

THE BAR REVIEW

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EVENTS AT A GLANCE

6/15	Trial Advocacy Lunch & Learn Series 12: Noon – SBC
6/28	SBA Membership Luncheon 12:00 p.m. - Petroleum Club
7/27-28	SBA Trial Academy
8/11	Krewe of Justinian XXX Coronation Bal Sam's Town Casino

From The President

by Nancy Cooper, ngcoop23@gmail.com



ELEVATING THE THREE C'S

My baby just graduated from high school. His older sister and brother both traveled home to cheer him on as he crossed the stage, and we celebrated all weekend long. Needless to say, the Cooper house was a loud, festive, chaotic scene, as it's been most every day for the past 27 years – the driveway lined with cars, people coming and going at all hours, music blaring, shoes, jackets, guitars, backpacks and dirty dishes everywhere. But all that will change soon as our youngest child flies the nest. It's a thrilling, sobering, liberating, frightening, bittersweet moment for me.

The 2023 version of America that our son will be navigating, however, is a very different landscape than what I encountered after my own high school graduation back in the '80s. Things like technology and social media have created a host of complex landmines, and our hostile political climate feels more divisive than ever. In fact, the morning I sat down to begin drafting this article, I looked out the window to discover that overnight, someone had mutilated a campaign sign in my yard. It gave me such a sick, hopeless feeling – a reminder that Americans are more antagonistic and polarized than ever. But it also reminded me of the American Bar Association's National Law Day theme this year: **“Cornerstones of Democracy: Civics, Civility, and Collaboration.”** And this gave me hope.

While I was gearing up for my son's graduation this spring, the SBA was simultaneously planning our local Law Week activities (thank you Senae Hall!). So in keeping with the national theme of civics, civility and collaboration, I've been thinking a lot this year about how the SBA and our legal community can help alleviate some of the current hostility and division for our citizens of northwest Louisiana. The ABA's Law Day mission this year has been to generate a national wave of goodwill and a restoration of confidence in our rule of law by offering guidance to local bar associations on how we, as lawyers and judges, can help educate our community and rebuild our nation's trust in the rule of law. The LawDay.org website begins with this overture:

We invite all the people of the United States to join us in rebuilding trust in our institutions, respect for one another, and our willingness to collaborate to address the challenges that face our nation.

The idea of “rebuilding trust” really resonated with me, so I spent some time listening to ABA President Deborah Enix-Ross explain the impetus for their *Cornerstones of Democracy* initiative. She said that because many Americans see our current era as one of “combative polarization” and have lost faith in our laws, our courts, and our justice system, we as lawyers need to recommit to public education about our legal system. “We have to elevate the three C's – civic engagement, civility and collaboration – for all to see and hear,” she said, “because if we don't, our justice system will lose another C – confidence – from the public, and we cannot allow yet another C – cynicism – to drown out the value of law and democracy as a guarantor of liberty, justice, opportunity, human rights, dignity, and peace.”

Thus, the ABA is calling on local bar associations to organize community discussions about these topics. They suggest that lawyers reach out to work with a variety of stakeholders across the spectrum – academic institutions, business and faith leaders, journalists – in order to restore public confidence in our justice system and our rule of law.

They suggest we start by modeling civility.

“People look to lawyers to understand that we can have passionate disagreements but not have it devolve into destructive rhetoric,” says ABA President Enix-Ross. “In our communities, we do have a certain influence, so if we can go into our communities, whether at schools, community centers, et cetera, we can talk about the three branches of government and underscore their importance, explain laws and difficult topics, host discussions on important local issues, and provide people with information so they can make informed decisions.”

Continued on pg 2

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Continued from pg 1 "From the President"

Notably, Enix-Ross cited the Louisiana State Bar Association's *Judges and Lawyers in the Classroom* program as a "phenomenal" example of civic engagement and collaboration. (Geaux Louisiana!)

As part of our Law Week celebration each year, the SBA sponsors a high school essay contest reflecting the National Law Day theme. Our winner this year was Caddo Magnet High School senior Andrew Minagar who addressed the prompt: *Why is it important for citizens with different views to collaborate to support the rule of law?* I read his essay several times, eager to know how a graduating senior in 2023 might view democracy in America right now, given the tumultuous events of the last four years. I will reluctantly admit that I had to look up several words and refresh my foggy recollection of James Madison's *Federalist No. 10*.

In his *Federalist No. 10* document, Madison argues that the differing opinions of factions within our citizenry must be heard and considered by lawmakers because pluralism is necessary to avoid monocratic rule and to achieve the peaceful coexistence of human beings. Thus, he urges a republic form of government, as opposed to a pure democracy, to prevent the drowning out of minority interests. However, to achieve an effective republic form of government, *the people* must actively participate in the political process. They must practice civic engagement and they must not be discouraged or prevented from taking actions like voting, petitioning their representatives, starting a movement or running for office.

"The attributes of civics, civility, and collaboration are the hallmarks of an effective democratic process," writes Minagar in his essay. But then he takes it a step further, suggesting that if there's any doubt about the importance of these attributes, particularly collaboration, for a properly functioning democratic institution, we need look no further than our historical failures:

The necessity of civics, civility, and collaboration in the proper functioning of democratic institutions is heightened by an examination of their failures. In the lead-up to the American Civil War, for instance the 1836-1844 "gag rule" prohibiting the discussion of slavery in the House of Representatives inhibited the collaboration necessary to reconcile the profound differences between North and South. The legacy of such a failing of democratic collaboration is all the more apparent when considering conflicts such as Bleeding Kansas and the Civil War itself.

In his essay, Minagar goes on to highlight our nation's current controversy surrounding gun control as an example of our country's inability to civilly communicate or effectively collaborate, analogizing the wealthy gun lobby's "tight control of discussions of how to prevent gun violence" to the House of Representatives' "gag rule" imposed back in 1836. He also highlights the 1992 Maastricht Treaty – the foundation treaty of the European Union that was signed on the heels of the cold war and the reunification of Germany – as a compelling example of a successful collaboration that "marked an end to millennia of haphazard European conflicts by contributing to the formalization of a novel, far-reaching union." As Minagar explained, "for the first time in European history, members of dozens of disparate nations put aside their historical differences to find common ground and contribute to a brighter future."

I sat down with Andrew Minagar to ask him what kind of future he sees for America and how young adults going out into the world can try to improve things. He responded that first and foremost he will encourage young people to vote and to make their voices heard. He also hopes to see more regulation of social media and political money, both of which are contributing to the current "rise of fringe voices and the drowning out of moderate voices." Minagar will be attending Yale in the fall and studying biology with plans to earn his Ph.D. and focus on research. But he says he loves politics and plans to be active in Yale's numerous political organizations. I made him promise that he won't forget about us down here in Louisiana, and I look forward to checking back with him in four years to see what's next and how his view of the world has evolved.

As for my own son, he will not be studying science at Yale but will be studying music in New Orleans. Given our current political climate, perhaps we need more music in America right now. More opportunities to celebrate, unwind and connect. More opportunities to experience the therapeutic benefits of music in our daily lives, to help us process our emotions, prepare us for sleep, calm our road rage, or lower our blood pressure. Music is a universal language that can bring us together, lift us up and help us engage with one other in an enjoyable way. Maybe it can even help restore our trust and confidence in one another. Who knows? I don't know the answers, but I do know that I'll be down in New Orleans quite often during the next four years. So meet me on Frenchmen Street, or at the Bombay Club on Conti, or Uptown at Tipitina's. We can work on our civil engagement, civility and collaboration skills together.

