

# THE BAR REVIEW

PUBLICATION OF THE SHREVEPORT BAR ASSOCIATION

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## EVENTS AT A GLANCE

6/28	SBA Membership Luncheon – 12:00 p.m. - Petroleum Club
9/27	SBA Membership Luncheon – 12:00 p.m. - Petroleum Club
10/5&6	Recent Developments by the Judiciary Seminar
10/25	SBA Membership Luncheon – 12:00 p.m. - Petroleum Club
11/2	SBA Memorial & Recognition Ceremony



## From The President

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

### VACATION!

A few years ago, Cadillac put out a commercial that featured actor Neal McDonough extolling the virtues of Americans taking only a two-week vacation each year. In the commercial, which you can find on YouTube, McDonough gives a rousing soliloquy about Americans being “crazy, driven, hardworking believers” who have accomplished great things, like going to the moon. The upside of all this hard work is “stuff” such as the expensive house, the pool, and a Cadillac. McDonough explains that other people (meaning the French) don’t get us. They stroll home from work, stop at the café, and have to content themselves with taking off the entire month of August. I don’t know about you, but I would gladly forgo a Cadillac for a month-long vacation each August. Maybe that is just due to the lingering influence of my French ancestors.

The legal profession requires hard work. As lawyers, we tend to be driven and perhaps even a bit crazy, in a good way. You would have to be both to survive law school, get through the bar exam, and then persevere in the practice of law. Our profession is one to be proud of, but the daily practice can at times be stressful, busy, contentious, mundane, repetitive, and even maddening. This can take a toll on our level of satisfaction with our work and overall well-being. Time away from the office and the demands of practice is essential so that we can perform at our best the rest of the year. Vacation time is our time to recharge and reinvigorate ourselves.

While the Cadillac commercial would have us believe that “stuff” is the reward for all our hard work, research suggests that experiences are more rewarding and beneficial to our happiness. People are even happier when anticipating experiences than when anticipating new purchases, like the latest iPhone or a new vehicle. No matter how great something is, things quickly lose their luster. (For an interesting read, see James Hamblin, “Buy Experiences, Not Things,” *The Atlantic*, October 2014.)

Experiences, like travel, add new dimension to our lives by removing us from the minutiae of daily life and exposing us to new things. Whether we travel to another city, another state, or another country, our world is broadened. Travel enables us to better appreciate other cultures and our own. Adventure returns us to our daily life a bit changed and, hopefully, energized to perform at our best for ourselves and our clients. And if you don’t agree with me regarding the benefits of travel, perhaps you will be convinced by Mark Twain, who advised on the benefits of travel:

Travel is fatal to prejudice, bigotry, and narrow-mindedness, and many of our people need it sorely on these accounts. Broad, wholesome, charitable views of men and things cannot be acquired by vegetating in one little corner of the earth all one’s lifetime.

As we part for the summer, I wish you all time to step away from the daily grind, to step outside our little corner of the world, and to have new experiences that will reinvigorate you for the rest of the year. Bon voyage and have a great summer!

*continued page 4*

2017 Shreveport Bar Association  
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# RECENT DEVELOPMENTS BY THE JUDICIARY

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# Recent Developments By the Judiciary

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**Look for full class schedule in the mail soon!**

From the President continued

## BUT FIRST, SOME BUSINESS

Please join us in welcoming Lieutenant Governor Billy Nungesser, who will be our guest speaker at the SBA luncheon on June 28, 2017. Janet Silvie, a member of our Programming Committee, has been instrumental in putting together this event. Thank you, Ms. Silvie!

I must also thank our Law Week chairpersons, Sherron Douglas and Drew Burnham, for their hard work in making all of this year's Law Week activities a success. Finally, congratulations to the Red Mass Society on a beautiful and moving 25th Anniversary celebration.

# Welcome TO THE SBA

**Catherine A. Bozeman**  
*Argent Financial Group Inc.*

**Rhoshunda Rhodes**  
*Immigrant Relief Center LLC*



## Women's Section

by *Jabrina Edwards*  
*jabrinanclayton@gmail.com*

I want to start off by thanking the ladies who braved the storm last month and came to Red River Brewing to socialize and contribute to our sock and underwear drive for The Hub Urban Ministries. We appreciate you and hope that you enjoyed yourselves as much as we did!

On Saturday, June 24, 2017, at 2 p.m., please join us for some fun in the sun. That's right, we're having a pool party, and we're inviting the ladies of the Shreveport Bar to come and unwind with us at the Island Park Subdivision Clubhouse, 2901 Paradise Drive, Shreveport, LA 71105! This is the perfect time to catch some rays, cool off from a hectic work week, and bond with other women attorneys. Be on the lookout for more details about this event on our Facebook page and in our e-newsletter. We look forward to seeing you on June 24!

