

# THE BAR REVIEW

PUBLICATION OF THE SHREVEPORT BAR ASSOCIATION

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## EVENTS AT A GLANCE

6/26	SBA Member Luncheon – Noon- Petroleum Club of Shreveport
8/17	Krewe of Justinian Coronation Bal
8/22	Legal Technology Lunch & Learn Series– 12:00 p.m. – Shreveport Bar Center



## From The President

by Kenneth P. Haines, [kenny@weems-law.com](mailto:kenny@weems-law.com)

By the time you read this message, the calendar will have turned to June and we will be in the throes of the dog days of summer. Not much goes on in the SBA in the summer. Thus, I am allowed to venture afield from the norm. No need to promote a program, sell a product or achieve an aspirational goal. This month, I am allowed to highlight one of our members. A member, who at the age of 81, did something that I have not done nor will ever do in my life – complete the Boston Marathon. When, and if, I ever turn the ripe old age of 81, I hope to get out of bed unassisted ... maybe brush my teeth, assuming I still have any of those.

In reply to some questions I had for him, the focus of this message, 81-year-old Frank Bright, sent me an email indicating that he just got back from a 12-hour hike in the Grand Canyon. A typical day in the life of Frank. In my nearly 60 years on planet Earth, I have not spent any days on 12-hour hikes in the Grand Canyon, but I have flown over the Grand Canyon and do enjoy a 12-hour nap once in a while.

I met and know Frank Bright through my good friend and law partner of some 33 years, Carey Schimpf. We all regularly meet on Thursdays at the Fairfield Market and Grocery on Fern Loop in what I refer to as the “old man’s lunch.” I call it that because I am usually by far (at least 10 years) younger than anyone there. They all discuss their common experiences through days at the YMCA or through running. My role at these luncheons is to assist the others with their failing memories by performing Google searches to correct the inaccuracies of the conversation.



Suzanne Bright Cheering on husband Frank Bright as he runs in the Boston Marathon.

Continued on pg 2

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# J U N E 2 0 2 4

*Continued from pg 1 - From The President*

It is during these luncheons that inevitably the topic of discussion will turn to the sport of track & field. More specifically, to the old days (1970s) at LSU, when Carey became an All-American hurdler and Frank was a graduate assistant coach. Carey will always hold the record in a 440-yard event, because track events are no longer measured in yards.

And then there are the times where the conversation evolves to something current. Something a stranger meeting Frank Bright for the first time would never assume could happen. I say that because when meeting Frank Bright you encounter a humble and shy person. Frank's an enigma, because inside this man must tick the heart of a lion. Nothing else could explain that in April, at 81 years of age, he finished his 20th Boston Marathon (a 26.2-mile road race) in 4 hours and 44 minutes! And, he is already planning to run it again next year.

In his life, Frank has completed an astonishing 69 marathons, his first being in 1978 in Crowley, Louisiana. His running career started at Fair Park High School, when he was the statistician for the basketball team. As the story goes, it was just prior to his senior year, in what must have seemed like a scene from Forrest Gump, Frank outran the entire basketball team by a quarter mile in a preseason conditioning program. The track coach noticed and the rest, as they say, is history.

Frank spent 33 years practicing law in the fields of oil & gas, title work and estate planning. He retired from the practice of law at the age of 64. So, he has spent more years running marathons (46) than he did practicing law (33), and he is still running. Though I can only hope to practice law as many years as Frank runs marathons, I take inspiration from Frank's running life and hope you can too.

Practicing law, so they say, is like running a marathon. There are parts that you have to push through, test your limits and struggle on. I know that in my 35 years as a lawyer, there have been many difficult and grueling days. Days where you wonder if there is a finish line over this hill. But there are times when the breeze is at your back and you're making your best time. You see the finish line ahead. During my next tough time, I am going to think about my friend, Frank, and how he must feel about mile 23 in the Boston Marathon. And I am going to know that if Frank, at 81, can run the whole race, then so can I.



**Shreveport Bar Center**

**625 Texas Street, Shreveport, LA**

**Join us for one or more  
of our Lunch & Learn  
sessions in 2024!**

**Approved for 3 Louisiana  
CLE Credit Hours**



**12 pm - 1 pm**

**Aug 22**

**11am - 1pm**

**Dec 30**

**August 22**

**Legal Technology Update-Session II**

***Presented by Melissa Allen –U.S. Fifth Circuit Court of Appeals***

**December 30**

**Ethics & Professionalism –Session III**

***Last Chance to get your ethics and professionalism hours before the clock runs out. Presenters to be announced***

**To register visit:**

**<https://shreveportbar.com/lunch-learn-2024/>**





# Federal Update

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

## Arbitration and Transportation

**Workers:** The Federal Arbitration Act states that “nothing herein contained shall apply to contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce.” 9 U. S. C. § 1. The Supremes held in 2001 that § 1 is limited to transportation workers. In 2022, they held that an airline ramp supervisor who “frequently load[ed] and unload[ed] cargo” from airplanes fit the exception because she belonged to a “class of workers engaged in foreign or interstate commerce.” The decision focused on what the worker did for the employer, not what the employer does generally.

The plaintiffs in *Bissonnette v. LePage Bakeries Park St., LLC*, 144 S.Ct. 905 (2024) entered agreements with Flowers Foods, a large bakery, to deliver items to retail outlets. The plaintiffs also developed new customers, stocked shelves, set up displays, and did other non-driving tasks. They sued over whether they were contractors or employees. The lower courts pointed to arbitration clauses in their agreements and ordered them to arbitrate, reasoning that they were not exempt transportation workers because they were in the bakery industry rather than the transportation industry.

