

THE BAR REVIEW

PUBLICATION OF THE SHREVEPORT BAR ASSOCIATION

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EVENTS AT A GLANCE

6/22	SBA Law Day Luncheon – 12:00 p.m. - Petroleum Club of Shreveport
8/12	Krewe of Justinian Coronation Bal – 601 Spring Event Center
8/15	September Bar Review Deadline



From The President

by Donald E. Hathaway Jr., President, dhathaway@socklaw.com

On May 9, 2016, the Shreveport Bar Association hosted its annual golf and tennis tournament at Southern Trace. We had a great turnout and as usual the golf and tennis committee did an excellent job organizing the event. All this could not have been possible without the help of our many sponsors, participants and, as always, our executive director, Dana Southern, and her assistant, Courtney Turner.

Summer is just around the corner, and I know it will be a busy time for all, but if you can make the June luncheon, to be held on June 22, 2016, at the Petroleum Club, I know you will enjoy the guest speaker. Mr. Gregory Kallenberg will be presenting an explanation of what the Louisiana Film Prize is and how it has positively impacted our community in concert with many other new activities for Shreveporters to get involved in and have fun. Mr. Kallenberg is the founder of the Louisiana Film Prize. He grew up and attended school here in Shreveport but for many years made his home in Austin, Texas. He moved back to Shreveport from Austin to make his last film, "Haynesville." Mr. Kallenberg not only decided to make Shreveport his home again but, more importantly, he has taken on the task of building an indigenous film community in northwest Louisiana. To the Film Prize, Mr. Kallenberg is a caring mother, stern father, needy uncle and eccentric aunt. (I didn't write that.)

Prior to filmmaking, he wrote for *Esquire*, *The New York Times*, *Texas Monthly*, *Austin-American Statesman's XL* magazine and other publications. Mr. Kallenberg attended the University of Texas and received a Bachelor of Science in film. Mr. Kallenberg also attended the film program at the University of Southern California. Prior to his breakout documentary "Haynesville: A Nation's Hunt for an Energy Future," Mr. Kallenberg directed "Eating Levi," an internationally successful film about Levi Oliver and his quest for competitive eating fame.

Since the early 2000s, some say Louisiana has become known as Hollywood South. Shreveport-Bossier, Louisiana, has had its fair share of blockbuster productions – and there's a reason: It's an easy place to make movies, the people are incredibly nice, and the food and drinks are over-the-top. Our creative community wants to show the world what Shreveport-Bossier is all about. The Louisiana Film Prize is an extension of the artistic vibe that has come to surround the Shreveport-Bossier area.

The Louisiana Film Prize for 2016 will be the weekend of September 30 – October 2. Here, the finalists will compete for a grand prize of \$50,000. Much of the competition is held right next door to the Shreveport Bar Center. Mr. Kallenberg's presentation should be exciting and informative for our organization, so come on out and support our downtown neighbor.

GET INVOLVED!

RECENT DEVELOPMENTS BY THE JUDICIARY

*Support the **SBA**
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BACK BY POPULAR DEMAND:

United States Supreme Court Update 2015-2016 Term,
by United States Fifth Circuit Chief Judge Carl Stewart

Torts Update, *by Jerry Edwards and Marshall Rice*

Helpful Hints from A-Z from Fannin Street *will be taught by Judge Jeanette Garrett*

Break-Out Sessions for the following topics and speakers:

Evidence and Procedure *taught by Judge D. Milton Moore III*

Recent Developments in Mediation and Tips for Pros *taught by Elizabeth Middleton
and Durell Tuberville*

Federal Procedure *by Magistrate Judge Mark Hornsby*

NEW THIS YEAR:

The Regulatory Role of the Office of Conservation and Its Impact on Louisiana's Economy
*taught by Richard P. Ieyoub, Commissioner of Conservation, Louisiana Department of Natural
Resources*

False Claims Act, Fundamentals and Recent Developments: What Every Lawyer Needs to Know
About Bringing and Defending Whistleblower Suits *by A.G. (Alec) Alexander III, Partner,
Breazeale, Sachse & Wilson LLP*

How the IRS is Relevant to Your Legal Practice *by Angela Bryson and Carey Bryson,
Bryson Law Firm LLC*

Early Bird Registration 

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for a discount and
a chance to win a prize.**

Recent Developments By the Judiciary

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2016 RECENT DEVELOPMENTS BY THE JUDICIARY SHREVEPORT, LOUISIANA

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City, State, Zip _____ Fax No. _____

Email _____

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Please charge to my Visa MasterCard Discover American Express

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Expiration Date _____ SIC: _____

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625 Texas Street | Shreveport, LA 71101

Look for full class schedule in the mail soon!



The Neutral Ground



by John T. Cox, Jr., jcox@bwor.com

We Like Our Own Ideas

While I have conducted both mediations and arbitrations, I would suggest to you that from my perspective mediation has a lot to offer. Neither the courtroom nor the arbitration hearing allows you and your client to be direct participants in formulating the relief that is being sought. The judge or jury is bound by the precise facts adduced and the law directly applicable thereto. The arbitrator must render an award that “finds its essence in the contract.” In mediation, there is the opportunity to explore what is important to the parties. Maybe it is a monetary award, but maybe it is only monetarily related.

I recall a mediation a few years ago where not a whole lot of progress was being made, so I asked permission to ask (outside the presence of the other party) some questions of the plaintiff. After a short period of discussion, it was obvious to me that the most important thing to the plaintiff was a new Chevrolet pickup truck. Now of course, he could use any monetary settlement he received to buy, or apply to the purchase of, such a new truck, but his “harbored grudge need” was to be able to have the defendant and his insurer provide him, free of cost, a new Chevrolet pickup truck. Once a mediator better understands what is driving a mediation, he or she can often use that knowledge to help channel the efforts of the parties toward a more meaningful result and resolution. Needless to say, we ended up with the plaintiff getting his new truck delivered to him, and the cost of it was less than the total authority that the adjuster had in his pocket to spend.

Having the freedom provided by mediation for the parties to formulate a resolution and for the mediator to be able to facilitate that approach gives rise to the effective use of the “next best alternative to resolve the matter” approach. What was the adjuster’s next best alternative to providing a free truck? Well, it would have been putting enough money on the table that the plaintiff would have to forgo his real desire for the truck and take the money – more costly for the insurer, and perhaps costly to the prospect of resolution. What was the plaintiff’s next best alternative to accepting the truck? Well, it would have been to risk an unsuccessful mediation and going back to court, where the satisfaction of having a free truck handed to him was not a possibility.

