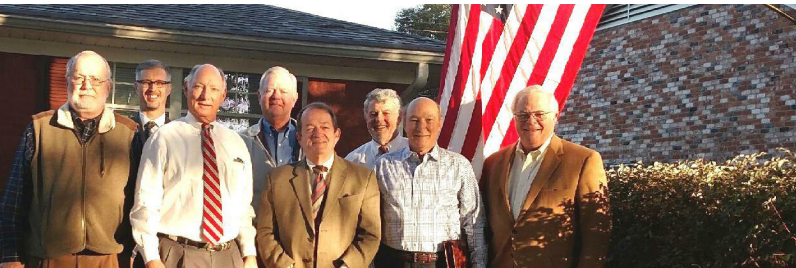
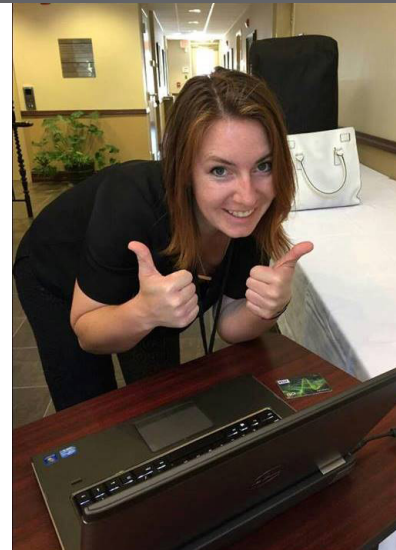


THE BAR REVIEW

PUBLICATION OF THE SHREVEPORT BAR ASSOCIATION Volume XXIII, Number 10 • December 2016



Members Made 2016 a Great Year!



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BAR BRIEFS

4th JDC Memorial & Recognition Ceremony



EVENTS AT A GLANCE

Date	Event
12/A13&14	December CLE by the Hour seminar at Petroleum Club
12/18	SBA / Area Law Student Christmas Party - 3:00–5:00 p.m. - Wine Country
1/25	SBA Membership Luncheon – 12:00 p.m. - Petroleum Club- Speaker: Jeffrey Gauger
1/27	Krewe of Justinian Bal at Shreveport Convention Center
2/18	Centaur Parade
2/22	SBA Membership Luncheon – 12:00 p.m. - Petroleum Club- Speakers: Rannah Gray and Mary Jane Marcantel
2/26	Highland Parade

Hilton Garden Inn / Homewood Suites, Bossier City Recognizes the SBA for being Company of the Month





From The President

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

We have had our final meeting of the Executive Council this year and our budget is in line with our predictions. Our December CLE by the Hour is scheduled for December 13 and 14 this year and the revenue earned therefrom will finish us up for the year. The lion's share of our budget comes from revenue earned through the CLEs we put on throughout the year. Your continued support is what allows us to provide service to our community and, maybe more importantly to some, not raise our bar dues. My last function will be the Christmas Party on December 18. We will be having it at Wine Country again this year but remember Wine Country has moved into the former Giuseppe's, across the street in Uptown Shopping Center. The new venue is much larger and very nice. As always, the food is spectacular. So, please come out and bring a gift or make a donation for the families of Providence House.

I want to thank Judge Bill Kelly and his committee for the fantastic work they did on this year's Veterans Day program. We celebrated with the veterans the 50th anniversary of the end of the Vietnam war. I was a bit confused about the dates but ultimately learned that the 50th anniversary celebration lasts until 2025. Col. Ted Cox (Ranger Ted) provided us with a video montage of actual Vietnam war footage. The video has been uploaded to our Facebook page and has been viewed more than 1,000 times and shared more than 35. Our most popular post in the history of Facebook! Thank you for your service both in and outside the armed forces.

I would like to remind everyone that we will not be having a bar luncheon during the month of December. Our next luncheon will be January 25, 2017, at The Petroleum Club. The buffet opens at 11:30 a.m. and our program begins at 12:00 p.m. Our incoming president, Ms. Rebecca Edwards, has arranged for Mr. Jeffrey Gauger, the Executive Editor of the *Shreveport Times*, to make a presentation.

I would like to take this opportunity to thank you all for allowing me the privilege of serving as your president of the Shreveport Bar Association. It has been a very rewarding experience. Throughout the year we had our struggles and successes. I have seen lawyer interaction in matters affecting the service we as a profession provide to our community from an angle to which I was not previously privileged. Some interaction was adversarial and emotional but in general handled with the courtesy and professionalism we as a bar

are known to provide. From this experience, I have a greater appreciation of how valuable our bar association is to the community. The Shreveport Bar Association is stronger and much more active than many of the bar associations from metropolitan areas much larger than ours. This is due to the dedication of our members who time and time again can be counted on to volunteer their time to further the efforts of our outreach. It is also due in no small part to our executive director, Dana Southern, and her constant support. I know the incoming slate of officers are equally committed and I look forward to helping them achieve their goals in the future. Thank you again for this opportunity. And remember...

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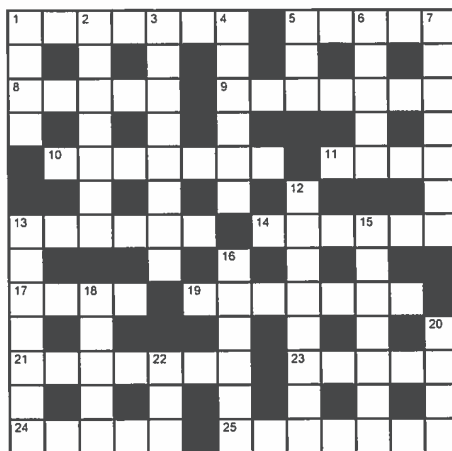
The Shreveport Bar Review reserves the right, in its discretion, to decline to accept advertisements from any individual, corporation, partnership, entity, group or association, without the necessity of giving a reason for its declination.



