

# THE BAR REVIEW

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## INSIDE | FEBRUARY

From the President ..... 1

News from the SBA Legal Community  
Support Staff Committee (LCSSC)..... 3

Second Circuit Highlights .....4

Federal Update ..... 6

F.A. 'Pappy' Little Inn of Court ..... 7

How Write You Are.....8

SBA Liberty Bell Nomination Form ..... 10

Pickleball Tournament..... 11

SBA Membership Day Registration..... 14

## EVENTS AT A GLANCE

2/7	Krewe of Centaur Parade
2/15	Krewe of Highland Parade
2/25	SBA Membership Luncheon – 12:00 p.m. - Petroleum Club
3/25	SBA Membership Luncheon – 12:00 p.m. - Petroleum Club
4/29	SBA Law Day Luncheon – 12:00 p.m. - Petroleum Club



## From The President

by J. Marshall Rice, [jmrice@ricekendig.com](mailto:jmrice@ricekendig.com)

As we move beyond the holidays and into the early weeks of the new year, it is clear that 2026 is already off to a strong and energetic start. While I missed the opportunity to wish you a Happy New Year in January, I hope this message finds you engaged, encouraged and inspired by the momentum building within the Shreveport Bar Association.

Since the first week after New Year's Day, the SBA has been buzzing with activity. That energy is a testament to the strength of our membership – lawyers who generously give their time, talent and leadership to make this organization meaningful and impactful. In the spirit of our theme, **Connected by Purpose, United in Service**, I have already witnessed members stepping forward to serve those who cannot afford legal representation, volunteering their time through Ask a Lawyer and other pro bono efforts that directly touch lives in our community.

One highlight of the month was attending the Justinian Royalty Brunch and the Grand Bal, where many of our members gathered to celebrate tradition and prepare for the upcoming Mardi Gras season. Events like these remind us that the practice of law is not only about the work we do, but also about the relationships we build. Seeing colleagues connect outside office hours, sharing fellowship and community, reinforces the importance of staying engaged with one another.

I also had the privilege of participating in my first meeting as an ex officio member of the Shreveport Bar Foundation. I was deeply encouraged by the scope and impact of the Foundation's work. Through free and reduced-cost legal services, the Bar Foundation is making a real difference for individuals and families who might otherwise have nowhere to turn.

In that vein, I want to recognize Mary Winchell for her outstanding work with the My Community Cares program.<sup>1</sup> Her dedication ensures that people in need receive critical legal services they would otherwise not be able to afford. The work being done through the Shreveport Bar Foundation shines a light on the very best of our profession and reflects the heart of service that defines this Bar.

February is also Black History Month, a time to reflect on the contributions, leadership and resilience of Black attorneys and judges who have shaped our profession and expanded access to justice. Their legacy reminds us that progress in the law has always been driven by those willing to serve with courage, integrity and purpose, values that continue to guide our work today.

*From The President – Continued on Page 2*

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# FEB 2026

This year also marks a historic milestone: the 250th anniversary of the United States. In recognition of this moment, we have several exciting initiatives planned. I am grateful to those who have committed their time and leadership to serve on SBA committees this year:

Archives: Taunton Melville

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Military Affairs: Patrick Jackson, Ted Cox

Professionalism: Larry Pettiette

Program: Allison Jones, Marcus Sandifer

Publicity: Sarah Giglio

Sports Tournament: Chandler Higgins

I want to give recognition to the Women's Section president, Silver Sanders, and Young Lawyers' Section president, Tanner Yeldell, for their leadership in the Bar.

I am grateful for the enthusiasm and commitment I have seen so far and truly enjoy the momentum of this new year. I look forward to seeing many of you at upcoming lunches, CLE programs and Bar events.

Let us stay connected, stay engaged, and continue to serve together.

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<sup>1</sup>The My Community Cares program is made possible through grant funding provided by the Louisiana Bar Foundation.





# NEWS FROM THE SBA LEGAL COMMUNITY SUPPORT STAFF COMMITTEE (LCSSC)

by Karen McGee, Committee Chair, [kgmcgee2@gmail.com](mailto:kgmcgee2@gmail.com)

The LCSSC celebrated the new year in a big way. New and renewing members continue to be excited to be part of this energetic and diverse group, and our attorney support continues to grow. Many thanks to attorney Joseph Gilsoul for his generous contribution to the work of the Committee.

In early January, a team of Committee members visited with students at Caddo Magnet High School, and wrapped up the month visiting students at Parkway High School. It is exciting to see the students' enthusiasm for the learning and networking opportunities offered through the Committee. If you know a young person who is interested in working in the legal profession, please share information about our group. Student member sponsorships still are available.



LCSSC members attending the January meeting.

