

THE BAR REVIEW

PUBLICATION OF THE SHREVEPORT BAR ASSOCIATION

Volume XXXIII, Number 3 • Mar. 2026

INSIDE | MARCH

From the President 1

News from the SBA Legal Community

Support Staff Committee (LCSSC)..... 3

Second Circuit Highlights4

Federal Update 6

Women's Section Announces

New Officers 7

How Write You Are.....8

Young Lawyers' Section Update..... 9

February Luncheon Highlights 10

SBA Liberty Bell Nomination Form 12

SBA Membership Day Registration..... 15

EVENTS AT A GLANCE

3/25	SBA Membership Luncheon – 12:00 p.m. - Petroleum Club
4/29	SBA Law Day Luncheon – 12:00 p.m. - Petroleum Club
5/1	Red Mass- Holy Trinity Catholic Church
5/3	SBA Member Day – Shreveport Yacht Club
5/4-5	Give for Good Campaign
5/8	SBA Pickleball Tournament



From The President

by J. Marshall Rice, jmrice@ricekendig.com

I am writing this message in the aftermath of our recent sleet storm – a rare pause that gave me unexpected time at home with my children, who are six years apart in age. Watching them enjoy an unplanned break sledding, hosting sleepovers and simply being kids was a gift. It reminded me that slowing down, even briefly, can create space for clarity, gratitude and restoration.

As attorneys, we are trained to move quickly: respond, react, decide. Moments like these remind us that leadership both professionally and personally also requires intentional pauses. Time to reflect. Time to listen. Time to reconnect with what truly matters.

Spring is one of my favorite seasons in Shreveport-Bossier. Longer days and the return of green trees, grass and azaleas signal renewal. With the season comes renewed energy within our Bar Association. We are preparing for **Law Week** (April 27 - May 3), and the **Red Mass** is also approaching – both meaningful opportunities to reflect on our role in serving the community and upholding the rule of law.

Over the past few weeks, I've met with the **Young Lawyers' Section**, and I've been encouraged by their renewed focus on service and connection. Opportunities to volunteer and participate in community projects are ahead. If you're interested in getting involved, please reach out to **YLS President Tanner Yeldell**. Their energy is contagious, and their commitment to service strengthens our entire organization.

We also have a **Pickleball Tournament** coming up, and we are bringing back **Member Day**. Registration is open for both events, and I encourage you to sign up and participate. These gatherings strengthen the relationships that make our Bar more than just a professional association.

This month, we will welcome **Dr. Andrew C. McKeivitt** as our luncheon speaker. He was unable to present in January due to the sleet storm and graciously agreed to reschedule. Dr. McKeivitt will speak on his new book, *Gun Country: Gun Capitalism, Culture, and Control in Cold War America*. The presentation will be approved for **one hour of CLE**, and I encourage you to attend, reconnect with colleagues and engage in what promises to be a thoughtful discussion.

As we move into this busy spring season, my hope is that we remain grounded – connected by purpose, united in service, and mindful that how we lead matters just as much as what we accomplish.

I look forward to seeing you in the weeks ahead.

**2026 Shreveport Bar Association
Officers & Executive Council**

J. Marshall Rice
President

Gerald M. "Marty" Johnson Jr.
President-Elect

Gregory H. Batte
Vice-President

Elizabeth M. Carmody
Immediate Past President

Ranee Haynes
Secretary-Treasurer

Members at Large
Sam Crichton
Heidi Kemple Martin
Judge Emily Merckle
L. Gordon Mosley II

Hon. Donald E. Hathaway Jr.
Judicial Liaison

Tanner R. Yeldell
President, Young Lawyers' Section

Silver Sanders
President, Women's Section

Jimmy Franklin
Captain, Krewe of Justinian

Meredith Bro
Secretary/Treasurer-Elect

Editorial Board
Dana M. Southern
dsouthern@shreveportbar.com

Hal Odom
rhodom@la2nd.org

Chris Slatten
Chris_Slatten@lawd.uscourts.gov

Shreveport Bar Staff
Executive Director
Dana M. Southern
dsouthern@shreveportbar.com

Pro Bono Coordinator
Lucy Espree
lespree@shreveportbar.com
Pro Bono Coordinator

Outreach Coordinator
Linnae Magyar
lmagyar@shreveportbar.com

Paralegal
Callie Jones
cjones@shreveportbar.com

Staff Attorneys
Mary E. Winchell
mwinchell@shreveportbar.com

Audrius M. Reed
areed@shreveportbar.com

(318) 221-8104
(318) 222-3643 • Fax 222-9272
www.shreveportbar.com

The Bar Association reserves the right, in its discretion, to decline to accept articles and advertisements from any individual, corporation, partnership, entity, group or association, without the necessity of giving a reason for its declination.