Shreveport Crossword Dec. 2016

Our Historians

by Hal Odom Jr.



Across

- 1 ___ Stuck, author of "Shreveport Madam" (7)
- 5 Eric ___, author of "The Presence of the Past" in *The Shreveport Journal* (5)
- 8 Exercise absolute power (5)
- 9 Kip ___, author of "Shreveport Sounds in Black and White" (7)
- 10 What all these folks are writing about (7)
- 11 When 10 Across occurred (4)
- 13 Joanne ___, author of "Remember When" in *The Times* (6)

- 14 Willie ___, author of "The Blacker the Berry" (6)
- 17 Toggle positions (4)
- 19 Altered or falsified document (7)
- 21 Viola ___, author of "Shreveport 1,000" (7)
- 23 "You've got ___ it in the bud!" (2, 3)
- 24 John Andrew ___, author of "Our History" in *The Times* (5)
- 25 Art ___, author of "Legal Hist" (7)

Down

- 1 ___ Joiner, author of "History Matters" on KDAQ (4)
- 2 Expressing one's personal view (7)
- 3 Extend or prolong (8)
- 4 Queen of detective fiction (6)
- 5 Shreveport ___ Association (3)
- 6 The last in a series (5)
- 7 Big measure for an atom bomb (7)
- 12 One who makes a spending plan, or tries to live within it (8)
- 13 White covering on a mountain (7)
- 15 Canada's largest city (7)
- 16 Style of St. Mark's Cathedral (6)
- 18 Extremely small measure, for atoms (5)
- 20 Maude Hearn ___, author of "Chronicles of Shreveport" (13)
- 22 Sales and ___ tax (3)

Meet the new Pro Bono Intake Coordinator



Our new Pro Bono Project intake coordinator/paralegal is Robinan Siem-Smith. Robinan was raised in Bossier City and is a graduate of Airline High. She attended East Texas Baptist University and completed her education degree at Baptist Christian College.

Deciding to change her career course, she obtained a notary license, earned a paralegal certificate and has now been in the legal field for over 15 years. Robinan has dealt with criminal defense (and served as mitigator in death penalty cases) and civil law, including family law, personal injury and workers' compensation.

Her experience volunteering with domestic violence victims and families through the YWCA, the Rape Crisis Center and the Arklatex Crisis Pregnancy Center (also as a liaison with the latter) will assist in her sensitivity to understanding the needs of these domestic violence victims, including men, women and children.

Robinan is very strong in her faith and she loves to spend time with her pride and joy, Chayenne, her three-year-old granddaughter, who has named her "RaRa"! She has two sons and is very proud of them both – Jeremy, a Bossier City police officer, and Devon, a full-time employee at General Electric in Shreveport.

Robinan is very excited to have the opportunity to assist victims of domestic abuse in our community. Her passion is to help protect and obtain justice for all victims who find themselves in a hopeless situation. Robinan truly believes in "second chances"!

Her hobbies include antiquing, traveling, wineries, Lido Key Beach in Sarasota, Florida, reading, and listening to old music and Christian music. She loves her Bible studies and hanging with her friends.

Her favorite movie of all time is "Gone with the Wind," and she loves the two Scarlett O'Hara quotes: "Fiddle Dee Dee!" and "I'll think about that tomorrow, tomorrow is another day!"

Welcome, Robinan, to the Pro Bono Project!

Welcome TO THE SBA

Jack M. Bailey III
Jack Bailey Law Corporation

Haley Gaines Baynham
Thomas, Soileau, Jackson, Baker & Cole LLP

Rhys E. Burgess
Attorney at Law

Kharmen Davis
Davis Law Firm LLC

Daniel Ewing
Legal Services of North Louisiana

Jessica Greber
First Judicial District Court

Cody Grosshart
Dudley Debosier

Patrick J. Harrington
Attorney at Law

Brittany Holt
Attorney at Law

Savannah Sepulvado
Attorney at Law

Luke Whetstone
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December CLE By The Hour December 13 & 14, 2016

**Petroleum Club, 15th Floor
416 Travis Street, Shreveport**

**13 Louisiana CLE Credits (including Ethics & Professionalism) Texas CLE Credit Approved (including Ethics)
Presented by SBA CLE Co-Chairs Judge Frances J. Pitman and Judge Michael A. Pitman
(Please Circle All Classes Attending)**

Tuesday, December 13, 2016

- 8:00 A.M. Registration
- 8:30 A.M. Criminal Law: A View From the Inside
Laura Fulco - First Assistant Caddo District Attorney and Pam Smart - District Defender, First Judicial District
- 9:30 A.M. Sponsor Break
- 9:35 A.M. Helpful Hints from A to Z from Fannin Street
Judge Jeanette Garrett - Second Circuit Court of Appeal
- 10:35 A.M. Sponsor Break
- 10:45 A.M. Professionalism: Programs/Services provided by the Shreveport Bar Foundation and Shreveport Bar Association and Knowing the Difference
Donald Hathaway - President Shreveport Bar Association Heidi Kemple Martin - Shreveport Bar Foundation
- 11:45 A.M. Lunch (included with all-day registration, or \$25)
- 12:45 P.M. False Claims Act, Fundamentals and Recent Developments: What Every Lawyer Needs to Know About Bringing and Defending Whistleblower Suits
A.G. (Alec) Alexander III - Breazeale, Sachse & Wilson
- 1:45 P.M. Sponsor Break
- 1:50 P.M. Successions *Ben Politz - Booth, Lockard, Politz & LeSage*
- 2:50 P.M. Sponsor Break
- 3:00 P.M. Staying on Mission-The Intersection Between Non-Profits and the Law *Destiny Deas - Attorney at Law*
- 4:00 P.M. Negotiating Your Way Through Law and Life
Judge (Ret) Gay C. Gaskins and Lawrence W. Pettiette Jr.- Pettiette, Armand, Dunkleman, Woodley, Byrd & Cromwell

