

THE BAR REVIEW

PUBLICATION OF THE SHREVEPORT BAR ASSOCIATION

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EVENTS AT A GLANCE

4/24	Annual Golf Tournament – 12:30 p.m. – East Ridge Country Club
5/2	Give For Good Campaign
5/3	Law Day Luncheon – 12:00 p.m. - Petroleum Club-Speaker: James E. Stewart, Caddo Parish District Attorney
5/5	Red Mass – 9:00 a.m. – Holy Trinity Catholic Church
5/7	SBA Member/Family Sunday Fun Day – 4-7 p.m. – East Ridge Country Club
6/28	SBA Membership Luncheon – 12:00 p.m. - Petroleum Club



From The President

by Rebecca Edwards, President, redwards@caddoda.com

We are approaching a busy and exciting time for the SBA. The coming weeks will be filled with programs and celebrations that I hope you, our members, will make even more special and successful by your enthusiastic participation.

Fast approaching is the annual SBA Golf Tournament on Monday, April 24, 2017. The tournament returns this year to East Ridge Country Club, and the early date is sure to provide us with a perfect afternoon to be out on the course. Our tournament committee has been hard at work to make this tournament the best ever. All that is needed is the participation of the golfers among us. I'll be out on the golf cart – my first time ever – selling tickets for the many raffle items to be given away. Even if golf is not your sport, you can join in on the post-play crawfish boil, which will be \$20 for nonplayers. There is not a better way to kick off a week and to support the SBA!

The first week of May is our celebration of Law Week. Sherron Douglas and Drew Burnham are the dynamic young attorneys serving as co-chairs of the Law Week committee. They have planned a full week of activities centered on this year's Fourteenth Amendment theme. These include a panel discussion at LSUS about equal protection and due process, mock trials with elementary school students, and a film screening and discussion for high school students at Robinson Film Center.

Also planned for Law Week is a special collaboration between the SBA, the Shreveport Bar Foundation (SBF), and Rhino Coffee during the Give for Good campaign on Tuesday, May 2, 2017. Donations made to the SBF through Give for Good will be matched in part by the Community Foundation. You can both make your donation and get a free cup of coffee at Rhino on Texas Street, where Bar Center staff and volunteer attorneys will be set up to assist you and thank you for your support.

Our Law Week luncheon will be on May 3, 2017, at the Petroleum Club. We will present the Liberty Bell Award, which honors someone who demonstrates commitment to community service and to promoting respect for our laws, the courts and our form of government. In addition, our special guest speaker will be the Honorable James E. Stewart Sr., District Attorney for Caddo Parish and SBA member. Please join me at the Law Week luncheon to honor our Liberty Bell recipient, who will not be announced until that day, and to welcome District Attorney Stewart.

On Friday, May 5, 2017, we will celebrate the 25th anniversary of the Red Mass at Holy Trinity Catholic Church in Shreveport with this year's honoree being Holy Angels. The Red Mass Society is honored that Bishop Michael Duca of the Diocese of Shreveport will be this year's Principal Celebrant and Homilist. The Red Mass is a beautiful celebration of our profession and those of all faiths who practice in our community. To mark this milestone year, the Red Mass Society is hosting a reception at the Petroleum Club immediately following the Red Mass.

We will end Law Week by celebrating you, our members, at our annual SBA Member Day/Family Day crawfish boil and cookout at East Ridge Country Club on

continued page 3

Golf TOURNAMENT

SHOTGUN START

12:30 p.m.

ENTRY FEES

\$600 per team
4-Man Scramble

LUNCH

11:00 a.m.
included with registration fee

REGISTER

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or call Dana at 222.3643 Ext. 3

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Scores in each flight
Closest to the hole

April 24, 2017
East Ridge
Country Club
Shreveport, LA



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Enter to have your team represented in this 2-man, alternate shot contest. \$150 per team. Play begins after the scramble. Only one team will be named KING! Limited to the first 8 attorney teams registered. Call Dana at 222-3643 to register.

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NON
PLAYERS IS
\$20

REGISTRATION

SHREVEPORT BAR ASSOCIATION 2017 GOLF TOURNAMENT

Monday, April 24, 2017 at East Ridge Country Club, Shreveport
Lunch and Crawfish Boil is Included – Awards Given Post Play

Captain Name: _____ HDCP/Best Score: _____ Tel: _____

Address: _____ Email: _____

Player2 Name: _____ HDCP/Best Score: _____ Tel: _____

Address: _____ Email: _____

Player3 Name: _____ HDCP/Best Score: _____ Tel: _____

Address: _____ Email: _____

Player4 Name: _____ HDCP/Best Score: _____ Tel: _____

Address: _____ Email: _____

Make check payable to SHREVEPORT BAR ASSOCIATION and mail:
2017 SBA Golf Tournament Registration, 625 Texas Street, Shreveport, LA 71101

Sunday, May 7, 2017. This is always a fun afternoon of good food, cold drinks and great people! By last count, the SBA had 110 past members who had not yet signed up for the year. It would be a spectacular end to Law Week if the SBA met, or even exceeded, last year's membership numbers. So, if you have not yet signed up for the year, please do so. If you are already a member, why not recruit someone to join our SBA. And be sure to join us on May 7!

Lastly, on behalf of the SBA, I must congratulate the Caddo Magnet High School Mock Trial team for its victory in the state competition in March. SBA members Ryan Goodwin, Sarah Brown and Steve Soileau work with the team and are preparing them for the national competition in Hartford, CT, from May 11 through 13. Any donations to assist these accomplished, hard-working students with travel to the national competition would be appreciated by them.

As I said at the beginning, we are coming to a busy time for the SBA, so mark your calendars. I look forward to seeing you at our Golf Tournament and Law Week events.



Young Lawyers' Section

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

The Young Lawyers' Section is once again gearing up to celebrate Law Day. This year's Law Day theme is *The 14th Amendment: Transforming American Democracy*. The Law Day co-chairs, Drew Burnham and Sherron Douglas, have done a terrific job planning events for the week of Law Day. The events are:

Friday, 04/28 – Presentation to students at LSUS on the 14th Amendment

Monday, 05/01 – Presentations at Walnut Hill Elementary (8:30-9:30 AM) and Forest Hill Elementary (10-11:00 AM) of an age-appropriate, humorous mock trial

Tuesday, 05/02 – Give For Good for the Northwest Louisiana Pro Bono Project from 9 a.m. – 4 p.m. at Rhino Coffee Downtown (free coffee provided by Rhino Coffee); Ask-A-Lawyer at 5:30-7:30 p.m.

Wednesday, 05/03 – Bar Luncheon with District Attorney James E. Stewart Sr.

