

# THE BAR REVIEW

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## EVENTS AT A GLANCE

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
3/22	SBA Membership Luncheon 12:00 p.m. – Petroleum Club Speaker: Darrel J. Papillion, LSBA President



## From The President

by Rebecca Edwards, President, [redwards@caddoda.com](mailto:redwards@caddoda.com)

### SOCIAL MEDIA MUSINGS

“Fools’ names like fools’ faces are often seen in public places.” The person who coined this proverb would be shocked at our modern world’s enthusiastic adoption of social media, which is eradicating the lines between the public and private. Many of us readily share much of our lives on platforms like Facebook or Instagram. I spend more time than I’d like to admit scrolling through Facebook posts by “friends.” But I try to be mindful that social media friends are not a substitute for personal relationships and that the lives curated for social media posts are not anyone’s full story. Even though there are some negatives, social media enables us to reconnect with old friends, keep in contact with relatives, share happy moments, and build networks of support in times of need. More communication can bring us together.

Social media is an increasingly important tool in the legal profession because it provides an easy and inexpensive way of developing relationships and sharing information. The SBA is on Facebook, as is our Women’s Section, Young Lawyers’ Section and the Krewe of Justinian. The pages are regularly updated and they are a great resource for promoting our association. Check them out and “like” them! We also have a Twitter feed, but it has not been utilized by our membership as readily as Facebook.

Your law practice may already be using social media. If not, it should be. More of us are looking to social media platforms for information when researching services and businesses. Just make certain that you separate your business pages and profile from those you share with friends and family. Use of social media in our practices must not run afoul of ethics and the rules that govern our professional conduct.

Professor Dane Ciolino blogs about legal ethics in Louisiana, and his blog recently addressed important takeaways from two advisory opinions from the District of Columbia on lawyers’ use of social media. One important issue mentioned concerns whether social media should ever be used for confidential communications. I expect most of us would say “no” to that idea, but platforms like Facebook’s Messenger are rapidly gaining popularity as an email substitute. The suggestion is that you reach an agreement with clients about whether any social media should be used when communicating. Public postings by opposing parties and witnesses appear to be fair game for getting information, but information protected by privacy settings is not. You cannot get around privacy settings, by “friending” someone represented by another attorney, and neither can your employees. You should review your own clients’ social media posts to ensure there is nothing inconsistent with any claims or defenses in your case or representations being made on their behalf to a court. These are just a few of the points mentioned in Professor Ciolino’s excellent blog post, which can be found at <https://lalegaethics.org>.

### Upcoming Events

Our February lunch meeting will feature Rannah Gray and Mary Jane Marcantel. Ms. Gray, in collaboration with Ms. Marcantel, authored the award- **continued page 3**

# January Luncheon Highlights



winning, true-crime book *Familiar Evil*. It follows the international investigation that uncovered the lurid past of Baton Rouge television personality Scott Rogers, who was fatally shot in 2014 just as his hidden life as child sex predator was uncovered. Ms. Gray and Ms. Marcantel were both involved in the investigation into Rogers's past. Their story is remarkable and fascinating. You will not want to miss this presentation on February 27, 2017. *Familiar Evil* will be available for purchase.

Lastly, Mardi Gras will soon be here, and our Krewe of Justinian will ride again in the Krewe of Centaur parade on February 18, 2017, and the Krewe of Highland parade on February 26, 2017. *Laissez les bon temps rouler!*



## Young Lawyers' Section

by: *Thomas Pressly, President*  
*thomas.pressly@cookyancey.com*

The SBA Young Lawyers' Section is excited to be helping with the regional high school mock trial competition again this year. This event allows high school students the opportunity to take on the role of a trial attorney or witness and perform a full trial before local attorneys who volunteer to judge the teams' performances. Students gain valuable insight into the legal profession, hone public speaking skills, practice rules of procedure and evidence, learn important points on professionalism, and have a great deal of fun competing in a non-athletic, but no less competitive intellectual game of quick wit, skill and strategy. The regional winners advance to the Judge Richard N. Ware, IV High School Mock Trial Competition, a statewide competition open to all high school students in Louisiana. The state event is sponsored by the LSBA YLD.

Volunteers will either take on the role of presiding judge or scoring judge. Scoring judges sit in the jury box and score performance, and presiding judges rule on objections and guide the flow of the trial, just as in real life. Volunteers are also needed to help with sign-in and other housekeeping matters.