Now some readers might think that the significance of a truck vs. money to buy a truck is a distinction without a difference, but that overlooks the fact that individual parties to mediation have a definite mind set – sometimes one that makes the mediator’s job more difficult, sometimes one that can assist in the resolution process. I think most mediators would agree with this assessment, and many lawyers have certainly seen this aspect of their client’s thought process come into play.

A printer driver is the software that allows a computer to talk

to a particular printer so that it can print out the material from the computer. In other words, it converts the data to be printed to the form specific to that printer. The plaintiff’s real hope of mediation is, I suggest, like the printer driver, that which allows the mediator to facilitate the parties talking about the result that beats the next best alternative.

My point is really twofold: first, the end result in the above example was one crafted by the parties and not imposed on them by a third person – underscoring the attraction, and real possibility, of obtaining relief that could not have been obtained either in the courtroom or at an arbitration hearing. Human nature is often more receptive to enacting its own idea than having something forced upon it. Second, the ability to be innovative may not only enhance the opportunity to reach resolution, but may indeed beat the next best alternative for everyone.

Remember, mediation is under the control of the participants, but the effective mediator’s job is to leverage that control into the parties’ preferred resolution.



YOU ARE CORDIALLY INVITED TO ATTEND THE
SWEARING IN CEREMONY OF

MIKE SPENCE

AS

CADDO PARISH CLERK OF COURT

THURSDAY, JUNE 30, 2016
4:30 P.M.

LOUISIANA SUPREME COURT JUSTICE
SCOTT J. CRICHTON, OFFICIATING
CADDO PARISH CLERK’S OFFICE
CADDO PARISH COURTHOUSE
501 TEXAS STREET
SHREVEPORT, LOUISIANA 71101

The ceremony will also include the recognition of
retiring Caddo Parish Clerk of Court Gary Loftin
and Administrative Assistant Deputy Clerk Ronald K. Looney

Welcome TO THE SBA

Shannon Brown
The Brown Law Firm, LLC

Michael Enright
Caddo Public Defender Office

Danielle A. Farr
Attorney at Law

Daniel Farris
Second Circuit Court of Appeal

Jordan N. George
Law Office of Patricia Miramon

Monique Y. Metoyer
Caddo District Attorney's Office

John Alex Radford
First Judicial District Court
Honorable Charles Tutt

Alston Walker
US District Court
Honorable Elizabeth Foote

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**2016 Professionalism Award Nominations
Nominate Someone Who Deserves to Be Honored**

The Shreveport Bar Association Professionalism Award will be presented at the October luncheon meeting and the recipient's name will be added to the permanent plaque which hangs in at 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 and A. M. "Marty" Stroud III, Samuel W. Caverlee, Charles C. Grubb and Zelda W. Tucker.

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 meeting 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 26, 2016**, 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 which would help the committee in its selection process.

**SBA Professionalism Award Nomination Form
DEADLINE: Friday, August 26, 2016**

The award is reserved for individuals who exemplify the highest standards of professionalism while practicing law. Any eligible attorney may be nominated by another SBA member. Written 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.

I would like to nominate the following SBA member to receive the 2016 Professionalism Award (please complete as much as possible)

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

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

Signature

Name (printed)	
Signature	
Date	

Mark Your Calendar



JUNE 22

SBA Member Luncheon

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

Speaker: Gregory Kallenberg

AUGUST 12

Krewe of Justinian

Coronation Bal

601 Spring Event Center

SEPTEMBER 28

SBA Member Luncheon

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

Speaker: TBD

OCTOBER 26

SBA Member Luncheon

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

Speaker: Alston Johnson

Professionalism Award Presentation

OCTOBER 13-14

Recent Developments by the Judiciary CLE

Hilton Garden Inn, Bossier City

OCTOBER 28

SBF Costume Party

Silver Lake Ballroom

900 Market Street

NOVEMBER 3

SBA Memorial & Recognition Ceremony

2:00 p.m. at the Caddo Parish Courthouse

MEDIATION AND ARBITRATION OF COMPLEX DISPUTES



Ross Foote



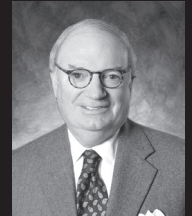
Phelps Gay



Thomas Hayes, III



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

SBA Honors Liz Swaine with 2016 Liberty Bell Award

The Shreveport Bar Association has named Liz Swaine, Executive Director of the Downtown Development Authority, as the recipient of the 2016 Liberty Bell Award. The award presentation took place at the U.S. Federal Courthouse in Shreveport on Thursday, May 5, during one of Shreveport Bar Association's Law Week high school events. Presenting the plaque in conjunction with the high school event allowed the younger generation of Shreveport to learn how they may take part in making their city great. This award is presented each year by the Shreveport Bar Association to a group or individual for outstanding leadership and community service.

In 1980, Liz Swaine entered into the world of journalism and public relations after graduating from the University of West Florida, located in Pensacola, Florida. After relocating to Shreveport, LA, in 1981 to join the KTBS news department, she then went on to serve for our former Mayor, Keith Hightower, subsequently ran for the mayor's office of our great city, and then went on to serve as the communications director of Calumet Lubricants. One could only guess that her love for Shreveport had solidified, which made her transition to her new position of Executive Director of Shreveport's Downtown Development Authority in November of 2010 seem the perfect fit. Being named "Best Journalist in the Nation" by *American Journalism Review* magazine, the first female to have emceed the Congressional Medal of Honor Convention, awarded the VIP Award of the Shreveport Chamber of Commerce, and working diligently to restore the integrity of Shreveport's historic downtown, it is the Shreveport Bar Association's pleasure to name Liz Swain as the 2016 recipient of the Liberty Bell Award.





Pro Bono Project

by: Nellie Walton, nwalton@shreveportbar.com

This year's Give for Good, a 24-hour day of giving, turned into 42 hours of charitable giving. Despite technology glitches and the Give for Good website being down for the majority of the day, the community united to raise more than \$1.76 million for the nonprofits in our community. This is more than the community raised in 2015.