In mid-January the Committee welcomed guest speaker Davie Dennington, MA, PLPC, who recognized legal support staff as "front line workers" in our field. Davie led the group in learning and practicing healthy tools for battling burnout and managing stress – both on the job and in our private lives.

On February 10, the Committee's featured program will be "Words Matter" and will focus on legal writing. In March, the Committee will hold a fun Trivia Night. Watch and follow the "Shreveport Bar Association Legal Community Support Staff Committee" Facebook and LinkedIn pages for more information on upcoming programs and events. And be sure to check out the first in our series "Interview with the Attorney" with our guest attorney Kenneth Haines.

Membership renewal and recruitment notices have been sent out, and firms are reminded that for every four paying members of their organization, the fifth membership is free. Scan the QR code below for a link to the membership application.

Nonlawyers and those working, or whose goal is to work, in the legal profession, are encouraged to submit their voting or student membership application to be part of this exciting Committee. Watch for SBA Communiqués, emails and *The Bar Review* for more information about professional education, networking and service opportunities.



Scan Me!



Davie Dennington



Callie Jones and Davie Dennington



# Second Circuit Highlights

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

**No polished pathway here.** Ms. Webber was walking on the sidewalk in front of C.E. Galloway Head Start Center, an early-childhood development program operated by Caddo Community Action Agency (“CCAA”) on East Olive St. She alleged that she stepped in a hole, lost her balance and started to fall; on the way down, she grabbed a bollard, one of several in place to deter and direct vehicles around the entrance. Unfortunately, the bollard came loose, allowing her to land on the pavement and sustain injuries. She sued CCAA and its insurer and the City of Shreveport for her damages.

CCAA and its insurer moved for summary judgment. They cited an adjuster’s report finding no *holes* in the concrete, just differences in elevation not exceeding one inch, and no prior complaints about the sidewalk. From this they argued Ms. Webber could not show the sidewalk and bollard created an unreasonable risk of harm, or that CCAA knew about the condition. Ms. Webber opposed the MSJ, citing the deposition of a CCAA official who allegedly admitted responsibility for (1) inspecting and repairing the unstable bollard, (2) reporting the hazardous sidewalk to the city and (3) warning people about the hazardous sidewalk and bollard. The district court granted CCAA’s MSJ; Ms. Webber appealed.

The Second Circuit affirmed, *Webber v. City of Shreveport*, 56,705 (La. App. 2 Cir. 12/17/25), in an opinion by Judge Marcotte. The opinion laid out the standard law of summary judgments and of premises liability under La. C.C. art. 2317.1. It then focused on the meaning of “defect” in La. law, quoting *Mason v. Monroe City Sch. Bd.*, 43,595 (La. App. 2 Cir. 9/17/08), 996 So. 2d 377: “Not every imperfection or irregularity is a defect for purposes of imposing liability.” The court found that the crack in the concrete, under one inch, did not rise to the level of an unreasonable risk, and CCAA’s knowledge of the minor crack did not create notice.

The court closed with something close to an eternal truth: “The sidewalks in Louisiana are rarely smooth. Many are uneven, cracked, or pitted.” Such normal defects are simply not considered unreasonably dangerous. Pedestrians will have a hard time recovering from stumbling on a bumpy sidewalk.

**Fault the following driver.** Ms. Connell and her passenger were driving north on US Hwy. 165 south of Monroe when they encountered a traffic slowdown. Richwood Gardens, a cemetery in Richwood, was moving a borrowed backhoe to its facility; instead of towing the backhoe, an (unnamed) employee merely drove the large, slow piece of machinery in the right lane at under 20 mph (the speed limit is 65). Close behind the backhoe was a Ford F-150 pickup driven by McGough, the Richwood Gardens manager, also going slow; Ms. Connell rode up behind the F-150 in her Infiniti SUV, patiently creeping along at 20 mph because her exit was coming up next. Just as she was about to take the exit, however, she was rear-ended by a 1997 Dodge Ram truck driven by DeMoss. The impact propelled Ms. Connell’s Infiniti into the rear of the F-150, injuring Ms. Connell and her passenger. (Remarkably, the backhoe was not struck.)

Ms. Connell and her passenger sued Richwood Gardens, McGough and their insurer, State Farm; and DeMoss and his insurer, Progressive. The matter went to a jury trial at which the plaintiffs offered evidence that DeMoss was distracted at the time of the accident (talking to his own passengers) and swerving in and out of his lane. After the presentation of evidence, Ms. Connell asked the court for a special jury charge under La. R.S. 32:263 and 32:298, regarding the illegal operation of construction equipment on travel lanes of high-speed highways; the court refused. The theory was that driving a backhoe at a significantly slower speed on a state highway *had to be* a major contributing factor in causing the accident. Instead, the court gave the standard R.S. 32:64 instruction: “No person shall operate a motor vehicle on the highway of this State at such a slow speed to impede the normal and reasonable movement of traffic.” The jury found DeMoss 100% at fault in causing the accident and totally absolved Richwood Garden and its employees. Ms. Connell appealed.