M A R R 2 0 2 2 6

SAVE THE DATES 2026 SBA CLE

17
JULY
James C. McMichael Trial
Advocacy Lunch & Learn CLE
Shreveport Bar Center

11
SEPT
North Louisiana
Criminal Law Seminar
Shreveport Bar Center

14-15
OCT
Recent Developments by the
Judiciary Seminar
Hilton Garden Inn /
Homewood Suites Bossier City

16-17
DEC
December CLE by the Hour
Seminar
Hilton Garden Inn /
Homewood Suites Bossier City

30
DEC
James C. McMichael Trial
Advocacy Lunch & Learn CLE
Shreveport Bar Center

<https://shreveportbar.com/continuing-legal-education/>



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

by Karen McGee, Committee Chair, kgmcgee2@gmail.com

School visits; Legal writing tips; and more on tap

The LCSSC continues to grow with high renewal rates and interest from new members. The January ice storm delayed the team’s visit to Parkway High School, but that will be rescheduled. Student member sponsorships still are available, so we will be exploring opportunities to meet with other Caddo and Bossier Parish high school and college students. Committee members also will be working with the Law Week Committee to assist with the SBA’s Law Week activities.

In February, the Committee welcomed guest speaker Attorney Eric Whitehead, who spoke on the importance of effective legal writing. He offered tips on creating, interpreting and applying the law through documents, structuring arguments logically, and preventing misunderstanding. Many thanks to Mr. Whitehead for sharing his time and expertise with us!

Thanks are also extended to members Sonia Orgeron and Lucy Espree for providing our delicious dinners in January and February. Last month the members were excited to receive their new LCSSC-branded T-shirts. A second order of shirts will be made in the near future – several designs are available at a cost of \$15 each, with a portion of the proceeds to support the educational programming of the Committee. Contact Callie Jones at the Shreveport Bar office if you are interested.

On March 10, the Committee will host a fun Trivia Night activity. More details are at the “Shreveport Bar Association Legal Community Support Staff Committee” Facebook and LinkedIn pages. These social media pages will also include more information about upcoming school visits and opportunities for involvement in Law Week activities.

Membership renewal and recruitment are ongoing, and firms are reminded that for every four paying members of their organization, the fifth membership is **free**. Scan the QR code 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.



Eric Whitehead spoke on the importance of effective legal writing to the LCSSC



Second Circuit Highlights

by Hal Odom Jr., rhodom@la2nd.org

Sue the right defendant (continued from last month).

Ms. Parrott hired Pelican Port-a-Buildings LLC to move her mobile home in west Ouachita Parish. To perform the move, Pelican had to disassemble the home and haul it to the new location; unfortunately, Ms. Parrott was very dissatisfied with the results, feeling that Pelican basically mangled the home and left it uninhabitable for her and her teenage daughter. She sued Pelican; its manager, Massey; and the alleged commercial auto insurer of the Ford F-350 they used to move the house, Progressive. Progressive immediately showed that the actual underwriter was United Financial Casualty; United conceded that it insured two of Pelican's vehicles, a Peterbilt 379 rig and an RNR trailer, but not the Ford F-350. The Ford, United alleged, was insured by Farm Bureau. Ms. Parrott amended her petition to allege more elements of damages, but apparently she did not attempt to join Farm Bureau.

United later moved for summary judgment on the basis that it did not insure the vehicle used in the move. It attached documents showing that the Ford was used in the move, not the Peterbilt, and Farm Bureau covered the Ford. Soon after this, Ms. Parrott's lawyer moved to withdraw, and Ms. Parrott never retained new counsel. She opposed the MSJ using her own affidavit, a copy of the United policy, and a sheaf of Federal Motor Carrier Safety Administration documents she obtained by FOIA request. After a hearing, the district court granted summary judgment and dismissed all claims against United (still calling it "Progressive"). Ms. Parrott appealed.

The Second Circuit affirmed, *Parrott v. Pelican Port-a-Bldgs. LLC*, 56,722 (La. App. 2 Cir. 12/17/25), in an opinion by Judge Robinson. The court carefully explained to the pro se plaintiff that the Ford was simply not covered by the United policy: it was not described on the declarations page, it was not an additional or replacement auto, and not a trailer or piece of mobile equipment; and various tiny discrepancies she alleged did nothing to create a genuine issue of material fact. The court also rejected her reliance on several federal statutes and regulations, as these claims were being urged for the first time on appeal, and the statutes and regs imposed duties on Pelican, not on United.

An unrepresented plaintiff faces a daunting challenge against a well-supported MSJ and high-power insurance lawyers, but apparently Ms. Parrott still had counsel when United showed that the actual insurer was Farm Bureau. And, after counsel moved to withdraw, she obtained several continuances, delaying the hearing for 17 months. The overwhelming lesson here is to get the right insurer.

Did you notice the insurer? In late 2010, Gibsland Bank & Trust extended a loan of \$150,000 to Mr. Thomas for his construction business and tree service; for security, Gibsland took a mortgage on two lots Thomas owned on Linwood Avenue. It hired a local title examiner, ArkLaTex Title, which uncovered one prior lien, which was to be canceled at closing. The closing took place on January 13, 2011, at which time Gibsland handed Thomas his first advance on the loan (\$50,634), and ArkLaTex's insurer, Security Title Guarantee of Baltimore, issued a title insurance policy warranting that Gibsland would be in the first position. However, ArkLaTex didn't record the mortgage until six days later, January 19; for reasons not explained, Thomas managed to take out a separate mortgage from another lender and get it recorded before Gibsland's mortgage was recorded. Obviously, the other lender was in the first position.

