Address: _____ Phone: _____

Registration Fee: \$75

Make check payable to SHREVEPORT BAR ASSOCIATION and mail to:

2023 SBA Pickleball Tournament, 625 Texas Street, Shreveport, LA 71101

Email questions to Dana at dsouthern@shreveportbar.com or call 318 703-8373

How Write You Are

by Hal Odom Jr., rhodom@la2nd.org

Don't stare into this void. From a brief filed in the Fourth JDC: "Without an adequate *void dire* the trial judge's responsibility to remove prospective jurors who will not be able impartially to follow the court's instructions and evaluate the evidence cannot be fulfilled." A law review article citing a recent La. Supreme Court case similarly referred to the "broad discretion for trial court to determine scope of *void dire* and rule on challenges for cause." Brooks Holland, *Confronting the Bias Dichotomy in Jury Selection*, 81 La. L. Rev. 165 (Fall 2020), fn. 60. Sometime earlier, the court itself attempted to quote La. C.Cr.P. art. 775: "A mistrial may be ordered, and in a jury case the jury dismissed, when: * * * (6) False statements of a juror on *void dire* prevent a fair trial." *State v. Lighten*, 367 So. 2d 372 (La. 1979).

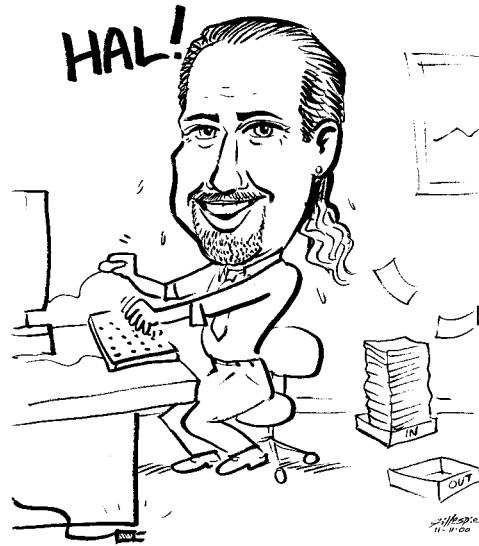
This is a simple slip of the finger; R and D are pretty close on the keyboard; *void* is much commoner than *voir*; and Spell Check won't catch it! You just have to be careful to type *voir dire*. If you have an important memo on jury selection, toward the end of your editing process you might run a search (Ctrl + F) for *void*, and fix it if you find it.

Incidentally, both the cases being discussed above, *Morgan v. Illinois*, 504 U.S. 719, 112 S. Ct. 2222 (1992) (in the brief), and *State v. Holliday*, 17-01921 (La. 1/29/2020), 340 So. 3d 648 (in the law review article), correctly referred to the process as *voir dire*.

After modus operandi. There is not always much interface between law and logic, but a recent Word of the Day on dictionary.com (Feb. 18, 2023) came close: *modus ponens*. It is a rule of inference that takes this form: if *p*, then *q*; therefore, *q*. A concrete example would be: If the temperature is below 32°, then water will freeze; it is below 32°; therefore, water will freeze. Another: If you own a dog, you must buy dog food; you own a dog; therefore, you must buy dog food.

Does this have any application in legal reasoning? Potentially, yes. Consider La. C.C. art. 2521: If the seller fails to disclose a redhibitory defect in the thing sold, then he must pay the buyer a reduction in price; this seller failed to disclose a redhibitory defect; therefore, he must pay this buyer a reduction in price. Or, a basic concept of standing: If the claimant can show a risk of imminent harm in violation of basic constitutional rights, then his claim is justiciable; this claimant can show a risk of imminent harm in violation of basic constitutional rights; therefore, his claim is justiciable. Most of us would feel comfortable drawing these conclusions.

Still, a measure of caution is advised. Sometimes an if-then proposition is merely a tautology, or a definition, and not especially useful. If you own a poodle, then you own a dog; Sherry owns a poodle; therefore, she owns a dog. If a grown man is unmarried, then he is a bachelor; Thomas is



a grown man and unmarried; therefore, Thomas is a bachelor. Both are valid reasoning, but they don't tell you much.

Perhaps the bigger concern is the same one mentioned a few months ago with respect to De Morgan's Law: in real life, propositions are not as solid as they are in math or logic! Article 2521 is impressive, but people can always debate whether the defect is *really* redhibitory, whether the seller *really* failed to disclose it, whether the defect *might have been* apparent to this particular buyer. Or, with standing, how imminent is the harm? What is the harm? What level of constitutional scrutiny applies?

These ambiguities make the bachelor tautology sound like a brilliant statement of fact.

So, the *modus ponens* is a useful rule of inference, potentially very convincing, but legal writers should guard against tautological thinking and slippery ambiguities. As an aside, the expression is Latin for *means of putting down*. There is a correlative concept with the nifty Latin term for *means of picking up*. That might just turn up in a future column.

It's a struggle. A newspaper item about a high-profile criminal trial reported that the "jury *wrested with* the question of whether the defendants had willfully defrauded the federal government." Jillian Kramer, "Jury continues deliberating in district attorney's trial," theadvocate.com (7/28/22). I think the reporter probably meant *wrestle*, another word for *grapple* or *struggle*. The word used, *wrest*, means *extract by force* or *pry from someone else's control*.