The Supremes reversed. Transportation workers “are connected by what they do, not for whom they do it.” A transportation worker is one who is actively engaged in transportation of goods across borders via the channels of foreign or interstate commerce, and he “need not work in the transportation industry to fall within the exemption” of § 1.

**FLSA; Motor Carrier Act Exemption:** Flowers Foods was also the defendant in a 5CA case where drivers sued the company for lack of overtime pay under the Fair Labor Standards Act. The FLSA states that the right to overtime does not apply to “any employee with respect to whom the Secretary of Transportation has power to establish qualifications and maximum hours of service” under the Motor Carrier Act, which in turn provides that the Secretary may only regulate motor carriers that participate in interstate transportation.

Some of the baked goods were made in bakeries outside of Louisiana, then shipped nightly to warehouses in Alexandria and Natchitoches. Within hours after arrival at a warehouse, the plaintiff distributors/drivers who ordered the goods picked them up and delivered them to customers. The drivers argued that they did not engage in interstate transportation because they picked up products at warehouses in Louisiana and delivered them to customers in Louisiana. But the 5CA has applied the MCA not only to the “actual transport of goods across state lines” but also to the “intrastate transport of goods in the flow of interstate commerce.” The MCA exception applied, even though the plaintiffs drove goods only within Louisiana, because they played a part in achieving the shipper’s intent to move goods between states. “Any way you slice it, the MCA exempts Plaintiffs from the FLSA.” *Ash v. Flowers Foods, Inc.*, 2024 WL 1329970 (5th Cir. 2024).

**Pipe Bomb Charge:** Defendant was charged with having a pipe bomb that was an unregistered “destructive device” in violation of 26 U.S.C. § 5861(d) & 5845(a)(8). The definition of a destructive device includes “any explosive . . . bomb,” but the term “shall not include any device which is neither designed nor redesigned for use as a weapon.” § 5845(f).

Defendant argued that his device was just a “makeshift roman-candle or fountain firework” that was “designed to emit a pyrotechnic display,” and that the Government did not prove that the device was designed for use as a weapon. The 5CA pointed to its precedent in *Beason* (1982) that the exceptions in § 5845(f) are affirmative defenses, not offense elements, so they must be proved by the defendant. *U.S. v. Brannan*, 98. F4th 636 (5th Cir. 2024). Some circuits agree, but the 11CA does not.

**Indian Tribes, Sovereign Immunity, and Jurisdiction:** Chief Standing Bear told us at the April luncheon that Indian tribes like his Osage Nation are sovereigns that enjoy sovereign immunity much like a state. Absent a waiver or congressional authorization, federal courts lack subject matter jurisdiction over a suit against (1) a tribe, (2) an arm or instrumentality of the tribe, or (3) tribal employees acting in their official capacities.

The plaintiffs in *Spivey v. Chitimacha Tribe*, 79 F.4th 444 (5th Cir. 2023) nonetheless sued a tribe, its casino, and tribal council members in federal court under § 1983 and tort law. The district court dismissed the complaint without prejudice. Meanwhile, the plaintiff refiled in state court; the defendants removed the second suit to federal court.

In the second suit, the district court (1) denied a motion to remand as futile because the state court would also lack jurisdiction and (2) dismissed the plaintiff’s claims with prejudice. Both steps were in error. There is no futility exception to the command in 28 U.S.C. § 1147(c) that the case “shall be remanded” if the court lacks jurisdiction, and a court that lacks jurisdiction is powerless to reach the merits and dismiss with prejudice. The district court was reversed and ordered to remand the case to the state court, which can make its own decision on whether it has jurisdiction.

**Arrest in Yard Illegal:** Officer saw a man standing in the man’s fenced front yard. The officer forced his way through a gate and made a warrantless arrest. The fence made the yard part of the curtilage that is protected by the Fourth Amendment to the same extent as the home, so the warrantless arrest was illegal. The hot pursuit exception did not apply because the suspect merely tried to move from the curtilage to inside his home, which is equivalent to being inside his home the whole time. *Sauceda v. City of San Benito*, 78 F.4th 174 (5th Cir. 2023).



# How Write You Are

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

**Write with “ease,” or without?** Legal writers are aware that the letter *e* at the end of a word is usually silent, but it is not meaningless. Consider the following:

“The requirement that the sentencing court ‘state for the record the considerations taken into account and the factual *basis therefore* in imposing sentence is part of the sentencing guidelines.’ *State v. Boudine*, 23-373 (La. App. 3 Cir. 11/29/23), 374 So. 3d 1147. “La. C. Cr. P. art. 894.1 \* \* \* requires a sentencing court to ‘state for the record the considerations taken into account and the factual *basis therefore* in imposing sentence.’” *State v. Caston*, 40,093 (La. App. 2 Cir. 10/26/05), 914 So. 2d 122. “We have repeatedly held that such a broad statement \* \* \* ‘does not satisfy the requirement that the trial court state for the record the considerations taken into account and the factual *basis therefore* in imposing sentence.’” *State v. Cupit*, 408 So. 2d 1108 (La. 1981). These cases, and many, many others, were trying to quote La. C. Cr. P. art. 894.1 C, which requires the court to state “the factual *basis therefor* in imposing sentence.” The word mistakenly used, *therefore*, is much more common and means *as a result* or *hence*; the statutory word, *therefor*, means *for it* or *in exchange*, and is correct for the sense intended in 894.1. Spell Check won’t catch this one, so if you are writing a sentencing memo, you simply have to know the right word.