Thursday, 05/04 – High School Program at the Robinson Film Center with select students from area schools (9:00 AM – 2:15 PM)

Friday, 05/05 – Red Mass

Presently several volunteers are needed for both the elementary school programs and our Ask-A-Lawyer event. If you are interested in volunteering, please email Sherron. douglas@shreveportla.gov or drew.burnham@cookyancey.com. We hope you can help out with these wonderful events!

2017 Shreveport Bar Association Officers & Executive Council

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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.



Women's Section

by Jabrina Edwards,
jabrinanclayton@gmail.com

Happy Spring! Thank you to those who came with us to visit and play Bingo with the residents at the Volunteers of America assisted-living facility. We had such a fun and fulfilling experience, and brunch afterwards was wonderful!

Please join us on Wednesday, April 19, 2017, for a ladies' night in. Our treasurer, Wendy Horton, has graciously opened up her home to us, so let your hair down and enjoy a game night with the ladies of the Women's Section. It will be the perfect hump day pick-me-up to get you through the rest of the week, so mark your calendars. You won't want to miss it!

Stay tuned for further details regarding our game night through our e-newsletter, Facebook page and emails. If you would like to be added to our email list, let us know at sbawomenssection@gmail.com. We have so much more in store for this year, and we want to keep you updated.

I hope to see you on April 19!

Welcome TO THE SBA

Mary K. Barefield
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Elizabeth Grozinger
Barham & Warner LLC

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TECH TIPS

computer

by Aaron Wilson, Aaron@arwla.com

If you have a topic that you would like researched and discussed in our Technology Tips section, please send all requests to Aaron R. Wilson at Aaron@arwla.com.

BAR BRIEFS



Chief Justice of the United States John G. Roberts Jr. has appointed **Chief Judge Carl E. Stewart** of the United States Court of Appeals for the Fifth Circuit to the Judicial Conference Executive Committee. He will replace Chief Judge William Jay Riley effective March 11, 2017, upon the conclusion of Judge Riley's term on the Judicial Conference. Chief Judge Stewart will serve an open term.



Shubhneet Warar, LSBA President Darrel Papillion, Ankur Khanna, Christopher Moore, Ethan Arbuckle, Matthew Pinchback and SBA President Rebecca Edwards

Caddo Magnet High School Mock Trial team, pictured above, won the Louisiana State Competition on March 11, 2017, and will be representing Louisiana at the National Competition in Connecticut.

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Is Pleased to Announce That

Elizabeth P. Grozinger

Has become an Associate of the firm

Richard G. Barham

Vicki C. Warner

Elizabeth P. Grozinger

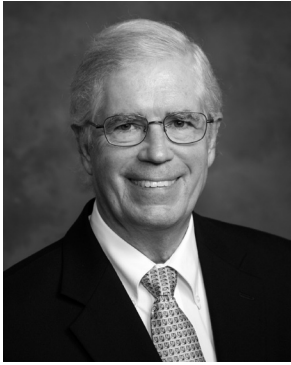
Of Counsel: Joseph W. Greenwald, Sr.



Spotlight on Professionalism

by: Ross Owen, rowen@caddoda.com

In Shreveport, we are fortunate still to have a Bar where professionalism is the norm. A cordial conversation about a case and a little LSU football is still the way many cases get resolved here in Caddo Parish. One lawyer who embodies this cordial spirit of professionalism is Stephen Glassell. An avid duck hunter and LSU fan, Steve was born and raised in Shreveport. (At Schumpert Hospital on Jan 22, 1947.) He graduated from Byrd High in



Stephen Glassell

1965 and went on to obtain a BA in economics from what is now Rhodes College, in 1969. As to be expected from a Tiger fan, Steve got his law degree from LSU in 1972. At the start of his law career, Steve clerked for Judge O.E. Price of the Second Circuit Court of Appeal from 1972-1973, and then served on the research staff for the La. Constitutional Convention of 1973-1974.

Locally he served as an assistant district attorney here in Caddo Parish from 1975 until 1979 when he entered the private practice of law. He has partnered with two lawyers during his many years in practice. He teamed with Claudius Whitmeyer from 1979-1983, and again from 1993-1999, and with Robert Gillespie for the years of 1984-1987. Steve had a general practice handling criminal defense, real estate, successions and plaintiff personal injury until 2000, when he focused mainly on criminal defense and some successions.

Articles on the topic of professionalism have common themes that generally involve what one should or should not do in the daily practice of law. Steve is a by-the-book professional in his daily practice. One aspect of professionalism that impacts the practice of criminal law is the setting of realistic goals with the client. If the client's expectations are unreasonable it is more likely a court proceeding will be necessary to resolve the matter. The tone and civility of the proceedings are also affected negatively by unrealistic expectations of clients and their families. We have all experienced the proceeding with an unruly client.

Steve excels in this department. He is skilled at helping his clients set reasonable goals for representation. And once the goals are set he goes about the business of advocating for them in a manner that brings respect to the profession.

One goal of professionalism is to be an "Advocate, not Adversary," to quote last year's recipient of the professionalism award. This means being able to litigate on behalf of a client zealously, but without acrimony, and to argue the law and facts without resorting to personal attacks or unnecessarily bellicose rhetoric. Steve is an advocate. He practices with civility in the

challenging area of criminal law. Clients may be facing long prison sentences, and emotions can run high. In the field of criminal defense, particularly thorny issues can arise. Consider: refusing to advance a defense you know to be false, facilitating a plea for a guilty client who continues to assert his innocence, dealing with outraged family members protesting your client's innocence and demanding his or her immediate release while they are unaware their loved one confessed and while you are constrained by attorney-client privilege from enlightening them.

These are just a few of the issues confronting the criminal defense attorney. It takes a level of grit, determination and commitment to this profession to put up with these dilemmas and proceed in a professional manner. Steve has what it takes and has handled these types of issues repeatedly over the years.

Now approaching his 45th year as an attorney and with over three decades in the regular practice of law, Steve goes about his daily work with diligence, a cheerful attitude, and great professionalism.

Steve's professionalism is also reflected in his active involvement in the Shreveport Bar Association and the community. Steve has been a member of the SBA's Krewe of Justinian since 1997 and served as Captain in the 2007-2008 Mardi Gras season. His wife, Berry, was Queen of Justinian in 2013-2014. Steve and Berry are active members of First United Methodist Church here in Shreveport, and Steve has been an active member of the Optimist Club for about 29 years. He served as president for three terms, and he meets with his club members each Friday for their lunch meeting. Two of their tenets are particularly descriptive of how Steve conducts himself in his daily professional life:

To talk health, happiness and prosperity to every person you meet.

To be just as enthusiastic about the success of others as you are about your own.