The Shreveport Bar Association  
would like to wish everyone  
a fun and safe



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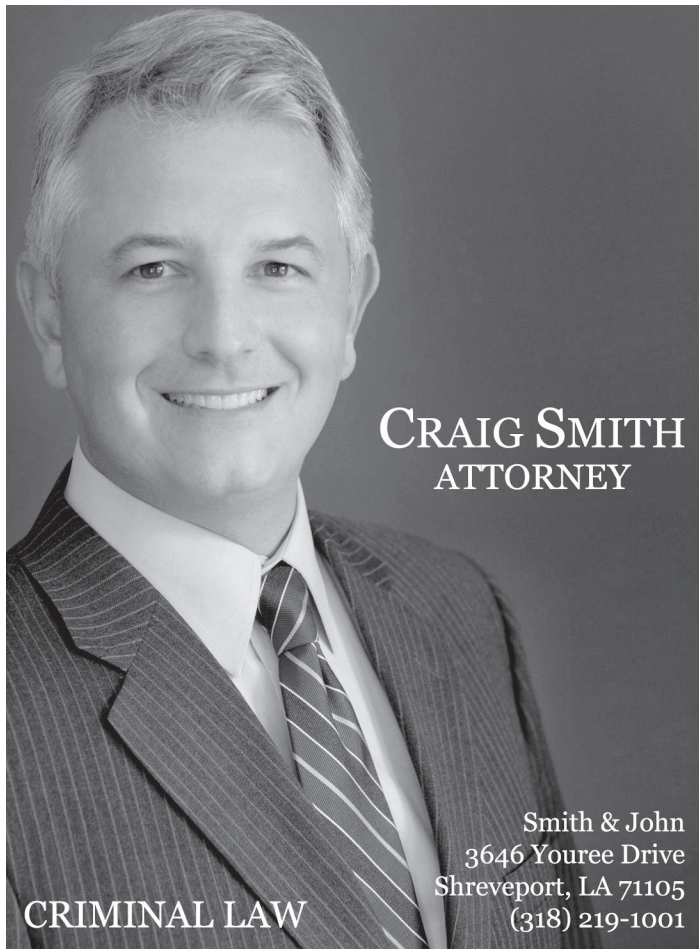
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# SBA Officer Election Procedures

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The Officer Nominating Committee, consisting of the five most recent past presidents of the Shreveport Bar Association, will meet this summer to nominate the 2018 SBA Vice-President and Secretary-Treasurer Elect. The Officer Nominating Committee will report its nominations to the Elections Committee on or before August 15, 2017, and those nominations will be announced in the September issue of *The Bar Review*. **Nominations for the offices of Vice-President and Secretary-Treasurer Elect may be made by any member in good standing of the Shreveport Bar Association who is not on senior status.**

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

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

Secretary-Treasurer Elect, **must be in writing and received by the Elections Committee, Shreveport Bar Association, 625 Texas Street, Shreveport, LA 71101, not later than 5:00 p.m. on Tuesday, August 15, 2017.** The nominations should include a brief biographical sketch, and, if not a self-nomination, must be accompanied by a signed statement of the nominee that the nominee will stand for election and serve if elected.

The Elections Committee will certify the nominations timely received to the Executive Council for all of the offices open. Names of candidates and biographical information will be published in the September issue of *The Bar Review*. **Ballots will be sent to the entire SBA membership only if more than one nomination is received for any or all of the four offices.**



## Nominations Sought for 2017 Professionalism Award

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by: Pam Mitchell, [Pam\\_Mitchell@lawd.uscourts.gov](mailto:Pam_Mitchell@lawd.uscourts.gov)

We need your help! At the October luncheon, the Shreveport Bar Association will present the 2017 Professionalism Award to an SBA member who embodies the highest standards of professionalism. We need your nominations of a deserving SBA member for this prestigious award. For your convenience, a nomination form is included in this issue of *The Bar Review*.

The Professionalism Award is given to an SBA attorney who exemplifies the high ideals and standards set by the Louisiana State Bar Association's Code of Professionalism and the aspired goals for attorney conduct adopted by the Shreveport Bar Association. We can look to the LSBA to provide us guidance on the standards of professionalism that the recipient of the award should possess. The Code of Professionalism states that as lawyers we should conduct ourselves with "dignity, civility, courtesy and a sense of fair play." Other standards noted by the Code are to be punctual and to cooperate with counsel and the court, to not knowingly make statements of law or fact that are untrue, and to not engage in personal attacks on other counsel or the court. Professionalism is what we should do as stated by the Louisiana State Bar Association.

Who may receive this award? The Professionalism Award is given to a member of the Shreveport Bar Association who has remained in good standing during his or her practice of law. The attorney must have practiced law for a period of not less than 15 years. The award may also be given to an attorney posthumously who met the standards. Eligible attorneys are nominated by another SBA member. Many distinguished SBA members have been prior recipients of the Professionalism Award, including Judge James Stewart, Samuel W. Caverlee, Zelda Tucker, Marty Stroud, Judge Henry Politz, Justice Pike Hall Jr. and Judge Tom Stagg, to name a few.

Please consider nominating a fellow SBA member for the Professionalism Award. Nominations should be submitted in writing by **Thursday, August 31, 2017, to: Chairman, Professionalism Committee, 625 Texas Street, Shreveport, La., 71101.** When submitting a nomination, please include why you think the attorney you are nominating should receive this award. After the submission date has passed, the Professionalism Committee, along with President Rebecca Edwards, will meet to determine the recipient of the award.

