

# THE BAR REVIEW

PUBLICATION OF THE SHREVEPORT BAR ASSOCIATION

Volume XXII, Number 4 • April 2015

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## EVENTS AT A GLANCE

Date	Event
4/27-5/3	Law Week
4/29	Law Day Luncheon – 12:00 Noon – Petroleum Club of Shreveport (15th floor)
5/1	Red Mass – Holy Trinity Catholic Church
5/3	Member/Family Day- 4-7 P.M. - East Ridge Country Club
5/7	Lunch & Learn CLE – 12:00 Noon – Shreveport Bar Center
5/14	Lunch & Learn CLE – 12:00 Noon – Shreveport Bar Center



## From The President

by Bennett L. Politz, SBA President, [blp@blpllaw.com](mailto:blp@blpllaw.com)

### Louisiana Campaign to Preserve Civil Legal Aid

Here are some startling facts. According to the 2012 U.S. Census, there are 161,000 Louisiana households in poverty. That is approximately 847,000 citizens, including 300,000 children. The American Bar Association (ABA) has determined that poverty households face an average 1.1 legal problems annually. Today, organized measures to protect the poor are provided by civil legal aid programs. Due to the economic climate and Louisiana's high poverty rates, civil legal aid programs struggle to address one-third (1/3) of the poverty population's need.

Legal Services Corporation (LSC), the largest donor nationally for civil legal aid, has seen its congressional funding drop precipitously in the last decade. Louisiana's three civil legal services corporations have lost more than one-third of their LSC funding in recent years. The Louisiana Bar Foundation (LBF) and IOLTA (Interest on Lawyer Trust Accounts) grants helped fill the void. However, as interest rates declined, IOLTA funding to legal services for our poorest citizens likewise was impacted.

The LBF, and the Louisiana State Bar Association (LSBA) have united to launch the Louisiana Campaign to Preserve Civil Legal Aid. The goal is to raise funds for civil legal aid and increase awareness of the growing civil legal needs of Louisiana's poorest citizens. Numerous local and specialty bar associations including the Shreveport Bar Association and Shreveport Bar Foundation (SBF), have declared their support for the campaign. Assistance from the bar and bench is critical to maintaining and developing funding that will provide citizens in poverty access to the justice system.

Some of the campaign literature prophetically suggests, "Funding for civil legal aid will have a ripple effect, impacting not only the families served, but the community at large. Schools, businesses, government agencies and the state as a whole benefit from resolving civil legal problems."

There are any number of lawyer opportunities to assist. Please consider becoming a Louisiana Bar Foundation Fellow, or make a contribution to the Campaign to Preserve Civil Legal Aid. You can even do both. A helpful website is [raisingthebar.org/campaign](http://raisingthebar.org/campaign). Also, please consider joining our SBA Pro Bono Project's efforts. Volunteering lawyers are needed and always welcome.

The campaign's tagline says it all: "It's not Justice if It's not Equal!"

And remember: Do good work!

Ben

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**Shreveport Bar Staff**

*Executive Director*  
Dana Southern  
dsouthern@shreveportbar.com

*Pro Bono Coordinator*  
Gernine Mailhes  
gmailhes@shreveportbar.com  
(318) 221-8104

(318) 222-3643 • Fax 222-9272  
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SBA Members, Spouses, Significant Other, Children and Grandchildren  
are invited to Shreveport Bar Association's

# Member/Family Day Crawfish Boil

Presented by the  
**Shreveport-Bossier Bar Auxiliary**

**Sunday, May 3**  
**4:00 to 7:00 p.m. at**  
**East Ridge Country Club**

**Music • Bounce House • Swimming**

In addition to crawfish we will have burgers, hot dogs  
and chicken. Cold beer, sodas and plenty of food and fun for all!

**\$15.00 per Adult \$5.00 per Child**

**RSVP by**  
**April 15!**

Register and Prepay by April 15  
and get a commemorative T-Shirt!

Call 222-3643 or  
email dsouthern@shreveportbar.com

**Online Registration**  
**is now open**





# Shreveport-Bossier Bar Auxiliary Update

by: Susan Cox, President, smcox345@suddenlink.net

## ***Crawfish Time!***

The Shreveport-Bossier Bar Auxiliary is looking forward to a fabulous event on Sunday, May 3! The Shreveport Bar Association Family Day is a wonderful opportunity for families in the legal community to get together for an informal affair to relax and enjoy great food and fellowship. This is one of the many events throughout the year in which the Auxiliary has the privilege of assisting the Shreveport Bar Association. Please email or call Dana or me if you would like to help out on this fun day. We can always use your assistance.

Also, if you have not yet paid your membership dues this would be a great time to take care of that. Please fill out the application and mail it with your membership dues to Angela Lawrence. I hope you will participate and enjoy the many benefits of becoming a member and assisting the legal community in the Shreveport/Bossier area!



## The Shreveport-Bossier Bar Auxiliary

The Shreveport-Bossier Bar Auxiliary is accepting applications for membership for spouses or widows of attorneys, female or male attorneys, and daughters of attorneys

Applicant Name: \_\_\_\_\_ Attorney Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address \_\_\_\_\_

I would like to be involved:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Caddo Parish Courthouse Tours | <input type="checkbox"/> Bossier Parish Courthouse Tours | <input type="checkbox"/> Receptions      |
| <input type="checkbox"/> Board/ Advisory /Officer      | <input type="checkbox"/> Education                       | <input type="checkbox"/> Liaison to Bar  |
| <input type="checkbox"/> Publicity /Notification       | <input type="checkbox"/> Directory                       | <input type="checkbox"/> Golf Tournament |

Please mail the form and a check for \$30.00 made payable to the Shreveport-Bossier Bar Auxiliary to Shreveport-Bossier Bar Auxiliary, Angela Lawrence, 626 Lake Forbing, Shreveport, Louisiana, 71106.