“Carl asserts that the trial court erred in allowing *parole evidence* through testimony regarding child support and mortgage payments to vary the terms of the Receipt and Release[.]” *Britt v. Britt*, 22-523 (La. App. 3 Cir. 2/15/23), 357 So. 3d 935. “[A] purely gratuitous donation \* \* \* [was] an authentic act containing no conditions, which cannot be altered by *parole evidence*.” *Shall v. McAuliffe*, 23-0794 (La. App. 4 Cir. 4/10/24), 381 So. 3d 144 “Plaintiffs also argue that *parole evidence* is inadmissible to prove a conveyance.” *Zadeck v. Treme*, 2022 WL 4280296 (W.D. La. 2022). The word mistakenly used, *parole*, is much more common and means *conditional release from custody*; the intended word, *parol*, means *spoken only*, and is clear from La. C.C. art. 1847: “Parol evidence is inadmissible to establish either a promise to pay the debt of a third person or a promise to pay a debt extinguished by prescription.” (R.S. 44:325 also implies the meaning.) When you’re talking hearsay, you’re talking parol evidence.

“Mr. Victor was identified as R.V.’s father and Ms. Alexander’s former *fiancée*.” *Alexander v. Victor*, 23-173 (La. App. 3 Cir. 10/31/23), 374 So. 3d 1016. “At the time of sentencing, the defendant was supporting his *fiancé*, Laura Myers, as well as her child, and they had another child on the way.” *State v. James*, 23-238 (La. App. 3 Cir. 10/25/23), 373 So. 3d 509. “On the morning of April 30, 2018, Sharell Horton was traveling to work in a 2014 GMC Sierra truck owned by his *fiancé* Andrea Norwood.” *Horton v. Baton Rouge Police Dept.*, 23-0657 (La. App. 1 Cir. 1/19/24), 2024 WL 204461. The confusion is easily resolved: an engaged man is a *fiancé*, and an engaged woman is a *fiancée*. This usage, inherited directly from French, would also apply to same-sex engagements.



“The presentencing report outlines Ortega’s extensive drug use during his marriage, including abuse of alcohol, cocaine, \* \* \* synthetic *heroin*, and fentanyl.” *United States v. Ortega*, 93 F. 4th 278 (5 Cir. 2024). “Other items that belonged to her, \* \* \* I believe it was just over a gram of *Heroin*[.]” *State v. Williams*, 23-506 (La. App. 3 Cir. 2/7/24), 380 So. 3d 192 (quoting trial transcript). “Ms. Bernard’s toxicology tested positive for numerous specimens, including a *heroin* metabolite.” *State v. Richard*, 23-523 (La. App. 3 Cir. 3/20/24), 381 So. 3d 1087. The word intended, *heroin*, is a strong narcotic, derived from morphine and treated as a Schedule I Controlled Dangerous Substance, La. R.S. 40:964 B(11). The word used, *heroin*, is a slightly

archaic word for the *female hero of a novel or play*. In modern usage, *hero* would be applied to anybody – male or female – who saves the day.

**Speaking of e’s.** That staple of texting, and of much online communication, the emoji, made its first appearance in a Louisiana opinion in 2009: “Defendant asked, ‘[w]hat if she did?’ to which the agent responded with a smiling *emoticon* (an online mode of expressing emotion).” *State v. Prine*, 44,229 (La. App. 2 Cir. 5/20/09), 13 So. 3d 758. The term first broke into the U.S. Supreme Court more recently: “The first image B.L. posted showed B.L. and a friend with middle fingers raised \* \* \*. The second image was blank but for a caption \* \* \* [which] also contained an upside-down smiley-face emoji.” *Mahanoy Area Sch. Dist. v. BL*, 594 U.S. \_\_\_, 141 S. Ct. 2038 (2021).

The question might arise, do these things have any place in legal writing? Professional loss liability counsel for the La. State Bar Association recently wrote that while texting is fine for small bites of information, it runs the risk of “knee-jerk responses”; most legal advice should be conveyed in a meeting, a call or an email. And, if texting is appropriate, “Don’t use emojis, gifs or abbreviations.” Andrea Brewington Owen, “To Text or Not To Text,” 71 La. B.J. 248 (Dec. 2023-Jan. 2024). An earlier commentator suggested, more bluntly, “Prohibit the use of emojis (or their ‘ancient’ cousin, the emoticon) in all workplace communications.” “If a Picture Paints a Thousand Words, What’s Wrong with Emojis?” 27 No. 1 La. Emp. L. Letter 6 (Apr. 2018).

One court has noted that “impudent emojis, presumptuous rules for communications, and lack of acknowledgment, while certainly ill-mannered, do not rise to the level of ‘severe or pervasive.’” *Beckman v. Edwards Lifesciences LLC*, 2023 WL 6247302 (W.D. La. 2023). The use of fairly innocuous “thumbs-up” and “prayer hands” emojis, in ex parte texts with a litigant, factored into the suspension of a city court judge. *In re Denton*, 21-01801 (La. 3/25/22), 339 So. 3d 574. Maybe for professional communication we should just avoid these things altogether 🙄.

**Externs welcomed:** Participants in the Second Circuit's 2024 Summer Externship Program attended orientation on May 17. Pictured, left to right:



Externs

**Margaret Tullis**, LSU Law 2L, graduate of LSU-BR and Loyola College Prep, and is from Shreveport; **JeCinda Turner**, Mississippi College Law 3L, graduate of La. Tech, Byrd H.S., and also from Shreveport; **Holly Merriam**, Ole Miss Law 3L, graduate of U. of Maryland Univ. College, Arlington Baptist Christian School, Baltimore, Md., and from Sykesville, Md.; **Keegan Coon**, Baylor Law 2L, graduate of LSU-BR, Captain Shreve, and from Shreveport; **Mary Helen VanHoy**, Loyola (New Orleans) Law 2L, graduate of Hendricks College, Captain Shreve, and from Shreveport; and **Ainsley Tompkins**, LSU Law 2L, graduate of LSU-BR, Loyola College Prep, and from Shreveport. The program, which enhances law school training, is slated to run for five weeks. (Photo by Hal Odom Jr.)