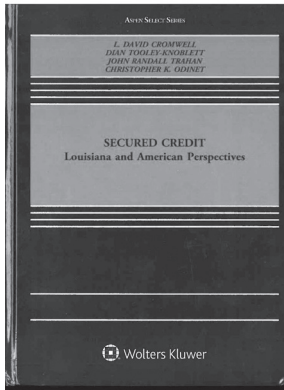
On any given weekday in the criminal courts of Caddo Parish you can find Steve doing exactly what these two sentences describe. Criminal trial practice involves more frequent interaction and more courtroom appearances than many other fields of law. Steve brings a positive, professional attitude with him each time he appears in court. With unflagging enthusiasm, each day he arrives upbeat and ready to do his clients' work.

As a person and as an attorney, Stephen Glassell exemplifies the spirit of professionalism. His clients, our system of justice, and our Bar are better for having him as a member.



Book Review

by Hal Odom Jr., rhodom@la2nd.org



SECURED CREDIT: Louisiana and American Perspectives. By L. David Cromwell, Dian Tooley-Knoblett, John Randall Trahan and Christopher K. Odinet. Frederick, Maryland: Wolters Kluwer, © 2017 by CCH Inc., “Aspen Select Series,” xviii + 651 pages, \$155.00.

A long-overdue contribution to the scholarship of Louisiana security devices has appeared. The new casebook, *Secured Credit: Louisiana and American Perspectives*, is the collaborative effort of Shreveport’s own David Cromwell, of Pettiette Armand, and three law school professors, Christopher Odinet (Southern), Dian Tooley-Knoblett (Loyola) and Randy Trahan (LSU). The book is primarily intended to accompany the ominous security devices class taught in law school, but it could also be a useful reference work for practitioners.

Until the publication of *Secured Credit*, the last comprehensive treatment of the subject was Prof. Harriet Daggett’s monumental *Louisiana Privileges and Chattel Mortgages*, published by LSU Press in 1942. Although insightful and brilliant, Prof. Daggett’s work was obviously timeworn. “When I was in law school, in the early 1980s,” David told me, “my security devices professor, Max Nathan, used no text – he just assigned packs of photocopied cases. Max Nathan is still teaching there, at Tulane!” *Secured Credit* should make his job just a bit easier.

The book was the brainchild of Prof. Christopher Odinet, at Southern, who assembled the team of four authors. David was the sole author of three very large chapters (Chapter 5, “The Law of Privileges,” Chapter 6, “The Rules of Ranking Privileges,” and Chapter 7, “The Private Works Act”) that comprise about 60% of the pages in the book, and a portion of the introduction (“The Importance of Being Secured”). “I worked on this for about a year,” David said, “but, fortunately, not continuously.”

The ranking of privileges is a particularly challenging field, and Chapter 6 is where the scholarship really shines. The *Code Napoléon* (1804) and the Digest of Civil Laws (1808) made no effort to rank privileges, and Marcel Planiol, the esteemed French jurisconsult, declared in 1939 that it is “impossible to give privilege a self-contained and unified theory.” However, an earlier practitioner, Louisiana’s Haitian-born attorney general, Louis Moreau Lislet, attempted a logical ranking and thereby started an intellectual quest that has been pursued over the decades by luminaries like Prof. Daggett and Profs. Ralph Slovenko, Joe Dainow and the late A.N. Yiannopolous. The authors of *Secured Credit* are in distinguished company.

“My list ranks the Civil Code privileges only,” David told

me. “There’s no attempt to bring in the special privileges of Title 9 and other parts of the Revised Statutes. Ranking is like a jigsaw puzzle, where you’re trying to make everything fit neatly, but it turns out more like rock-paper-scissors. Fortunately, a court rarely has to rank more than two privileges at a time. Still, a conflict can arise, like a laborer’s lien and a condominium association claim under the Private Works Act. We know the answer, but is it what the legislature really intended?”

Other chapters of *Secured Credit* include the second part of the introduction (“The Taxonomy of Security in Louisiana”), Chapter 2, “The Law of Suretyship,” Chapter 3, “UCC Article 9 and the Law of Pledge,” and Chapter 4, “The Law of Mortgages.” The UCC material is of special interest to practitioners of a certain age – myself included – whose legal education predated Louisiana’s adoption of Article 9. The section on collateral mortgages, written by Prof. Odinet, covers concepts that are somewhat arcane but indispensable to anyone in the legal or lending field.

“Back when I was in law school,” David mused, “I thought writing a casebook was the easiest part of a professor’s job description – just copy a few cases, write a couple of open-ended questions, add a little discussion, and then move on! How much I now appreciate the work of Max Nathan, Harriet Daggett, and the others who went before me.” *Secured Credit* is a fitting tribute to the foundations they laid. More importantly, it is an updated and well-organized treatment of a vital part of our law.

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N.B.



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

John Minor Wisdom (May 17, 1905-May 15, 1999) was possessed of a sharp, facile pen and a far-ranging mind and left these explicit instructions for his law clerks, past, present and future. They are worthy of consideration:

“Try to state the key question in the first sentence.

One idea to a sentence.

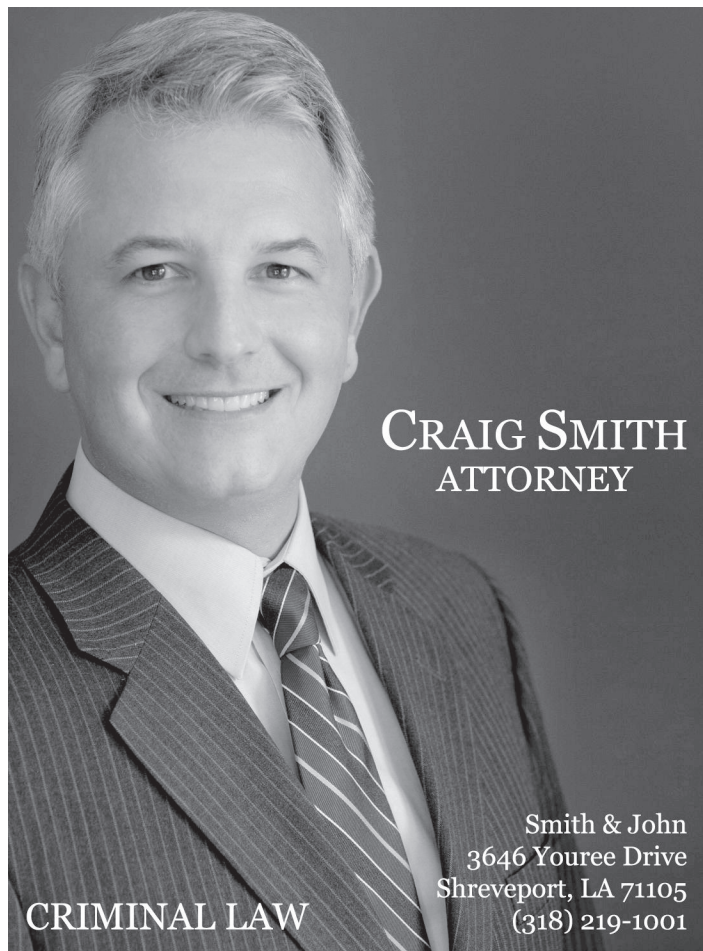
Do not use ‘claims’ when you mean ‘contends’, ‘asserts’, ‘argues’, ‘alleges’, ‘maintains’, ‘represents’, ‘declares’, ‘states’. The list can be expanded. You claim your umbrella. You submit a claim for \$100.