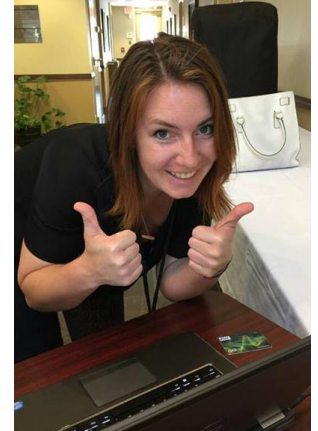
The campaign began on Tuesday, May 3 at 12 a.m. and after severe technical issues with the website – causing massive system slowdowns nationwide – The Community Foundation extended Give for Good through May 4, at 6 p.m. The Pro Bono Project partnered with the SBA Law Week Chairman Brian Flanagan, and Rhino Coffee and hosted an online giving event at the Shreveport Bar Center with, in addition, an Ask A Lawyer event from 12:00 Noon – 2:00 p.m. With your generous donations we managed to raise \$1,583.00, which will be amplified from the Lagniappe Funds directly from The Community Foundation, with special thanks to the other corporate Lagniappe Fund donors: Grayson Foundation; Powers Foundation; Cook, Yancey, King & Galloway; Heard, McElroy & Vestal; individual donors and donor advised funds at The Community Foundation.

While the day did not proceed as expected, it was a success thanks to the determination and good spirits of all who participated and donated directly to the Pro Bono Project during Give for Good Day.

Thank you to all of our donors!

- | | | |
|-----------------------|----------------------|--------------------------------------|
| John Nickelson | Mary Lou Blackley | Chris Victory |
| Jerry Edwards | J. William Fleming | Alex Lyons |
| Brian Flanagan | Paul Wood | Wendy Carey |
| Dana Southern | William Huguet | Scott Maddox |
| Rebecca Edwards | Hon. Jeffrey Victory | Julie Lafargue |
| Joseph McCulloch | Gray McCraw | Jacques L. Wiener Jr.
Family Fund |
| Sandra Ginsburg | David Turansky | |
| Hon. Katherine Dorroh | Chris Slatten | |

If you are interested in volunteering for the event or for any other services Pro Bono provides please contact me at 318-221-8107 or email at nwalton@shreveportbar.com.



Boston Marathon Results



Judge Mike Pitman flashes a big smile and his finisher medal after crossing the finish line at the 120th annual Boston Marathon, on April 18. Mike posted an official time of 3:49:45 in the iconic 26.2-mile race. Congratulations, Mike, on your mighty effort and great accomplishment! Other SBA members included in the April *Bar Review* feature were Laura Nanda, who developed a stress fracture in her foot and could not run the

race, and Frank Bright, who suffered a hydration problem, got leg cramps and had to drop out at 22 miles. It's got to be frustrating to work so hard, qualify, and then not make or finish the race, but health concerns always come first. We're proud of you and wish you the best in future races!

Louisiana Bar Foundation Honors Award Recipients at Annual Dinner

The Louisiana Bar Foundation celebrated the 30th Anniversary Gala on April 8 at the Hyatt Regency New Orleans. The LBF honored the 2015 Distinguished Attorney **Herschel E. Richard Jr.**

Herschel Richard is a member of Cook, Yancey, King & Galloway. His practice principally involves business litigation, eminent domain, toxic tort, products liability, and legal and medical malpractice.



Art Carmody to appear in *Journal*



Our "Legal Hist" contributor, **Art Carmody Jr.**, is taking a well-deserved vacation this month, but you will be able to read him later this summer. Art's essay, "The LSBA at 75 – Perspectives on the Practice," is slated to appear in the June/July 2016 edition of *La. Bar Journal*, the 75th anniversary issue. "Legal Hist" will return to *The Bar Review* in September.

The Second Circuit Court of Appeal Employees Honored



Chief Judge Henry Brown (left) and Judge Jeanette Garrett presented Susan Jiles Lindanger (center) one official and a few more whimsical mementos in honor of her 30 years with the court. Judge Brown officiated the ceremony, which was held in the courtroom on April 26.

The Second Circuit Court of Appeal recently honored employees who reached five-year milestones in their employment with the court.

Susan Jiles Lindanger, senior research attorney for Judge Jeanette Garrett, received a leatherette portfolio for 30 years' service to the court. After graduating from LSU Law Center in May 1983, Susan she then worked at the First JDC for Judge (General) Charles Lindsay and the late Judge John Ballard, moving to the Second Circuit in June 1985, shortly after Judge Lindsay was elected to that court. She then worked for Judge Gay Gaskins after her election in 1995, and finally for Judge Garrett since March 2013. Judge Garrett commended Susan's work ethic and dedication, investigative predilection, meticulous reading of *Daily Legal News* and *The Inquisitor*, and flair for decorating.

Victor Killory, senior research attorney for Judge Felicia Toney Williams, received a mahogany pen-and-pencil set for 20 years' service to the court. A Massachusetts native, Vic is a graduate of Tulane University, Loyola Law School (JD, 1987) and Tulane Law School (LLM, 1995). **Cynthia Strickland**, also a research attorney for Judge Williams, received mahogany pencil holder for 10 years' service. Cynthia, a graduate of Grambling and of LSU Law Center (JD, 1998), worked for Justice (now Chief Justice) Bernette J. Johnson from January 1999 until August 2005, and now anchors Judge Williams's Tallulah chambers.

Other employees receiving recognition were **Becky Flippo** (25 years), judicial assistant to Chief Judge Henry Brown; **Debi Brewer** (20 years), judicial assistant to Judge Jay Caraway; and **Angela DeMoss** (10 years), a secretary in the court's central staff.

The Second Circuit Court of Appeal Employees Honored

Ali Peatross Walsh, daughter of Judge Charles Peatross, wanted to provide a service to the Shreveport Bar Center in memory of her dad during Law Week this year. If you see Ali and her husband, Patrick, who are the owners of the local Jimmy John's restaurant in Shreveport and Bossier City, please thank them for sending Window Gang to clean the exterior windows of the Shreveport Bar Center.



Meet the Interns

At the Second Circuit: **Dylan Touchstone** is interning for Judge Jay Caraway this summer. Dylan is about to start his third (and final) year at LSU Law Center; he is also a graduate of LSU and hails from Shreveport. **Tasha Stricklin** is interning for Judge Milton Moore III. Tasha is about to start her second year at UA-Little Rock Law School. She holds a B.A. in English and B.S. in economics from the University of Central Arkansas, in Conway, and is from Mena, Arkansas. Not pictured: Paxson Guest, a rising 2L at LSU Law Center, and Vinnie del Mundo, a rising 2L at Texas Tech School of Law, in Lubbock, will each intern for half the summer with Judge Harmon Drew.



LBF Annual Fellows Breakfast

The Louisiana Bar Foundation Northwest Annual Fellows Breakfast was held at the Shreveport Bar Center on April 20. President Jane Sherman recognized new Class of 2015 members, 20-Year Fellows and updated the group on LBF news. Northwest Community Partnership Panel Chair Jerry Edwards recognized the 2015-16 Northwest Community Partnership Panel grant recipients.