Wednesday, December 14, 2016

- 8:00 A.M. Registration
- 8:30 A.M. Professionalism: What Would Momma Say? - The Sequel
Cyd Sheree Page - Voorhies & Labbé, P.L.C.
- 9:30 A.M. Sponsor Break
- 9:35 A.M. Ethics: ABA Model Rule 8.3 – Reporting Impairment-Related Conduct vs Early Intervention
Buddy Stockwell - Judges and Lawyers Assistance Program
- 10:35 A.M. Sponsor Break
- 10:45 A.M. Technology in the Courts
Melissa Allen - United States Fifth Circuit Court of Appeals
- 11:45 A.M. Lunch (included with all-day registration, or \$25)
- 12:45 P.M. United States Supreme Court Update 2015-2016 Term
Chief Judge Carl E. Stewart - United States Fifth Circuit Court of Appeals
- 1:45 P.M. Sponsor Break
- 1:50 P.M. Federal Procedure
Magistrate Judge Mark Hornsby - United States District Court, Western District
- 2:50 P.M. Sponsor Break
- 3:00 P.M. Trends in Civil Damages
Theodore J. Casten - Casten & Pearce and Ronald J. Miciotto - Attorney at Law

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Tuesday (7 hrs)	Non-Members - \$400.00 SBA Members - \$300.00
Wednesday (6 hrs)	Non-Members - \$400.00 SBA Members - \$300.00
Both Days (13 hrs)	Non-Members - \$600.00 SBA Members - \$500.00

Materials: Please circle your materials preference below:

Electronic - FREE Printed Manual - \$45 Flash Drive - \$25

Full registration refund until November 15, 2016, less a \$25 administrative fee
After November 15, full credit less a \$25 administrative fee may be applied to
future SBA sponsored CLE for up to one year.

Materials: The registration fee includes course materials provided electronically. Printed Materials are available at an additional cost upon request.

Important Note: A link to the seminar materials will be sent to you via email prior to the seminar. Because neither internet access nor electrical outlets are guaranteed, we suggest that you either print or save the PDF materials to your laptop, and fully charge your batteries if you wish to review the materials at the seminar.

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Rebecca Edwards Will Lead the SBA in 2017



Rebecca Edwards begins her term as president of the Shreveport Bar Association on January 1, succeeding Donald E. Hathaway Jr. to the one-year post. Rebecca is an Assistant District Attorney with the Caddo Parish District Attorney's Office. She worked as an attorney at the Advocacy Center for the Elderly and Disabled, and then at the Louisiana Second Circuit Court of Appeal as a staff attorney and senior law clerk for Judge James E. Stewart Sr. She is now assistant district attorney in the appellate section of the Caddo District Attorney's Office. Rebecca served the SBA as Women's Section president in 2008 and secretary-treasurer in 2012. She has been active in Justinian, serving as treasurer three times and as a duchess in 2014. She is a member of the planning committee for the American Cancer Society's annual Baron's Ball fundraiser, and serves on the board of the Caddo-Bossier Cancer Foundation League, which assists patients undergoing treatment for cancer with transportation and overnight accommodations. Rebecca is married to attorney Bill Edwards.

Serving with Rebecca Edwards on the 2017 SBA Executive Council are **James C. McMichael Jr.**, president-elect; **Donald E. Hathaway Jr.**, immediate past president; **Curtis R. Joseph Jr.**, vice-president; **Jason Nichols**, secretary-treasurer; **Eron Brainard**, member-at-large; **Brian R. Carnie**, member-at-large; **Anna Brown Priestley**, member-at-large; **Travis Lucas "Luke" Thaxton**, member-at-large; **Judge Karelia R. Stewart**, judicial liaison; **Thomas A. Pressly IV**, Young Lawyers' Section president; **Jabrina Clayton Edwards**, Women's Section President and **John N. Bokenfohr**, Krewe of Justinian Captain.



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Section President



Jabrina Clayton
Edwards
Women's Section
President



John N. Bokenfohr
Captain, Krewe of
Justinian



The Neutral Ground

by Gay Gaskins, ggaskinsmediation@bellsouth.net and Larry Pettiette, lpettiette@padsbc.com

EVERYTHING OLD IS NEW AGAIN



Gay: All of a sudden, Dale Carnegie is everywhere! The man most known for his 1930s book *How to Win Friends and Influence People* is making a resurgence. About a month ago, a *Wall Street Journal* article lauded a story from the book about Abraham Lincoln and a lesson he learned about dealing with people. Recently, a Dale Carnegie Course was advertised in

Shreveport. In the December CLE by the Hour seminar, Larry Pettiette and I will examine negotiation theories from several sources, including Mr. Carnegie's book, in our presentation "Negotiating Your Way Through Law and Life."

In his book, Mr. Carnegie outlines 12 Ways to Win People to Your Way of Thinking. I was surprised to see that many of his recommendations were ones I have seen in more current negotiation books. One of those "12 Ways" is titled "Secrets of Socrates." In this section, he advises that any negotiating discourse should begin with emphasizing things on which the parties agree, and not with the ones on which they differ. Like Socrates, Mr. Carnegie recommends that the conversation begin with questions. He further advises that the questions are ones with which his opponent would have to agree. After being asked a number of questions which garner "an armload of yeses," Mr. Carnegie states that the opponent often finds that he has "embraced the conclusion that he would have bitterly denied a few minutes previously."