## SBA April Lunch & Learn

On April 25, attorneys Katherine Gilmer and Sarah Giglio gave an excellent one-hour presentation on ***Tech Trends and How Lawyers Can Use Technology in their practice***. This session was the first of three Lunch and Learns in our 2024 Lunch and Learn Series. Thank you to Katherine and Sarah for taking the time to prepare and give this presentation.



Sarah Giglio and Katherine Gilmer



April 25 Lunch & Learn





# Red Mass

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

Celebrated on May 3, 2024, at Holy Trinity Catholic Church, the minor shrine for the five priests martyred during the 1873 Yellow Fever epidemic in Shreveport, the 30th Annual Red Mass was a tremendous success. Principal Homilist Christophe Cardinal Pierre, the Apostolic Nuncio from Rome, delivered an inspiring homily; he is from the same province in France as the five priests. In addition, the Nuncio's father was a French lawyer.

Concelebrating was the Bishop of Shreveport, Francis I. Malone. Those in attendance enjoyed music before the mass by Brady Blade and the Zion Baptist Choir. The liturgical music was outstanding from the Catholic choir and musicians under the direction of Aaron Wilson.

To honor the Cardinal, a sold-out banquet the evening before was a truly magical event with a talk from Fr. Peter B. Mangum on the canonization efforts for the five martyred priests. To a standing ovation, Bishop Malone introduced Msgr. Earl Provenza celebrating his 60th year as a priest on May 26, 2024. Msgr. Provenza is a past recipient of the Liberty Bell Award.



The banquet was skillfully handled by Valerie DeLatte, Sarah Giglio and Allison Foster. Lawrence W. Pettiette Jr. and Patrick R. Jackson were Co-Chairmen for the 30th Annual Red Mass celebration, all under the guiding hand of Fr. Duane Trombetta, Pastor of Holy Trinity Catholic Church.







# Pro Bono Project Update

Do Good Work ~ Hon. Henry A. Politz



This year's Give for Good campaign generated approximately \$4,350 for our programs. We partnered with Lowder Baking Company, The Glass Hat, and Casa Jimador. On Give for Good Day, all three eateries generously donated a portion of their proceeds directly to the Shreveport Bar Foundation. Thank you to everyone who gave to the Shreveport Bar Foundation during the annual Give for Good on May 7. We are thankful for your generosity.



**Funds raised will be used to help fund the SBF domestic violence program and Pro Bono Project. Donors are listed below:**

Mayor Tom Arceneaux	Michelle Garon	Michelle Perkins
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Elizabeth Carmody	Bernard & Cecilia Johnson	Marshall Rice
Nancy Cooper	Tommy Johnson	Barbara Rice
Lisa Cronin	Laurie Lyons	Chris Slatten
Valerie DeLatte Gilmore	Scott Maddox	Katherine Smith
Cheryl Duncan	Heidi & Drew Martin	Ashley Sugar-Bates
Karen Easterling	Ron & Natalie Miciotto	Don Weir, Jr.
Bill & Rebecca Edwards	Teri Nycum	David White
Hon. Jerry Edwards	Hon. Brady & Amy O'Callaghan	Mary Winchell-Cash

**CALL TO ACTION!** The Pro Bono Project is a great volunteer opportunity for lawyers to give back to their community. No one can provide legal advice or legal representation except lawyers. If you want more information about volunteering or have any questions about our current open pro bono cases, please contact Lucy Espree at 318-703-8381 or [lespree@shreveportbar.com](mailto:lespree@shreveportbar.com).

### Community Outreach Clinic Highlights

Our Community Outreach organized presentations at Caddo Magnet High School on April 17. Judge Craig Marcotte, Judge Jeff Cox, Judge Emily Merckle and attorney Sarah Giglio discussed legal issues teens face today. The students had the opportunity to ask questions and gain valuable information about the law and how to make good choices for their future. We hope this will become an annual event in each school in Caddo and Bossier parishes.



Judge Jeff Cox, Judge Craig Marcotte, Kaite Cole and Linnae Magyar



Judge Emily Merckle, Sarah Giglio, Linnae Magyar and Katie Cole



Judge Jeff Cox talks to the students at Caddo Magnet High School

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 of North Louisiana, Carolyn W. and Charles T. Beard Family Foundation, First Methodist Church, Grayson Foundation and the SBA Krewe of Justinian.







## 2024 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 that 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., Ben Marshall Jr. and Allison Anne Jones.

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 **Friday, August 30, 2024**, 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: Friday, August 30, 2024**

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)**

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**Signature**

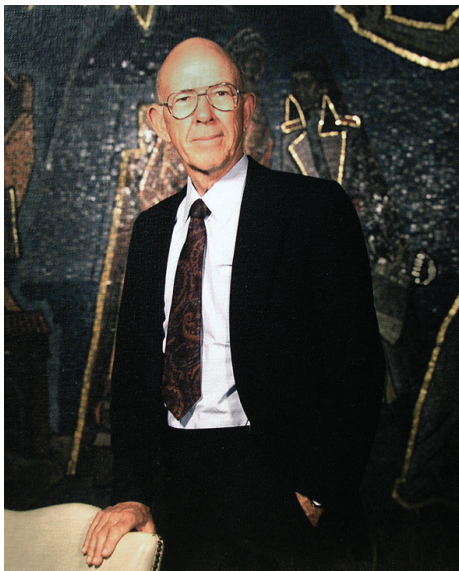
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<b>Signature</b>	
<b>Date</b>	