All are invited to volunteer to participate in the judging of this event:

### February 11, 2017

United States District Courthouse for the Western District of Louisiana  
300 Fannin Street, Shreveport LA 71101  
8:30 am to 6 pm

### Volunteer Shifts

First Round starts at 9am (need 4 judges – and 12 scoring judges)  
Second Round 10:30am (need 4 judges – and 12 scoring judges)  
Lunch noon to 1pm  
Semi-finals 1:30pm (need 2 judges – and 6 scoring judges)  
Final 3pm (need 1 judge – 3 scoring judges)  
Awards 5:30 pm

If you are interested in volunteering or would like additional information, please contact Valerie DeLatte at [vdelatte@la2nd.org](mailto:vdelatte@la2nd.org).

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## Women's Section

by Jabrina Edwards  
jabrinanclayton@gmail.com

Greetings, Shreveport Bar!

I am thrilled to serve as president of the Women's Section this year alongside Vice-President Anna Brown Priestley, Treasurer Wendy Horton and Secretary Rebecca Radford. With this group of dynamic women by my side, who are just as excited as I am, this year is sure to be a great one! For those who may be unfamiliar with the Women's Section and our purpose, we promote empowerment and the strengthening of the bond between women lawyers in the Shreveport-Bossier area through social engagement, community involvement and continued legal education, in order to advance morale within our profession and our personal lives.

We have a lot of awesome things in store for the women of the Shreveport Bar, and cannot wait to get started. In addition to having a variety of social activities and the annual Lady Justice CLE, we will also incorporate community service projects into this year's calendar, as it is important that we give back to our community while strengthening our bond as women in this profession.

If you did not receive emails from the Women's Section this past year, please be sure to email us at sbawomenssection@gmail.com, so that we can add you to our email list. Be on the lookout for our e-newsletter on the first of every month to stay informed about upcoming events. Keep us updated on all of your accomplishments and special announcements, as we want to uplift and celebrate all of our members in our newsletter! And lastly, be sure to "like" our Facebook page at www.facebook.com/sbawomenssection.

Our first gathering will be at Holiday Lanes in Bossier City on February 16, 2017, at 6 p.m. Bring your competitive spirit for a fun night of bowling! I am looking forward to an amazing year with each of you. See you on February 16!

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**Do you #GiveforGood? You can support your Shreveport Bar Foundation Pro Bono Project by giving to the SBF Pro Bono Project on May 2 for Give for Good day, a 24-hour online giving day. All you have to do is log on at <https://www.giveforgoodnla.org/> on May 2 to give. The minimum donation is \$10 and every gift will be AMPLIFIED by funds provided by the Community Foundation's Lagniappe fund.**

More details about our 2017 Give for Good Campaign will be coming soon, so please mark this on your calendar and GIVE!

We value you and appreciate your support of the Shreveport Bar Foundation. Some of the programs that the Shreveport Bar Foundation provides are listed below.

- *Shreveport Bar Center* is located at 625 Texas Street, houses the offices of the Pro Bono Project and Shreveport Bar Association. The SBC has a mediation center that is available, call the SBA office for availability for your next mediation or deposition.
- *Ask-A-Lawyer* is held on the third Monday of every month. Volunteer Attorneys are available to provide free legal advice to the public.
- *MLK Day of Service-Living Wills and Medical Power of Attorney*, held in January is a community outreach open to the general public.
- *Legal Representation for Victims of Domestic Violence Project* provides a free attorney to appear in Caddo Parish District and Juvenile courts to assist victims of domestic violence obtain restraining orders and related orders.
- *Pro Se Library* is available to provide legal forms to the public that can't afford legal representation but do not qualify for free legal services.



# Spotlight on Professionalism

by: Pam Mitchell, [pam\\_mitchell@lawd.uscourts.gov](mailto:pam_mitchell@lawd.uscourts.gov)

Happy 2017! I am honored to be the chairman of the Professionalism Committee for the Shreveport Bar Association this year. I have a wonderful committee made up of Valerie Delatte, Ebonee Norris, Ross Owen and Kim Tullis. Through articles in *The Bar Review* over the next year, we hope to promote what professionalism is and also provide a monthly spotlight on an SBA attorney who exemplifies the definition of professionalism. At the October meeting, a member of the SBA will be presented the Professionalism Award.

Professionalism is important to the practice of law. Not only is it a continuing legal education requirement, but it is part of the behavior we expect from other attorneys. But, what exactly is professionalism? Many of us have an idea in our heads what we think professionalism is and many of us would also say that we know what it is when we see it. The Louisiana State Bar Association defines professionalism by giving us the difference between professionalism and ethics:

Professionalism concerns the knowledge and skill of the law faithfully employed in the service of client and public good, and entails what is more broadly expected of attorneys. It includes courses on the duties of attorneys to the judicial system, courts, public, clients, and other attorneys; attorney competency; and pro-bono obligations. Legal ethics set forth the standards of conduct required of an Attorney; professionalism includes what is more broadly expected. Section 1. Rule 3(c) of the “Rules of Continuing Legal Education” as amended by the Louisiana Supreme Court on May 23, 1977. Generally, ethics rules tell us what we cannot do and professionalism deals with what we should do.