**2017 Professionalism Award Nominations  
Nominate Someone Who Deserves to Be Honored**

The Shreveport Bar Association Professionalism Award will be presented at the October luncheon meeting, and the recipient's name will be added to the permanent plaque which hangs in at the Shreveport Bar Center. Prior recipients of this prestigious award are Frank M. Walker Jr., Kenneth Rigby, Justice Pike Hall Jr., Judge Henry Politz, Harry Nelson, Roland Achee, Edwin Blewer Jr., Judge Tom Stagg, Jackson B. Davis, Glenn Walker, John Frazier, Michael S. Hubley, Vicki C. Warner, Reginald W. Abrams and A. M. "Marty" Stroud III, Samuel W. Caverlee, Charles C. Grubb, Zeldia W. Tucker and James Stewart.

The SBA Professionalism award may be presented to any member of the Shreveport Bar Association who has remained in good standing during their practice of law, and he or she must have practiced law for a period not less than 15 years. The award may be given posthumously, but should not be limited to attorneys who have died. This award should be reserved for individuals who, during their practice of law, exemplify the high ideals and standards set forth by the Louisiana Bar Association's Rules of Professional Conduct, as well as the aspired goals for attorney conduct adopted by the Shreveport Bar Association.

Any attorney meeting the above criteria may be nominated by any other member of the Shreveport Bar Association. All nominations should be submitted in writing by **Thursday, August 31, 2017**, and mailed to:

**Chairman, Professionalism Committee  
625 Texas Street  
Shreveport, LA 71101**

When submitting your nominations, please include why you think the attorney you are nominating should receive this award, and any additional information that would help the committee in its selection process.

**SBA Professionalism Award Nomination Form  
DEADLINE: Thursday, August 31, 2017**

The award is reserved for individuals who exemplify the highest standards of professionalism while practicing law. Any eligible attorney may be nominated by another SBA member. Written nominations may be hand-delivered to SBA staff or mailed to Chairman, Professionalism Committee, 625 Texas Street, Shreveport, LA 71101. Electronic submissions are acceptable, and use of this form is optional.

**I would like to nominate the following SBA member to receive the 2017 Professionalism Award (please complete as much as possible)**

Name	
Street Address	
City, State, Zip Code	
Home Phone	
Work Phone	
E-Mail	

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

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**Signature**

Name (printed)	
Signature	
Date	

# BAR BRIEFS

## Court of Appeal Honors Employees

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

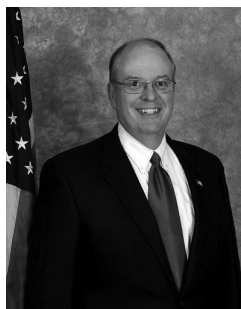
**Jean T. Drew**, senior research assistant for Judge Harmon Drew, received a rosewood picture frame for 30 years' service to the court. A native of Bogalusa, La., Jean attended undergrad at Hollins College, in Roanoke, Va. (BA, psychology, 1967), and LSU Law Center (JD, 1971). After law school, she clerked for Chief Judge Paul B. Landry, of the First Circuit, and Chief Judge H.W. Ayers, of the Second Circuit, before moving into private practice, working part-time in the Webster Parish DA's office, and raising her two children. In 1987, she came to the Second Circuit's Central Staff, clerked for Judge C.A. "Corky" Marvin, returned to Central Staff and, since 1999, has clerked for Judge Harmon Drew. She said the legal profession is in her genes, as her father, grandfather and aunt were all attorneys. Also, she gently corrected Harmon about how many years they have been married!

**Lillian Evans Richie**, the judicial administrator and clerk of court, received a rosewood pen and pencil set marking 20 years' service to the court. She is a native of Natchitoches, attended NSU (BA, history and Spanish, 1977), and graduated from LSU Law Center (JD, 1981). She was hired by Judge Marvin for the court's first Central Staff, in 1982, moved to private practice with her husband, Vernon Richie, from 1986 to 1999, and then returned to Central Staff and worked there until her appointment as JA/Clerk in November 2009. She later earned a certificate of judicial administration from Michigan State University (the Spartans, not the Wolverines!), in 2015. Lil is especially proud that her daughter, Margaret Richie Gaskins, is now an associate with her dad at Richie, Richie & Oberle.

**Karen Warren** and **Catherine Crawford** were recognized for five years' service in Central Staff. Catherine was unable to attend because of a sick child at home, so staff director Molly Able accepted in her stead.

Other employees receiving recognition were **Peggy Littles**, business services manager, who began her court career in 1987 as secretary to JA/clerk of court Diana Pratt Wyatt; as the office grew, Peggy's position was changed to bookkeeper and, in 1995, BSM. **Susan Reeves**, judicial assistant to Judge Frances Pitman, was honored for 20 years' service. During her tenure, she worked for the late Judge Charles Peatross and pro-tem Judge Fred Sexton. **Sandra Skannal**, account specialist in the business services office, and **Blake Roy**, assistant clerk of court, received coasters for five years' service.

Judge Harmon Drew presided over the ceremony, lending his entertainer's wit and self-deprecating humor to the occasion. He praised all the honorees for their hard work and spirit of cooperation.