Over the next year or so, Gibsland raised the loan ceiling and continued to advance funds to Thomas – \$140,569 in February 2012, \$292,000 in May 2012, \$197,500 in June 2013. During this time, some internal documents showed that Gibsland became aware its mortgage might not be in the first position; in fact, Gibsland emailed ArkLaTex's lawyer, John Settle, who tried valiantly (yet unsuccessfully) to work out the other mortgage. Gibsland didn't take any action, however, because the borrower was still making payments. Once he defaulted, things changed.

In March 2017, Gibsland contacted Security Title for the first time, reporting that it was not in the first position and demanding resolution of the claim, about \$475,000. (In ensuing discussions, Settle admitted a "former employee" had "dropped the ball.") Gibsland sued Security Title to collect on the title policy, plus penalties and attorney fees. Within three weeks, Security Title cured the superior mortgage, but unusually contentious litigation continued, over Gibsland's alleged damages, penalties and attorney fees. After a trial on the merits, the First JDC awarded Gibsland damages and a penalty totaling \$52,002; after a further hearing, the court awarded Gibsland an attorney fee of \$140,174. Security Title appealed.

The Second Circuit affirmed in part and reversed in part, *Gibsland Bank & Tr. Co. v. Security Title Guar. Corp. of Baltimore*, 56,584 (La. App. 2 Cir. 1/21/26), in an opinion by Judge Ellender. The result was that Gibsland's damages were reduced to a statutory penalty of \$5,632 and an attorney fee of \$40,000. The parties raised many interesting and intricate issues, some of which would appear peculiar to the title insurance business. A major 2024 amendment to the penalty statute, La. R.S. 22:1892, with a complete repeal of R.S. 22:1973, will apply across the board, to all insurance claims.

One issue of special interest, however, was how the insured gets notice of claim to the insurer. Gibsland argued, and the district court agreed, that Gibsland gave effective notice of claim to Security Title early on, in 2012, when it emailed ArkLaTex's attorney to advise about the superior claim. The Second Circuit pointed out that, under the general rule, notice to an agent constitutes notice to the principal, under La. C.C. art. 2989. However, when the contract prescribes a particular form of notice, the contractual form applies. Security Title's policy prescribed notice in writing to its home office, in Baltimore, and Gibsland did not provide this until March 2017. Obviously, with five years' earlier notice the insurer could have mitigated many of Gibsland's losses. The kind of notice stated in the policy will always prevail.

Do fence me in. The Colvins bought a 23-acre tract of land on Hwy. 828, in Farmerville, in 2012, and made it their primary residence. The Joneses bought an adjacent one-acre tract in 2014 and made it *their* primary residence. They seem to have been good neighbors for a decade or so, until a boundary dispute cropped up. Specifically, it was a 70-foot-deep strip of timber and undergrowth between the estates, which the Colvins claimed was within *their* northern border, per a 1989 and a 2012 survey. The Joneses objected, saying the boundary was actually a "combination fence" or "old wire fence," giving *them* the strip. The Colvins put up a "No Trespassing" sign, followed by a larger "No Trespassing" sign. According to the Joneses, the Colvins took some harassing measures, including plopping a dead cow by the survey line, installing orange construction fencing near the boundary, using high-intensity lights to shine into the Joneses' backyard and running loud power generators from dusk to dawn.

The Colvins sued to judicially fix the boundary; the Joneses filed a separate suit for permanent injunction and damages. After trial, the Third JDC found the boundary was at the old combination fence. It also granted the Joneses' injunction, ordering the Colvins to remove all signs, posts, lights and flagging materials, and awarded the Joneses \$7,500 each in damages. The Colvins appealed.

The Second Circuit affirmed, *Colvin v. Jones*, 56,654 (La. App. 2 Cir. 1/14/26), in an opinion by Judge Hunter. The court began by rebuffing the argument that the Joneses could not bring a boundary action because they did not meet the qualifications for bringing a *possessory* action: the two actions are totally distinct and the action before the court was a boundary action, La. C.C. art. 786. The court then stated the fairly obvious rule that fixing a boundary is highly fact-intensive and the trial court's findings are protected by manifest error, *Horaist v. Pratt*, 21-001665 (La. 3/23/21), 312 So. 3d 1093. The court carefully combed the evidence and found no basis for declaring manifest error. The same applied to the trial court's finding that the Colvins' conduct was intentional,

served no legitimate purpose and substantially interfered with the Joneses' enjoyment of their property. Finally, the court found the award of \$7,500 to each of the Joneses was not an abuse of discretion.

It is a shame these rural neighbors could not reach an agreement over a 70-foot strip. It is worth noting, however, that a physical boundary, even a "downed" fence, can be more persuasive than two professional land surveys.