‘Only’ belongs immediately before the word it modifies. That way you avoid such inanities as ‘He only killed her.’

No puns, no witticisms at the expense of a litigant.

Be brief. Simple is better. Forget Addison, Macaulay, and English 101.”

In the words of our late friend and colleague, Hank Politz, “Do good work.”

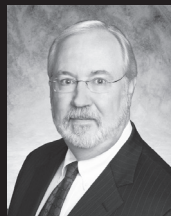


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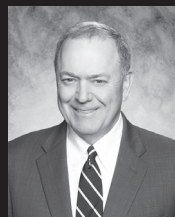
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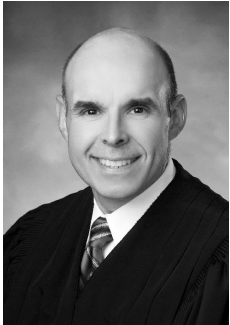


J. Mike Pitman to lead La. Judicial College; North La. Seminar set for May 4

by Hal Odom Jr., rhodom@la2nd.org

Judge Mike Pitman, of the First Judicial District Court, Section C, has been elected president of the Louisiana Judicial College Board of Governors for 2017. He has been a member of the board since 2009, when he was appointed

by the La. Supreme Court. He was elected treasurer in October 2013, for the year 2014, and then rotated to secretary for 2015, vice-president for 2016 and president for 2017. His term as president will be one year.



Judge Mike Pitman

Mike hit the ground running, going to New Orleans the long weekend of March 9-12 to screen and interview applicants for the LJC's first full-time executive director.

The Judicial College is an entity created by the La. Supreme Court in 1976 to provide quality continuing legal education for all state judges. It consists of 19 voting members and 8 ex officio members.

Mike's special project has been to organize and schedule an LJC seminar in Shreveport for May 4, 2017. Called the "North Louisiana Seminar," this will be held at The Petroleum Club and will include an impressive slate of speakers: Jimmy Barnhill, director of the North La. Crime Lab; Gregory L. Landry, executive director of Acadiana Legal Services Corp.; Lloyd Grafton, an expert in law enforcement and use of force; Heidi Kemple Martin, of SBF's Pro Bono Project, and Jeri B. Bowen, Family Justice Center; Kelly McNeil Legier, La. Judiciary Commission's legal counsel; and Cyd Sheree Page, attorney and mediator. The seminar will conclude with an onsite tour of the new North La. Crime Lab.

This year's seminar marks only the third time the LJC has come north of I-10 for a CLE event. The last one was in May 2014.

Mike also announced that LJC will hold a Rural Courts Seminar at Lasyone's Meat Pie Restaurant, Natchitoches, on November 20.

In addition to these seminars, the LJC will hold its regular events, the spring conference for judges (Lafayette, April 6-7), the 2017 summer school (Sandestin, June 4-9),

the fall judges conference (October 1-3, New Orleans), and torts seminar (December 8, New Orleans).

Congratulations to Mike for taking this highly visible post, devoting so much time and energy to continuing legal education, and shining a positive light on the legal practice in north Louisiana.

CADDO COURTHOUSE PRINTS AND NOTE CARDS AVAILABLE FOR PURCHASE

The Shreveport Bar Association has a limited number of prints of a sketch done of the Caddo Parish Courthouse approximately 35 years ago, along with note cards and envelopes.

12X18 PRINTS

\$15.00

NOTE CARD SET

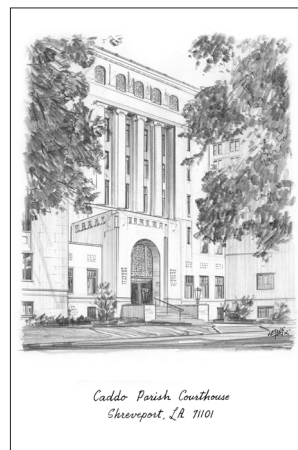
25 note cards with envelopes

\$20.00

COMBO

one print and one note card set

\$30.00.



If you are interested in purchasing a print and/or note cards, please contact the SBA Office at 222-3643

Give For Good



When you donate to Shreveport Bar Foundation's Pro Bono Project Via www.giveforgoodnla.com

on May 2nd your donation will support victims of domestic violence with obtaining Protective Orders and will assist the indigent with obtaining legal help for civil matters.

Shreveport Bar Foundation



EST. 1986

Pro Bono Project

DONATE ON MAY 2nd



SAVE THE DATE! You can set up and pre schedule your gift for Give for Good, beginning April 18. We will also be hosting a Give for Good event at the new **downtown Rhino Coffee location on Tuesday, May 2,**

Pro Bono staff and Law Day committee members will be there to take donations from 8:00 a.m. - 4:00 p.m. So, come by and support the SBF Pro Bono Project and get some amazing coffee!

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

giveFORgoodnla.ORG

05.02.17 CHOOSE your cause GIVE your best TRANSFORM your community



The 2017 theme provides the opportunity to explore the many ways that the Fourteenth Amendment has reshaped American law and society. Through its Citizenship, Due Process and Equal Protection clauses, this transformative amendment advanced the rights of all Americans. It also played a pivotal role in extending the reach of the Bill of Rights to the states. Ratified during Reconstruction a century and a half ago, the Fourteenth Amendment serves as the cornerstone of landmark civil rights legislation, the foundation for numerous federal court decisions protecting fundamental rights, and a source of inspiration for all those who advocate for equal justice under law.

This year's SBA Law Week Co-Chairs Sherron Douglas and Drew Burnham and their committee are working on several Law Week activities. If you are willing to serve on the committee, or help out with the events, please email Sherron at sherron.douglas@shreveportla.gov or Drew at drew.burnham@cookyancey.com.

Friday, April 28 – Presentation to Constitutional Law class at LSU Shreveport;

Monday, May 1 – Young Lawyers go to Walnut Hill Elementary/Middle School and Forest Hill Elementary School to talk about the legal system;

Tuesday, May 2 – Give For Good Campaign at Downtown Rhino Coffee from 8:00 a.m.—4:00 p.m. and Ask A Lawyer Event at the Shreveport Bar Center from 5:30 p.m.—7:30 p.m.;

Wednesday, May 3 – Shreveport Bar Association Law Day luncheon at the Petroleum Club of Shreveport with guest speaker, Caddo District Attorney James E. Stewart;

Thursday, May 5 – A program for area high school students will take place at the Robinson Film Center where students will watch a film centered around the Fourteenth Amendment, participate in a workshop on the interpretation of the equal protection clause, hear from and engage with a panel of area judges and attorneys about pathways into and careers in law, and draft as teams their own proposed constitutional amendments;

Friday, May 6 – Red Mass at Holy Trinity Catholic Church

Sunday, May 7 - SBA Sunday Fun Day Crawfish Boil at East Ridge Country Club from 4 p.m. - 7 p.m.