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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SBA TRIAL ACADEMY

July 27-28, 2023

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

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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 instruction by faculty lawyers and judges.

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 (provided in Jury Rm)
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
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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>

How Write You Are

by Hal Odom Jr., rhodom@la2nd.org

They're not driving. The word choice in two recent opinions caught my attention. "Obviously *carless* acts are those that lay jurors can perceive." *Payne v. St. Bernard Parish Hosp. Serv. Dist.*, 21-0135 (La. App. 4 Cir. 12/1/21), 2021 WL 5629897. In all fairness, medical malpractice is usually committed without an automobile! "Plaintiff contends that Defendant * * * operated his vehicle in a *carless* and reckless manner." *Guerrero-Ortega v. State Farm*, 2023 WL 2386851 (E.D. La. 2023). If you're operating a vehicle, can you be *carless*?

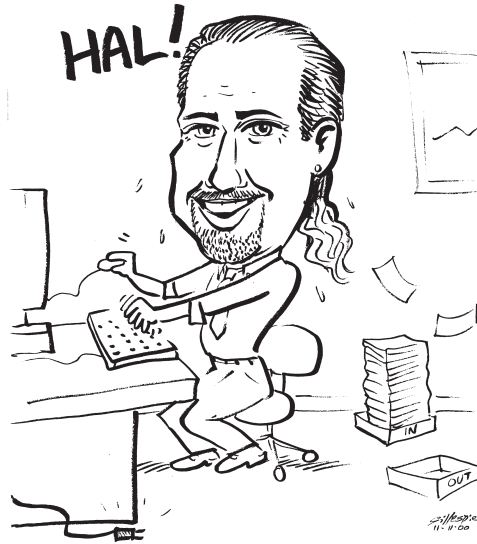
Obviously, the writers meant *careless*. However, Spell check will not catch this; *careless* is the term for *not owning a car* or *too poor to afford a vehicle*. "The evidence does not seem to support the idea that migration to suburbia by *carless* households is a significant factor in the growth of fatal pedestrian/vehicle collisions." Michael Lewyn, Zoning & Land Use Planning, 49 Real Est. L.J. 365, 369 (Spring 2021). Proper use of this word will be exceedingly rare, so a little proofreading is the way to go.

More automotive negligence. Another opinion reported an autopsy finding: "Subsequent investigation revealed the letters ["YNW" tattooed on the victim's arm] were the initials of a gang called "Young and Wreckless." *State v. Braggs*, 22-1008 (La. App. 3 Cir. 3/6/23), 2023 WL 2362487. This was the spelling choice of a criminal gang, but the error is not confined to gang turf. "Petitioner further alleges that in furtherance of his efforts, [defendants] negligently, *wrecklessly* and wantonly failed to properly and sufficiently investigate[.]" *Desormeaux v. Romero*, 560 So. 2d 658 (La. App. 3 Cir. 1990). "Plaintiffs allege that the sole cause of the accident was the combined negligence, * * * *wreckless* conduct and intentional *wrecklessness* and carelessness of [defendants]." *Benjamin v. First Horizon Ins. Co.*, 563 So. 2d 1337 (La. App. 3 Cir. 1990). Perhaps the courts were merely quoting the petitions, though quote marks were not used.

If you are ever tempted to use the concept of *wreck + less*, use *accident-free*. If you see it in a police report, consider a discreet correction: "Plaintiff's response included an affidavit * * * that he 'had appeared in Open Court at Blanchard and Orally moved for an appeal of the conviction of Careless and Wreckless [*sic*] Driving.'" *Sanders v. City of Blanchard*, 438 So. 2d 714 (La. App. 2 Cir. 1983). Fortunately, Spell Check will flag this, so there is not too much danger of running off the road.

Counting on duty-risk. The jewel in the crown of Louisiana tort jurisprudence is *duty-risk analysis*. When the Supreme Court reverently invokes this concept, it often tries to break it down into intuitive parts, called *elements*. Over the years, I have tried to track how many elements go into a duty-risk analysis.

Early cases, perhaps following common law, referred to *negligence claims* as consisting of *three elements*, "fault, causation and damages." *Cole v. Celotex Corp.*, 599 So. 2d 1058 (La. 1992); *Burmaster v. Plaquemines Parish Gov't*, 07-2432 (La. 5/21/08), 982 So. 2d 795; *Eagle Pipe & Supply v. Amerada Hess Corp.*, 10-2267 (La. 10/25/11), 79 So. 3d 246.



Then, some negligence and strict-liability cases cited *four elements*, "duty, breach, causation, and damages." *Meany v. Meany*, 639 So.2d 229 (La. 1994); *Henderson v. Nissan Motors Corp.*, 03-606 (La. 2/6/04), 869 So. 2d 62; *Reynolds v. Bordelon*, 14-2362 (La. 6/30/15), 172 So. 3d 589.

Recent cases, overwhelmingly, are dissecting duty-risk into *five elements*, "(1) the defendant had a duty to conform his conduct to a specific standard (the duty element); (2) the defendant's conduct failed to conform to the appropriate standard (the breach element); (3) the defendant's substandard conduct was a cause-in-fact of the plaintiff's injuries (the cause-in-fact element); (4) the defendant's substandard conduct was a legal cause of the plaintiff's injuries (the scope of duty element); and, (5) proof of actual damages (the damages element)." *Mathieu v. Imperial Toy Corp.*, 94-0952 (La. 11/30/94), 646 So. 2d 318; *Bufkin v. Felipe's La. LLC*, 14-0288 (La. 10/15/14), 171 So. 3d 851; *Doe v. McKesson*, 21-00929 (La. 3/25/22), 339 So. 3d 524.

Most recently, the court appears to have fully fixed on the five-element approach, in *Farrell v. Circle K Stores Inc.*, 22-00849 (La. 3/17/23), 2023 WL 2550503. The interesting thing about this opinion is that it explicitly unifies duty-risk with negligence: "Whether a claim arises in negligence under La. C.C. art. 2315 or in premises liability under La. C.C. art. 2317.1, the traditional duty-risk analysis is the same." The second element, breach of duty, is then dissected into *four factors*, called the "risk-utility balancing test," "(1) the utility of the complained-of condition; (2) the likelihood and magnitude of harm, including the obviousness and apparentness of the condition; (3) the cost of preventing the harm; and (4) the nature of the plaintiff's activities in terms of social utility or whether the activities were dangerous by nature."

Substantively, the court held that "open and obvious" is part of the breach of duty element, falling under the "likelihood and magnitude" factor. As a corollary, just because a condition is open and obvious does not necessarily mean the defendant has no duty to protect against it. On the facts presented, the court found that a puddle on the edge of a Circle K parking lot in Pineville was not unreasonably dangerous; the plaintiff went home empty-handed, on MSJ.

For legal writers, *Farrell* means you should discard any old boilerplate or forms that defined negligence/duty-risk as comprising three elements, or four, and enter the five elements as recited in *Farrell*. And, if your issue is "open and obvious," be sure to slot it in the second element (breach), second factor (likelihood and magnitude of harm). Given the phrasing of the elements and the factors, and their sheer numerosity, there is plenty of room to argue just about any facts in any case.

Not so casual! "In determining the percentages of fault, the trier of fact is to consider the nature of the conduct of each party at fault and the extent of the *casual relation* between the conduct and the damages claimed." *Oleszkowicz v. Exxon Mobil Corp.*, 12-623 (La. App. 5 Cir. 12/19/13), 129 So. 3d 1272. Alas, the writer (or the typist) had an all-too-casual relationship with spelling!