The rule of thumb is that you *wrest* something from someone else, but you *wrestle with* someone or something. Courts have not lost much rest over this word pair. "Section 2(b) goes much further than the statute * * * by disposing of the case outright, *wresting* any adjudicative responsibility from the courts." *Patchak v. Zinke*, 138 S. Ct. 897 (2018) (Roberts, C.J., dissenting). "She stated that she was alone with Defendant on occasion and that he did things that made her uncomfortable, including *wrestling with* her on the floor[.]" *State v. Johnson*, 54,028 (La. App. 2 Cir. 9/22/21), 328 So. 3d 524.

Um, no. "First, beyond stating her inference *ad nauseum*, Plaintiff offered no proof, positive or otherwise, that the liquid was present for more than 70 minutes before the fall." *Guidry v. Brookshire Grocery Co.*, 19-322 (La. App. 3 Cir. 11/20/19), 317 So. 3d 579 (Thibodeaux, J., dissenting). "Plaintiffs assert that the enforceability of the arbitration clause has been litigated *ad nauseum* and nothing has changed." *Sanctuary Capital LLC v. Cloud*, 54,364 (La. App. 2 Cir. 4/5/22), 336 So. 3d 1040. When you are feeling queasy, you have *nausea* (ends in *a*). When somebody repeats something to the point of giving you this condition, it is *ad nauseam*. *Um*, no; *am*, yes!



Federal Update

by Chris Slatten, Chris_Slatten@lawd.uscourts.gov

Trip and Fall; Open and Obvious:

The federal courts see quite a few slip/trip cases based on diversity jurisdiction. The parties often cite Louisiana cases. That's fine, but there are many 5CA cases. One is *Badeaux v. Louisiana-I Gaming*, 2023 WL 334783 (5th Cir. 2023), which affirmed summary judgment for the casino defendant. A sprinkler head located in a well-lit, grassy, landscaped area separated from the parking lot by a raised, yellow curb, installed in compliance with applicable ordinances and industry standards, was deemed an "open and obvious" hazard that did not pose an unreasonable risk of harm.

Rule 11 Safe Harbor: Rule 11 requires that a motion for sanctions "must be served" on the opposing party and "must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets." This 21-day safe harbor procedure is mandatory.

The 5CA held years ago that sending a warning letter will not do; you must serve the motion, wait 21 days, then file it. Now *Uptown Grill, L.L.C. v. Camellia Grill Holdings, Inc.*, 46 F.4th 374 (5th Cir. 2022) has clarified that the served motion and the filed motion must be identical. There were substantial differences between the two, so the district court properly denied the motion for sanctions. I always chuckle at the irony of a motion for sanctions being denied because the filer did not follow the law.

Bankruptcy, Fraud, and Innocent Partner: An unmarried couple remodeled and sold a house. The buyer found undisclosed defects and obtained a \$200,000 judgment against the couple, who each filed Chapter 7. The Bankruptcy Code allows debtors to discharge prebankruptcy liabilities, but § 523(a)(2)(A) bars the discharge of "any debt ... for money ... to the extent obtained by ... false pretenses, a false representation, or actual fraud." The evidence showed that the man was guilty of fraud, but the woman did not know of his fraud. The Court (9-0) held that the woman could not discharge her debt because it was for money "obtained by ... fraud." The statute did not say that the fraud had to be committed by the debtor for discharge to be barred. *Bartenwerfer v. Buckley*, 143 S.Ct. 665 (2023).

Powerful Words: Three banks were sued related to the Allen Stanford Ponzi scheme. After almost 15 years, the trial date approached. The banks made a desperate plea for a continuance via mandamus petition to the 5CA. The panel denied the writ, saying, "Halting the litigation's momentum mere days before trial is set to begin would require indisputable clarity as to its necessity." There was no such clarity. The Court added, "The four most powerful words from the lips of a United States District Judge are

simply 'Call your first witness,' and the veteran presiding judge will so state in a few short days." *In re Toronto-Dominion Bank*, 59 F.4th 1326, 1327 (5th Cir. 2023).

It appears that even the threat of those words also has juice. Per news reports, the judge never got to utter them because the banks agreed to pay \$1.34 billion to settle the weekend before trial was to begin.

Medical Residents and Due Process: A medical resident at a state university was terminated, and he alleged that the action violated his right to procedural due process. Residents are students rather than employees, so they have less due process protection. And there is a distinction between the process required for students facing disciplinary versus academic actions; academic decisions require only the minimum procedure of notice and not a hearing.

Termination based on perceived deficiencies in interpersonal and communication skills, practice-based learning, professionalism, patient care, and systems-based practice, with no allegation of inappropriate behavior outside of the patient care and educational settings, meant the termination was based on academic rather than disciplinary reasons. The committee gave the resident notice of his perceived deficiencies and an opportunity to correct them, notified him of the reasons for termination, and afforded a route to appeal. That was sufficient for due process requirements. *Logarbo v. LSU-HSC*, 2022 WL 17683219 (W.D. La. 2022) (Hornsby, M.J.).

Three-Day Mail Rule Lives in Pro Se Cases: Some deadlines, such as to file a Rule 59 motion for new trial or a FRAP 4 notice of appeal, run from entry of judgment. Other rules specify that deadlines are a number of days after being served with something. Examples of the "after being served" type are the deadlines to respond to interrogatories (Rule 33(b)(2)) and to object to a report and recommendation (Rule 72(b)).

In the old days, when you had a period of time after being served, you always had the benefit of a three-day mail rule to allow for delay in receiving a mailed item. But after electronic notice became the norm, Rule 5(b) was amended to say that service on another registered user of the e-filing system is "complete upon filing or sending." No more extra three days.