Betterment, revisited. Back in February 2025, I wrote about *Troung v. Sanders*, 56,015 (La. App. 2 Cir. 12/18/24), 402 So. 3d 685. In that case, the plaintiff had been rear-ended by a car insured by Old American Indemnity; Old American obviously did not contest its liability under the policy but offered the plaintiff some \$313 less than the cost of repairs, on the basis that the repairs would result in a "betterment" to the plaintiff's car. The plaintiff contended he was entitled to be made whole, even if repairs slightly improved him. The district court disagreed and dismissed the claim. The Second Circuit reversed, finding that a betterment deduction is valid with the insurer's own policyholder, but not with injured third parties. For third parties, La. C.C. art. 2315 requires the tortfeasor (and his insurer) to pay "all costs caused by the tortfeasor." The court also assessed a statutory penalty, under R.S. 22:1892, for treating the injured third party in bad faith. Old American took a writ.

The Supreme Court recently affirmed in part and reversed in part, *Troung v. Sanders*, 25-00169 (La. 12/18/25), in an opinion by Chief Justice Weimer. The court unanimously affirmed the Second Circuit's reasoning that "the tortfeasor is not entitled to reduce the tort victim's property damage recovery for betterment[.]" The proper measure is "the amount necessary to fully repair or restore [the plaintiff's] vehicle so as to return it to as nearly as possible to the state it was in immediately before the accident." The court essentially (though not explicitly) approved the distinction that first-party claims may be subject to betterment, but not innocent third-party claims. However, throwing a bone to the insurer, the court found that because there was absolutely no jurisprudence on the issue, it would be unfair to assess a penalty against Old American. That portion of the judgment was vacated. (Justice Hughes would have affirmed the judgment in its entirety.)

The matter appears to be now settled, but it's possible the insurance industry will lobby the legislature to amend the Insurance Code to make the betterment deduction apply to everybody, not just policyholders. Until then, damaged plaintiffs will not have to eat the betterment.



Federal Update

by Chris Slatten, Chris_Slatten@lawd.uscourts.gov

Spoliation of Critical Video: A prisoner at David Wade Correctional Center alleged that a corrections officer subjected him to excessive force. The prisoner filed a grievance. The warden wrote in a denial that he reviewed “body camera footage” that showed two officers enter the prisoner’s cell to conduct a shakedown “and you began hitting your head against the wall of the cell.”

The grievance alerted prison officials to potential litigation, plus the prisoner’s attorney sent a letter and asked for preservation of all video footage. The prisoner filed a § 1983 suit and requested production of the video. DWCC produced body camera video, but the most important three-minute segment was missing. The defendants said only that “all bodycam footage taken in connection” with the incident was provided.

Meanwhile, two officers submitted declarations in support of a motion for summary judgment. They stated that the prisoner submitted to being handcuffed for a cell search, shouted, “I got y’all now,” and proceeded to “bang his head” against the wall. They denied hitting the inmate.

The warden claimed to have seen the critical footage, so it once existed, counsel timely asked for its preservation, and then the critical three minutes vanished. Judge Edwards wrote, “DWCC offers no argument or evidence to suggest that the disappearance of the crucial footage is attributed to its negligence or poor judgment. In fact, it offers no explanation as to why the three minutes of body camera footage disappeared. The critical nature of this video and the lack of explanation for its disappearance, supports a finding that it was destroyed in bad faith.” The court ordered an adverse inference jury instruction with respect to the missing three minutes. The case soon settled. *Felton v. Hill*, 23 CV 0293, Doc. 116. This one is not on Westlaw or Lexis.

Section 1746 Declarations: I looked at the officers’ declarations in *Felton* when writing this column. They were ostensibly made pursuant to 28 U.S.C. § 1746, although they did not cite it. That statute allows declarations made under penalty of perjury and in compliance with the statute to stand in for sworn affidavits in federal court cases.

The declarations are titled Declaration Under Penalty of Perjury, but the bodies of the declarations do not contain the statutory language “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.” Instead, they say only that the officers “declare from my personal knowledge that the following facts are true.” Therefore, the officers arguably made no statement that was either under oath or otherwise under penalty of perjury.

I’m not sure if this was due to poor drafting or careful drafting, but declarations that try to wriggle out of the “under penalty of perjury” requirement have been rejected as summary judgment evidence because they did not substantially comply with § 1746. *Nissho-Iwai Am. Corp. v. Kline*, 845 F.2d 1300, 1306 (5th Cir. 1988); *James v. Viers*, 2024 WL 1313895 (S.D. Tex. 2024) (collecting cases). The statute also calls for the declaration to include: “Executed on (date).” I see some declarations that are not dated. Judges often let it slide, but a smart opponent is one day going to object to such an undated declaration and put someone in a bind.

State Court Filing After Removal: Now and then, after a case has been removed, a party will mistakenly file a motion or other filing in the state court case. What is the effect of that filing? Nothing.

A removal statute requires the defendant who files a notice of removal to promptly give written notice to all adverse parties and file a copy of the notice with the clerk of the state court, “which shall effect the removal and the State court shall proceed no further unless and until the case is remanded.” 28 U.S.C. § 1446(d).

My favorite treatise says that “numerous courts have ruled that any post-removal proceedings in the state court are considered *coram non jure* and will be vacated by the federal court, even if the removal subsequently is found to have been improper and the case is remanded back to that state court.” 14C Wright & Miller, *Federal Practice & Procedure* § 3736 (Rev. 4th ed.) The principle was recently applied to hold that a post-removal amended petition filed in state court was of no moment. *Banks v. Walmart Inc.*, 2025 WL 2942008 (W.D. La. 2025).