Federal Update

by Chris Slatten, Chris_Slatten@lawd.uscourts.gov

Brief it or Lose it: Defendants filed a motion to dismiss that challenged “all of Plaintiff’s claims.” Plaintiff did not brief certain claims in his opposition, nor did he mention them in a post-judgment motion. When he did raise them on appeal, the 5CA held that he abandoned the claims because “well-settled precedent instructs that a party abandons a claim by failing to defend it in response to motions to dismiss and other dispositive pleadings.” *McClelland v. Katy ISD*, 63 F.4th 996, 1010 (5th Cir. 2023). A defendant can also run afoul of this rule. *Vela v. City of Houston*, 276 F.3d 659, 679 (5th Cir. 2001) (defendant abandoned limitations defense by failing to raise it in summary judgment response).

Polling a Civil Jury: “After a verdict is returned but before the jury is discharged, the court must on a party’s request, or may on its own, poll the jurors individually.” Fed. R. Civ. Pro. 48. In *SEC v. Sargent*, 66 F.4th 11 (1st Cir. 2023) a 10-day civil trial resulted in a verdict for the SEC. The clerk read the verdict and then asked the jury (collectively) if that was their verdict. They said yes. The defendant then asked, “Can we poll the jury?” The trial judge denied the request, but he admitted the next day that denying individual polling had been a clear violation of Rule 48.

The issue was whether that mistake automatically entitled the defendant to a new trial or could be harmless error. The 1CA held that a new trial was mandated. So when the verdict is against you, ask for individual polling and hope that the judge says no. Or as Frank Maraist said, “If you lose, poll. If you win, roll.” I believe you will find, however, that our local judges individually poll civil jurors even without a request.

Exhaustion of Administrative Remedies for Inmates: If an inmate wants to file a federal claim against jail or prison officials for excessive force, denial of medical care, religious discrimination, or the like, he must first exhaust the administrative remedies available to him. Louisiana state prisons and most local jails have an administrative remedy procedure for filing administrative grievances. There is usually a two or three step process.

The exhaustion requirement is rooted in 42 U.S.C. § 1997e(a), which provides: “No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” The statute is interpreted broadly and applies to claims of excessive force or denial of medical care. *Porter v. Nussle*, 122 S.Ct. 983 (2002); *Harris v. Hegmann*, 198 F.3d 153 (5th Cir. 1999). Filing a grievance tolls the statute of limitations until the grievance is resolved. *Harris*, 198 F.3d at 158; *Gibson v. Barrere*, 2022 WL 2067833 (5th Cir. 2022). If the inmate files a civil action and then realizes he should

have exhausted, it is too late to save the suit. “Pre-filing exhaustion is mandatory, and the case must be dismissed if available administrative remedies were not exhausted.” *Gonzalez v. Seal*, 702 F.3d 785 (5th Cir. 2012).

The exhaustion requirement applies even when the prisoner has an attorney. *Shembo v. Bailey*, 2009 WL 129974, *3 (W.D. N.C. 2009). A lawyer who takes such a case needs to be aware of the exhaustion requirement and ensure that it is satisfied before suit is filed.

A lawyer who represents a corrections defendant should check exhaustion early and, if it has legs, file a motion for summary judgment. Do not file a motion to dismiss; failure to exhaust is an affirmative defense, and the defendant has to produce evidence to establish his entitlement to it “beyond peradventure.” That means a motion for summary judgment is the right tool for the job. *Logan v. Whittington*, 2020 WL 4812698 (W.D. La. 2020); *Stephens v. Prator*, 2017 WL 3775953 (W.D. La. 2017).

No Pro Se Companies: Some courts allow non-attorney corporate officers or members of an LLC to represent the entity in an eviction or other simple court proceeding. That is not allowed in federal court.

“In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.” 28 U.S.C. § 1654. Although § 1654 authorizes individuals to appear pro se, the statute is silent regarding corporations or other legal entities. The lack of authorization in § 1654 has been interpreted as barring corporations, partnerships, or associations from appearing in federal court without an attorney. *Rowland v. California Men’s Colony*, 113 S.Ct. 716 (1993); *Memon v. Allied Domecq QSR*, 385 F.3d 871 (5th Cir. 2004); *Southwest Express Co. v. Interstate Commerce Commission*, 670 F.2d 53 (5th Cir. 1982). If counsel for an entity withdraws, new counsel who is admitted to the court must enroll, or the entity may see its complaint dismissed or answer stricken.

Forum Selection Clause; No Contract: Blue Cord proposed a written construction contract with a forum selection clause (FSC) that set venue in Florida. Avallone countered with a revised draft that omitted the FSC and changed other terms. Neither version was signed by both parties. Performance began, but the relationship soured. Avallone filed suit in Shreveport, and Blue Cord moved to transfer to Florida based on the FSC. Motion denied. There was no evidence of offer and acceptance of the particular contract that included the FSC. *Avallone Architectural Specialties, LLC v. Blue Cord Design & Constr. LLC*, 2023 WL 2995924 (W.D. La. 2023) (Hornsby, M.J.).

SBA Member Memorials: A LOOK BACK

by Chris Slatten, Chris_Slatten@lawd.uscourts.gov

The SBA's annual memorial and recognition ceremony will be held in November to recognize our members who departed in the last year and welcome our new members. All past memorials are on the Caddo Clerk of Court website under the link for Memorials. In the months leading to this year's ceremony, we'll take a look at a few of the many interesting tributes penned over the years.

John Francis Slattery (1936): The subject of our earliest recorded memorial was born in 1877, educated at Grand Couteau College and St. Mary's College (KS), served in the Spanish-American War, was admitted to practice in 1900, and served as a U.S. Commissioner in the WD LA. He practiced with his father, John B. Slattery, who erected the Slattery Building, "one of the most prominent buildings in Shreveport."

"John Slattery was a very quiet and unassuming man. He was always courteous, thorough, cheerful, and trustworthy. His happy disposition, his good sense of humor, and his broad charity and uniform courtesy made him a very pleasant companion and associate."

Leon O'Quin (1979): This gentleman attended Washington and Lee College and the LSU Law School. He began his practice in Coushatta in 1915, then joined the army in 1917 and served as an officer in France. After the war, he attended Sorbonne University (Paris) until he returned home in 1920 and joined a local firm that still bears his name—Blanchard, Walker, O'Quin & Roberts—where he worked until his death in 1979.

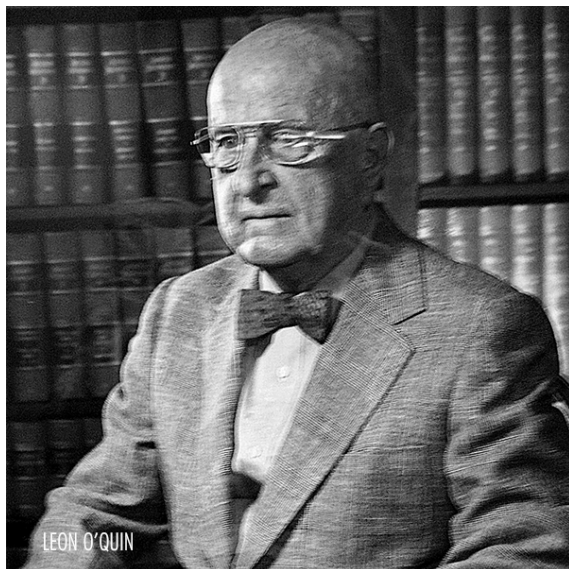
"We would here record him as essentially a legal scholar engaged in practicing law. In study and research he worked alone, totally absorbed in exploring, in his thought, every aspect and possibility of his subject, and in searching out every precedent and authority that could bear upon it He was a very private man with a strong sense of personal dignity. He did not seek, nor welcome, casual company, but was a staunch and loyal friend."