**Judge Joe E. Bleich**, of Ruston, has returned to the Second Circuit as a pro tem judge. Justice Marcus Clark has appointed him to sit in the place of Judge John Larry Lolley, of Monroe, who announced his retirement on April 27, 2017, and served his last day on May 3.

Judge Bleich's appointment is effective from May 4, 2017, through November 30, 2017, or until the vacancy is filled. He is off to a busy start, sitting on three argument panels, May 15 and 16. He previously sat pro tem in early 2016, after Judge James Stewart's retirement to run for D.A.

Judge Bleich is a graduate of RHS, La. Tech and LSU Law Center (JD, 1973), and is a veteran of the La. Department of Justice and the Third Judicial District D.A.'s office. He represented the 12th La. House district from 1980-1982, presided over Division B of the Third JDC from 1982-1996, and was an elected justice of the La. Supreme Court in 1996. He is currently a panelist with MAPS and serves as needed on a pro tem or ad hoc basis in Louisiana state courts.



**THIRTY YEARS AGO** – The Second Circuit building was dedicated on May 14, 1987. Gov. Edwin Edwards, who was running for reelection, gave a memorably short speech for the occasion. Designed by Somdal Associates, architects, and built by McInnis Bros. Const. at a cost of \$3.275 million, the Second Circuit building was a model for the other freestanding court of appeal buildings around the state. The additional space was needed in large part because of a 1980 constitutional amendment that gave criminal jurisdiction to the courts of appeal for the first time. Seated behind Gov. Edwards are the late Judges Fred W. Jones, Jasper E. Jones and O.E. Price, of the Second Circuit, and Chief Justice John A. Dixon, of the Supreme Court. (Photo by Hal Odom Jr.)



# Member/Family Sunday Fun Day Crawfish Boil



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# Law Day 2017

by Drew Burnham and Sherron Phae Douglas, Law Day Co-Chairs  
drew.burnham@cookyancey.com, sherron.douglas@shreveportla.gov

## The 14th Amendment: Transforming American Democracy

The 2017 Law Day theme is *The 14th Amendment: Transforming American Democracy*. The theme highlights the Citizenship, Due Process, and Equal Protection clauses. It also provides the opportunity to explore the many ways that the 14th amendment has reshaped American law and society by advancing the rights of all Americans.

The SBA Law Day Committee focused on creating educational events related to this theme to be shared with students, attorneys, and the public at large. The events began on April 28 with a presentation by Bill Flanagan, former Law Day Chairman Brian Flanagan, Tim Wynn, and Drew Burnham to a group of students at LSU-Shreveport.

On May 1, groups of volunteer attorneys went to Forest Hill Elementary School and Walnut Hill Elementary/Middle School to spread the Law Day theme through a mock trial based on “The True Story of the Three Little Pigs.” The next day we hosted an Ask-A-Lawyer event at the Shreveport Bar Center with the Pro Bono Project and a fundraiser for the Pro Bono Project with the help of Rhino Coffee.

On May 3, we welcomed District Attorney James E. Stewart Sr. at the Law Day Luncheon who generously agreed to be our speaker for the Law Day Luncheon and recognized Gary Loftin as the recipient of the Liberty Bell Award for his many years of service to our community.

On May 4, approximately 20 students from local high schools watched a documentary at the Robinson Film Center called *The Loving Story* and participated in workshops designed to educate them on the meaning and impact of the 14th Amendment.

Lastly, on May 5, the Red Mass Society of Shreveport held the Twenty-Fifth Annual Votive Mass of the Holy Spirit at Holy Trinity Catholic Church in downtown Shreveport.

We would like to thank our committee members Ashby Davis, Valerie Delatte, Tim Doolin, Daniel Farris, Brittany Holt, Kendra Joseph, Ebonee Rhodes Norris, Sara Norval, Gahagan Pugh, Cole Sartin, Joshua Williams, and Timothy Wynn.

## CONSTITUTIONAL LAW CLASS PRESENTATION



## ELEMENTARY SCHOOL PRESENTATIONS



Walnut Hill Elementary



Forest Hill Elementary

# HIGH SCHOOL PRESENTATIONS



*Drew Burnham talks to area high school students about the 2017 Law Week theme*

## FEDERAL BAR ASSOCIATION - NORTH LA - 5<sup>th</sup> ANNUAL SPORTING CLAY SHOOT

Friday, September 15, 2017, from 8:00-12:00 at Shreveport Gun Club, 4435 Meriwether Rd. Shreveport, LA  
Benefitting Operation Bright Holiday at Barksdale AFB - Sending First-term Airmen Home for the Holidays



### Team and Event

### Sponsorships Deadline July 1, 2017

Team - \$1,000.00 Includes 5 person team plus company name/logo on all media press

Event - \$ 500.00 Includes company name/logo on all media press

Station - \$250.00 Includes company name/logo sign at the shooting station

Sign up as an individual and you will be placed on a team or sign up as a team of 5

Entry Fees: - \$100.00 per person or \$500.00 per 5 person team:

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Mail your Team, Individual sign up Form or Sponsorship with your check made payable to Federal Bar Asso. North La to: Gregorio, Chafin, Johnson, Poolson & Tabor, L.L.C., ATTN: Tutu, 7600 Fern Avenue, Bldg. 700, Shreveport LA 71105. Questions: Call or email Tutu Baker at 865-8680 - [tbaker@gcj-law.com](mailto:tbaker@gcj-law.com)

# 2017 Liberty Bell Award

## SBA Honors Gary Loftin With 2017 Liberty Bell Award

The Shreveport Bar Association has named Gary Loftin as the recipient of the 2017 Liberty Bell Award. The award presentation took place at the SBA's annual Law Day Luncheon held on May 3 at the Petroleum Club of Shreveport, with a crowd of over 150 members of the legal community giving Mr. Loftin a standing ovation for his work in the community. The award is presented each year by the SBA to a group or individual for outstanding leadership and community service.