Daubert, Malicious Prosecution, and Legal Ethics Expert: Mr. Bledsoe was accused of burglary and acquitted at trial. He filed a malicious prosecution claim against the ADA who prosecuted him, and he wanted to call a law professor as a legal ethics expert to testify about the propriety of the ADA’s actions. Judge Edwards granted a motion to exclude the proposed expert testimony.

The court noted that the expert’s opinion “skirts around malicious prosecution without addressing any of its elements” and instead “explains how [the ADA] may have violated ethical rules,” but “[s]uch ethical rules are not at issue.” The expert’s report did opine that the ADA “continued prosecution [of Bledsoe] despite knowing probable cause was lacking,” but the existence of probable cause is not a question for “a legal scholar imposing a legal argument with the elevated stamp of an expert.” *Bledsoe v. Willis*, 21 CV 4367, Doc. 156.



Women's Section Announces New Officers

by Silver Sanders, SBA Women's Section President, silver@ryangatti.com

Hello members of the Shreveport Bar Association:

It is truly an honor and a privilege to serve as the 2026 Women's Section President. I am grateful for the opportunity to work alongside such accomplished and dedicated attorneys in our community.

I would like to extend my sincere appreciation to the leaders who have come before us. Your commitment, vision and service have laid a strong foundation for continued growth, mentorship and advocacy within our Section. I look forward to building upon that legacy as we continue to support one another and strengthen the presence of women in the legal profession.

I am excited for the year ahead and for the opportunity to serve each of you.

Please welcome our new **2026 Women's Section Board: President Silver Sanders; Vice-President Trinicia Farris; Secretary Anna Claire Tucker; and Treasurer Rachel Hughes.**

Goals and Objectives:

This year, the Women's Section will continue to focus on connection, professional growth and community while, of course, having some fun along the way.

Our goal this year is to expand outreach and encourage greater engagement among our members, while continuing to uplift women in the legal profession and strengthen the SBA as a whole. By fostering connection, collaboration and support, we hope to build an even more inclusive and empowered community.



Trinicia Farris
SBA Women's Section
Vice-President



Chandler Higgins
SBA Women's Section
Immediate Past President



Anna Claire Tucker
SBA Women's Section
Secretary



Rachel Hughes
SBA Women's Section
Treasurer

How Write You Are

by Hal Odom Jr., rhodom@la2nd.org

We all have a part to play. When we have a part to play, or a function to perform, in a larger system, there's a common word for that. Remember to spell that word right. Consider:

"This is a fact intensive case and the only legal principle to play a significant *roll*, therefore, is that of manifest error." *Pierre v. Tulane Univ.*, 07-0600 (La. App. 4 Cir. 12/19/07), 984 So. 2d 734. "Yet, other actors' negligence played larger *rolls* in the sequence of events. Accordingly, Lakeside is assessed 17.5% fault." *Lam ex rel. Lam v. State Farm*, 03-0180 (La. App. 4 Cir. 4/1/05), 901 So. 2d 559. "A second-filed court plays a limited *roll* when presented with a motion to transfer or stay based on the first-to-file rule[.]" *State v. Biden*, 538 F. Supp. 3d 649 (W.D. La. 2021) (headnote supplied by Thomson Reuters).

The part you play is your *role*, a word borrowed from the French *rôle*, meaning a theatrical part. The courts meant to refer to a significant *role*, a larger *role* and a limited *role*. Confusingly, the same French source gives us that other word, *roll*, meaning something curled up or in a round shape. (The going theory is that the actor's script was curled up into a scroll.) In other words, the opposite mistake is also possible:

"[T]he secretary could use a computer program to cross-check the names and addresses on the petition with the names and addresses on the voter registration *roles*, thus ensuring the accuracy and legitimacy of each signature." *John Doe No. 1 v. Reed*, 561 U.S. 186, 130 S. Ct. 2811 (2010) (Alito, J. concurring). "Victim agreed that she was making mostly 'A's' and some 'B's' and was on the honor *role*." *State v. DD*, 18-0891 (La. App. 4 Cir. 12/27/19), 288 So. 3d 808. "That members' names are not memorialized on a proverbial membership *role* does not mean that members do not voluntarily join and participate[.]" *Concerned Citizens Around Murphy v. Murphy Oil USA*, 686 F. Supp. 2d 663 (E.D. La. 2010).

These should be voter registration *rolls*, the school honor *roll* and the nonprofit's unwritten membership *roll*. Your *role* as a lawyer is to join the *rolls* of careful legal writers.

It's the cart before the horse. Over 2,000 years ago the noted Roman orator Cicero advised that you should not jump right into the fact-specific part of your presentation. This is because it "forms no part of the question, and men are at first desirous to learn the very point that is to come under their judgment." Cicero, *On Oratory and Orators* (trans. J.S. Watson), Carbondale, Ill.: S. Illinois Univ. Press, ©1986, 143.