# SBA Member Memorials: A LOOK BACK

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

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

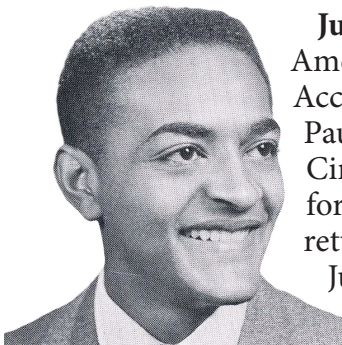
**Chief Justice John Dixon Jr. (2003):** John Dixon played football for Centenary, then spent a semester at LSU Law before a lack of money and WWII intervened. Robert Pugh, who delivered his memorial, said that John enlisted as a paratrooper and was dropped over Sicily as a leader of an anti-tank squad. He managed to land safely despite being fired on by his own navy. His squad knocked out several tanks but was surrounded and surrendered. John then sawed his way out of a boxcar while being transported through Italy, escaped, and was recaptured to spend 23 months as a POW. As the Russians approached, the Germans marched the POWs to the Allied lines to turn them over to the Americans. John took on more friendly fire from American aircraft that strafed the group during the march.



Chief Justice John Dixon

John finished his legal education at Tulane under the GI bill, practiced law in Shreveport, and was elected in succession to the First JDC, the Second Circuit and Supreme Court, where he became the first Louisiana chief justice to have been elected to all three tiers of the judiciary.

Mr. Pugh said that John and Justice Al Tate created what became the central staff at the supreme court to help catch up on hundreds of prisoner writ applications. John was also credited with taking on most of the judges of the appellate courts to restructure Louisiana's criminal appellate jurisdiction. Before July 1, 1982, all appeals of felony convictions bypassed the appellate courts and went directly to the supreme court. Mr. Pugh also credited John with completing a four-year project to modernize the state's rules of lawyer disciplinary enforcement.



Judge Paul Lynch

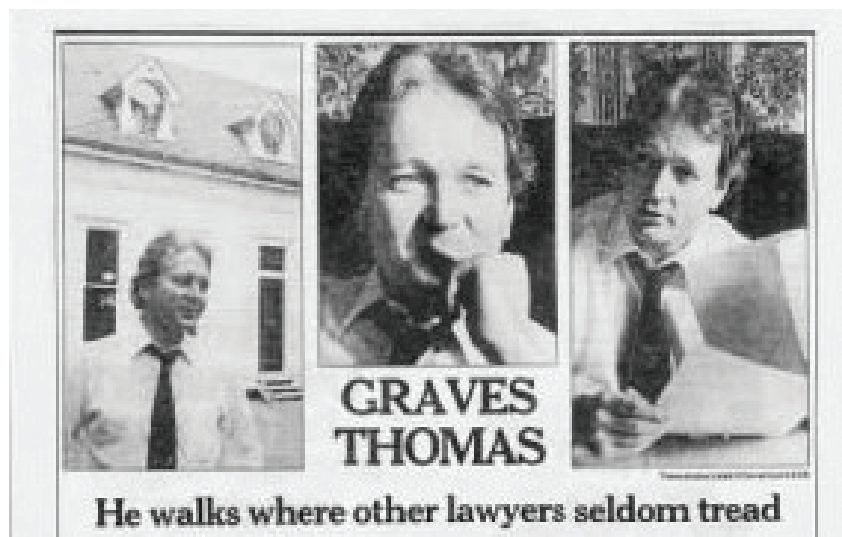
**Judge Paul Lynch (1982):** Paul Lynch became Caddo Parish's first elected African American district judge in 1979, where he served until his death just a few years later. According to the memorial delivered by Judge Donald Walter and an all-star committee, Paul was born poor and one of nine children. He graduated from the University of Cincinnati and the Southern University School of Law. After practicing in Shreveport for a year, he entered the army as a first lieutenant and left four years later as a major. He returned to Shreveport and became an Assistant U.S. Attorney. While in that role, the Justice Department appointed him to handle some high-publicity murder cases in the Virgin Islands.

Paul Lynch's judicial career was cut short by an early death, but his name is often mentioned today by those who practiced in that era. The committee said, "Every person whose life touched Paul's came away from the encounter the better for it."

**N. Graves Thomas (1987):** Graves Thomas died at the young age of 40 after being struck by lightning while boating on Lake Bistineau. Fellow criminal defense attorney Ed Greer delivered his memorial. Ed said that Graves served as a member of the Louisiana Attorney General's staff and as an Assistant United States Attorney before moving to the other side of the courtroom as a defense lawyer. He described Graves as a dedicated prosecutor and an equally committed defense lawyer who was willing to spend all night working on a brief and even argue his own ineffective assistance of counsel on appeal.

Graves served on the Shreveport Regional Arts Council and was a leader in the Historic Preservation of Shreveport. He owned a Victorian-style house that was the product of more than a decade of renovation. One Christmas season, an elaborate and expensive gingerbread house was donated to Sister Margaret to help brighten the holiday of poor children. It was only after Graves' death that she learned that it was he who purchased the house and donated it anonymously.

Ed said that we are tempted to say that Graves should have been allotted at least another 40 years. "But perhaps he sensed something that we haven't—because he seems to have packed a very complete life into that 40 year span."



The Times-Shreveport, Aug 9, 1981



# Shreveport Bar Association Archives – Judge Hank Politz

by Nyle Politz and Ben Politz, [blp@blplaw.com](mailto:blp@blplaw.com)

*“There ought to be no shortcuts  
with peoples’ rights.”*

Historically, the Shreveport Bar has the distinction of having four of its members serve as Circuit Judges on the U. S. Court of Appeals for the Fifth Circuit. Two Judges sit presently, namely, Senior Circuit Judge Jacques L. Wiener, Jr., and Circuit Judge Carl E. Stewart. Judge Wiener was appointed by President George H. W. Bush (Bush 41) and commissioned on March 12, 1990. He had been in private practice in Shreveport from 1961 to 1990 before his appointment to the federal bench and is a past president (1982) of the Shreveport Bar Association. Judge Stewart was appointed by President Bill Clinton with a commission date of May 9, 1994. After stints with the La. Attorney General, the U. S. Attorney’s Office and private practice, Judge Stewart was elected to the First Judicial District Court and when nominated to the federal bench was sitting on the La. Second Circuit Court of Appeal.