Pictured (L-R, Dana Southern, Bennett Politz, Donna Cuneo, Julie Lafargue, Jane Sherman, and Judge (Ret) Leon Emanuel



Jerry Edwards, Petrina Jenkins with Project Celebration, and Dana Southern

BILLY J. GUIN, JR.

**Mediator and
Medical Review Panels**

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(318) 841-2597 – Fax
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Shreveport-Bossier Bar Association Auxiliary
invites you to join us for our
Annual Membership Luncheon And Meeting

Thursday, June 16, 2016

11:45 a.m.

SHREVEPORT BAR CENTER

625 Texas Street | Shreveport, Louisiana

Keynote Speaker: *Dr. Elizabeth Clemons, Dermatologist*

Topic: *The Aging Face More Than Skin Deep*

\$20.00 per person for luncheon | \$30.00 annual dues

RSVP by check by June 9 to:

Susan Cox

345 Crosscreek Drive | Bossier City, Louisiana 71111

(318) 458-9190



Shreveport-Bossier Bar Auxiliary Membership Form

Member Name: _____

Attorney Name: _____

Address: _____

Preferred Contact Numbers HomePhone: _____ Cell Phone: _____

Email: _____

I would like to be involved in (check all that applies):

Board/Advisory/Officer

Liaison to Bar

Publicity /Notification

Golf/Tennis Tournament

SBA Receptions

Please mail form and \$30 check made payable to:
Shreveport-Bossier Bar Association Auxiliary
Attention: Susan Cox
345 Crosscreek Drive, Bossier City, Louisiana 71111

Chief Judge Carl E. Stewart Presides at Fifth Circuit Judicial Conference

by Larry Pettiette Jr., lpettiette@padwbc.com

The Honorable Carl E. Stewart is Chief Judge of the United States Court of Appeals, Fifth Circuit. You are aware of his responsibilities as a judge and could accurately surmise the administrative responsibilities that come with the role of chief judge of a federal judicial circuit as busy as the Fifth. However, what you may not know is that he orchestrates and presides over an amazing event known as the Fifth Circuit Judicial Conference. The Judicial Conference of each circuit is statutorily based.¹ The law allows for each circuit to provide for representation and active participation at the conference by members of the bar of the circuit.

On the ground, what does this mean? On Monday, May 9, 2016, more than 800 designated participants streamed into the Marriott Conference Center in Houston, Texas, like the faithful to a church revival. The conference began with an inspiring opera, *The Case of Emeline*, and ended with an Astros baseball game. The social events are paid for completely by private funds. No government money is spent. In between these two events, an amazing presentation of judicial, legal and personal information occurred, all shepherded by Chief Judge Stewart, who meticulously keeps the train “running on time.”

Chief Judge Stewart opened early Monday morning with the Mickey Leland College Preparatory Academy jazz ensemble from Houston, Texas, followed closely by the presentation of colors by Boy Scout Troop 242, Wheeler Avenue Baptist Church, Houston, Texas, which Chief Judge Stewart introduced by informing the huge, packed main conference room that he was the father of two Eagle Scouts, himself a Silver Buffalo, Silver Antelope and Silver Beaver scouting volunteer award recipient for national, regional and local service. He had attended both Philmont Scout Ranch and Boy Scouts of America national jamborees and was camping certified. His devotion to scouting is well known locally, but delighted this crowd and the presenting scouts.

Presentations followed, including the American Inns of Court award. Because he also served as president of the National American Inn of Court and was a founding member of our local Harry V. Booth/Henry A. Politz American Inn of Court chapter, the judge’s participation lent the imprimatur of those positions to this national presentation.

After the memorial to our own Judge Thomas E. Stagg, presented by Judge Don Walter, a moving tribute to the Honorable Antonin Scalia, associate justice of the Supreme Court of the United States, was given as he was the circuit justice for the Fifth

Circuit. Justice Scalia’s wife and family were in attendance.

A presentation from the nationally known Bryan A. Garner, editor-in-chief of *Black’s Law Dictionary*, Professor of Law at SMU, Dallas, Texas, and author of some 25 books on legal writing, followed. Bryan Garner and Justice Scalia co-authored two best-selling books. Mr. Garner had to stop his presentation at one point with genuine emotion, recounting his collaboration with the late Justice Scalia. He then delivered an entertaining lecture on proper legal writing, using as examples a handout composed of excerpts from the table of contents and designation of issues from briefs that looked remarkably similar to mine. Several were scrutinized, dissected and appropriately ridiculed. At the end of his presentation, Chief Judge Stewart concluded the session by informing Professor Garner that he normally writes a nice “Thank You” note to all presenters; however, he would deliver Bryan’s orally and simply stated, “Thank you very much for coming,” drawing appreciative laughter from the group and a theme repeated by more than one presenter during the conference.

What followed were plenary and breakout sessions, plus CLE presentations, two of which were presented by our own Allison Jones and Jerry Edwards.

On Tuesday afternoon, Chief Judge Stewart sat down with the Honorable Clarence Thomas, associate justice of the Supreme Court of the United States, who graciously agreed to come to the Fifth Circuit conference although the Eleventh Circuit has been his designated duty. What followed was an amazingly entertaining, casual conversation between the two in a talk show format. Each appeared tentative with the other during the first few minutes, but the interview quickly developed into an informative and entertaining hour. At one point, Chief Judge Stewart asked Justice Thomas if it were true that he had been seen at various football stadiums in the south. Justice Thomas (from Georgia) admitted that he was a fan of the RV and had made several SEC venues, including LSU. He then remarked that he even counted a couple of sober fans at Tiger Stadium, which drew a goodly number of chuckles from the audience. After a perfectly timed pause, Chief Judge Stewart countered, “I think you overcounted,” which brought down the house.

In addition to the business of the Circuit and legal seminars, the conference included sad moments, poignant moments, serious moments, entertaining moments, and humorous moments during the well-attended two-day event with the Shreveport Bar Association’s own Chief Judge Carl Stewart directing it all.

At the Astros game, amid a crowd of over 500 judges and attorneys, I was distracted while dressing a hot dog, watching Chief Judge Stewart move through the crowd, shaking hands. He did not shake hands, make a few remarks and move to the next attendee. He lingered, visiting with the attendees, patting

¹ 28 USC § 333: “The chief judge of each circuit may summon biennially, and may summon annually, the circuit, district, bankruptcy, and magistrate judges of the circuit...for the purpose of considering the business of the courts and advising means of improving the administration of justice within such circuit. He may preside at such conference which shall be known as the judicial conference of the circuit[.]”