# Young Lawyers' Section

by Ryan Goodwin, rog@lunnirion.com

The Young Lawyers' Section congratulates the Caddo Magnet Mock Trial Team for taking first place in the Regional Competition in Monroe. The members of the team are: Akeylah Wellington, Sydney Canfield, Vijay Letchuman, Caretia Washington, Emily Dillon, Mary Cash, Amber Lattier and India Kinsey. All of these young people have worked very hard since December, and seeing the finished product is very impressive. The team will attend the SBA Law Day luncheon on April 29 to be recognized.

Steve Soileau is the head coach, and the assistant coaches are Ryan Goodwin and Sarah Smith-Brown. Two other young lawyers, Anne Rene Shores and Billy Murray, assisted in coaching. The SBA and SBF have also supported the team.

The team will compete at the State Competition in Lake Charles on March 28. We are hopeful the team wins and is able to attend the National Competition, which will be held in Raleigh, North Carolina, May 14-16.



Caddo Magnet Mock Trial Team

## 2015 & 2016 SBA MEMBERSHIP DIRECTORY AVAILABLE TODAY PICK UP YOUR COPY NOW! ONLY \$25.00 PER DIRECTORY

This will be the most valuable resource tool you will have in your office! A must for all attorneys, secretaries, paralegals, office managers and court personnel!

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deliver when you pick up your directories:  
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Or

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## Women's Section

by Elizabeth Aycock,  
eaycock@wcglawfirm.com

Our Spring Social in March was a small but intimate cocktail hour at 2 Johns with excellent happy hour specials. Thanks to those who came. I am very excited to announce our event for April, and I hope everyone puts it on their calendars now. Dr. Elizabeth Clemons Garrett, a board certified dermatologist at Dermatology & Skin Surgery (DSS) on Ellerbe Road in Shreveport, has offered to come speak to our group about how to keep our skin healthy despite all the stress we stay under as lawyers. Dr. Clemons Garrett will be our lady lawyer luncheon speaker on **April 21, at 12:00 Noon at Bistro Byronz.**

Dr. Clemons Garrett grew up in Shreveport and graduated from LSU Medical School, and she is the daughter of Dr. Carol Clemons and Dr. David Clemons. She practiced dermatology in San Diego before returning to Shreveport in December 2014. Dr. Clemons Garrett is also our own Judge Jeanette Garrett's daughter-in-law. She has expressed that she is very excited to come talk to our group of lady lawyers. So, make sure you come out to Bistro Byronz for good food, good company and a great presentation. Please be sure to RSVP to Elizabeth Aycock at eaycock@wcglawfirm.com as the restaurant can only accommodate a certain number.

# Welcome TO THE SBA

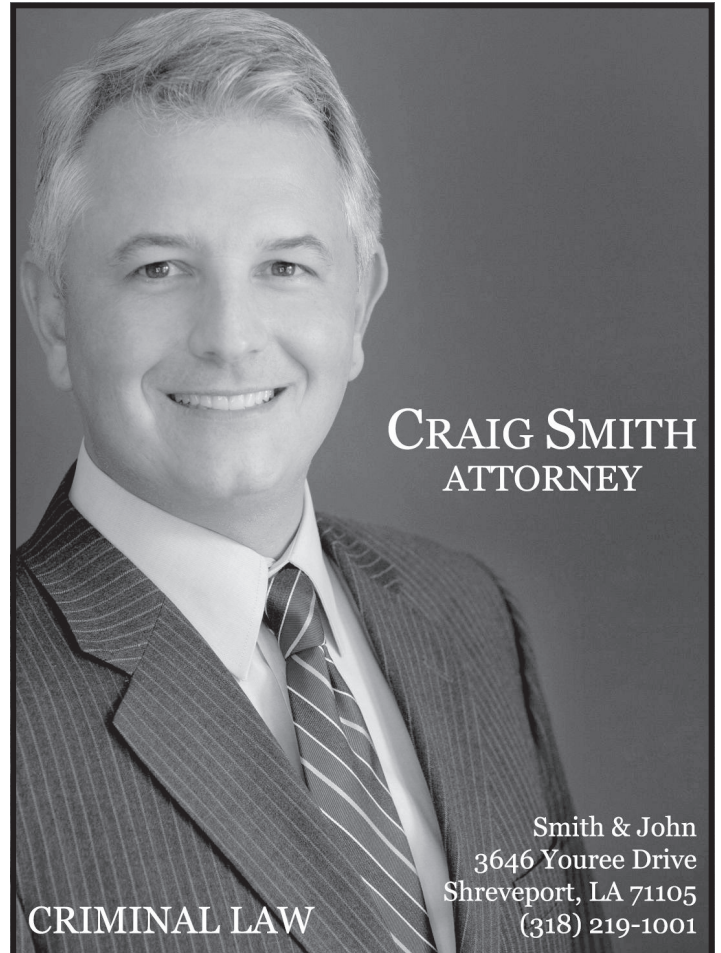
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*Mental Health Advocacy Service*  
**Shreveport, LA**

**Valerie DeLatta**  
*Attorney at Law*  
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Shreveport, LA 71105  
(318) 219-1001



# Pro Bono Update

by: by Gernine Mailhes, [gmailhes@shreveportbar.com](mailto:gmailhes@shreveportbar.com)

**The Louisiana Supreme Court has passed Rule XXX, Rule 3, Regulation 3.21 which gives CLE Credit to uncompensated pro bono legal representation.**

A member providing such pro bono legal representation shall receive one (1) hour of CLE credit for each five (5) hours of pro bono representation, up to a maximum three (3) hours of CLE credit for each year. To receive credit, the member shall submit a MCLE Form 6 ("Application for CLE Credit for Pro Bono Services").

The MCLE Committee has not yet completed the application form. The new rule is effective May 1, 2015.