But prisoners and most other pro se filers are not registered to send or receive e-notice. The clerk and lawyers still send them notice by mail. Rule 6(d) preserves the three-day mail rule for both the pro se party and the lawyers who are served with an item by mail. A lawyer who takes advantage of the mail-bonus days must, however, realize that pro se litigants may not appreciate the fine points of the rule, and some will file a motion to compel on day 31 if they have not received discovery responses.



Second Circuit Highlights

by Hal Odom Jr., rhodom@la2nd.org

Amendments must be read. John was driving north on Hwy. 15 in Union Parish; Latoya was driving south. Latoya lost control, struck the guardrail, spun out of control and struck John's car. John sued Latoya and an entity called Car Solutions of Monroe. The basis of the claim against Car Solutions was that it was a registered "rent with option to purchase" dealer and, as such, had signed a "rental purchase agreement" with Latoya for the car (stated in the petition as a 13-year-old Buick Lucerne). Under R.S. 32:793 D, such a dealer executing such a contract had to maintain 100/300 insurance on any car under contract. John alleged, on information and belief, that Car Solutions had failed to get this insurance; hence, it was liable for equivalent coverage.

Car Solutions responded with an exception of no right and/or no cause of action urging privity of contract (only the dealer and its customer may enforce their contract), statutory immunity and factual defenses. John sought leave of court to amend his petition; the district court granted this but, the same day that John filed his amendment, held a hearing on Car Solutions' exception of no cause. The court granted the exception and dismissed John's claim, with prejudice. John appealed.

The Second Circuit reversed, *Drayton v. Shelbon*, 54,839 (La. App. 2 Cir. 3/1/23), in an opinion by Judge Stephens. The court found it was incongruous, and an abuse of discretion, to grant the plaintiff leave to amend his petition but then reject the claim *with prejudice* before, apparently, even reading the amendment. The court also noted that the exception of no cause tests whether the law extends a remedy against the defendant to *anyone* under the facts alleged, *Kendrick v. Estate of Barre*, 21-00993 (La. 3/25/22), 339 So. 3d 615, and evidence or defenses are not considered, *State ex rel. Tureau v. BEPCO*, 21-0856 (La. 10/21/22), 351 So. 3d 311. The judgment was reversed and remanded for the court to analyze the amended petition and subject it to the proper test.

The district court has, perhaps, telegraphed its intent to dismiss Car Solutions, but at least John will have the reassurance that on remand the court will read his amended petition.

Scope of duty, illustrated. Ms. Green had an 11-year-old son with cerebral palsy who was wheelchair-bound. The boy attended middle school in Lake Providence, and the East Carroll Parish School Board had an Individualized Education Program ("IEP") that gave students like Ms. Green's son transportation on a bus equipped with a wheelchair lift. In early September, the wheelchair lift in the bus was not working, so Ms. Green drove her son (and her four other children) to school one day. Lifting her son out of the vehicle and trying to transition him into his wheelchair, she fell backwards and hit the ground with the boy on top of her. She sued the school board for her injuries, alleging that it failed to provide safe and required transportation for

her son, failed to provide appropriate services and assistance, and ignored state law for students like him.

The school board moved for summary judgment urging that it did nothing that caused Ms. Green to fall; moreover, it acted prudently by not sending a defective bus on the route. Critically, the duty to provide transportation to challenged students did not extend to protect parents from sustaining personal injury. The district court agreed with the school board, citing the duty-risk analysis and finding that the risk of Ms. Green falling "in the course of a familiar and common task" was not within the scope of the school board's duty. The court granted summary judgment, and Ms. Green appealed.

The Second Circuit affirmed, *Green v. E. Carroll Parish Sch. Bd.*, 54,910 (La. App. 2 Cir. 3/1/23), in an opinion by Judge Thompson. After reciting the law of summary judgment, the court gave a deep exposition of La.'s cherished duty-risk analysis. Boiled down, this questions how easily the risk of injury can be associated with the duty sought to be enforced. *Roberts v. Benoit*, 605 So. 2d 1032 (La. 1991). The court analyzed each of Ms. Green's factual claims, finding that the duty to provide a school bus equipped with a wheelchair lift for special-needs children did not encompass the risk that a parent might stumble and fall if she had to put the kid in the wheelchair herself. The court also rejected the son's injury claim.

The court did not speculate what kind of harm might be within the scope of the school board's duty, but found that this harm was too attenuated.

Drug busts can be a little violent. In August 2019 Byrd had a run-in with Bossier Parish deputies and other law officers, resulting in charges of possession with intent to distribute meth, possession of drug paraphernalia (first offense) and resisting an officer with force or violence. He eventually pled guilty to the meth charge, and the others were nol-prossed.

Byrd felt, however, that the "force or violence" aspect of the encounter was actually perpetrated by the deputies and other officers – they pulled his shoulder out of socket and tore his rotator cuff, necessitating surgery and extensive therapy, and left him with a permanent deformity. In October 2020 he filed suit in federal court under 42 U.S.C. § 1983, essentially claiming excessive force along with state law claims. The federal court found that Byrd's § 1983 claims were prescribed, but declined to exercise jurisdiction over his pendent state law claims; these were dismissed without prejudice. So in September 2021, Byrd filed suit in state court, alleging excessive force, failure to supervise and train deputies, and violations of the standard of care by using excessive force. Characterizing the defendants' actions as second degree battery, a crime of violence, he claimed the two-year prescriptive period of La. C.C. art. 3493.10.