The Second Circuit affirmed, *Connell v. Richwood Gardens Inc.*, 56,668 (La. App. 12/17/25), in an opinion by Judge Hunter. The court reviewed the law on adequate jury instructions, La. C.C.P. art. 1792 B, concluding that, even though different judges might have elected to use the proposed special charge, the district court was not plainly wrong to use the standard instruction. Notably, the § 64 charge did not prevent the jury from reaching a verdict based on the law and the facts. The court then quoted the familiar presumption of fault in a rear-end collision, reviewed the testimony and concluded that nothing rebutted the presumption. The court also rejected the claim of a sudden emergency.

It is a shame for Ms. Connell and her passenger, getting caught behind a maddeningly slow piece of construction equipment, waiting patiently behind the backhoe and its escort, just trying to get off the road properly, and then being rear-ended by a mindless driver. No doubt the cemetery had a lot more insurance than the driver of a 23-year-old Dodge Ram. However, the presumption of negligence that attaches to the following driver is strong, and any plaintiff seeking to overcome it needs strong evidence of her own.

**Sue the right defendant, Part 1.** Crowley filed a disputed claim for workers’ compensation against “Cesar Rojas d/b/a Rojas Paint,” and the defendant denied all allegations; Crowley amended his claim to add Rojas, individually. Almost a year later, he moved to compromise the claim for a lump sum payment from “Rojas Painting, LLC”; the WCJ approved this. Some time later, Rojas (individually) filed an exception of prescription; the WCJ found Rojas (individually) was a different entity from “Cesar Rojas d/b/a Rojas Paint,” and sustained the exception, dismissing Crowley’s claim. The Second Circuit reversed, *Crowley v. Rojas*, 55,616 (La. App. 2 Cir. 5/22/24), 386 So. 3d 1243, and the Supremes denied Rojas’s writ. So it was back to the Office of Workers’ Comp.

This time, Rojas filed an exception of res judicata claiming the settlement was limited to the claim against “Rojas Painting LLC,” and not Rojas (individually); he argued that Rojas (individually) and “Cesar Rojas d/b/a Rojas Paint” are the same party. The WCJ agreed and sustained the exception. Crowley appealed again.

The Second Circuit reversed again, *Crowley v. Rojas*, 56,647 (La. App. 2 Cir. 12/17/25), in an opinion by Chief Judge Pitman. The opinion reviewed the law of res judicata, La. R.S. 13:4231, the two kinds of persons recognized by the Civil Code, La. C.C. art. 24, and the status of an LLC as a juridical person, *Ogea v. Merritt*, 13-1085 (La. 12/10/13), 130 So. 3d 888. True, a trade name has no separate existence from the person doing business under that name, hence “Cesar Rojas d/b/a Rojas Painting” is the same entity as Cesar Rojas (individually); however, this identity does not affect the individual status of “Rojas Painting, LLC”: the LLC is distinct from its member(s). Res judicata did bar the remaining claim against Cesar Rojas (individually).

Mr. Rojas’s business arrangement might seem convoluted, but there is probably nothing unusual about a scrappy entrepreneur operating under any number of guises: the individual, a couple of catchy trade names, maybe even an LLC. Some research, and perhaps a scattershot approach, is needed to nail down the right defendant.

**Sue the right defendant, Part 2.** Nguyen hired “Atkins Contracting LLC” to do some home improvement work on his house; the contractor did not complete the work and, when asked, did not return the money already advanced. Nguyen sued Chris Atkins (individually) and the LLC alleging, inter alia, that Atkins told him the LLC had proper licensing; in point of fact, it didn’t. Nearly one year later, Nguyen moved for summary judgment; neither of the named defendants filed any objection or opposition. The district court granted summary judgment, for \$147,360, against both defendants. Only later, at a form-and-content hearing, did Atkins file an objection that he could not be cast in judgment individually. The court denied the objection and rendered judgment as previously decreed. Both defendants appealed.

The Second Circuit affirmed in part and reversed in part, *Nguyen v. Atkins*, 56,636 (La. App. 2 Cir. 12/17/25), in an opinion by Judge Hunter. The bulk of the opinion addressed the breach of contract claim, specifically, the absence of any genuine issue of material fact regarding poor workmanship and failure to perform. However, the court also found the contract was with the LLC; the LLC is separate from its members, La. R.S. 12:1320; and only limited circumstances justify “piercing the corporate veil” to find a member individually liable, *Ogea v. Merritt, supra*. Critically, Nguyen’s contract was with the LLC. On the summary judgment evidence, the court found “poor workmanship” was not sufficient to pierce the veil and find Atkins personally liable for the LLC’s breach. Judgment was reversed as to Atkins (individually).