## ASK A LAWYER CLINICS

### February 16

Special Thanks to our volunteers: Ben Politz, David White and John Nickelson

### March 16

Special Thanks to our volunteers: Elizabeth Hancock, Rick Fayard and Koshaneke Gilbert

Volunteers who took a case since the beginning of the year are:

Jim Bolin, Trina Chu, Spencer Hays, Lake Hearne, Julianna Parks, Alex Rubenstein and Mary Winchell

### April 6

**Pro Bono and Legal Services plan on having a joint Ask A Lawyer Event**

Thanks to all of you who volunteer  
Gernine Mailhes, Pro Bono Coordinator



**Third in the Series:  
"Social Security Disability: Opportunities for Solo and Small Firm Practitioners"  
Friday, April 17, 2015**

Presented by the Shreveport Bar Association in conjunction with the LSBA Legal Services for Persons with Disabilities Committee and the LSBA Diversity Committee

Social Security Disability Insurance (SSD or SSDI) is vital to the well-being of disabled individuals who are unable to work. Lawyers play a vital role in this process by advocating for clients' rights to awards, and ensuring that cases are adjudicated properly. Further, the demand for counsel in this area has risen in recent years, particularly in North Louisiana, as the median age of our state continues to rise, and fewer attorneys enter this field. This session will provide an overview of social security appeals, and include practical tips for ensuring high-quality representation and soliciting immediate business. The information and resources provided are particularly pertinent to relatively new practitioners and/or those looking to expand their practice into this area which, perhaps surprisingly, can be quite rewarding financially.

**2.0 Hours Louisiana CLE Credit Register at [www.lsba.org/CLE](http://www.lsba.org/CLE)**

**Registration Check-In:** 11:30 a.m. **CLE and Lunch:** 12:00 noon - 2:00 p.m. Lunch will be served and is included in the fee

**Location:** Shreveport Bar Center, 625 Texas Street

**Presenters:** • Honorable John Antonowicz, Administrative Law Judge, Office of Disability Adjudication and Review, Shreveport  
• Margherita McWilliams, Legal Services of North Louisiana, Shreveport  
• John Ratcliff, Attorney at Law, Shreveport

**Cost:** \$100/members of the Shreveport Bar Association (\$50/hour) | \$120/non-members of the Shreveport Bar  
FREE to public interest attorneys | FREE to attorneys who agree to accept a pro bono case on the seminar topic.





**Legal Services of North Louisiana, Inc.**

**and**

**The Shreveport Bar Foundation Pro Bono Project**

**Presents**

## **“ASK-A-LAWYER”**

**LET US ANSWER YOUR CIVIL LEGAL  
QUESTIONS FOR FREE!**

**Monday, April 6, 2015**

**3:30 p.m. — 7:00 p.m.**

**Shreveport Bar Center**

**625 Texas Street**

**Shreveport, LA**

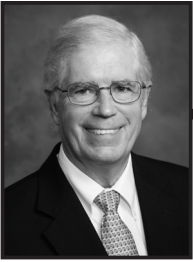
**Call (318)222-7188**

**For pre-screening of eligibility**

This program is financially assisted by Legal Services Corporation.

 **LSC**





# Professionalism

by Stephen A. Glassell, [sglassell@aol.com](mailto:sglassell@aol.com)

## VERNON RICHIE: COLLEGIALLY AND CIVILITY

The mark of a truly professional trial lawyer is his or her ability to master the skills of collegiality and civility. For it is in a hotly contested civil, matrimonial or criminal trial that these two skills are battle tested.



Vernon Richie

In 1992 the La. State Bar Association adopted a code of professionalism, which imposed a duty on attorneys to act with collegiality and civility in the following two sections:

1. I will conduct myself with dignity, civility and courtesy and a sense of fair play;
2. I will not engage in personal attacks on the other counsel or the court.

As applied to a trial lawyer, I offer the following definition of collegiality and civility. It is the ability of a trial lawyer to aggressively advocate for his client and still maintain a friendly and cordial relationship with an opposing attorney in a stressful trial environment.

My first, and I believe only, contested trial with Vernon Richie representing the other parties played out in Caddo District Court in the spring of 1993. It was a redhibition lawsuit over the sale of a residence in southwest Shreveport which had a value of approximately \$200,000. I represented the buyers, a retired couple who were moving to Shreveport. Vernon represented the sellers, who were likewise retired and had recently moved back to Shreveport. After the sale of this residence to my clients, the sellers decided to stay in the neighborhood and bought and moved into the residence next door to the one they had just sold to my clients. In fact, these two couples attended the same Sunday school class at a local church.

Within months after moving in, my clients began to notice cracks in the Sheetrock, wallpaper and ceiling. They retained me and ultimately we filed a redhibition lawsuit in Caddo District Court in December 1990. The sellers retained Vernon to defend that case and file a third-party demand against the builder, who was represented by Bob Jahnke. The builder filed a third-party demand against the engineer who designed the slab; he was represented by Chuck Strickland. After over two years of pretrial discovery and proceedings this case was set for a bench trial. Despite the best efforts of Vernon, Bob, Chuck and me, there appeared no way this case would settle. When we arrived in court for the first day of the trial, tensions were high. The relationship between our clients had totally deteriorated. Both Vernon and I worried about them having to sit in the same courtroom during the trial. The trial ultimately

lasted about 10 total trial days over the course of six weeks. The tension and stress in the courtroom during this trial were extremely high for both clients and attorneys. All the stress factors were there potentially to trigger major animosity between even experienced trial lawyers. Vernon was sitting on the hot seat right in the middle of this boiling pot.

Despite all the unusual dynamics of this case, Vernon maintained collegiality and civility with me, Bob, Chuck and Judge Crichton. In fact, all the lawyers were able to maintain collegiality and civility with each other during the trial. The case was vigorously tried on the facts and the evidence, not the personalities of the attorneys and parties. We were able to complete the trial successfully, as well as a subsequent hearing on a motion for a new trial, without any major verbal or physical altercations or encounters in the courtroom.

At the conclusion of the trial Vernon and I were still friends and have remained friends. I believe his sense of collegiality and civility were key factors in allowing us to finish this trial without a major incident.

Vernon had an excellent mentor, his father, John Richie, with whom he practiced law after returning to Shreveport from law school in 1974 until the retirement of his father in 2002. In 1981 his brother Byron joined the law firm.

Vernon is a home-grown lawyer who attended Fairfield Elementary School, Linwood Junior High School and C. E. Byrd High School. After attending NSU he attended and graduated from LSU Law Center in Baton Rouge.