Much more recently, two eminent legal writers noted that the rules of the U.S. Supreme Court provide that the first thing a reader sees, upon opening the cover of a brief, is the question presented. They lament that many other court rules do not require issues or questions presented to be placed up front, or even to be set forth at all. "That's regrettable, because the facts one reads seem random and meaningless until one knows what they pertain to." Whether it's a motion in the trial court,



an appellate brief or an in-house memo, "don't ever begin with a statement of facts. State the issue first." Antonin Scalia & Bryan A. Garner, *Making Your Case: The Art of Persuading Judges*, St. Paul, Minn.: Thomson/West, ©2008, 25.

The late Justice Scalia's precepts are reflected in the La. Uniform Rules of Courts of Appeal ("URCA"), 2-12.4. These prescribe a sequence of contents:

- (1) Table of contents
- (2) Tables of authorities
- (3) Jurisdictional statement
- (4) Concise statement of the case (emphasis on "concise"). This is where, I submit, you should lay out the issues without venturing too far into the weeds.
- (5) Assignments of error
- (6) Listing of issues for review
- (7) Statement of facts. This is where you lay into the facts.
- (8) Short summary of argument
- (9) Argument
- (10) Conclusion

Here's the delicate problem: While the statement of issue should come before the full statement of facts, it must contain enough facts to make it informative. "Whether there was a genuine issue of material fact" is accurate, but not much help. Justice Scalia and Prof. Garner add, "Fill in the facts that narrow the issue to precisely what the court must decide." There is no template for assessing how much factual background is enough but not too much. But if you are at least aware of the potential problem, you are less likely to run afoul of the Supreme Court rules, *Making Your Case* and URCA 2-12.4.

Not-so-obvious redundancy. Last month I wrote about *RAS Syndrome*, for perhaps the 25th time in the 25-year history of this column. In all fairness, not all redundancies are quite so obvious. One such example is *remand*, which means *to send back*, as from the appellate court to the trial court or from the federal court to the state court, and thus the common combination *remand back* means *to send back back*. This double-talk recurs redundantly.

"Accordingly, the judgment is reversed, and the matter is *remanded back* to the trial court for rendition of a judgment on the merits." *Jelenko v. Crais*, 25-0570 (La. App. 4 Cir. 10/8/25), 424 So. 3d 222. "After considering the arguments of each side, and for the following reasons, we grant the writ, deny relief, and *remand back* to the trial court for further proceedings." *Farque v. La. Med. Mut. Ins. Co.*, 25-22 (La. App. 3 Cir. 6/18/25), 416 So. 3d 796. "Therefore, Plaintiff concludes that this case should be *remanded back* to state court." *Arrive NOLA Hotel LLC v. Certain Underwriters at Lloyds, London*, 763 F. Supp. 3d 756 (E.D. La. 2025).

Spell Check will not remand this error to the author, so legal writers must rely on their own wits!



Young Lawyers' Section Update

by Tanner Reed Yeldell, tanner.yeldell@shreveportla.gov

ANNOUNCING THE 2026 YOUNG LAWYERS' SECTION EXECUTIVE BOARD OFFICERS AND MEMBERS

As I step into the role of president of the Young Lawyers' Section, I am both honored and excited to serve alongside an outstanding Executive Board for the coming year. This group brings energy, creativity and a genuine commitment to strengthening our section and supporting one another as young lawyers.

I am proud to introduce our 2026 Executive Board: Vice-President Skylar Dean, Secretary Calvin Combs, Treasurer TJ Pittman, Social Media Chair Anna Claire Tucker and Members-At-Large Daniel Farris and Silver Sanders.

Our goals for this year remain rooted in what has always made this section thrive: expanding meaningful networking opportunities, providing practical and engaging learning experiences and fostering the camaraderie that makes the practice of law more rewarding. We aim to create a space both professional and social where young lawyers can connect, learn from one another and feel supported at every stage of their careers as they become lawyer leaders of tomorrow.

We are already preparing for Law Week and will be partnering with local schools to promote legal education through several events. We will need volunteers to speak with students, assist with presentations and panels and help make these events impactful and engaging. If you are interested in participating, I strongly encourage you to get involved by contacting TJ Pittman (tjpittesq@gmail.com). Your time and contributions can make a meaningful difference.

I am confident that this Executive Board will continue to grow the Young Lawyers' Section in ways that are engaging and responsive to the needs of our members. We look forward to a great year ahead and hope you will join us in the programs and events to come.



Skylar Dean
Vice-President



Calvin Combs
Secretary



TJ Pittman
Treasurer



Anna Claire Tucker
Social Media Chair



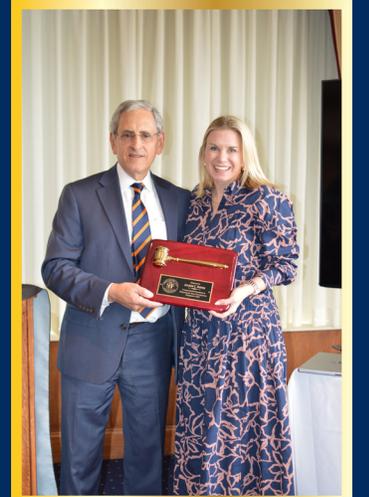
Silver Sanders
Member-at-Large



Daniel Farris
Member-at-Large

FEBRUARY LUNCHEON

Highlights



SPACE FOR LEASE



Shreveport Bar Center 625 Texas Street, Suite 200

Property Features

- 2,865 SQFT
- Convenient location with easy access
- Ample on-site parking
- Competitive rates
- Clean and secure building
- Professional atmosphere
- Move-in ready

Contact for Details or Tour:

Dana Southern

(318) 703-8373

dsouthern@shreveportbar.com



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.