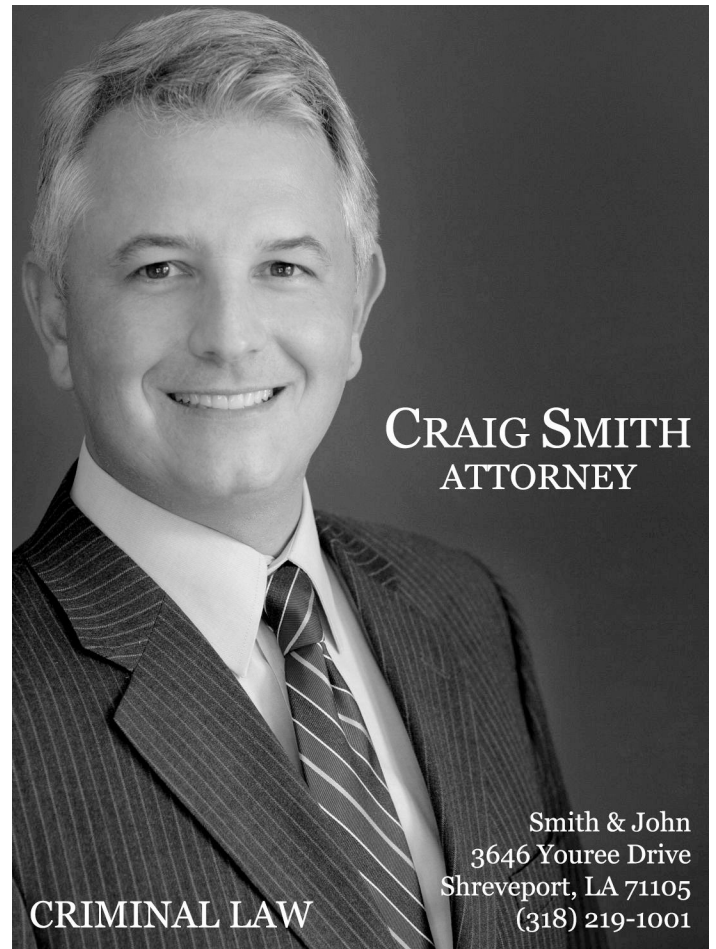
LSBA’s website, [www.lsba.org/Members/LegalLibrary.aspx](http://www.lsba.org/Members/LegalLibrary.aspx), “Difference Between Professionalism and Ethics.”

The LSBA also provides us with other professionalism sources on its website under Member Resources in the Legal Library. First and foremost is the “Code of Professionalism” which was approved by the Louisiana Supreme Court in 1992 and adopted for membership. I attended a CLE last year in which the participants actually read the Code out loud. Another great resource is “Professionalism in the Courts,” which creates standards for both judges and lawyers “to meet our obligations to each other, to litigants and to the system of justice, and thereby achieve the twin goals of professionalism and civility[.]” And, finally, the LSBA provides us with the legal authority on Professionalism and Civility. I hope you will take a few minutes to explore the LSBA’s website and the professionalism resources

that it offers.

In the January *Bar Review*, President Rebecca Edwards promoted renewal of your SBA membership and encouraged participation in all the SBA has to offer. It is through participation in these SBA events that we get to know attorneys outside of the daily practice of law and begin to build relationships that create the professionalism that we are talking about here. I hope you will consider renewing your SBA membership if you have not already done so and consider attending one event or more during the year.

The Professionalism Committee welcomes your input throughout the year. If you would like to recommend an SBA attorney for a spotlight article or for the professionalism award, please feel free to email Pam Mitchell at [pam\\_mitchell@lawd.uscourts.gov](mailto:pam_mitchell@lawd.uscourts.gov).



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# 2017 Shreveport Bar Association Committee Chairs

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Are you interested in serving on one of the Shreveport Bar Association Committees for 2017? The following is a list of our 2017 Committee Chairs and their contact information. I am sure they would appreciate your help, so give them a call and let them know that you are interested in serving on their committee. Be active in your association – **join a committee today!**

## ARCHIVES

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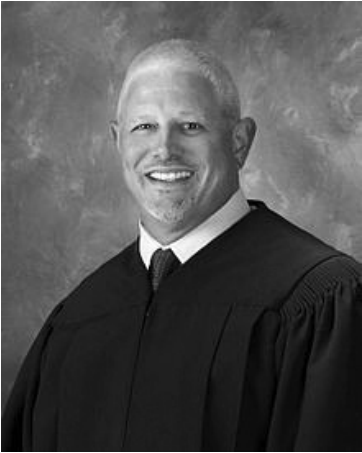
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# Judge Cox Takes Seat on Second Circuit Bench

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



The Second Circuit's newest judge, Jeff Cox, began his term on January 1, 2017, and got off to an active start by sitting on four separate panels of the court's argument docket, January 9-11.