Vernon is married to Lillian Richie, who is also an attorney and currently serves as clerk of the Second Circuit Court of Appeal. Vernon and Lillian have one daughter, Margaret Richie Gaskins, who is also a lawyer and practices with him. Margaret is married to William Gaskins, also a lawyer and assistant district attorney in Caddo Parish, and the son of retired Judge Gay Gaskins and Gary Gaskins.

Vernon and Lillian have both been active in the Mardi Gras Krewe of Centaur. Vernon was King in 2003. Lillian was Queen in 1992.

Vernon still actively maintains a civil practice with emphasis on successions and estate litigation.



THE SHREVEPORT BAR ASSOCIATION

# Golf and Tennis TOURNAMENT

Monday, July 13, 2015  
East Ridge Country Club  
Shreveport, Louisiana

Four-Person Scramble  
AFTERNOON SHOTGUN START (12:30 p.m.)

# Save THE DATE

## ELIZABETH W. MIDDLETON MEDIATION SERVICES

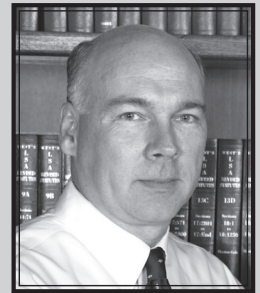
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Elizabeth W. Middleton



Charles D. Elliott

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# Law Week 2015

by: Thomas Pressly IV, Law Week Chairman

This year's Law Day theme is *Magna Carta: Symbol of Freedom Under Law*. It is an opportunity to spotlight a particular aspect of the rule of law or legal process and how it affects our daily lives. Law Day Chairman Thomas Pressly and his Law Day Committee have planned events for local students, SBA members, and the community that support this year's theme.

As part of this year's Law Day celebration, the committee is sponsoring an event for local high school students at the Robinson Film Center. Students from all area high schools have been invited to take part in the event on Thursday, April 30. The students will be welcomed by a group of lawyers who will discuss symbols of freedom under the law, from the Magna Carta to films which have come to represent freedom under the law. The students will then watch *To Kill A Mockingbird*. During the afternoon, the students will have lunch with local attorneys who will lead round table discussions. The event will also include an opportunity for the students to make oral arguments before Judge Hicks.

The Law Week committee is also sponsoring a dinner and movie night at the Robinson Film Center. The community is invited to have dinner and watch the movie *12 Angry Men* on Wednesday, April 29. The evening will include a panel discussion on the significance of the film and the important role of juries. Judge Brady O'Callaghan, Dr. Mark Vigen and an RFC Director will be the guests on the panel.

Law Week 2015 will be April 27 through May 3. The planned events include:

**Monday, April 27** – In collaboration with LSUS International Lincoln Center, William Flanagan, Tom Arceneaux, Brian Flanagan and Thomas Pressly will discuss the Magna Carta: Symbol of Freedom Under Law to a group of students at LSUS.

**Tuesday, April 28** – Young Lawyers' Section is partnering with senior lawyers to visit local elementary and middle schools.

**Wednesday, April 29** – Shreveport Bar Association Law Day luncheon at the Petroleum Club, Judge S. Maurice Hicks Jr. will be the guest speaker. The community dinner and a movie night at Robinson Film Center will also be held on Wednesday, April 29.

**Thursday, April 30** – Local high school student event at Robinson Film Center from 9:30 a.m. – 2:30 p.m.

**Friday, May 1** – Red Mass at Holy Trinity Catholic Church.

**Sunday, May 3** - SBA Member/Family Day Crawfish Boil at East Ridge Country Club from 4 p.m. - 7 p.m.

The 2015 Liberty Bell recipient will also be announced at the luncheon on April 29. Please plan to come to the luncheon as well as the other Law Day events.



## Dinner and Movie Night at RFC

Wednesday, April 29

The Robinson Film Center  
(617 Texas Street)

Cocktails 5:30 p.m.

Dinner and Movie 6:00 p.m.

Cost: \$25 per person

Includes dinner, film & talk

Panel talk back after the movie with Judge Brady O'Callaghan, Dr. Mark Vigen and RFC Director



## Dinner and Movie Night Wednesday, April 29

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Enclosed is my check for \$ \_\_\_\_\_

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Or

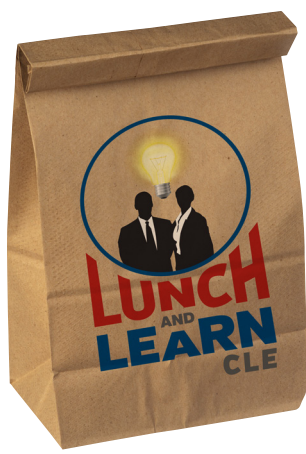
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Charge Amount \$ \_\_\_\_\_

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SIC \_\_\_\_\_ Exp. Date \_\_\_\_\_





# Shreveport Bar Association Lunch & Learn CLE

**Thursday, May 7, 2015**  
**Shreveport Bar Center**  
625 Texas Street, Shreveport

Registration 11:30 a.m.  
1.0 Hour Louisiana CLE Credit

**Lunch will be provided for all participants**

**12:00 p.m. - 1:00 p.m.**

Honorable J. Jay Caraway, Second Circuit Court of Appeal  
Robert G. Pugh, Jr., Pugh, Pugh & Pugh, LLP

### Topic

Fiscal Health and Retirement Planning

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone No. \_\_\_\_\_

Email Address \_\_\_\_\_

**Registration Fee:**  
SBA Members - \$50  
Non-Members - \$60

**Questions?** Please contact Dana Southern at 318-222-3643, Ext. 3  
email: dsouthern@shreveportbar.com

**Please remit with payment by check or credit card to:**  
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Signature \_\_\_\_\_