**SBA Liberty Bell Award Nomination Form
DEADLINE: Friday, April 3, 2026**

I would like to nominate the following person or organization to receive the 2026 Liberty Bell Award:

Name	
Street Address	
City, State, Zip Code	
Mobile Phone	
Work Phone	
Email	

Reason they should receive the award (you may attach additional information)

MOBILE NOTARY STEVEN T LLC
(318) 510-1903
MobNotaryST@gmail.com

HEADQUARTERS: BENTON, LA 71006
◇SIX PARISH COVERAGE AREA



◇TRAVELS "TO" YOU AND "FOR" YOU
◇LOAN CLOSER FOR NEW HOMES
◇REFINANCES, PURCHASES AND MORE



MAYER, SMITH & ROBERTS, L.L.P.
Attorneys at Law

Mayer, Smith & Roberts, LLP, a Shreveport, Louisiana law firm, with an emphasis in litigation and insurance defense is seeking experienced attorneys for associate or partnership positions. Please send all resumes to Colly Roberts, colly@msrlaw.com



Welcome New Members

Edwin Henry Byrd IV
Attorney at Law

Michael Reichard
Cook, Yancey, King & Galloway

Michael Schimpf
Cook, Yancey, King & Galloway

Matthew Stevens
Attorney at Law

WOMEN'S SELF DEFENSE

International Women's Day
Sunday, March 8th
10 - noon

\$15 per person

Pak's Karate 5302 Barksdale Blvd, Bossier City, LA

- ✓ Increased Strength
- ✓ Increased Flexibility
- ✓ Increased Fitness
- ✓ And more

Register Now

sbawomenssection@gmail.com



SBA MEMBER DAY

CRAWFISH BOIL



SHREVEPORT YACHT CLUB
2905 Municipal Pier Rd, Shreveport

SBA Members, Spouses, Significant Others, Children and Grandchildren
All are invited to spend the afternoon for unforgettable memories
with your loved ones and enjoy a variety of fun activities for all ages.

- ✓ **Crawfish, burgers, hot dogs and chicken**
- ✓ **Cold beer, sodas and ice cream**
- ✓ **Music, games and swimming**



Sunday
3 May 2026



Time
4-6 pm



www.shreveportbar.com



SBA Member Day Registration

Online registration is available on the SBA website, shreveportbar.com

Member Name _____ Spouse/Guest _____

Contact Phone _____ Email _____

\$25 Per Adult * \$10 Per Child (Under 12)
T-Shirt Order (must be received by April 10)

Adult Sizes: XXL ___ XL ___ L ___ M ___ S ___

Youth Sizes: L ___ M ___ S ___



SHREVEPORT BAR ASSOCIATION

PICKLEBALL TOURNAMENT

8
MAY

FRIDAY

\$120 PER TEAM



9:30AM



**PIERREMONT OAKS
TENNIS CLUB**

WWW.SHREVEPORTBAR.COM/SBA-PICKLEBALL-TOURNAMENT

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@thearvillelawfirm.com,
(318)470-9582.

The Department of Justice, Office of Attorney General Liz Murrill, is seeking applications for an **Assistant Attorney General** in the Litigation Division, Shreveport Office. The Litigation Division represents the State in tort claims in the areas of Civil Rights, General Liability, Medical Malpractice, Road Hazard, Transportation, and Workers' Compensation. Salary offered will be commensurate with the qualifications and experience of the candidate selected.

Interested candidates should contact
Michelle Boutte at 225-326-6364 or BoutteM@ag.louisiana.gov.

Paralegal Needed

The law office of David L. White APLC is looking to hire a paralegal.

Email your resume to:

mary@bossierattorney.com

For questions, contact Mary or Lenae at 747-7023



Nichole M. Buckle



Now Offering Mediation Services

For all civil law matters, including civil rights, personal injury, wrongful death, medical malpractice, mass torts, employment, contracts, business disputes, property disputes, and professional liability.

Trained through Harvard Law School, Program on Negotiation

318-629-0014
nikki@cbbd.law



Attorney at Law

Heidi Kemple Martin



Now Offering Mediation Services

For all family law matters, including custody, child support, spousal support, & property partitions.

Trained through Harvard Law School, Program on Negotiation

318-220-1815
heidi.martin.atty@gmail.com

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

Confidentiality Control
A Fair Compromise Cost-Effective

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

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

Call or email us today to schedule your mediation.