Before assuming the appellate seat, Judge Cox served 12 years on the 26th JDC (Bossier and Webster Parishes), Division C. He was previously a partner in the firm of Mills, Turansky & Cox, P.C., where he concentrated on wills, estate planning and successions, and an ADA in the 26th JDC. His education includes a BS (Finance, 1987) from Louisiana Tech, an MBA (1989) from LSU-S, a JD (magna cum laude, 1992) from Southern University Law Center, and an LLM (Taxation, 1993) from SMU Dedman School of Law, Dallas. He was inducted into the Southern University Law Center Hall of Fame in 2014.

Earlier, Judge Cox attended Glenbrook High School, in Minden, where he was a four-year letterman in football, twice All-District, a National Hall of Fame Scholar Athlete, and Class of 1983 valedictorian.

Judge Cox is well known for his monthly column, "From the Bench," in *The Best of Times* magazine. For over 14 years, this has provided legal awareness to the mature community on a wide range of topics. Judge Cox also has an active slate of community involvement, serving as past president of the SBA Pro Bono Project, and on the boards of Volunteers for Youth Justice, Norwela Council of Boy Scouts of America, Caddo Council on Aging, Shreveport-Bossier Tax & Estate Planning Council, and others. He has also taught notary preparation at BPCC and legal concepts at Bossier Sheriff's Training Academy.

He is married to Susan Cox; they have two children, Gabrielle and Stephen. On Sunday mornings, he is a greeter and Sunday School teacher at First Baptist Bossier.

"I am very honored that the people elected me to serve them. I look forward to representing them on the bench," Judge Cox said.

Judge Cox won the court's Second District, Division C, seat in the general election on November 8, 2016, and took his formal oath of office at the beginning of January. His ceremonial induction ceremony was held in Minden on January 24.

*Judge Jeff Cox (right) took his place on the Second Circuit for oral arguments, January 10, 2017. Also on the afternoon panel were Judge John Larry Lolley (left) and Chief Judge Henry N. Brown (center).*





# COME JOIN THE PARADES!

Experience the excitement of riding in a Mardi Gras Parade in Justinian's twenty-second year! The Krewe of Justinian has two floats in both the Centaur (February 18, 2017) and Highland (February 26, 2017) parades. Centaur is for adults 21 and over. Highland is for children with adults, with preference given to Justinian Krewe members and family. Riders will enjoy pre-float parties and refreshments during the parades.

For more information on joining the Krewe of Justinian go to [www.kreweofjustinian.com](http://www.kreweofjustinian.com).



## KREWE OF JUSTINIAN FLOAT RIDER APPLICATION Centaur Parade, Saturday, February 18, 2017 Highland Parade, Sunday, February 26, 2017

Name: \_\_\_\_\_ (indicate if royalty by title and year)

Spouse: \_\_\_\_\_ (indicate if royalty by title and year)

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

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Office Phone: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

The floats are available on a first come, first served basis. You may pay a deposit of one-half of your total cost to reserve your spots and throw package(s). Any balance of your cost will be due by February 10, 2017.

**Centaur** Riding Fee per person for Krewe members & family \_\_\_\_\_ @ \$150.00 = \$ \_\_\_\_\_

**Centaur** Riding Fee per person for Non-Krewe members \_\_\_\_\_ @ \$200.00 = \$ \_\_\_\_\_

**Centaur** Throw packages (must have at least one per couple) \_\_\_\_\_ @ \$350.00 = \$ \_\_\_\_\_

Centaur Upgrade Throw Package (includes two dozen Justinian specialty throws) \_\_\_\_\_ @ \$50.00 = \$ \_\_\_\_\_

**Highland** Riding Fee per person for Krewe members & family \_\_\_\_\_ @ \$90.00 = \$ \_\_\_\_\_

**Highland** Riding Fee per person for Non-Krewe members \_\_\_\_\_ @ \$90.00 = \$ \_\_\_\_\_

(All Highland riders are responsible for their own throws)