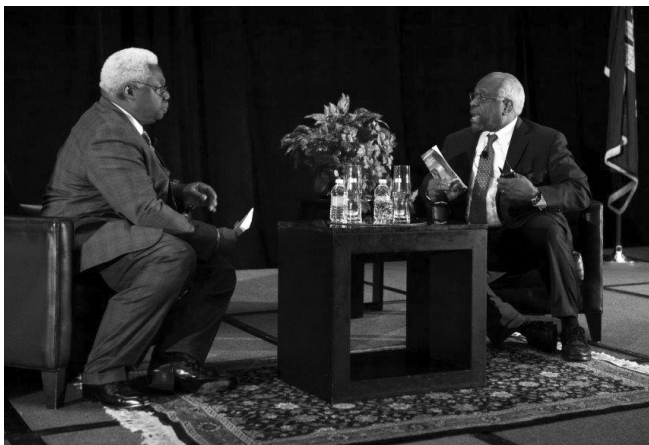
shoulders and taking pictures. I was brought back to my task when his wife, JoAnne, whom he always introduced in a loving fashion, asked me what I was doing. I explained that I was watching the Judge who appeared to be in no hurry as he made his way through a very crowded room. She remarked that he did indeed enjoy the conferences. With some groups or couples he spent five to ten minutes. He was obviously enjoying himself, but it was equally clear that everyone in attendance was enjoying him and was genuinely glad to receive his attention.

The next day, as Chief Judge Stewart concluded the conference, bringing the train in “on time,” he thanked everyone who made the conference such a success. He announced that he was tired but it was the kind of tired you feel after an enjoyable vacation. His last remark: “It is a joy to serve.”

A proud moment for the Shreveport Bar.



Chief Judge Carl E. Stewart Introducing A Panel of Law School Deans from Texas, Louisiana and Mississippi



Chief Judge Carl E. Stewart interviews Justice Clarence Thomas of the U.S. Supreme Court



Allison Jones and Justice Clarence Thomas



Chief Judge Carl E. Stewart; Judge Micaela Alvarez, United States District Court, Southern District of Texas, McAllen, Texas; and Professor Paul Rosenzweig, Professorial Lecturer in Law, The George Washington University Law School, Washington, D.C.



Chief Judge Carl E. Stewart, Bryan Garner, Judge Edith Brown Clement of the U.S. 5th Circuit Court and Judge Elizabeth "Beth" Foote



Malinda Dunn, Executive Director of the American Inns of Court, Judge Mary Lemmon of the U.S. District Court in New Orleans and Chief Judge Carl E. Stewart



LAW WEEK 2016

MIRANDA: more than words

by Brian Flanagan, Law Day Chairman, bflanagan@bwor.com

The 2016 Law Day theme is *Miranda: More than Words*. The theme marks the 50-year anniversary of *Miranda v. Arizona*, but also explores the procedural protections afforded to all of us by the U.S. Constitution, how these rights are safeguarded by the courts, and why the preservation of these principles is essential to our liberty.

The SBA Law Day Committee focused on creating educational events related to this theme to be shared with students, attorneys and the public at large. The events began with a presentation by Bill Flanagan, former Law Day Chairman Thomas Pressly, Drew Burnham and myself to a group of students at LSU-Shreveport on April 29.

On May 2, a group of volunteer attorneys went to Walnut Hill Elementary/Middle School and Forest Hill Elementary School to spread the Law Day theme, which included a mock trial based on the story of “the three little pigs.” The next day, in collaboration with the Pro Bono Project, we hosted an Ask-A-Lawyer event at the Bar Center, as well as a fundraiser for the Pro Bono Project in

collaboration with Rhino Coffee.

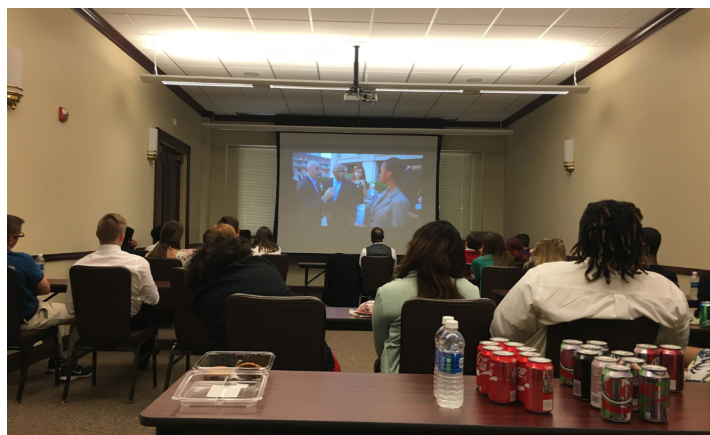
On May 4, we welcomed Mr. Derwyn Bunton at the Law Day Luncheon, and recognized Liz Swaine as the recipient of the Liberty Bell Award for her many years of service to our community. The award was presented the following morning at the Federal courthouse.

On May 5, approximately 25 students from local high schools attended presentations and a panel discussion at the Federal courthouse, followed by the showing of “Gideon’s Army” and discussion at the Bar Center.

Lastly, on May 6, the Red Mass Society of Shreveport held the 24th Annual Votive Mass of the Holy Spirit at Holy Trinity Catholic Church in downtown Shreveport.

I would like to thank my committee members Drew Burnham, Sherron Douglas, William Gaskins, Rich Lamb, Thomas Pressly, Gahagan Pugh, Rebecca Radford, Sarah Smith and Tim Wynn for their support of this year’s activities.