Donald L. Baker (2012): Frances Tutu Baker, the only one of Don Baker's six children to become a lawyer, presented his memorial to honor him and his more than 70 years of practice that ended with his retirement at age 96. Tutu began by noting that her dad "always attended this ceremony because he was afraid that if he didn't show up people would think he had died." Young Don was in Florida when a friend said, "Huey Long has made LSU a place where a poor boy could go to school." Don's father responded, "That's you, son," so Don and nine of his friends came to Louisiana to attend LSU.

"Growing up with Daddy as a lawyer was an enriching, wonderful experience ... We always had chickens and greens in our refrigerator because if that was the only way a client could pay, Daddy accepted that as his fee. Whenever we came home from school and saw a 'new' used TV in the den, we knew that Bobby, Daddy's client who owned a TV repair shop, had needed Daddy's legal services ... He was a good and honorable man, full of integrity until the very end. The Shreveport Bar Association is better for having had Don Baker as a member for almost 70 years."



Donald L. Baker



Leon O'Quin



Second Circuit Highlights

by Hal Odom Jr., rhodom@la2nd.org

How long was it on the floor? Ms. Cotton went with her mother to the Walmart Supercenter on Mansfield Rd. In the produce area, walking up to the bag dispenser, she slipped and fell in an unknown substance on the floor, and sued for her injuries. Walmart moved for summary judgment, citing Ms. Cotton's (and her mother's) deposition testimony that they did not know what was on the floor or if anybody at Walmart knew it was there. Ms. Cotton opposed, citing other portions of her deposition that described a "clear, slimy puddle," and the deposition of Walmart's asset protection manager, Mr. Thomas. He viewed the video of the accident and admitted there were "brown stains" that appeared to have dried near the base of a produce stand, it was "possible" these came from handling, weighing and bagging produce, and they appeared to have been there a while. He also stated that the floors are supposed to be cleaned daily, but this did not always occur because too many "associates" didn't show up for work. He added that no employee had the specific duty to patrol the floor of the produce area.

After a hearing, the district court found Walmart lacked actual or constructive knowledge of the substance's presence on the floor, and all Ms. Cotton's assertions were speculative. It granted summary judgment, and Ms. Cotton appealed.

The Second Circuit reversed and remanded, *Cotton v. Walmart Inc.*, 54,983 (La. App. 2 Cir. 4/5/23), in an opinion by Judge Stone. The opinion laid out the basic law of summary judgments, La. C.C.P. art. 966, of the Merchant Liability Statute, La. R.S. 9:2800.6, and noted that the plaintiff's burden in such a case is "heavy," *McDonald v. PNK (Bossier City) LLC*, 53,561 (La. App. 2 Cir. 9/23/20), 304 So. 3d 143. In spite of this burden, the court found a genuine issue whether Walmart was complying with its own protocols – which required cleaning the floor only *once daily*. The court also cited Mr. Thomas's admission that it could take an hour for any employee to discover such a spill, given that checking the floor was not anyone's special duty. In short, the evidence could support a finding that the spill was on the floor long enough that reasonable diligence would have led to its discovery and remediation. Summary judgment was simply not appropriate.

Customers in a modern, enclosed, climate-controlled grocery store can expect a level of cleanliness and safety on the floors and aisles. What happens when the accident moves outdoors?

I saw nothing! Ms. Bourn pulled up to a gas pump at Missile Mart 11, on Louisville Ave. in Monroe. She edged her truck back and forth a few times to position her gas cap close to the nozzle. She opened her door to step down, but when her foot touched the pavement it slipped on something; she fell, injuring her back and arm. It transpired that moments earlier (anywhere from 1'41" to 4'44", depending on how the video footage was interpreted), a prior customer had

spilled about 1½ gallons of gas on the pavement, probably because of a defective O-ring in her fuel line; that driver hastily drove off without telling anybody. When Ms. Bourn pulled up, it was still wet and slippery. Ms. Bourn sued the gas station, its insurer and the unidentified driver with the leaky fuel line. The record does not show that the driver was ever identified or served.

The gas station and insurer moved for summary judgment arguing that Ms. Bourn could not make her case under R.S. 9:2800.6: she could not prove that they caused the spill, had actual or constructive notice of it or failed to exercise reasonable care. The short time frame (as they contended, 1'44") was key: nobody told them about the spill until Ms. Bourn came in injured; any vehicle parked at that pump would obstruct the view of the pavement for attendants inside the building; and, at any rate, the attendants were busy helping customers and could not have seen the puddle. Ms. Bourn, however, showed that the place was studded with surveillance cameras, such that attendants could see everything by just glancing at the video screens in the office. Had they done so, they could have hurried out, sprinkled the area with "Oil Dry" and thus abated the risk. She also argued that the time from spill to slip was actually much longer – between 3'22" and 4'44". The City Court found that the gas station had no knowledge of the spill and, even had it known, it had insufficient time to remedy it. The court granted summary judgment, and Ms. Bourn appealed.

The Second Circuit affirmed, *Bourn v. Federated Mut. Ins. Co.*, 54,977 (La. App. 2 Cir. 4/5/23), in an opinion by Judge Marcotte. After laying out the familiar law of summary judgment and the Merchant Liability Statute, the court cited a grocery store case holding that 13 minutes, inside on a shiny floor, is not enough to impute constructive knowledge, *Adams v. Wal-Mart Stores*, 18-1706 (La. App. 1 Cir. 9/27/19), 286 So. 3d 452; other indoor cases were also cited. Despite the disagreement over the exact time frame and whether the attendants were indeed too busy to watch their monitors and spring into action, there just was not enough time to support a finding of constructive notice.

Considering the amount of gasoline on the ground, it is fortunate that nothing more serious happened, like a flashfire, though this is probably little consolation to Ms. Bourn.

Save those receipts. Ms. Gauthier had a very bad streak of luck. In December 2015, her house burned down, and in January 2016, she slipped and fell on the steps of a mobile home that her insurer, State Farm, had provided for the duration of rebuilding. Prudently, she had three separate coverages: Coverage A, for the house itself, Coverage B, for personal property, and Coverage C, for temporary living expenses (whence the mobile home). State Farm paid her \$239,074 on Coverage A (actually over the policy limit), \$68,056 on Coverage B, and \$2,100 a month on Coverage C. For reasons not disclosed in the opinion, Ms. Gauthier never rebuilt the house; she claimed she had lost over \$218,000 in

personal property in the fire, but her proof of loss itemization came to only \$8,612. She went through a series of lawyers, the last of whom advised her, in March 2018, that she *might* have a malpractice claim against him for failing to file the property loss claim timely: he had mistakenly assumed the original payment interrupted prescription, and with this information, he withdrew from representing her. In June 2018 she filed a malpractice claim against him. The attorney and his firm moved for summary judgment on grounds that, owing to the overpayments on Coverages A and C, and the payment on Coverage B, she could not prove any loss. The district court agreed, granting summary judgment. Ms. Gauthier appealed, pro se.

The Second Circuit affirmed, *Gauthier v. Robinson*, 54,949 (La. App. 2 Cir. 4/5/23), in an opinion by Chief Judge Pitman. The court largely echoed the district court's reasoning: proof of loss is an essential element of a malpractice claim, *Costello v. Hardy*, 03-1146 (La. 1/21/04), 864 So. 2d 129; the overpayments on Coverages A and C, and the significant payment on Coverage B (\$68,056, despite documentation of only \$8,612) more than offset any potential loss occasioned by the attorney's failure to pursue the Coverage B claim timely. The court found not a great deal to discuss.