(318)222-2100
mediate@weems-law.com

Carey T. Schimpf



Family / Civil Mediator



**Weems, Schimpf,
Haines & Moore**
A Professional Law Corporation

**Accepting Appeal
And
Family Law Referrals**

Certified By Louisiana Board of Legal
Specialization

(318)222-2100
kenny@weems-law.com

Kenneth P. Haines



Board Certified in
Appellate Practice and Family Law

FORMER SOCIAL SECURITY JUDGE

PETER J. LEMOINE

Social Security Disability Law

***Recipient of Social Security Disability Leadership Award:
National Top 100 Social Security Disability Law Firms***

MEMBER: Louisiana State Bar Association, Shreveport Bar Association, Lafayette Bar Association, Avoyelles Parish Bar Association, National Organization of Social Security Claimants' Representatives

PUBLISHED ARTICLES: "The Worn-Out Worker Rule Revisited", "Significant Work-Related Limitations of Function under SS 12.05C", "Questionable Retirement and the Small Business Owner", "Crisis of Confidence: The Inadequacies of Vocational Evidence Presented at Social Security Hearings", "An Unsolved Mess: Analyzing the Social Security Administration's Methodology for Identifying Occupations and Job Numbers".

(318)717-1995
1-888-468-3741 (Toll Free)



Forensic ACCOUNTING

LITIGATION SERVICES
BUSINESS VALUATION

Forensic accounting includes two crucial areas of Investigation Services and Litigation Services, and it must accomplish the following:

- Detect falsified records and other financial wrongdoing with accounting, auditing and investigative skills.
- Determine truth, form expert opinions, and assist with investigations.
- Provide “expert witness” testimony in any given court case in a way that is comprehensible to the jury.

Chad Garland will accomplish the job, to be sure. He’s only a phone call away.

318 220.4416

900 PIERREMONT RD, STE 120
SHREVEPORT, LA 71106
CHADGARLANDCPA.COM

FISCHER & PROCELL

ATTORNEYS AT LAW

Chris A. Procell

Licensed in Louisiana and Texas

Accepting referrals for workers’ compensation cases

3421 Youree Drive
Shreveport, Louisiana 71105

Telephone: (318) 869-0304
Fax: (318) 869-4911

Email: chris@fischerprocell.com

Timothy R. Fischer
Of Counsel, Emeritus



DEADLINES



WE WIN EVERY TIME



redriverprint.com



4716 Viking Dr
Bossier City, LA 71111

318.868.3555

Call us for all
your print needs.

15

PUT THIS
ON YOUR
CALENDAR!

UPCOMING EVENTS

*2026 SBA MEMBERSHIP LUNCHEON

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

*MARCH 25

SBA MEMBER LUNCHEON

Speaker: Dr. Andrew McKeivitt, author of *Gun Country: Gun Capitalism, Culture, and Control in Cold War America*.

MAY 1

32nd Annual Red Mass

Music 8:30 a.m. Mass 9:00 a.m.
Holy Trinity Catholic Church

MAY 4-5

Give for Good Campaign

Lowder's Baking Company
Superior Grill

*APRIL 29

LAW DAY LUNCHEON

Speaker: Zachary A. Keller
United States Attorney, Western District of Louisiana

MAY 3

SBA Member Day
Shreveport Yacht Club
4:00 - 6:00 p.m.

MAY 8

SBA Pickleball Tournament

Pierremont Oaks Tennis Club

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.



amazonwishlist

SBA Luncheon Meeting – March 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. Andrew McKeivitt

No Compromise: Understanding the Second Amendment as a Cold War Creation.

When: 12:00 Noon on Wednesday, March 25

Where: Petroleum Club (15th floor)

Featuring: Dr. Andrew McKeivitt, author of *Gun Country: Gun Capitalism, Culture, and Control in Cold War America*

This presentation is eligible for 1 hour CLE credit.

Please join us on Wednesday, March 25, as we welcome Dr. Andrew McKeivitt, Professor, Louisiana Tech University.

ABOUT THE AUTHOR

Andrew C. McKeivitt is the John D. Winters Endowed Professor of History at Louisiana Tech University, where he has taught since 2012. He is the author of two books, both published by the University of North Carolina Press: *Consuming Japan: Popular Culture and the Globalizing of America* (2017), and *Gun Country: Gun Capitalism, Culture, and Control in Cold War America* (2023), which was shortlisted for the Cundill History Prize and named one of the best books of the year by *The Washington Post*. His writing has appeared in publications like *Time*, *Slate* and *The Washington Post*, and he has commented on contemporary politics for the BBC, Al Jazeera, MSNBC and Democracy Now. He is currently working on a biography of twentieth-century America's most prolific gun seller. He grew up in New Jersey and is a graduate of St. Joseph's University and Temple University, where he received a Ph.D. in 2009.

We will have a limited number of copies of his book, *Gun Country: Gun Capitalism, Culture, and Control in Cold War America*, for sale at the luncheon. Books will be sold and signed by the author after the presentation.

#SHREVEPORTBARASSOCIATION

Confirm your reservation(s) by email at dsouthern@shreveportbar.com or by phone at 703-8372.

Please remember to call and cancel if you can't attend.

The SBA pays for each reservation made. No-shows will be invoiced.