It is often worthwhile to sue everybody involved, but the law will respect the fine difference between an LLC and its members or sole member.

**Sue the right defendant, Part 3.** Ms. McNeal went to Car City, a used-car lot in Monroe, and bought an older (188,000 miles) Camaro; though she was initially excited, the car displayed a host of problems, most of which perfectly defied repair, and relations turned hostile with the owner, James Jackson. She filed a pro se suit in Monroe City Court against “James Jackson / Car City LLC.” After trial, in which both sides were unrepresented, the city court found redhibitory vices and awarded damages of \$6,619 against “Mr. James Jackson, owner, representing the Defendant herein, Car City LLC, appearing as a Self-Represented Litigant.” Jackson appealed.

The Second Circuit affirmed in part and reversed in part, *McNeal v. James Jackson Car City LLC*, 56,348 (La. App. 2 Cir. 7/16/25), in an opinion by Judge Ellender. Because no lawyers were involved, the arguments were minimal, and the court quickly affirmed the finding of redhibition, only adjusting the quantum for a small discrepancy. However, the court also found that all the paperwork – buyer’s order, financing documents, receipts for attempted repairs – listed only the LLC as the seller, not Jackson individually. Finding no basis to pierce the corporate veil, La. R.S. 12:1230 B, the court amended the judgment to cast only the LLC.

Like the represented plaintiffs in *Crowley* and *Nguyen*, Ms. McNeal learned the hard way how challenging it can be to nail down the right (and financially responsible) defendant.

**Technical stuff.** These recent opinions touched on statutes with narrow, yet important, applications.

The Balanced Billing Act, La. R.S. 22:1871 et seq., was the basis of one claim of liability in *Ruby v. Carpenter*, 56,669 (La. App. 2 Cir. 12/17/25). After being in an auto accident, Ms. Ruby treated with Dr. Carpenter, a chiropractor, for almost a year. For the first 2½ months, her bills were covered by insurance through her employer, CenturyLink; she changed jobs and asked the chiropractor to bill the tortfeasor’s insurer, State Farm; he did so, placing a lien on her future settlement. Apparently, she neglected to tell him she had got new insurance, through Blue Cross Blue Shield, at her new job. After the case settled, her attorney distributed her a chiropractic payment that was \$2,220 short of the actual bill. She sued the chiropractor alleging, inter alia, a violation of the Balanced Billing Act. The Third JDC dismissed all claims, and Ms. Ruby appealed. The Second Circuit affirmed, finding the chiropractor “never attempted to double bill any insurance provider,” which would have been a violation of R.S. 22:1874 A(1). Rather, the court found that counsel neglected to advise the chiropractor about the new insurance until too late. The opinion is by Chief Judge Pitman.

The liability of the La. Patient’s Compensation Fund (“PCF”), under the Medical Malpractice Act, was at issue in *In re: Med. Review Panel of Price*, 56,500 (La. App. 2 Cir. 12/17/25). The late Mr. Price checked into St. Francis Medical Center, in Monroe, and was treated by a Dr. Sonna, a contract physician hired by Tusk Enterprises, d/b/a Rhino Medical Services. Tusk was certified with PCF as a Qualified Health Care Provider (“QHCP”); however, Dr. Sonna was not licensed to practice in La., and, hence, he could not be a QHCP. Unfortunately, Mr. Price died while undergoing treatment at St. Francis, and his survivors filed a med mal claim against Tusk. Tusk and its insurer entered a settlement with the plaintiffs for the statutory limit for a QHCP, \$100,000, in a document that reserved to the plaintiffs the right to seek excess damages from PCF, as is contemplated by R.S. 40:1231.2 B. Later, PCF filed exceptions of no right and no cause of action, which the district court granted. The plaintiffs appealed, but the Second Circuit affirmed. The benefits of the Medical Malpractice Act are limited to defendants who are QHCPs, but an unlicensed doctor cannot be a QHCP – so said the Supremes in *O’Brien v. Rizvi*, 04-2252 (La. 4/12/05), 898 So. 2d 360. Finding the claim against Dr. Sonna directly on point with the one in *O’Brien*, the court affirmed. At least the plaintiffs got their first \$100,000. The opinion is by Judge Stephens.



# Federal Update

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

**Amendment to Add Diversity-Destroying Employee:** Merchants often remove premises liability cases based on diversity jurisdiction.

Plaintiffs often file a post-removal motion for leave to add as a defendant a diversity-destroying store manager or employee. If leave to amend is granted, diversity is destroyed, and the case must be remanded. 28 U.S.C. § 1447(e).