Gary Loftin found his career as A Deputy Clerk at the Caddo Parish Clerk of Court's Office in 1975. He became chief deputy in 1987 and was elected clerk by the voters of Caddo Parish in 2000, then served unopposed in that position until 2016 when he retired. During his 41-year career at the Clerk's Office, Gary served on boards associated with the Louisiana Clerks of Court Association including the Board of Directors, serving as president in 2005, President of the Retirement Board, chairman of the Louisiana Clerks Remote Access Authority Board of Commissioners, and chairman of the Supplemental Board. He was a member of various committees, including the Legislative Committee, chairman of the committee to find a new executive director, and host of the 2006 Louisiana Clerks State Convention in Shreveport. He also served as a member of the Board of Election Supervisors and the Jury Commission for Caddo Parish.

Enjoying service to his community, Gary became a member of St. Joseph's Catholic Church and served on the School Board and Parish Pastoral Council. He also served on the Twelve Oaks Homeowners Association as President. However, his heart was at Holy Angels Residential Facility, and he served as a Board member under Bishop Friend for several years and then as a Board member during the transition from Holy Angels board to the current Board known as the HARF Board, where he served as president from 2011 to 2016.

Gary is presently an Executive Board member, Spiritual Care Committee member, Family Chairman of the Capital Campaign, assists with Chapel duties, and is on the Building/Chapel Committee.

Like his predecessor Clerks of Court Dwight Pyburn, Orié Hunter and Curtis Warren, Gary focused his energy as Caddo Clerk of Court on service to the varied customers of the Caddo Clerk's Office, including the licensed Louisiana lawyers within the jurisdiction. Service accommodation to the lawyers was a primary focus and resulted in an exceptional working relationship between the Caddo Clerk of Court and the local bar. That relationship continues.

Gary is enjoying his life of retirement with his wife, daughters and four grandchildren. They love to go to Lake Bistineau and Arkansas where they enjoy boating, fishing and family activities. Even in retirement, he still works some at the Caddo Parish Clerk's Office and continues his service to Holy Angels.



*Greg Shyne and Gary Loftin*



*Law Day Co-Chairs Drew Burnham, Sherron Douglas, Liberty Bell Award Recipient Gary Loftin and SBA President Rebecca Edwards*



*Mike Spence, Greg Shyne, Gary Loftin and Ron Looney*



# Second Circuit Update

by Hal Odom Jr., rhodom@la2nd.org

## New Certification required in Second Circuit

The Second Circuit Court of Appeal has adopted a new rule for briefs filed in that court. Taking effect May 31, 2017, it states:

### Local Rule 15. BRIEFS – Certification for attachments

All appeal briefs shall contain the following certification:

I hereby verify that all attachments to this brief have previously been duly filed and/or accepted into evidence in the lower court, to the best of my knowledge, information and belief. I understand that failure to comply with this local rule may result in the refusal to consider said attachments. *WILLFUL FAILURE TO COMPLY WITH THIS LOCAL RULE MAY SUBJECT ME TO PUNISHMENT FOR CONTEMPT OF COURT.*

The court has concurrently amended Local Rule 2-5, “Rejection of briefs not in compliance with URCA,” to provide that the Second Circuit clerk of court may reject a brief for noncompliance with Local Rule 15. Further, if a brief is rejected and the party subsequently corrects the insufficiency and resubmits the brief for filing within *seven days* from the date of rejection or by the current brief due date, whichever is greater, the brief will be considered timely for purposes of oral argument only. Previously, the resubmission time was only five days.

“This certification is required, even if there are no attachments to the brief,” Lil Richie, the Second Circuit clerk of court, said. While she would not call it a serious problem, there have been “situations in which attachments to briefs are not in evidence in the record. This has been done in the past by attorneys and pro se litigants alike.”

The court has occasionally admonished litigants that documents attached to memoranda do not constitute evidence and cannot be considered as such on appeal. *Zeno v. Great Southern Coaches of Ark.*, 51,370 (La. App. 2 Cir. 5/17/17), \_\_\_ So. 3d \_\_; *Gilley v. Gilley Enters. Inc.*, 51,328 (La. App. 2 Cir. 5/2/17), \_\_\_ So. 3d \_\_; *Swaggart v. Doe*, 50,739 (La. App. 2 Cir. 4/5/17), \_\_\_ So. 3d \_\_.

There is no equivalent rule in either the Uniform Rules of Courts of Appeal or in the local rules of any other court of appeal.