**TOTAL COST** \$ \_\_\_\_\_

**DEPOSIT (1/2) INCLUDED:** \$ \_\_\_\_\_

**Return this form and send checks to: Krewe of Justinian, 625 Texas St., Shreveport, LA 71101**

# Krewe of Justinian *Grand 9 Bal*

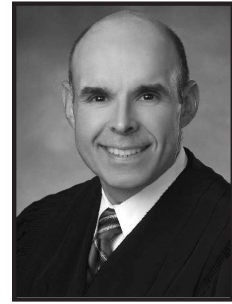




# CLE news



Judge Frances  
Pitman



Judge Michael  
Pitman

## ***Dear SBA Members:***

Judge Frances Pitman and Judge Michael Pitman are planning the SBA CLE programs 2017. You have many choices when it comes to obtaining your CLE credit, but we ask that you please consider giving preference to the SBA's CLE programs. The revenue raised from these seminars represents a substantial portion of the SBA's budget. Good attendance at the seminars is essential for us to provide a high level of services to you as a member of Shreveport Bar Association

save the  
**DATES**

**We ask that you please calendar these dates that already have been scheduled for 2017:**

### **October 5 & 6 2017**

Recent Developments by the Judiciary

### **December 12 & 13, 2017**

December CLE by the Hour

Jim McMichael is working on additional lunch & learn seminars that will be held at the Shreveport Bar Center, more details on those are forthcoming.

Please encourage your partners, associates, and law clerks to attend the SBA seminars.

# Welcome TO THE SBA

Andrew Adams  
*Attorney at Law*

William Drew Burnham  
*Cook, Yancey, King & Galloway*

Sam Crichton  
*Caddo Parish District Attorney's Office*

Senae D. Hall  
*Caddo Parish District Attorney's Office*

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*26th Judicial District Court*

Lance Gordon Mosley II  
*26th Judicial District Court*

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*U.S. District Court for the  
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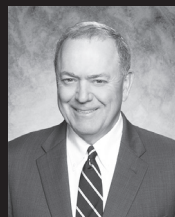
## MEDIATION AND ARBITRATION OF COMPLEX DISPUTES



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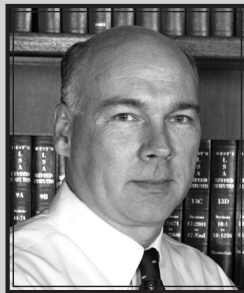
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**Mark Your  
Calendar**



**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

**MARCH 15**

May Bar Review Deadline For Ad Submission

**MARCH 22**

SBA Member Luncheon  
12:00 Noon at the Petroleum Club (15th Floor)  
Speaker: Darrel J. Papillion LSBA President

**APRIL 15**

May Bar Review Deadline For Ad Submission

**MAY 2**

Give For Good Campaign  
Rhino Coffee Downtown

**MAY 3**

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

**MAY 5**

Red Mass 9:00 a.m.  
at Holy Trinity Catholic Church

**MAY 7**

SBA Member/Family Day  
4-7 p.m. at East Ridge Country Club



# Second Circuit Highlights

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

## Student labor

As I read the Second Circuit's opinion in *Boston v. Jackson Parish School Bd.*, 50,988 (La. App. 2 Cir. 11/16/16), 2016 WL 6777375, \_\_\_ So.3d \_\_\_, I reflected on some of the tasks that students were assigned at the parochial elementary school that I attended. No mere eraser clapping for us! One could volunteer to serve as a crossing guard and help your schoolmates make their way safely across a busy road. If you were especially adventurous and liked to burn things, there was always a pile of discarded papers that needed to be brought to the school's incinerator. We always jumped at the chance to do anything but classwork.

Clayton and Jordan were freshmen at Jonesboro-Hodge High School. One afternoon, a P.E. coach told the pair to move a table from the gym to an academic building following a science fair. Upon reaching the academic building, Jordan held the door open for Clayton. Unfortunately, Clayton lost his grip on the table and it fell on Jordan's left foot, breaking the big toe.

Jordan's parents filed suit against the School Board claiming negligent supervision. Following a bench trial, the court found no liability and dismissed the claim. The Second Circuit affirmed.

There was no policy at the school prohibiting teachers from asking students to perform routine tasks at school such as carrying furniture. The Code of Student Conduct stated that students were expected to be helpful to teachers. Students were also expected to care for furniture and equipment, which the Second Circuit noted could include moving furniture at a teacher's request.

Clayton and Jordan had no difficulty carrying the table 40 yards across a parking lot to the academic building. This was not the first time that Clayton had been told to move a table at the school, and he testified that he did not need the coach to tell him how to hold the table. For 17 years, the coach had instructed students to move tables without anyone being injured. Moreover, the accident could have occurred even if the coach had personally supervised Clayton and Jordan while they were moving the table.

## Default judgment on deck

A wood sealant, Rust-Oleum Restore, was used to seal a two-story wood deck at a camp house. This was no weekend project, as it involved hiring three workers who spent two months prepping and sealing the deck. All that work was for naught as the sealant began flaking and peeling within a year. The camp owner, Keaty, contacted Rust-Oleum Corporation, and was told that he would receive a refund for the sealant cost if he forwarded copies of the sales receipts, which he did. However, Keaty never heard from

Rust-Oleum again.