Leave to amend is ordinarily freely granted, but *Hensgens v. Deere & Co.*, 833 F.2d 1179 (5th Cir. 1987) tells district courts to scrutinize diversity-busting amendments more closely. The court must balance the defendant's interests in maintaining the federal forum with the competing interest of not having parallel lawsuits. Factors to be considered include (1) the extent to which the purpose of the amendment is to defeat federal jurisdiction, (2) whether the plaintiff has been dilatory in asking for the amendment, (3) whether the plaintiff will be significantly injured if the amendment is not allowed, and (4) any other factors bearing on the equities. *Hensgens*, 833 F.2d at 1182.

Several WDLA decisions have denied leave to amend to add nondiverse employees or managers when the proposed claim against the individual was based on mere administrative duties as store manager or other claims of indirect fault. *Richardson v. Cinemark USA Inc.*, 2024 WL 4295786, \*6 (W.D. La. 2024) (Hornsby, M.J.) (collecting cases); *Carbo v. Wal-Mart Louisiana LLC*, 2020 WL 7373504, \*5 (W.D. La. 2020) (Hanna, M.J.).

But leave to amend (and remand) is sometimes granted when the employee is alleged to have been personally involved in causing the accident and was the actual tortfeasor. Examples are an employee who pushed a dolly into a customer or a janitor who sprayed a substance on the floor that caused a slip. In trucking cases, leave to add the truck driver who personally caused an accident may be granted. *Banks v. Walmart Inc.*, 2025 WL 3710983, \*3 (W.D. La. 2025).

Sometimes the merchant will argue, "Hey, we are a huge company that is good for any judgment. There is no need to sue our low-wage employee." But there are procedural and discovery advantages to suing the actual tortfeasor, *Banks* at \*4, and sometimes the "big company" is on the verge of bankruptcy. *Cooley v. YRC, Inc.*, 2020 WL 6219851 (W.D. La. 2020) (leave to add truck driver granted when trucking company was in dire financial straits). And leave to amend is more likely to be granted if the merchant denies the plaintiff's allegation that the employee was acting in the course and scope of their employment. *Banks* at \*4. If the merchant has challenged vicarious liability for the act of its employee, the plaintiff needs to be able to sue the employee.

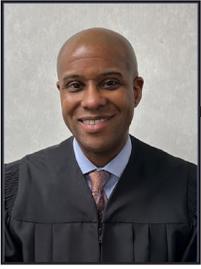
*Hensgens* contests are common. Each case is unique, but the issues discussed above are present in many of them. Tip: If you find yourself in a *Hensgens* contest, try to find decisions written by your judge. It's surprising how often lawyers cite a bunch of EDLA decisions but don't mention any of the several penned by the WDLA judge who will decide their motion.

**John Doe and Removal:** A state court petition will sometimes name as a defendant an unknown person or entity such as John Doe or XYZ Company. What effect does that have on potential removal based on diversity of citizenship? None, but it's good lawyering for the notice of removal to acknowledge Doe or XYZ and point out that, "In determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded." 28 U.S.C. § 1441. Whether labeled John Doe, Jane Doe, unknown payee, or unknown trustee, the presence of this kind of fictitious-named defendant does not prevent removal. *Weaver v. Metropolitan Life Ins. Co.*, 939 F.3d 618, 623 (5th Cir. 2019).

**Don't Sandbag the Record:** The district court cautioned a plaintiff to present evidence that she exhausted her administrative remedies prior to filing suit. She ignored the warning, and her case was dismissed. After the entry of judgment, the plaintiff filed documents to establish jurisdiction and a notice of appeal.

FRAP 10(a) establishes what items constitute the record on appeal. Consistent with that rule, a court of appeals typically will not consider papers filed with the district court after the date of the judgment that is challenged on appeal. The appellate court has discretion to take judicial notice of public documents outside the record, but ordinarily it should not take notice of documents that were available before the district court decided the case but nevertheless were not tendered to the district court. The 5CA applied these principles and refused to consider the document that the plaintiff filed in the district court after entry of judgment but before the appeal. *Craig v. Bisignano*, 157 F.4th 773 (5th Cir. 2025).

**Proffer Required:** A party contending on appeal that a district court erred in excluding evidence must preserve that claim by informing the court of the evidence's substance by an offer of proof (proffer), unless the substance was apparent from the context. FRE 103(a) (2). Unlike other circuits, which "take[ ] a more lenient approach, this circuit will not even consider the propriety of the decision to exclude the evidence at issue, if no offer of proof was made at trial." *Thomas v. Parker*, 2025 WL 3175975 (5th Cir. 2025), quoting *U.S. v. Winkle*, 587 F.2d 705, 710 (5th Cir. 1979).