HIGH SCHOOL PRESENTATIONS



- CONSTITUTIONAL LAW CLASS PRESENTATION -



ELEMENTARY SCHOOL VISITS



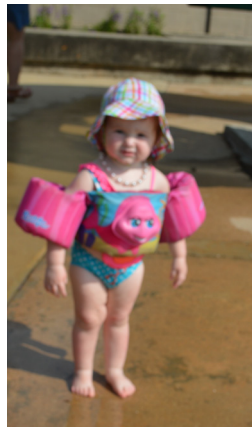
LAW DAY LUNCHEON HIGHLIGHTS

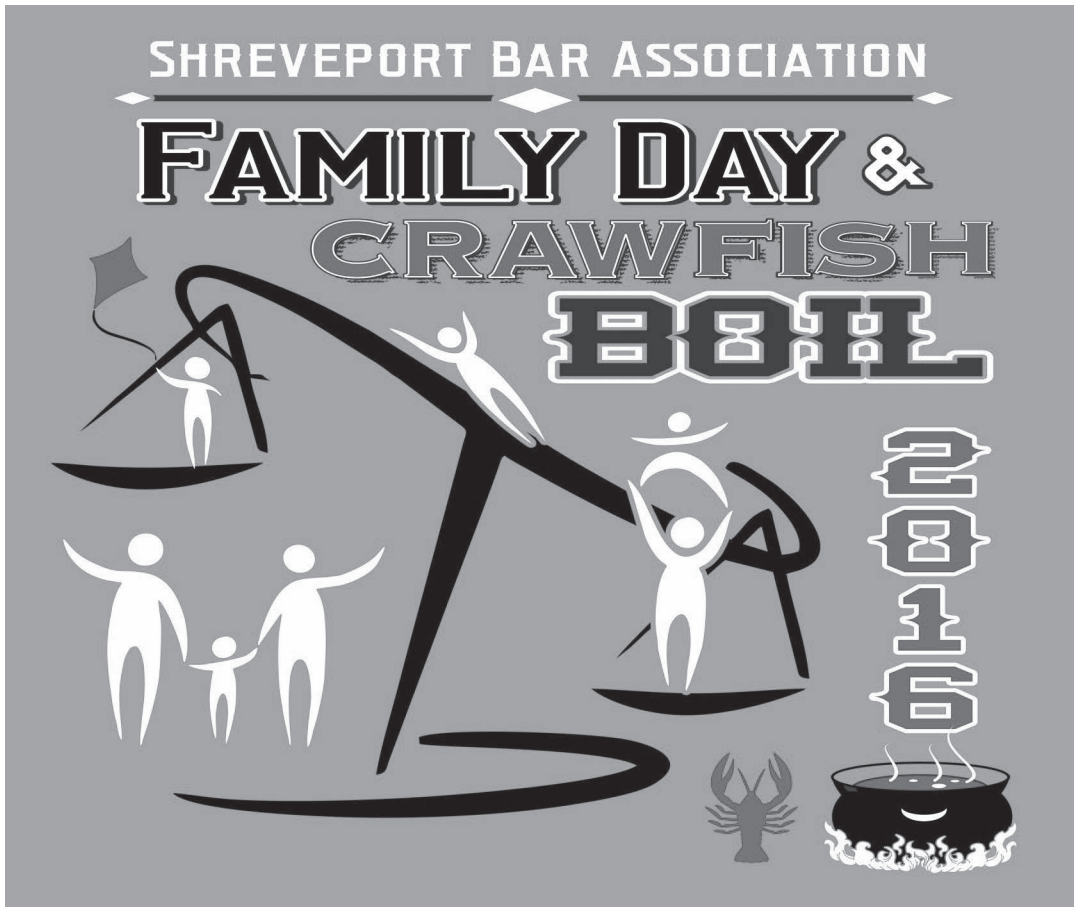


CRIMINAL LAW FOR COURT-APPOINTED CIVIL LAWYERS CLE HIGHLIGHTS



Member/Family Day Crawfish Boil





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Judge Shonda Stone assumes Second Circuit Seat

by Hal Odom Jr., rhodom@la2nd.org

Judge Shonda D. Stone donned her robe and took her formal oath of office as the newest member of the Second Circuit Court of Appeal on May 12, 2016. Her investiture ceremony took place in Courtroom G of the Caddo Parish Courthouse before a crowd of nearly 200 well-wishers, in addition to *en banc* panels of the Second Circuit and the First JDC.

In remarks to the audience, Judge Stone recognized all the judges, lawyers, clergy, family and friends in attendance. “I see friends who made it possible for me to sit on this bench today. I am honored and deeply humbled at your support,” she began. Most of all, however, she thanked her mother, Willia Dean Stone, who was unable to attend the ceremony because of health issues but wanted to be there. “She was my confidante and best friend,” Judge Stone continued, “a phenomenal person, who made my dad (Jesse Stone Jr.) who he is!” She praised her parents as the “greatest examples in her life,” instilling the values of honesty, courage and dedication to community.

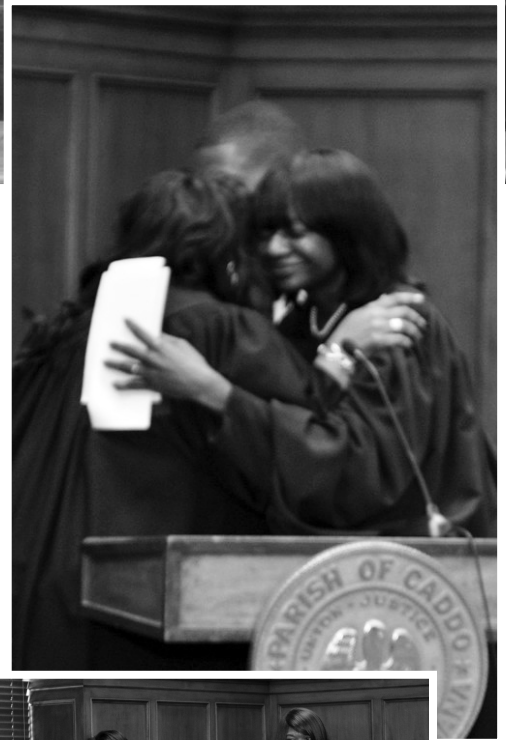
Judge Stone also thanked the voters of her district for their confidence, and promised justice tempered with mercy. “I am only a steward of this office; someday I will return it to the public,” she said. “I could not be here today if it weren’t for you.” She specially acknowledged Courtland Malloy, a family friend; Donald Stone, a cousin (who taught her the difference between dog food and Cocoa Puffs cereal!); Tari Bradford, another close friend; Carl Franklin, an attorney who gave her incredible moral support (and, she added, a job) in 1999; Calvin Lester, a former Shreveport City Council member; Darryl Jackson, who helped her campaign; and all the clergy and “prayer warriors” who came to give their support. She apologized for leaving anybody out, but later told me she also meant to include Daphne Jenkins, her secretary, and Rare Breed Motorcycle Club.

The ceremony opened with brief remarks by Chief Judge Henry N. Brown, who commended Judge Stone’s career on the juvenile court bench, and by the mistress of ceremonies, Zelda Tucker, who was glad to see her ascend to “by far the best circuit court in the state of Louisiana.” Other speakers included Jerry Edwards, who gave a brief welcome; John F.K. Belton, district attorney of the Third JDC (Lincoln and Union Parishes) and a classmate of Judge Stone’s at

Southern University Law Center; Trey Morris; Calvin Lester Jr., who hailed Judge Stone’s refusal to assume an attitude of entitlement; and Ree Casey-Jones, who cited Socrates’ qualities of a good judge (listen courteously, answer wisely, consider soberly and decide impartially) and found all of these beautifully exemplified in Judge Stone.