Holding onto a thick file of receipts might have made a difference in his case, but how many of us keep receipts for every stick of furniture, every piece of clothing, every electronic or tech device, souvenir or memento in the house?

How long can you argue? Ms. Hall, a certified nursing assistant at the Northeast La. Veterans Home, in Monroe, was driving north on Hwy. 165 when Ms. Bennett, who had been visiting her husband at the facility, edged out of the parking lot and dinged Ms. Hall's Hyundai Sonata. The impact did \$4,657 damage to the Hyundai, but Ms. Hall could drive it home. The next day, however, she started having low back and posterior pain; although she missed under one week of work, she started a grueling regimen of chiropractic adjustments, followed by a series of invasive lumbar medial branch blocks with a pain specialist. She sued Ms. Bennett and her insurer for her personal injuries, future medicals and mental anguish; in a deposition she denied any prior back pain.

The insurer, however, discovered prior doctor visits for similar complaints (and a prior auto accident), and hired an interventional pain care expert who diagnosed something called Bertolotti's syndrome, a preexisting condition that would have caused her current symptoms even without the fender-bender with Ms. Bennett. The matter went to a six-day jury trial in the Fourth JDC. The parties stipulated Ms. Bennett was solely at fault, the quantum of Ms. Hall's special damages and correctness of her medical records, and insurance coverage. Still, on the fifth day of trial, Ms. Hall's counsel filed a motion to extend time for closing arguments: the 30 minutes allotted was simply not enough; he wanted an hour. The district court denied this; later, the jury awarded Ms. Hall general damages of \$100,000 and the stipulated special damages, but denied all claims for mental anguish, future medicals and loss of enjoyment of life. Ms. Hall appealed contesting, among other things, the denial of

her request to extend the time for closing arguments.

The Second Circuit affirmed, *Hall v. Bennett*, 54,995 (La. App. 2 Cir. 4/5/23), in an opinion by Judge Ellender. The court reiterated that matters of trial procedure are subject to the court's discretion, La. C.C.P. art. 1631, including the length of closing argument, *Oliveaux v. St. Francis Med. Ctr.*, 39,147 (La. App. 2 Cir. 12/15/04), 889 So. 2d 1264. True, the evidence was fairly dense; Ms. Hall tried to show, without hiring her own expert, that Bertolotti's syndrome did not pass the *Daubert* test, and her economics experts projected future medicals north of \$1.7 million, countered by defense experts. Still, the court found that the parties' stipulations resolved some of the thorniest factual issues, and the request for extra time did not come until the fifth day of trial. Absolutely no abuse of the trial court's discretion.

It's all water under the bridge. Williams and another farming concern owned adjacent tracts along the Cypress Bayou Watershed, in Morehouse Parish; nearby, La. Hwy. 835, which formed a bridge at that point, crossed the bayou. In early February 2012, Williams went to the local DOTD office to report that the space under the bridge was blocked with silt and debris; after days of heavy rain, high water was threatening to flood his fields. He "expected" DOTD to send equipment to clear the blockage, but it didn't come, so two days later he called again, and was told that the necessary equipment was on another job but would be sent as soon as possible. It was, alas, too late; within five or six days of his initial complaint, water backed up under the bridge, flooded his fields and totally ruined his crop. He and his adjacent landowner sued DOTD. After some discovery, DOTD moved for summary judgment urging the discretionary immunity of R.S. 9:2798.1 protected its allocation of personnel and resources. After a hearing, the district court found no genuine issue, as the plaintiffs failed to produce any competent or admissible evidence that DOTD acted unreasonably and untimely to remove the blockage under the bridge. The plaintiffs appealed.

The Second Circuit affirmed, *Faith in Farming LLC v. State*, 55,011 (La. App. 2 Cir. 4/19/23), in an opinion by Judge Stephens. The opinion carefully reiterated the duty-risk analysis, *Berry v. State*, 93-2748 (La. 5/23/94), 637 So. 2d 412, especially the threshold question whether the defendant owed the plaintiff any duty at all, *Posecai v. Wal-Mart Stores Inc.*, 99-1222 (La. 11/30/99), 752 So. 2d 762. The court confirmed DOTD's duty to maintain all roadways in a condition that is reasonably safe for the motoring public, but found that DOTD is not the insurer "for all injuries or damages resulting from any risk posed by obstructions on or defects in the roadway." La. R.S. 48:21 A. In a footnote, the court stated that these plaintiffs were not the "motoring public"; in the body of the opinion, it found that failing to unclog the space under the bridge within six days of notification was simply not unreasonable. Judge Hunter concurred, stating that DOTD and the legislature should develop standards to address safety concerns such as these.

The opinion seems to say that DOTD has a certain standard of care to keep the driving surface of state highways safe and clear of debris, but *under* the bridge, not quite as high a standard.

BAR BRIEFS

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

CONGRATULATIONS!



Senae D. Hall to be sworn in as LSBA Young Lawyers Chair: On June 8, 2023, Senae D. Hall will be sworn in as the Louisiana State Bar Association Young Lawyers Chair. It's been 30 years since someone from Shreveport held this position. The swearing-in will take place at the LSBA Annual Conference in Destin, FL. Senae is a native of Shreveport and C. E. Byrd graduate. She received her Bachelor of Arts from Dillard University and her Juris Doctorate from Southern University Law Center. Senae is an Assistant District Attorney at the Caddo Parish District Attorney's Office.

Externs begin summer program at Second Circuit:

Pictured during orientation, May 22, 2023. Seated, l-r: Jack Ducote, of Baton Rouge (LSU Law Center, rising 2L), Trent Robertson, of Shreveport (LSU, rising 3L), Emily Boykin, of Shreveport (Mississippi College, rising 3L), Brooke Smith, of Benton (LSU, rising 3L). Standing: Camryn Jackson, of Shreveport (Southern University Law Center, rising 3L), Lee Dunford, of Bossier City (Loyola Law School, rising 3L), Coleman Nerren, of Benton (SULC, rising 2L).



2023 Law Day Essay Contest: The 2023 Law Day theme is *Cornerstones of Democracy: Civics, Civility, and Collaboration*. The SBA Law Day committee sponsored an essay contest and invited local high school 11th and 12th graders to submit an essay. Students were instructed to write an essay to identify an issue that has revealed divisions in American society. The winners are 1st place- A. Christopher Minagar, a senior at Caddo Parish Magnet High School; 2nd place- Kyleigh Tree, a senior at Benton High School; and 3rd place- Elizabeth Whitton, a senior at C.E. Byrd High School.



A. Christopher Minagar



Senae D. Hall, A. Christopher Minagar and Nancy Cooper



Elizabeth Whitton and Kyleigh Tree



Red Mass

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

On May 5, 2023, the 29th annual Red Mass was celebrated at Holy Trinity Catholic Church. Bishop Robert W. Marshall of Alexandria was the homilist. In his former career, Bishop Marshall was a Memphis lawyer practicing in a civil law setting. He spent some time in St. Louis with a major law firm. Consequently, his remarks were very relevant for the bench and bar in attendance. He did share that he did not miss the practice of law but also understood the demands of the legal profession.