# F.A. 'Pappy' Little Inn of Court

by Judge Jerry Edwards, [jerry.edwards.jr@gmail.com](mailto:jerry.edwards.jr@gmail.com)

## Legislative (mostly) 2025 wrap-up for December presentation

The F.A. "Pappy" Little Inn of Court, formerly known as the Crossroads Inn of Court, is growing the Inn movement in central Louisiana. The Pappy Little Inn enjoys active participation from federal and state court judges and lawyers from diverse practice areas, including family law, federal and state criminal law, commercial litigation, bankruptcy and torts. This diversity of membership has allowed the Inn to engage in discussions on a wide variety of topics. The Inn kicked off the year last fall with a discussion led by federal district court Judge Dee Drell on the importance of civility, viewed from the perspective of the Irish group Celtic Thunder's hit song, "A Place in the Choir." In November, Inn President Davey Jones and state district court Judges Monique Rauls and Mary Doggett led a panel discussion on family law best practices. The Inn wrapped up 2025 with a presentation by a licensed behavior analyst on "The Art of Pre-suasion." This interactive presentation focused on tools that can be used to persuade clients, opposing counsel, juries and judges — before you argue the merits! The F.A. "Pappy" Little Inn is having a great year, and has a full calendar of events for 2026, featuring presentations on bankruptcy in January, immigration law in February and a joint meeting with the Alexandria Bar Association in March.



# How Write You Are

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

You mean, “came after”? A news item, otherwise very factual, reported on Louisiana’s dubious distinction of having the third-highest rate of stroke deaths in the country. “The state *was proceeded* in the national rankings by Mississippi with the highest stroke mortality rate and Alabama with the second-highest.” I *proceeded* to read the whole article, but something about the choice of words was an impediment.

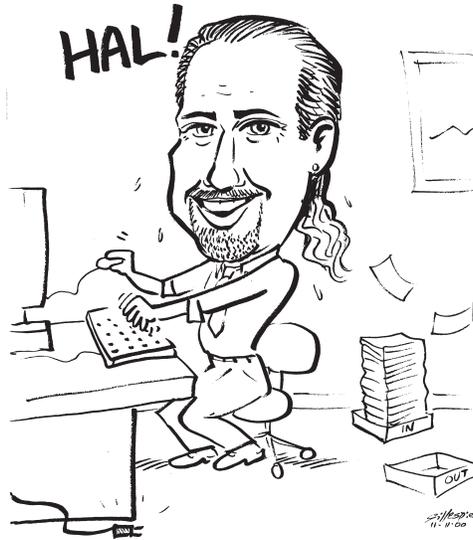
The word used, *proceed*, means to go one’s way, continue doing, advance, maintain one’s course; in the legal lexicon, it means file a suit. It is already intransitive and cannot, sensibly, be placed in the passive voice, as the reporter did in the news item. She obviously meant *preceded by*, which means *came right after*.

Legal writers are not completely immune. “Couvillion was *proceeded by* two other workers, Virgil Kimball and James McLean, and followed by Wester Sequin.” *Couvillion v. Shelter Mut. Ins. Co.*, 95-1186 (La. App. 1 Cir. 4/4/96), 672 So. 2d 277 (quoting the district court’s reasons for judgment). “The analysis of a fiduciary duty claim under Nevada law *was proceeded by* an evaluation of ‘Caremark doctrine liability.’” Itai Fiegenbaum, “Caremark’s Fractured State,” 80 Bus. Lawyer 59 (Winter 2024-’25). “Defendant’s *Miranda* rights were not violated, where \* \* \* second interrogation occurred after significant time had elapsed and *was proceeded by* proper *Miranda* warnings[.]” *State v. Holmes*, 467 So. 2d 1177 (La. App. 2 Cir. 1985) (headnote supplied by West Publishing Co., predecessor of Thomson Reuters). In each instance, the writer meant *was preceded by* – in other words, *came right after*.

I fondly recall the *State v. Holmes* case: I worked that opinion for Judge Norris and, if you care to double check, the text of the opinion correctly stated *preceded by*, both times it appeared. A hasty editorial hand at West contributed the nonsensical *proceeded by*! And, if you’re curious about which La. parish has the highest stroke rate – it’s in northeast La. – you can proceed to Margaret Delaney, *One Louisiana parish is 5th in the nation for stroke prevalence in adults*, Shreveport-Bossier City Advocate (12/14/25).

**Try the pedal on the left.** Another passage, this one from a large, prestigious and well-curated national magazine, made me want to stop fast. “The law’s primary aim was to *slam the breaks* on immigration by people like Miller’s ancestors.” A person can get a good *break* or a bad *break*, workers can take a breather by going on *break*, you can suffer a *break* in your clavicle, but the thing you slam with your foot to stop a car is not a *break*.