Red Mass 2017

On the occasion of Law Week 2017
The Red Mass Society of Shreveport
Cordially invites you to attend the
Twenty-Fifth Annual
Votive Mass of the Holy Spirit
historically known as the The Red Mass
to be celebrated at
Holy Trinity Catholic Church
400 Block of Fannin Street, Shreveport, Louisiana
on Friday, the fifth of May
Two thousand and seventeen
At nine o'clock in the morning

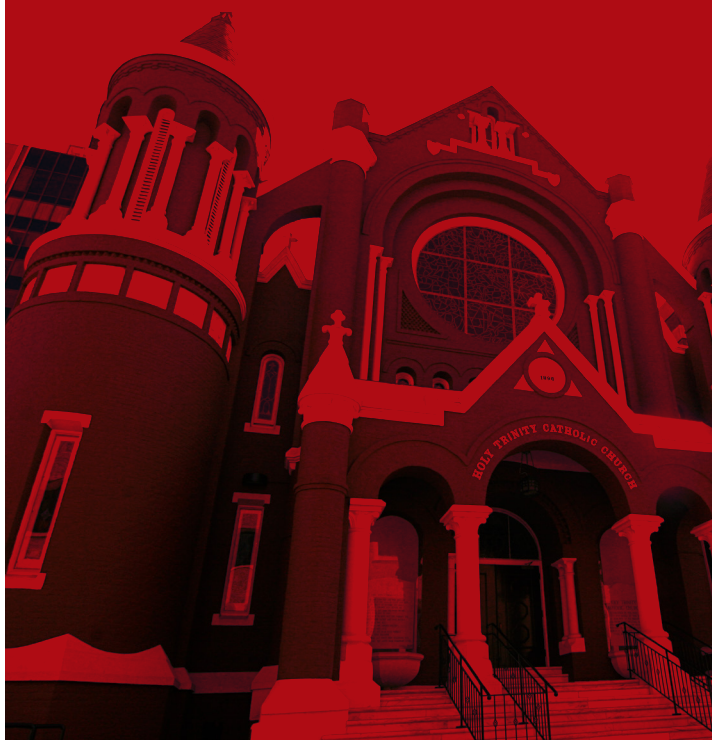


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March Luncheon Highlights



Highlights





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is nature's
way of
saying
let's
party

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APRIL 15

May Bar Review Deadline
For Ad Submission

APRIL 24

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

MAY 2

Give For Good Campaign
Rhino Coffee Downtown

MAY 3

Law Day Luncheon
12:00 Noon at the Petroleum Club (15th Floor)
Speaker: James E. Stewart
Caddo Parish District Attorney

MAY 5

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

MAY 7

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

JUNE 28

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

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Monroe Inn of Court Update

by Hal Odom Jr., rhodom@la2nd.org

The Judge Fred Fudickar Jr. AIC held its March 2017 meeting with the program “Professionalism in Witness Preparation, Deposition Conduct and Courtroom Decorum.” Team leader James Carroll, of Mixon & Carroll, in Columbia, played a series of short videos setting up situations in which professional courtesy could be compromised.

The first scene, “The Missing Witness,” started with a phone request from opposing counsel for the attorney to provide the address and phone number of a witness who had moved (or absented himself) after a deposition. The audience agreed that the attorney’s reluctance to provide this basic contact information was probably unprofessional, but opposing counsel’s threats to call the judge or file a motion for continuing discovery were more so. The second scene, “Lit Clinic 1,” portrayed an attorney who wanted a continuance of trial because he, the attorney, had a child who needed to be in M.D. Anderson, in Houston, the entire month of the setting. In addition to the obvious questions, some members asked, How old is this child? The third scene, “Lit Clinic 2,” involved counsel who wanted to accommodate the other side’s motion for continuance, but the client adamantly (and somewhat belligerently) refused. Fortunately, no one had ever had a client quite so intransigent. The fourth, “The Exhibit,” exposed the pitfalls of producing long, intricate documents in discovery. Each vignette was followed by questions, answers and open discussion in which virtually all members joined.

James recounted that he had begun his career in New York City, and later practiced in Texas and in New Mexico, before settling in Caldwell Parish. Compared to those places, he said, the professionalism in north Louisiana is “just outstanding.”

James was assisted on the team by Lamar Walters, of Breithaupt Dunn, in Monroe; Brandon Creekbaum, of Hayes Harkey; Max Cox, of CenturyLink Inc.; and Casey Auttonberry, of Hudson Potts & Bernstein. He was also assisted by his 12-year-old son, Landon, who deftly wired the laptop to the large monitor and speakers, and even troubleshooted a connection issue during the presentation.

The 17 members in attendance received their professionalism CLE. Next month’s meeting, set for April 10, will be the final program of the Inn’s season.



Team leader James Carroll introduced the video scenarios while member Brandon Creekbaum provided cites to the La. Code of Professionalism, La. Code of Professional Responsibility and ABA Model Rules.

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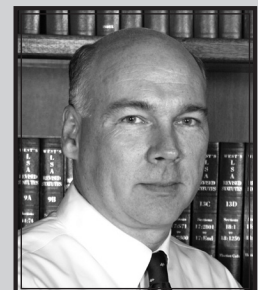
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Charles D. Elliott



SHREVEPORT BAR ASSOCIATION

2017 MEMBERSHIP RENEWAL FORM

Please renew your membership by filling out the information below including your email address and returning it along with your payment payable to "Shreveport Bar Association". This is important for us to update and maintain an accurate record of your membership.

If your contact information has not changed, please write your name and firm information and check here. []

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State

Zip

Mailing Address (if different): _____

Phone: _____ Fax: _____ Email: _____

Date Admitted to the LSBA: _____ LSBA Bar Roll Number: _____

Home Address: _____

City

State

Zip

Home Phone: _____ Email: _____ Spouse Name: _____

2017 ANNUAL DUES SCHEDULE (check type of membership)

REGULAR MEMBERSHIP – Open to all members in good standing of the Louisiana State Bar Association or other state bar associations who are licensed to practice law.

GOVERNMENT MEMBERSHIP – Member Attorneys/Judges who are employed by the city, state or federal government offices in good standing of the Louisiana State Bar Association or other state bar associations who are licensed to practice law.