Before I retired my mediation practice this summer, I had mediated at least 100 domestic cases. I quickly found out that the best way to get these parents to come to an agreement was to start with addressing issues on which they could easily agree. If an issue bogged down at all, it was set aside to be addressed later in the mediation. It was almost unbelievable how agreements would fall in place once the "yes" agreements had been made. After having negotiated and cooperated on a number of issues, the parties would usually have a more positive, and successful, discussion on the tougher issues.



Larry: Good mediators always suggest to the participants that the first side to make a good faith offer of what they really want usually achieves the desired result first. The art of principled negotiations is often difficult for trial attorneys who work their trade in the adversarial crucible. The often cited "Getting to Yes, The Art of

Principled Negotiations" has been used in law schools and mediation seminars for years to persuade with empirical data that disingenuous and overstated positions do not translate into good outcomes in a mediation setting. For example, the ploy of increasing your demand of money or request of concessions after lower initial offers has never been successful but continues to thwart mediations and business transactions even in today's enlightened environment. Skill in negotiating and mediating have become essential tools in the modern lawyer's armamentarium.

Gay: We hope to see you at the CLE by the Hour on December 13 and 14.

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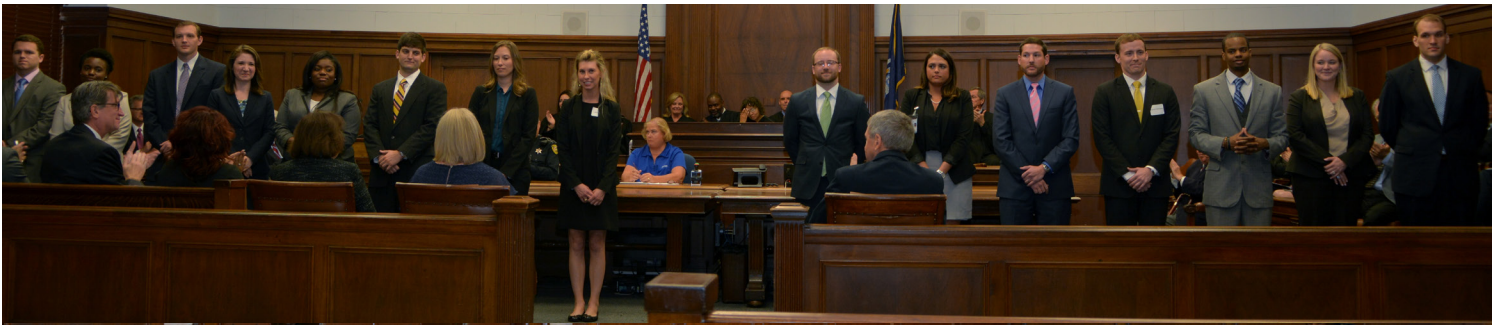
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MEMORIAL & RECOGNITION



Attorneys, judges, family members and members of state and local government paid tribute to 8 deceased members of the legal profession at the First Judicial District Court and Shreveport Bar Association-sponsored Memorial and Recognition Ceremony on Thursday, November 3, 2016.

Honorable Ramona L. Emanuel, Deputy Chief Judge, presided over the ceremony and SBA Memorial and Recognition Chairman Marcus Edwards served as Master of Ceremonies for the program. Marcus Edwards worked with Judge Roy Brun and Sharon Porter from the First Judicial District Court to plan a great memorial program.

Deceased members honored and their presenters were **Judge John Richard Ballard** presented by Justice Jeffrey Victory; **John Alan Broadwell** presented by Judge John Robinson; **Jackson Beauregard Davis** presented by William J. Flanagan; **Huey L. Golden** presented by Susan Scott; **Elizabeth Baucum Joyce** presented by Kay C. Medlin; **Joe C. LeSage Jr.** presented by Bennett L. Politz; **Judge William "Bill" Norris III** presented by Judge James Norris; and **Amber Huffman Watt** presented by Peter R. Flowers.

Following the memorial ceremony, Luke Thaxton, president of the Young Lawyers Section of the SBA, introduced 19 new attorneys to the Court: **Jack M. Bailey III, Haley Baynham, Rhys E. Burgess, Dan Farris, Patrick J. Harrington, Garrett Hill, Jessica Greber, Matthew R. Lee, Mary Lauren Lock, Stephanie Lott, Brittany J. McKeel, Lance Gordon Mosely II, Alexandra Leigh Porubsky, William P. Self, Rachaela H. Ward, Luke D. Whetstone, Aaron R. Wilson, Tanner Woods, and Luc Daniel Zeller.**



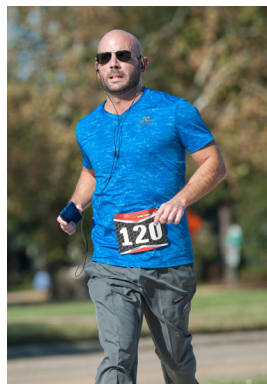
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Mark Your Calendar



DECEMBER 13-14

December CLE By the Hour Seminar
Petroleum Club (15th Floor)

DECEMBER 18

SBA/ Area Law Student Christmas Party
3:00 p.m. to 5:00 p.m. at Wine Country

JANUARY 25

SBA Member Luncheon
12:00 Noon at the Petroleum Club (15th Floor)
Speaker: Jeffrey Gauger, Executive Editor
The Shreveport Times