Pastor Brady Blade and the Zion Baptist Choir began the music at 8:30 that morning. Pastor Blade has two sons who are internationally known musicians and Grammy Award winners. The St. Cecilia Diocese Choir was accompanied this year by a beautiful violin. Both made for an outstanding musical presentation accompanying the liturgy of this year's service.

Rabbi Jana De Benedetti read from the Old Testament in Hebrew. Judge Ramon Lafitte delivered the second reading in the traditional English.

Chief Judges Frances J. Pitman, S. Maurice Hicks Jr. and Ramona Emanuel started off the petitions, followed by Judge Karelia R. Stewart (First Judicial District Court), Judge Ree Casey-Jones (Caddo Parish Juvenile Court), Judge Desiree Duhon Dyess (Tenth JDC) and Judge Amy Burford McCartney



(42nd JDC). Nancy Cooper, president of the Shreveport Bar Association, read the last petition.

A reception traditionally hosted by the Shreveport Auxiliary was held after the Mass at the Second Circuit Court of Appeal.

Honoree Highland Center Ministries is quietly improving the Highland neighborhood one day at a time by providing a hub for services such as daycare, clothing closet, meals, tax preparation assistance, protection from loan sharking, education for new home buyers and many more outreach programs. This very successful not-for-profit endeavor has a very active board and volunteers, many of whom were present at the Mass. The accomplishments of this neighborhood outreach are truly amazing. The monetary contributions and volunteer hours from the neighboring churches are also significant.

Next year will be the 30th Red Mass and planning is underway for a suitable celebration. In the past Justice Antonin Scalia, Cardinal E. Edward Egan and Bishop Michael Coleman of South Africa have attended.

The younger Red Mass members, led by Retired Judge Jeanette Garrett, Judge Craig Marcotte, Zelda Tucker, Bill Fleming, Richard Hiller and Dale Cassidy, are working on a surprise guest.





Shreveport Bar Foundation

by David White dwhite1435@aol.com

As we head into summer and take time to get out of town, I would like to review some of the activities of the Bar Foundation.

Our Ask a Lawyer clinic, held every third Monday at 5:00 p.m., continues to grow. We are serving more people in the community with increased participation from our Bar. This is a great way to give back to the underserved members of our community. Many attendees simply need someone to listen to them, someone to break through a bureaucracy or tell them what kind of lawyer to contact. Even if you have the most specialized of law practices, you can contribute, and the clients are very grateful. Please join us.

In an effort to promote Give for Good, Dana, Mary, Lucy, Linnea and I recently had an opportunity to showcase the good work we do on KTBS's First News program with Rick Rowe. Viewers heard about the Ask a Lawyer program, Pro Bono Project, and our providing free legal representation of domestic violence victims in protective order court. Additionally, Linnea made a promotional video for our Give for Good campaign, highlighting all of our programs. She enlisted the assistance of local high school students with producing and editing the video and it is very professional.

This year's Give for Good campaign generated approximately \$6,000 for our programs. This year we partnered with Lowder Baking Company, Bodacious Bar & Q and Torchy's Tacos. On Give for Good Day, all three eateries generously donated a portion of their proceeds directly to the Shreveport Bar Foundation.

Thanks to the Red Mass Society and chairperson

Larry Pettiette for another wonderful and moving Red Mass. The music was spectacular as usual. Bishop Marshall from the Diocese of Alexandria gave a very timely homily. He preached on the gospel lesson from Jesus's Sermon on the Mount. We lawyers are truly the peacemakers in today's divisive and corrupt society. The next time you feel the need to respond in kind to scorched earth tactics, remember, "Blessed are the peacemakers."

Finally, an example of the type of lawyers we have was recently illustrated by Mary Winchell and Holland Miciotto. During the course of Mary's representation of a domestic violence victim, the client was wrongfully arrested. The client appeared in proper person in Caddo District criminal court. Holland Miciotto was there on another case. He volunteered to assist her and he ultimately was able to convince the district attorney to dismiss all charges. Mary is working with local law enforcement to effect institutional changes in how protective orders are served on the defendants.

See you at the Bar Center.



SBF and SBA Staff



Gemma Zuniga and Steve Valenzuela



Karen Smith, Phoebe Purvis and Fayline Bass



Kendall Riggs and Callie Jones



Linnae Magyar, Nancy Cooper and Lucy Espree



Kenny Haines and Carey Schimpf



Lucy Espree, Heidi Martin and Linnae Magyar

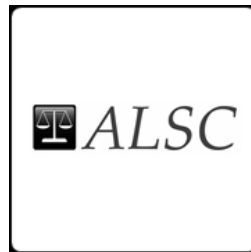


Whitney Howell and Anna Priestley



Stacey Williams

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.





2023 Professionalism Award Nominations

Nominate Someone Who Deserves to Be Honored

The Shreveport Bar Association Professionalism Award will be presented at the October luncheon meeting, and the recipient’s name will be added to the permanent plaque which hangs in the Shreveport Bar Center. Prior recipients of this prestigious award are Frank M. Walker Jr., Kenneth Rigby, Justice Pike Hall Jr., Judge Henry Politz, Harry Nelson, Roland Achee, Edwin Blewer Jr., Judge Tom Stagg, Jackson B. Davis, Glenn

Walker, John Frazier, Michael S. Hubley, Vicki C. Warner, Reginald W. Abrams, A. M. “Marty” Stroud III, Samuel W. Caverlee, Charles C. Grubb, Zelda W. Tucker, James Stewart, Don Weir Jr., William J. Flanagan, James C. McMichael Jr., Judge Mark Hornsby, Lawrence W. Pettiette Jr. and Ben Marshall Jr.

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

Any attorney who meets the above criteria may be nominated by any other member of the Shreveport Bar Association. All nominations should be submitted in writing by **Thursday, August 31, 2023**, and mailed to:

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

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

SBA Professionalism Award Nomination Form

DEADLINE: Thursday, August 31, 2023

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

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

Signature

Name (printed)	
Signature	
Date	



Kelli Todd
Executive Director



2023 SBA Liberty Bell Award Recipient

For those that work in the legal system, our hope is that our work will support and advance our society, the American ideals of freedom under law and individual rights and responsibilities. Since 1965 SBA has presented the Liberty Bell Award. In presenting the award, we recognize great people and organizations who do as much or more to advance the same goals – individual freedom and happiness with responsibility and a peaceful, righteous society. On Wednesday, May 3, the Shreveport Bar Association presented Volunteers for Youth Justice with the 2023 Liberty Bell Award.

Volunteers for Youth Justice (VYJ) was established in 1981 by members of First Presbyterian Church of Shreveport with the goal of providing intervention services to children involved in the juvenile justice system. Over the past 40 years, VYJ has adapted and expanded to meet the needs of our community and currently operates six main divisions: FINS (Court Program), TASC (Truancy Assessment & Service Center), TBRI (Trust-based Relational Intervention), Youth Programs, CASA (Court Appointed Special Advocate), and the Misdemeanor Referral Center. With over 65 full-time employees, these programs

rely on volunteers to provide advocacy for child victims of abuse or neglect and who are involved in the juvenile court system through no fault of their own. VYJ's programs provide educational diversion and developmentally appropriate services for juvenile offenders, truancy programs to keep students in the classroom, mentoring services to support students, and advocacy services to children in foster care. **CASA** (Court Appointed Special Advocates) is a national program that VYJ operates on a local level to ensure that each abused or neglected child in foster care has an advocate to speak in the court system on their behalf. The primary objective is to ensure that each child is placed in a safe, permanent home. **FINS** (Families in Need of Services) is a court program for families on the verge of crisis due to the ungovernable behavior of a child. The primary goal of FINS is to secure appropriate services to remedy the family's dysfunction and secure appropriate services to remedy the cause. **MRC** (Misdemeanor Referral Center) assists law enforcement officers in processing juveniles charged for delinquent offenses, by evaluating and referring to community-based resources for needed services and thereby kept out of the Juvenile Detention Center. **TASC** (Truancy Assessment Service Center) works hand in hand with all 39 Caddo elementary schools to facilitate principals, teachers, students and families to coordinate interventions to prevent continued unexcused school absences. **TBRI**[®] (Trust-based Relational Intervention) is an attachment-based, trauma-informed intervention that is designed to meet the complex needs of vulnerable children. Our Implementation Specialists work in the Caddo Parish Juvenile Court, 5 pilot schools, and have extended to reach the inmates in Caddo Correctional Center with 10-week trainings that are producing tremendous results. **Youth Programs** consists of 5 divisions to encompass Teen Court, GEMS & GENTS Mentoring, Leadership Academy, Conflict Resolution and JumpStart.