Politz Family Photo

FDR nominated Elmo P. Lee as the first Shreveport Bar lawyer to the Fifth Circuit, on November 30, 1943, after a private practice in Mansfield, Louisiana (1911 to 1928), and Shreveport (1928 to 1943). His commission date was December 17, 1943. Judge Lee died in office at the age of 67, on July 26, 1949.

When Judges Wiener and Stewart were seated on the Court in 1990 and 1994, respectively, there was another Shreveport Bar lawyer serving on the Court, namely, Judge Henry A. Politz (“Judge HAP”). After 20 years as an active trial lawyer, “Hank” Politz was nominated by President Jimmy Carter. His commission date was July 13, 1979. At the time, the Fifth Judicial Circuit handled federal appeals from Texas to Florida and the Panama Canal Zone. (Please recall in 1981 the Old Fifth was split by the

creation of the Eleventh Circuit.) Since 1981, the Fifth Circuit has handled appeals from the states of Texas, Louisiana and Mississippi. Judge Politz served as Chief Judge of the Court from January 16, 1992, to January 16, 1999, with the distinction of being the first native-born Louisianan to serve as Chief Judge of the Fifth Circuit. We can now add former Chief Judge Carl E. Stewart to that august list (October 1, 2012, to September 30, 2019). After taking senior status in August 1999, Judge HAP remained active until his sudden death at the age of 70, on May 25, 2002. The authors are that age now. The accompanying photograph was our last one taken together during the Bar Association pictorial process in the fall of 2001. We were together in the Caddo Parish Courthouse library because of the alphabet. Our purpose is not to regurgitate further the professional achievements of his life but to address some of those things that were particularly important to him. It might surprise you.

Judge Politz had a keen interest in the delivery of legal services to the poor and middle class. Access to justice meant access to lawyers. He was fond of simply saying, “It is just not fair unless everybody in the courtroom has a lawyer.” In the mid-1960s, as a former chairman and board member of the Caddo-Bossier Legal Aid Society, the forerunner of the local legal services corporation, he saw the huge unmet legal needs of the poor. He supported the establishing of the Legal Services Corporation (“LSC”) by Congress in 1974, which promoted equal access to justice by funding high-quality legal assistance for low-income Americans and soon became the single largest provider of civil legal aid for the country. Judge Politz was directly or indirectly affiliated with this worthwhile effort for better than half a century.

The tagline “Do good work,” which we attribute to him, was his way of saying (1) perform lawyering duties proficiently, and (2) do pro bono work, which is more than performing the occasional gratis legal services for needy clients, but rather “good work” encompasses the lawyer’s active engagement in politics, assistance to nonprofits, churches, community and civic matters. Judge HAP saw only positives from lawyers with their unique training and experience offering needed guidance and perspective to a wide variety of organizations, matters and causes.

He was the principal author and driving force behind the development of “The Shreveport Plan” (1971-1974) for prepaid legal services, which became the pilot program that would be duplicated nationwide allowing millions of people access to legal services as a popular employee benefit. It has been said that some of his finest hours were spent on this endeavor. He was rightly proud of the effort. After taking the bench, he continued to serve on the ABA Prepaid Legal Services Committee and was a lifetime director of the American Prepaid Legal Services Institute.

Judge Politz had an affinity for ethics and professionalism as a trial lawyer and judge. He served seven years as a member (including one year as chairman) of the Committee on Professional Responsibility (Ethics) of the La. Supreme Court. Before his appointment to the federal bench, he was a member of the La. Judiciary Commission, overseeing Louisiana state court judicial ethics matters. As a circuit judge, with a continued interest in ethics matters, he served six years on the Committee on Codes of Conduct of the Judicial Conference of the United States. He then spent two years on the Judicial Conference Committee charged with reviewing actions taken by Circuit Judicial Councils in judicial misconduct matters. He routinely lectured at all the state’s law schools and continuing education seminars on legal ethics.

In 1989, at his tenth anniversary reunion as a circuit judge, his former law clerks established the Judge Henry A. Politz Scholarship for worthy minority students at the LSU Law Center. It remains today. He was fiercely proud of that scholarship fund. He would have been flattered by the Judge Henry A. Politz Professorship at the LSU Law Center established after his death, but it would not have meant as much to him as the scholarship fund

In 1990, Judge Politz, the late Robert G. Pugh, Sr., and Judge Roy S. Payne secured from the American Inn of Court Foundation the charter for the Harry V. Booth American Inn of Court at Shreveport, Louisiana. The objectives of the Inn were to be a membership to promote excellence in legal advocacy at the trial and appellate level, with an emphasis on ethics and professionalism, to provide educational experiences for the membership and to promote meaningful interaction and collegiality among the membership. Judge HAP was its first president. In the fall of 2001, the Harry V. Booth American Inn of Court unanimously added his name to that of his senior partner and mentor. To him, that distinction was the highest honor bestowed upon him in a distinguished career as trial lawyer and judge. The Harry V. Booth-Judge Henry A. Politz American Inn of Court is a decorated Inn in the system.

Judge Politz was SBA President in 1977. When asked about the significance of that honor, his response was simply, “Those are the colleagues that know me best.”