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☐ *\$160 (\$140)

☐ *\$130 (\$110)

☐ *\$110 (\$90)

*\$20 Voluntary contribution to Shreveport Bar Foundation

Total Dues \$ _____

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☐ *\$110 (\$90) (Admitted to practice law between 2007 & 2011)

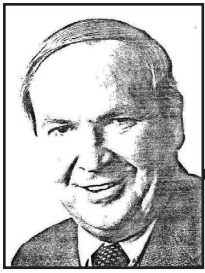
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- ☐ Archives
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- ☐ Continuing Legal Education
- ☐ Golf Tournament
- ☐ Krewe of Justinian
- ☐ Law Week
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- ☐ Membership
- ☐ Memorial & Recognition
- ☐ Military Affairs
- ☐ Professionalism
- ☐ Program
- ☐ Publicity

Contributions to the Shreveport Bar Foundation are voluntary and are deductible as charitable contributions for income tax purposes. Membership dues in the Shreveport Bar Association are not tax deductible as charitable contributions for Federal Income Tax purposes. However, such dues may be deductible as a business expense. Payment may be made by cash, check, American Express, MasterCard or VISA. If you have any questions, call the Bar office at 318-222-3643.

Please mail your check to: Shreveport Bar Association, 625 Texas Street, Shreveport, LA 71101
You may pay your dues online at www.shreveportbar.com.



Legal Hist

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

DR. WILLIS P. BUTLER, A CADDO PARISH LEGEND AND ICON (1888-1991) PART 1

Dr. Willis P. Butler, a Caddo Parish legend, whose forensic work, and some say even his ghost, are still present at the Caddo Parish Courthouse, was a handsome, intelligent, popular physician and politician, who was elected 14 times to the position of corner, usually by majorities in the 90% range. He retired in 1961, came out of retirement ten years later when a vacancy occurred, served an additional three years, stabilized the office and returned to Nashville, Tennessee, where his beloved alma mater, Vanderbilt University was located, and died at the age of 103 in 1991. This is his story.

Born in 1888 in difficult circumstances in rural Claiborne Parish, he moved with his family to Shreveport in 1895. They arrived on a wood-fired train of the V.S. & P. Railroad which deposited them at the depot the west side of the Red River. Dr. Butler's earliest memory of that trip is seeing an electric light for the first time – a solitary bulb hanging down in the depot waiting room. The Shreveport of the late 19th century has often been described as a “rough and rugged city,” and that is no exaggeration. The water system was weak and depended on Cross Bayou and family cisterns located adjacent to residences and presented problems of stagnant water, insects and the like to the users.

The two main streets in downtown were Texas and Milam, which were dirt and sand compound, and oiled down to facilitate the horse-drawn traffic of those days. The remaining streets were all dirty and soon became impassable after routine rainfall. In an effort to improve the situation, railroad crossties and wooden blocks were laid on the surface, but it soon developed that they would float away in the ever recurring rainfalls. The mayor, who also acted as the city judge under the ordinance of the time, came up with a pavement plan which can still be seen on occasion on parts of Texas and Milam Streets during excavation work even today. In sentencing misdemeanor offenders in the city court, the mayor gave them a fine, usually of \$10 to \$15, or alternatively a severe jail sentence. He then gave the offender the option of working off the sentence by laying bricks on Texas and Milam Streets which were below the surface, and when concrete

Dr. Willis Butler, for many years coroner of Caddo Parish, was an internationally known pioneer in the field of drug addiction maintenance. His work with morphine addicts in the 1920s and 1930s was the prototype for modern methadone treatment. Seen here in a 1977 photograph, Dr. Butler died in 1991 at the age of 103.



pavement occurred many years later, sufficed to serve as an appropriate roadbed.

Butler remembered his grade school years at the Central Elementary School as being happy times. Normally, after school, there were ball games and the favorite pastime of walking over to the riverfront and watching the steamboats, of which there were usually some half a dozen each day, being loaded and unloaded, as well as their comings and goings, always to and from New Orleans and points between.

After completing the 7th grade (there was no 8th grade in Louisiana until 1941), he entered Shreveport Central High School (which was in the same building as the elementary school), where one of his teachers was the renowned C.E. Byrd, who later was the first principal of the Line Avenue school which bears his name. Dr. Butler was one of the two largest boys in his class, and football was becoming a popular sport in the area. There was no coach, field or equipment, and Dr. Butler remembered that practice, without helmet or pads, consisted of two sides being chosen, a football being given to one side or the other, and then making do as best they could.

By this time, Butler had decided that he wanted to become a physician and secured a job as a clerk for a local drug company, believing that exposure to the various medications would assist him afterwards. He supplemented this pay with a part-time job on a laundry wagon where his main responsibility was to see that the horses remained in place while the driver picked up and delivered the laundry. Once with two raw mustangs pulling a new laundry wagon, the horses broke loose, charging down Milam Street, turning over the wagon before Butler could get them under control. This resulted in a small newspaper article giving him credit and praise, only one of many dozens of glowing articles he would receive over the years.

In 1906, Butler's junior year in high school, there was an outbreak of the dreaded yellow fever in New Orleans, and this black and discouraging news threw local residents into a panic, for there were many alive who still remembered the 1870s

epidemic, which killed one-third of the population of the city.

By the turn of the century, it was generally known that the disease was transmitted by mosquitoes, but many, including physicians, still believed that burning sulfur would help keep away the disease. Bagging up and selling bags of sulfur at the drugstore became Butler's main duty at the time. As fear of the disease spread, the city council, in cooperation with public health officials, cordoned off the highways into the city to prevent outsiders from infected areas coming into the town. To make the cordon even stronger mayor Andrew Querbes called for "300 shotgun-carrying armed guards" to surround the city at night and keep those from infected areas from sneaking into the city.

These efforts proved successful, for only three offenders were apprehended (all of whom were infected) and placed in isolation in a frame building near the site of the present V.A. Hospital. Known as the Pest House, it was a city-owned building where people were treated until they recovered or passed on. This one-room, unsanitary and poorly staffed facility was also used to house indigent persons suffering from communicable diseases and those suffering from mental disabilities. It was an embarrassment to the city, although not generally known, and thankfully abandoned and burned in the 1920s when the state began to assume more responsibility for these issues.

In the fall of 1907, after graduating from Central High School, Butler enrolled in the medical program at Vanderbilt University. At Vanderbilt, money was a problem and he soon obtained lodging at a boarding house for \$14 a week, plus employment at the campus bookstore and at a downtown men's department store. In 1911, Butler graduated from the medical program at Vanderbilt and planned to return to Shreveport for a one-year internship at Schumpert Sanitarium. Circumstances intervened. His roommate at Vanderbilt, also a medical student, turned down an offer to remain at Vanderbilt for a year's post-graduate work in clinical pathology. Butler and the roommate thought Butler should accept the offer, and so he did. As part of this work, he was assigned as a first assistant to the head of the Tennessee State laboratories which then operated in conjunction with Vanderbilt's laboratories. Most of Butler's laboratory work was in the field of criminalistics involving the detection of crime through scientific methods. This assignment was to change and shape the course of his future career. When the year was up, Butler returned to Shreveport and joined Schumpert as the hospital pathologist and also was appointed to be the Health Officer and bacteriologist for the City of Shreveport, a position created by city ordinance. His position was not called "coroner," although many of the duties were the same.