The defendants filed exceptions of prescription asserting the standard, one-year prescriptive period of C.C. art. 3492. The district court agreed with the defendants, sustained the exceptions and dismissed Byrd's suit. Byrd appealed.

The Second Circuit affirmed, *Byrd v. Bossier Parish Sheriff*, 54,914 (La. App. 2 Cir. 3/1/23), in an opinion by Judge Robinson. The opinion lined up the basic concepts: burden of proof when prescription is an issue; the standard, one-year period and the “crime of violence” two-year period; the definitions of “crime of violence” and “battery” in the Criminal Code; and the rule of construction against finding prescription, *Wells v. Zadeck*, 11-1232 (La. 3/30/12), 89 So. 3d 1145. Crucial, however, was C.Cr.P. art. 220’s statement that the person making a lawful arrest “may use reasonable force to effect the arrest and detention, and also to overcome any resistance or threatened resistance” of the arrestee. The court located several cases suggesting that if the arrestee gets injured while resisting arrest, this does not necessarily make the officers’ actions a crime of violence, e.g., *Anding v. Ferguson*, 54,575 (La. App. 2 Cir. 7/6/22), 342 So. 3d 1138. The court then found that, aside from Byrd’s allegations, there was nothing to show, such as criminal charges or disciplinary action, that the officers really did commit crimes of violence. In short, there was not enough to invoke the two-year rule.

It is possible that COVID-19 lockdowns (not to mention being in jail) hindered Byrd in asserting his civil claims. However, the suspension for lockdowns applied only to prescriptive periods that would have ended between March 17 and July 5, 2020, and did not just give everybody an extra 3½ months. La. R.S. 9:5829 A. All other things being equal, claimants should try to meet the one-year limit.

When bond forfeiture is enough. In September 2016, A-Second 2 None Bail Bonds, as agent, issued a \$15,000 bond to secure the release of Johnson, a criminal defendant. The bond was actually executed by Bankers Insurance Company. Johnson was a no-show for his hearing, and notice of arrest warrant was duly sent to Bankers. After due proceedings, the state obtained a bond forfeiture judgment against Johnson and Bankers. Ms. Green, the owner of Second 2 None, moved to set aside the forfeiture. She asserted that she “made a mistake” and did not complete the requirements for Johnson’s constructive surrender. The state responded by filing a motion to prohibit Bankers from executing criminal bonds in Caddo Parish. The district court denied both motions – the bond forfeiture stood, and Bankers was not barred from executing bonds in Caddo Parish. The state appealed.

The Second Circuit affirmed, *State v. Johnson*, 54,860 (La. App. 2 Cir. 3/1/23), in an opinion by Judge Hunter. Under La. R.S. 15:85 A, if a commercial surety does not pay or appeal a bond forfeiture, the state can ask the court to prohibit that surety from issuing bonds in the parish; R.S. 15:85 B sets out the requirements for this relief. The court accepted Ms. Green’s testimony that *she* was the person who neglected to pay the cost to transport Johnson to court, not Bankers. The statute obviously leaves room for the court’s discretion.

It’s like custody. Bailey was born in March 2018; unfortunately, her mother died in October 2021, intestate, so there was no guidance who was to become the little girl’s tutor (Bailey’s father has never been identified). The child’s maternal grandfather, Stephen, and Stephen’s sister, Sheryl, each strongly felt that he/she was best suited for the job.

Sheryl filed a petition to be confirmed as Bailey’s dative tutor, and a trial took place. The district court awarded tutorship to Sheryl, with liberal visitation to Stephen; Stephen appealed.

The Second Circuit affirmed, *In re: Dative Tutorship of the Minor Child Bailey Moore*, 55,047 (La. App. 2 Cir. 3/1/23), in the first civil opinion to be authored by Judge Danny Ellender. Ordinarily, the care and supervision of a minor child is a dispute between parents, or between a parent and a nonparent. Here, however, it was between a grandfather and a great-aunt, and the court found that the matter was regulated by tutorship. Don’t dismay; La. C.C. art. 256 B, which governs this, requires “taking into consideration the best interests of the child.” In short, the familiar factors of La. C.C. art. 134 will loom large. And, of course, manifest error is the standard of appellate review. The opinion shows how the court will normally review a custody (or tutorship) case.

Saved by peremption. Because of its value to legal malpractice, practitioners should be keenly aware of the concept of peremption. Like prescription, it is a time limit for pursuing an action, but peremption cannot be renounced, interrupted or suspended, La. C.C. art. 3461. Legal malpractice claims are subject to a one-year preemptive period, La. R.S. 9:5605. When it’s over, it’s *really* over. An exception is provided for cases of fraud as defined in C.C. art. 1953. R.S. 9:5605 E.

Mr. Pentecost was the principal of K.P. Trucking, and in October 2016 he won a trial court judgment, by involuntary dismissal, that dismissed K.P. from a claim of \$670,000 in unpaid UI premiums. Unfortunately for him, the Second Circuit reversed, held that he was solidarily liable with another entity for \$748,930 plus attorney fees, rendered judgment and denied rehearing; the Supremes denied his writ. *La. Safety Ass’n of Timbermen-Self Ins. Fund v. Will Transport*, 51,798 (La. App. 2 Cir. 2/28/18), 245 So. 3d 1194, *writs denied*, 18-0734, -0731 (La. 9/14/18), 252 So. 3d 480, 485. Unsettled by this turnabout, Pentecost filed, in September 2019, a pro se legal malpractice action against his attorneys. The attorneys ultimately filed an exception of peremption urging that Pentecost should have known of their alleged deficiencies at the time of trial, in October 2016, but he did not file suit until September 2019. The district court agreed with the attorneys, finding that Pentecost should have suspected “errors to his detriment” when the Second Circuit reversed the trial court and then denied rehearing. This occurred in April 2018, so the suit in September 2019 was preempted. Pentecost appealed.