When his former law partner the late Joe C. LeSage, Jr., memorialized Judge Politz on October 29, 2002, at the annual SBA Memorial and Recognition Ceremony, he said the following, worth repeating here:

A line in Hank’s obituary read: ‘Any account of the life of Henry A. Politz would be incomplete without mention of his remarkable sense of humor.’ No truer statement could have been written. He had developed a national reputation as a humorist and raconteur and was sought after as a program and dinner speaker. He effectively used that humor to engage, disarm and deflect throughout his career as trial lawyer and circuit judge. He entertained us, yes, but he continuously challenged us as lawyers about professionalism and ethics and equal access to justice. We revered and respected Hank for his humanity, his empathy for the disadvantaged and for all who might get shortchanged from the justice system. His unswaying dedication to justice and the rule of law was his hallmark.

To this, your humble authors would only add: “Amen.”



# LAW DAY 2024

The 2024 Law Day theme, “Voices of Democracy,” recognizes that in democracies, the people rule. For nearly 250 years, Americans have expressed their political views and wishes by speaking their minds and voting in elections. In 2024, the United States will hold its 60th presidential election, and Americans will address fundamental questions about democracy and the rule of law.

The Shreveport Bar Association has celebrated Law Day since 1965 through educational and service-oriented projects that may span the entire week.

This year, we sponsored an essay contest and invited 11th and 12th graders from local high schools to submit essays. Students were instructed to write essays on the Electoral College. *Should the Electoral College be replaced by a national popular vote for the election of the President of the United States?* The Essay Contest winners are all from Caddo Magnet High School: Parker Alleman won first place, Claire Kevil took second place, and Zachary Kirkendall took third place.



On Wednesday, May 1, Mayor M. Thomas Arceneaux was our guest speaker at the Law Day luncheon. We presented the annual Liberty Bell Award to Karen Law Soileau for her many years of service to our community.

On Thursday, May 2, The SBA Young Lawyers' Section and volunteers from the JAG office from Barksdale Air Force went to J.S. Clark Elementary School to spread the Law Day theme through a mock trial: *We, the Jury: Mock Trial Script for the Trial of Alexander T. Wolf* based on the story of “Three Little Pigs.”

On Friday, May 3, the Red Mass Society of Shreveport held the Annual Votive Mass of the Holy Spirit at Holy Trinity Catholic Church in downtown Shreveport.



Amberlee Nix, Courtney Ray and Barksdale JAG Office



Gordon Mosley, Zachary Kirkendall, Kenny Haines and Ashby Davis



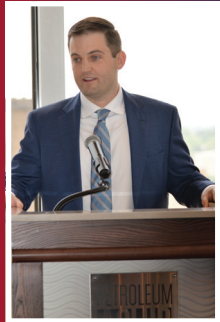
Kenny Haines, Parker Alleman and Ashby Davis



Kenny Haines, Claire Kevil and Ashby Davis



# SBA LAW DAY LUNCHEON HIGHLIGHTS





**2024 RECENT DEVELOPMENTS  
BY THE JUDICIARY**

*September 18-19, 2024*

*Hilton Garden Inn • Homewood Suites  
Bossier City*



*Save the Date  
Registration Coming Soon*



# Save the Dates 2024

Shreveport Bar Association's Continuing Legal Education

AUG

22

Lunch & Learn  
Session II  
Legal Technology Update

SEPT

18-19

Recent Developments  
by the Judiciary  
Seminar

OCT

3-4

SBA  
Trial Academy

OCT

18

North Louisiana  
Criminal Law  
Seminar

DEC

18-19

December CLE  
By the Hour

DEC

30

Lunch & Learn  
Session III  
Ethics & Professionalism  
Last Chance

## 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 2025 SBA Vice-President and Secretary-Treasurer Elect. The Officer Nominating Committee will report its nominations to the Elections Committee on or before August 15, 2024, 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.**

Are you interested in contributing to your SBA Leadership Team? We are actively seeking nominations for the two two-year Member-At-Large positions on the Executive Council. This is a great opportunity to make a difference in your bar association.

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 Thursday, August 15, 2024.** 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**





**SHREVEPORT BAR ASSOCIATION**

# PICKLEBALL TOURNAMENT

**SOUTHERN HILLS PARK**

**PICKLEBALL COURTS**

*1000 Bert Kouns Industrial Loop*

Open to anyone 21 or older

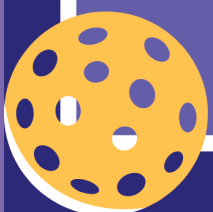
**FRIDAY, SEPT 6  
10:00 AM**

**\$150**  
*Per Team*

**\$75**  
*Per Person*



*Online Registration available, Visit Our Website : [shreveportbar.com/sba-pickleball-tournament/](http://shreveportbar.com/sba-pickleball-tournament/)*



## SHREVEPORT BAR ASSOCIATION PICKLEBALL TOURNAMENT

### REGISTRATION FORM:

*Registration fee includes the following:*

*Entry fee into the tournament*

*Player gift*

*Lunch, snacks and beverages*

*Gold, Bronze and Silver Medals will be awarded immediately after the tournament*

Name: \_\_\_\_\_ Skill Level: (please circle): Beginner Advanced

Name: \_\_\_\_\_ Skill Level: (please circle): Beginner Advanced

Email Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Registration Fee: \$150 Per Team or \$75 Per Person Make check payable to SHREVEPORT BAR ASSOCIATION and mail to: 2024 SBA Pickleball Tournament, 625 Texas Street, Shreveport, LA 71101

Email questions to Dana at [dsouthern@shreveportbar.com](mailto:dsouthern@shreveportbar.com) or call 318 703-8373.



# CLASSIFIEDS

## Brief writing/legal research

Columbia Law School graduate; former U.S. 5th Circuit staff attorney; former U.S. District Court, Western District of Louisiana, law clerk; more than 20 years of legal experience; available for brief writing and legal research; references and résumé available on request. Appellate Practice specialist, certified by the Louisiana Board of Legal Specialization. Douglas Lee Harville, lee.harville@theharvillelawfirm.com, (318)470-9582.