**Thursday, May 14, 2015**  
**Shreveport Bar Center**  
625 Texas Street, Shreveport

Registration 11:30 a.m.  
1.0 Hour Louisiana CLE Credit

**Lunch will be provided for all participants**

**12:00 p.m. - 1:00 p.m.**

Kevin Murch, Thomson Reuters

### Topic

Current State of the Legal Market in 2015 and  
Legal Technology Solutions Designed Specifically for  
Small Firms

- Automate proofreading your documents to save time identifying errors, omissions and inconsistencies
- Get up to speed faster in new areas of the law to keep more work in house and expand your business
- Increase law firm efficiency by reducing administrative time and write downs

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone No. \_\_\_\_\_

Email Address \_\_\_\_\_

**Registration Fee:**  
SBA Members - \$50 | Non-Members - \$60

**Questions?** Please contact Dana Southern at 318-222-3643, Ext. 3  
email: dsouthern@shreveportbar.com

**Please remit with payment by check or credit card to:**  
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625 Texas Street, Shreveport, LA 71101

Please charge to my  Visa  MasterCard  American Express

Card No. \_\_\_\_\_

Expiration Date \_\_\_\_\_ SIC: \_\_\_\_\_

Signature \_\_\_\_\_

# Red Mass 2015

On the occasion of Law Week 2015  
The Red Mass Society of Shreveport  
Cordially invites you to attend the  
Twenty-Third Annual  
Votive Mass of the Holy Spirit  
to be celebrated at  
Holy Trinity Catholic Church  
400 Block of Fannin Street, Shreveport, Louisiana  
on Friday, the first of May  
Two thousand and fifteen  
At nine o'clock in the morning

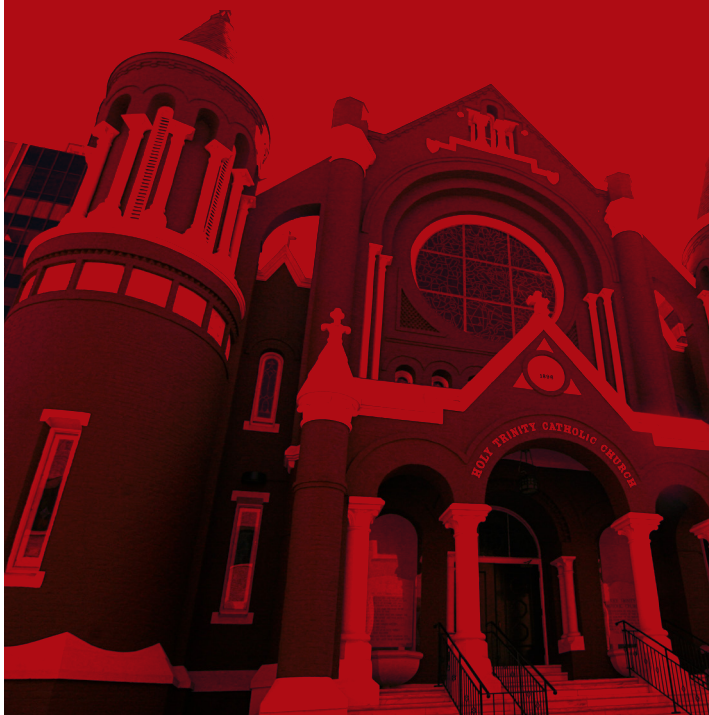


His Excellency  
The Most Reverend Michael G. Duca  
Bishop of the Diocese of Shreveport  
Principal Celebrant and Homilist

Reverend Monsignor Earl V. Provenza, V.F.  
Master of Ceremonies



The Red Mass this year is celebrated in honor of  
Oakwood Home for Women  
A Home for Women in Recovery



## THE Patterson RESOLUTION GROUP



W. Ross Foote • E. Phelps Gay • Michael A. Patterson • Michael W. McKay • Patrick S. Ottinger



**Marta-Ann Schnabel** has joined the Patterson Resolution Group. Her practice areas include professional liability, business and commercial litigation, construction disputes, insurance coverage, and casualty litigation.

Her training as a mediator includes studies at the Straus Institute for Dispute Resolution, Pepperdine University. She is currently the Chair of the Louisiana Supreme Court's Judicial Oversight Committee and served as the first woman president of the Louisiana State Bar Association.



**Thomas M. Hayes, III** has also joined the Patterson Resolution Group. His practice has focused on product liability, redhibition, insurance coverage, industrial accidents, medical malpractice, lawyer's professional liability and professional responsibility,

construction, architect and engineering liability, successions, real estate disputes, realtor issues, employment law, and worker's compensation. He has been designated as a Louisiana SuperLawyer in civil litigation and has been appointed Special Master by the Fourth and Eighth Judicial Districts.

Contact Mike Patterson at 866-367-8620 or visit the group's website at [www.pattersonresolution.com](http://www.pattersonresolution.com) for more information.

BATON ROUGE • NEW ORLEANS • LAFAYETTE • SHREVEPORT • MONROE





# Booth-Politz Inn of Court

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

On February 26, 2015, a cold, clear evening, greeted the historic first-ever joint meeting between the Harry Booth/Judge Henry A. Politz Inn of Court (Shreveport) and the Judge Fred J. Fudickar Jr. Inn of Court (Monroe), which was held at Squire Creek in Choudrant, Louisiana. A full bus of Shreveport members and their guests left from the Federal Courthouse at 5:00 p.m. sharp. Judge Beth Foote and her husband, Ross, greeted the travelers, who included Chief Judge Carl Stewart, Judge Don Walter, Judge Jeanette Garrett, Judge Jay Caraway, Judge Ramona Emanuel and Judge Leon Emanuel, who were just a few of the judges on board.

With the crowd of both Inns gathered, there was literally not a seat left as Chief Judge of the Fifth Circuit, Carl Stewart, fresh from London, called the meeting to order. Judge Stewart is also president of the national organization, American Inns of Court. During the happy hour, many people queued up to see Judge Stewart's cell phone picture of him shaking hands with Queen Elizabeth II of England. I was in line briefly because I was told that he was shaking hands with one of the surviving Beatles.