Keaty filed suit against RPM International Inc., d/b/a Rust-Oleum, and its unknown insurer contending that the sealant was defective. Long-arm service was made on RPM's registered agent. No answer was filed, and Keaty obtained a default judgment. Among the items filed into the record at the hearing to confirm the default judgment were photos of the Restore cans and printouts of the emails between Keaty and Rust-Oleum. The default judgment was confirmed, and Keaty was awarded in excess of \$24,000 in damages.

RPM appealed, arguing that Keaty never made a *prima facie* showing that RPM manufactured the sealant, but only submitted evidence that Rust-Oleum, its subsidiary corporation, was the manufacturer. RPM contended there was no evidence presented by Keaty that RPM made Restore, that RPM was doing business as Rust-Oleum, or that RPM's corporate separateness could be disregarded to hold it liable for Rust-Oleum's separate debts. The Second Circuit agreed with RPM, and reversed the judgment in favor of Keaty and remanded for further proceedings. *Keaty v. RPM Int'l Inc.*, 51,019 (La. App. 2 Cir. 10/21/16), 2016 WL 6134912, \_\_\_ So. 3d \_\_\_. The court noted Louisiana's strong policy of favoring the recognition of a corporation's separate existence, with veil-piercing being an extraordinary remedy that is to be granted only rarely.

All the evidence submitted in support of confirming the default judgment showed that Restore is a Rust-Oleum product. While RPM acknowledged that it is the parent corporation of Rust-Oleum, there was no evidence that RPM had a duty to control the acts of Rust-Oleum and become liable for its debts. Keaty argued on appeal that the label on the sealant cans stated that the sealant was made by RPM International. However, Keaty never introduced a Restore container or legible photo of the label at the confirmation hearing.

Keaty also complained that RPM should have raised its wrong-defendant argument in the trial court. Instead, RPM finally appeared to argue it was the wrong defendant after he had properly served RPM, obtained a preliminary default when RPM never responded, and then confirmed it with sufficient evidence. The Second Circuit noted that it was sensitive to Keaty's plight in obtaining judgment against an uncooperative defendant. Nevertheless, this did not do away with Keaty's burden of making a *prima facie* showing of how RPM, as parent corporation, was responsible for the actions of its subsidiary, Rust-Oleum.

## Abandoned action

In 2005, D.W. Thomas & Sons, Inc. filed suit seeking payment

under a construction contract. An answer was filed, and the parties engaged in discovery. However, the matter languished after a joint motion to continue was granted in November of 2006.

In September of 2009, plaintiff's counsel served discovery on defendant, which did not respond to the discovery request. Plaintiff's counsel was allowed to withdraw as counsel of record in April of 2010. Again, the case languished.

In September of 2012, D.W. Thomas, the owner, president and sole shareholder of plaintiff, served discovery requests on defendant's counsel. A new attorney filed a motion in September of 2015 to enroll as counsel of record for plaintiff. Defendant filed a motion to dismiss for abandonment, arguing that no step in the prosecution or defense of the case had occurred since September of 2009. The trial court found that the matter had been abandoned and entered a judgment of dismissal. The Second Circuit affirmed. *D.W. Thomas & Son Inc. v. Gregory*, 50,878 (La. App. 2 Cir. 11/23/16), 2016 WL 6892843, \_\_ So.3d \_\_.

The abandonment article, La. C.C.P. art. 561, states that any formal discovery as authorized by the Code of Civil Procedure and served on all parties shall be considered a step in the prosecution or defense of an action. However, La. C.C.P. art. 1420 refers to discovery requests made by a party represented by counsel or not represented by counsel. The party in this matter was the corporate entity of D.W. Thomas & Sons. D.W. Thomas, the owner, president and sole shareholder, was not a party. As noted by the court, corporate entities must be represented by counsel. Therefore, D.W. Thomas, who was not an attorney, could not act in a representative capacity for the plaintiff in this litigation. The September 2012 discovery, which was not signed by an attorney on behalf of plaintiff, did not serve as a step in the prosecution of the action, and the action was abandoned.

## 2017 SBA Dues Reminder

*Please remember that your  
2017 SBA dues are due now.  
We don't want to lose you!*

*Please send your payment, payable to  
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71101. You may pay your dues online at  
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# BAR BRIEFS



## Larry Pettiette delivers books to the Shreveport Bar donated by Miki Stagg

Books from Judge Tom Stagg's personal library were donated to the Shreveport Bar by his family. They include bound copies of his written opinions published by West. Miki Stagg wanted the Shreveport Bar members to benefit from the Judge's collection of these books, which at one time were kept in the U.S. Courthouse which will soon bear his name.