Please join us in congratulating Volunteers for Youth Justice on their well-deserved Liberty Bell Award.



Caddo Parish Juvenile Court Hon (Ret)
Judge David Matlock, Kelli Todd and (Ret)
Judicial Administrator Ted Cox



Senae Hall, Kelli Todd
and Nancy Cooper



Senae Hall, Shonda Houston Dotie, Director of Youth
Programs, Kelli Todd, Felicia Hamilton, Board President,
and Clifton Tate, Board Member

LAW DAY 2023

The Shreveport Bar Association has celebrated Law Day since 1965 through numerous educational and service-oriented projects that span the entire week. The SBA Law Day Committee worked to develop educational and engaging events centered on this theme to share with local students, attorneys, and the public at large.

On **Wednesday, April 26**, Allison Jones, Steve Soileau and Gemma Zuniga participated in a panel discussion on voting rights, 1st and 2nd Amendments to the Legal Studies and Pre-Law students at Centenary College.

On **Monday, May 1**, Senae Hall, Brittany Arvie, Alonzo Jackson, Starleana Brandon, Audrius Reed and Angela Waltman participated in a panel discussion on Children and the Law to the Raider Court class at Huntington High School.

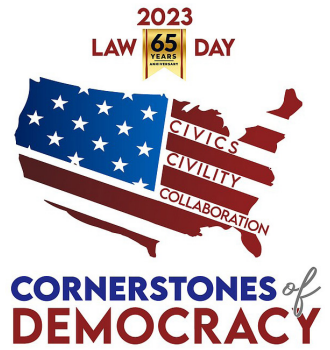
On **Tuesday, May 2** a group of volunteers went to Atkins Elementary School to spread the Law Day theme through a mock trial: *We, the Jury: Mock Trial Script for the Trial of Alexander T. Wolf*, based on the story of "Three Little Pigs."

On **Wednesday, May 3**, in collaboration with the Booth-Politz Inn of Court we held our Law Day Luncheon. We

welcomed Judge Frances J. Pitman and Judge Michael A. Pitman who generously agreed to be our speakers for the Law Day Luncheon. We traditionally present the Liberty Bell Award to a local citizen or organization who has demonstrated a commitment to the community and has advanced the rule of law. Today we recognize Volunteers for Youth Justice as the recipient of this year's Liberty Bell Award for their many years of service to our community.

On **Thursday, May 4**, Felicia Hamilton, Caity Cline, Helen Mars, Anna Priestley, Brittany Arvie, Mekisha Smith-Creal, Victoria Washington, Courtney Ray, Sarah Hood, Cheyenne Wilson, Alex "A.J." Washington, III went to Walnut Hill Elementary for "WE THE KIDS.... Learning with Lawyers" program.

On **Friday, May 5**, the Red Mass Society of Shreveport held the Annual Votive Mass of the Holy Spirit at Holy Trinity Catholic Church in downtown Shreveport.



Gemma Zuniga, Allison Jones and Steve Soileau discuss the 2nd Amendment.



Walnut Hill Elementary School volunteers are Felicia Hamilton, Caity Cline, Helen Mars, Anna Priestley, Brittany Arvie, Mekisha Smith-Creal, Victoria Washington, Courtney Ray, Sarah Hood, Cheyenne Wilson, Alex "A.J." Washington, III



Audrius Reed, Brittany Arvie, Alonzo Jackson, Senae Hall, Angela Waltman and Starleana Brandon



Senae Hall and Angela Waltman



Steve Soileau, Gemma Zuniga and Allison Jones



Walnut Hill Program



Atkins Elementary School volunteers are Starleana Brandon, Caitlin Cline, Senae Hall, Brittany Arvie, Victoria Washington, Courtney Ray, Audrius Reed, Alex "A.J." Washington, III, Michael Anderson, Cheyenne Wilson and Terry "T.J." Pittman



Walnut Hill Program

SBA LAW DAY AND BOOTH-POLITZ INN OF COURT LUNCHEON HIGHLIGHTS



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OPENING DATE: April 28, 2023

CLOSING DATE: May 29, 2023

UNCLASSIFIED POSITION

ASSISTANT CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY

**SALARY: 55,000 -62,000
(depending on experience)**

DUTIES: Serve as legal advisor to the Mayor, City Council, department heads and division heads of the City of Shreveport. Also, provide legal assistance to various boards, commissions and agencies of the City of Shreveport. Duties will include reviewing contracts, agreements and other legal instruments, preparing resolutions and/or ordinances for the consideration by the City Council. Represents the City in litigation to which the City has an interest, prepares legal pleadings, attend court hearings, depositions, trials. Assisting in the formulation of the City policies and procedures and reviewing stated legislation. Supervise assigned employees. May serve as prosecutor for all traffic, municipal ordinance violations, DWI's and state criminal charges in Shreveport City Court.

Applicants should send resumes to: City of Shreveport, City Attorney's Office, Attention: Zelda Tucker, P. O. Box 31109, Shreveport, LA 71130. Or email at Zelda.Tucker@shreveportla.gov.

PLEASE DO NOT CALL

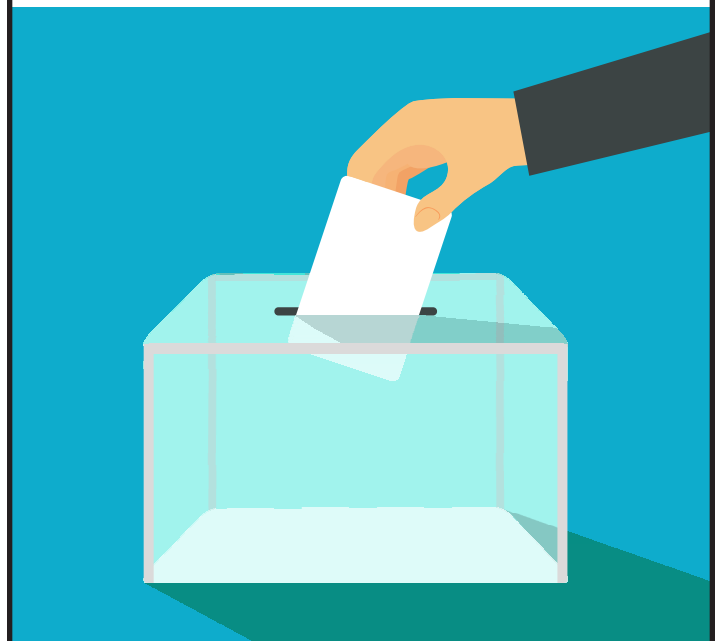
SBA OFFICER ELECTION PROCEDURES

The Officer Nominating Committee, consisting of the five most recent past presidents of the Shreveport Bar Association, will meet this summer to nominate the 2024 SBA Vice-President and Secretary-Treasurer Elect. The Officer Nominating Committee will report its nominations to the Elections Committee on or before August 15, 2023, and those nominations will be announced in the September issue of *The Bar Review*. **Nominations for the offices of Vice-President and Secretary-Treasurer Elect may be made by any member in good standing of the Shreveport Bar Association who is not on senior status.**

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

All nominations, including any nominations from the general membership for the offices of Vice-President and Secretary-Treasurer Elect, **must be in writing and received by the Elections Committee, Shreveport Bar Association, 625 Texas Street, Shreveport, LA 71101, not later than 5:00 p.m. on Friday, August 15, 2023.** The nominations should include a brief biographical sketch, and, if not a self-nomination, must be accompanied by a signed statement of the nominee that the nominee will stand for election and serve if elected.