Ms. Richie said that starting May 31, the clerk’s office will screen all briefs for the certificate and will reject any that leave it out. She added, however, “We will *not* examine attachments for compliance – hence the certification. The new rule puts the burden on the filer and provides possible consequences.”

Practitioners who anticipate coming to the Second Circuit should add this certificate to their checklist and save Local Rule 15’s text to their standard language file. The complete local rules can be accessed at [www.la2nd.org/local\\_rules](http://www.la2nd.org/local_rules).

## 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.

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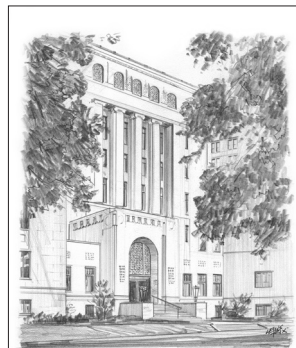
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### COMBO

*one print and one note card set*

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*Caddo Parish Courthouse  
Shreveport, LA 71101*

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

# Pro Bono Project Update

by Nellie Walton, [nwalton@shreveportbar.com](mailto:nwalton@shreveportbar.com)

Give for Good 2017 was a success! We not only exceeded our goals but we almost doubled the amount raised from last year. The Pro Bono Project partnered with the SBA Law Week Co-Chairs Drew Burnham and Sherron Phae Douglas, and Rhino Coffee and hosted an online giving event at the downtown Rhino Coffee, in addition, an Ask A Lawyer event was held at the Shreveport Bar Center. With your generous donations we managed to raise \$2,706.90! Your donations will be used to help fund our domestic violence program. We currently have one part-time attorney and are looking to expand to include an additional part-time attorney to assist with representation for a protective order. Thank you to all of our donors!

Jeremy Babers

Henry Bernstein

Wendy Carey

Ted Cox

Jerry Edwards

Rebecca Edwards

Natalie Howell

William Huguet

Carolyn Jablow

Gregory Kallenberg

Julie Lafargue

Virginia Lowe

Drew Martin

Heidi Kemple Martin

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John Nickelson

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Jennifer Russell

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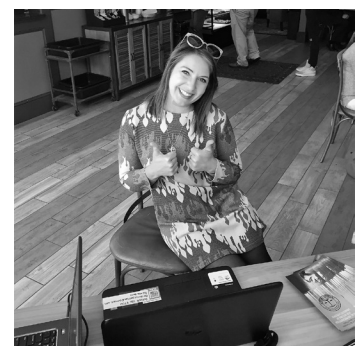
Dana Southern

Walter-Poljak Family Fund

Nellie Walton

Mary Winchell

If you are interested in volunteering services that Pro Bono provides please contact me at 318-221-8107 or by email at [nwalton@shreveportbar.com](mailto:nwalton@shreveportbar.com).



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# Mark Your Calendar



## JUNE 28

SBA Member Luncheon

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

Speaker: Lt. Governor William Harold "Billy" Nungesser

## SEPTEMBER 27

SBA Member Luncheon

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

Speaker: Christy Kane, Executive Director  
Louisiana Applesed

## OCTOBER 5-6

Recent Developments by the Judiciary CLE  
Hilton Garden Inn, Bossier City

## OCTOBER 25

SBA Member Luncheon

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

Speaker: Alston Johnson  
Professionalism Award Presentation

## NOVEMBER 2

SBA Memorial & Recognition Ceremony

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

## ELIZABETH W. MIDDLETON MEDIATION SERVICES

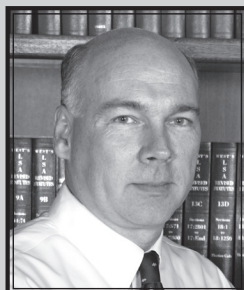
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Elizabeth W. Middleton



Charles D. Elliott

*Happily  
Ever After*  
BRIDAL BOUTIQUE



# Captain Speaks

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

## WHY JOIN JUSTINIAN – WHY NOT?

Over 25 years ago, a groundbreaking concept was embraced by a group of Shreveport lawyers who collectively believed that a permanent executive director was needed for this bar association. How to pay for a full-time person capable of guiding this Bar into a legitimate, valid, well-run professional organization? The only legal Mardi Gras Krewe in the United States was formed, Justinian. Its purpose was to raise money to fund the salary of the executive director. Success has been proven by the many competent ladies who have established a well-run professional service entity. Our current executive director, Dana Southern, with over 20 years of experience with the Shreveport Bar Association is a true blessing.

The Krewe of Justinian has donated over \$250,000 to the Shreveport Bar Association and the Shreveport Bar Foundation. This year Justinian would like to help reduce the amount owed on the building known as the Bar Center. In 2010, leaders of the Shreveport Bar Association stepped out and purchased a building in what is now the center of a thriving downtown art district; a bold innovative decision as the collective wisdom around the country is that a metropolitan bar association cannot achieve true continuity or provide expected services to its membership without its own identifiable location. The Bar Center has exceeded those expectations, but a little help is needed.