Judge Felicia Toney Williams, of the Second Circuit, administered the oath of office, assisted by Ruby Helen Jackson and Dacovan J. Stone. Kelli Collins, Sheila Bergeron Harrell and Jeanetta Scott, officers in Judge Stone’s sorority, Alpha Kappa Alpha, presented her with a plaque and bouquets of roses. Prayers were offered by Rev. Clarence Hicks, of Avenue Baptist Church, Dr. Bernard Kimble, of Mt. Olive Baptist Church, and Bishop Fred A. Caldwell Sr., of Greenwood Acres Full Gospel Church. A bible was presented by Mary L. Jackson, president of the Black Lawyers Association of Shreveport-Bossier. The pledge of allegiance was offered by Ted Cox, judicial administrator of the Caddo Parish Juvenile Court, and colors posted by cadets from Camp Minden. Local recording artist Johnny Shepherd sang a stirring and soulful rendition of “America the Beautiful.” A reception followed at the Metro Center.

Judge Stone assumes the Second Circuit’s District Three, Election Section 1A seat vacated by Judge James E. Stewart Sr., who resigned to seek (and win) the office of District Attorney for the First JDC. Judge Stone is a native of Shreveport, daughter of Willia Dean Anderson Stone and the late Jesse N. Stone Jr., former chancellor of Southern University and associate justice ad hoc of the La. Supreme Court. She is a 1981 graduate of Redemptorist High School, in Baton Rouge; Southern University, B.R. (B.S., accounting, 1984); and Southern University Law Center (J.D., 1988). Her first position out of law school was with the La. Attorney General’s Office of Risk Management. She won election to the Caddo Parish Juvenile Court in October 2008 and to the Second Circuit in March 2016. She sat on her first panel of that court on May 17, 2016.





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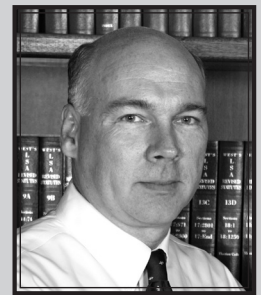
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Red Mass 2016



Richard King Memorial Shootout

The Fifth Annual Richard B. King Memorial Shootout was a great success. Five teams participated in the shootout that began after the SBA golf tournament concluded on May 9. The participating teams were Jim Colvin and Cole Smith; Jimmy Mijalis and Alexander Mijalis; Jim McMichael and Claude Bookter; Jarred Franklin and Justin Dewett; and Walter Gerhardt and Brad Peace, who were the winning team of the tournament for a second year in a row.

Trophies were presented to the victorious team by Jett King, son of Richard and Renee King. Congratulations Walter and Brad on a job well done!



Golf Tournament Winners:

Overall Low gross was Jarred Franklin's team which included John Shockey, Pete Lockwood and Brad Wright

1st Flight, 1st Place was Tom Bordelon's team which included Buster Toms, Kevin Odom and Matt Keifer

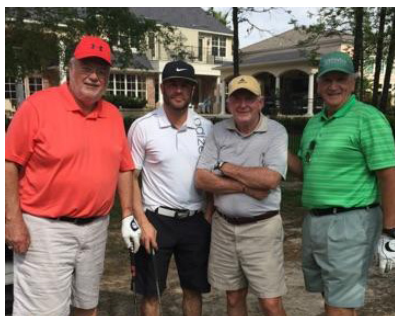
1st Flight, 2nd Place was Michael Ameen's team which included Parker Maxwell, John Rose and John Kinnebrew

2nd Flight, 1st Place was Trey May's team which included David Ballard, John Hesni and Danny Mortimer

2nd Flight, 2nd Place was Deryl Medlin's team which included Phillip Medlin, John Ponthie and Tyler Williams

John Ponthie won Closest to the Hole on hole #13





2016 SBA Golf & Tennis Tournament

Golf, tennis and crawfish were on the agenda at the annual Golf & Tennis tournament held at Southern Trace Country Club on May 9. Golf Committee Co-Chairs Curtis Joseph and Jimmy Mijalis and Tennis Committee Co-Chairs Donald Hathaway and Karen Tyler planned the event which was enjoyed by over 150 SBA members and guests.

Thanks to all of our golf teams, tennis players, sponsors, committee members and volunteers!

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Karen Tyler Reporting



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 2017 SBA Vice-President and Secretary-Treasurer Elect. The Officer Nominating Committee will report its nominations to the Elections Committee on or before August 15, 2016, 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.**

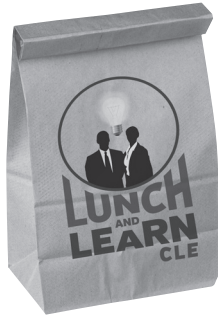
Nominations are sought **from the membership** for the two Member-At-Large positions on the Executive Council. These positions are for a two-year term.

All nominations, including any nominations from the general membership for the offices of Vice-President and

Secretary-Treasurer Elect, **must be in writing and received by the Elections Committee, Shreveport Bar Association, 625 Texas Street, Shreveport, LA 71101, not later than 5:00 p.m. on Friday, August 15, 2016.** 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.**

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Shreveport Bar Association
Lunch & Learn CLE
Trial Advocacy Series

The SBA summer Lunch & Learn program will be on Trial Advocacy. The three-part series, coordinated by James C. McMichael Jr., will feature practical presentations by experienced litigators. The series will most benefit new attorneys or those with less experience in litigation, but any attorney who values effective trial advocacy is encouraged to attend.

Session 1– Thursday, July 21
11:00 a.m.—1:00 p.m. (lunch included)
2.0 Hours Louisiana CLE Credit

Session 2– Thursday, August 18
11:00 a.m.—1:00 p.m. (lunch included)
2.0 Hours Louisiana CLE Credit

Session 3– Thursday, September 15
11:00 a.m.—1:00 p.m. (lunch included)
2.0 Hours Louisiana CLE Credit

Registration:

SBA Members - \$100 Per Session or \$275 for All Three Sessions (if paid in full by July 20, 2016)

Non-SBA Members - \$120 Per Session or \$335 for All Three Sessions (if paid in full by July 20, 2016)

Breakdown of Class Information and Online Registration will be Announced Soon!

**Questions? Please contact Dana Southern at
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2016 SBA Dues Reminder

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NOTICE

TO ALL SHREVEPORT BAR ASSOCIATION MEMBERS REGARDING CRIMINAL APPOINTMENTS

The Louisiana State Bar Association provides the appointment list for criminal and juvenile court appointments in Caddo Parish.