# How Write You Are

by Hal Odom Jr., rhodom@la2nd.org

**Department of Redundancy Department.** Some words convey concepts that do not require further modification. To tack on additional words is redundant, verbose, and might suggest that the writer is not sure what the words really mean. A few examples:

- *remand*. This is defined as “to send back.” To use the phrase *remand back* would mean to *send back back*. We cannot remand these sentences for editing, but we can try to avoid them: “The ruling of the trial court is reversed and the matter is *remanded back* to the trial court for further proceedings.” *State v. Bibbins*, 2014-0971 (La. 12/8/14), 153 So. 3d 419. “After the case was removed to federal court based on provisions of [FIRREA] and then *remanded back* to state court, first and second assignees filed declinatory exceptions[.]” *Shamieh v. First NBC Bank Holding Co.*, 2015-1182 (La. App. 3 Cir. 7/27/16), 202 So. 3d 1103 (in headnote only!). These should be “remanded to the trial court” and “remanded to state court.”

- *nominee*. This means a person *named* or *designated* as a candidate. To use the phrase *named nominee* would mean the *named named* person. What is an *unnamed* nominee? “The Shreveport Bar members submitted a list of only seven names, Walker being one of the *named nominees*.” Here, “one of those nominees” would be sufficient.

- *result*. This means the *end product* or *what is left at the end of a process*. To use the phrase *end result* would mean the *end end product*. “The *end result* of the 1999 and 2000 amendments was to encompass all persons, whether payee or payor, custodial or non-custodial, delinquent or compliant, within the class of those eligible to apply for and receive IV-D services.” *Boudreaux v. Boudreaux*, 2015-0536 (La. 10/14/15), 180 So. 3d 1245. The preferred phrasing would be that used in the earlier opinion of *In re Simpson*, 2007-0070 (La. 6/29/07), 959 So. 2d 836: “The *net result* was that a fraud was committed upon the unsuspecting clients.”

- *history*. This is defined as “the record of past events,” and to write *past history* is an unnecessary double-dip into the past. The Louisiana legislature indulges, as in La. R.S. 46:2135 A (“The court shall consider any and all *past history* of abuse”) and 22:1049 B(1) (“The insured’s *past history*, including prior use of prosthetic devices”). All history is, by definition, past, but writers can refer to *subsequent history* if applicable.

- *ATM*. This is the initialism for *automated teller machine*. The M stands for *machine* and the expression “ATM machine” merely doubles the concept, as in “the contract for the exclusive use and operation of an *ATM machine* inside the store located at 2541 North Claiborne Avenue.” Anyone who does not already know that an ATM is a machine is probably not reading judicial opinions.

- *PIN*. This is the acronym for *personal identification number*. There is no need to use *pin number*, as often appears: “Shortly thereafter, he



returned and demanded the keys to her car and the *pin number* to her credit card.” Why couldn’t the computer folks have designated this an *access code*?

- *VIN*. This is the acronym or initialism for *vehicle identification number*; the same reasoning applies to it as to *PIN*. “When she learned of his murder, she provided the *VIN number* for the victim’s missing vehicle to the police” should be simply *provided the VIN*.

- *pleading*. This means *something that is pleaded (or pled)*; to write that someone *pleads a pleading* adds no meaning. All right, the La. Supreme Court gave us this rule of law, 65 years ago: “[F]or the prescription of 30 years to be successfully *pleaded* the person *pleading* it must have the actual, physical, and corporeal possession of the property[.]” *Hill v. Richey*, 221 La. 402, 59 So. 2d 434 (1952). Of course Justice Hawthorne meant, “To be successful, a person *pleading* acquisitive prescription of 30 years must have actual, physical and corporeal possession of the property.”

**And then, maybe not.** Consider this apparent redundancy: “To that end, St. Patrick prepared a Surface Lease on the two properties in question, wherein it would lease the property upon which Dr. Nabours would *build a building* on each piece of property at his own expense.” *Nabours v. Christus Health Sw. La.*, 2015-1061 (La. App. 3 Cir. 5/18/16), 192 So. 3d 876. “Fonda and Sheila testified that prior to the 1991 sale Daniel offered each of them the opportunity to purchase the property for the same price Daniel eventually paid, if they could personally secure financing to *build the building*.” *In re Brennan’s House of Printing Inc.*, 10-428 (La. App. 5 Cir. 4/26/11), 65 So. 3d 165.

It’s fairly certain that the first building was a doctor’s office and the second a print shop; however, commercial space is so generic that the phrase *build a building* is widely accepted. More precision would perhaps be useful, but this is not a glaring redundancy.

Can the same be said about *paint a painting* or *carve a carving*?

**Gradually deteriorating.** When a rare ice storm rolled through north Louisiana, a district court issued an order of closure, “For reasons of public safety and considering the *increment* weather conditions.” Icy roads may have contributed to the hasty choice of the word for a *small increase* or *decrease in value* instead of the word for *lousy weather*. Hades will freeze over before Spell Check catches this one!