The Second Circuit affirmed, *Pentecost v. Grassi*, 54,836 (La. App. 2 Cir. 3/1/23), in an opinion by Chief Judge Pitman. In addition to finding no manifest error, the court rejected Pentecost’s argument asserting fraud: he did not allege fraud in his petition or preserve the argument for appeal. Of course, fraud must be alleged with particularity, La. C.C.P. art. 856. An attorney would have known this, but, possibly, Pentecost felt so ill-served by his first attorneys that he fought this battle in proper person. Peremption is a great tool against malpractice claims.

by Ryan Goodwin, Sarah E. Smith and Valerie A. DeLatte

HIGH SCHOOL MOCK TRIAL REGION 1 COMPETITION

The Richard N. Ware, IV, State High School Mock Trial Competition is named in memory of the Honorable Richard N. Ware, IV, who enthusiastically volunteered for nearly a decade as the presiding judge of the final round of the Louisiana High School Mock Trial Competition. There are four regions in the State of Louisiana; all of North Louisiana is considered Region 1.

On March 4, 2023, high school students entered the 26th Judicial District Courthouse at 8 am for a test of stamina, mastery of the rules of the evidence, civil procedure and proficiency in advocacy and persuasion. The day began with 10 teams, pairing off for five first-round matches. Each match is composed of two teams of 6-8 students with one team as plaintiff and one team as defendant. Each team has 3 attorneys and 3 witnesses.

This year's civil case was modeled after the book *Rising Tide* by John M. Barry and actual court proceedings emanating from the decision to blow a hole in the levee at Poydras Plantation on April 26, 1927, which caused devastating flooding for residents of St. Bernard Parish. The basis of the decision was to prevent flooding to the City of New Orleans.

The plaintiff was tasked with proving by a preponderance of the evidence the negligence of the State Levee Board in convincing Louisiana's governor to

blow the levee; the defense argued that the decision was necessary. The plaintiff attempted to show that bias, corruption and greed motivated the State Levee Board, and the defendants aimed to show the economic reliance of the entire state on New Orleans and its port.

Round 2 began at 10:30 am. Students switched sides; students who had just performed as the plaintiff side would now represent the defense, and vice versa. Attorneys in practice would agree, this is a challenge that not many can meet.

After lunch, four teams advanced to the finals. Caddo Magnet Team 3 was seeded number 1 and matched against Caddo Magnet Team 1; in the other courtroom, Caddo Magnet Team 2 matched against West Monroe. After two incredible final rounds, Caddo Magnet Team 1 finished in the top spot with Caddo Magnet Team 2 as runner-up. Both teams will travel down south to represent North Louisiana in the State Competition on March 25.

The 2023 Richard N. Ware, IV, State High School Mock Trial Competition will be held on Saturday, March 25, 2023, at the 24th Judicial District Court, in Gretna, La. The winner of State will represent Louisiana in the National High School Mock Trial Competition May 18-20 in Little Rock, Arkansas.

THANK YOU TO THE 2023 REGION ONE COORDINATOR – Ryan Goodwin

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Ryan Goodwin, Attorney at Law

Valerie A. DeLatte, Attorney at Law

Sarah E. Smith, Attorney at Law

THANK YOU TO OUR JUDGES AND ATTORNEYS FOR VOLUNTEERING TO SCORE AND PRESIDE:

Hon. Edwin Byrd; Hon. Jeff Cox; Hon. Nick Gasper; Hon. Maurice Hicks; Hon. Mike Nerren; Hon. Parker Self; Hon. Sheva Sims; and Hon. Rick Warren. Royal Alexander; Kevin Berg; Charlie Bradshaw; Danielle Brown; Amy Day; Marcus Edwards; J. Antonio Florence; Chris Forester; Stephanie Forester; Tristan Gilley; Katherine Gilmer; Cody Grosshart; Felicia Hamilton; Lee Harville; Allen Haynes; Kerry Hill; Caitlin Huettemann; Ruby Lewis; Heidi Martin; Mike Miller; Billy Murray; Ebonee Norris; Alexandra Porubsky; Chris A. Procell; Audrius M. Reed; Mark Rogers; Wynnifred Sanders; Justin Smith; Luke Thaxton; Michael Vergis; Angela Waltman; Chris Warren; and Gemma Zuniga.

CONGRATULATIONS TO CADDO PARISH MAGNET HIGH SCHOOL GOLD AND SILVER TEAMS, WHO REPRESENTED REGION 1 AT THE STATE COMPETITION ON MARCH 25.



Gold Team



SILVER, pictured with Coach Nancy Berger-Schneider

Booth-Politz Inn of Court

by Jerry Edwards, President, Jerry.Edwards@usdoj.gov

WILLS FOR HEROES

On March 3, 2023, the Booth-Politz Inn of Court's third annual Wills for Heroes event was a huge success. Volunteer attorneys provided 43 free wills, living wills and healthcare powers of attorney for Shreveport police officers and their families. All attorneys should strive to advance the profession through service to the community, and this annual event achieves this goal by supporting first responders. The outreach work of the Inn is part of its mission of achieving the highest level of professionalism through example. Thank you to the following volunteers!