**Stephen T. Collins**  
*Stephen T. Collins  
and Associates, APLC*

**Allison Melton**  
*Melton Law Firm*

**Brooke Reedy**  
*Bradley Murchison Kelly & Shea*

**Anna Maria Sparke**  
*Nelson and Hammons*

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# UPCOMING EVENTS

## \*2024 SBA MEMBERSHIP LUNCHEONS

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

### \*JUNE 26

*Philanthropy: "Guaranteeing Future Economic Success in the Shreveport-Bossier Community"*  
Presentations by  
United Way of Northwest Louisiana and  
Community Foundation of North Louisiana

### AUGUST 17

Krewe of Justinian XXXI  
Coronation Bal  
Sam's Town Casino

### AUGUST 22

Legal Technology  
Lunch & Learn Series  
12:00 Noon at Shreveport Bar Center  
Presenter: Melissa Allen

### SEPTEMBER 6

SBA Pickleball Tournament  
10:00 am - 4:00 pm  
Southern Hills Pickleball Courts

### SEPTEMBER 18-19

Recent Developments  
by the Judiciary CLE  
Hilton Garden Inn, Bossier City

### \*SEPTEMBER 25

Speaker: Mike Rubin, McGlinchey  
Stafford PLLC

### OCTOBER 18

North Louisiana Criminal  
Law Seminar  
Shreveport Bar Center

### \*OCTOBER 23

Speaker: H. Alston Johnson

## 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](https://www.amazon.com/hz/wishlist/ls/3EW9JTZSJNVEZ?ref=wl_share)

Or scan the QR code.



## SBA Luncheon Meeting – June 26

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

*\$50.00 for SBA members includes lunch and one hour of CLE credit, or \$30 for lunch only.*

*\$60.00 for non-SBA members includes lunch and one hour of CLE credit, or \$35 for lunch only*

### “GUARANTEERING FUTURE ECONOMIC SUCCESS IN THE SHREVEPORT-BOSSIER COMMUNITY”

*This presentation is eligible for 1 hour CLE credit.*

The June 26 luncheon will focus on philanthropy. Panelists will include Tori Thomas, President and CEO of United Way of Northwest Louisiana, Kristi Gustavson, CEO of the Community Foundation of North Louisiana and Susannah Poljak member of the Early Childhood Education Steering Committee, led by the Community Foundation.



**Latoria W. Thomas**

LaToria “Tori” W. Thomas is United Way of Northwest Louisiana’s President & CEO. She joined the organization as Vice President of Resource Development in 2018 and now leads United Way NWLA through building relationships, meeting unmet needs and embodying United Way’s mission to build equity and strength within northwest Louisiana. Tori, a Shreveport native, brings a diverse background in nonprofit leadership, including work in foundations and grant-making organizations, fundraising, program development and management. Tori graduated with a Bachelor of Science in Mathematics from Northwestern State University. After graduating, she started her nonprofit career at Shreveport Green as an AmeriCorps Crew Leader. She then relocated to New Orleans to assist with the Greater New Orleans Foundation’s rebuilding efforts after Hurricanes Katrina and Rita. She also served as an Executive Director for Dress for Success New Orleans and as the donor services officer for the Baton Rouge Area Foundation, where she managed 19 national and local scholarships. Tori is the founder of Emerging Philanthropists in New Orleans, a giving circle for young professionals.



**Kristina B. Gustavson**

Kristina “Kristi” B. Gustavson, a native of Shreveport, received a B.A. in Political Science and a minor in French from Rhodes College in Memphis, Tennessee. Following Rhodes, Kristi worked for one year as an English teaching assistant at Lycée Victor Duruy in Paris, France. Thereafter, she received a Juris Doctorate, *cum laude*, from Tulane University School of Law in New Orleans, Louisiana, along with Tulane’s European Legal Studies certificate. Focusing on insurance coverage and defense, Ms. Gustavson began her legal practice at Phelps Dunbar, LLP, in New Orleans in 2004. In 2007, she returned to Shreveport, Louisiana. She joined the law firm of Cook, Yancey, King & Galloway where her primary areas of practice included commercial litigation, contract issues, and creditor bankruptcy and collection issues. In 2014, Kristi joined Regions Banks as a Vice President and Trust Advisor, where she developed and retained trust and investment management clients and administered estates. Kristi now serves as the CEO of the Community Foundation of North Louisiana. The Community Foundation partners with donors to help them achieve a lasting legacy, supports nonprofit organizations and acts as a convener and community leader. The Foundation provides a variety of charitable funds and gift options to ensure donors achieve fulfilling, high-impact philanthropy.



**Susannah Walter Poljak**

Susannah Walter Poljak is an attorney with more than 20 years of experience in a wide range of practice areas, from complex contract litigation to intellectual property. She has been admitted to practice in California, New York and Louisiana. She is currently a member of the Early Childhood Education Steering Committee, led by the Community Foundation, which is a communitywide leadership group that is working to foster and promote healthy early childhood development. Ms. Poljak is also part of a team working to establish access to childcare in Caddo Parish for all who need it. Ms. Poljak is a Leadership Louisiana 2020 class member and serves on boards supporting the arts and education in Caddo Parish. She received a Bachelor of Arts from Vanderbilt University and a Juris Doctorate from Fordham University.

You may confirm your reservation(s) by email to [dsouthern@shreveportbar.com](mailto:dsouthern@shreveportbar.com) or by calling 222-3643 Ext 2. Please remember to call and cancel if you’re unable to attend.

**The SBA pays for each reservation made.**

**No-shows will be invoiced.**