I was surprised to see this error occasionally creeping into legal writing. “Moreover, the record testimony \* \* \* is consistent with Ms. Lashley’s testimony she did not *apply breaks* until impact[.]” *Purvis v. Grant Parish Sch. Bd.*, 13-1424 (La. 2/14/14), 144 So. 3d 922 (Knoll, J, dissenting). “Specifically, Mr. Sherlock described how he and another driver had to swerve and *slam on their breaks* because they were ‘almost hit’ by Ms. White[.]” *State v. White*, 24-0751 (La. App. 4 Cir. 11/7/25), \_\_\_ So. 3d \_\_. “With



nowhere else to turn, the Tundra’s driver *slammed on his breaks*[.]” *U.S. v. Jordan*, 945 F.2d 245 (5th Cir. 2019). “[O]ne car abruptly departed the highway in a way that caused another car to *hit the breaks* but not face any real risk of danger.” Jarrett A. Green et al., *Self-Mastery: The Pathway to Peak Performance and Well-Being in the Law*, 48 Sw. L. Rev. 207 (2019). “She testified that the moment she heard screams of her baby she *put on the breaks* and jumped out[.]” *Fitler v. Dennis Sheen Transfer Inc.*, 6 Pelt. 205 (Orl. Cir. 1922) – surely one of the earliest references to stopping a car, in Louisiana jurisprudence.

In each of these instances, the writer meant to *slam on the brakes*, *apply brakes*, *hit the brakes* or *put on the brakes*. We have to *break it* to the editors of the lead piece! Greg Sargent, *What Stephen Miller Really Believes Should Terrify Us All*, *The New Republic* (Jan.-Feb. 2026), 24.

**Indicting the author.** The following sentence appeared in an internal memo in our office: “[A]lthough Franklin had a previous diagnosis of Bipolar II disorder, he did not behave in a way that was *indictive* of that diagnosis and was not being treated.” For some reason, Spell Check did not peg this obvious typo for *indicative*, and this oversight leads to the occasional mistake in edited writing. “The suit, therefore, may be *indictive* of how other hybrid approach laws will fare under First Amendment challenges.” Mary Margaret Burniston, *State & Regulatory Agency Approaches to Limiting Deepfakes in Political Advertising*, 27 Vand. J. Ent. & Tech. L. 797 (Summer 2025). “The inquiry soon becomes less *indictive* and more rhetorical.” Samir Srivastava, *Bollywood: The Unexpected Virtue of Copying Hollywood*, 55 Cornell Int’l L. J. 287 (Fall 2022). Catching this typo – as we did – will be indicative of in-person editing.

**Another redundancy.** Some common (and almost perpetual) redundancies include *ATM machine*, *VIN number*, *PIN number*, *HIV virus*. Another occurs when we have to write about medical matters: *CBC* stands for *complete blood count*. There is no need to add *blood* after it. “Dr. Schaffer ordered an HIV test, a *CBC blood test*, and a chest x-ray[.]” *Corte v. Schaffer*, 24 F. 3d 237 (5th Cir. 1994). “She recommended serial *CBC blood work* to monitor for any infection.” *Washington v. Waring*, 13-0078 (La. App. 1 Cir. 2/18/14), 142 So. 3d 40.

Thanks to that great aggregator Wikipedia, I now see that some unnamed wag in *New Scientist* magazine (2001) created a term for this situation: *RAS Syndrome*, in which *RAS* stands for *redundant acronym syndrome*. The addition of *syndrome* is self-evidently redundant!

**Not my insurer, no siree!** The following was spotted as the caption of a case: “Terry LeBlanc and Michelle S. LeBlanc v. Gail B. Aysenne and the *Handover Insurance Company*,” 05-0297 (La. 1/19/06), 921 So. 2d 85. Perhaps plaintiffs’ counsel was hoping the other driver’s liability carrier, Hanover Ins. Co., would *hand over* its policy limits. Remarkably, it did.

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The Shreveport Bar Association Liberty Bell Award will be presented at the Law Day luncheon on April 29, 2026.

A few prior recipients of this prestigious award are Col. Steve DePyssler, Pastor Brady Blade, Gary Loftin, Donald Horton, Rachel Scott, Dr. Phillip Rozeman, Dr. Donald Mack, Rose Van Thyn, Volunteers for Youth Justice, The Gingerbread House, The Cara Center, Karen Soileau, and last year’s recipient, The Hub Ministry.

To aid in the selection of this year’s recipient, we are opening the nomination process to all SBA members. Please see the

criteria for the award for you to keep in mind when making your nomination.

The SBA Liberty Bell award may be presented to a nonlawyer who has demonstrated a commitment to selfless community service which strengthens the effectiveness of the American system of freedom under law. Promotes a better understanding of our form of government, particularly the Bill of Rights. Promotes a greater respect for law and the courts. Promotes a deeper sense of individual responsibility in recognition of the duties as well as rights of citizens. Promotes effective functioning of our institutions of government and promotes a better understanding and appreciation of the Rule of Law.