Butler's duties with the City were mainly public health issues such as monitoring the City's water supply to assure that it was potable. In addition, he was charged with the responsibility of taking steps to eliminate the spread of infectious diseases. He later described this work as "controlling venereal disease and yellow fever."

While he was working for the City, there were reports that rats from the riverboats coming out of New Orleans and making port here were spreading the disease. Butler immediately received

the assignment of checking out this possibility. Butler later said, "I autopsied 12,500 rats." And people were paid 10 cents for each rat delivered to his office so that it was somewhat of a local venture to get the rodents under control. Through this lab work Butler concluded that none of the rats were infected and thus this fear was put to rest.

Later during that first year, Butler was faced with a new and unrivaled epidemic which required all his strength, patience, knowledge and good will to handle. It was the disease of spinal meningitis, now known to be a severe illness involving inflammation of the spinal cord and often leading to paralysis and death. The standard care was avoidance of the place or places at which the disease was prevalent and many who could afford it soon took to cooler climates, higher altitude and isolation, such as in Colorado or elsewhere. Dr. Butler, as did most physicians, believed the disease was contracted through the respiratory system, but few people understood. He knew it was highly infectious and that most physicians were reluctant to be involved. The standard treatment was isolation, cleanliness, rest, nutrition and prayers. Butler managed to get one wing of the old Charity Hospital, located on Murphy Street where the police facilities stand today, for the housing of meningitis patients and three local doctors from the Shreveport Medical Society volunteered to assist in that endeavor. All the while, other diseases such as scarlet fever, smallpox and malaria were running their average course. Smallpox was the greatest killer on a numerical basis and where it existed, was being treated in private homes and required that yellow quarantine flags be displayed on the residences throughout the years 1911 and 1912. In 1912, the law requiring schoolchildren to be vaccinated for smallpox came into existence and it was normal for Dr. Butler to give between 500 and 1,000 injections in a single day. Indeed, his plate was full.

In 1913, Butler's personal life blossomed, for he married Annie Dodd, the sister of the widely known and successful Dr. M.E. Dodd, pastor of the First Baptist Church in Shreveport, one of the most influential Protestant leaders in the South. Dr. Dodd was later elected president of the Southern Baptist Convention, and was a popular voice on a national radio program broadcast from KWKH weekly for several years. The power and positive influence of Dr. Dodd cannot be underestimated, and it would support and bolster Dr. Butler throughout his career.

In 1916, Dr. A.A. Herold Sr., who had been the Caddo Parish coroner since 1912, told Dr. Butler that he was not going to seek re-election and that he would support his candidacy for the position of coroner. Dr. Herold's influence and reputation was considerable, as he was from a prominent family and one of the founders of the North Louisiana Sanitarium, later known as Doctors Hospital and now owned by Willis-Knighton. Dr. Butler said he was unfamiliar with the job of a coroner, but accepted the challenge, and was successful in securing and enhancing the position for 14 elections to come with the passing of 55 years between 1916 and 1971.

A few words about the position of coroner, one that is unknown to the civil law. In France, its traditional duties vest in the powers of the police. By contrast, the name and position is

well established in the common law of England. It came about in this way. After the Normans took control from the Saxons around 1100, the whole of England was divided into counties or shires, each of which was controlled by a "shire-reeve" (the sheriff) who was the king's top representative in each county. The sheriffs were also the tax collectors who remitted funds (or were required to) to the king annually. With power goes suspicion and often greed, and it was believed by many in the king's inner counsel that the sheriffs, or most of them, were pocketing the king's moneys and using it for their own account. To combat this new issue, starting in 1155, the lords created the position of coroner (officer of the crown), whose primary purpose, although not stated, was to keep an eye on the sheriff and assure that the king received his rightful due. This authority also included the monitoring of other public officials to assure their honesty and integrity. Almost as an afterthought, the coroner was given jurisdiction over what were called the "treasure troves" and related to moneys, jewels and the like, often being buried underground and discovered usually after all evidence of the trove has dissipated. In many, if not the majority, of treasure trove cases, there was the issue of sudden and often violent death which had to be acknowledged and investigated. From this humble and unexpected beginning, the duties grew to include all aspects of death and in due course became embedded in the common law.

As the American colonies blossomed, it became customary to place in their constitutions, or occasionally in statutory law, a provision that each county should have one coroner and one sheriff to be elected for a specific term, and that was that. These constitutions did not attempt to spell out what the duties of each were (other than that the sheriff was ordinarily the ex officio tax collector) since the public commonly understood and accepted what each had to do and did in their various areas of responsibility.

In Louisiana, the office of the coroner was not established until the Constitution of 1845.¹ As in other states, the duties of the sheriff and coroner were not prescribed, and the same remains true today, with the minor exceptions of trying to spell out whether or not the coroner must be a physician and if so, a resident of that particular parish, and how he should be replaced in the event of death or retirement. The same was true for the sheriff, although starting with the post-Civil War constitutions and continuing through 1974, he has always been made the ex officio tax collector. It should be noted that research discloses no instance or case of any Louisiana sheriff having had the whistle blown on him by the coroner for any alleged impropriety. It remains a matter of conjecture as to whose authority would govern in the event of a dispute, and only time would tell.

¹ As a historical note, the office of coroner has existed continuously since 1845, except for the period from 1864 to 1868, during Reconstruction, when Gen. N.P. Banks, commander of the Military Department of the Gulf, called a convention to write a new state constitution. The voters approved it but Congress never recognized it.

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How Write You Are

by Hal Odom Jr., rhodom@la2nd.org

A borderline problem. The U.S. Fifth Circuit recently affirmed a conviction for transporting an illegal alien within the United States for private financial gain. Thomson/ West supplied a headnote that referred to “circumstances surround[ing] the smuggling across the *boarder* and pickup of aliens by each driver.” *United States v. Lopez-Cabrera*, 617 F. Appx. 332 (5 Cir. 2015). A student contributing to her law school’s specialty law review wrote that NBA teams “who are *boarder-line* to exceeding the agreed upon salary cap are at the greatest disadvantage when considering to add a new player to their roster.” Vy’Shaey Mitchell, *Will NBA Players Go to Europe?*, 6 DePaul J. Sports & Contemp. Probs. 221, 231 (2010).