Justinian dues are tax deductible to the same extent you can deduct your bar dues, not as a charitable deduction but as a business deduction. For your contribution you are invited to the following:

Coronation – Friday, August 11, 2017 at Sam’s Town

Midway to Mardi Gras Party – Friday, October 13, 2017 at Petroleum Club

Grand Bal – Friday, January 26, 2018 at the Horseshoe Riverdome

Royalty Brunch – January 28, 2018 at East Ridge Country Club

Please join today for an enjoyable social experience with an accomplished group of people, lawyers and non-lawyers, and help the Bar in the bargain.

Justinian Captain XXIV



## KREWE OF JUSTINIAN MEMBERSHIP APPLICATION JUSTINIAN GOES TO CUBA

Your membership dues entitle you and your spouse/guest to attend four (4) parties at no additional charge

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- Midway to Mardi Gras Party - - - - - October 13, 2017
- Justinian Grand Bal - - - - - January 26, 2018
- Royalty Brunch - - - - - TBD

Name \_\_\_\_\_

Spouse \_\_\_\_\_

Firm Name \_\_\_\_\_

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Associate ("Friends of the Krewe")	[\$250.00] \$ _____

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Krewe of Justinian

### Mail to:

Krewe of Justinian, 625 Texas Street, Shreveport, LA 71101

\* Admitted to Bar for less than five (5) years



*N.B.*

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



This column is intended to note any unusual or interesting judicial writings that come my way, but in this instance, I note a case of non-writing – the failure of Judge James Dennis, one of the three Louisianians on the U.S. Fifth Circuit Court of Appeal, who wrote the opinion in the cited case and despite ample temptation, refused to use the adage that “he who represents himself has a fool for a client,” sometimes erroneously attributed to Abraham Lincoln.

*United States v. Mesquiti*, No. 16-50034 (April 12, 2017).

The facts well supported this inference.

1. Defendant, a member of the “sovereign citizen” movement, was indicted for bank robbery and received a court-appointed lawyer to represent him.
2. Defendant fired this lawyer, as well as three others who were both court-appointed and/or retained, seeking to represent himself.
3. At a prolonged sanitary hearing, a court-appointed psychologist said defendant was competent and able to stand trial. Defendant tried his own case.
4. Texas jury returned a unanimous guilty verdict, and a 12-year jail sentence followed.
5. Defendant sought new trial on grounds of ineffective counsel.
6. Trial judge denied, and appeal followed.
7. Fifth Circuit affirmed unanimously.
8. Judge Dennis wrote in-depth opinion on federal and state law regarding “self-representation” without finding it necessary to add the “fool for a client” maxim to the long list of authorities on the subject.

Kudos to Judge Jim for ignoring this sitting target.

# Announcing the 2017 ARK-LA-TEX

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# How Write You Are

by Hal Odom Jr., rhodom@la2nd.org

**Moving in the right direction.** A reader asks, what is the difference between *toward* and *towards*? In a word, none. Both mean *in the direction of*. However, usage guides on both sides of the pond say *toward* is preferred in the U.S., whilst *towards* is tops in the U.K. You can analyse it and do honour to the O.E.D., and it is surely not an untoward error, but I recommend moving toward the shorter and more intuitive American style.

**Ongoing concerns.** A slightly greater difference is that between *continual* and *continuous*. *Continual* means *frequently recurring, but with gaps in the process*, while *continuous* means *without any interruptions, an unbroken stream*. There is some overlap, and the Oxford Dictionaries website counts *continuous* as occurring five times more often in written English than *continual*. It is entirely correct to write that “the *continuous* pledge of the collateral mortgage note served as a constant acknowledgment of the debt.” *Joshua Inv. Corp. v. Home Sales Counseling Inc.*, 39,251 (La. App. 2 Cir. 1/19/05), 892 So. 2d 151.

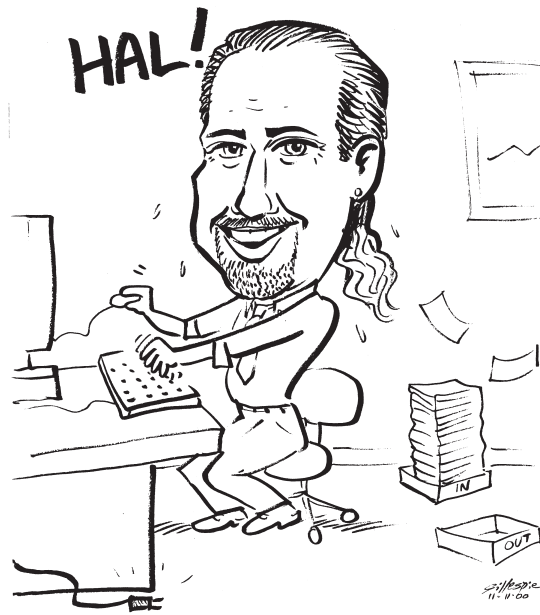
Note this scrupulous attention to the distinction: “Mr. Sandbom will need ongoing monthly, or sometimes weekly, psychotherapy, *continuous* anti-anxiety medication and *continual* monitoring of his prescription drug intake.” The intake of meds must be nonstop, while the monitoring is periodic. *Sandbom v. BASF Wyandotte Corp.*, 95-0335 (La. App. 1 Cir. 4/30/96), 674 So. 2d 349.