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





Noon-1:00 p.m.

June 15 and August 24, 2023

Approved for 2 Hour Louisiana CLE Credit

Shreveport Bar Center

625 Texas Street

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

Name _____ Bar Roll # _____

Address _____

Phone No. _____ Email Address _____

SBA Members - \$60 per session

Non-SBA Members - \$75 per session

Or

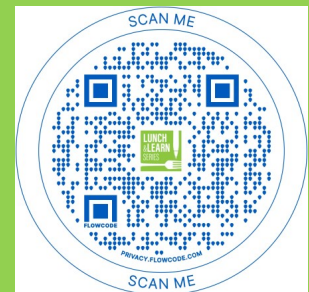
Registration includes one hour CLE credit and lunch per session

Please remit with payment to:

SHREVEPORT BAR ASSOCIATION

625 Texas Street, Shreveport, LA 71101

Questions, contact Dana Southern (318) 703-8373 or email: dsouthern@shreveportbar.com



Or register online:

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

**2023 RECENT DEVELOPMENTS
BY THE JUDICIARY
CLE BY THE HOUR**

*September 13-14, 2023
Hilton Garden Inn • Homewood Suites
Bossier City*



*Save the Date
Registration Coming Soon*



**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)*

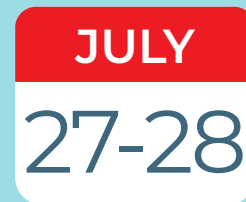
CASE TYPES:

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

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WWW.CHADGARLANDCPA.COM

Save the Dates 2023

Shreveport Bar Association's
Continuing Legal Education



JULY

27-28

SBA Trial Academy



AUG

24

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



SEPT

13-14

Recent Developments
by the Judiciary
Seminar



OCT

13

North Louisiana
Criminal Law
Seminar



DEC

13-14

December CLE
by the Hour



UPCOMING EVENTS

*2023 SBA MEMBERSHIP LUNCHEONS

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

JUNE 15

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

*JUNE 28

Law Day Luncheon
*Speakers: Professor Deleso Alford
and Chancellor John K. Pierre
Southern University Law Center*

JULY 27-28

SBA Trial Academy

AUGUST 11

Krewe of Justinian Coronation Bal
Sam's Town Casino

AUGUST 24

Trial Advocacy Lunch & Learn Series II
12:00 Noon at Shreveport Bar Center
Presenters: Patrick Jackson
and Larry Pettiette

SEPTEMBER 13-14

RECENT DEVELOPMENTS BY THE JUDICIARY CLE
Hilton Garden Inn, Bossier City

*SEPTEMBER 27

SBA Member Luncheon

*Speakers: Dr. Angela White-Bazile, Executive Director of the Louisiana Judges and
Lawyers Assistance Program, and Immediate Past LSBA President, Stephen Dwyer*

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/3EW9J TZS JNVEZ?ref =wl_share)

https://www.amazon.com/hz/wishlist/ls/3EW9J TZS JNVEZ?ref =wl_share

Or scan the QR code.



SBA LUNCHEON & CLE MEETING – JUNE 28

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, June 26.



Professor Deleso A. Alford

When: 12:00 Noon on Wednesday, June 28

Where: Petroleum Club (15th floor)

Featuring: Professor Deleso A. Alford and Chancellor JoÚ K. Pierre
Southern University Law Center

Topic: Southern University Law Center Off-Campus Instructional Site (OCIS) Status Update/ The Law of Unjust Enrichment, the First Immortal Human Cell Line and the Henrietta Lacks Case Update

This presentation is approved for one hour of CLE credit



Chancellor John K. Pierre

Professor Deleso A. Alford is a Shreveport native and is doing groundbreaking work bridging legal and medical education by telling stories—what she refers to as “HER stories”—the unique and particularized lived experiences of black women intersecting with health care and research. She has moved her scholarship into classrooms and the courtroom, benefiting law and medical students and society at large with her racially inflected lessons. Professor Alford earned a B.S., magna cum laude, at Southern University A&M College, a J.D. at Southern University Law Center and an LL.M. at Georgetown University Law Center. She has a Certification in Clinical Bioethics from the Medical College of Wisconsin. Deleso A. Alford, the Rachel Emanuel Endowed Professor, is also serving as the director of the off-campus instructional site (OCIS) team facilitating the establishment of a pathway to legal education opportunities to the north Louisiana region. She was recently appointed as the Managing Fellow for the Southern University Law Center (SULC) Health Equity Law & Policy Institute. On March 14, 2023, SULC Health Equity Law & Policy Institute held its

inaugural Henrietta Lacks Symposium: “Seeing Women Through the Lens of Genetic Justice, Reproductive Justice, and Criminal Justice.” Professor Alford’s panel, entitled “Genetic Justice & Medical Racism Panel,” featured civil rights attorney Ben Crump and fellow panelists Kim Parker, Doug Rendleman, Yusuf Henriques, Caprice Roberts and Robert Klonoff.

John K. Pierre was named Chancellor of the Southern University Law Center in mid-May 2016, becoming the seventh individual to head the institution. The Southern University Board of Supervisors approved the appointment at its March 18, 2016, board meeting. Before that, Pierre served as interim chancellor of the Law Center since July 1, 2015, following Chancellor Freddie Pitcher, Jr., who served as SULC head for over 12 years. Pierre has been on the law faculty of the Southern University Law Center since 1990. He was promoted to Associate Vice Chancellor for Special Projects in 2003 and to Vice Chancellor of Institutional Accountability and Evening Division on October 1, 2006. Additionally, he teaches commercial law, tax law, contracts and property. For seven years, Professor Pierre was involved in the Baton Rouge school desegregation case as co-counsel for the Baton Rouge Branch of the NAACP in *Davis v. East Baton Rouge Parish School Board*. He was also co-counsel in the landmark case of *McWaters v. FEMA*. Pierre is a member of the Louisiana State Bar Association, Texas Bar Association and the Society of Louisiana Certified Public Accountants. He earned a bachelor’s degree in accounting from Southern University A&M College in 1980, a master’s degree in tax accounting from Texas Tech University in 1982 and a Juris Doctor Degree from the Southern Methodist University, Dedman School of Law, in 1985. Pierre has published numerous articles on tax law, sales and contracts, real estate and commercial law, ranging from magazine features and legal journals to law review articles.

Please join us on Wednesday, June 28, as we welcome Professor Deleso A. Alford and Chancellor John K. Pierre.

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 June Luncheon.

Attorney: _____

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

The SBA pays for each reservation made.

No-shows will be invoiced.

Thank You!