John Odom of the Shreveport Inn and David Verlander of the Monroe Inn, with the help of Graham Todd, presented the CLE program "King John and the Magna Carta." Sandwiched between their remarks was the scholarly presentation of Jeffery Hankins, professor of history at Louisiana Tech, and Judge Don Walter, a local expert on England and English history.

Larry Pettiette, president of the Shreveport Inn of Court, gave a brief history of the start of the Shreveport Inn, and acknowledged founding member, Judge Tom Stagg, who had just celebrated his 92nd birthday and sent his best to all in attendance.

David Verlander, president of the Monroe Inn of Court, acknowledged Judge Don Walter, founder of the Monroe Inn of Court.

Larry Pettiette then adjourned the program, noting the attendance of the Monroe and Shreveport judges not mentioned above: Judges Maurice Hicks and Robbie James, Western District of Louisiana; Magistrate Judge Karen Hayes, Western District of Louisiana; Louisiana Supreme Court Justice Marcus Clark; Second Circuit Judge Milton Moore; Fourth Judicial District Judges Stephens Winters, Danny Ellender, Wendell Manning and J. Wilson Rambo; Third Judicial District Judge Cynthia Woodard; and First Judicial District Judge Roy Brun.

Brian Landry of the Shreveport Inn and Mike Street of

the Monroe Inn coordinated this memorable event for their respective Inns.

When the dinner and program concluded, there was not a rush to return home despite the distance of the journey, but more visiting and exchanging old war stories from some of the older attorneys from the two Inns who were getting reacquainted. The bus ride home was quick, as riders were peppered with legal trivia by Janey Pettiette. With over 100 attendees, this was an enjoyable joint event and will have to be repeated.



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# Monroe Inn of Court Update

by Hal Odom Jr., rhodom@la2nd.org

## Selecting Experts for "Big Rig" Cases

The selection of experts in big rig accidents was the topic of the March 2015 meeting of the Judge Fred J. Fudickar (Monroe) Inn of Court.

"Whenever a collision occurs between two vehicles of vastly different weights, there is the potential for catastrophic injury to the occupants of the lighter vehicle," stated Dennis Hennen, of Hennen & Hennen LLP in Monroe, to introduce his presentation. Federal law requires a minimum of \$750,000 liability insurance coverage for big rigs traveling interstate, "and that makes these cases worth looking at."

Hennen, who has handled several big rig cases on referral, shared some of his experiences with the audience. He then gave an outline of tips and pointers, many of which would be applicable to any large-scale tort case. First and foremost, he said, "You must arm yourself with the current law," not just your own state tort law. Federal regulations can be imposing, and important websites list insurance information and past safety violations by trucking company. "If you are not in a position to read and study all this, it is best for the client that you associate an experienced trucking lawyer," he commented.

Selecting the correct expert is "only one part of a trucking case," but Hennen provided an impressive list of over 70 types of experts that might be valuable. Some were intuitive, like experts in accident reconstruction and human factors, but others are more specialized. An 18-wheeler mechanic is "totally different from a car mechanic"; a loading-and-unloading expert can actually analyze "load shifting," the alleged culprit in many turnovers; a metallurgist can be critical to solving a blowout; and ingress-and-egress experts have emerged especially in the context of Walmart loading areas. Hennen illustrated the kind of testimony these experts (and others) had given in his cases.

"Expert selection should begin as soon as the case comes in," Hennen advised. "I am not a fan of attorney service companies who find experts for you. I'm sure they supply a need, but I've never had any luck with them." Instead, he prefers to use experts he has used in the past, and he discussed other alternatives, including LAJ and AAJ Listservs, and even local colleges and technical schools.

The meeting was held at the Lotus Club, in the Vantage/ONB Tower, on Monday, March 9. A small audience of 14 members attended, perhaps because it came so soon after the February 26 joint meeting with the Shreveport Inn at Squire Creek. At the top of the meeting, Inn president David Verlander expressed his thanks to the long-serving secretary, Mike Street, and to the program chair, Ashley Burch (who was unable to attend). This was the last regular meeting of the season; the April gathering is for the annual crawfish boil. The Inn will begin its next season in September.



Before the presentation, new Inn member Carmen Ryland, of the Caldwell Parish D.A.'s office, visited with Jimmy Dimos, a former Fourth JDC judge and La. state senator.



Dennis Hennen discussed his approach to hiring experts for big rig cases. On a lighter note, he also suggested Googling your own car for recalls.

# BAR BRIEFS



The Shreveport Bar Foundation organized volunteers to assist with the "Amazing Shake" program that was held March 23 at the Community Foundation of North Louisiana at 401 Edwards. Students from area Caddo parish schools were judged based on how they interacted with our attorneys using their social and communication skills. The secret judges were looking for thermal handshakes, eye contact, back-and-forth communication skills and respectful, polite manners. We would like to thank the following volunteers who came out for the event, William Bradford; Trina Chu; Rebecca Edwards; Katherine Evans; Ken Hickman; Monique Hudson; Mary Jackson; Kendra Joseph; Anna Maria Sparke Keele; Sarah Kirkpatrick; Julie Lafargue; Gernine Mailhes; Susannah Poljak; Heather Ray; Larry Russo; Ann Shores; Janet Silvie; Earlnisha Williams and Jennifer Woodland.



# Second Circuit Highlights

by David Tullis, [dtullis@la2nd.org](mailto:dtullis@la2nd.org)

## Spoliation of evidence

A patron at Eldorado Casino in Shreveport filed suit against the casino under the merchant liability statute (La. R.S. 9:2800.6) after she slipped on a food substance on the floor and fell as she was leaving the casino's buffet restaurant. After learning that the casino had preserved only seven seconds of video-surveillance footage of the incident, the patron filed a motion seeking an adverse presumption of liability on the premise that the failure to save additional footage amounted to spoliation of evidence. The surveillance footage could have aided her in establishing how long the substance had remained on the floor. The trial court denied the motion, and the Second Circuit discerned no abuse of discretion in the denial of this motion. The lawsuit was ultimately dismissed by summary judgment. *Grantham v. Eldorado Resort Casino Shreveport*, 49,474 (La. App. 2 Cir. 11/19/14), 152 So. 3d 1028.