JANUARY 27

Krewe of Justinian Bal
Horseshoe Casino Riverdome

FEBRUARY 18

Centaur Parade
Krewe of Justinian Participates

FEBRUARY 22

SBA Member Luncheon
12:00 Noon at the Petroleum Club (15th Floor)
Speakers: Rannah Gray and Mary Jane Marcantel
Co-Authors of Familiar Evil

FEBRUARY 26

Highland Parade
Krewe of Justinian Participates

MEDIATION AND ARBITRATION OF COMPLEX DISPUTES



Ross Foote



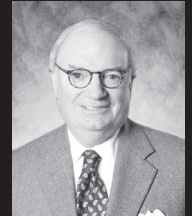
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Legal Hist

by Arthur R. Carmody, Jr., ACarmody@wcglawfirm.com

A HISTORY OF THE CADDO PARISH COURTHOUSE

The Shreveport Bar is blessed with a splendid, indeed magnificent and historic, building within which to practice our profession. This paper will give a brief history of the Caddo Parish Courthouse and the capable and sometimes colorful public officials who worked there in the late 1940s and '50s.

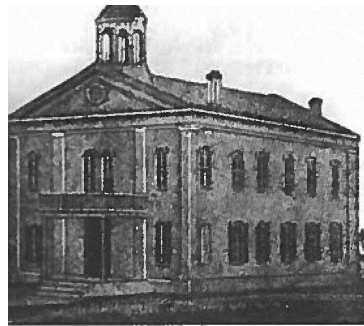
Three courthouses have stood at this location on Texas Street since the city was founded in 1836, a raw and rough location on the Texas Trail, which had been recently acquired from the Caddo Indians. The first building, completed in 1860, was a simple, square two-story wooden building, where the state legislature presided for three sessions after Shreveport became the capital of Confederate Louisiana in 1863. This unadorned modest building, which somewhat resembled a Spartan New England church, sufficed through the difficult days of Reconstruction, but as the parish grew and prospered something more substantial was called for.

It was replaced in 1895 with one of the strangest looking structures ever to appear in a thriving American city. It was a squat, ugly, two-story red brick building, built in what was called the Romanesque Revival style. It combined Victorian gables with high Moroccan turrets and minarets but strangely provided no room for a jail, which ultimately appeared in the form of a massive round brick tower in the southwest corner of the square, perhaps reminiscent of the Tower of London, as it was perceived by the locals. This unusual structure sufficed for only 30 years, a short time for courthouse life, for in 1925 the groundwork for the present building was laid.

By the mid-20s, with oil booming and cotton, timber and the railroads prospering, and new buildings being built downtown, it was generally agreed that a new courthouse was in order. Both local papers, the Chamber of Commerce, the banks, City Hall and the Police Jury (a strange name for a politically potent entity now entitled the Caddo Parish Commission) were all behind the undertaking which would be funded by a bond issue. There was no organized opposition, and the voters approved overwhelmingly. All that time the City Hall was located at the intersection of Milam and McNeil Streets.

The structure was designed by prominent Shreveport architect Ed Neild and his young associate Dewey Somdal. It was handsome on paper and magnificent when completed

in April 1928. It received local, state and national acclaim as illustrated by the fact that when Harry Truman, then a county judge in Kansas City, Missouri, was given the task of submitting a model for a new Kansas City Courthouse, he traveled throughout the country, looking at various structures; after he reached Shreveport he looked no more. In this venture he established a friendship with Ed Neild which gave the Shreveporter the Kansas City project and, 30-odd years later, when Harry Truman was president, and the White House required major repairs following hard use during World War II, Mr. Neild was given the job and carried it off in style. It is acknowledged that of the 64 courthouses throughout Louisiana, none has the style, beauty and facilities of that here in Caddo Parish.



Caddo Courthouse 1860

My introduction to the courthouse and its occupants occurred in 1948. I was 20 years old and had completed my junior year at Fordham. I had a leaning toward becoming a lawyer, but wanted to learn something of what it was all about. I asked Scott Wilkinson, recently returned from World War II and a family friend, for a job. In those days there were no runners, or couriers as they are called now, or law clerks for law firms or judges. Mr. Wilkinson heard me out and offered me a position as "office boy," which mainly required getting the mail twice a day, keeping up the library, running errands "as directed" and other tasks. The salary was set at \$20 a week. I readily accepted and soon learned the trolley route which would take me to the Slattery Building, directly across Marshall Street from the east side of the courthouse, to the 15th floor offices of Wilkinson, Lewis & Wilkinson, a job I would have for four more summers and then for a lifetime.

My exposure to the courthouse and its occupants during those years leaves me with the conviction that the elected officials who officed there were truly public servants in the best sense of the word. Each was excellent in his or her position. None was ever touched by scandal, they worked well together, took their work seriously and excelled at what they did – several receiving national recognition. Collectively they had the "right stuff." It was rare for an incumbent to have opposition and even more so that he be defeated.

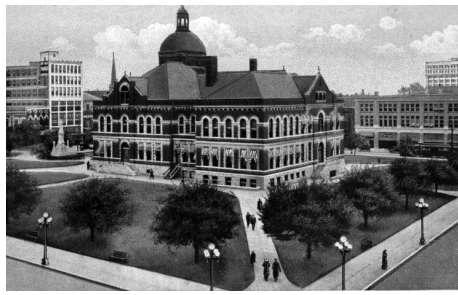
After climbing the courthouse steps and entering through the massive bronze doors facing Texas Street, one encountered a wide hall with the sheriff's office on the left and the clerk's

office to the right. The sheriff then was the widely popular J. Howell Flournoy, a tall, rangy man from Greenwood, who served from 1940 to 1966. In those days, the sheriff was generally the most powerful political official in the parish, and JHF was no exception. His work ethic, character and reputation led him to the presidency of the National Sheriffs' Association. The parish jail, on the top floor of the courthouse, was under his jurisdiction and had a small private dining room by the jail entrance and next to the kitchen. The sheriff hosted lunch there on a regular basis for his friends and acquaintances. The food was outstanding and an invitation was something to be treasured.