An individual or organization who meets the above criteria may be nominated. All nominations should be submitted in writing by **Friday, April 3, 2026**, and emailed to:

**Dana Southern, dsouthern@shreveportbar.com**

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

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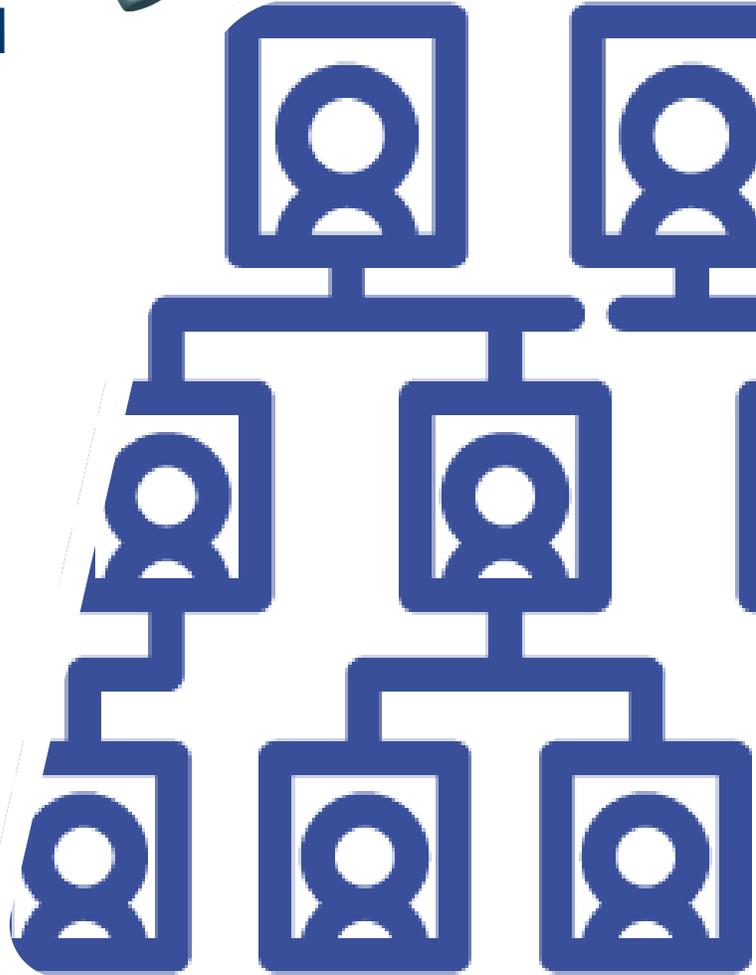
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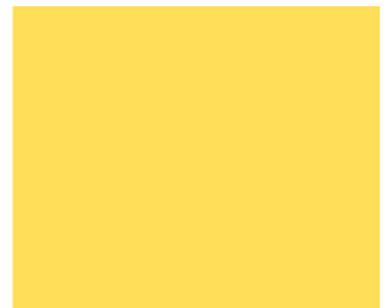
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### \*FEBRUARY 25

SBA MEMBER LUNCHEON  
Guest Speaker: Dr. Clinton Willson,  
Director of LSU Center for River Studies

### \*MARCH 25

SBA MEMBER LUNCHEON  
Speaker: TBD

### \*APRIL 29

LAW DAY LUNCHEON  
Speaker: TBD

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## SBA Luncheon Meeting – February 25

*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 one hour of CLE credit or \$35 for lunch only.*



Dr. Clinton Willson

**When:** 12:00 Noon on Wednesday, February 25

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

**Featuring:** Dr. Clinton Willson, Director of Louisiana State University Center for River Studies and professor of civil and environmental engineering

*LSU Center for River Studies*

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

### ABOUT THE AUTHOR

Please join us on Wednesday, February 25, as we welcome Dr. Clinton Willson, the Callais & Woods Professor and Dean for the College of the Coast and Environment at LSU. Dr. Willson has been at LSU for 27 years, after having earned a B.S. in Aerospace Engineering from Penn State University and M.S. in Environmental Health Engineering and Ph.D. in Civil Engineering degrees from the University of Texas at Austin. After graduating from Penn State, Clint spent 6 ½ years as a U.S. Marine Corps officer. He currently serves as the Director of the Center for River Studies and was the 2022-23 Erich and Lea Sternberg Honors Professor at LSU's Ogden Honors College.

Dr. Willson's areas of research include water resources engineering, water quality and sustainable infrastructure, and he has been heavily involved in coastal sustainability and water resource issues throughout his time at LSU. He serves on the executive committee for the LSU Coastal Ecosystem Design Studio and the Center for Collaborative Knowledge and is the faculty advisor for the LSU Global Water Brigades.

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