Spoliation of evidence, such as when a party destroys evidence under his control, can lead to the presumption that the evidence would have been unfavorable to the party had it been produced. However, the presumption does not apply when the failure to produce the evidence is adequately explained.

The casino had surveillance cameras documenting activity in the buffet area. It was Eldorado's normal practice to preserve approximately 15-30 minutes of footage of incidents at the casino. At the beginning of each day, a casino security investigator would review incident reports and preserve the related footage. Any footage that was not saved was automatically overridden by the video-recording system.

The security investigator who normally reviewed and preserved the surveillance footage was on vacation at the time of Grantham's fall. The investigator who happened to review the footage knew he was supposed to save at least 15 minutes of footage surrounding the fall. However, because he had minimal experience with the process of preserving the casino's surveillance footage, he did not do the task properly and ended up with only footage of the actual fall. He was unaware that he had not retained the desired amount of video until it was too late to take any steps to recover the deleted footage.

In finding no abuse of the trial court's discretion in accepting Eldorado's explanation for the blunder and denying the motion, the Second Circuit noted that Grantham failed to point out a statute or contract obligating Eldorado to save the surveillance footage. There was no evidence that Eldorado failed to follow any written policy when preserving the video, or that the casino was bound by duty to save the footage. Moreover, the evidence did not show that the investigator intentionally deleted the footage. Rather, he inadvertently saved only seconds of the video merely

because he was unfamiliar with the process.

## Conflict of laws

Whether Arkansas's parental immunity law applied to a personal injury claim brought in Louisiana was at issue in *Barron v. Safeway Ins.*, 49,519 (La. App. 2 Cir. 11/19/14), 152 So.3d 1085, writ denied, 2014-2679 (La. 3/13/14), \_\_\_ So.3d \_\_\_. Parker, who was Safeway's insured and a Bossier City resident, was involved in an auto accident while on a family vacation in Hot Springs, Arkansas. Parker's three minor children, who were also Bossier residents, suffered injuries in the accident. The Safeway policy had been issued in Bossier Parish. The other driver involved in the accident was a resident of Arkansas.

Barron, who was Parker's husband and the father of two of the children, filed a direct action lawsuit against Safeway in Bossier Parish. Parker did likewise on behalf of the third child. The lawsuits were consolidated. Safeway filed exceptions of no right of action and no cause of action in which it asserted that because the accident occurred in Arkansas, the lawsuit was subject to Arkansas law, namely its parental immunity law, which would have prevented the minors from suing their parents in this instance. The exceptions were denied.

Following a bench trial, the court found that the accident was entirely the fault of Parker. It also found that Louisiana law was to be applied in this matter. Safeway appealed the judgment. The Second Circuit affirmed.

Under Arkansas's parental immunity law, an unemancipated minor child cannot maintain a cause of action for an involuntary tort against his parent. Safeway argued that Arkansas law applied because the accident took place in Arkansas, the alleged damages and injuries were sustained in Arkansas, and Parker was contended to be at fault. In support of its argument, Safeway cited La. C.C. art. 3543.<sup>1</sup>

The parents countered that this case involved a "false conflict" identical to the one found in *Jagers v. Royal Indem. Co.*, 276 So.2d 309 (La. 1973), because Louisiana, and not Arkansas, had an interest in seeing its law applied to the claim. They added that if there was a conflict of laws, then the dispute was governed by La. C.C. art. 3544,<sup>2</sup> which favored the application of Louisiana law because the injured persons and the tortfeasor were Louisiana

<sup>1</sup> Article 3543 provides, in part: "Issues pertaining to standards of conduct and safety are governed by the law of the state in which the conduct that caused the injury occurred, if the injury occurred in that state[.]"

<sup>2</sup> Article 3544 states, in part: "Issues pertaining to loss distribution and financial protection are governed, as between a person injured by an offense or quasi-offense and the person who caused the injury, by the law designated in the following order: (1) If, at the time of the injury, the injured person and the person who caused the injury were domiciled in the same state, by the law of that state."



residents, and because the policy was issued in Louisiana.

The Second Circuit found *Jagers* to be “both factually apposite and legally persuasive.” *Jagers* suffered injuries when the car in which she was a passenger, and driven by her minor son who resided with her, rear-ended another vehicle in Mississippi. *Jagers* filed suit in Louisiana state court against her son and their auto insurer. In rejecting the insurer’s argument that *Jagers* had no right or cause of action because Mississippi’s intrafamily immunity doctrine applied, the supreme court stated that when a foreign state has no interest in the application of its law in a Louisiana court proceeding, the application of Louisiana law provides much greater predictability, certainty, and constancy to the law.

In dismissing *Safeway’s* argument on this issue, the Second Circuit concluded that Louisiana had the more substantial interest in applying its law in this matter. Even though *Parker* and her family were only in Arkansas transitorily, the accident did occur there and the other driver was a resident of Arkansas. Nevertheless, as noted by the Second Circuit, the claim was fundamentally between Louisiana residents seeking to enforce an insurance policy that was issued in Louisiana. The trial court properly declined to apply Arkansas law.

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# Mark Your Calendar



## **APRIL 17**

Social Security Disability CLE  
12:00 Noon at Shreveport Bar Center

## **APRIL 29**

Law Day Luncheon  
12:00 Noon at the Petroleum Club (15th Floor)  
Speaker: U.S. District Judge S. Maurice Hicks, Jr.