Also on the sheriff's side of the first floor was the office of the tax assessor, Mr. A. G. Hammett. Mr. Hammett had the reputation of being an approachable, fair man, whom the average citizen could easily call on to discuss problems and issues. He was well received by the electorate, serving from 1932 until 1964, when he voluntarily stepped down. Mr. Hammett had a national reputation and was elected president several times by the National Association of Tax Assessors.

One of the most remarkable men to grace the courthouse was Dr. Willis P. Butler, the Caddo Parish Coroner, who served from 1912 to 1961 and again from 1974 until 1979. He died in 1991 at the age of 103 and remained active until almost the very end. He was an outstanding physician and a caring human being. A pioneer in what is now called forensic medicine, Dr. Butler was well and favorably known throughout the United States and served as president of the National Conference of Coroners on three occasions. He was in popular demand as an expert witness throughout the state and country. He also had a practical side as illustrated by the fact that his desk and bookshelves contained numerous gruesome specimens from his profession. In later years I once asked him why this ugly sight was so located and he replied: "Arthur, I have found that people I prefer not to talk to do not like staying long in my office."

Dr. Butler once testified as an expert for me in federal court. The other lawyer rudely challenged his qualifications and motivation, but his expert opinion was affirmed by the jury. I never received a bill from Dr. Butler and asked him about it. He said, "My integrity is not for sale and that's what they questioned." He was truly an icon of his time.



Oaks at Caddo Courthouse



Caddo Courthouse



Caddo Courthouse in the snow



Dr. Willis P. Butler

On the right-hand side of the first floor of the courthouse was the office of the Clerk of Court, Dozier B. Webster. Here was the filing desk for suits, conveyances, marriage licenses and a multitude of other matters. Mr. Webster, a kindly, handsome, fatherly figure was usually found behind the counter, open, friendly and helpful.

It is now hard to believe that the offices of the four district judges, their single secretary, four courtrooms, the district attorney's office, several police jury meeting rooms, and a law library, whose main assets were the Louisiana books and a complete set of the National Reporter series, were all located on the second floor and maintained, as I recall, by the Shreveport Bar Association, but paid for the Police Jury.

The senior judge was James U. ("Jug") Galloway, confident and articulate. He was a leader and "straight as an arrow"; Robert J. O'Neal, Henry F. Turner and William F. Woods, all able jurists, were the other three judges. They were of different personalities but were a collegial group who attended to business and presided over motion hour every Wednesday morning, rendering opinions and setting cases for trial before a large group of interested lawyers. In many ways it was like a meeting of a collegial social club.

The district attorney's office was found on the north side of the second floor. It was under the direction of Edwin F. Blewer, the grandfather of two of our members. Mr. Blewer was a well-respected and popular figure in a position where this is sometimes difficult to accomplish. Elected and reelected many times, he served from 1942 to 1960 and died in office. He was regarded as a paragon of integrity. The late Ed Jr. told this story on his father: One time a member of his church asked him if he could "fix" a parking ticket. Mr. Blewer replied that he could not "fix" the ticket but if the man would give it to him, he would be glad to pay the fine — end of story.

In the D.A.'s office at the time were John Richardson, who succeeded Mr. Blewer, Albert Lutz, a wise and practical lawyer from Greenwood, John Dixon and C.J. (Neal) Bolin Jr. The latter two had fine judicial careers ahead

of them.

This office is now maintained by James Stewart, and has overflowed into additional offices in the old Ward Building on Marshall Street.

The principal tenant on the third floor was the Second Circuit Court of Appeal under the direction of its commanding Chief Judge George W. Hardy Jr. It was a three-judge court, and in those days there was no “extra.” In addition to Judge Hardy, the other judges were Edward Gladney, from Homer, and J. F. McInnis, from Minden, both respected jurists. The First and Orleans Circuits covered the Baton Rouge and New Orleans areas, respectively, the Third and Fifth Circuits had yet to be established. In those days, the Second Circuit covered the largest geographical area in the state, stretching from the Mississippi to the Sabine and the Gulf of Mexico to the Arkansas state line.

It was a genteel court where coffee was served in the library in formal demitasse cups following oral argument. There the subject matter could be on anything other than the cases just argued. Judge Hardy was a handsome man, gray-haired and ramrod straight, befitting his Virginia Military Institute heritage. Prior to oral argument, he would summarize the cases of the day, whether he would write the opinion or not, and a keen listener could often tell which way the legal winds were blowing. The late Judge Charles Peatross was Judge Hardy’s first law clerk, in 1970, and recalled the judge as a prodigious worker. Judge Hardy carried to the bench what he called “worry beans” and warned counsel that if they were taking too long in arguing their case, he would start playing with his beans. Many lawyers lost sight of their written notes while worrying about the “worry beans.”

The fourth floor was the domain of the Police Jury, where it had its large meeting room (today, an additional courtroom) and space for the offices and staff.