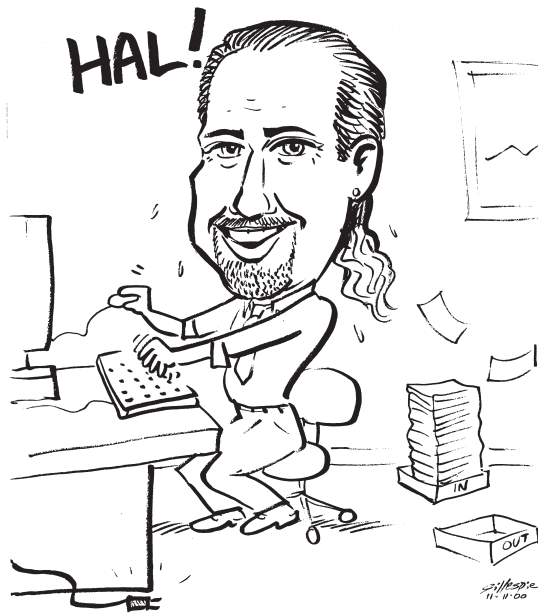
This spelling error seems to have crossed the line. A *boarder* is a person who rents a room in a boardinghouse and gets to eat there; it can also mean a pupil who lives at a boarding school. The unifying concept is that the tenant gets room and *board*, an old term for *food*. The author of the headnote and the law review contributor were obviously not referring to the quaint rooming agreements of a bygone era.

The word intended, *border*, means the outer boundary of something, or the line that separates one country, state or parish from another. The defendant conspired to smuggle illegal aliens across the *border*, as the court itself wrote, and some NBA teams teeter on the *borderline* of the salary cap.

I have never seen the opposite error, when a legal writer refers to a boardinghouse tenant as a *border*. However, it could be just over the frontier.

Coming on fast. This reminds me of another great homophone pair, *imminent* and *eminent*. *Imminent* means *just about to happen, unavoidable*. It is incorrect to refer to *imminent domain* and *imminently qualified witnesses*, as a few courts have done. *Buckskin Hunting Club v. Bayard*, 2003-1428 (La. App. 3 Cir. 3/3/04), 868 So. 2d 266; *Murden v. Acands Inc.*, 2005-0319 (La. App. 4 Cir. 12/14/05), 921 So. 2d 165. It is correctly used in phrases like “The hospital was apparently facing *imminent* bankruptcy, due to deteriorating finances,” *Dugas v. Breard*, 45,666 (La. App. 2 Cir. 10/6/10), 50 So. 3d 201, and a prisoner with three strikes can file no more civil actions unless he is “under *imminent* danger of serious physical injury,” 28 U.S.C. § 1915(g).

Eminent means *high in rank, distinguished, superior*; an expert is *eminently* qualified to testify in her field, and Fifth Amendment taking is *eminent domain*. Section 1915(g) is sometimes misquoted as *eminent danger*, and sometimes a court supplies it *sua sponte*, as in *Lee v. Missouri Pacific R. Co.*, 566 So. 2d 1052 (La. App. 2 Cir. 1990) (“it is presumed he would not place himself in *eminent danger*” – query, would he place himself in *inferior danger*?).



There is a third word, *immanent*, which means *inherent* or *existing inside* something. (It also has a meaning in the 18th-century precursor of New Age philosophy, Swedenborgianism, but I’m not going there.) My sense is that *immanent* need never appear in legal writing; the much simpler *inherent* or *internal* is preferred. Any time it appears it is likely a typo, as occurred in the otherwise scholarly opinion of *Adams v. United States*, 218 F. 3d 383 (5 Cir. 2000): “[J]udicial winding up for cause is a last resort that is typically granted on a showing of an *immanent* possibility that the assets of the business will be dissipated if left in the partners’ control.” Conceivably, that possibility is *inherent*, as opposed to *external*, but in all likelihood the author meant *imminent*, as in *impending*.

In Memoriam, Latin. The beautiful Latin maxim, *noscitur a sociis*, made a welcome appearance in the recent opinion of *McDonnell v. United States*, 136 S. Ct. 2355, 195 L. Ed. 2d 369 (2016): “Under the familiar interpretive canon *noscitur a sociis*, a word is known by the company it keeps[,]” a kind of interpretation by context, and the rule “is often applied where a word is capable of many meanings in order to avoid the giving of unintended breadth to the Acts of Congress.” (Internal quote marks omitted.)

There is nothing wrong with using a foreign phrase if it is appropriate, concise, and likely to be understood by the reader. Where would we be without *pro rata*, *id.*, *in forma pauperis*, etc.? In all events, be sure to get the spelling right. Nothing screams ignorance like misspelling a foreign phrase.

I was therefore dismayed to see this headline over a syndicated editorial column in our local newspaper, in size 36 type. It diminishes my confidence in the author’s education, attention to detail, power of reasoning ... or was it a local headline writer, blithely overriding Spell Check? Judge for yourselves.



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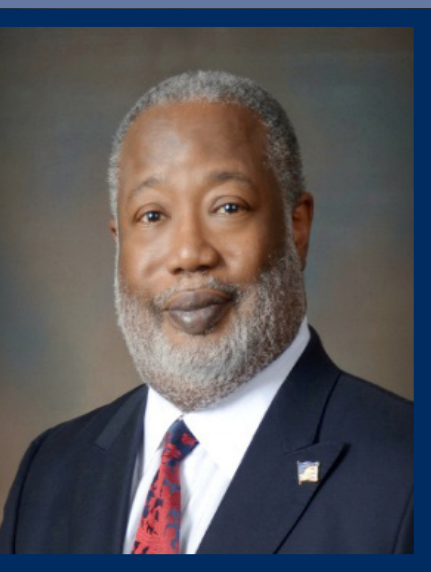
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DEADLINE FOR MAY ISSUE: APRIL 15, 2017**SBA LUNCHEON MEETING – MAY 3**

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)

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When: Wednesday, May 3 from 12:00 Noon to 1:00 p.m.

Where: Petroleum Club (15th floor)

Featuring: James E. Stewart Sr., District Attorney for Caddo Parish

James E. Stewart Sr., is a 1973 honor graduate of the historic C.E. Byrd High School where he was inducted into its Hall of Fame in 1991. He received his B.A. degree in political science from the University of New Orleans in 1977 and his Juris Doctorate Degree from Loyola School of Law in 1980. He began his distinguished legal career as an assistant city attorney for the City of Shreveport. He later became an assistant district attorney for Caddo Parish and the first assistant district attorney.

In 1990, he was elected as a judge in the First Judicial District Court in Caddo Parish. In 1994, he was elected without opposition to the Louisiana Second Circuit Court of Appeal, where he served for over 21 years. After being reelected in 2014, he retired in September 2015 to answer the spiritual call to run for District Attorney. On November 21, 2015, he was elected district attorney for Caddo Parish. Please join us on May 3, as we celebrate Law Day and hear D.A. Stewart's presentation to the SBA.

The 2017 Liberty Bell Recipient Will Be Announced At the Luncheon

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I plan to attend the Law Day luncheon. Attorney: _____

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

**YES, I'M
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