- Sarah Giglio
- Katherine Gilmer
- Lizabeth Grozinger
- Ben Politz
- Nancy-Jane Karam
- Felicia Hamilton
- Eron Brainard
- Audrius Reed
- Courtney Harris
- Amanda Todd
- Ebonee Norris
- Heidi Martin
- Nicole Holmes





Pro Bono Project

Do Good Work ~ Hon. Henry A. Politz

We are pleased to introduce you to our newest team member at the Shreveport Bar Foundation. Linnae Magyar began working for the SBF in July 2022 as the Marketing and Outreach Coordinator planning free legal education for the underserved population of Caddo and Bossier parish.

Linnae is originally from Chicago and moved to Memphis when she was ten years old. She got her undergraduate degree in Managerial Finance from the University of Mississippi (Go Rebs) and moved to Nashville to work for a financial planning firm. She then got the opportunity to work for a world-renowned speaker/Bible teacher (Priscilla Shirer) and moved to Dallas to run her nonprofit for 5+ years. She moved to Shreveport in 2014 to get married to her husband, Stephen, and worked in medical sales for several years. In her spare time, she loves being with Stephen and their 2 children (Micah and Emma Jo), volunteering with Young Life at CE Byrd, running, and singing/playing music with Stephen.



Linnae Magyar

Linnae hopes to raise more awareness about Shreveport Bar Foundation and the programs we offer. Please reach out to Linnae if you or someone you know she can connect with would like to get involved with the Bar Association and Foundation! I promise you won't regret it! Also, we would love for you to follow Shreveport Bar Foundation Pro Bono Project on Facebook so you can keep up with what we have going on.

Martin Luther King National Day of Service

This year we again partnered with State Representative Cedric Glover and Andrew Randall to provide living wills and medical powers of attorney to the Martin Luther King community at the annual MLK National Service Day event on January 16. The event was held at the MLK Civic Center. Thank you to our wonderful volunteer attorneys for donating their time to assist our community. Audrius Reed, Earlnisha Williams, Sangbahn Scere, Mary Harried, Frank Gipson, Felicia Hamilton and Valerie DeLatte, thank you for your selfless service! We also want to thank Mayor Tom Arceneaux for helping with the event.

We were honored to be included in the annual event. Our volunteer attorneys executed living wills and medical powers of attorney and were on hand to answer questions.

Pro Bono Project Ask A Lawyer Clinic and Open Cases Volunteers

We want to thank the following attorneys who accepted one or more Pro Bono cases and volunteered at our monthly Ask A Lawyer clinic for January, February and March 2023. Without our volunteer attorneys, we could not provide services to our clients who cannot afford legal assistance.

Coburn Burroughs

Gordon McKernan Injury Attorneys

Elizabeth Carmody

Cook, Yancey, King & Galloway

Valerie DeLatte

Jack Bailey Law Corporation

Lori Graham

Attorney at Law

Heidi Martin

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Attorney at Law

Jonathan Rose

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Angela Waltman

Waltman & Waltman

David White

Attorney at Law

Stacey Williams

*Blanchard, Walker, O'Quin &
Roberts*

Mary E. Winchell

Attorney at Law

Our March Ask A Lawyer clinic had 5 volunteer attorneys who saw nearly 40 attendees! It was amazing how they could see so many people in 2 hours. Some highlights from the event were Heidi Martin getting Drew Martin on the phone to answer a specific question on oil & gas law, Holland Miciotto walking one of the ladies he spoke with to her car, and Mary Winchell showing up very last minute to help out! We are so grateful to everyone who made this clinic possible! (not pictured: Valerie DeLatta)



Angela Waltman



David White



Jonathan Rose



Mary Winchell



Holland Miciotto walks an Ask A Lawyer clinic attendee to her car



February Ask A Lawyer Pictured L-R Holland Miciotto, David White, Heidi Martin, Larry Pettiette and Jonathan Rose



March Ask A Lawyer Pictured L-R Larry Pettiette, Heidi Martin, Mary Winchell, and Holland Miciotto



Heidi Martin



Larry Pettiette



Holland Miciotto



Shreveport Bar Foundation

by Linnae Magyar, lmagyar@shreveportbar.com

A grant was given to the Bar Foundation last year to provide free legal education to the underserved populations of Caddo and Bossier Parish. Thankfully, Dana Southern and Larry Pettiette were brave enough to hire a very pregnant woman weeks before giving birth, with the task of developing an outreach program for the Bar Foundation and planning these free events. So far, a lot of progress has been made, and there is still a lot of work to be done and momentum to be built. We have been able to host 10 events as of March in various locations and cities. We've covered topics ranging from immigration to wills, oil and gas law, and even teaching high schoolers at C.E. Byrd about crimes, consequences and the power of choice with Justice Scott Crichton and District Attorney Stewart! The more I meet with local nonprofits and organizations in our city, the more I realize there are many who are unaware of what the Bar Association and Foundation have to offer and how we truly can make a difference by working together. My goals are to plan effective events that will benefit our community, be in every high school and middle school helping our youth make good choices by 2024, and to get more attorneys involved with our programs. The more attorneys we have to help, the better, and the less it falls on the same ones over and over again. I am looking forward to meeting with many of you this year and inviting you to join me in my efforts. I promise it will be worth it, you'll get credit toward your CLEs, and we will have fun! It is an honor to be a part of the Bar Foundation. Let's get to work!