The fifth floor contained the office of the Shreveport Legal Aid Society, a unique entity sponsored by the SBA. It was a Spartan office, equipped with a table, telephone, two chairs and an unobstructed view of Texas Street from an open window, providing access to great heat and humidity in those non-air-conditioned days. The office was staffed by one lawyer per day from an alphabetical list maintained by the Association. Each lawyer was honor bound to serve as called. One would go, sit, and deal with walk-in and telephone clients as best one could. Off limits were criminal cases, torts and worker’s compensation matters, title disputes, separations and divorces – all matters which normally generated fees. A lawyer could send a substitute, and young lawyers with larger firms often did “double duty,” or occasionally “triple duty.” But it was good experience and provided a needed service.

The parish jail occupied the top floor above the Legal Aid office and contained a number of cells, all facing Texas Street. When the inmates learned that the space immediately under the jail was occupied by uncompensated lawyers who were within sound of their voices, they would initiate conversations, usually involving the misfortunes which had befallen them. The fact that Legal Aid did not take criminal cases was no detriment to their plight and many a colorful conversation resulted from these encounters.

The basement floor housed one of the most colorful

characters to occupy the courthouse. She was Miss Jim Martin, the Registrar of Voters, also a product of Greenwood. Known as and called “Miss Jim,” it is believed that she had no other given name. She was a small, sparse, active woman with a booming voice recognized by one and all. She was a true-blue Democrat; in her heart and soul there was no other party – Republicans were anathema and Independents were almost unknown. Tom Stagg tells the story that prior to becoming a federal judge, it was appropriate for him to change his registration from Democrat to Republican. When Miss Jim discovered what he was doing, she handed the registration card back to him, saying: “Tom, you can’t do this – I will not allow it and will tell your daddy on you.” The threat to tell one’s father was a serious one indeed, but it did not carry the day and the judge prevailed.

Looking back it is clear that the courthouse of those days housed a group of dedicated public officials who had the confidence of the public and were easily reelected for long terms in office. They had fine, well-deserved reputations and accomplished much for the good of the parish.

In retrospect, the Caddo Parish Courthouse, as it approaches its 90th year, is clearly the grande dame of all Louisiana courthouses and stands as a lasting memory to those hundreds of public servants who have served so well.

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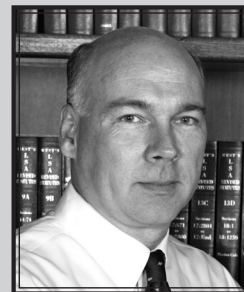
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Charles D. Elliott



Monroe Inns of Court Update

by Hal Odom Jr., rhodom@la2nd.org

ETHICS AND LOSS OF A CHANCE INITIATE IOC YEAR

After a slight delay, the Fred Fudickar Jr. AIC (Monroe, La.) inaugurated the 2016-'17 year with two meetings, in late October and early November.

On October 24, Judge Alvin R. Sharp, of the Fourth JDC, presented "Don't Ask Me! Look It Up!", an ethics program that he jocularly subtitled "Seven Scenarios On Ethics You May Wish To Ponder on Halloween Night." After giving the mandatory definitions of ethics and professionalism, Judge Sharp wove seven hypotheticals involving a fictional young lawyer named Chase Fairbanks. Poor Chase must have attended an out-of-state law school where ethics was an elective course! The scenarios covered his print advertising, request for a continuance, an Art. 863 certification, his effort to recover advanced court costs, safekeeping of client property, a contingency fee in a divorce case, and a motion to withdraw.

Some were relatively straightforward, like the information required (or prohibited) in a print ad and the prohibition against contingency fees in a divorce case. A quick look at RPC 7.1, 7.2 and 7.4 (information about legal services and direct contact with prospective clients) and 1.5 (d)(1) (fees in domestic relations matters) would resolve these issues.

Others posed closer questions. Judge Sharp described motions to withdraw as "a particularly sensitive issue for me," as he receives many of these that are technically deficient and could be "quickly" denied, but are subject to, as he called them, "contingencies." Citing URDC 9.13, he provided his "cheat sheet" on how to file a good motion to withdraw, including the gold-standard ex parte motion. Another intriguing problem arose when Chase agreed to represent a defendant charged with dogfighting



Judge Alvin A. Sharp.
"When Chase told me that,
it really steamed by broccoli!"
(Photo by Hal Odom Jr.)

and offered to keep the client's dog in his own kennel, along with Chase's "other dogs of varying breeds and pedigrees." The problem is one of safekeeping property, RPC 1.15, but can you really "commingle" a Pit Bull the same way you commingle cash? The prospect of injury to the client's dog, and the ownership of puppies, figured into the wide-ranging discussion.

Judge Sharp presented the scenarios and led the discussion in his trademark style, animated and engaging. He summed up, "As my wise old grandpa used to say, if you gotta ask if it's right or wrong, it's probably

wrong!"

In a departure from custom, the October meeting was a luncheon, held at The Fat Pelican, a relatively new bar and grill on Tower Drive. The 22 members in attendance received ethics CLE credit.

On November 7, Brady King, of McNew, King, Mills, Burch & Landry LLP, presented "Development of Loss of Chance Doctrine in Louisiana." The genesis of the notion, in *Hastings v. Baton Rouge Gen'l Hosp.*, 498 So. 2d 713 (La. 1986), was not in the Civil Law tradition, but in Florida and Pennsylvania; nevertheless, it has grown into an integral (if also shape-shifting) component of our tort law. *Hastings* was a medical malpractice case in which the hospital allegedly failed to treat or transfer a stabbing victim timely; the victim died as a result. It was the first La. case to recognize that the victim's lost chance of survival, even a mere 2% chance, was a question for the jury. The court expressly rejected the defense that the hospital did not cause the stabbing and thus was not liable for the victim's death.



Brady King presented the 30-year history of the loss of a chance doctrine in La. law.
(Photo by Hal Odom Jr.)