Appointments are not drawn from the Shreveport Bar Association membership list

How Write You Are

by Hal Odom Jr., rhodom@la2nd.org

Who's reading this? The Bossier Parish sheriff recently responded to criticism surrounding a sexting arrest effected by his office. A TV report omitted some crucial facts, thus putting the sheriff's investigation in a bad light, and the sheriff was unhappy that the TV station offered merely to post an update on its website. The local newspaper quoted the sheriff as saying, "Whose going to reread a story you've already read? Nobody."

Note to reporter: the word used means *belonging to which person*, and it virtually never appears at the beginning of a sentence. The word for *who is* or *who has* is *who's*, a simple contraction. Yes, mistakes slip through, as when Thomson Reuters recently quoted a speaker at a seminar, "In representing the woman *whose been* battered, for example, I have tried the case." Attorney's Guide to Negotiations § 34:5 (Dec. 2014). Spell Check will not catch this, so use basic caution! Last I heard, the sheriff had not called a news conference to correct *The Times*.

Extensive Latin usage. A reader asks, "Do you spell *in extenso* with or without the letter *i* before the letter *o*? Which one do you consider correct, or is it only a stylistic preference?" It's not just a preference; it's a matter of Latin vocabulary. The form with the *i* appears occasionally, as in the plaintiff's petition quoted by the dissenting opinion in *Winchell v. Johnson Properties Inc.*, 640 So. 2d 399 (La. App. 3 Cir. 1994): "Violation of the statutes of the United States of America, State of Louisiana, as well as local ordinances, all of which are specifically pleaded herein as though recited hereto *in extensio*["]

The correct form is, as the reader assumed, *in extenso*, and it means *at full length, nothing omitted, no ellipses*. Grammatically speaking, *extensus* is the perfect passive participle of *extendo* (= to stretch); the perfect passive participle would mean *having been stretched to full size*. As far as I can tell, there is no Latin word *extensio*. Even if there were, the grammatical form would have to be *in extensione*. (This whole discussion may already seem *in extenso*.)

The fourth circuit corrected a defendant's answer: "Lafayette adopts the terms, conditions, coverages, exclusions and endorsement of its policy, as if copied here *in extensio*, [sic] as a defense to petitioner's claims[.]" The supreme court reversed the judgment but retained the fourth circuit's *sic* notation. *Sher v. Lafayette Ins. Co.*, 2007-0757 (La. App. 4 Cir. 11/19/07), 973 So. 2d 39, *rev'd*, 2007-2441 (La. 4/8/08), 988 So. 2d 186. Here, and in *Winchell*, the phrase should be *in extenso*.

Affective disorder. An attorney facing disciplinary charges asserted this defense to the Office of Disciplinary Counsel: "It was a mistake easily made and it was a mistake easily corrected



without any negative *affect* to Mr. Barr." *In re Southall*, 2014-2441 (La. 3/17/15), 165 So. 2d 894.

Did this word choice have a negative *effect* on anybody else? Obviously, it's time for a periodic refresher on that old bane of legal writers, *affect* and *effect*.

Effect (n) = *result* or *consequence*. Think of special *effects* in movies and side *effects* of medicine. In the plural, *effects* refers to one's *belongings*, defined in the Fourth Amendment's sphere of privacy: "persons, houses, papers, and *effects*["] In the *Southall* case, quoted above, the attorney meant to say the client suffered no negative *effect*.

Effect (v), a much less common word, = *bring about* or *cause to occur*.

The most familiar phrase is "to *effect* changes" or, in the criminal context, "An officer *effects* an arrest of a person whom he has authority to arrest, by laying his hand on him for the purpose of arresting him, though he may not succeed in stopping and holding him." *California v. Hodari D*, 499 U.S. 621, 111 S. Ct. 1547 (1991). A synonym for this is *effectuate*, which also contains the word *effect*.

Affect (v) = *to wield influence* or *cause consequences*. Legal errors are prejudicial when they *affect* the outcome and deprive a litigant of substantial rights. "Mouser also said the robberies would not *affect* her performance as a juror even though she was still angry[.]" *State v. Dorsey*, 2010-0216 (La. 9/7/11), 74 So. 3d 603. Less commonly, *affect* also means *pretend* or *put on airs*, as in, "She's just from Houghton but she *affects* a British accent."

Affect (n), the least common of all, = *state of mind* or *emotion attached to an idea or thing* (mostly in psychology). Pronounced with a strong accent on the first syllable, this one will not often vex legal writers. For all others, double check!

Spelling errors have an adverse *effect* on the reader's attention.

A nasty phrasing. A most unfortunate word choice appeared in *State in Interest of M.V.*, 98-324 (La. App. 3 Cir. 1/13/99), 741 So. 2d 48: "In this appeal, Ms. B. does not challenge the validity of the state's initial actions, but focuses on the particulars of the proposed *final solution* relative to the two younger children." *Ach du lieber Himmel!*

This phrase is burdened with the historical baggage of the Third Reich, Holocaust trains and death camps; it is synonymous with *genocide*, and cannot be used literally. Consider a phrase like *final judgment*, *disposition*, *permanency plan*, *termination of parental rights* – anything that does not evoke the smokestacks of Auschwitz.



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SBA LUNCHEON MEETING SERIES - JUNE 22

Petroleum Club (15th Floor) - Buffet opens at 11:30 a.m. Program and Speaker 12:00 Noon
 \$20.00 for SBA members includes lunch with advance reservation
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HOW THE FILM/MUSIC/FOOD/STARTUP PRIZE HAS REVITALIZED THE SHREVEPORT-BOSSIER AREA AND ESSENTIALLY MADE OUR CITY AWESOME (AND YOU CAN TOO)!

When: Wednesday, June 22 from 12:00 Noon to 1:00 p.m.

Where: Petroleum Club (15th floor)

Featuring: Gregory Kallenberg
 Louisiana Film Prize

Kallenberg has mastered the Zen art of bocce ball, been detained for protesting non-alcoholic tequila and is the founder of Louisiana Startup Prize. He moved to Shreveport, LA, from Austin, TX, to make the internationally acclaimed documentary film *Haynesville: A Nation's Hunt for an Energy Future* in 2008. Gregory not only decided to make Shreveport, LA his home; more importantly, he has taken on the task of building a creative entrepreneurial economy in northwest Louisiana. In addition to the growing Louisiana Startup Prize, he has also created competitive events for film, music and food in our community. Prior to filmmaking, he wrote for *Esquire*, *The New York Times*, *Texas Monthly*, *Austin American Statesman's XL* magazine and other publications. Kallenberg attended the University of Texas and received a Bachelor of Science in film and attended the film program at the University of Southern California.

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I plan to attend the June luncheon. Attorney: _____

Please remember to call and cancel if you're unable to attend. The SBA pays for each reservation made. Thank You!