Outreach Clinics

In 2022 we held the following events:

August 8: Black Women in Business/How to start a company with attorneys Audrius Reed and Ebonee Norris at the Cedar Grove Library; on November 10: NWLA CEU: Elderly Law with Miramon Law firm at the Hilton Garden Inn Bossier; on November 16: Oil & Gas/Property Rights Law with Anna O'Neal and Michael Ameen at the North Shreveport Shreve Memorial Library; on December 1: Immigration Law with Katherine Evans Ferguson at First Methodist Shreveport; on December 5: Domestic Violence with Mary Winchell at the Cedar Grove Library.

In 2023 we held the following events:

February 14: YWCA Women in Business with Audrius Reed and Ebonee Norris at the YWCA; on February 24: Brookdale on Wills/Estate Planning and Financial Planning with Miramon Law Firm and McDaniel Financial; on February 28: Wills and Estate Planning with Matt Smith at the Belcher, LA Library; on March 3: Crimes, Consequences and the Power of Choice with Justice Crichton and District Attorney James Stewart at CE Byrd High School; and on March 23: Legal Roundtable with Zach Shadinger at Benton, LA Library.

We would love to partner with you to host an outreach event. Please reach out if you or someone you know would like to get involved with the Bar Association and Foundation! You can send me an email at lmagyar@shreveportbar.com.



Crimes Consequences and the Power of Choice with Justice Scott Crichton and District Attorney James Stewart at CE Byrd High School



Katherine Evans Ferguson answered questions on Immigration Law at First United Methodist Church in downtown Shreveport.



Michael Ameen of Hargrove Smelley and Strickland and Anna O'Neal of Weiner Weiss & Madison answered questions about Oil and Gas Law

The Shreveport Bar Foundation 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, Grayson Foundation and the SBA Krewe of Justinian.



Monroe Inn of Court

by Hal Odom Jr., rhodom@la2nd.org

BANKRUPTCY REORGANIZATION IN THE SPOTLIGHT

An overview of bankruptcy law, with an emphasis on Chapter 13 reorganization, was the topic of the March meeting of the Judge Fred Fudickar Jr. (Monroe, La.) IOC. Gene Hastings, the Monroe Division's Chapter 13 trustee and president of Bayou DeSiard Title Co., presented "Bankruptcy for Non-Bankruptcy Lawyers."

Gene began with some fun facts about cases involving celebrities, such as Burt Reynolds (who had an extensive collection of toupees), Kim Basinger, Michael Vick, M.C. Hammer, Mike Tyson and Willie Nelson – many of whom rebounded admirably after reorganization. He then summarized the basics of bankruptcy law, outlining the purposes of Chapters 7, 11, 12 and 13. This jostled the memories of some attendees (like myself) who took bankruptcy in law school but had not utilized it since (in my case, in decades).

The Monroe Division has one trustee, and Gene reported that Chapter 13 is pervasive there, with around 4,000 open cases and \$35 million per year in his office. He added that about 35% of these cases come to a successful end. In response to audience questions, he described the relationship between the Chapter 13 trustee and the U.S. trustee and confirmed that his office had never revoked a donation to a debtor for ingratitude!

Gene spent the remainder of his time talking about the recent N.D.-Alabama case of *In re McLemore*, rendered January 25, 2023.

In that case, shortly after filing for Chapter 13, the debtor disclosed that he had a pending personal injury claim and, some time later, his PI attorney advised the trustee that he had settled the claim for \$40,000 and disbursed \$16,000 to the debtor instead of to the trustee. The bankruptcy judge found that the PI attorney could have easily uncovered the debtor's status by checking PACER, and ordered the attorney to disgorge the entire settlement amount to the trustee. On appeal, the district court remanded the case to determine if *sanctions* were appropriate against the PI attorney. Gene advised that there are hard lessons to be learned from this case, including that checking PACER should be part of the standard of care when representing a bankruptcy debtor, and that no advances should be made to such a client.

The meeting was held on Monday, March 13, at the Lotus Club, on the ninth floor of the historic Vantage/ONB Building on DeSiard St. in downtown Monroe. Some improvisation was needed, as the Inn's usual meeting space, the bar-restaurant, had been reserved that evening by the Young Professionals group of the Monroe Chamber of Commerce! After we relocated to the main dining area, members enjoyed the usual open bar and heavy hors d'oeuvres before the presentation began at 6:00 pm. A small but appreciative attendance of 13 received one hour of CLE credit. The Inn will hold one more regular meeting this season, on April 10.



Judge Walt Caldwell, of the Fourth JDC, had intended to go to the Chamber of Commerce function but popped in before the IOC meeting and visited with many old friends

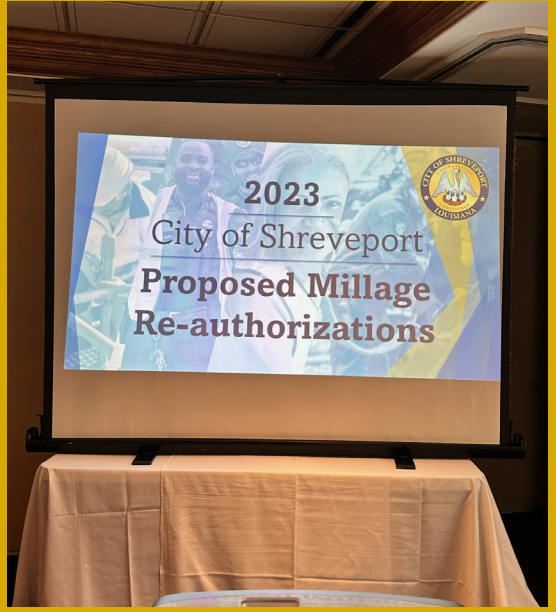


Gene Hastings, the Monroe Division's Chapter 13 Trustee, gave a casual yet informative overview of bankruptcy law and special issues affecting Chapter 13



Leah Sumrall, of LaSalle Manangement, Cyd Sheree Page, of Voorhies & Labbé in Monroe, and Shereba Diaz, a sole practitioner in West Monroe, posed for a group shot after the meeting.