Brady's scholarly research followed the concept

through all its appearances in the supreme court, including *Smith v. State*, 95-0038 (La. 6/25/96), 676 So. 2d 543, and *Graham v. Willis-Knighton Med. Ctr.*, 97-0188 (La. 9/9/97), 699 So. 2d 365, which introduced the notorious “lump sum” rule of damages, all the way to the court’s latest pronouncement, a mere writ grant in *Bailey v. Knatt*, 2016-1130 (La. 10/10/16), 2016 WL 6237989. *Bailey*, despite its brevity, explicitly states that loss of a chance of a better outcome is merely a theory of recovery and “not a separate cause of action.”

Bailey seems to validate the Second Circuit’s treatment of the separate-cause-of-action argument in *Watson v. Glenwood Regional Med. Ctr.*, 49,661 (La. App. 2 Cir. 4/15/15), 163 So. 3d 817, *writ denied*, 2015-0945 (La. 8/28/15), 176 So. 3d 404, a case in which the patient tried to beat a prescription defense by conceding that the malpractice occurred at the time the radiologist failed to see the tumor on her mammogram, but argued that the lost chance – a separate cause of action – did not occur until a month later, when a different doctor reviewed the image and decided it was cancerous. The court held that the lost chance was an element of damages arising from the malpractice claim, not a discrete cause of action.

However, Brady surveyed all the other circuits, finding that two courts have either suggested or held that the lost chance is indeed a separate cause of action. See *LeBoeuf v. Hospital Dist. No. 1*, 2014-1730 (La. App. 1 Cir. 9/21/15), *not published*, 2015 WL 5547469 (describing the loss of a chance as a “claim”), and *Banks v. Children’s Hosp.*, 2013-1481 (La. App. 4 Cir. 12/17/14), 156 So. 3d 1263 (declaring loss of a chance a “distinct compensable injury” from the wrongful death claim, but ultimately rejecting both claims). In short, there appears to be much room for creative lawyering on both sides of this difficult issue.

The November meeting was held at Restaurant Sage, N. 19th St. at Auburn Ave. (location of the former Monroe’s Steakhouse). The 19 members who attended received CLE credit. Inn President David Nelson announced that the next meeting would be the joint meeting with the Shreveport, Alexandria and Natchitoches Inns, in Natchitoches on December 7, 2016, with a program to be presented by Justice Scott Crichton. Organizers of all four Inns are expecting a record turnout for this historic meeting.



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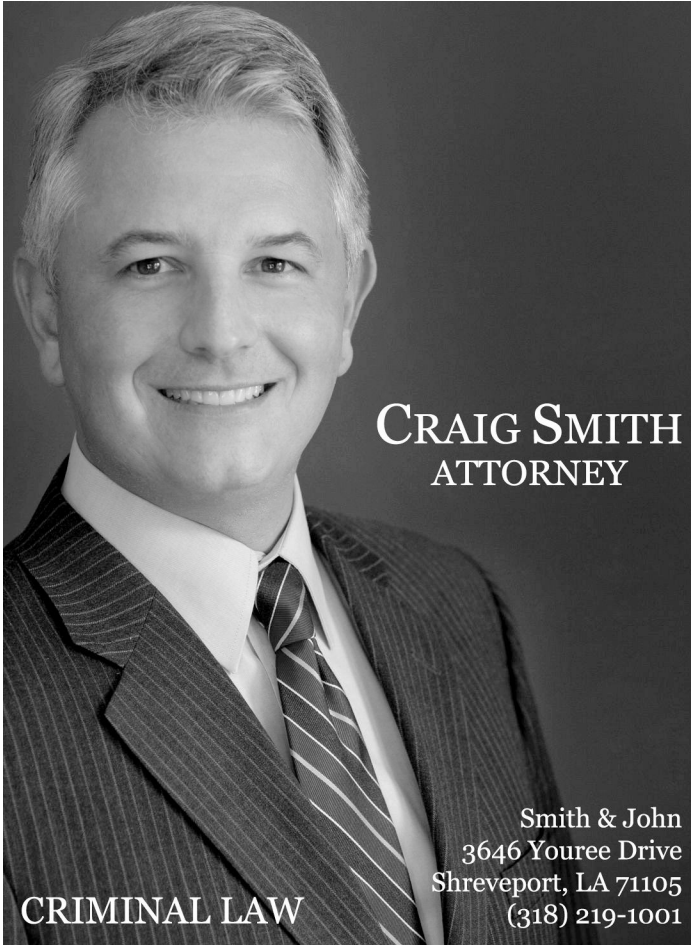


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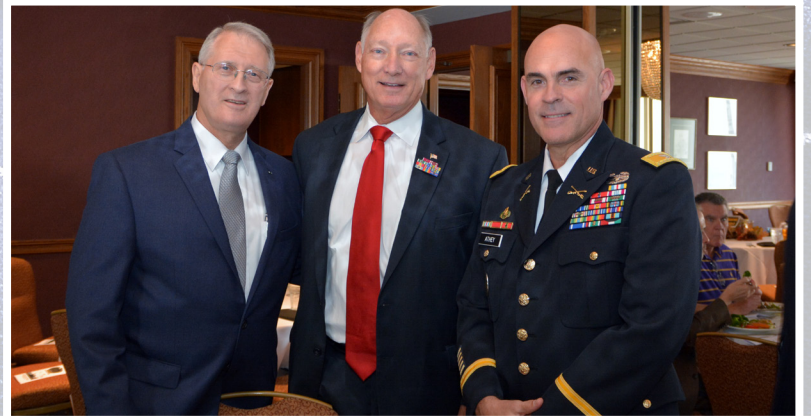
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