# FAMILIAR EVIL

A Book by Rannah Gray

*Familiar Evil goes behind the scenes of an investigation that sent shock waves from Louisiana to London. When a young British businessman coincidentally connects with an American public relations consultant, the two end up working with authorities on both sides of the Atlantic in an international criminal case that builds to an explosive conclusion.*



This is a true story.

I never imagined I would be involved in a story like this—one that would change my view of the world forever. *Familiar Evil* covers the last 365 days of one man’s search for a child predator who left the U.K. and settled in Louisiana, changing his name and even his appearance to avoid being found. During that year of my life, it was on my mind every single day because of the unusual circumstances that pulled me into the story. I felt, at times, fear, apprehension, and ultimately determination to speak up about a child predator who was living among us—not simply accepted, but celebrated in some circles. Scott Rogers sold himself as a friend of every good cause, herald of all good news. He was the host of a local TV show and pastor of a church he started. But he was also, in fact, a dangerous criminal.

I never expected the simple act of writing a letter to the editor would land me in the middle of an international criminal investigation, but thanks to the Internet, our lives are now all interconnected. What happens to one of us can in turn affect any person on this planet. If you think that sounds far-fetched, just wait until you see how easy it truly is.

This book was written—first and foremost—for the British survivor known as “Ethan” and for the boys of Bury. For those young boys in Bury St. Edmunds, England—and we will never know how many there were—who suffered unspeakable sexual, physical, and psychological abuse at the hands of Scott Rogers. Although he tried to hide, he could never escape his true character. He was a master manipulator. A child predator. A monster.

But this is not his story.

This is a story about Ethan, who reached out to me for help across the Atlantic Ocean and six time zones. He is the best proof that a powerful intellect, inherent goodness, and a keen sense of humor are perhaps the best tools for surviving terror.

***Rannah Gray***

# Krewe of Justinian Royal Brunch





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**DEADLINE FOR MARCH ISSUE: FEBRUARY 15, 2017**

**SBA LUNCHEON MEETING – FEBRUARY 22**



*Petroleum Club (15th Floor) – Buffet opens at 11:30 a.m. Program and Speaker begins at 12:00 Noon*  
*\$20.00 for SBA members includes lunch with advance reservation*  
*\$25.00 for Late Reservations (after 5:00 pm the Monday prior to the luncheon)*

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

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

**Featuring:** Rannah Gray, author, and Mary Jane Marcantel

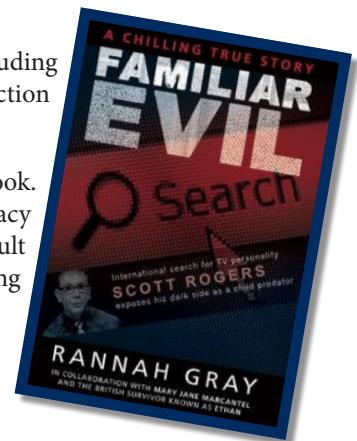
We’ve planned a fascinating presentation for the February SBA member luncheon. Our featured speakers are Rannah Gray, author of *Familiar Evil*, an award-winning book based on the international search for a Baton Rouge television personality that exposed his dark side as a dangerous child predator.

*Familiar Evil*, published by The Lisburn Press, follows one man’s search for Scott Rogers, who moved from England to Louisiana and became a popular television personality and volunteer in numerous law enforcement and charity activities. A young British man called “Ethan” in the book contacted Gray in 2013 with information about Rogers’ past in England, urging her to warn others that Rogers was dangerous. “Ethan” and Gray ultimately became confidential informants in an international investigation that ended when Rogers and one of his longtime victims carried out a murder-suicide that sent shockwaves from Louisiana to London.

*Familiar Evil* has been honored with six national and international book awards -- four Gold Medals -- including First Place for Best True Crime at the Independent Publishers Awards and First Place for Best Narrative Nonfiction at the International Book Awards.

Gray will be joined by Mary Jane Marcantel, a key figure in the investigation who collaborated on the book. Since *Familiar Evil* was published in late 2015, Gray has spoken throughout the country at Children’s Advocacy Centers, CASA and law enforcement training programs, continuing education classes for social workers, and adult Sunday School classes. She has been a panelist at national writers’ conferences to share her experience in writing true crime.

*Familiar Evil* book sale and signing will be held after the presentation from 1:00 to 1:30 p.m.



**YES, I'M  
 ATTENDING**

You may confirm your reservation(s) by email, telephone, or fax.  
 Email: [bgreen@shreveportbar.com](mailto:bgreen@shreveportbar.com) Phone: 222-3643 Fax: 222-9272

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

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