## **APRIL 29**

Community Dinner and a Movie "12 Angry Men"  
5:30 p.m. at Robinson Film Center

## **MAY 1**

Red Mass  
Holy Trinity Catholic Church

## **MAY 3**

Member/Family Day  
4:00 p.m. to 7:00 p.m. at East Ridge Country Club

## **MAY 7**

Lunch & Learn CLE  
Fiscal Health & Retirement Planning  
12:00 Noon at Shreveport Bar Center

## **MAY 14**

Lunch & Learn CLE  
Legal Technology Solutions Seminar  
12:00 Noon at Shreveport Bar Center

## **JUNE 4**

Lunch & Learn CLE  
Legal Technology Seminar  
12:00 Noon at Shreveport Bar Center

## **JUNE 18**

Lunch & Learn CLE  
Litigation Summer Series Seminar I  
12:00 Noon at Shreveport Bar Center

## **JUNE 24**

SBA Member Luncheon  
12:00 Noon at the Petroleum Club (15th Floor)  
Speaker: Lt. Governor Jay Dardenne

## **JULY 13**

Annual SBA Golf & Tennis Tournament  
12:30 p.m. at East Ridge Country Club



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# How Write You Are

by Hal Odom Jr., rhodom@la2nd.org

**This is money.** The Cypress-Black Bayou Recreation and Water Conservation District is a political subdivision of the state. According to La. R.S. 38:2603, it has the authority to acquire “every type and *specie* of property and servitudes” to accomplish its purposes. The curious word used (and in the statute since its enactment in 1958!), *specie*, actually means *coins*, a form of money distinguished from bullion and folding money.

A Louisiana court properly defined *specie* as “coin of the precious metals, of a certain weight and fineness, and bearing the stamp of government, denoting its value of currency.” *Holland v. First Nat’l Bank of Crowley*, 398 So. 2d 186 (La. App. 3 Cir. 1981) (quoting *Black’s Law Dictionary*). The word is also correctly (if redundantly) defined as a “valuable” in 31 C.F.R. § 362.1 (a): “Currency, includ[ing] mutilated currency and canceled currency, coins, including uncurrent coins, and *specie*.”

The word intended in R.S. 38:2603 is the familiar and common *species*, meaning a *distinct sort or kind*, or a *subdivision under a genus*. *Species* is only unusual in the fact that it is the same in singular or plural: *one species*, *two species*. You do not make it singular by dropping the *-s*. (The other major word like that is *series*. The Kansas City Royals have won only one World Series; the Yankees have won 27 World Series.)

My money is on the bet that most legal writers will never have to use the word *specie*, unless they need to quote R.S. 38:2603. Use the intuitive word, *species*. Use it singular and plural.

**Nothing to crow about.** A New Orleans-based syndicated columnist, in a recent piece about former King Edward VIII’s 1950 visit to Carnival, noted that the abdicated monarch faced “a refined *crowed* used to minding its manners.” Nope – that was a crowd.

When I first wrote about the *crowd-crowed* mistake (June 2014), I thought it was a rare error. However, I see that a federal district court recently wrote, “Additional evidence – uncontroverted by the plaintiffs – shows the increasingly violent nature of the *crowed* on the night in question.”

Spell Check won’t catch this. Nobody who ever made this mistake has *crowed* about it.

**My principal (principle?) topic.** Recent research into the inscrutable field of the collateral mortgage led me to a law review article that contained this statement: “Professor Rubin’s article sets for two *principle arguments* to support the view that the maker of a collateral mortgage note is personally liable for the deficiency due after seizure and sale of the mortgaged property.”



Unfortunately, the author of the article (not Prof. Rubin!) was not talking about *arguments about guiding concepts*. In other words, it’s time for a refresh about the granddaddy of all homophones.

**Principle:** This is a noun meaning a *concept, rule* or *source*. The word is always a noun; there are *principles* of solidarity and *principles* of statutory construction. There is no such thing as a *principle argument*. The mnemonic device is that principle and *rule* both end in *-le*.

**Principal:** This is usually an adjective meaning *most important* or *primary*. The *principal argument* is more impressive than the *subordinate* one. The mnemonic device is that *principal* is spelled with *a*, like the first letter of *adjective*.

*Principal* is also a noun. Here are its principal meanings:

- (1) All persons concerned in the commission of a crime, whether present or absent, and whether they directly commit the act constituting the offense, aid and abet in its commission, or directly or indirectly counsel or procure another to commit the crime, are *principals*. La. R.S. 14:24. This is distinguished from an accessory after the fact, R.S. 14:25.
- (2) A person who confers authority on another person (the *mandatary*), to transact one or more affairs for the first person, is a *principal*. La. C.C. art. 2299. At common law, the mandatary is called an agent, but *principal* is correct in both common and civil law.
- (3) The key person in an organization is a *principal*. One statute defines such person as “any officer, director, owner, sole proprietor, partner, member, joint venturer, manager, or other person with similar managerial or supervisory responsibilities.” La. R.S. 9:3594.2 (6). Likewise, the head of a school is the *principal*. The mnemonic is, “Your *principal* is your *pal*.”
- (4) Money deposited in a bank is called *principal*, distinguished from interest. Similarly, the trust corpus is sometimes called the *principal*, as in La. R.S. 9:1847.

Make it your objective never to use “principle arguments” again.



# March Luncheon Pics





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 \$25.00 for Late Reservations (after 5:00 pm the Monday prior to the luncheon) and Non SBA Members*



## MAGNA CARTA: SYMBOL OF FREEDOM UNDER LAW

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

**Featuring:** Honorable S. Maurice Hicks Jr., United States District Court, Western District of Louisiana

Judge Hicks was inducted as a U. S. District Judge for the Western District of Louisiana in 2003. Prior to his appointment to the bench by President George W. Bush, Judge Hicks was senior member in the firm of Hicks, Hubley & Marcotte. He is a Judge/Master member of the Harry V. Booth and Judge Henry A. Politz Chapter of the American Inns of Court. He currently serves as the Director of Accommodations of the Supreme Court Committee on Bar Admissions (“COBA”). He has previously served COBA as Chairperson, the Director of Testing, and as the Examiner for Federal Jurisdiction and Procedure. He has also served as a member of the Louisiana Law Institute. Judge Hicks has served as presiding judge and panel member on five occasions at the National Advocacy Center in Columbia, South Carolina. Please join us on April 29, as we celebrate Law Day and hear Judge Maury Hicks will talk about "Magna Carta: Icon of Liberty".

*The 2015 Liberty Bell Recipient Will Be Announced At the Luncheon*

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I plan to attend the April luncheon. Attorney: \_\_\_\_\_

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