MARCH LUNCHEON HIGHLIGHTS



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Chloe Moreno
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for Judge Elizabeth Foote*

Etheldreda Smith
American Electric Power



**CHAD M.
GARLAND**
CPA, LLC



Chad M. Garland,

CPA/ABV/CFF/CGMA, ASA,
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- Certified Valuation Analyst (CVA)*
- Master Analyst in Financial Forensics (MAFF)*
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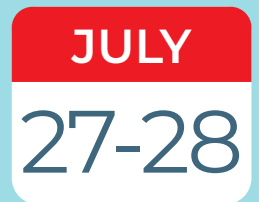
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Save the Dates 2023

Shreveport Bar Association's Continuing Legal Education



Lunch & Learn Series II
Perfecting the Art
of Cross-Examination



SBA Trial
Academy



Lunch & Learn Series III
Refresher on Trying a
Civil Jury Trial
Tips from the Pros



Recent Developments
by the Judiciary
Seminar



North Louisiana
Criminal Law
Seminar



December CLE
by the hour



UPCOMING EVENTS

*2023 SBA MEMBERSHIP LUNCHEONS

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

APRIL 6

Trial Advocacy Lunch & Learn Series I
12:00 Noon at Shreveport Bar Center
*Presenters: Hon. Elizabeth Foote
and Jim McMichael Jr.*

APRIL 25

SBA Golf and Pickleball Tournament
Querbes Park Golf Course

MAY 2

Give for Good Campaign
Event Locations:
Lowder Baking Company
Bodacious Bar & Q
Torchy's Tacos

*MAY 3

Law Day Luncheon
*Speakers: Hon. Frances Pitman and
Hon. Michael Pitman*

MAY 5

Red Mass
9:00 a.m. at
Holy Trinity Catholic Church

AMAZON WISH LIST

The Shreveport Bar Foundation is excited to announce the launch of its Wish List program for the Pro Bono Project, Legal Representation for Victims of Domestic Violence programs, and the Shreveport Bar Center through Amazon. This new wish list program allows our supporters to purchase supplies and other items needed to run our programs. This can range from pens (for the AAL clinics) to soap and paper products (for the building)! [Check out the full list of options!](https://www.amazon.com/hz/wishlist/ls/3EW9JTZSJNVEZ?ref=wl_share)

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Or scan the QR code.



SBA LUNCHEON MEETING – MAY 3

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; \$50.00 for non-SBA members. Advance reservation is required no later than 5 p.m. Monday, May 1.



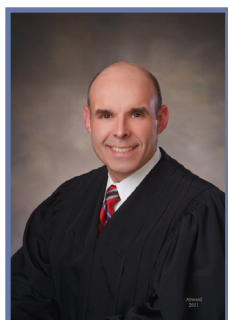
“The Cornerstones of Democracy”

When: 12:00 Noon on Wednesday, May 3

Where: Petroleum Club (15th floor)

Featuring: The Honorable Frances Pitman, Chief Judge
Second Circuit Court of Appeal
and The Honorable Michael Pitman, District
Judge First Judicial District Court

*This presentation is eligible for 1 hour Professionalism CLE credit.
The 2023 Liberty Bell recipient will be announced at the luncheon.*



Honorable Frances Pitman received a Bachelor of Arts from LSU-Shreveport and a Master of Communication Disorders from LSU Health Sciences Center. She also holds a Juris Doctor from LSU Law Center. Prior to her election to the Second Circuit Court of Appeal in November 2012, Judge Pitman was a judge at the First Judicial District Court. She is now the Chief Judge of the Second Circuit Court of Appeal and is the chairman of the Louisiana Conference of Court of Appeal Judges.

Honorable Michael Pitman graduated from Baylor University with a Bachelor of Business Administration degree and holds a Juris Doctor from LSU Law Center. Prior to his election in 2003, Judge Pitman served as Assistant District Attorney in Caddo and Bossier Parishes, where he prosecuted high-profile felonies. He also maintained a civil law practice and was a certified family law mediator. In his almost 20 years at the First Judicial District Court, Judge Pitman has served in the family, criminal and civil divisions.

Together they co-chaired the Shreveport Bar Association Continuing Legal Education programs for seven years and are both active members in The Harry V. Booth-Judge Henry A. Politz American Inn of Court. They both have a passion for wellness and are black belts in Tae Kwon Do. Judge Frances is an avid tennis player and captained several state championship teams, while Judge Mike participates in marathons and triathlons throughout the country. Please join us on May 3, as we celebrate Law Day.

#SHREVEPORTBARASSOCIATION

You may confirm your reservation(s) by email dsouthern@shreveportbar.com,
Phone 222-3643 Ext 3 or Fax 222-9272.

I plan to attend the May 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!