With this in mind, it is probably incorrect to refer to “the need for a party to make *continuous objections*,” as objections may be frequent but are distinct. However, most readers understand the peril of raising too many objections!

Some problems can be easily avoided; the concept of ongoing damage is *continuing tort*, although courts occasionally call it a “continuous tort,” *Bernard v. City of Marksville*, 2014-730 (La. App. 3 Cir. 12/17/14), 154 So. 3d 1246. Prior to the major 1977 revision, predial servitudes were classified as “continuous or discontinuous”; now, more intuitively, they are “apparent or nonapparent,” La. C. C. art. 707. Words like *continuing* or *constant* are broad enough to cover both concepts. It’s a good distinction, but not an issue that should bother us continually.

**Back in the “day.”** Another curious temporal distinction is between *date* and *day*. In a masterstroke of legal subtlety (some might say sophistry), Judge (later Justice) Albert Tate Jr. wrote:

We agree with the trial court that the latter type of technical interpretation should not apply. In the first place, a prime meaning of “date” is “the *time* at which an event occurs” or



“a given *point of time*”, not (as appellant suggests) the *calendar day* on which it occurs.

*Conner v. Motors Ins. Corp.*, 216 So. 2d 555 (La. App. 3 Cir. 1968) (citing two dictionaries).

So, is this fairly clear? Fast-forward a mere seven years, and the Supreme Court expressly overruled *Conner*, in *Ellerson v. Scott*, 320 So. 2d 527 (La. 1975). Justice Dixon’s majority opinion in *Ellerson* does not directly address the day/ date dichotomy, but the outcome must cast some doubt on Judge Tate’s nuanced research in *Conner*.

As an aside, by the time the Supremes rendered *Ellerson*, Judge Tate was sitting on the Supreme Court. He wrote a vigorous dissent that is just about as entertaining as possible for a case interpreting the “owned automobile” clause of an auto policy!

**That tricky court.** A criminal docket sheet, admittedly from the dark ages (1991), was certified by a rubber stamp that clearly stated, “Cheryl Cartwright, *Districk* Clerk, Trinity County, Texas.” A small error, it’s true, but somebody in that clerk’s office ordered that rubber stamp, the print shop fabricated it, Ms. Cartwright accepted it, and it must have gone on thousands of docket sheets.

Could this happen in Louisiana? Thomson Reuters introduced the error in the Westlaw edition of *Smallwood v. Sterling Gachassin Beer Distrib.*, 225 So. 2d 763 (La. App. 3 Cir. 1969): “Attached to the motion was an affidavit of the *districk* clerk to the effect that the record had not been filed[.]” However, the hard copy, from the old West Publishing Co., correctly wrote “district court.” Unfortunately, the late Judge Tate was no longer around to dissent from this one.

**Did these protesters lie?** A major, national news organization with an enormous print and Internet presence recently (May 10, 2017) reported a demonstration urging the president to release his tax returns. The journalist wrote, “Nearby, dozens of protesters *lied down* in a ‘die-in,’ as a man wearing a Trump puppet head pretended to tee off on them.”

At least the author knew that when people stretch out on their backs, they are said to *lie down*. In the past tense, however, we say they *lay down*. Has the *Washington Post’s* (unofficial) style guide changed? This sounds wrong, wrong, wrong, and I’m not going to take it lying down.

# Red Mass 2017



Shreveport Mayor Ollie Tyler and Bossier City Mayor Lo Walker Presenting the Law Day Proclamation



Ben Politz, Judge Andrew Gallagher and Ron Looney



William Bradford, Mike Spence, Mayor Ollie Tyler and Gary Loftin



Caddo Assistant DAs Britney Green and Monique Metoyer



Sherron Douglas, Caddo D.A. James Stewart and Drew Burnham



Kendra Joseph, Dana Southern, Jabrina Edwards and Shanerika Flemings

# Law Week Luncheon Highlights



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**DEADLINE FOR SEPTEMBER ISSUE: AUGUST 15, 2017**

**SBA LUNCHEON MEETING – JUNE 28**

*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, June 28 from 12:00 Noon to 1:00 p.m.

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

**Featuring:** William Harold “Billy” Nungesser  
 Louisiana Lt. Governor

Lt. Governor William Harold “Billy” Nungesser will be our guest speaker at the June membership luncheon. On November 21, 2015, Nungesser was elected Louisiana’s Lt. Governor. In that role he is not only second in command in the executive branch, but also the state’s ambassador as Commissioner of the Louisiana Department of Culture, Recreation and Tourism.

As a young man, Nungesser conceived the idea of converting metal shipping containers into portable living quarters for offshore workers. In 1991, he turned a \$7,500 loan from his mother into General Marine Leasing Company, a business that grew to employ more than 200 workers and reached \$20 million in sales as the largest provider of portable buildings in the Gulf of Mexico. Nungesser was also a founding member of the Plaquemines Association of Business and Industry, and in 2002, *Louisiana Life* magazine named him one of the state’s “Top CEOs.”

Please join us on June 28 as we welcome and hear Lt. Governor Nungesser’s message to the SBA.

**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 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!